



# WOKINGHAM BOROUGH COUNCIL

A Meeting of the **PLANNING COMMITTEE** will be held  
David Hicks 1 - Civic Offices, Shute End, Wokingham RG40  
1BN on **WEDNESDAY 13 NOVEMBER 2019 AT 7.00 PM**

A handwritten signature in black ink, appearing to read 'Susan Parsonage', written in a cursive style.

Susan Parsonage  
Chief Executive  
Published on 5 November 2019

This meeting will be filmed for inclusion on the Council's website.

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# **WOKINGHAM BOROUGH COUNCIL**

## **Our Vision**

A great place to live, an even better place to do business

## **Our Priorities**

Improve educational attainment and focus on every child achieving their potential

Invest in regenerating towns and villages, support social and economic prosperity, whilst encouraging business growth

Ensure strong sustainable communities that are vibrant and supported by well designed development

Tackle traffic congestion in specific areas of the Borough

Improve the customer experience when accessing Council services

## **The Underpinning Principles**

Offer excellent value for your Council Tax

Provide affordable homes

Look after the vulnerable

Improve health, wellbeing and quality of life

Maintain and improve the waste collection, recycling and fuel efficiency

Deliver quality in all that we do

## MEMBERSHIP OF THE PLANNING COMMITTEE

### Councillors

Simon Weeks (Chairman)	Chris Bowring (Vice-Chairman)	Stephen Conway
Gary Cowan	Carl Doran	Pauline Jorgensen
Abdul Loyes	Andrew Mickleburgh	Malcolm Richards
Angus Ross	Rachelle Shepherd-DuBey	

ITEM NO.	WARD	SUBJECT	PAGE NO.
47.		<b>APOLOGIES</b> To receive any apologies for absence.	
48.		<b>MINUTES OF PREVIOUS MEETING</b> To confirm the Minutes of the Meeting held on 9 October 2019	5 - 8
49.		<b>DECLARATION OF INTEREST</b> To receive any declaration of interest	
50.		<b>APPLICATIONS TO BE DEFERRED AND WITHDRAWN ITEMS</b> To consider any recommendations to defer applications from the schedule and to note any applications that may have been withdrawn.	
51.	Emmbrook; Wescott	<b>DIVERSION ORDER WOKINGHAM FOOTPATH 23</b> <b>Recommendation:</b> That the diversion order be made	9 - 16
52.	Evendons	<b>APPLICATION NO. 192128 - WOODSIDE CARAVAN SITE, BLAGROVE LANE, WOKINGHAM (EVENDONS)</b> <b>Recommendation:</b> Conditional approval	17 - 50
53.	Wescott	<b>APPLICATION NO. 191573 - 9 EASTHAMPSTEAD ROAD, WOKINGHAM</b> <b>Recommendation:</b> Conditional approval subject to legal agreement	51 - 116
54.	Remenham, Wargrave and Ruscombe	<b>APPLICATION NO. 191554 - 8 VICTORIA ROAD, WARGRAVE</b> <b>Recommendation:</b> Conditional approval subject to legal agreement	117 - 154
55.	Remenham, Wargrave and Ruscombe	<b>APPLICATION NO. 191570 - 8 VICTORIA ROAD, WARGRAVE</b> <b>Recommendation:</b> Conditional approval	155 - 188

56. Hillside

**APPLICATION NO. 191879 - 31 REDHATCH DRIVE, 189 - 208  
EARLEY**

**Recommendation:** Conditional approval

**Any other items which the Chairman decides are urgent**

A Supplementary Agenda will be issued by the Chief Executive if there are any other items to consider under this heading.

**GLOSSARY OF TERMS**

The following abbreviations were used in the above Index and in reports.

<b>C/A</b>	Conditional Approval (grant planning permission)
<b>CIL</b>	Community Infrastructure Levy
<b>R</b>	Refuse (planning permission)
<b>LB</b>	(application for) Listed Building Consent
<b>S106</b>	Section 106 legal agreement between Council and applicant in accordance with the Town and Country Planning Act 1990
<b>F</b>	(application for) Full Planning Permission
<b>MU</b>	Members' Update circulated at the meeting
<b>RM</b>	Reserved Matters not approved when Outline Permission previously granted
<b>VAR</b>	Variation of a condition/conditions attached to a previous approval
<b>PS Category</b>	Performance Statistic Code for the Planning Application

**CONTACT OFFICER**

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**MINUTES OF A MEETING OF THE  
PLANNING COMMITTEE  
HELD ON 9 OCTOBER 2019 FROM 7.00 PM TO 8.13 PM**

**Committee Members Present**

Councillors: Simon Weeks (Chairman), Chris Bowring (Vice-Chairman), Stephen Conway, Carl Doran, Abdul Loyes, Andrew Mickleburgh, Malcolm Richards, Angus Ross and Rachelle Shepherd-DuBey

**Officers Present**

Connor Corrigan, Service Manager – Strategic Development Locations, Planning Delivery  
Judy Kelly, Highways Development Manager  
Mary Severin, Borough Solicitor  
Callum Wernham, Democratic & Electoral Services Specialist

**Case Officers Present**

Simon Taylor  
Alex Thwaites

**41. APOLOGIES**

Apologies for absence were submitted from Councillors Gary Cowan and Pauline Jorgensen.

**42. MINUTES OF PREVIOUS MEETING**

The Minutes of the meeting of the Committee held on 11 September 2019 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. A copy is attached.

**43. DECLARATION OF INTEREST**

Simon Weeks declared a personal and prejudicial interest in agenda item 46 (application number 191112) on the grounds that he knew the applicant, who was a farmer within his ward, and had conversations and interactions with the applicant in the past. Simon stated that he would hand over the Chair to the Vice Chair for the duration of the item, leave the room and take no part in the discussion, debate or voting of this item.

**44. APPLICATIONS TO BE DEFERRED AND WITHDRAWN ITEMS**

There were no applications recommended for deferral, or withdrawn.

**45. APPLICATION NO. 191753 - PARCEL AA - ARBORFIELD GARRISON SDL**

**Proposal:** Application for approval of reserved matters pursuant to outline planning consent O/02014/2280 for the erection of 44 dwellings associated internal roads, parking and landscaping

**Applicant:** Millgate Homes (C/O Mr Richard Barter)

The Committee received and reviewed a report about this application, set out in agenda pages 11 to 42.

The Committee were advised that the Members' Update included:

- Clarity that the actual site (Parcel AA) sat wholly within Barkham Parish;
- Altered condition 2 to include the final plans for decision;
- Response to Arborfield and Newland consultation;
- Clarification of the parking table following amended plans.

Simon Weeks queried whether the proposed development would be an improvement on the buildings currently situated at the site, whether Crest Nicholson were responsible for the overall affordable housing provision across the SDL, and whether other parcels within the SDL had a lower density. Alex Thwaites, Case Officer, stated that in his view the proposed dwellings would be a considerable improvement. Alex clarified that Crest Nicholson did indeed have the responsibility to meet the overall 20% onsite affordable housing contribution in addition to a 15% commuted sum across the SDL. Alex stated that other parcels of the SDL had a lower density than that proposed for Parcel AA.

A number of Members queried whether social cohesion had been taken into account across the SDL when considering where to place affordable housing. Connor Corrigan, Service Manager – Strategic Development Locations and Planning Delivery, stated that social landlords had assessed the SDL, both as a whole and as its component parcels, and had identified areas which would allow for the most effective management of properties. Connor added that the Arborfield SDL was a large site and the social landlords had identified a number of larger areas within larger parcels to place onsite affordable housing.

Stephen Conway queried whether, as per the Parish Councils comment, there was a risk people would park outside of the development on Princess Marina Drive. Judy Kelly, Highways Development Manager, stated that the proposed development met the Council's parking standards. Judy added that the developers had amended the plans to move 4 parking spaces away from the junction. Judy stated that Princess Marina Drive had double yellow lines which would make it unlikely that it would be used as an overflow.

Andrew Mickleburgh queried aspects of the electric vehicle charging provision at the proposed development. Simon Weeks clarified that there was no current local or national electric vehicle charging policy, however a national policy was currently being drawn up. Judy Kelly stated that part of the Council's new highways design guide included guidance on electric vehicle charging, and the highways department were working with developers to help accommodate electric vehicle charging provision. Judy added that she would expect approximately 4 active and 21 passive charging points on a site of this size. Connor Corrigan stated that the biggest issue with electric vehicle charging provision was the lack of power station infrastructure, further guidance on which would be included within the national guidance that was in development.

Carl Doran queried why this parcel was not seen as a sustainable area for affordable housing, and why the 'build to rent' houses were not included within the total figures. Connor Corrigan stated that social landlords had assessed all parcels of the SDL and had concluded that it was easier to manage affordable housing within larger parcels. Connor added that private rental units were slightly different to an open market house and had a separate legal agreement associated.

Angus Ross sought confirmation that the TPO'd tree would not be compromised by the proposed development. Alex Thwaites confirmed that the tree would not be compromised by the proposed development, including its root protection.

Rachelle Shepherd-DuBey raised concerns with the parking provision at the proposed development, considering its location would likely account for 2 vehicles per dwelling plus visitor provision. Simon Weeks stated that the Council was in the process of updating its local plan, which would include new parking standards. Until the new local plan was published, the existing parking standards had to be applied to all current planning proposals. Judy Kelly confirmed that all flats would have 1 allocated space and the development met the current parking standards.

Malcolm Richards queried whether the proposed 4 storey building would have a lift, whether the site would have pavement in its entirety, and what alternative there was to enter and exit the site if there was an issue at the proposed single entry point. Alex Thwaites confirmed that there would be a lift within the proposed 4 storey building. Judy Kelly stated that highway construction details, secured under outline planning condition, were to be submitted, which could include some shared space. With regards to the entrance, Judy stated that there was no alternative entry point, and Highways would only ask developers for a second access point for a development consisting of 100 or more properties.

Chris Bowring queried whether affordable housing was spread out across the SDL. Alex Thwaites confirmed this to be the case, and added that only this parcel and one other (which was a small 12 unit parcel) had no on site affordable housing.

Carl Doran raised his concern with the lack of on-site affordable housing provision, and that in his opinion the Council were not getting full value from commuted sums.

**RESOLVED** That application 191753 be approved, subject to conditions and informatives as set out in agenda pages 12 to 15, and altered condition 2 as set out within the Members' Update.

**46. APPLICATION 191112 - MANOR FARM, FINCHAMPSTEAD, WOKINGHAM, RG40 3TL**

***Simon Weeks left the room for the duration of this item. Chris Bowring assumed the Chair for the duration of this item.***

**Proposal:** Full planning application for the erection of 25No polytunnels (retrospective)

**Applicant:** Mr Slavchev

The Committee received and reviewed a report about this application, set out in agenda pages 43 to 68.

The Committee were advised that the Members' Update included the deletion of condition 5.

Chris Bowring asked for confirmation that the Committee could consider this application on its own merits as it was a retrospective application, and sought clarification as to why it was now considered acceptable to allow additional polytunnels, when previously it was indicated that no more polytunnels were required on the farm. Simon Taylor, Case Officer,

confirmed that the Committee could consider this application on its own merits. Simon added that market conditions had changed over time and it was now considered acceptable to allow additional polytunnels.

Angus Ross commented that the proposals only accounted for a 6 percent increase in total land covered by polytunnels, which was minimal.

Carl Doran queried whether the polytunnels were a single use plastic. Simon Taylor stated that the polytunnels were not a single use plastic, and they were proposed to be stored and re-used.

Andrew Mickleburgh suggested that only non-deciduous plants be used to screen the site from its surroundings. Connor Corrigan, Service Manager – Strategic Development Locations and Planning Delivery, stated that the attached landscaping condition allowed the Council to control the species used as part of the screening.

Stephen Conway sought reassurances as to the reasoning behind the deletion of condition 5. Connor Corrigan stated that this condition was deleted as it was not deemed reasonable on the applicant to impose this condition. Connor added that a situation could have arisen which would require the applicant to bin additional crop which would then require trucks to remove the waste. Therefore, there would be no additional impact on the road network should the crop be binned or transported for sale.

**RESOLVED** That application 191112 be approved, subject to conditions and informatives as set out in agenda pages 44 to 46, and the deletion of condition 5 as set out within the Members' Update.

***Simon Weeks resumed the Chair.***



# Agenda Item 51.

Application Number	Expiry Date	Parish	Ward
N/A	N/A	Wokingham	Emmbrook; Wescott;

<b>Applicant</b>	Wokingham Borough Council
<b>Site Address</b>	Carnival Pool Leisure Hub, land at Wellington Road and Finchampstead Road, Wokingham, RG40 2NJ
<b>Proposal</b>	Diversion Order of Wokingham Footpath 23
<b>Type</b>	N/A
<b>PS Category</b>	N/A
<b>Officer</b>	Andrew Fletcher
<b>Reason for determination by committee</b>	Scheme of delegation

<b>FOR CONSIDERATION BY</b>	Planning Committee on Wednesday 13 November 2019
<b>REPORT PREPARED BY</b>	Assistant Director – Place

## SUMMARY

The Council has received an application to divert part of Wokingham Footpath No.23 under section 257 of the Town and Country Planning Act 1990.

The grounds for the making of the diversion order are part of the line of the path should be diverted to facilitate the redevelopment of the Carnival site in accordance with planning permission granted on 2<sup>nd</sup> February 2018 under application reference 172012.

It is recommended that the order is made.

## PLANNING STATUS

- Major Development Location (CP9/SAL08)
- Wokingham Town Centre (TB15)
- Carnival Pool/Wellington Road Mixed Use site (SAL08)
- Green Route (CC03) (Finchampstead Road and the Carnival Pool roundabout)
- Green Route Enhancement area (CC03) Wellington Road
- Thames Basin Heaths Special Protection Area 7km linear mitigation zone (CP08)
- Public Right of Way Wokingham Footpath 23
- Potentially contaminated land consultation zone (Carey Road gas works)
- Flood Zone 1

**Legal Framework for the Decision:** Orders for the stopping up or diversion of footpaths, bridleways or restricted byways may be made under Section 257 of the Town & Country Planning Act 1990 (“1990 Act”) if the planning authority is satisfied that it is necessary to do so in order to enable the development to be carried out in accordance with the planning permission.

## RECOMMENDATION

1. That authorisation is given to the making of an order under s257 of the 1990 Act to divert part of Footpath Wokingham 23 as shown on the plan no. 1, to enable development to be carried out.

2. If no objections to the order are received or any such objections are withdrawn, that the order may be confirmed
3. If objections are received and sustained, the order may be sent to the Secretary of State for confirmation.

### PLANNING HISTORY

Full planning permission for the redevelopment of the Carnival Pool site to create leisure led development as part of the regeneration of Wokingham town centre was granted on 02/02/2018 under application ref 172012.

The proposals include the demolition of all existing buildings on site and the construction of: a leisure centre (use class D2); library (use class D1); restaurant (use class A3); commercial unit for non-residential institution or assembly and leisure use (use classes D1 or D2); 55 dwellings (use class C3); pedestrian and vehicular access including a pedestrian boulevard and realignment of Wellington Road; car parking; hard and soft landscaping; realignment of an existing footpath; drainage and other ancillary works.

Works have commenced by way of the demolition of the old Bowling Centre.

### CONSULTATION RESPONSES

Ramblers' Association	No objection
Open Spaces Society	No response received
British Horse Society	No response received
Wokingham Town Council	No objection
Local Access Forum	No objection

### REPRESENTATIONS

**Town/Parish Council:** No objection

**Local Members:** No objection

### APPLICANTS POINTS

The proposed diversion will require the alteration to the termination point of Public Footpath 23 on Wellington Road, moving this approximately 30m to the north; however, it is considered that this small amendment will be just as convenient to members of the public using the route.

### BACKGROUND

1. Wokingham Footpath 23 commences at Barkham Road and runs in a south-easterly direction for 230 metres, east for 195 metres over the railway lines, and then in a north-easterly direction for 160 metres ending at Wellington Road opposite Elms Road.
2. The section of the path affected by the proposed development and which is required to be diverted is shown by a solid black line between the points A-B on Plan No. 1. This path has been historically blocked as it was not diverted during the building of

Southgate House many years ago. Users have been using an alternative route which is similar to the proposed diversion route.

3. The planning application 172012 approved on 2<sup>nd</sup> February 2018 established an approved layout for the site – detail of access, landscaping, scale and appearance. The approved development allows for the construction of an access road to residents' parking spaces and part of the residential building to be built over the existing line of Wokingham Footpath 23. Development across the route of the existing public footpath would constitute an unlawful obstruction of the public right of way. Accordingly, a diversion of the footpath will be necessary for the development.
4. The new route A-C-D-E, would run along the access road to properties, so would be a shared route with properties to access resident's parking spaces. The new route would be a mixture of tarmac and block pave and be 2m wide. Details of how the path diversion will work in reference to the approved layout is shown on Plan No. 2
5. The length of the existing route of Wokingham Footpath 23 to be diverted is approximately 95 metres between points A-B. The length of the diverted route between points A-C-D-E is approximately 92 metres. The existing route has no dog legs, the proposed diverted route has a minor dog leg between points C and D.
6. Wokingham Town Council, the Ramblers and the Open Spaces Society have been consulted and have made no objections to the proposed diversion. The Local Access Forum has also been consulted and has no objection to the proposed diversion. Local Members have been consulted and have no objections to the proposed diversion.
7. Schedule 14 of the 1990 Act requires the Council to give notice if it intends to confirm the diversion order. If there are no subsisting objections the Council may proceed to confirm the order. Otherwise the order can only be confirmed by the Secretary of State who may decide to hold a Public Inquiry. The diversion order can only also be confirmed when planning permission is granted.
8. The following policy is relevant to this application: *Rights of Way Improvement Plan 2009 (Statement of Action Policy SOA3)* Improve accessibility and quality of life: 'to identify ways to improve access on public rights of way for those with visual or mobility impairments'. The length of the footpath within the application site will be accessible for pushchair and wheelchair users.
9. The purpose of the diversion is to alter the definitive line of the path so that it enables development to be lawful. Whilst this is sufficient to satisfy the requirements of s257 such that the order may be made, consideration has also been given as to whether there would be any disadvantages to the public if the order is made. The current route is a surfaced path crossing over a busy vehicular entrance point. Within the new development much of the diverted section of the path will be a shared use with residents' vehicles, but it is considered that the overall traffic movements over this section will be less than exists currently. The proposed diversion will be approximately 3 metres less than the existing path.
10. The merits of the planning application are not under consideration in this process.

**The Public Sector Equality Duty (Equality Act 2010)**

*In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. There is no indication or evidence (including from consultation on the application) that the protected groups identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application and there would be no significant adverse impacts upon protected groups as a result of the development.*

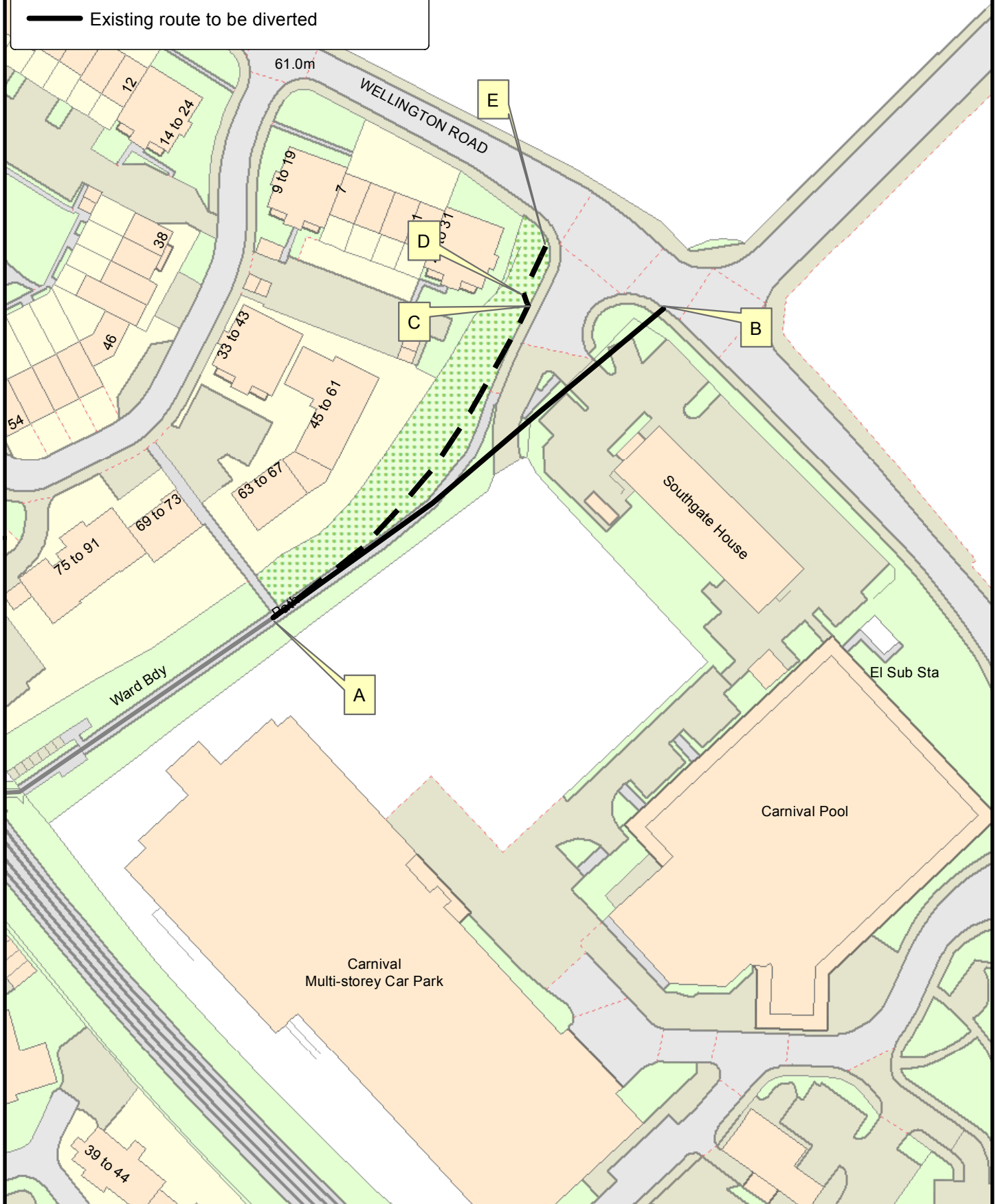
**CONCLUSION**

Officers are of the opinion that the proposed diversion satisfies the criteria required under section 257 of the Town & Country Planning Act 1990 and that it is necessary for the Council to make the order in that:

- 1) The proposed diversion is necessary to for the development to be lawful in accordance with planning permission that has been granted;
- 2) In general the proposed routes will offer a more convenient footpath for walkers.




**Legend**

- Section of path unaffected by the Order
- - - Diversion route
- Existing route to be diverted



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**Legend**

-  Section of path unaffected by the Order
-  Diversion route
-  Existing route to be diverted



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# Agenda Item 52.

Application Number	Expiry Date	Parish	Ward
192128	20 November 2019	Wokingham	Evendons

<b>Applicant</b>	Mr B, C and Ms C Maughan
<b>Site Address</b>	Woodside Caravan Site, Blagrove Lane, Wokingham, RG41 4BA
<b>Proposal</b>	Application to vary condition 1 (relating to temporary and personal restrictions) of planning consent 181694 which was a variation to conditions 1 (names of residents) and 2 (number of pitches) of planning permission 152821 (appeal decision APP/X0360/C/15/3085493 dated 15/1/18) for the change of use of land for the stationing of caravans for residential purposes.
<b>Type</b>	Full
<b>PS Category</b>	17
<b>Officer</b>	Graham Vaughan
<b>Reason for determination by committee</b>	Listed by Councillor Sarah Kerr

<b>FOR CONSIDERATION BY</b>	Planning Committee on Wednesday, 13 November 2019
<b>REPORT PREPARED BY</b>	Assistant Director – Place

<b>SUMMARY</b>
<p>The application follows a number of appeals and enforcement action. Three GRT pitches were established on the site in 2015 and although subsequent enforcement notices were upheld at appeal, in 2018 an Inspector allowed for the material change of use of the land to regularise the three pitches. However, the Inspector considered that the harm caused to the character of the area by virtue of the urbanisation of the site was substantial and afforded this significant weight. In weighing the material considerations, the Inspector also considered that the personal circumstances of the occupiers, being medical needs and the needs of the children, to also be significant and again afforded substantial weight. Coming to a conclusion, the Inspector considered that the personal circumstances outweighed the impact on the character of the area only to the extent that a personal and a two year time limited permission would be acceptable.</p> <p>The current application has been submitted as the end of the temporary permission is due in January 2020. The applicant has stated that a permanent and non-personal permission is being applied for but a further temporary and slightly amended personal permission could also be acceptable. In considering whether this would be acceptable, it is necessary to consider whether the site is still suitable for use as three GRT pitches. The circumstances of the case are not considered to have altered significantly in that the area has not been subject to any substantial difference in planning terms. As such, the harmful impact on the character of the area remains. The same people are still occupying the site however there are additional children compared to what was considered at appeal. In addition, a further adult occupies the site due to health issues. As such, the personal circumstances that were put forward before remain the same. Added to this, the impact on highways, drainage and ecology is not considered to be materially different to the appeal.</p> <p>Whilst there are clearly aspects of the application which conflict with local and national policy, there are also elements that accord with them and it is considered this is similar to the planning balance the Inspector made in 2018. On this basis, and as an on balance</p>

decision, it is considered appropriate to come to the same conclusion as the Inspector and allow a further temporary permission for an additional two years. It was also acceptable to alter the personal occupancy to include the additional adult due to health issues. The additional time allowed for occupation of the site would mean that the Local Plan Update process could be well established allowing for a potential alternative site to be found. As such, the application is recommended for approval with the change to the personal and time limit condition as set out below.

## PLANNING STATUS

Overhead cables 15m buffer  
Water Utility Consultation Zones  
Contaminated Land Consultation Zone  
Local Authorities  
Heathrow Aerodrome Consultation Zone  
Affordable Housing Thresholds  
Borough Parishes  
Scale and Location of Development Proposals  
Site Allocations  
Tree Preservation Orders  
Borough Wards  
Landscape Character Assessment Area  
Local Plan Update Submitted Sites  
SSSI Impact Risk Zones  
Thames Basin Heaths SPA Mitigation Zones  
Ordinary Watercourses Consultation Zone  
Historic Flooding Points Consultation Zone  
Ancient Woodland Consultation Zone  
Local Wildlife Sites Consultation Zone  
Ordinary Watercourse

## RECOMMENDATION

**That the committee authorise the GRANT OF PLANNING PERMISSION subject to the following:**

### **A. Conditions and informatives:**

#### *Conditions:*

1. Nothing herein contained shall be deemed to affect or vary the conditions imposed by planning permission 181694, dated 16 November 2018 which conditions shall remain in full force and effect save in so far as they are expressly affected or varied by this permission.

*Reason: For the avoidance of doubt and to ensure that the conditions imposed on the original permission remain in force other than as expressly hereby varied.*

2. Condition 1 now reads:

The use hereby permitted shall be carried on only by (1) Mr Bobby and Mrs Lettie Maughan and their resident dependants, and (2) Ms Caroline Maughan and her resident dependants and Eileen Casey and Mr John Maughan and (3) Mary and Martin Maughan and their resident dependants and shall be for a limited period. When the premises cease to be occupied by those named above, or by 15<sup>th</sup> January 2022, whichever shall first occur, all caravans, buildings, structures, materials and equipment brought onto, or erected on the land, or works undertaken to it in

connection with the use shall be removed, and the land restored to its condition before the development took place.

*Reason: In granting this permission the local planning authority has had regard to the special circumstances of the case and the needs of the occupants.*

All other conditions of planning permission 181694 apply to this planning permission:

1. See above.
2. There shall be no more than 3 permanent gypsy and traveller pitches provided. On each of the 3 pitches no more than two caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed at any time, of which only one caravan on each pitch shall be a static caravan or mobile home.

*Reason: In the interests of the amenities of the area. Relevant policy: Core Strategy Policies CP1, CP3, and CP11 and Managing Development Delivery Local Plan Policy TB21.*

3. No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site and no commercial activities shall take place on the land, including the external storage of materials or burning of waste or any other material.

*Reason: In the interests of the amenities of the area. Relevant policy: Core Strategy Policies CP1, CP3, and CP11 and Managing Development Delivery Local Plan Policy TB21*

**Informatives:**

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the NPPF.

<b>PLANNING HISTORY</b>		
<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>
F/2013/0698	Proposed change of use of land to a residential caravan site for two Gypsy Traveller families, to contain two static caravans, two touring caravans and parking for four vehicles with associated hardstanding	Refused 28 August 2013
F/2014/1582	Proposed change of use of land to use as a residential caravan site or two traveller families each with two caravans including one static caravan/mobile home, laying of hardstanding and erection of amenity building.	Refused 31 December 2014 Appeal withdrawn
152821	Enforcement Notice Served 12 May 2015 Hearing took place 15 Dec 2015	Appeal dismissed and Enforcement Notice upheld (Decision dated 15 March 2016) Decision Quashed and remitted for re-

		determination (High Court of Justice decision date 14 July 2016)
152821	Enforcement Notice Appeal (redetermination) Hearing 10 January 2017	Appeal Dismissed and Enforcement Notice Upheld (Decision dated 26 January 2017) Decision Quashed and remitted for re-determination
152821	Enforcement Notice Appeal (redetermination) Hearing 21 September 2017	Appeal Allowed and Enforcement Notice quashed and temporary permission granted for two years (Decision Dated 15 January 2018).
181694	Application for the variation of condition 1 (names of residents) and condition 2 (number of pitches) of appeal reference 3085493 dated 15/1/18	Conditional approval 16 November 2018

<b>SUMMARY INFORMATION</b>	
<b>For Residential</b>	
Site Area	0.97 hectares
Existing pitches	3
Proposed pitches	3
Existing parking spaces	Minimum of 3
Proposed parking spaces	Minimum of 3

<b>CONSULTATION RESPONSES</b>	
WBC Drainage	No objection
WBC Ecology	No objection
WBC Economic Prosperity and Place (Community Infrastructure)	No comments received
WBC Environmental Health	No objection
WBC Growth & Delivery (Planning Policy)	No objection
WBC Tree & Landscape	No comments received

<b>REPRESENTATIONS</b>
<p><b>Town/Parish Council:</b> Object to the application and consider it disappointing no alternative sites have been found. Cannot support the site being made permanent but if renewed temporarily then site should be monitored.</p> <p><b>Local Members:</b> Objection and listed request from Councillor Kerr. Cannot support permanent permission being granted as land has not been identified suitable for occupation and it forms a buffer zone between developments. Inspector previously considered substantial harm to the character of the area and allowed a temporary permission only. Notes there are some inaccuracies in the submission. Also notes a further temporary permission could allow for the Local Plan Update process to identify alternative sites.</p> <p><b>Neighbours:</b> 16 letters of objection received with regard to the following:</p>

- The Council has failed to find alternative sites. If permission were to be granted on this basis then this should still be a personal permission (See paragraph x).
- The site is outside the area identified for development and acts as a buffer (See paragraphs 9 - 11).
- At the appeal, the Inspector noted substantial harm occurs to the character of the area (See paragraph 22).
- Landscaping is not in keeping with established hedgerow growth (See paragraph 22).
- The site causes a loss of habitat for wildlife (See paragraph 31).
- Loss of privacy due to use of CCTV on the site (See paragraph 24).
- Impact of noise from the use of the site including noise of dogs (See paragraph 24).
- The site degrades the countryside (See paragraph 22).
- Impact of stray dogs allowed to roam (See paragraph 30).
- The applicants should be more accommodating in terms of occupying other sites (See paragraph 11).
- Allowing the permission to be permanent increases the possibility that more occupants will be on the site (See paragraph 38).
- No changes have occurred since the last permission was granted (See paragraphs 34 - 38).
- The site is too close to residential properties and a T junction (See paragraph 25).
- The use of the site has damaged surrounding vegetation (See paragraph 22).
- Blagrove Lane is the limit of the development boundary and this should remain so (See paragraph 19 x).
- The road that is referred to was a temporary track to the sub-station and shouldn't be used to justify the application (See paragraph 20).
- The site was occupied in full knowledge of the refusal of planning permission (Officer Note: Not a material planning consideration; all applications, retrospective or not, must be determined on their own merits).
- The applicants will not find an alternative site as they do not want to move (See paragraphs 9 - 11).
- The reliance on the emotional and physical needs of the children demonstrates the site is not suitable (See paragraph 13).
- The site is visible from different viewpoints including Blagrove Lane and the 'Folly Court' development. This is worse in the winter and at night (See paragraph 22).
- Smoke caused by the wood burner is a health concern (See paragraph 30).
- The amount of work carried out on the site suggests a permanent occupation (See paragraph 21).
- There are less children on the site than what is suggested. (See paragraph 13).
- Lack of consultation for the application (Officer Note: consultation has been carried out in accordance with relevant planning legislation and the adopted Statement of Community Involvement).
- Site is occupied by other people not named in the appeal decision (See paragraph 2).
- Alternative sites are available (See paragraphs 9 - 11).
- Personal issues with other families should not be used as a reason to prevent moving to another site (See paragraph 11).
- The site is at risk of flooding (See paragraph 26).

#### **APPLICANTS POINTS**

- Site is established with landscaping having matured since original decision. The site is also well maintained.

- Further use of the site as GRT pitches allows for the continuation of medical and educational needs of different members of the family.
- There are children living on the site and the Courts have held the rights of children in high regard.
- Despite attempts to find alternative sites, none have become available.

<b>PLANNING POLICY</b>			
National Policy	<b>NPPF</b>	National Planning Policy Framework	
Adopted Core Strategy DPD 2010	<b>CP1</b>	Sustainable Development	
	<b>CP2</b>	Inclusive Communities	
	<b>CP3</b>	General Principles for Development	
	<b>CP4</b>	Infrastructure Requirements	
	<b>CP6</b>	Managing Travel Demand	
	<b>CP7</b>	Biodiversity	
	<b>CP8</b>	Thames Basin Heaths Special Protection Area	
	<b>CP9</b>	Scale and Location of Development Proposals	
	<b>CP11</b>	Proposals outside development limits (including countryside)	
	Adopted Managing Development Delivery Local Plan 2014	<b>CC01</b>	Presumption in Favour of Sustainable Development
		<b>CC02</b>	Development Limits
<b>CC03</b>		Green Infrastructure, Trees and Landscaping	
<b>CC04</b>		Sustainable Design and Construction	
<b>CC07</b>		Parking	
<b>CC09</b>		Development and Flood Risk (from all sources)	
<b>CC10</b>		Sustainable Drainage	
<b>TB10</b>		Traveller Sites	
<b>TB21</b>		Landscape Character	
<b>TB23</b>		Biodiversity and Development	
Supplementary Planning Documents (SPD)	<b>BDG</b>	Borough Design Guide – Section 4	

<b>PLANNING ISSUES</b>
<p><b>Description of Development:</b></p> <p>1. A two year temporary planning permission was allowed for Gypsy/Romany/Traveller (GRT) pitches, reference 152812, on appeal against an Enforcement Notice. However, the Inspector incorrectly identified the number of pitches and the names of the occupants when issuing the appeal decision. As a result, application 181694 was submitted and approved and this corrected the number of pitches to three and the names of the occupants to the correct persons. For confirmation, application 181694 was considered by the Planning Committee in November 2018.</p>

2. Condition 1 of 181694 controlled the occupiers of the site and the duration of the permission for a period of up to two years i.e. until January 2020. This application seeks in the first instance to remove the personal and temporary limitations; alternatively in the second instance to make the permission permanent but amend the personal limitation; and, in the third instance, to renew the temporary permission and personal limitation. In both the second and third instances it is proposed to add John Maughan to the permission in addition to those already named: Bobby and Lettie Maughan (and their resident dependents), Caroline Maughan and Eileen Casey (and their resident dependents), Mary and Martin Maughan (and their resident dependents). This would regularise the fact that John Maughan is currently residing with Caroline Maughan due to health issues.

**Principle of Development:**

3. The National Planning Policy Framework (NPPF) forms a material consideration with a presumption in favour of sustainable development. The supporting document entitled Planning Policy for Traveller Sites (PPTS) (2015) sets out guidance to ensure fair and equal treatment for gypsies and travellers and also requires due regard for the protection of local amenity and the local environment. These documents state that new traveller site development in the open countryside away from existing settlements should be restricted and that sites in rural areas should respect the scale of, and not dominate, the nearest settled community as well as avoiding placing undue pressure on local infrastructure (paragraph 25 of PPTS).
4. Policy H of the PPTS sets out that when determining planning applications for traveller sites, LPA should consider the following issues amongst others, relevant matters when determining applications for traveller sites:
  - a. The existing level of local provision and need for sites;
  - b. The availability (or lack) of alternative accommodation for applicants;
  - c. Other personal circumstances of the applicant/occupants;
  - d. Locally specific criteria; and,
  - e. Authorities should determine applications for sites from any travellers and not just those with local connections’.
5. *Local Provision and Need for sites:* The Planning Policy for Traveller Sites (PPTS) requires local planning authorities to ensure they have a supply of specific deliverable sites sufficient to provide 5 years’ worth of pitches/plots against assessed need. The Council’s most recent Gypsy and Traveller Accommodation Assessment is that which was updated and published in September 2017 (2017 GTAA). The study dealt with both the overall cultural need for pitches as well as the need based on the revised planning definition contained within the PPTS. It is clear from PPTS paragraph 9 that locally set targets should be based on the Gypsies and Travellers that meet the definition contained in PPTS Annex 1 of that document.
6. The 2017 GTAA identifies a need for 90 net pitches between 2017/18 and 2035/36 of which a subset of 26 represents the need based on this PPTS definition. In the period 2019/20 – 2023/24, the current five year period, there is an identified need for 6 pitches against the PPTS definition. To this, an under supply of 2 pitches from the years 2017/18 – 2018/19 is added which equates to a need for 8 pitches.

7. The council has proactively approved permissions for a number of pitches in recent years. There are unimplemented permissions for a total of 7 pitches (VAR/2014/1945; 171589; 173022; 173365). In addition to this, planning application 192012 proposes 3 additional pitches at the Carters Hill council owned Gypsy and Traveller site. Application 192012 is identical to an application that was approved in 2006 and it is considered deliverable within the five year period. Together this supply of pitches equates to 6.25 years' worth of supply.
8. Note: The supply provision is taken at a point in time, in this case 31 March 2019. It is acknowledged that 173022 has been implemented and 192012 was granted conditional approval on 23 September 2019. Additionally, 192174 was granted 4 October 2019. The impact on the supply provision will be taken into account at the next update i.e. 31 March 2020.
9. *Alternative Sites:* The applicant has advised that some alternative sites have been considered but have been disregarded either due to suitability, in terms of availability of pitches or not able to support pitches, but also affordability. It is noted that the provision of alternative sites was a key consideration for the Inspector at the appeal stage and the lack of sites in the short term added weight to the decision. Whilst it is considered limited evidence has been submitted to demonstrate consideration of other sites, it is acknowledged that the applicant has made an attempt to find an alternative location.
10. Submitted comments state that the Council should be providing an alternative site for the applicant and this should have been completed in the two year timescale. However, the Council does not currently have available land for this provision and therefore is unable to meet this request. Unfortunately, the Council is in part reliant on the private sector to provide additional GRT pitches. Nonetheless, it is noted that sites for GRT pitches have been put forward as part of the Local Plan Update. Whilst the acceptability of these sites needs to be assessed through this process, it is considered additional land could potentially be available once this completes in approximately two years.
11. In addition, comments have been raised with regard to the applicant's desire to move to a suitable alternative site and, in particular, in relation to specific families that occupy other sites. This matter was considered by the previous Inspectors and, in one appeal decision, it was noted that despite the difficulties arising between different families, there was no clear reason why a site couldn't be occupied by more than one family. With regard to the current application, this is still considered to be the case. Nonetheless, when allowing the appeal the most recent Inspector would have considered this i.e. the lack of *suitable* alternative sites does not change the weight applied in the planning balance.
12. *Personal Circumstances:* The PPTS sets out that the personal circumstances of gypsies and travellers should be considered. The personal circumstances of the occupiers are the need for a home; the needs of their children; and, medical needs of both the adults and children. As has been established by case law, the personal circumstances are a material consideration and should be afforded weight in the planning balance. With regard to the need for a home, it is noted that, as per the Inspector's findings in the 2018 appeal, not granting permission would result in the occupiers losing their homes. Linked to the above, it is considered there are currently no alternative sites available in the short term that would enable the occupiers to



move to a different site. Additionally, it should be acknowledged that the loss of the current site would result in an increase in demand for pitches.

13. In terms of the children on the site, it is noted that the number has risen to a total of 17 (with another due imminently). As per the Inspector's previous findings, the rights of the children are a material consideration that should be afforded substantial weight. In particular, the Council should have regard to the case of *Jane Stevens v SSCLG & Guildford BC* [2013] EWHC 792 (Admin) which stated that, where gypsy families include children, rights under Article 8 of the European Convention on Human Rights must be interpreted in the light of international law. The Supreme Court's judgment in *ZH (Tanzania) v SSHD* [2011] UKSC 4 establishes that the 'best interests' of children should be a primary consideration, reflecting Article 3(1) of the United Nations Convention on the Rights of the Child.
14. Given the above, the additional children since the previous application and the Inspector's appliance of weight in this regard, it is considered there is no material reason to come to a different conclusion on this matter. Added to this is the fact that most of the children of school age are attending local schools and therefore continuity in this respect would be of significant benefit. For clarification, two children are not currently attending school due to medical reasons however discussions are on-going with the Local Education Authority to resolve this. It should be noted that the PPTS states, in respect of planning policies, that Local Planning Authorities should promote access to health services and attendance of schools.
15. It has been identified that there are medical needs of the children who are receiving support in respect of different ailments. Additionally, it is understood John Maughan had medical needs which require care/assistance from other family members and therefore residing at the site has been the best option available to him. The stability and continuity of this care for both adults and children is important in the consideration of the site being occupied for a longer duration.
16. Comments have raised concern that the amount of children occupying the site is incorrect. The numbers have been confirmed with the applicant through the application process and it should be noted that applications must be determined on their own merits based on the information received. In any case, the number of children is a secondary consideration in assessing the rights of the child. Ultimately, even if there were fewer children occupying the site, this would not alter the weight applied to this aspect.
17. *Locally specific criteria:* Policy CP11 of the Core Strategy relates to proposals outside development limits designed to protect the separate identity of settlements and maintain the quality of the environment. The current application site is located outside of development limits but does not comply with the criteria set out in the policy. As such there is conflict with this policy however weight should be applied to the fact that the existing and established use of the site is for gypsy and traveller pitches. Policy CP2 of the Core Strategy supports proposals that address the requirements of 'the specific identified needs of minority groups in the borough, including Gypsies, Travellers and Travelling Show people' and therefore the application accords with this policy.
18. MDD Policy TB10 is a PPTS compliant policy which states that planning permission may be granted for new Gypsy and Traveller pitches or extensions to existing sites

where a number of criteria are satisfied. Specifically, location in relation to settlements, access to services, no significant barriers to development, impact on character, amenity of neighbouring land uses and impact on the SPA. Subject to the issues outlined below the application conflicts and accords with different aspects of this policy. However, this must be balanced against the other policies in the local plan and national guidance that requires local planning authorities to have a 5 year provision for GRT pitches. Indeed any permitted additional pitches will help towards meeting the Council's statutory duty to provide accommodation for cultural Gypsies and Travellers and provide greater flexibility and certainty of future supply. Added to this, some weight should be given to the fact that if the permission is not renewed then there will be additional demand for pitches as a result of those currently on the site.

**Character of the Area:**

19. The site is located off Blagrove Lane on land formerly used for agriculture. Previously, the site was an area of grass with vegetation to the boundaries and contributed to the countryside character of the area. As noted by the Inspector in the January 2018 appeal decision, the road in particular delineated the difference between countryside and the residential dwellings. This was also in the knowledge of the additional properties created at Folly Court which, whilst introducing additional built form, was on a previously developed site.
20. For clarification, the new road that is referred to in the application submission relates to a temporary track created for access to an electricity sub-station west of the site. This would have been created by the utilisation of permitted development rights in relation to the needs of a particular utilities provider. Given the necessity for such works, in planning terms it is not considered that this should lend any weight to the proposal.
21. Concerns have been raised regarding the amount of work carried out and how this lends towards a permanent occupation. Nonetheless, it should be acknowledged that the Inspector granted permission for the change of use of the land the establishment of pitches. As such, whilst there is the identified harm to the character of the area, the use of the site is considered to be in accordance with what was approved.
22. The provision of the pitches undoubtedly impacts on the character of the area. The green field has been replaced by hardstanding, fencing and caravans with additional residential paraphernalia which, ultimately, has resulted in damage to the landscape character. It is noted that landscaping has been provided at the entrance in particular however this does not and cannot overcome the fact the site has changed from a rural countryside character to a more urban one. In the 2018 appeal decision, the Inspector placed substantial weight on the harm to the character of the area, to the extent they did not consider a permanent permission was acceptable citing the conflict with policies CP1 and CP3 of the Core Strategy. In the application submission, it is stated that the landscaping has now established, not least the area between the site and the new properties at Folly Court. Indeed it is noted that views into the site are effectively filtered by vegetation but not to the extent that it cannot be seen. Nevertheless, the Inspector also considered that even if vegetation was built up the access from Blagrove Lane would still be visible and the use would still not be appropriate in terms of character. Whilst comments have been raised regarding the species of planting in comparison to the existing hedgerow, it is not considered that this leads to a substantial harmful impact.

23. Given the above, very limited weight is placed on the fact that landscaping is more established on the site than previously considered. Therefore, it is considered there is no material reason to come to a different conclusion to the Inspector and, as such, there is still substantial harm to the character of the area and conflict with policies CP1 and CP3. As the Inspector considered, this harm is severe and therefore afforded substantial weight in the planning balance.

**Residential Amenities:**

24. There are existing residential properties on the opposite side of Blagrove Lane and to the north particularly along Cammel Close and Daubeny Close. Due to the separation distance to these properties however the continued use of the site would not have any harmful impact on residential amenity in terms of overlooking, overbearing or a loss of light and this would be in accordance with policy CP3 of the Core Strategy. Comments have been raised with regard to the use of CCTV on the site however given that this can be installed without planning permission in residential areas, it is not considered that this leads to a harmful impact. It is acknowledged that the continuation of the use of the site would result in increased noise and activity compared to if the site remained in agricultural use and this would result in some harm to residential amenity which is afforded weight in the planning balance.

**Access and Movement:**

25. The site is accessed from Blagrove Lane with an established access and gates set back from the highway. A gravel drive then provides access to the pitches and there is ample parking for the occupiers and any visitors. No concern is raised with regard to this aspect. Additionally, the level of traffic generated is not considered to detrimentally impact the highway network and acceptable sight lines are achievable from the access. Therefore, it is considered the continued use of the site would still be in accordance with local policies CP6 and CC07 and this is afforded weight in the planning balance.

**Flooding and Drainage:**

26. The existing pitches utilise two cess pits which provide foul water drainage and no alterations to this are proposed. Clarification on surface water drainage was also requested and the applicant confirmed that much of the clay that existed on the site was removed and replaced with crushed concrete hard-core and gravel to allow for surface water to drain to the grassed areas adjacent. This has not caused drainage issues and it should be noted that the previous Inspector considered the impact to be acceptable. The Drainage Officer has considered the additional information and does not raise any objection to the application. As such, it is considered the continued use of the site would accord with local planning policies CC09 and CC10 and this is afforded weight in the planning balance.

**Landscape and Trees:**

27. As noted above there is considerable harm identified to the character of the area and, therefore, it follows there is harm to the landscape character. Indeed the site clearly conflicts with the aims of the landscape strategy given the urbanisation that has occurred. As such, the continued use of the site would prolong the harm that is caused and this would be contrary to policy TB21 of the MDD Local Plan. It is acknowledged that landscaping has been planted and established which does partially mitigate the impact on the area however no further landscaping is proposed and the Inspector

stated that additional landscaping would not be enough to overcome the harm that arises.

28. At a site specific level, it is noted that the pitches do not infringe on trees and the main impact that has occurred is the loss of the hedgerow fronting Blagrove Lane. As stated above, this impact causes harm and would remain if the site continues in its current use. As such, there is clear conflict with local planning policies TB21 and CC03 and this should be afforded weight in the planning balance.

**Environmental Health:**

29. With regard to site layout, it is considered the provision of three pitches with fencing allows for appropriate space to the site boundaries. With regard to the impact of noise, as noted above there is some infringement of residential amenity. Nonetheless, it should be noted the Inspector considered the use of the site to be acceptable in this regard and the Environmental Health Officer has not objected to the application.

30. Concerns have been raised with regard to the impact of dogs from the site roaming and barking as well as smoke from a wood burner. Ultimately however this is not considered to be a material planning consideration and would need to be resolved through an assessment of statutory nuisance by Environmental Health. As such, no weight is applied to this aspect in the planning balance.

**Ecology:**

31. The site is not subject to any significant ecological designations and it is accepted that it holds little ecological value as a result of the existing use. A Local Wildlife Site is located to the north west of the site however the existing boundary treatments would prevent any significant movement of species. Concerns have been raised with regard to impact on local wildlife and it is noted that there is, inevitably, a detrimental impact in terms of a site specific impact which is contrary to policy CP7 of the Core Strategy and TB23 of the MDD Local Plan. This should be afforded weight in the planning balance but nonetheless the impact is limited.

**Community Infrastructure Levy (CIL):**

32. As per policy CP4 of the Core Strategy, proposals should provide appropriate arrangements for the provision of infrastructure. This requirement is covered by CIL however no new build floor space would be created by the proposal. As such, it does not meet the trigger required to comply with policy CP4.

**Special Protection Area (SPA):**

33. The site is within 7km of the Thames Basin Heaths SPA but the proposal would not result in an increase in the number of residential units. As per policy CP8, this does not meet the requirement to mitigate potential impact on the SPA.

**Planning Balance:**

34. There is policy support for the provision of gypsy pitches at both national and local level as well as a statutory duty for the Council to provide such pitches. There is also a requirement for the Council to have a five year supply of pitches and at present, the Council can demonstrate this. Nonetheless, this supply is a on a rolling basis and it is acknowledged that the provision of pitches that the supply is currently based on has altered since the previous count. It is likely therefore that additional pitches will soon be required and this application would help maintain the current level of supply. This provision is given significant weight in the planning balance.

35. As at the previous appeal, the personal circumstances of the applicant are given substantial weight. Additionally, the rights of the children are held in high regard in the Courts as established by case law and it follows that the Council should do the same. In this instance, there are children occupying the site and their continued occupation would be beneficial for their education and medical needs. Furthermore, as identified by the Inspector, the impact of losing their home would be an interference with their human rights.
36. Against this however, is the identified harm in terms of the impact on the character and appearance of the area. The continued use of the site would perpetuate this harmful impact and it is noted that the previous Inspector afforded such weight to this harm that a permanent permission wasn't acceptable. Whilst landscaping has established, and helps filter views into the site, the provision of pitches in this location severely harms the rural character and appearance. Taking other factors into account, there is some harm in terms of noise impacting on residential amenity and local ecological impacts however no harm arises in terms of drainage or highway impacts.
37. Overall therefore, there is conflict and accordance with local and national planning policies. However, the previous appeal on the site is a material consideration and it has to be considered if anything has materially changed since this decision. Ultimately, the development plan is the same, the applicant's personal circumstances are very similar (albeit there is now one more adult and additional children on the site), and the impact on the character of the area is similar being only marginally altered by established vegetation. What is of note however is the progress of the Local Plan Update with potential sites for GRT pitches being submitted for consideration. Whilst limited weight can be applied to the Local Plan Update given the early stage that it is in, it is considered relevant to this application. Allowing a further temporary permission on the site would allow for the Local Plan Update to progress sufficiently that an alternative site could potentially be found.
38. Given the above, it is considered that an on balance decision must be made and that this should be in line with the previous Inspector's findings given the fact that little has materially changed in planning terms. Adding to this however is the potential for an alternative site to be found through the Local Plan Update. As such, it is recommended that in this instance, a further temporary permission (for effectively a two further years from the date of expiry (i.e. four years after the appeal decision)) would be appropriate. As with the Inspector's conclusion, a permanent permission is still considered to be unacceptable. With regard to the alteration to the personal occupation, no objection is raised to including John Maughan given the health issues as stated. For clarification, enabling a further two years occupation of the site with the personal permission would not increase the number of pitches on the site which remains at three. It would also not automatically mean additional people could occupy the site and any such increase would require planning permission in its own right.

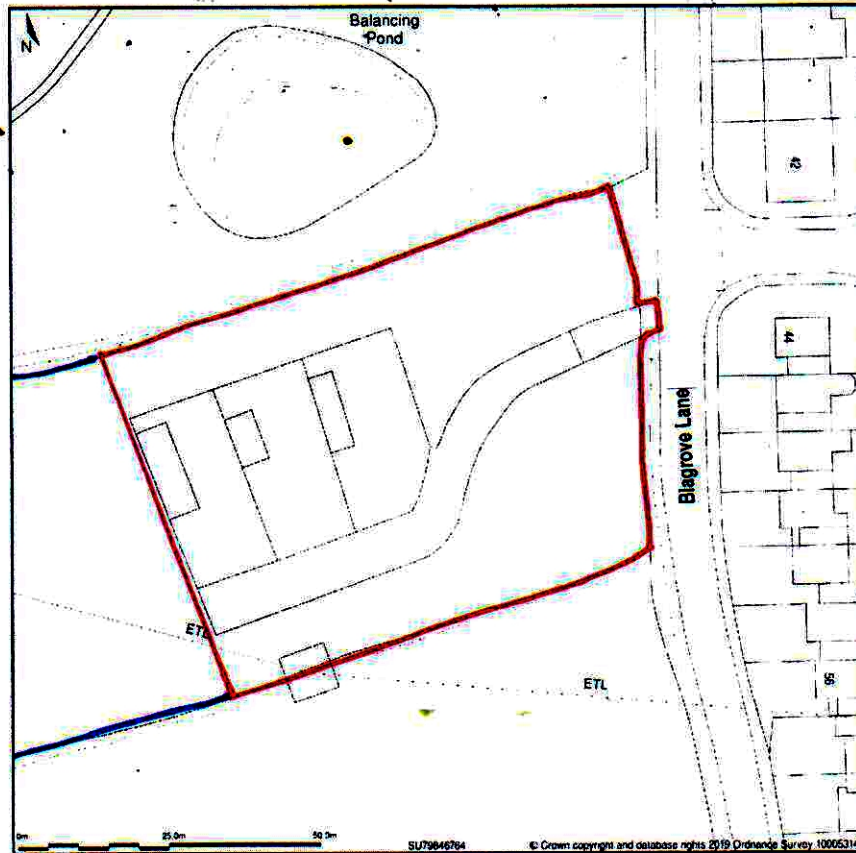
#### **The Public Sector Equality Duty (Equality Act 2010)**

*In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. The impact on relevant characteristics have been identified above and no others are believe to be affected.*

**CONCLUSION**

The application proposes to extend the occupation of the site and amend the personal condition relating to occupancy to include an additional person. The site was allowed to be established as three GRT pitches by an Inspector in 2018 and it is considered the arguments resolved by the Inspector at this time are still relevant now. In particular, the requirement to provide GRT pitches and the personal circumstances of the applicant, in part being the rights of the children, weigh in support of the application. Against this however is the harmful impact identified on the character of the area which, ultimately, remains despite the surrounding landscaping having established. As such, and in line with the Inspector's decision, it is considered a further temporary permission would be the most suitable solution given the material planning considerations. This would also allow for time for an alternative site to potentially be found through the Local Plan Update.

**WOODSIDE CARAVAN SITE BLAGROVE LANE**



Site Plan shows area bounded by: 479779.27, 167573.86 479920.7, 167715.28 (at a scale of 1:1250), OSGridRef: SU79846764. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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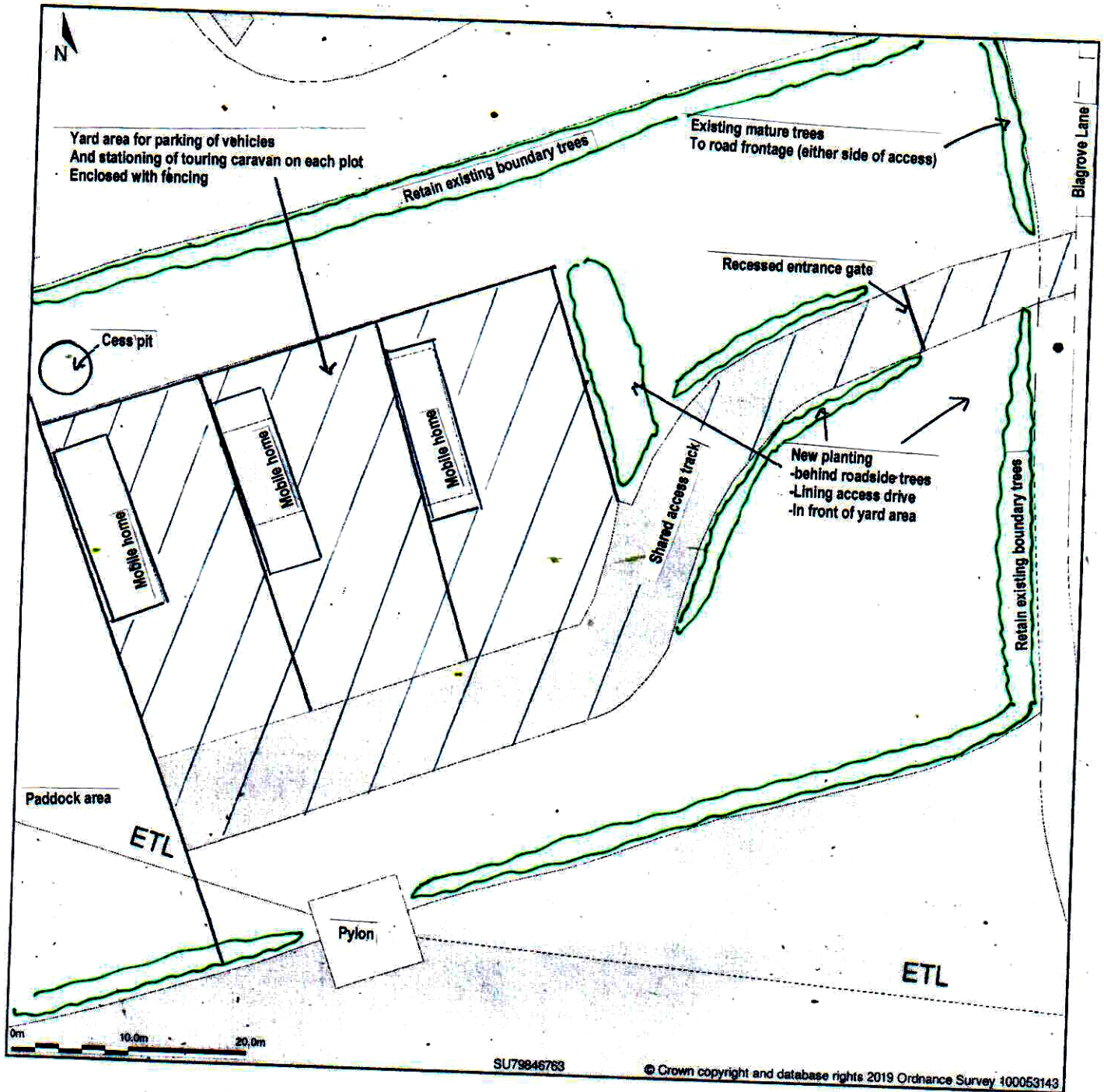
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## WOODSIDE CARAVAN SITE BLAGROVE LANE



Block Plan shows area bounded by: 479797.88, 167592.41 479887.88, 167682.41 (at a scale of 1:500). OSGridRef: SU79846763 The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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**WOODSIDE CARAVAN SITE Blagrove Lane Wokingham**  
 Renew consent for 3 pitches each with no more than 2 caravans ( one mobile home and one touring caravan)  
**Site Layout plan**  
 Scale 1:500

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## Appeal Decisions

Hearing Held on 21 September 2017

Site visit made on 21 September 2017

**by Graham Dudley BA (Hons) Arch Dip Cons AA RIBA FRICS**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 15 January 2018**

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### **Appeal A: APP/X0360/C/15/3085493**

#### **Land off Blagrove Lane, Wokingham, Berkshire RG41 4BA**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
  - The appeal is made by Mr Richard Coyle against an enforcement notice issued by Wokingham Borough Council.
  - The enforcement notice was issued on 12 May 2015.
  - The breach of planning control as alleged in the notice is the material change of use of the land from agriculture to the stationing of caravans for residential purposes, including the creation of a new access and hard surfacing.
  - The requirements of the notice are (i) cease the use of the land for the siting of caravans for human habitation; (ii) remove all caravans and associated vehicles from the land; (iii) remove the hard standing from the land, shown in the approximate area hatched blue, spread the area with topsoil to a depth of 20cm and sow with grass seed; (iv) remove all portable buildings from the land, including portaloo; (v) remove from the land all materials resulting from compliance with steps (i) to (iv) above.
  - The period for compliance with the requirements is 9 months.
  - The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 as amended.
  - This decision supersedes that issued on 26 January 2017. That decision on the appeal was remitted for re-hearing and determination by order of the High Court.
- 

### **Appeal B: APP/X0360/C/15/3085495**

#### **Land off Blagrove Lane, Wokingham, Berkshire RG41 4BA**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
  - The appeal is made by Anne Coyle against an enforcement notice issued by Wokingham Borough Council.
  - The enforcement notice was issued on 12 May 2015.
  - The breach of planning control as alleged in the notice is the material change of use of the land from agriculture to the stationing of caravans for residential purposes including the creation of a new access and hard surfacing.
  - The requirements of the notice are (i) cease the use of the land for the siting of caravans for human habitation; (ii) remove all caravans and associated vehicles from the land; (iii) remove the hard standing from the land, shown in the approximate area hatched blue, spread the area with topsoil to a depth of 20cm and sow with grass seed; (iv) remove all portable buildings from the land, including portaloo; (v) remove from the land all materials resulting from compliance with steps (i) to (iv) above.
  - The period for compliance with the requirements is 9 months.
  - The appeal is proceeding on the grounds set out in section 174(2)(g) of the Town and Country Planning Act 1990 as amended.
  - This decision supersedes that issued on 26 January 2017. That decision on the appeal was remitted for re-hearing and determination by order of the High Court.
-

## **Decisions**

### ***Appeal A***

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the Act as amended for the development already carried out, namely the use of the land off Blagrove Lane, Wokingham, Berkshire RG41 4BA, as shown on the plan attached to the notice, for the material change of use of the land from agriculture to the stationing of caravans for residential purposes, including the creation of a new access and hard surfacing, subject to the following conditions
  - 1) The use hereby permitted shall be carried on only by (1) Mr Richard Coyle and his resident dependants, and (2) Ms Lettie Marie Maughan and her resident dependants, and shall be for a limited period being the period of two years from the date of this decision. When the premises cease to be occupied by those named above, or at the end of two years, whichever shall first occur, all caravans, buildings, structures, materials and equipment brought onto, or erected on the land, or works undertaken to it in connection with the use shall be removed, and the land restored to its condition before the development took place.
  - 2) There shall be no more than 2 permanent gypsy and traveller pitches provided, as shown on the submitted plan. On each of the 2 pitches no more than two caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed at any time, of which only one caravan on each pitch shall be a static caravan or mobile home.
  - 3) No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site and no commercial activities shall take place on the land, including the external storage of materials or burning of waste or any other material.

### ***Appeal B***

2. No action is taken on the ground (g) appeal in Appeal B.

## **Ground (a) & Deemed Planning Application**

### *Main Issues*

3. The planning application is for what is alleged in the notice: the material change of use of the land from agriculture to the stationing of caravans for residential purposes, including the creation of a new access and hard surfacing.
4. The main issue is the effect of the development on the character and appearance of the surrounding area.
5. Other matters include the need for and availability of traveller sites, public sector equality duty, Human Rights, personal circumstances and the needs of children and whether a condition should be imposed limiting the period of the permission or making it a personal permission to the appellants.

## **Reasons**

### *Planning Policy*

6. The development plan includes the Wokingham Borough Core Strategy DPD [CS] and the Wokingham Borough Managing Development Delivery Local Plan [LP]. I have also taken into consideration the Planning Policy for Traveller Sites [PPTS], which notes that applications are to be determined in accordance with the development plan, unless material considerations indicate otherwise, with the PPTS being taken into consideration in decision and plan making.
7. CS Policy CP1 relates to sustainable development requiring amongst other things maintenance of the high quality environment. CS Policy CP2 relates to inclusive communities and proposals should address the requirements of children, young people and families, people with special needs, including those with difficulties accessing services and minority groups, including gypsies, with sites being near to settlements and not disproportionate in scale. CS Policy CP3 sets out general principles of development with high quality design and an appropriate character to the area being noted amongst other things.
8. CS Policy CP11 relates to development outside of development limits, which is not normally permitted, but with some exceptions noted. It notes in order to protect the separate identity of settlements and maintain the quality of the environment, proposals outside of development limits will not normally be permitted except where it contributes to diverse and sustainable rural enterprises within the borough, or in the case of other countryside based enterprises and activities, it contributes and/or promotes recreation in, and enjoyment of, the countryside.
9. LP Policy CC01 relates to sustainable development, noting applications should accord with policy unless material considerations indicate otherwise. LP Policy CC02 relates to development limits and expects new development to be within these. LP Policy CC03 relates to Green Infrastructure, Trees and Landscaping and indicates that development should protect and retain existing trees, hedges and other landscape features.
10. LP Policy TB10 relates to traveller sites. This notes planning permission may be granted for new gypsy and traveller pitches where it can be demonstrated that they are adjacent to a settlement, and unacceptable impacts on the character and appearance of the surrounding landscape will be minimised through sensitive and appropriate design of the scheme. LP Policy TB21 relates to landscape character and proposals shall retain or enhance the condition, character and features that contribute to the landscape.
11. The PPTS indicates that the aim of the Government is to ensure fair and equal treatment for travellers in a way that facilitates the traditional and nomadic way of life for travellers while respecting the interests of the settled community. To help achieve this it encourages authorities to plan for sites and promote more private traveller site provision so that plan making and decision-taking should aim to reduce the number of unauthorised developments and encampments and make enforcement more effective.
12. The aim is also to increase the number of traveller sites in appropriate locations with planning permission to address under-provision and maintain appropriate supply, with the authority having due regard to the protection of the local

amenity and local environment. Policy notes that when assessing the suitability of sites in rural or semi-rural areas the authority should ensure the scale of such sites does not dominate the nearest settled community.

13. Paragraph 22 of the PPTS notes that authorities should consider the existing local provision and level of need, the availability of alternative sites for the applicants and other personal circumstances. Weight is to be given to the use of previously developed land, well planned sites or soft landscape which positively enhances the environment, increases openness and promotes opportunities for healthy lifestyles. The lack of a 5 year supply is to be a significant material consideration in terms of subsequent planning decisions when considering applications for the grant of temporary planning permission.

#### *Character and Appearance*

14. The appeal site is accessed off Blagrove Lane. Beyond the appeal site at the rear is the electricity sub-station with lines and pylons emerging. To the other side is agricultural land. On the opposite side of Blagrove Lane is a row of residences and these extend further along Blagrove Lane than the appeal site. There is open countryside beyond.
15. To the side of the appeal site is an area of open space accessible from, and separating, the new residential development at The Folly from the appeal site. To my mind this is an important space, providing an important transition between the built development and the countryside. Development in the countryside on the agricultural land would cause development to be extended considerably further out from the existing development beyond the open space and development here would cause substantial harm to its character and appearance.
16. The Folly development was on brownfield land, but there is some question by the appellant as to whether what has been constructed extends beyond the line of the previous built development. Whether or not that is so the development is a prominent built form towards the top of the hill, although it is well separated from the appeal site and what was countryside beyond by the provision of open space, being well designed and confined to a part of the overall site away from the surrounding countryside.
17. There was some discussion about whether the boundary to the road was a hedge or not. To my mind the label used makes little difference; there is clearly a line of trees/shrubs along much of the boundary providing some screening to the site and forming an attractive edge to the lane. Part of this was removed for the access and there is now a clear view into the site and the caravans beyond and the natural boundary is lost in this position. The development has not protected and retained this vegetation and is contrary to LP Policy CC03. The break in the vegetation and view of the caravans is uncharacteristic of the countryside. While there is some vegetation around the site, even with this there are views into the site from along the road and from the adjacent open land and it is likely that these views would be greater in the winter months when leaves are off the trees.
18. There is a long gravel drive into the land with planting on either side and the caravans are clearly seen beyond. I acknowledge that some of the planting is not of native species, but to my mind this is not a significant matter as the planting types and location could be properly controlled by condition, so I

attach no weight to the type of plants currently provided. The caravans as provided, with the long gravel drive, are an incongruous and alien feature in the countryside and cause significant harm to its character and appearance. Even if vegetation was built up to improve visibility, the access would be likely to remain visible and in any case it would still not be an appropriate character. While some further landscaping might help to reduce the impact, I do not consider that it could be minimised to a reasonable degree given the large site, drive and hill overlooking the site from one side.

19. The appeal area identified on the plan, even though reduced within the overall field, is still a large area. The layout of the site is very poor, with the long access and placing of the caravans towards the centre of the field. This means that the extent of land developed for caravans is not only much larger than need be for the units proposed, but is much farther away from the existing built development which on the other side of the road is kept fairly close to the road. The result is that much more of the countryside is taken up by the development than need be and the harm caused is great. I consider that its overall size is disproportionate to the use and does not accord with advice in the PPTS.
20. The PPTS indicates that local planning authorities should strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure. I acknowledge that this is reasonably close to an existing settlement, would not dominate the adjacent community and would not put pressure on local infrastructure. However, the site is not allocated in the development plan for which the PPTS notes development should be strictly limited, which accords with Section 38(6) of the Planning and Compulsory Purchase Act. The PPTS also notes in paragraph 2 that applications must be determined in accordance with the development plan unless material considerations indicate otherwise.
21. The appeal site is not 'away from' but adjacent to a settlement. It does not dominate the nearest settled community or put pressure on local infrastructure. However, the PPTS and LP Policy TB10 only permit traveller sites in a location where there would be no unacceptable harm impacts on the character and appearance of the surrounding landscape or it cannot be adequately mitigated. The development causes substantial harm to the character and appearance of the countryside, contrary to development plan policies.
22. I acknowledge the presence of the new development at The Folly, but there is good separation from the appeal site and what should be the countryside and a good edge to the current development. Similarly, while there are residences along the opposite side of the road, the road also forms a strong edge to the development and the land opposite has a countryside character and appearance. The existing residences do not justify development of the appeal site. The development is contrary to CS Policies CP1, CP3 and CP11 and LP Policies TB10 and TB21 and causes significant harm to the character and appearance of the area. I acknowledge that if the use were for a temporary or reduced period the harm would be for a lesser period and this goes into the balance in relation to temporary permission considerations.

### **Other Matters and Ground (g)**

23. The Council has recently produced a Gypsy and Traveller Accommodation Assessment. These assessments are very difficult to undertake and gain all the necessary information on the way sites are occupied. The process involved in making the assessment was explained and seen to have been a thorough and in depth assessment. Some concerns were raised by the appellants.
24. The GTAA identifies that, for the five year period 2017/18-2021/22, the Council requires 14 pitches to meet the needs of people identifying as gypsies or travellers ('cultural need'), of which 4 pitches are required for those who meet the planning definition of travellers set out in PPTS. From 2021/22-2035/36, there will be a 'cultural need' for 60 pitches or PPTS need for 18.
25. In relation to Table 7.1 the Council acknowledged that paragraph 7.18 should be 105 and not 103 and 14 not 12 to be consistent with Table 7.1. It is noted that Table 5.17 is a summary of the sub-set responses to the survey relating to why they no longer travel and it would breach confidentiality if respondents were identified.
26. The appellant's concerns are whether need has been adequately assessed, and whether sites that are predicted to supply or meet the need will in fact come forward. On this point In relation to unauthorised sites/overcrowding, the assessment has identified the Model Farm, included in Table 4.5 as Unauth2 and being 2 pitches and it is noted that an appeal has recently been dismissed. Nine Mile Ride site does not have two families doubling up on it, but has a daughter in one caravan and elderly mother who is in need of care in the other.
27. The appellant questions whether Wally's Mobile Home site has been included. The Council confirms that it was in the GTAA as it is a traveller site owned by settled travellers. The Council monitors the site which has been occupied by travellers.
28. The appellant is concerned that there seems to be an over-reliance on vacant pitches on private sites, suggesting an absence of any appraisal/analysis of private owners' intentions or if sites are really vacant. The Council explained that the GTAA endeavours to identify vacant pitches through interviews with residents and site observations and that seems to me to be a robust method to gather the information.
29. The appellant notes that 3 vacancies have been identified on Council sites, while there are families on a waiting list and Ann Coyle was evicted from Carters Hill in 2017. The Council also confirmed in May that there were no pitch vacancies either at Carters Hill or Twyford Orchard and that as of April 2017 when the GTAA was published there were also no pitches available. It is inevitable with this type of situation that sites will come and go so matters will change. That does not mean the assessment is not reasonable or robust or it would have to be updated daily.
30. The Council confirms that at the time the GTAA was being produced the situation was that 3 pitches were available. The assessment has now been updated. I acknowledge that currently there are no Council pitches available. In relation to turnover on public sites, the assessment has only assumed a modest turnover of 1 pitch each year, which is based on site management data. The Council notes this is also corroborated by the survey results indicating that



15% of households plan to move in the next 5 years, which is about 1 pitch per year. The appellant questions reliance on turnover which he considers may be unrealistic. Given the information provided I do not consider the approach to be unreasonable. However, I do accept the point that there is some reliance on Council sites where there are only about 6 families on the waiting list and where there are more families seeking private pitches.

31. I consider that the way in which families that move into the area has been taken into consideration was not explained well and this could have a little impact on the overall long term outcome of pitches available. The Council indicated that an allowance was made based on waiting list information, but that because it is difficult to identify any reasonable figure for families that have moved out of the area an overall net migration figure cannot be accurately derived. It was decided that an additional allowance for net in-migration should not be included in the need assessment model effectively to provide a 'balance'.
32. The emerging household figure was agreed to be low, but again that is what came from the responses to the survey. The appellant was also concerned that the unimplemented permissions of about 18 pitches was wrong; the Council acknowledge in response to the appellant's letter that they had included a number of unauthorised pitches and removing these reduced the figure to about 10.
33. In relation to pitches with planning permissions, I accept that some are awaiting submission and/or agreement of conditions prior to them being able to be used. However, for the purposes of a five year supply it is reasonable for them to be taken into consideration in meeting need identified. I accept that the delay in obtaining the agreements may cause these not to be available to the appellants in the short term. In this respect I also note that the owner of one of these indicates that the sites, even when properly available, would also not be available to the appellants as there is some overcrowding on the lawful area of his land and the new pitches will be most likely used by his family.
34. There was also some question about whether the Highfield site would be implemented, as currently use is for non-gypsy families and the owner is 'staying on the fence'. There was also some question as to whether a permission had lapsed as conditions would not have been approved within the compliance period, but little detail was available to understand the situation to attach much weight to this.
35. I therefore accept that there will be some variation of need and the sites that may become available, which is likely to change a little from that at the time of the assessment, and that some sites that would appear to be likely to become available may not become available, certainly in the short term. I also accept that there is a considerable need for private sites, which may not clearly identify itself through the figures alone.
36. Overall, while the points raised by the appellant need to be taken into account, I consider the GTAA to be a reasonably sound assessment of gypsy and traveller accommodation in the area and, while the Council's calculated supply of about 11 years may need some adjustment, the Council is able to reasonably demonstrate that over the next 5 years the supply and demand will be balanced. However, it is plain that there are no traveller sites now available to the appellants and none are likely to become available in the short term.

37. The appellants identified the considerable educational and medical needs of those at the site, which I accept, and this was not challenged by the Council. There is a strong need for the children to have a stable base and settled upbringing. I consider that in particular the educational needs of the children are important as explained by representatives of the school and it is clear that they are benefiting from this. I attach considerable weight to the personal circumstances of the appellants, with a primary consideration being the needs of the children.

### **Conclusions**

38. I conclude overall in relation to permanent planning permission that there would be substantial harm to the character and appearance of the surrounding area, which is not outweighed by the material considerations raised.
39. However, the considerations in favour of the appeal are sufficient to outweigh the harm on a time-limited basis. Taking account of the site occupiers' pressing personal need for a site, and the lack of any available alternative sites, it is necessary to allow occupation of the site to continue for a sufficient time to allow alternative sites to become available as anticipated through the Council's assessments, taking into account my findings on immediate availability. Traveller site policy and personal circumstances are critical to this conclusion and it follows that permission should be granted subject to a temporary and 'personal' condition, so that it is only for the benefit of the appellant and his resident dependents
40. It was found in the case of *Jane Stevens v SSCLG & Guildford BC* [2013] EWHC 792 (Admin) that, where gypsy families include children, rights under Article 8 of the European Convention on Human Rights must be interpreted in the light of international law. The Supreme Court's judgment in *ZH (Tanzania) v SSHD* [2011] UKSC 4 establishes that the 'best interests' of children should be a primary consideration, reflecting Article 3(1) of the United Nations Convention on the Rights of the Child.
41. The occupiers of the appeal site would lose their homes if the appeal were to be dismissed. They would also lose their homes at some point if permission is granted on a time-limited basis. That would represent a serious interference in their human rights. While I have taken into consideration the projected supply of sites in the future, I am not satisfied in the short term that there will be sites available and that it is likely that the occupiers would have to resort to a road-side existence with poor consequences, particularly for the children.
42. Given the harm identified, granting a temporary and personal permission is in accordance with the law and pursues legitimate aims of protecting the environment and is proportionate to the situation. I shall therefore allow Appeal A on ground (a) to the extent that I shall grant a temporary and personal planning permission with conditions limiting occupation to the site occupiers and to two years and requiring restoration of the site similar to that of the enforcement notice requirements.
43. The public sector equality duty (PSED) contained in the Equality Act 2010 concerns the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not

share it. Since the site occupiers are Irish Travellers, they have a protected characteristic for the purposes of the PSED.

44. I find that a refusal of permission for the development on a temporary and personal basis, even with the harm it causes to the countryside, would not help foster good relations between the appellant and the settled community. The PSED adds weight to my conclusion that Appeal A should be allowed, but only for a short period because of the harm caused.
45. Given the temporary nature of the permission it would not be reasonable to impose conditions requiring further landscaping, bin stores and drainage, but it would be reasonable and necessary, to protect the character and appearance of the countryside, to limit the number of caravans on this large site and prevent large vehicles being stationed on it.
46. On this basis there is no need to consider the ground (g) appeals.

*Graham Dudley*

**Inspector**

## **APPEARANCES**

### **FOR THE APPELLANT:**

Mrs A T Heine  
Mr & Mrs Maughan  
Mr C Maughan  
Mrs S Faulkenor  
Maria Ray

### **FOR THE LOCAL PLANNING AUTHORITY:**

Marcia Head  
Dr M Bullock  
Mr J McCabe

### **INTERESTED PARTIES:**

Cllr M Ashwell  
Mr P Bain  
Mr P Bund  
Mr & Mrs Smith  
Karen Hobbs  
Justin Tyrell  
Simon Roffey  
Mr J Lee

## **DOCUMENTS**

Document	1	Notification letter
	2	GTAA Updated Report
	3	School letter
	4	Finchampton Surgery letter
	5	Wokingham Traveller Education letter
	6	Plan of Folly Court development
	7	Plan of site
	8	Photograph of site from Folly Court (under construction)
	9	Planning Policy and Supply position
	10	Form reporting breach of planning control with photographs
	11	Photographs along road frontage
	12	Suggested conditions



**WOKINGHAM  
BOROUGH COUNCIL**

## **TOWN AND COUNTRY PLANNING ACTS**

**TOWN AND COUNTRY  
PLANNING (ENGLAND) 1990**

Mr B and CM Maughan  
C/O Heine Planning  
Consultancy  
10 Whitehall Drive  
Hartford  
Northwich  
CW8 1SJ

### **NOTIFICATION OF APPROVAL OF PLANNING PERMISSION**

**Application Number:** 181694  
**Applicant Name:** Mr B and CM Maughan  
**Site Address:** Land off Blagrove Lane, Wokingham, Berkshire,  
RG41 4BA  
**Proposal:** Application for the variation of condition 1 (names of  
residents) and condition 2 (number of pitches) of  
appeal reference 3085493 dated 15/1/18

Wokingham Borough Council in pursuance of its powers under the above Acts and Regulations hereby **grants permission** for the above development to be carried out as stated in the application and the accompanying plans submitted to the Council subject to compliance with the following conditions, the reasons for which are specified hereunder.

#### **Conditions 1 and 2 varied as follows:**

1. The use hereby permitted shall be carried on only by (1) Mr Bobby and Mrs Lettie Maughan and their resident dependants, and (2) Ms Caroline Maughan and her resident dependants and Eileen Casey and (3) Mary and Martin Maughan and their resident dependants and shall be for a limited period being the period of two years from the date of Appeal Decision APP/X0360/C/15/3085493 and 3085495 (dated 15 January 2018). When the premises cease to be occupied by those named above, or at the end of two years, whichever shall first occur, all caravans, buildings, structures, materials and equipment brought onto, or erected on the land, or works undertaken to it in connection with the use shall be removed, and the land restored to its condition before the development took place.

*Reason: In granting this permission the local planning authority has had regard to the special circumstances of the case and the needs of the occupants.*

2. There shall be no more than 3 permanent gypsy and traveller pitches provided. On each of the 3 pitches no more than two caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be

stationed at any time, of which only one caravan on each pitch shall be a static caravan or mobile home.

*Reason: In the interests of the amenities of the area. Relevant policy: Core Strategy Policies CP1, CP3, and CP11 and Managing Development Delivery Local Plan Policy TB21.*

**All other conditions apply to this planning permission viz.**

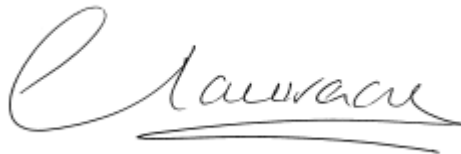
3. No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site and no commercial activities shall take place on the land, including the external storage of materials or burning of waste or any other material.

*Reason: In the interests of the amenities of the area. Relevant policy: Core Strategy Policies CP1, CP3, and CP11 and Managing Development Delivery Local Plan Policy TB21.*

**Informatives**

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the NPPF.

Signed

A handwritten signature in cursive script, appearing to read 'Clare Lawrence', with a horizontal line underneath the name.

Clare Lawrence  
Assistant Director - Place  
Date: 16/11/2018

**PLEASE READ THE NOTES ISSUED WITH THIS DECISION NOTICE BELOW**



## **WOKINGHAM BOROUGH COUNCIL**

### **TOWN AND COUNTRY PLANNING ACTS TOWN AND COUNTRY PLANNING (ENGLAND) 1990**

- **Other statutory legislation:** This decision notice relates to the above stated acts and regulations only and does not constitute approval under any other legislation.
- **The Town & Country Planning (Development Management Procedure) Order:** This decision has been made in accordance with the requirements of the National Planning Policy Framework (NPPF) and in the requirement to work with the applicant in a positive and proactive manner.
- **Officer Report:** An officer report explaining the decision will be available to view online.
- **Purchase notices:** If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that the owner can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council which will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter I of Part VI of the Town and Country Planning Act 1990.
- **Appeals to the Secretary of State:** If your application has been **refused** by the Borough Council or **granted subject to conditions** that you are not happy with, you have the right to appeal to the Planning Inspectorate (under Section 78 of the Town and Country Planning Act 1990). This must be within the timeframes set out below. Please note an extension of time for lodging an appeal is unlikely to be granted except in special circumstances.

**12 weeks from the decision date above** in the case of a refusal of a 'householder' application:  
Being the refusal of an application for planning permission to alter or extend a house, or for works within the curtilage of a house; or,  
Being the refusal to approve details submitted as required by a condition imposed on a permission granted for a householder application

**12 weeks from the decision date above** in the case of a refusal of a 'minor commercial' application:

Being the refusal of an application for development of an existing building or part of a building currently in use for purposes in Use Classes A1, A2, A3, A4 and A5 where the proposal does not include a change of use, a change to the number of units, development that is not wholly at ground floor level and/or does not increase the gross internal area of the building.

**6 months from the decision date above** in the case of all other appeals made under s78(1) or s20 of the above Acts relating to a decision on a planning application or listed building/conservation area consent application.

**6 months from the decision date above** in the case of any appeal made under s78 (2) of the Act in respect of a failure to give a decision within the statutory period.

The Planning Inspectorate is an Executive Agency reporting to the Secretary of State for Communities and Local Government. The Inspectorate has an online appeals service: <https://www.gov.uk/government/organisations/planning-inspectorate> which contains information and guides on the appeal process. Alternatively you can obtain a form from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, 0303 444 5000 or online at <https://acp.planninginspectorate.gov.uk/>. Please note all documents will be published online by the Planning Inspectorate and therefore you should not include personal information you do not wish to be displayed in this way. This includes personal information of third parties.

- **Discharge of Conditions:** This consent may contain conditions that require further approval by submission of an application for approval of details reserved by condition and the appropriate fee. Application forms can be obtained for this purpose by visiting the Planning Portal at: [http://www.planningportal.gov.uk/uploads/appPDF/X0360Form027\\_england\\_en.pdf](http://www.planningportal.gov.uk/uploads/appPDF/X0360Form027_england_en.pdf).
- **Street Naming and Numbering for new dwellings:** If this notice relates to approval of new dwellings, please ensure that you contact the Council at least 16 weeks before the commencement on site to arrange for an address and post code to be allocated. Details can be obtained from [streetnamingandnumbering@wokingham.gov.uk](mailto:streetnamingandnumbering@wokingham.gov.uk). Failure to contact the street naming and numbering department at least 16 weeks before commencement on site will result in the addressing and post code for the development being delayed.
- **Access to privately owned land:** The applicant is reminded that this permission does not give right of entry to land not in the ownership of the applicant. Permission must be sought from any other landowner(s) if access is required.
- **Building Regulations:** Building regulations approval may be required for the proposed development; please see the Council's website regarding this <http://www.wokingham.gov.uk/building-control/>.



- **Fire Regulations:** In accordance with the Berkshire Act 1986, when Building Regulation applications are submitted for building(s) or extensions, the Local Authority will reject the plans unless, after consultation with the fire authority, they are satisfied that the plans show the following:
  - i) That there will be adequate means of access for the fire brigade to the building(s) or the extended building(s); and,
  - ii) That the building(s) or extension(s) will not render inadequate any existing means of access for the fire brigade to a neighbouring building.

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# Agenda Item 53.

Application Number	Expiry Date	Parish	Ward
191573	15 November 2019	Wokingham	Wescott

<b>Applicant</b>	Classicstone Properties
<b>Site Address</b>	9 Easthampstead Road, Wokingham RG40 2EH
<b>Proposal</b>	Full application for the proposed erection of a three storey building consisting of 22 residential units following demolition of existing building
<b>Type</b>	Full
<b>PS Category</b>	1
<b>Officer</b>	Simon Taylor
<b>Reason for determination by committee</b>	Major application (>10 units)

<b>FOR CONSIDERATION BY</b>	Planning Committee on Wednesday 13 November 2019
<b>REPORT PREPARED BY</b>	Assistant Director – Place

<b>SUMMARY</b>
<p>The existing building at 9 Easthampstead Road originally comprised a cinema, before its gradual and partial conversion to comprise offices, retail, gymnasium, studio units and a bingo hall. The building is well setback from the street frontage and given its significant height and striking architectural appearance, it is somewhat foreign in the Easthampstead Road streetscene and the Wokingham Conservation Area.</p> <p>The proposal has been revised since the original submission to address Council concerns. As amended, it involves the complete demolition of the building and construction of a part three/part four storey flat building, comprising 22 units in the form of one x studio, five x 1-bedroom, 14 x 2-bedroom and two x 3-bed in addition to a ground floor car park with access via Denton Road at the rear and a first floor communal landscaped garden.</p> <p>The application has received objections from Wokingham Town Council in seven neighbour submissions. The primary concerns relate to excessive height/built form/density, lack of off street parking, imposition of additional traffic movements and access issues in Denton Road, pedestrian safety, impacts upon neighbour amenity, inadequate internal amenity for future occupiers, lack of sustainability and a lack of affordable housing. It was also listed for the Planning Committee by Cllr Marie Gee for the above reasons in addition to archaeological matters, loss of office floor space, lack of accessibility, lack of trees and inadequate details relating to carbon offsets.</p> <p>The application follows the refusal of a previous application (181723) for a similar scheme for 27 residential units. This application is now recommended for approval, having satisfactorily addressed the previous 13 reasons for refusal either via amendments, conditions or future legal obligations. It represents a sustainable development in a town centre location and attains an appropriate built form and character for the area, there is a non-compliant but acceptable amount of parking for the location and has no unreasonable amenity outcome for neighbouring residents. The recommendation is subject specific conditions, including interior details (Condition 3), landscaping details (Conditions 4 and 5), construction management details (Condition 6), car parking and cycle details (Conditions 8 and 9), materials (Condition 11), archaeological details (Condition 12) and acoustic details (Condition 17).</p>

## PLANNING STATUS

- Major Development Location
- Wokingham District Centre
- Adjacent to Primary Shopping Area
- Archaeological site
- Wokingham Conservation Area
- Adjacent to Grade II listed buildings (3-5 Easthampstead Road and Victoria Arms Public House)
- Site listed by the owner for inclusion in the Local Plan Update
- Green Route (Easthampstead Road)
- Public Right of Way along rear boundary (South Place)
- Thames Basin Heath Special Protection Area (5km zone)
- Potentially contaminated consultation zone
- Wind turbine safeguarding zone
- South East Water consultation zone
- Sand and gravel extraction consultation zone
- Nitrate vulnerable zone
- Flood zone 1
- Non-classified road

## RECOMMENDATION

**That the committee authorise the GRANT OF PLANNING PERMISSION subject to the following:**

**A. Completion of a satisfactory legal agreement(s) to secure the affordable housing contribution, mitigation to offset harm to the Thames Basin Heaths Special Protection Area and, if applicable, the preparation of an Employment Skills Plan; and**

**B. The following conditions and informatives:**

1. Timescale

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

*Reason: In pursuance of s.91 of the Town and Country Planning Act 1990 (as amended by s.51 of the Planning and Compulsory Purchase Act 2004).*

2. Approved details

This decision is in respect of the plans numbered HIP/FLATS/05 Rev E, HIP/FLATS/06 Rev D, HIP/FLATS/07 Rev C, HIP/FLATS/08 Rev C, HIP/FLATS/09 Rev B, HIP/FLATS/10 Rev C, HIP/FLATS/11 Rev C and HIP/FLATS/12 Rev C, dated September 2019 and received by the local planning authority on 23 September 2019 and the plan numbered HIP/FLATS/15 Rev A, dated April 2019 and received 11 June 2019.

The development shall be carried out in accordance with the approved details unless other minor variations are agreed in writing after the date of this permission and before implementation with the Local Planning Authority.

*Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the application form and associated details hereby approved.*

3. Interior details

The demolition of the building, hereby permitted, shall not commence until a detailed record of the existing building in the form of 1:50 survey plans and elevations, black and white photographs of all elevations, and typical interior details has been submitted to and approved in writing by the local planning authority. Where any elements of the existing cinema building are identified, details of the method of removing, restoring and retaining that part of the building within the proposed development shall, in consultation with the local planning authority, form part of revised plans, which are also to be approved in writing by the local planning authority.

*Reason: In order to maintain a record of the features to be altered/demolished which may form part of the historic development of the site.*

*Relevant policy: National Planning Policy Framework Section 16 and Managing Development Delivery Local Plan policy TB24.*

4. Landscaping details

The development hereby permitted shall not commence until a scheme of landscaping, which specifies species, soil depth, cultivation, irrigation, planting sizes, spacing and numbers of trees/shrubs to be planted in the first floor and third floor roof terraces has been submitted to and approved in writing by the local planning authority. It should also include the implementation of a green wall to the north western side (inclusive of the wall and privacy screening above) of the development alongside the first floor communal garden

Planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the occupation of the building(s).

Any trees or plants which, within a period of 5 years from the date of the planting (or within a period of 5 years of the occupation of the buildings in the case of retained trees and shrubs) die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species or otherwise as approved in writing by the local planning authority.

*Reason: To ensure adequate planting in the interests of visual amenity.*

*Relevant policy: Core Strategy policy CP3 and Managing Development Delivery Local Plan policies CC03 and TB21.*

5. Landscaping Management Plan

The development hereby permitted shall not commence until details a landscape management plan (including long term design objectives, management responsibilities, timescales and maintenance schedules for all landscape areas, other than privately owned, domestic gardens) has been submitted to and

approved in writing by the local planning authority. The landscape management plan shall be carried out as approved.

*Reason: In order to ensure that provision is made to allow satisfactory maintenance of the landscaping hereby approved.*

*Relevant policy: Core Strategy policy CP3 and Managing Development Delivery Local Plan policies CC03 and TB21*

#### 6. Demolition and Construction Management Plan

No development, inclusive of demolition, shall commence until a Demolition and Construction Management Plan has been submitted to and approved in writing by the local planning authority. The plan should detail items such as:

- a) The parking of vehicles of site operatives and visitors
- b) Loading and unloading of plant and materials
- c) Construction working times and equipment/material delivery times
- d) Phasing of construction, lorry routing and potential numbers
- e) Storage of plant and materials used in constructing the development
- f) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- g) Protection of the pedestrian route along South Place in its entirety
- h) Wheel washing facilities
- i) A scheme of works, or other steps as may be necessary to minimise the effects of dust and odour from the development
- j) Types of piling rig and earth moving machinery to be utilised
- k) Any temporary lighting
- l) A scheme for recycling/disposing of waste resulting from demolition and construction works
- m) Burning on site policy
- n) The control of noise (including noise from any piling, working hours and from delivery vehicles, as well as times when deliveries are accepted and when materials can be removed from the site)
- o) The control of pests and other vermin (particularly during site clearance)
- p) The control of surface water run-off
- q) Any other measures proposed to mitigate the impact of construction operations

The plan shall be implemented in full and retained until the development has been constructed. Any deviation from this Statement shall be first agreed in writing with the local planning authority.

*Reason: In the interests of highway safety and convenience and neighbour amenities.*

*Relevant policy: Core Strategy policies CP3 and CP6.*

#### 7. Travel Plan

No development shall commence until a revised Travel Plan has been submitted to and approved in writing by the local planning authority. The travel plan shall include a programme of implementation and proposals to promote alternative forms of transport to and from the site, other than by the private car and provide for

periodic review. More specifically, it shall include targets, initial mode share, a programme, future management and reference to MyJourney. The travel plan shall be fully implemented, maintained and reviewed as so-approved.

*Reason: To encourage the use of all travel modes.*

*Relevant policy: NPPF Section 9 and Core Strategy policy CP6.*

8. Car Parking Management Plan (including electric charging details)

No development shall commence until a Car Parking Management Plan, including details for an Electric Vehicle Charging Strategy serving the development, is submitted to and approved in writing by the Local Planning Authority. This strategy should include details relating to on-site infrastructure, installation of charging points and future proofing of the site, details of gate operations, access for deliveries and visitors and ongoing management of the car park, unless otherwise agreed in writing by the Local Planning Authority.

*Reason: To ensure adequate on-site parking provision in the interests of highway and pedestrian safety, convenience and amenity and that secure electric vehicle charging facilities are provided so as to encourage the use of sustainable modes of travel.*

*Relevant policy: NPPF Section 9 (Sustainable Transport) and Core Strategy policies CP1, CP3 and CP6 and Managing Development Delivery Local Plan policy CC07 and Appendix 2 and the Council's Parking Standards Study Report (2011).*

9. Cycle parking details

Prior to the commencement of the development hereby permitted, specific details of the bicycle storage facilities for occupants and visitors shall be submitted to and approved in writing by the local planning authority. It shall include the relocation of the bike racks to the south eastern side of the passenger lift and their relocation to an extended lobby to the north eastern side of the lift. The revised cycle storage and parking shall be implemented in accordance with such details as may be approved before occupation of the development hereby permitted, and shall be permanently retained in the approved form for the parking of bicycles and used for no other purpose.

*Reason: In order to ensure that secure weather-proof bicycle parking facilities are provided so as to encourage the use of sustainable modes of travel.*

*Relevant policy: NPPF Section 9 and Core Strategy policies CP1, CP3 and CP6 and Managing Development Delivery Local Plan policy CC07.*

10. Biodiversity details

No development hereby permitted shall commence until details of biodiversity enhancements, to include bird and bat boxes, tiles or bricks on and around the new buildings and native and wildlife friendly landscaping has been submitted and approved in writing by the council.

*Reason: To incorporate biodiversity in and around developments.*

*Relevant policy: NPPF paragraphs 170 and 174, Core Strategy Policy CP7 and Managing Development Delivery Local Plan Policy TB23.*

11. External details

The development hereby permitted shall not commence until details of the materials to be used in the construction of the external surfaces of the building and all boundary treatments have been submitted to and approved in writing by the local planning authority. Development shall not be carried out other than in accordance with the so-approved details.

*Reason: To ensure that the external appearance of the building is satisfactory.  
Relevant policy: Core Strategy policies CP1 and CP3*

12. Archaeological details

No development shall take place within the application area until the applicant, or their agents or successors in title have secured and implemented a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted by the applicant and approved by the planning authority. The development shall be undertaken in accordance with the agreed programme of work pursuant to this condition.

*Reason: The site lies within an area of archaeological potential due to its location within the medieval town of Wokingham. The condition will ensure the satisfactory mitigation of any impact on buried archaeological remains so as to advance our understanding of their significance in accordance with national and local planning policy.*

*Relevant policy: NPPF paragraph 189 and Managing Development Delivery Local Plan Policy TB25.*

13. Decentralised energy details

The development hereby permitted shall not commence until a scheme for generating 10% of the predicted energy requirement of the development from decentralised renewable and/or low carbon sources (as defined in the glossary of Planning Policy Statement: Planning and Climate Change (December 2007) or any subsequent version) shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the development is first occupied and shall remain operational for the lifetime of the development.

*Reason: To ensure developments contribute to sustainable development.  
Relevant policy: NPPF Section 14, Core Strategy policy CP1, Managing Development Delivery Local Plan policy CC05 and the Sustainable Design and Construction Supplementary Planning Document.*

14. Employment Skills Plan/Contribution

No development shall take place on the application site until either:-

- a) An Employment Skills Plan is submitted to and approved in writing by the local planning authority; or



- b) An agreement is completed pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) and all other enabling powers securing a planning obligation by the owner/s of the application site to pay to the Council as local planning authority the Employment Skills Plan Contribution of £3,750 index linked

provided that If option a) above is chosen, the approved Employment Skills Plan shall be fully implemented prior to the first occupation of any dwelling on the application site: and If option b) above is chosen, the no dwelling shall be occupied on the application before the Employment Skills Plan Contribution of £3,750 index linked is paid in full to the Council as local planning authority.

*Reason: To provide opportunities for training, apprenticeship or other vocational initiatives to develop local employability skills.*

*Relevant policy: Managing Development Delivery Local Plan Policy TB12.*

15. Drainage details

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 local planning authority. The details shall include:

- a) Why other methods of the SuDS hierarchy cannot be implemented
- b) Confirmation of system capacity from utilities suppliers and connection is acceptable
- c) 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 Greenfield rates, or better
- d) Surface water drainage system that will reduce surface water flow rates offsite by 40% of existing brownfield site
- e) A drainage strategy plan indicating the location and sizing of SuDS features, with the base of any SuDS features located at least 1m above the seasonal high water table level
- f) Details demonstrating how any SuDS for this development would be managed throughout the lifespan of the development and who will be responsible for maintenance

*Reason: To prevent increased flood risk from surface water run-off.*

*Relevant policy: NPPF Section 14, Core Strategy policy CP1 and Managing Development Delivery Local Plan policies CC09 and CC10.*

16. Piling method statement

No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water.

Any piling must be undertaken in accordance with the terms of the approved piling method statement.

*Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact/cause failure of local underground sewerage utility infrastructure.*

17. Acoustic details

No development shall take place until full details of the noise mitigation measures for the site have been submitted to and approved in writing by the local planning authority. The details shall include:

- a) The findings of a noise survey (undertaken in accordance with BS 4142 or such other standard acceptable to the Local Planning Authority) to determine noise levels in the vicinity of the proposed development
- b) Written details and calculations showing the likely impact of noise from the development, including separation between units (in particular to Units 1 and 2)
- c) A scheme of works or such other steps as may be necessary to minimize the effects of noise from the development

All works forming part of the scheme shall be completed before any of the dwellings is first occupied.

*Reason: To protect the amenities of residents/occupiers of the development.  
Relevant policy: Core Strategy Policies CP1 and CP3.*

18. Project Community Liaison Group

The development hereby permitted shall not commence until a scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall specify the provisions and details to be made to establish a Project Community Liaison Group for the duration of the construction works. The scheme shall include details of dates of meetings and a name and telephone number for residents to contact should any issues arise during the construction period. The scheme shall be implemented as approved.

*Reason: In order to minimise disturbance to neighbours during construction works.  
Relevant policy: Core Strategy policies CP1 and CP3 and Managing Development Delivery Local Plan policy CC06.*

19. Contamination details

If contamination is found at any time during site clearance, groundwork and construction, the discovery shall be reported as soon as possible to the local planning authority. A full contamination risk assessment shall be carried out and if found to be necessary, a 'remediation method statement' shall be submitted to the local planning authority for written approval. Should no evidence of contamination be found during the development a statement to that effect shall be submitted to the local planning authority

Works shall be carried out in accordance with the approved 'remediation method statement' and a final validation report shall be submitted to the local planning authority before the site (or relevant phase of the development site) is occupied

*Reason: To protect future occupiers and users of the site from the harmful effects of contamination.*

*Relevant policies: National Planning Policy Framework paragraphs 170 and 178.*

20. Construction working hours

No work relating to the development hereby approved, including works of demolition or preparation prior to building operations, shall take place other than between the hours of 8am and 6pm Monday to Friday and 8am to 1pm Saturdays and at no time on Sundays or Bank or National Holidays.

*Reason: In the interests of the amenities of neighbouring occupiers.*

*Relevant policy: Core Strategy policies CP1 and CP3 and Managing Development Delivery Local Plan policy CC06.*

21. Delivery hours

No deliveries of equipment and materials or the removal of rubble or the like relating to the development, including demolition and construction, hereby approved shall not be accepted other than between the hours of 9:30am and 2pm Monday to Friday and 8am to 1pm Saturdays and at no time on Sundays or Bank or National Holidays.

*Reason: In the interests of the amenities of neighbouring occupiers and to minimise potential disturbance with existing traffic movements, including peak hour and school drop off and pick up movements.*

*Relevant policy: Core Strategy policies CP1 and CP3 and Managing Development Delivery Local Plan policy CC06.*

22. Demolition of buildings

No construction shall take place on the site until the existing structure shown to be demolished on the approved plan has been so demolished and all materials permanently removed from the site.

*Reason: In the interests of the amenity of the area.*

*Relevant policy: Core Strategy policies CP1 and CP3 and Managing Development Delivery Local Plan policy TB21.*

23. Bin storage and collection

No dwelling hereby permitted shall be occupied until the residential bin storage area has been provided in accordance with the approved plans. The storage area shall be permanently so-retained and used for no purpose other than the temporary storage of refuse and recyclable materials.

*Reason: In the interests of visual and neighbouring amenities and functional development.*

*Relevant policy: Core Strategy CP3 and Managing Development Delivery Local Plan policy CC04.*

24. Parking and turning space

No dwelling hereby permitted shall be occupied until the vehicle parking and turning space, including the visitor/delivery parking and five vehicle charging points, has been provided in accordance with the approved plans. The vehicle parking and turning space shall be retained and maintained in accordance with the approved details. The parking spaces, inclusive of the three accessible parking spaces, shall remain for the lifetime of the development and the turning space shall not be used for any other purpose other than vehicle turning.

*Reason: To provide adequate off-street vehicle parking and turning space and to allow vehicles to enter and leave the site in a forward gear in the interests of road safety and convenience and providing a functional, accessible and safe development.*

*Relevant policy: Core Strategy policies CP3 and CP6 and Managing Development Delivery Local Plan policy CC07.*

25. Highway Works

No dwelling hereby permitted shall be occupied until the access and the footway on Denton Road and the closure of vehicle accesses and the reinstatement of pavement and kerbs on Easthampstead Road have been constructed in accordance with details to be submitted to and approved on writing by LPA.

*Reason: In the interests of highway safety and convenience.*

*Relevant policy: Core Strategy policies CP3 and CP6.*

26. Communal open space screening

Subject to requirements in Condition 4, the privacy screening shown on the approved drawings on the western side of the first floor communal open space shall be so-fitted and permanently so-retained to a height of 1.7m. The privacy screening shown on the approved drawings on all four elevations of the third floor shall be so-fitted and permanently so-retained to a height of 1.5m.

*Reason: To safeguard the residential amenities of neighbouring properties.*

*Relevant policy: Core Strategy policy CP3.*

27. Obscure glazing

The bedroom bay window to Unit 7 and the Juliette balcony balustrade to Unit 6 to the rear first floor elevation of the development hereby permitted shall be fitted with obscured glass in accordance with the approved plans and shall be permanently so-retained.

*Reason: To safeguard the residential amenities of neighbouring properties.*

*Relevant policy: Core Strategy policy CP3.*

## 28. Gates

No gates or barriers shall be erected unless set back a distance of at least 6.0m from the highway boundary and so as to open away from the highway

*Reason: To ensure that vehicles do not obstruct the highway whilst waiting for gates or barriers to be opened or closed, in the interests of road safety.*

*Relevant policy: Core Strategy policies CP3 and CP6.*

### **Informatives**

#### 1. Section 106 agreement

This permission should be read in conjunction with the legal agreement and/or Unilateral Undertaking under section 106 of the Town and Country Planning Act dated # December 2019, relating to obligations for the delivery of on-site affordable housing and mitigation for the Thames Basin Heaths SPA, in relate to this development.

#### 2. Pre commencement conditions

The applicant is reminded that this approval is granted subject to conditions which must be complied with prior to the development starting on site. Commencement of the development without complying with the pre-commencement requirements may be outside the terms of this permission and liable to enforcement action. The information required should be formally submitted to the Council for consideration with the relevant fee. Once the details have been approved in writing the development should be carried out only in accordance with those details. If this is not clear please contact the case officer to discuss.

#### 3. Demolition notice

The applicant is reminded that a Demolition Notice may be required to be served on the Council in accordance with current Building Regulations and it is recommended that the Building Control Section be contacted for further advice.

#### 4. Disposal of surface water

Thames Water advise that if the developer follows the sequential approach to the disposal of surface water, no objection is raised. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Refer to <https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>

#### 5. Groundwater Risk Management Permit

A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Thames Water would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the

public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing [wwqriskmanagement@thameswater.co.uk](mailto:wwqriskmanagement@thameswater.co.uk).

6. Changes to approved plans

The applicant is reminded that should there be any change from the approved drawings during the build of the development this may require a fresh planning application if the changes differ materially from the approved details. Non-material changes may be formalised by way of an application under s.96A Town and Country Planning Act 1990.

7. Protected species

This permission does not convey or imply any approval or consent required under the Wildlife and Countryside Act 1981 for protected species. The applicant is advised to contact Natural England with regard to any protected species that may be found on the site.

Should any bats or evidence of bats be found prior to or during the development, all works must stop immediately and an ecological consultant or the Council's ecologist contacted for further advice before works can proceed. All contractors working on site should be made aware of the advice and provided with the contact details of a relevant ecological consultant.

8. Community infrastructure levy

The development hereby permitted is liable to pay the Community Infrastructure Levy. The Liability Notice issued by Wokingham Borough Council will state the current chargeable amount. A revised Liability Notice will be issued if this amount changes. Anyone can formally assume liability to pay, but if no one does so then liability will rest with the landowner. There are certain legal requirements that must be complied with. For instance, whoever will pay the levy must submit an Assumption of Liability form and a Commencement Notice to Wokingham Borough Council prior to commencement of development. For more information see - <http://www.wokingham.gov.uk/planning/developers/cil/cil-processes/>.

9. Travel Plan

The requisite Travel plan would need to comply with the latest national and local guidance:

- 1) NPPF Section 9 (Sustainable Transport)
- 2) The Essential Guide to Travel Planning (DfT, March 2008)
- 3) Delivering Travel Plans Through the Planning Process (DfT, April 2009)
- 4) A Guide on Travel Plans for Developers (DfT)
- 5) Making Residential Travel Plans Work (DfT, June 2007) All accessible at:  
<http://www.dft.gov.uk/pgr/sustainable/travelplans/>  
<https://www.gov.uk/government/policies/improving-local-transport>

Also:

WBC Transport Plan 3 and Active Travel Plan 2011 – 2026

WBC Workplace Travel Plan Guidance and Residential Travel Plan Guidance

Documents, covering workplace travel plans and residential travel plans provide local guidance and are available on the Borough's website.

10. Discussion

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. This planning application has been the subject of positive and proactive discussions with the applicant in terms of amended plans being submitted by the applicant to overcome various concerns.

The decision to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the NPPF is considered to be a positive outcome of these discussions.

<b>PLANNING HISTORY</b>		
<b>App No.</b>	<b>Description</b>	<b>Decision/Date</b>
B/A/7/1969	Illuminated vertical sign	Refused 5 June 1968
B/R/28/1968	Approved	Approved 25 April 1968
09625	New cinema (outline)	Approved 14 December 1978
12415/12416	New cinema	Approved 14 February 1980
14740	Directional and advertising signage	Approved 15 January 1981
14892	Projection room to flat	Approved 12 February 1981
16320	CoU of store to video hire and preview	One year temporary approval from 24 September 1981
16821	Pool room, office accommodation, flats and boundary wall	Approved 14 January 1982
18015	Office accommodation	Approved 26 August 1982
19996	CoU from pool room to amusement arcade	Refused 25 August 1983
20729/20730	Display windows to the north east	Approved 5 January 1984
23509	Internal alterations to create office accommodation and additional cinema	Refused 12 August 1985
24668	Internal alterations to create office accommodation, additional cinema and leisure facilities	Approved 6 February 1986
36587	Four windows to first floor	Approved 19 October 1990
37268	CoU of projection room to taxi control office	Refused 5 June 1991
37534	CoU of cinema to seven offices	Refused 3 July 1991
37535	CoU of cinema to seven bedsits	Approved 3 July 1991
BRA 9997	CoU of cinema to health fitness club	Refused 2 April 1991
38914	CoU of cinema to 13 offices	Approved 16 December 1992
39124	Non-illuminated signage (retrospective)	Refused 23 April 1992
39672	Non-illuminated fascia sign	Refused 30 July 1992
41341	Illuminated Ritz Bingo sign and non-illuminated conference sign	Refused 21 January 1994
43564	Illuminated sign	Refused 6 February 1995

F/1996/63547	CoU of offices to pizza takeaway with single storey front extension and revised forecourt	Approved 26 June 1996
F/1997/65049	External works and covered walkway	Approved 14 April 1997
A/1997/65193	Illuminated fascia sign	Refused 18 April 1997
A/1998/68668	Internally illuminated fascia sign	Approved 10 February 1999
F/1999/70694	CoU of video store to pizza take away	Approved 4 January 2000
A/2000/2129	Internally illuminated box sign	Approved 7 November 2000
F/2000/2130	Ventilation and ductwork	
F/2002/7396	Proposed change of use of part of first floor to 7 bedsit rooms	Approved 18 August 2000
F/2005/4423	CoU of vacant pizza shop to Chinese medicine clinic (Class D1).	Approved 8 June 2005
F/2005/6148	Internally illuminated sign	Approved 17 January 2006
F/2005/6314	CoU of part of first floor from Class B1a offices to Class D2 fitness and weight loss centre	Approved 22 December 2005
A/2010/0948	Internally illuminated fascia sign, externally illuminated projecting sign and window display poster	Approved 21 June 2010
181723	Residential flat building comprising 27 units with ground floor car park	Refused 14 September 2019
181724	Conservation Area Consent for residential flat building comprising 27 units with ground floor car park	Refused 20 September 2019

<b>SUMMARY INFORMATION</b>	
Site Area	1,280m <sup>2</sup>
Original land use(s)	Cinema
Existing land use(s)	Offices, retail, gymnasium, bedsits and a bingo hall
Proposed land use(s)	Residential (22 units – one x studio, five x 1-bedroom, 14 x 2-bedroom and two x 3-bed)
Proposed density	171 dwellings/hectare
Number of affordable units	30% (combination of on site and commuted sum)
Existing parking spaces	6 spaces (retail use)
Proposed parking spaces	23 spaces (and 3 motorcycle spaces)

<b>CONSULTATION RESPONSES</b>	
WBC Conservation	As initially proposed, the application posed an unreasonable impact upon the character of the conservation area and the setting of the nearby listed buildings. However, the revised plans are such that no further objection is raised. Condition 3 requires further information relating to the interior of the building prior to demolition to ensure that any original cinema features are retained.
WBC Highways	No objection, including with respect to the amount of on-site car parking but only when subject to Conditions 6 (Demolition and Construction Management Plan), 7 (Travel Plan), 8 (Car Parking Management Plan), 9 (cycle storage details) and 23-24 (provision of parking and access)



WBC Trees and Landscaping	No objection, subject to a Landscape Plan and Management Plan as pre commencement Conditions 4 and 5.
WBC Ecology	No objection, subject to biodiversity enhancement details as a pre commencement Condition 10.
WBC Cleaner and Greener	No objection.
WBC Environmental Health	No objection, subject to Condition 6 requiring a Construction and Demolition Management Plan and Condition 16 requiring acoustic details.
WBC Drainage	Objections are raised on the basis of the level of drainage information, However, it is felt that this can form pre commencement Condition 15 requiring full details of the drainage system.
WBC Flood Risk	There is no flood risk and no objections raised.
WBC Affordable Housing	No objection, subject to the provision of affordable housing via legal agreement. See Informative 1.
WBC Employment Skills	No objection, subject to the provision of an Employment Skills Plan in Condition 14.
WBC Right of Ways	No objection, subject to protection of the adjacent right of way as part of the Construction Management Plan in Condition 6.
WBC Growth and Delivery	No in-principle objection in relation to the loss of office floor space.
Thames Water	No objection, subject to details of a piling method statement, measures for minimising groundwater discharges into the sewer and a Groundwater Risk Management Permit. See Condition 16.
Berkshire Archaeology	No objection, subject to archaeological details by Condition 12.

<b>REPRESENTATIONS</b>	
Wokingham Town Council	<p>Objections are raised on the following grounds:</p> <ul style="list-style-type: none"> <li>• Four storey building is not in keeping with the area</li> </ul> <p><u>Officer comment:</u> The height and form of the building is satisfactory, as noted in 'Character of the Area' and 'Heritage'.</p> <ul style="list-style-type: none"> <li>• Alternative energy sources (solar panels, grey water reuse) should be provided</li> </ul> <p><u>Officer comment:</u> The proposal accords with the relevant policies in the Development Plan and will be subject to building regulations and Condition 13, which requires 10% of energy requirements to be from decentralised renewable and/or low carbon sources. Beyond this, the Council is not in a position to impose anything further.</p>
Ward Member	<p>Councillor Maria Gee requested that the application be listed for Planning Committee for the following reasons/based on the following issues:</p> <ul style="list-style-type: none"> <li>• No works until archaeological actions are undertaken</li> </ul> <p><u>Officer comment:</u> Refer to Condition 12 and comments in 'Archaeology'.</p>

- Bulk and scale out of character with the area

Officer comment: The height and form of the building is satisfactory, as noted in 'Character of the Area' and 'Heritage'.

- Inadequate lighting for top floor units
- Loss of light

Officer comment: The proposal will retain an adequate level of light for the proposed units, as detailed in 'Housing Amenity' (para 86-87).

- Loss of office floor space leading to increased traffic
- Increased traffic

Officer comment: The proposal is viewed as having an acceptable traffic impact, particularly given its town centre location. Refer to 'Highway Access and Parking Provision'.

- Lack of clarify about visitor parking

Officer comment: The MDD Local Plan specifies a minimum of nine unallocated and/or visitor car spaces. Instead, as detailed in 'Highway Access and Parking Provision' (para 113-119), one visitor/delivery space has been provided and whilst there is a departure of eight spaces, this is acceptable.

- Lack of clarity about accessible units

Officer comment: The proposal includes provision for three accessible units, with parking. This is detailed in 'Housing Accessibility'.

- Lack of amenity space for children

Officer comment: The amount of communal amenity space is satisfactory and generally typical of residential flat buildings within a town centre location. Refer to 'Housing Amenity' (para 88-92) for further comments.

- Lack of affordable housing (has not been addressed)

Officer comment: 30% affordable housing is to be provided, in the form of on-site provision and commuted sum to account for the part thereof. Refer to 'Affordable Housing' and Informative 1 (legal agreement).

- Design and Access Statement is unclear
- Heritage report is inadequate

Officer comment: The supporting documentation is adequate for the purposes of this assessment.

- Should meet the aims of being carbon natural
- Planting of trees should occur to offset impacts

	<ul style="list-style-type: none"> <li>• An assessment of offsets from materials, heating, insulation and ventilation is required</li> <li>• An assessment of the impact upon carbon output from traffic needs to be assessed</li> </ul> <p><u>Officer comment:</u> The proposal is acceptable on sustainability grounds and the current policies in the NPPF and Development Plan do not allow the Council to impose more stringent requirements in relation to carbon offsets.</p>
Neighbours	<p>The application was consulted to neighbours from 4-25 July 2019. Submissions were received from the following properties:</p> <ol style="list-style-type: none"> <li>1) 3 Denton Road, Wokingham RG40 2DX (x3)</li> <li>2) 12 Denton Road, Wokingham RG40 2DX (x3)</li> <li>3) 17 Denton Road, Wokingham RG40 2DX</li> <li>4) 21 Denton Road, Wokingham RG40 2DX</li> <li>5) Penylan, 4C Crescent Road, Wokingham RG40 2DB</li> <li>6) 17 Wescott Road, Wokingham RG40 2ER</li> <li>7) 23 Sturges Road, Wokingham RG40 2HG</li> </ol> <p>The submissions raised the following issues:</p> <p><b>Character</b></p> <ul style="list-style-type: none"> <li>• Inappropriate residential development within the area</li> <li>• Design is out of character</li> <li>• Excessive height</li> <li>• Excessive density/number of units</li> <li>• Should not be built to the same height as the existing building</li> </ul> <p><u>Officer comment:</u> The height, built form and character of the dwelling is acceptable for Easthampstead Road and Denton Road, as noted in 'Character of the Area' and 'Heritage'.</p> <p><b>Traffic and access</b></p> <ul style="list-style-type: none"> <li>• Lack of parking imposing on street parking</li> <li>• Parking access is on dangerous bend</li> <li>• Increased traffic congestion and safety issues</li> <li>• Have the traffic numbers been measured?</li> <li>• Denton Road is narrow and difficult to navigate</li> <li>• Pavement is narrowed</li> <li>• Air pollution from idling cars at the carpark entrance</li> <li>• Increased pollution from traffic at intersection</li> </ul> <p><u>Officer comment:</u> Access via Denton Road is satisfactory and the likely traffic generation from 22 residential units is acceptable. There is a departure with the parking standards of eight spaces but this is acceptable on account of its town centre location. In the opinion of the Council's Highways Officer, no objection is raised.</p>

Existing traffic movements are detailed in a Transport Statement dated August 2018 and these have been reviewed by the Council's Highways Officer where no objection is raised. Pedestrian access remains unimpeded and acceptable via pavements to the front and rear. The amount of air pollution emanating from vehicle movements does not form a valid reason for refusal on its own and the amenity of future residents is acceptable, as noted in 'Housing Amenity (para 96).

Further comments are detailed in 'Highway Access and Parking Provision'.

### **Neighbour amenity**

- Overlooking
- Loss of acoustic privacy from traffic, resident movements, waste collection and maintenance visits

Officer comment: There are no concerns on the grounds of neighbour amenity, as noted in 'Residential Amenities'.

- Construction noise, dust, traffic and impediment to pedestrians

Officer comment: A degree of amenity impact from construction activities is inevitable and unavoidable. Condition 6 requires provision of a Demolition and Construction Management Plan, which will aim to minimise this impact.

### **Internal amenity**

- Lack of internal floorspace
- Lack of light to units
- Lack of storage
- Lack of amenity space and playground equipment

Officer comment: No objection is raised on the grounds of internal amenity, as noted in 'Housing Amenity' (par 78-90).

- Restaurant odours will affect units

Officer comment: The subject site is immediately to the south of a Chinese take away and pub but given the setback off the northern boundary, no concerns are raised on odour grounds.

### **Sustainability**

- Does not address a climate emergency and the sustainability measures are inadequate

Officer comment: There are no currently no specific provisions in the Development Plan in relation to a declared climate emergency. Refer instead to 'Building Sustainability'.

	<ul style="list-style-type: none"> <li>• Lack of tree planting</li> </ul> <p><u>Officer comment:</u> The site is devoid of any existing landscaping and the proposal will result in a net improvement in landscaping. Condition 4 requires further landscaping details for the communal open space area.</p> <p><b>Other</b></p> <ul style="list-style-type: none"> <li>• There is an over capacity of dwellings</li> </ul> <p><u>Officer comment:</u> The proposal is supportive of the ongoing need for meeting the Council's five year housing supply and is located in a highly accessible location and on this basis, no objection is raised. Refer to Principle of Development (para 26).</p> <ul style="list-style-type: none"> <li>• Should be used for Council operated community use</li> </ul> <p><u>Officer comment:</u> The site is privately owned.</p> <ul style="list-style-type: none"> <li>• Lack of cycling and pedestrian infrastructure</li> </ul> <p><u>Officer comment:</u> The application is subject to the payment of the Community Infrastructure Levy, which may be used for cycling and pedestrian infrastructure. The development itself includes cycle parking in accordance with policy requirements.</p> <ul style="list-style-type: none"> <li>• Lack of social housing</li> </ul> <p><u>Officer comment:</u> Complaint affordable housing requirements are outlined in 'Affordable Housing' and secured by legal agreement (Informative 1).</p> <ul style="list-style-type: none"> <li>• Profit over neighbour amenity</li> <li>• Children should not be walking on Peach Street</li> </ul> <p><u>Officer comment:</u> This is not a relevant planning consideration.</p>
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<b>APPLICANTS POINTS</b>	
	<ul style="list-style-type: none"> <li>• The main demand in this location is currently for a mixture of apartments, which are well suited to central locations close to shops and transport links</li> <li>• The design character has been informed by the Borough Design Guide, the NPPF and other local building patterns regarding concept, scale and materials, both old and new, with colour used to distinguish between individual apartments</li> <li>• There are various controlled pedestrian access points around the perimeter</li> <li>• Although there are four levels to the development, from either street the appearance would be of two to three levels</li> <li>• The bedroom windows have also been angled to help reduce overlooking</li> <li>• The flats could be for younger or older people</li> <li>• The landscaped deck and its colourful and glazed surroundings are intended to create a pleasant versatile communal external amenity space</li> <li>• The site contains no heritage assets</li> <li>• Any remains can be investigated prior to rebuilding</li> </ul>

- The whole development would be detailed to comply with the Building Regulations
- Most of the flats and circulation routes will be screened from street noise and face the landscaped deck
- The existing development is currently losing about £60,000 a year, which is obviously not sustainable

<b>PLANNING POLICY</b>		
National Policy	NPPF	National Planning Policy Framework
	NPPG	National Planning Policy Guidance
Core Strategy 2010	CP1	Sustainable Development
	CP2	Inclusive Communities
	CP3	General Principles for Development
	CP5	Housing Mix, Density and Affordability
	CP6	Managing Travel Demand
	CP7	Biodiversity
	CP8	Thames Basin Heaths Special Protection Area
	CP9	Scale and Location of Development Proposals
	CP13	Town Centres and Shopping
	CP14	Growth and Renaissance of Wokingham Town Centre
	CP15	Employment Development
	CP17	Housing Delivery
Managing Development Delivery Local Plan 2014	CC01	Presumption in Favour of Sustainable Development
	CC03	Green Infrastructure, Trees and Landscaping
	CC04	Sustainable Design and Construction
	CC05	Renewable Energy and Decentralised Energy Networks
	CC06	Noise
	CC07	Parking
	CC09	Development and Flood Risk
	CC10	Sustainable Drainage
	TB05	Housing Mix
	TB07	Internal Space Standards
	TB12	Employment Skills Plan
	TB15	Major Town, and Small Town/District Centre Development
	TB16	Development for Town Centre Uses
	TB21	Landscape Character
	TB23	Biodiversity and Development
TB24	Designated Heritage Assets	
TB25	Archaeology	
Other	BDG	Borough Design Guide Supplementary Planning Document
	WSPD	Wokingham Town Centre Masterplan SPD
	DCLG	National Internal Space Standards
	AH SPD	Affordable Housing Supplementary Planning Document
	SDS SPD	Sustainable Design and Construction Supplementary Planning Document

## **PLANNING ISSUES**

### **Description of Development**

1. The proposal, as amended, involves the following works:

- Demolition of the existing 3-4 storey cinema building
- Construction of a part three/part four storey residential flat building comprising 22 residential units (one x studio, five x 1-bedroom, 14 x 2-bedroom and two x 3-bed) consisting of the following:
  - Two x 2-bedroom units fronting Easthampstead Road and one x 3-bedroom unit and studio fronting Denton Road at the rear with access from Denton Road at the rear leading into a 23 space carpark with bike and bin storage
  - One x 1-bedroom unit and eight x 2-bedroom units at first floor level, centred around an elevated landscaped deck serving as a communal garden
  - Three x 1-bedroom unit and five x 2-bedroom units on the second floor
  - One x 3-bedroom unit on the third floor, with private roof terrace and separate communal roof terrace
  - Provision of pedestrian entrances from Easthampstead Road and in the south western corner adjacent to South Place and a centrally located glazed lift serving each floor with external communal walkways serving each unit
  - Reinstatement of kerb to Easthampstead Road

2. The application follows the refusal of 181723, which involved the erection of 27 residential units. It was refused for the following reasons:

1) *Impact upon the character of the area, conservation area and nearby listed buildings*

*By virtue of its excessive height, bulk, volume, density and front, side and rear setbacks, the proposed development represents excessive bulk and would result in harmful impacts upon the historic and established character of the immediate areas of Easthampstead Road and Denton Road, the Wokingham Town Centre and the setting of the Wokingham Conservation Area and the Grade II listed buildings to the west. Furthermore, the proposal fails to adequately integrate between the town centre and the adjoining residential properties and the choice of materials and colours within the front and rear facades is unacceptable.*

*It is contrary to Paragraphs 193-196 of the National Planning Policy Framework 2018, Policies CP1, CP3(a), (c) and (f), CP5 and CP14 of the Core Strategy 2010, Policy TB24 of the Managing Development Delivery Local Plan 2014, Policies R1, R7, R9, R10, R11 and NR1 of the Borough Design Guide Supplementary Planning Document 2012 and Sections 9.2, 9.4 and 9.6 of the Wokingham Town Centre Masterplan SPD.*

2) *Substandard internal amenity*

*The internal amenity afforded to the majority of the units is substandard. More particularly, 85% of units fail to achieve the minimum floor area standard, 85% have no storage provision, 26% have a main bedroom that is inadequately sized, 100% of units have cramped living areas and many have rooms with high noise sources adjacent to bedrooms within adjoining units. Furthermore, all of the third floor units (Units 24-29) rely on velux rooflights for windows, which compromises the usability and attractiveness of these*

*units, Units 1-3 at the rear of the ground floor are built to the rear boundary and the front doors and living room/bedroom windows open right onto the footpath and the first floor units open directly onto the communal amenity space, which comprises privacy levels.*

*This is contrary to the Technical Housing Standards, Policies CP1 and CP3 of the Core Strategy 2010 (a) and (d), Policy TB07 of the Managing Development Delivery Local Plan 2014 and R17 of the Borough Design Guide Supplementary Planning Document 2012.*

3) *Lack of usable amenity space*

*The lack of any private amenity space for the units and the reliance upon communal open space is unacceptable as the area is likely to be underutilised because the lack of solar access. There is also likely to be an undue loss of visual and acoustic privacy between the communal space and the first floor units. This is contrary to Policies CP1 and CP3 (a), (b), (d) and (f) of the Core Strategy 2010 and R16 of the Borough Design Guide Supplementary Planning Document 2012.*

4) *Impact upon neighbour amenity*

*The height, bulk, scale and roof form of the development and the siting of windows imposes an unreasonable degree of dominance, loss of sunlight and/or daylight and overlooking towards 12 and 15A Denton Road and 18-24 Easthampstead Road. Furthermore, there is an unreasonable level of mutual overlooking between the communal open space and the office building to the west.*

*The harm to residential amenity is indicative of inappropriate overdevelopment of the site and is contrary to the National Planning Policy Framework 2018, Policy CP3 of the Core Strategy and R15, R16 and R18 of the Borough Design Guide Supplementary Planning Document 2012.*

5) *Inadequate off street parking*

*As the parking spaces are to be allocated to specific units, the proposal does not make sufficient provision for on-site residential parking, including for visitor parking and deliveries. It would result in unacceptable on-street parking on surrounding roads and is contrary to Policies CP1 and CP6 of the Core Strategy 2010 and Policy CC07 of the Managing Development Delivery Local Plan 2014.*

6) *Potential loss of heritage significance*

*There is a lack of information in the Planning Statement to allow the local planning authority to be satisfied that there are no internal features within the cinema building that are worthy of retention. As such, the demolition of the existing building cannot be supported as it is potentially contrary to paragraph 197 of the National Planning Policy Framework.*

7) *Loss of office accommodation*



*The proposal represents a loss of available office/commercial employment space and no marketing or viability evidence has been provided in support of the application. This is contrary to Policy CP13, CP14 and CP15 of the Core Strategy 2010.*

8) *Inappropriate unit mix*

*By providing one and two bedroom units, the proposal fails to meet the needs of the community as it does not provide a sufficient housing mix. As such it is contrary to Policy CP5 of the Core Strategy 2010 and Policy TB05 of the Managing Development Delivery Local Plan 2014.*

9) *Lack of accessible units*

*There is no provision for accessible units and only two disabled parking spaces, which does not accord with the intent of Policies CP2 and CP5 of the Core Strategy 2010 and Policy TB05 of the Managing Development Delivery Local Plan 2014.*

10) *Residential access*

*The four residential access to the building are inconspicuously located and lack residential activation or an impression of arrival within the street. Pedestrian access is then via the ground floor carpark, which is not inviting for residents and visitors. This is contrary to Policy CP3(a) and (f) of the Core Strategy 2010, R13, NR3 and NR4 of the Borough Design Guide Supplementary Planning Document 2014 and the Wokingham Town Centre Masterplan Supplementary Planning Document.*

11) *Lack of affordable housing*

*The proposal does not make provision for any affordable housing, contrary to Paragraph 64 of the National Planning Policy Framework 2018, Policy CP1 and CP5 of the Core Strategy 2010, Policy TB05 of the Managing Development Delivery Local Plan 2014 and the Affordable Housing Supplementary Planning Document.*

12) *Impact upon the Thames Basin Heaths Special Protection Area*

*The application fails to provide SPA avoidance measures for the adverse effect on the integrity of the Thames Basin Heaths Special Protection Area. Accordingly, since the Planning Authority is not satisfied that regulation 61(5) of The Conservation of Habitats and Species Regulations 2010 (as amended) applies in this case, it must refuse permission in accordance with regulation 49 of the 2010 Regulations and Article 6(3) of Directive 92/43/EEC. As such, the proposal conflicts with Policy CP8 of the Core Strategy and NRM6 of the South East Plan Adopted (May 2009).*

13) *Lack of archaeological mitigation*

*An Archaeological Desk-Based assessment is required to allow proper assessment of the known historical and archaeological information for the site and its surroundings within the market town of Wokingham. It will also allow assessment of previous and proposed impacts and to ensure any appropriate mitigation. In its absence, there is potential for the irreversible loss of archaeological artefacts and this is contrary to Paragraph 189 of the National Planning Policy Framework 2018 and Policy TB25 of the Managing Development Delivery Local Plan 2014.*

### **Site Description**

3. The site is located on the southern side of Easthampstead Road, 50m south east of the intersection with Peach Street. It also has rear lane access via Denton Road. It measures approximately 1280m<sup>2</sup> in area with a depth of 56m and width of 19m. On the site is a three to four storey building originally constructed as a cinema but since converted to a mix of uses, including retail, a gymnasium, offices and a hall originally occupied by Ritz Bingo.
4. The building is located at the south eastern end of the Wokingham Town Centre and Wokingham Conservation Area. Surrounding development consists of retail to the north and west and residential dwellings, in the form of detached and semi-detached buildings, to the south and east although Wokingham Fire Station and a Council car park adjoin to the south east.

### **Principle of Development**

5. The National Planning Policy Framework has an underlying presumption in favour of sustainable development which is carried through to the local Development Plan. The Managing Development Delivery Local Plan (MDD) Policy CC01 states that planning applications that accord with the policies in the Development Plan for Wokingham Borough will be approved without delay, unless material considerations indicate otherwise.

### **Sustainability**

6. Policies CP1 and CP6 of the Core Strategy require that development be sustainable with a reduction in the need for travel and the promotion of sustainable transport and Policy CP9 states that the scale of development must reflect the existing or proposed levels of facilities, services and accessibility at or in the location.
7. The site is within Wokingham Town Centre and is in immediate proximity of a variety of retail and leisure facilities and services. It is also served by several bus services and it is within walking distance of Wokingham Railway Station. It is acceptable in terms of being sustainably located and in accordance with the principles in the Core Strategy.

### **Change in use classes**

8. Policy CP13 of the Core Strategy requires the protection of retail centres, with paragraph 4.67 aiming to maintain the range of activities so that they are at the heart of sustainable communities. Proposals leading to the loss of town centre

uses will not be allowed unless it is substantiated that there is no deficiency in the catchment. Paragraph 4.62 identifies town centre uses as 'retailing, entertainment, arts and culture, indoor recreation, leisure, health, community and office uses. This includes many of the uses in the existing building.

9. Policy CP14 of the Core Strategy sets out actions for the growth and renaissance of Wokingham Town Centre. This includes ensuring development cumulatively provides and maintains offices, housing, leisure and entertainment, and other specified uses.
10. Policy CP15 of the Core Strategy indicates that development should be of a scale and form that is compatible with the retail character of the centre and its role in the hierarchy of retail centres, that it contributes to the provision of day and evening/night-time uses and is compatible with other uses and enhances vitality and viability. There should not be any overall net loss of Class B floorspace.
11. The existing building was originally used as Class D2 cinema but the uses have changed over time such that it is understood that it currently lawfully comprises the following uses:
  - 130m<sup>2</sup> of Class A1 and A5 retail space in two units to Easthampstead Road
  - 225m<sup>2</sup> of Class B1 office space on the first and second floor
  - 135m<sup>2</sup> of Class C3 residential (3 bedsit units) on the second floor
  - 525m<sup>2</sup> of Class D1 gymnasium space at the rear of the first floor
  - 680m<sup>2</sup> of Class D2 hall space within the main cinema space (bingo hall)
  - Some other floorspace is unspecified
12. The demolition of the building will result in a minor loss of Class A retail floorspace and a more sizeable loss of Class B1, D1 and D2 floorspace, which is broadly contrary to policy guidance in Policies CP13-CP15.
13. The subject site is not within a primary or secondary retail frontage and is located on the edge of the retail centre, with residential development opposite and further east along Easthampstead Road. As such, the site and its frontage plays a lesser role in the town centre, with lower foot traffic passing the site. It is also a retrofitted building that is not entirely fit for the respective purposes, including that it is setback from the street within an unappealing street frontage. On these grounds, the loss of the modest amount of existing Class A retail floorspace is not opposed.
14. The main core of the building was converted to a bingo hall (within the same Class D2 use as the cinema) in 1977 and eventually expanded to assume the entire cinema floorspace. It ceased trading about 2012. It was privately operated and would not have fallen within the definition of a community facility in the MDD Local Plan as comprising health (including preventative social care and community support services), education, play and leisure or culture together with libraries, village/community halls, religious buildings and burial sites. The loss of this floorspace is therefore reasonable, not least because it has remained vacant for a prolonged period of time.
15. The loss of office space is contrary to Policy CP14(4)(c), which does seek to maintain Class B office accommodation within the Wokingham Town Centre.

Policy CP15 also has a qualitative requirement for provision within the borough of employment floorspace of different sizes, types, quality and location.

16. The site is outside any Core Employment Area, as defined in Policy CP15, and as such does offer an alternative location for employment land within the borough. While the principle of seeking to maintain a variety of employment floorspace provision is an important consideration, it is noted that the site is located close to the Core Employment Area of Molly Millars Industrial Estate and therefore there is a large amount of employment floorspace a short distance away that is still relatively accessible to the town centre, albeit not within the town centre designation. The applicant was invited to include office floorspace to the rear of the ground floor facing onto Denton Road. This was declined, primarily on the grounds of viability but this on its own remains an insufficient reason to refuse the application on this basis.
17. The gymnasium is also classed as Class D1 floorspace. It is still trading and the loss of this floorspace would be contrary to Paragraph 4.62 of the Core Strategy in that it involves the loss of a town centre use. However, it is not envisaged that there is a deficiency in the catchment and there is no strict departure from policy.
18. The cumulative loss of non-residential floorspace requires consideration of (a) whether it will impact the range of activities in the town centre and (b) whether it would impact upon the quantum and range of employment floorspace across the borough.
19. In relation to the first question, it is recognised that there is the total loss of the available Class A5, B1, D1 and D2 floorspace within the town centre. However, its replacement with 1350m<sup>2</sup> of residential floorspace in the form of 22 units is supported by Policy CP14 and Sections 3.4.18 and 10.6.1 of the Wokingham Town Centre Masterplan SPD, which recognise that additional residential accommodation in the Wokingham Town Centre is desirable in terms of ensuring an 18 hour economy. It is more generally offset by higher quality and more appropriately located retail and office developments at Peach Place and Elms Field, which are currently adding to the quality of floorspace in the town centre.
20. Moving to the second question, the proposal would lead to a modest loss of employment floorspace as defined by policy CP15 when measured across the borough. Moreover, it is a retrofitted space within a 1930s building originally designed as a cinema and as such, it is not purpose built and it does not have an extended lifespan for its current purpose.
21. The Central FEMA (Functional Economic Market Area) Economic Development Needs Assessment (EDNA) report (October 2016) identifies a recommended net office space requirement for 2013-2036 of at least 93,305m<sup>2</sup> based on the labour supply approach and this suggests the need to retain existing floorspace. This study has not factored in the allocated Science Park south of the M4 which is expected to deliver significant amounts of employment floorspace up to and beyond the current plan period which would make the relatively modest loss in this case more acceptable. On this point, the extent of office floorspace that is lost is almost negligible.

22. The previous application for the site (181723) was refused, in part, because there was *'a loss of available office/commercial employment space and no marketing or viability evidence has been provided in support of the application. This is contrary to Policy CP13, CP14 and CP15 of the Core Strategy 2010.'*
23. This application is supported by the same profit and loss report indicating that there has been a commercial loss of £200,000 over the past five years or £60,000 in the past year. The Design and Access Statement offers no new information. Such information that would have been expected with any resubmission could include marketing details. Indeed, some of the offices and gymnasium remain occupied today.
24. However, a review of the application is such that greater weight should be applied to the poor quality and design of the existing building, which is not entirely fit for its intended purposes and the significance of additional residential accommodation in this location. There is no reason to dispute the financial figures supplied and the agent has indicated that the lack of real estate marketing is because it has not been marketed. The bingo hall has a very limited market and it is not unsurprising that it has remained vacant for seven years. It has been 17 months since the submission of the previous refused application.
25. Given the unappealing appearance and state of the existing building, the most appropriate solution for the site is for the complete redevelopment of the site and the provision of residential accommodation is not unreasonable given that there is additional retail and office floorspace elsewhere in the town centre that has recently come on the market and additional residential floorspace is viewed as supporting the 18 hour economy. In this respect and upon consideration of the wider balance, there are no objections in relation to the provision of additional residential accommodation and the loss of Class B1, D1 and D2 floorspace in this location. This view is not opposed by Growth and Delivery.

#### Housing Land Supply

26. The most up-to-date Five Year Housing Land Supply Statement demonstrates the Council has a 5 year housing land supply. At 31 March 2019, the deliverable land supply was 6.39 years against the housing need of 804 additional homes per annum plus a 5% additional buffer. The proposal will assist in delivering and boosting this housing need in a managed way and in a highly appropriate location.

#### **Character of the Area**

##### Built form

27. Policy CP3 of the Core Strategy states that development must be appropriate in terms of its scale, mass, layout, built form, height and character of the area and must be of high quality design. This is reinforced in other policies in the Borough Design Guide SPD, including R1, which requires that development contribute positively towards and be compatible with the historic or underlying character and quality of the local area and R11, which requires a coherent street character in terms of scale, rhythm, proportion and height.

28. With an inconsistent building line to the front, dominance imposed by the blank façade at the rear, existing advertising to the front elevation, use of bland materials, significant height and varied and complex roof form, the existing building contributes little in terms of compatibility with the character of the area.
29. The officer report for the previous refused application noted that the replacement dwelling was creating a more cohesive presentation to the front and rear boundaries, with a more consistent building, greater activation and consistency in roof form. However, it also presented significance dominance upon the conservation area, excessive height and additional volume to the front and rear with no recessiveness on the upper levels.
30. The design has evolved several times since the refusal of the previous application. It includes a lowering of the building height at the front and rear, reduction in the bulk to the sides of the building, the incorporation of two gables to the Easthampstead Road frontage with a sloping roof between, indenting of the front elevation into two separate articulated facades and other modest design changes.
31. The conclusion is that the scheme represents a suitable fit for the slightly irregular configuration of the site and the edge of town centre location. The dual gables to Easthampstead Road create a consistency in building form that reflects the characteristics of the two buildings on either side, the dwellings at 8-14 Easthampstead Road on the opposite side of the road and the corner building at the intersection with Peach Street. The only exception is the listed buildings at 3-5 Easthampstead Road and the Victoria Arms pub but this building has its own distinctive and historic relationship to the street that is not worthy of replication.
32. It is up to four storeys in height but appears as three storeys at Easthampstead Road. Even then, the two gables allow for a prominent appearance to the building that is offset by the sloping roof between. There is a side dormer to the south eastern elevation but none to the opposite side elevation. This would ordinarily result in a perception of lop-sidedness but given the limited views of the north western side elevation and because it would not be appreciated in views of the front elevation, no issue is raised. On the lower levels, there is a good degree of articulation and activation, with a combination of planters, a glazed Juliette balcony and the 1.0m stepping of the building at its centre, which breaks up what would otherwise be an excessively wide blank frontage and achieves a building width that is broadly consistent with most other buildings on this side of the road. The lower height at the rear of the site also allows for a more cohesiveness relationship and a more perceptible transition to the reduced built form in Denton Road.
33. The form of the fourth storey is slightly unusual in terms of architectural appearance, with a projecting flat roof and a 40 degree sloping roof to the side as well as an additional stairwell overrun forward of the fourth floor that is off centre in elevation form. However, as is explained below, it is well setback and would only be viewed from the south east, where it is not unreasonably high.
34. The overall built form is a suitable fit for the site when considering its visibility in the streetscene. When accounting for the design changes to the building that have been made since the refusal, concerns of excessive built form are no longer pressed.

## Density

35. Policy CP5 of the Core Strategy and Policy TB05 of the MDD Local Plan require an appropriate dwelling density and R10 of the Borough Design Guide SPD seeks to ensure that the development achieves an appropriate density in relation to local character.
36. The density of the development is equivalent to 172 dwellings per hectare, which is a significant reduction from the 211 dwellings per hectare that formed part of the basis for the previous refusal of the application. It now represents a more measured density when accounting for the site location on the edge of the Wokingham Town Centre and in terms of the relationship with the terraced residences on the opposite side of Easthampstead Road and the detached dwellings to the rear. The height is appropriate and the overall form and the internal living standards are now acceptable, which is indicative of an appropriate design. This is generally in accordance with paragraphs 106 and 123 of the NPPF, which seeks to achieve an uplift and optimisation of density of development in town centres and other locations that are well served by public transport.
37. The Design and Access Statement refers to the Saxon Court development on Peach Street (planning reference F/2014/1317) and it is apparent that the proposed development has taken account of this development in justifying its height and form. The density at Saxon Court was 188 dwellings per hectare, which is more than the proposed scheme.

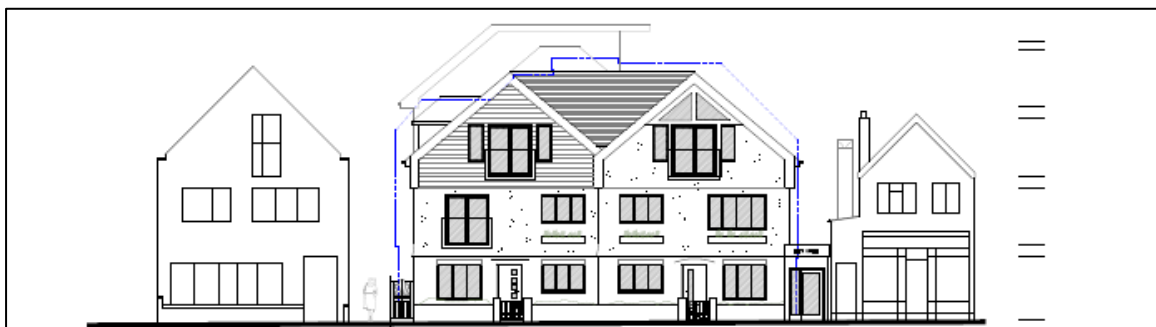
## Building line

38. R7 of the Borough Design Guide SPD requires a consistent building line relative to existing buildings. The existing building has a 10m setback to the front boundary and a stepped setback to the rear boundary that is generally close to nil. The replacement building will result in a 2.7-4.4m setback to the front boundary, which is a significant improvement to the refused scheme.
39. The front building line is consistent with the established line between the existing listed buildings to the west and the Fire Station to the west. It sits behind the building to the north west by 1.4m and is stepped back 1.0m in the centre of the building where it aligns with the Fire Station to the south east. The articulation of the building and conforming front setback results in a consistency in building line.
40. To the rear, the building line is consistent with the siting of the existing building and would not be out of alignment given there is reduced built form in Denton Road in an area of increased openness with the Fire Station carpark and the carpark beyond. Where there were previously concerns with the imposing bulk of the building, the design now incorporates a varied building line and reduced bulk on the levels above, such that there is no longer any adverse impact.
41. The existing building has nil side setbacks when viewed from the rear but appears much more open in form from Easthampstead Road. The Fire Station to the east is setback from the side boundary, enabling an open and detached appearance. The established listed buildings to the west are generally built to the boundary but they are of lesser height and scale. The replacement building will have nil setbacks to the side boundary when viewed from the front and rear but this is

limited to the ground level and in areas, it is setback in behind the front building. This allows for a continued appreciation of a detached building consistent with other buildings on this side of the street. Where this was raised in the previous refusal, it is no longer an issue and the proposal is acceptable.

### Height

42. R9 and NR5 of the Borough Design Guide SPD note that height, bulk and massing should respond to the local context and the prevailing heights in the area. Section 9.4 of the Wokingham Town Centre Masterplan SPD notes that building heights in the town centre are consistently two and three storey and there is a strong consistency of street enclosure. The master plan seeks to reinforce this consistency as an important element of the town centre's character. It is therefore not envisaged that new development should exceed three storeys.



**Proposed front elevation to Easthampstead Road**



**Proposed rear elevation to Denton Road**

43. The proposal includes three distinct storeys with a fourth floor set back from the front and rear frontages. To Easthampstead Road, the eaves measure 6.7m and the main ridge of the gables (at the third floor) measure 10.3m. This is higher than the Chinese take away to the north east but generally consistent with the height of the Fire Station building. It has the impression of 2.5 storeys in height to the rear in Denton Road, with the third floor located within a higher than normal roof space. In this case, the eaves measure 5.3m and the ridge measures 8.6m, both of which are appropriate for the surrounding context.
44. Setback from the front elevation, the stairwell overrun adds an additional 1.0m in height above the ridge of the front gables but is very limited in volume and does not present as any real building form given it sits well behind the front ridgeline. Centred within the site, the fourth floor penthouse is 1.0m higher still (for a total overall building height of 12.3m). However, it is setback 11-12m from the front elevation and at least 23m from the rear where it is not readily apparent in views from either road. It would be visible from the south east on Easthampstead Road



over the roof of the Fire Station. Even then, though, it is modest in its scale with the sloping roof minimising the bulk and because it occupies 33% of the building depth (17.5m length of 53m) and as such, it is not an unreasonable element to the building.

45. The streetscenes of Easthampstead Road and Denton Road are best described as predominated by two storey development. However, an office building to north west of the site has an equivalent four storey height and this gives a degree of context for the surrounding built form of the town centre. The three storey apparent height and four storey actual height does not depart from this height by any significance and the proposal represents a suitable outcome for the edge of town centre location.

#### Building design

46. R13 of the Borough Design Guide SPD states that residential development should address public open space, NR3 requires a positive arrival impression and NR4 requires that buildings address the street.
47. The original design of the building raised concern with the residential entrances from Easthampstead Road, which were confined to the edges of the building and created an inconspicuous presence that did not promote residential activation or establish an inviting impression within the street. Rear pedestrian access via South Place took the form of a fire stairwell door opening onto the South Place pedestrian thoroughfare and via the rear vehicular access, which was much less inviting.
48. The revisions include minor changes to the appearance of the front entrance but the retention of the width and location of the entrance. It is more visible in its presentation and the provision of two dwellings to the streetfront creates a more inviting façade. However, the more significant change is to the rear. Because it is felt that a large proportion of residents and visitors on foot will access the site from South Place (which links with Peach Street), a much more inviting entrance and lobby has been established in this location such that the initial streetscape concerns are no longer raised.
49. Figure 12 of the Wokingham Town Centre Masterplan SPD recognises that the rear elevation is a dead frontage. In this respect, activation of this space by establishing three residential units is seen as a positive outcome. This is now two units but the design includes added setbacks, articulation, porch areas and opportunities for landscaping, such that any initial concerns are resolved.
50. The building continues to employ an external covered walkway for access to the units. There is not overwhelming support for this approach in design terms but it does allow for the units to have an outlook onto the communal open space and it minimises building bulk. Such an approach has been used at the Saxon Court building and given that the proposal does not expressly conflict with any of the design guidelines in the Borough Design Guide SPD, no objection is raised.
51. R11 of the Borough Design Guide SPD requires that housing ensure a coherent street character, including materials and colour and NR8 requires high quality and simple materials and components. Section 5.5 of the Wokingham Town Centre

Masterplan SPD expands on this by stating that new development in the town centre should achieve the highest quality of architecture, urban design and environmentally responsible design to protect and enhance the quality and character of the town centre.

52. As previously designed and refused, the building employed a contrast of building materials, forms and colours to all four elevations. Brick was used at the ground level with timber cladding in the projecting bay windows, which included triangular bay windows at the rear elevation. Circular windows were used to the staircase and colours varied between brown, grey, yellow, green and pink. Whilst the Masterplan aims to encourage innovation in urban design, it was felt that the building materials and colours were unsuitable for the conservation area.
53. These elements have been reduced or minimised in areas, such as a reduction in the prominence in the rear facing bay windows. A better (and varied) collection of design solutions have also been employed to the Easthampstead Road frontage, with highlight windows, a glazed Juliette balcony, planter beds and contrasting materials between the two gable windows and front entrances to the ground floor units. It is also understood that the use of materials has been softened. A glazed lift is supported.
54. R12 of the Borough Design Guide states that boundary treatments contribute positively to the character of the area. At street level, a low brick fence is proposed, which will complement the style and height of fencing within residential properties opposite and will maintain the openness of the streetscene.
55. P2 of the Borough Design Guide SPD ensures that parking is provided in a manner that is compatible with the local character. There are no concerns with the car parking arrangement and its impression on the streetscene.
56. On the basis of the above comments, the concerns of the original refusal are no longer maintained and the proposed materials and colours are acceptable. However, it remains subject to the submission of further details in Condition 11 to ensure that there is compatibility with the town centre and conservation area.

## **Heritage**

### Wokingham Conservation Area and Listed Buildings

57. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that development must ensure the preservation of any nearby listed building, including its setting, Paragraph 193-196 of the NPPF requires consideration of the harm to the significance of a designated heritage asset and Policy TB24 of the MDD Local Plan requires the conservation and enhancement of Listed Buildings and Conservation Areas, including their views and setting.
58. Policy CP14 of the Core Strategy seeks to reinforce the historic market town character of Wokingham, including conserving and enhancing historic quality and interest and enhanced design quality.
59. Section 9.2.2 of the Wokingham Town Centre Masterplan SPD states that development should protect and enhance the character, appearance, setting and

historic plan form of the town centre, achieve a high standard of design and safeguard important views.

60. The site lies on the south eastern edge of the Wokingham Conservation Area and is also immediately adjacent to the Grade II listed 3-5 Easthampstead Road and Victoria Arms Public House.
61. The site is occupied by a much altered former cinema building, dating from the late 1930s. This existing building takes up almost the entire site, the main bulk of the building, the former auditorium, lying behind the buildings fronting Peach Street. This former Ritz Cinema is known to have been designed by a noted cinema architect Eric Norman Bailey of Maidenhead and when originally opened in 1937 had a distinctive foray entrance feature to it the modernist style of that time.
62. Whilst the main auditorium portion of the former cinema appears little changed externally, the distinctive original foray entrance has been replaced by a more substantial two storey raking structure. This newer Easthampstead Road frontage structure, which appears to be of a 1980s date, does not contribute in any positive manner to the character and appearance of the conservation area. However its raked formed and set back location from the road does mean that this structure is not in important views looking south from the Peach Street junction.
63. Concerns that there may be original features in the 'art deco cinema' that are worthy of retention formed reason for refusal 6 in the original refusal. Despite suggestions that further studies have been undertaken and that no original features remain, the only documentation submitted with this application stated "*the site contains no heritage assets (the shell of the former cinema is of no significance architectural merit and its tower long gone).*" However, it is acknowledged that any such features would most likely not prevent the demolition of the building and could instead be retained within the replacement building. In the continued absence of information but because the application is otherwise acceptable on other grounds, the concerns raised in reason for refusal 6 now form a pre demolition condition at Condition 3.
64. The Conservation Officer raised concern with the building as originally proposed in 181723 because the '*bulk, height and massing of the replacement building would result in adverse harm to the Easthampstead Road street scene in an area where the conservation area is characterised by two storey buildings of red brick or render with clay tiled or slate covered roofs and of traditional form, dating from the C18th to early C 20th...the harm to these designated heritage assets is considered to be less than substantial in NPPF terms, but nevertheless requiring clear and convincing justification, which has not been provided.*'
65. More particularly, it noted that '*The replacement building is built to four storeys with a crown roof containing the upper floor accommodation. It is also brought closer to the property frontage on Easthampstead Road (beyond the fire station) and occupies its full width. Despite the use of projecting window bays and gables, there is a lack of articulation, resulting in the height, bulk and massing of the building asserting itself on the street, dominating views in both directions and detracting from the view of the listed building.*'

66. The Council's Conservation Officer found the subject application, as originally proposed, to be unacceptable for similar reasons. There is still a very limited amount of justification for the proposal and it was still felt the '*height and forward setting of this Easthampstead Road element makes it overly prominent in views looking back along Easthampstead Road from its junction with Peach Street, with the roof form of the proposal believed likely to be seen above the roofs of the listed properties between it and Peach Street.*'
67. As previously noted, revised plans have been provided and this has allowed for less building bulk in the roof form, a breaking up of the width of the building and a reduction in the perception of the building asserting itself on the street – thereby addressing concerns that were originally raised in 181723. Consequently, the building sits more appropriately in the streetscene and the Wokingham Conservation Area and the visibility of the dwelling from the adjacent listed buildings is reduced. The original concerns are resolved and the setting is preserved and enhanced in accordance with the NPPF, Policy TB24 of the MDD Local Plan and the Wokingham Town Centre Masterplan SPD.
68. The harm is less than substantial and it is questionable about whether the clear and convincing justification has been provided but the proposal is nonetheless acceptable.

### **Archaeology**

69. Policy TB25 of the MDD Local Plan requires the retention of archaeological sites in situ. The site is with an Area of High Archaeological Potential due to its proximity to the medieval historic core of the town.
70. The application, including an archaeological desk-based assessment prepared by Thames Valley Archaeological Services, dated December 2018 was referred to Berkshire Archaeology for consultation (the absence of this document previously formed reason for refusal 13). Easthampstead Road was one of the medieval routes heading south from the town but no medieval remains have so far been found within the site or immediately adjacent. The Historic Environment Record (HER) suggests that a Palaeolithic hand axe was discovered within the site but there is doubt that this is correct and the provenance of this find is unclear. Development of the site dates from the 18th century and the desk-based assessment concludes that the site has some archaeological potential, despite the construction of a major cinema building within it. The report recommends an archaeological watching brief as an appropriate mitigation measure.
71. Berkshire Archaeology is comfortable with the assessment and agrees with the recommendation of a watching brief during construction as an appropriate response. This is detailed in Condition 12.

### **Unit Mix**

72. Policy CP5 of the CS and Policy TB05 of the MDD require an appropriate dwelling type and tenure for affordable housing schemes. It is also referred to in the Wokingham Town Centre Masterplan SPD, which seeks 1 and 2 bedroom units at 47%, 3 bedroom units at 32% and 4+ bedroom units at 21%.

73. The Berkshire (including South Bucks) Strategic Housing Market Assessment (February 2016) identified future housing need for the Wokingham Borough. Table 107 (on page 295) identifies the following:

No of beds	1 bed	2 bed	3 bed	4+ bed	Total
<b>SHMA</b>	934	3488	5605	2862	12889
	7.2%	27.1%	43.5%	22.2%	100%
<b>Previous refusal</b>	6 units	21 units	0 units	0 units	27 units
	22%	78%	0%	0%	100%
<b>Subject application</b>	6 units	14 units	2 units	0 units	22 units
	27%	63%	10%	0%	100%

74. The intent of Council's policies are to provide a mix of accommodation to cater for the varied needs of the community and to ensure that it is provided where it is needed. It must take account of a variety of living arrangements including but not limited to families, extended families, couples, single parents, first home owners, aged residents (including those looking to downsize) and those on low income. Provision of affordable housing is also paramount.
75. The previous application was refused on the grounds that the unit mix was unacceptable. This has been improved in the subject application, with a total reduction in the number of units and some additional studios and 3-bedroom units. There remains a departure from policy and from the identified need. However, on balance, when accounting for its accessible and sustainable location and full provision of affordable housing, there is sufficient justification for the refusal of the application based on this departure. On this basis, reason for refusal 8 is no longer raised.

### **Accessible Housing**

76. Policy CP2 of the Core Strategy seeks to ensure that new development contributes to the provision of sustainable and inclusive communities, including for aged persons, children and the disabled. 10–20% of all dwellings should be to Lifetime Homes standards in accordance with Policy CP5 of the Core Strategy and Policy TB05 of the MDD Local Plan. In this case, it equates to 3-6 units.
77. Although the Lifetime Homes standard has been replaced by the new national technical housing standards, the need to design and build accessible and adaptable accommodation remains integral to future neighbourhood planning.
78. The passenger lift allows for level access from the ground floor carpark and from Denton Road at the rear and Easthampstead Road at the front to each level of the building. Flats 1, 2 and 10 are listed as accessible and the dimensions within and access to these units is favourable for achieving these outcomes. In total, all but the five units at the front of the building will be afforded level access and the open plan form makes the dwellings largely accessible. There are also three disabled parking spaces within the ground floor carpark. As such, three accessible units and car spaces represents 14% of the total development, which is an acceptable outcome.

### **Housing Amenity**

#### **Internal Amenity**

79. Policy TB07 of the MDD Local Plan and R17 of the Borough Design Guide SPD require adequate internal space to ensure the layout and size achieves good internal amenity. In accordance with the Technical housing standards – nationally described space standard, a minimum standard of 39m<sup>2</sup> applies for a studio, 50m<sup>2</sup> for 1-bedroom units, 61m<sup>2</sup> for 2-bedroom units and 74-96m<sup>2</sup> for 3-bedroom units.
80. Additionally, main bedrooms should have a minimum area of 12m<sup>2</sup>, secondary bedrooms should have a minimum area of 7.5m<sup>2</sup>, living spaces a minimum area of 23-25m<sup>2</sup> and there should be provision for storage.
81. There is broad conformity with the above standards throughout the development, with the following exceptions as illustrated by the shaded areas in the following table:

Unit	Beds/ Occ.	Floor Area	Bed 1	Bed 2	Living	Aspect	Storage
Standard		39-86m <sup>2</sup>	11.5m <sup>2</sup>	7.5m <sup>2</sup>	23-27m <sup>2</sup>	Dual	Provided
1	Studio	45m <sup>2</sup>	N/A	N/A	27m <sup>2</sup>	Single	Provided
2	3b/4o	76m <sup>2</sup>	13.5m <sup>2</sup>	9.0m <sup>2</sup>	27m <sup>2</sup>	Single	Provided
3	1b/2o	48m <sup>2</sup>	12m <sup>2</sup>	N/A	25m <sup>2</sup>	Single	Provided
4	2b/3o	64m <sup>2</sup>	13m <sup>2</sup>	11m <sup>2</sup>	22m <sup>2</sup>	Dual	Provided
5	2b/3o	63m <sup>2</sup>	12m <sup>2</sup>	8m <sup>2</sup>	27m <sup>2</sup>	Dual	Provided
6	2b/3o	64m <sup>2</sup>	15m <sup>2</sup>	8m <sup>2</sup>	24m <sup>2</sup>	Dual	Provided
7	2b/3o	64m <sup>2</sup>	15m <sup>2</sup>	8m <sup>2</sup>	24m <sup>2</sup>	Dual	Provided
8	2b/3o	63m <sup>2</sup>	12m <sup>2</sup>	10m <sup>2</sup>	25m <sup>2</sup>	Dual	Provided
9	2b/3o	62.5m <sup>2</sup>	12.5m <sup>2</sup>	9m <sup>2</sup>	25m <sup>2</sup>	Dual	Provided
10	1b/2o	52m <sup>2</sup>	13m <sup>2</sup>	N/A	26m <sup>2</sup>	Dual	Provided
11	2b/3o	66m <sup>2</sup>	12m <sup>2</sup>	11m <sup>2</sup>	25m <sup>2</sup>	Dual	Provided
12	2b/3o	65m <sup>2</sup>	12m <sup>2</sup>	11m <sup>2</sup>	23m <sup>2</sup>	Dual	Provided
13	2b/3o	63m <sup>2</sup>	15m <sup>2</sup>	8m <sup>2</sup>	22m <sup>2</sup>	Dual	Provided
14	2b/3o	66m <sup>2</sup>	12m <sup>2</sup>	11m <sup>2</sup>	27m <sup>2</sup>	Dual	Provided
15	2b/3o	66m <sup>2</sup>	12m <sup>2</sup>	11m <sup>2</sup>	27m <sup>2</sup>	Dual	Provided
16	2b/3o	63m <sup>2</sup>	12m <sup>2</sup>	10m <sup>2</sup>	25m <sup>2</sup>	Dual	Provided
17	2b/3o	62.5m <sup>2</sup>	12.5m <sup>2</sup>	9m <sup>2</sup>	25m <sup>2</sup>	Dual	Provided
18	1b/2o	52m <sup>2</sup>	13m <sup>2</sup>	N/A	26m <sup>2</sup>	Dual	Provided
19	2b/3o	66m <sup>2</sup>	12m <sup>2</sup>	11m <sup>2</sup>	25m <sup>2</sup>	Dual	Provided
20	1b/2o	62m <sup>2</sup>	15m <sup>2</sup>	N/A	25m <sup>2</sup>	Dual	Provided
21	1b/2o	54m <sup>2</sup>	17m <sup>2</sup>	N/A	31m <sup>2</sup>	Dual	Provided
22	3b/4o	108m <sup>2</sup>	11.5m <sup>2</sup>	10m <sup>2</sup>	55m <sup>2</sup>	Dual	Provided

82. In the previous scheme, the majority of the units were not afforded adequate internal amenity space (amongst other factors) and the view was taken that this was indicative of an overdevelopment of the site.
83. By reducing the scale of the development and the number of units from 27 to 22, the above concerns are resolved and where there are departures, they are fewer in number, less pronounced and less significant. Unit 3 has a departure of 2m<sup>2</sup> from the minimum unit size but the departure is minor in nature and there is separate private amenity space in the form of a front courtyard and the bedroom size and living room sizes are acceptable.
84. The remaining departures are within the open plan living room of five other units, where the departure relates to an SPD guideline only and the extent of non-

compliance is between 1m<sup>2</sup> and 2m<sup>2</sup>. The internal amenity of these spaces is not compromised in any noticeable way and coupled with the improvement in the amount and quality of outdoor amenity space, the concerns raised in reason for refusal 2 of the previous scheme are no longer pressed and the proposal is acceptable on internal amenity grounds.

85. R18 of the Borough Design Guide SPD also requires sufficient sunlight and daylight to new properties, with dwellings afforded a reasonable dual outlook and southern aspect. Because of the internal communal courtyard and balcony access, the vast majority of the units (86%) are dual aspect and this is a good outcome on amenity grounds, as it allows for cross ventilation and multiple outlooks. Those units that are single aspect are confined to the ground floor where there access to sunlight and a good street level outlook and/or private amenity space.
86. 100% of the units have access to sunlight, with units fronting Easthampstead Road receiving morning sunlight, units to Denton Road receiving afternoon sunlight and 12 units (or 55% of the development) likely to receive sunlight along the southern elevation through most of the day. On the basis of the above, no objection is raised.

#### External Amenity

87. R16 of the Borough Design Guide SPD stipulates that each unit should have amenity space and be able to accommodate 2–4 chairs and a small table.
88. Three of the units are afforded private amenity space with front courtyards to Units 3 and 4 at the front of the ground floor and a roof terrace for the penthouse unit (Unit 22) on the third floor. They are acceptable in terms of R16. The remaining units will rely upon a communal open space area at first floor level measuring 278m<sup>2</sup>, which includes a feature, lawn, seating and landscaping. It will be supplemented by a third floor roof terrace measuring 44m<sup>2</sup>.
89. The previous refusal raised concern with the heavy reliance upon communal amenity space, particularly given there were shortfalls in the internal floorspace of most of the units. There were also concerns surrounding the limitations posed by the minimal soil depth and the shadowing caused by a four storey building to the south. The communal floor space was the equivalent of 10.3m<sup>2</sup> per unit.
90. The subject application proposes 17m<sup>2</sup> per unit and the design also includes a lowering of the height of the building at the rear by 3.0m so that increased light is provided. The provision of a fourth floor roof terrace is also an appropriate design solution as this space will be afforded direct sunlight through the day.
91. The revised plan includes a 1.25m balustrade around the edge of the first floor communal space that will allow for some acoustic and visual separation to the units such that there would be an adequate level of amenity for the occupants. In doing so, the level of external amenity is acceptable. The initial design includes a mix of surfaces and plantings and further details are required by Condition 4.

#### Acoustic Amenity

92. Policy CC06 and Appendix 1 of the MDD Local Plan requires that development protect noise sensitive receptors from noise impact.
93. In the majority of cases, the units are stacked appropriately, with bedrooms and kitchens within one unit located above other bedrooms and kitchens in another unit. However, in several cases, the kitchens or living rooms of one unit are located alongside bedrooms within the adjacent unit. This would rely upon acoustic specifications rather than adopting simple design solutions. Similar concerns are raised in relation to the ground floor where Units 1 and 2 at the rear being sited between the roadway and the carpark.
94. Whilst it was raised as a reason for refusal in the previous application, it is acknowledged that the proposal is for a new build, that the proposal will need to meet building regulations and there are no longer any other internal amenity concerns. As such, the issue in Reason for Refusal 2 is no longer pressed. However, it remains subject to Condition 17 requiring acoustic separation details.
95. Irrespective of the above, the site occupies a town centre location and there is an increased expectation and acceptance of noise from road traffic and from general town centre activity, including the Fire Station and pub which adjoin the subject site on either side. On this basis, subject to the aforementioned details, no objection is raised.

#### Pollution

96. Policy CP1 of the Core Strategy aims to ensure that development avoids areas where pollution (including noise) may impact upon the amenity of future occupiers. There are six units fronting onto Easthamptead Road, which has relatively high levels of traffic movements and can, at times, include idling cars at the intersection with Peach Street. However, the levels of air pollution are not identified as an Air Quality Management Areas and even then, the setback of the building from the street is sufficient to adequately protect against any adverse impacts.

#### **Residential Amenities**

97. Policy CP3 of the Core Strategy aims to protect neighbouring amenity. Surrounding the site are residential dwellings to the front and rear with offices to the north western side and the Wokingham Fire Station to the south east.

#### Overlooking

98. R15 of the Borough Design Guide SPD requires the retention of reasonable levels of visual privacy to habitable rooms, with separation of 10m-15m between properties across Easthamptead Road and Denton Road, depending upon the height of the window. There should also generally be 30m rear to rear separation between the second and third floors of the development and houses to the rear.
99. A degree of overlooking could be acceptable on account of its location on the edge of the town centre and when accounting for the scale of the existing building. With this preface, the following observations are noted:



- There are no concerns of overlooking between units within the development itself. Of note, the rear first floor bay windows includes obscure glazing to Unit 7, which will eliminate views towards Unit 6 and this is reinforced in Condition 27
- There is generally not more than 16m separation to the side elevation of 12 Denton Road and 18m to 15A Denton Road, these being the two closest residential properties at the rear. Within the ground and first floor levels, this satisfies the minimum requirements for a rear to side arrangement and privacy screening is employed within the bay window to Unit 7 and the Juliette balcony of Unit 5, such that no objection is raised (subject to Condition 27). At second floor level, the windows are rooflights at a minimum sill height of 1.35m. On balance, it is acceptable given the angle of the rooflight will generally give an upwards outlook rather than downwards towards the property opposite
- There is a minimum of 15.1m separation across the front boundary to 16-24 Easthampstead Road, where 15m is required. As such, the level of privacy is adequate.
- With the building being concentrated on the eastern side of the site, the separation distances to the office buildings to the west are generally 22m or more from the units and 15m from the glazed lift. Given the residential to non-residential relationship and the level of separation, no objection is raised. The fencing around the perimeter of the communal open space includes a 1.7m high screen, with a separation distance of 7m between the edge of the open space and windows within the office building opposite. Accordingly, privacy is maintained although it is conditioned to be obscure glazed in Condition 27 and comprise of a green wall in Condition 4. Condition 4 also requires details of soil depth to ensure that any raising of the level does not result in any non-complaint 1.7m height
- To the east, the separation distances are not more than 3m and there are dormitory windows within the upper levels of the Fire Station. However, the habitable windows on the first floor are adequately offset from the windows within the Fire Station or some of the windows in the proposed building have a 1.7m sill height and where there is a degree of overlooking, it could be concluded as mutual overlooking within a residential to non-residential relationship in an area where some overlooking would be expected in a town centre location. On this basis, it is not sufficient to warrant refusal of the application
- The two third floor roof terraces (one private, one communal) is screened around its edges by a 1.5m screen and 1.7m hedging (which is subject to further details in Condition 4). It will adequately limit downward sightlines and reduce any outlook from these spaces such that no objection is raised.

100. On the basis of the above, no objection is raised on overlooking grounds.

#### Sunlight and Daylight

101. R18 of the Borough Design Guide SPD aims to protect sunlight and daylight to existing properties, with no material impact on levels of daylight in the habitable rooms of adjoining properties. Habitable windows of adjoining properties must not be obstructed by a 25 degree angle.

102. A BRE sunlight assessment was submitted with the planning application. It indicated that the residential properties at 18-24 Easthampstead Road and 12 and 15A Denton Road will fall within the 25 degree line imposed by the existing building, which is contrary to R18. The replacement building results in additional impact to these windows but in terms of the provision of Vertical Sky Component, the degree of additional impact is within the allowable impact in BRE guidance. Similar impacts occur to the office buildings and retail premises to the west and east.
103. The previous refusal of 181723 accepted this conclusion but raised concerns with the height of the building and the unnecessary impact upon 18-24 Easthampstead Road and 12 and 15A Denton Road, including additional overshadowing of the front living rooms of 18-24 Easthampstead Road. The bulk has been reduced at both ends of the building and on this basis, no further objection is raised.

#### Overbearing and Sense of Enclosure

104. R16 of the Borough Design Guide SPD generally requires separation distances of 1.0m to the side boundaries and R15 separation distances of 10m-15m between properties across Easthampstead Road and 10m-30m to the rear.
105. The existing building is detached in form and retains a degree of building separation to the side boundaries. The bulk of the replacement building will be concentrated on the eastern side boundary adjacent to the Fire Station building and office building at the rear. There is no perceived dominance upon this plot given the non-residential use and the corresponding elevations and relationship of the buildings on the adjoining properties.
106. Similarly, through the adequate separation, its town centre location, built form of neighbouring buildings (which are non-residential), there is no concerns of dominance to the west either. The site benefits from the existing access road on its south western side and the car park of the neighbouring property on its north western side. It will extend to the boundary with the Shanghai Chinese take away at 7 Easthampstead Road but even then, it is limited to the ground floor only, with a minimum setback of 1.7m-2.1m on the levels above. Where there is a nil setback at ground level, there is no harm posed because it adjoins a shed and there is a nil setback on the neighbouring property and the ground floor use is non-residential.
107. There is a two storey plus loft height to Denton Road at the rear, which is an entirely appropriate transition in built form of the one and two storey detached residential dwellings to the rear. To Easthampstead Road, it comprises three storeys in height, in the form of two projecting gables. But through the incorporation of an indented setback from the street, separation of approximately 15m and the introduction of a gable presentation in the revised plans, there is no unreasonable impression of bulk or dominance upon neighbouring residents.
108. Overall, the level of building separation is adequate when acknowledging its town centre location but also recognising its edge of centre location. On this basis, no objection is raised.

#### Noise

109. Policy CC06 and Appendix 1 of the MDD Local Plan requires that development protect noise sensitive receptors from noise impact.
110. The building is located within the Wokingham Town Centre and there will be a degree of noise from road traffic and surrounding non-residential uses. Given its location within the town centre, there is an expectation that there will be some noise disturbance that is acceptable in the circumstances and in this case, there are no in-principle concerns with any likely impact upon the acoustic privacy of surrounding residents and there is insufficient justification to refuse the application on these grounds.
111. The proposal includes two communal terrace areas – on the first floor and on the third floor, as well as a separate private open space area. The level of noise emanating from these spaces is not considered to be unreasonable. The landscaped communal open space on the first floor is concentrated to face towards the west away from residential properties and is shielded on its remaining elevations. The roof terrace is a smaller 44m<sup>2</sup> area and less accessible and likely to result in lower usage because it is removed from the units on the levels below. Even then, it is screened on all sides. Likewise, the private roof terrace for Unit 22 is smaller still (33m<sup>2</sup>) and for exclusive private use of the unit. Likely noise levels will be manageable.
112. Notwithstanding, the Council's Environmental Health Officer has requested acoustic details, including a noise survey and scheme of works, to ensure that there are no undue impacts. This is detailed in Condition 17.

## **Highway Access and Parking Provision**

### Car Parking

113. Policy CC07 and Appendix 2 of the MDD Local Plan stipulates minimum off street parking standards, including provision for charging facilities. Parking spaces should also be a minimum of 5m x 2.5m. There is a requirement for 22 resident car spaces in addition to nine unallocated/visitor parking spaces for a total of 31 car spaces.
114. The proposal makes provision for a total of 23 car spaces of compliant length and width in a ground floor car park, three of which are assigned for disabled parking and one for visitor/deliveries/services. Of the 22 resident spaces, they will be allocated to specific units, which is a ratio of one space per unit. As such, the proposal therefore represents a departure of eight spaces.
115. Section 7.4.6 of the Wokingham Town Centre Masterplan SPD states that '*future developments within the town centre must seek to materially reduce car parking provision and contribute to enhanced parking management and sustainable transport improvements that offer comparative door-to-door journey times.*' The intent behind this approach is recognising the accessible location of the site in amongst other facilities and services and within easy walking distance of bus services and Wokingham Train Station. There are also several nearby car parks.
116. The Parking Standards Study Report (2011) also acknowledges that 35% of occupants within flats do not own a car and the town centre site location is highly

sustainable. Furthermore, F/2014/1317 at Saxon Court in Peach Street (80m to the north of the subject site) granted approval for a 39 residential unit development (8 x 1-bed and 31 x 2-bed) with 36 spaces (at 0.92 spaces per unit).

117. The previous application proposed a rate of 0.88 spaces per unit, which was marginally less than the approval at Saxon Court and the application was refused on this basis. This has been increased to at least one space per unit, and it is also supplemented with three motorcycle spaces.
118. As such, the Council's Highways Officer raises no objection, on the grounds that it is in a highly sustainable town centre location and surrounding car parks and on street parking could account for the lack of visitor parking.
119. Spaces 1-5 include electric charging points, which is a rate of 20%. This approach is supported, with anticipated demand for electric charging in the future. Condition 8 requires details of connections as part of a wider Car Park Management Plan and will seek to retain such facilities for the lifetime of the development.

### Servicing

120. TB20 of the MDD Local Plan indicates that servicing should ensure that there is no harmful or adverse impact on the neighbour amenity, highway safety, streetscene or environment.
121. Deliveries to the residential units can be accommodated within the visitor space in the ground floor carpark, provided such delivery vehicles meet the maximum clearance of 2.4m. This is a satisfactory outcome given the loss of existing parking to the Easthampstead Road frontage and this change has adequately addressed reason for refusal 5 in the previous refusal of 181723.

### Cycle Parking

122. Policy CC07 and Appendix 2 of the MDD Local Plan stipulates minimum cycle parking standards and P2 and P3 of the Borough Design Guide SPD ensure that it is conveniently located, secure and undercover and provided where it is compatible in the streetscene.
123. The proposal makes provision for a bike storage area in the ground floor carpark between the front entrance to Easthampstead Road and the main passenger lift. It is secure, accessible, covered and conveniently located for residents. It is adequately sized to accommodate a dual level cycle storage rack system at a width/spacing of 0.375m for a total of 24 cycle spaces. This is sufficient for one space per 1 and 2 bedroom unit and two spaces for the two x 3-bedroom unit.
124. An additional bike storage area for visitors is located alongside the passenger lift and is capable of accommodating at least four bikes, which is acceptable and can complement the aforementioned shortfall. However, its location conflicts with the lift entrance and Condition 9 requires its relocation to the side of the passenger lift within the lobby.
125. In this respect, no objection is raised in relation to the provision of cycle parking, subject to provision of specific design specifications by Condition 9.

## Access

126. Policy CP6(f) and (g) of the Core Strategy require the enhancement of road safety and no highway problems and R3 of the Borough Design Guide SPD notes that parking spaces should be safe and convenient and sited to minimise impact upon safety. Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.
127. The introduction of rear access from Denton Road is not opposed from a highways perspective. When considering that Denton Road (and the private access leading from it) currently provides rear access to several businesses in Peach Street and Easthampstead Road, the introduction of a new access within the private road is not unreasonable.
128. Visibility splays have been provided at the entrance and these are to the satisfaction of the Highways Officer. The gate is setback in the site, which allows for a car to wait whilst waiting to proceed into the site. Internally, the aisle width within the carpark measures 6.0m and allows for forward movement to and from the site. There is also sufficient internal space within the car park to deal with the low likelihood of vehicles entering and exiting the garage at the same time.
129. Pedestrian access to the building is via the car park. However, it is accessed via a separated, fire rated, glazed walkway that extends between the front and rear lobby entrances. A third pedestrian entrance via the vehicular entrance is separated from vehicle routes by bollards. The passenger lift is two sided, which allows good connectivity. This resolves the second part of the concern that was originally raised in reason for refusal 10 of the previous refusal of 181723.
130. On this basis, no objection is raised on access grounds.

## Traffic Generation

131. The application was supported by a Transport Statement and Travel Plan, both dated August 2018, which noted the following:
- Surveys undertaken in Denton Road in July 2018 indicate 26 AM peak hour traffic movements and 30 PM peak hour traffic movements as well as 325 daily movements and an average speed of 12mph
  - A review of personal injury collision data shows no collisions in the past five years within a 50m radius
  - Forecast trip generation using TRICS and 2011 census data indicates five additional two-way vehicle movements in the AM peak and eight two-way vehicle movements in the PM peak
  - With good access to services, facilities, schools, buses and rail, the development is conducive to walking and cycling
  - Existing retail parking at the front of the site will be lost. Given its central location in the town centre, there is access to existing Council owned car parks and it is probable that trips will be shared with other retail purposes within the town centre

- Denton Road is at least 5.5m in width and double-yellow lines prevent parking at all times, such that there is no foreseeable impediment to the flow of traffic arising from additional traffic movements

132. The contents of the two documents have been reviewed by the Council's Highways Officer. It is noted that the document relates to the previous scheme for 27 units and so the impacts should be less. Furthermore, there has been one incident in Denton Road since the finalisation of the Transport Statement on 5 December 2019, listed as 'slight' in severity.

133. Nonetheless, the Highways Officer agrees that it is unlikely that the traffic generated from a 22 unit, 23 space development would have an adverse impact on the highway network, including within Denton Road at the rear and that traffic safety is not an issue despite evidence of one recent vehicle collision. A large number of submissions have centered on this issue but the Council does not feel that it is such that it would warrant refusal on these grounds. The additional traffic movements would be adequately accommodated within the existing traffic movements, including during peak hour. However, the Travel Plan is deficient in some respects and requires further work to be of an acceptable standard.

134. On this basis, no objection is raised in relation to concerns about traffic generation, subject to the revision of the Travel Plan in Condition 7.

#### Construction Management

135. The Council's Highways Officer has requested a Demolition and Construction Management Plan because of the site constraints, its location on the interface between the retail frontage on Peach Street and Easthampstead Road and residential dwellings in Denton Road, high traffic levels on Easthampstead Road and manoeuvrability limitations within Denton Road. This is outlined in Condition 6.

#### **Building Sustainability**

136. Policy CC04 of the MDD Local Plan and the Sustainable Design and Construction SPD require sustainable design and conservation and R21 of the Borough Design Guide SPD requires that new development contribute to environmental sustainability and the mitigation of climate change.

137. The supporting documentation indicates that the development would be detailed to comply with the Building Regulations and Level 4 of the Code for Sustainable Homes and in this respect, no objection is raised. Sustainability measures within the Planning Statement also include:

- Low energy lighting throughout with appropriate controls.
- Mechanical ventilation and heat recovery system comprising flow and return ducts to all rooms linked to an MVHR heat exchange box located on the flat roof
- Combi boilers
- Electric charging points

138. Any additional measures would form part of the requirement to satisfy the Building Regulations and on this basis, the proposal is acceptable in terms of Policy CC04 and R21.

139. Policy CC05 of the MDD Local Plan encourages renewable energy and decentralised energy networks, with encouragement of decentralised energy systems and a minimum 10% reduction in carbon emissions for developments of 10+ dwellings or in excess of 1000m<sup>2</sup>. With 22 units, this requirement forms a Condition 13.

### **Waste Storage**

140. Policy CC04 of the MDD Local Plan requires adequate storage for the segregation of waste, recycling and composting. Waste storage should be consistent with the British Standards Institute 'Waste Management in Buildings - Code of practice (BS 5906:2005) and be conveniently located for residents within the building and for collection by the Council.

141. The proposal includes a 23m<sup>2</sup> bin storage room towards the rear of the carpark. It has sufficient capacity to accommodate the waste and recycling generation that would arise from a 22 unit residential building as well as the unimpeded manoeuvrability of bins. In this case, it includes 3 x 1100L and 11 x 240L blue wheeled bins and provision for food waste.

142. It is located adjacent to the rear entrance within 15m of a collection point, which is beyond the Council's maximum standard but this is acceptable to the Manager of Cleaner, Greener and Reactive Highway Services. On the basis of the above, no objection is raised.

### **Landscaping and Trees**

143. Policy CC03 of the MDD Local Plan aims to establish appropriate landscaping and Policy TB21 requires consideration of the landscape character. R14 of the Borough Design Guide SPD permits well-designed hard and soft landscaping that complements housing.

144. The northern end of Easthampstead Road is a Green Route Enhancement Area linking into the established Green Route that persists for the remainder of its length. The site itself is devoid of vegetation and there are no TPO protected trees in the immediate vicinity.

145. The Council's Trees and Landscape Officer has reviewed the proposal and raises no objection, subject to additional amendments and enhancements to a future landscaping scheme in Condition 4 and details of ongoing management in Condition 5.

146. Small trees and shrubs should be included to provide shade, colour and movement and articulation to the building and narrow trees are to be included along this frontage to improve the streetscene and enhance the Green Route. The privacy screening along the northern side of the terrace is to be replaced with a green wall with vertical planting given its prominence and this is included in Condition 4.

147. Internally, the inclusion of a landscaped deck with water feature is acceptable, subject to the submission of construction details, planting specification, cultivation, irrigation, bird and bat boxes and surface materials as well as details of soil depth and hardness of trees (because it will be partially in shadow) in Condition 4. The intent is that the lawn space in addition to the fourth floor roof terrace will allow for a softening of the built form within the development and when viewed in the context of the surrounding townscape.

### **Ecology**

148. Policy TB23 of the MDD Local Plan requires the incorporation of new biodiversity features, buffers between habitats and species of importance and integration with the wider green infrastructure network.

149. The site is not located where bat roosts have been found and the building is unlikely to host roosting bats. As such, since bats or any other protected species are unlikely to be affected, the Council's Ecology Officer raises no objection. Notwithstanding this, paragraph 118 of the NPPF states that opportunities to incorporate biodiversity in and around developments should be encouraged and this forms Condition 10.

### **Flooding**

150. Policy CC09 of the MDD Local Plan requires consideration of flood risk from historic flooding. The site is located within Flood Zone 1 and the establishment of a mixed use development does not pose an adverse flood risk. It is therefore acceptable in terms of Policy CC09.

### **Drainage**

151. Policy CC10 of the MDD Local Plan requires sustainable drainage methods and the minimisation of surface water flow. Whilst the footprint of the building will be increasing, the amount of hardstanding across the site remains largely unchanged, as the frontage of the existing site is already hard paved. Furthermore, the proposal includes turf to the first floor terrace, which will aid in accounting for some on site infiltration and managed discharge or potential reuse. As such, it is feasible that surface water drainage can be improved and this will need to be demonstrated with the submission of a surface water drainage strategy, amongst other details, in Condition 15. It is therefore acceptable in terms of Policy CC10.

152. Thames Water have reviewed the proposal and raise no in-principle objection. If the developer follows the sequential approach to the disposal of surface water, no objection is raised. If discharge is to a public sewer, prior approval from Thames Water Developer Services will be required. Protection of existing assets is detailed in the requirement for a piling method statement in Condition 16.

### **Environmental Health**

153. There is no indication that the site or existing building is contaminated and no objection is raised by the Council's Environmental Health Officer on these grounds, subject to a 'watching brief' during demolition and groundworks to ensure



appropriate action is taken if contamination is discovered. This is outlined in Condition 17.

154. Construction noise and dust may pose an issue, particularly given its town centre location, higher densities and number of surrounding residents. To minimise potential impacts, a Construction Management Plan (CMP) is required by Condition 6.
155. There are no issues with imposing standard demolition and construction working hours (Condition 20) but because of its location on through roads and within walking distance of a nearby school, it would be prudent to further restrict timing for deliveries to be outside of the morning and afternoon peak hours and school drop off and pick up times. This is outlined in Condition 21.

### **Rights of Way**

156. Policy CP4 of the Core Strategy and Policy CC03 of the MDD Local Plan refer to the need to retain and enhance rights of way. In this case, Wokingham Footpath 18 runs to the rear of this property, along the existing surfaced footway (South Place).
157. The Council's Public Rights of Way Officer notes that there are no long term implications for access along the right of way but as the path is a popular cut-through between the car park and Peach Street and construction works are very close to the right of way, Condition 6 requires construction details whereby access is maintained as part of a wider Construction Method Statement and Management Plan.

### **Affordable Housing**

158. Policy CP5 of the Core Strategy, Policy TB05 of the MDD Local Plan and the Affordable Housing SPD specify an affordable housing rate of 30% for any development comprising more than 15 dwellings. With three existing second floor bedsit (studio) units, there is a net increase of 19 units and therefore, the affordable housing contribution equates to 5.7 units.
159. There was no documentation submitted as part of this application or the previous refused application relating to the provision of affordable housing (including any viability statement) and it formed a reason for refusal in the previous application. However, the refusal was because of the absence of a legal agreement to secure any affordable housing rather than any opposition from the agent/applicant to it being included. Given the application is acceptable on the other remaining planning grounds, it is acceptable in this case, subject to inclusion in the legal agreement.
160. The Council's affordable housing officer has reviewed the application and requires 3 x 2 bedroom flats for social rent and 2 x 2 bedroom flats for shared ownership. The shared ownership model is for a 35% minimum equity share on initial purchase and rent capped on the unsold equity at 1.5% per annum.
161. The affordable units should be transferred to the Council's Local Housing Company (Wokingham Housing Limited) or one of the Council's preferred

Registered Provider (RP) partners for a price that will enable the RP or Local Housing Company to deliver the affordable housing without the need for public subsidy.

162. The remaining 0.7 units would need to take the form of a commuted sum. Based on the Viability Study undertaken by Levvel Ltd, the Council's approach to calculating commuted sums for affordable housing is based on the difference in the residual development value of a scheme without on-site affordable housing and the same scheme with on-site affordable housing. The commuted sum sought in-lieu of 0.7 units is £43,380.61 index-linked.

### **Thames Basin Heaths Special Protection Area (TBH SPA)**

163. Policy CP8 of the Core Strategy states that where development is likely to have an effect on the TBH SPA, it is required to demonstrate that adequate measures to avoid and mitigate any potential adverse effects are delivered.
164. The subject property is located within 5km of the TBH SPA and Policy CP8 states that where there is a net increase in dwellings within 5km of the SPA, an Appropriate Assessment is required to be undertaken to ascertain the likely impacts and required mitigation to offset any harm to the TBH SPA. The proposal involves a net increase of 19 units.
165. An Appropriate Assessment has been undertaken and is included at Appendix 1. In this case, the proposal is acceptable and contributions to access management measures and monitoring in line with the Delivery Framework will be required. This is in the form of a monetary contribution of £40,224.89 towards Suitable Alternative Natural Greenspace (SANG) in the Rocks Nest Wood SANG and ongoing SAMM monitoring totalling £9,667.89. This is secured in a Section 106 agreement as noted in Informative 1.

### **Employment Skills**

166. Policy TB12 of the MDD Local Plan requires an employment skills plan (ESP) for this development. ESPs use the Construction Industry Training Board (CITB) benchmark based on the value of construction. This is calculated by multiplying the total floor space (approximately 2350m<sup>2</sup>) by £1025, which is the cost of construction per square metre as set out by Building Cost Information Service of RICS and the methodology as set out in the Council's Employment and Skills Guidance. In this case, it totals £1,558,000.
167. The ESP would require a total of three community skills support jobs and the creation of one job. If for any reason the applicant is unable to deliver the plan or elects to pay the contribution, the employment outcomes of the plan will be borne by the Council at a contribution of £3,750. Either way, this is secured by Condition 14 but it may instead be necessary to form part of the legal agreement.

### **Community Infrastructure Levy**

168. The application is liable for CIL payments because it involves a net increase in dwellings and additional floor space in excess of 100m<sup>2</sup>. It is payable at £365/m<sup>2</sup>

index linked and the total amount payable is subject to a post determination review.

### **The Public Sector Equality Duty (Equality Act 2010)**

169. In determining this application, the Council is required to have due regard to its obligations under the Equality Act 2010. The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. There is no indication or evidence (including from consultation on the application) that the protected groups identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application and there would be no significant adverse impacts upon protected groups as a result of the development.

### **CONCLUSION**

170. The previous application was refused for 13 reasons, all of which are now resolved as follows:

- 1) Impact upon the character of the area, conservation area and nearby listed buildings: The changes to the scale and form of the building as it presents to Easthampstead Road and Denton Road have resulted in a building that is much more compatible with the surrounding built form.
- 2) Substandard internal amenity: The cumulative issues with internal amenity have been resolved, with an adequate level of amenity now provided.
- 3) Lack of usable amenity space: The proposal has significantly increased the amount of outdoor amenity space per unit and three units now have separate private amenity space. On balance, this is acceptable.
- 4) Impact upon neighbour amenity: A reduction in the bulk and height of the building and privacy screening where relevant has eliminated any undue amenity concerns to neighbours
- 5) Inadequate off street parking: The car parking to unit ratio is now one space per unit, an additional delivery/visitor space and three motorcycle spaces have been provided such that the proposal is acceptable, subject to Conditions 6-8, 24 and 25.
- 6) Potential loss of heritage significance: No further details were supplied but Condition 3 requires submission of such details, and its reuse if necessary, prior to demolition of the existing building.
- 7) Loss of office accommodation: Where no in-principle objection was previously raised, a further review concludes that the provision of residential accommodation outweighs the minor concerns of the loss of non-residential floorspace.
- 8) Inappropriate unit mix: The mix has altered with additional 3-bedroom units and a reduction in the total number of units such that an objection is no longer raised.
- 9) Lack of accessible units: Three units and car spaces will be accessible in accordance with relevant policy.
- 10) Residential access: This has been addressed by providing improved entrances, particularly from the rear near South Place. Internal access between the lobby and pedestrian lift no longer requires accessing the car park.

- 11) Lack of affordable housing: 30% of the development will be affordable in accordance with policy and this is secured by legal agreement.
- 12) Impact upon the Thames Basin Heaths Special Protection Area: An Appropriate Assessment and this is secured by legal agreement.
- 13) Lack of archaeological mitigation: A desktop study was provided and Berkshire Archaeology no longer raise objection, subject to Condition 12

171. On balance, the proposal represents a satisfactory redevelopment of the site that takes advantage of the town centre location and respects the Wokingham Conservation Area and nearby listed buildings. It also achieves a satisfactory parking and traffic outcome and will ensure the adequate retention of amenity for surrounding residents. The loss of non-residential floor space is offset and outweighed by the provision of a high density residential development comprising 22 units. Several pre commencement details are required in Conditions 3-18 and subject to these requirements, the proposal achieves an appropriate development in a suitable location.

## **The Conservation of Habitats and Species Regulations 2017 Screening Assessment and Appropriate Assessment**

In the light of the “Sweetman Judgement” (People Over Wind and Sweetman v Coillte Teoranta, April 2018), the comments below comprise an Appropriate Assessment which includes advice on necessary avoidance and mitigation measures which is consistent with the advice provided to the Planning Inspectorate on such matters.

### **Summary of Response**

WBC, in consultation with Natural England, has formed the view that any net increase in residential development between 400m and 5km straight-line distance from the Thames Basin Heath Special Protection Area (SPA) is likely to have a significant effect on the integrity of the SPA, either alone or in-combination with other plans or projects. An Appropriate Assessment has been carried out which includes regard to mitigation requirements.

This site is located approximately 4.85 km (measured from the access road to the application site) from the boundary of the SPA and therefore is likely to result in an adverse effect on the SPA, unless it is carried out together with appropriate avoidance and mitigation measures.

On commencement of the proposed development, a contribution (calculated on a per-bedroom basis) is to be paid to Wokingham Borough Council (WBC) towards the cost of measures to avoid and mitigate against the effect upon the Thames Basin Heaths SPA, as set out in WBC’s Infrastructure Delivery Contributions Supplementary Planning Document (SPD).

The strategy is for relevant developments to make financial contributions towards the provision of Suitable Alternative Natural Greenspaces (SANGs) in perpetuity as an alternative recreational location to the SPA and financial contributions towards Strategic Access Management and Monitoring (SAMM) measures.

In this instance, the proposed development would result in a net increase of 3 x 1 bedroom units, 14 x 2 bedroom dwellings and 2 x 3 bedroom dwellings within 5km of the SPA which results in a total SANG contribution of £38,780.06.

The proposed development is required to make a contribution towards Strategic Access Management and Monitoring (SAMM) which is also calculated on a per bedroom basis. Taking account of the per bedroom contributions this results in a total SAMM contribution of £8,879.59.

The total SPA related financial contribution for this proposal is £47,659.65. The applicant must agree to enter into a S106/s111 agreement to secure this contribution prior to occupation of each dwelling. Subject to the completion of the S106 agreement, the proposal would not lead to an adverse effect on the integrity of the SPA and would comply with SEP Saved Policy NRM6, policy CP8 of the Core Strategy, and the NPPF.

### **1. The Conservation of Habitats and Species Regulations (2017)**

In accordance with The Conservation of Habitats and Species Regulations (2017) Regulation 63 a competent authority (in this case Wokingham Borough Council (WBC)), before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which—

- a. is likely to have a significant effect on a European site...(either alone or in combination with other plans or projects), and
- b. is not directly connected with or necessary to the management of that site.

must make an appropriate assessment of the implications of the plan or project for that site in view of that site's conservation objectives.

A person applying for any such consent, permission or other authorisation must provide such information as WBC may reasonably require for the purposes of the assessment or to enable it to determine whether an appropriate assessment is required.

WBC must for the purposes of the assessment consult Natural England (NE) and have regard to any representations made by that body. It must also, if it considers it appropriate, take the opinion of the general public, and if it does so, it must take such steps for that purpose as it considers appropriate. In the light of the conclusions of the assessment, and subject to Regulation 64 (Considerations of overriding public interest), WBC may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site.

In considering whether a plan or project will adversely affect the integrity of the site, WBC must have regard to the manner in which it is proposed to be carried out or to any conditions or restrictions subject to which it proposes that the consent, permission or other authorisation should be given.

## **2. Stage 1 Screening for Likely Significant Effects**

WBC accepts that this proposal is a 'plan or project' which is not directly connected with or necessary to the management of a European Site. The Thames Basin Heaths Special Protection Area (SPA) is a European designated site which affects the borough, and WBC must ensure that development does not result in an adverse impact on the SPA. The potential adverse effects on the integrity of the SPA include recreational activities from inside the SPA and air pollution from inside and outside the SPA.

At this stage WBC cannot rule out 'likely significance effects' on the SPA (alone or in combination with other plans or projects) because the proposal could undermine the Conservation Objectives of these sites. This is because the proposal lies within 5 km of the SPA and represents a net increase in dwellings within 400m - 5km of the Thames Basin Heaths Special Protection Area (SPA) which will lead to an increase in local population and a potential increase in recreational activity on the SPA.

As the 'likely significance effects' cannot be ruled out at this stage an Appropriate Assessment must be undertaken.

## **3. Stage 2 Appropriate Assessment**

Based on the information proposed by the applicant, WBC must decide whether or not an adverse effect on site integrity (alone or in combination with other plans or projects) can be ruled out. Mitigation may be able to be provided so that the proposal is altered to avoid or reduce impacts.

The following policies and guidance set out WBC's approach to relevant avoidance and mitigation measures which have been agreed with Natural England. For the majority of housing developments this will comprise the provision of (or contribution towards) Suitable

Alternative Natural Greenspace (SANG) and a contribution towards the Strategic Access Management and Monitoring (SAMM) Project. The financial contributions towards SANG would be either through an obligation in a s106 agreement that requires WBC to allocate an appropriate amount of the development CIL receipt towards the provision of SANG, or through an obligation in an agreement under s111 of the Local Government Act, that requires the developer to make an appropriate financial contribution towards the provision of SANG (to be used in the event that the developer successfully seeks CIL relief). Developers will be required to secure an appropriate financial contribution to the SAMM project through an obligation in a s106 agreement.

For SDL development (and occasionally some other larger non SDL developments) within 5km of the SPA, SANG is required at a minimum of 8 ha per 1,000 new residents, constructed and delivered to Natural England's quality and quantity standards and a contribution towards pan SPA access management and monitoring (as advised by the Thames Basin Heaths Joint Strategic Partnership Board). For SDL development (and occasionally some other larger non SDL developments) between 5 and 7km, the proposals will need to be individually assessed but it is likely that SANG will be required on site in line with Natural England's quality and quantity standards, although the exact requirement will be agreed having regard to evidence supplied.

#### a. Policies and Guidance

For this proposal the following guidance and policies apply:

- South East Plan (May 2009) Policy NRM6 (Thames Basin Heaths Special Protection Area)  
<http://webarchive.nationalarchives.gov.uk/20100528160926/http://www.gos.gov.uk/gos/e/planning/regionalPlanning/815640/>
- Wokingham Borough Core Strategy (2010) Policy CP8 (Thames Basin Heaths Special Protection Area) sets out the approach WBC will take in order to protect the TBH SPA  
<http://www.wokingham.gov.uk/planning/planning-policy/local-plan-and-planning-policies/>
- Wokingham Borough Core Strategy (2010) Policy CP7 (Biodiversity) sets out the approach WBC will take in order to protect national and international nature conservation sites  
<http://www.wokingham.gov.uk/planning/planning-policy/local-plan-and-planning-policies/>
- Wokingham Borough Managing Development Delivery Local Plan (2014) Policy TB23 (Biodiversity and Development)  
<http://www.wokingham.gov.uk/planning/planning-policy/local-plan-and-planning-policies/>
- Infrastructure Delivery and Contributions SPD (2011)  
<http://www.wokingham.gov.uk/EasySiteWeb/GatewayLink.aspx?allId=193415>

The project as proposed would not adversely impact on the integrity of the SPA if avoidance and mitigation measures are provided as stipulated by these policies and guidance.

#### b. SPA Avoidance and Mitigation Measures

##### **i) The provision of Suitable Alternative Natural Greenspace (SANG) and its ongoing maintenance in perpetuity.**

In accordance with the development plan, the proposed development will be required to provide alternative land to attract new residents away from the SPA. The term given to this alternative land is Suitable Alternative Natural Greenspace (SANG).

As this development is not part of an SDL, the developer may make a payment contribution towards strategic SANGs in line with schedule below (most likely this will be at Rooks Nest Wood SANG although it is subject to SANGs capacity in the right location within Wokingham borough). An occupation restriction will be included in the Section 106 Agreement in order to ensure that the contribution has been made prior to occupation of the dwellings. This gives the certainty required to satisfy the Habitats Regulations in accordance with South East Plan Policy NRM6 (iii) and Core Strategy Policy CP8.

The development will result in a net increase of 19 dwellings, broken down as 17 x no 2 bedroom dwellings and 2 x 3 bedroom dwellings. Depending on the dwelling mix, the level of SANG payments are set out as follows:

<b>Bedrooms</b>	<b>SANG Contribution</b>	<b>Number of dwellings</b>	<b>Aggregate SANG Contribution</b>
1 bedroom	£1567.98	6 (net increase of 3)	£4,703.94
2 bedrooms	£2049.59	14	£28,694.26
3 bedrooms	£2690.93	2	£5,381.86
Total SANG Contribution			£38,780.06

#### **ii. Strategic Access Management and Monitoring (SAMM) Contribution**

The proposed development will also be required to make a contribution towards Strategic Access Management and Monitoring (SAMM). This project funds strategic visitor access management measures on the SPA to mitigate the effects of new development on it.

The level of contributions are calculated on a per bedroom basis. The development will result in a net increase of 19 dwellings, broken down as 17 x no 2 bedroom dwellings and 2 x 3 bedroom dwellings. Depending on the dwelling mix, the level of SAMM payments are calculated as follows:

<b>Bedrooms</b>	<b>SAMM Contribution</b>	<b>Number of dwellings</b>	<b>Aggregate SAMM Contribution</b>
1 bedroom	£376.86	6 (net increase of 3)	£1,130.58
2 bedrooms	£492.61	14	£6,896.54
3 bedrooms	£646.76	2	£852.47
Total SAMM Contribution			£8,879.59

Prior to the permission being granted the applicant must enter into a Section 106 Agreement based upon the above measures.

#### **4. Conclusion**

An Appropriate Assessment has been carried out for this development in accordance with the Habitats Regulations 2017. Without any appropriate avoidance and mitigation measures the Appropriate Assessment concludes that the development is likely to have a significant effect upon the integrity of the SPA with the result that WBC would be required to refuse a planning application.



Provided that the applicant is prepared to make a financial contribution (see above) towards the costs of SPA avoidance and mitigation measures, the application will be in accordance with the SPA mitigation requirements as set out in the relevant policies above.

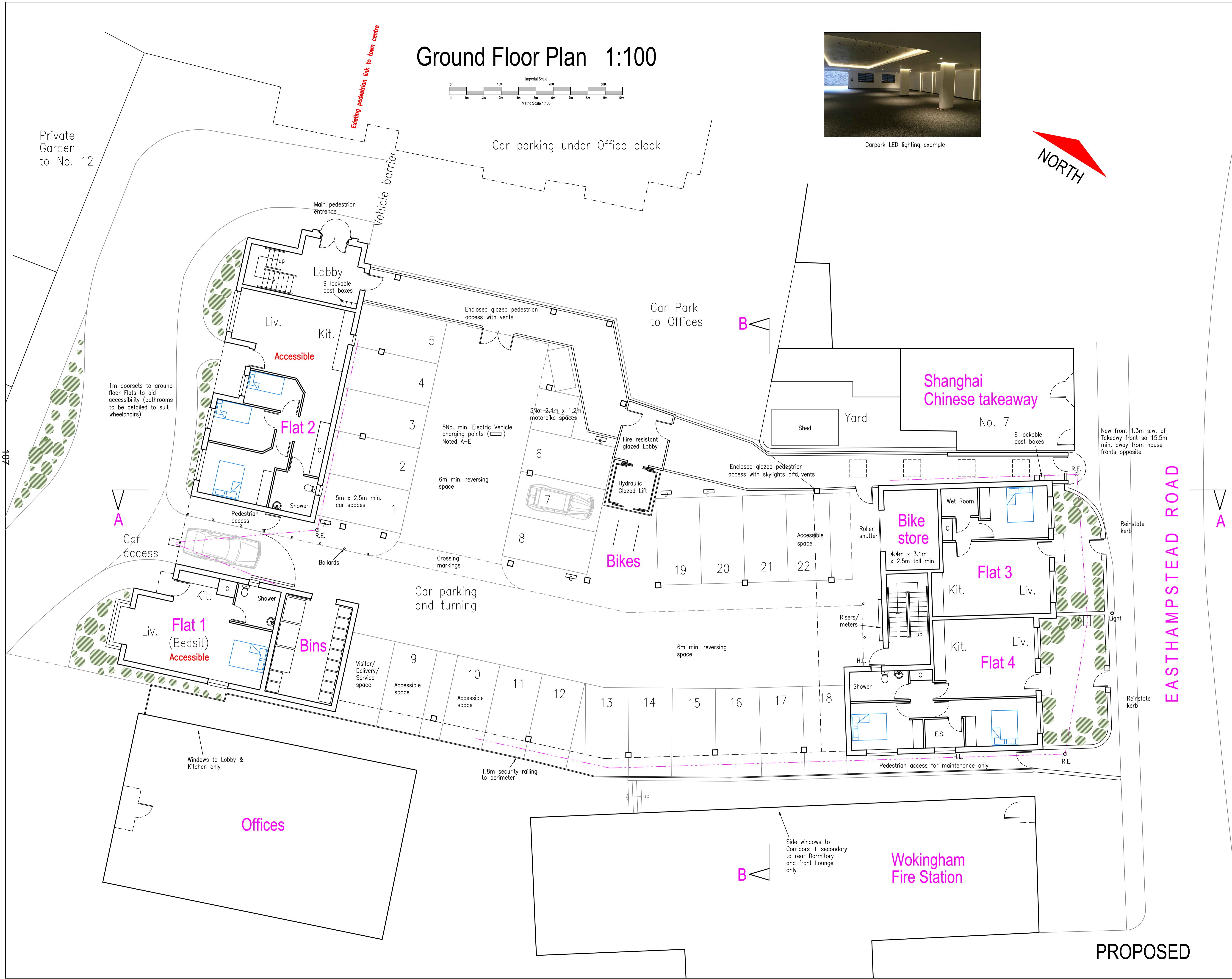
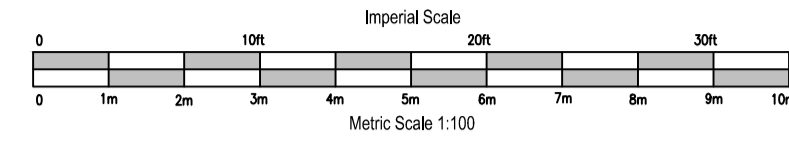
WBC is convinced, following consultation with Natural England, that the above measures will prevent an adverse effect on the integrity of the SPA. Pursuant to Article 6(3) of the Habitats Directive (Council Directive 92/43/EEC) and Regulation 61(5) of the Conservation of Habitats and Species Regulations (2017), and permission may be granted.

**Date:** 28/10/2019

**Signed:** Simon Taylor

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# Ground Floor Plan 1:100



General notes:  
All accesses to be controlled

Key:  
C Cupboard  
H.L. High level window  
- - - New foul drainage

FOR PLANNING PURPOSES ONLY  
(currently excludes construction detail)

Date	Revisions
E Sept. 2019	Changes for Planners
D May 2019	Lobby added
C Mar. 2018	Layout altered
B Dec. 2018	Flat layouts altered
A 6/8/2018	Bins altered, EV points added

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Established in 1982

Firmness Commodity Light

Client  
Classicstone Properties Ltd

Job Title  
Proposed apartments at:  
9 Easthamstead Rd,  
Wokingham,  
Berks.,  
RG40 2EH

Drawing Title  
Proposed Ground Floor Plan

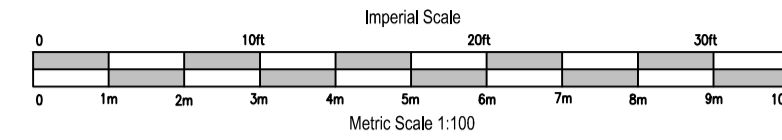
Scale 1:100 (plot at oversize A1)

Date Dec. 2018 Drawn by A. Lloyd Architect

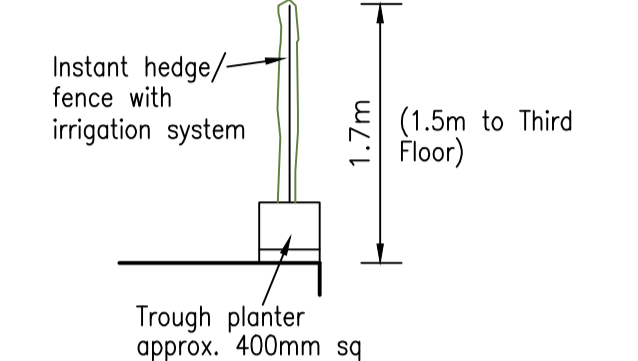
Drg No HIP/FLATS/05 Rev E

PROPOSED

# First Floor Plan 1:100



Typical instant screen hedging



Decking Fence Detail 1:50



General notes:

- Key:  
 C Cupboard  
 H.L. High level window

FOR PLANNING PURPOSES ONLY  
 (currently excludes construction detail)

Date	Revisions
D Sept. 2019	Changes for Planners
C May 2019	Lobby added
B Mar. 2019	Flat Nos. altered, flower boxes added
A Dec. 2018	Flat layouts altered

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Firmness Commodity Light

Client  
 Classicstone Properties Ltd

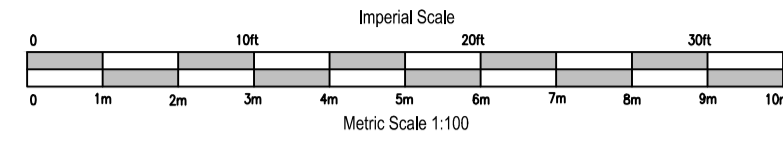
Job Title  
 Proposed apartments at:  
 9 Easthamstead Rd,  
 Wokingham,  
 Berks.,  
 RG40 2EH

Drawing Title Proposed First Floor Plan	
Scale 1:100 (plot at oversize A1)	
Date Dec. 2018	Drawn by A. Lloyd Architect
Drg No HIP/FLATS/06	Rev D

PROPOSED

108

# Second Floor Plan 1:100



General notes:

Key:  
 C Cupboard  
 H.L. High level window

FOR PLANNING PURPOSES ONLY  
 (currently excludes construction detail)

Date	Revisions
C Sept. 2019	Changes for Planners
B Mar. 2019	Flat Nos. altered, flower boxes added
A Dec. 2018	Flat layouts altered

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 Established in 1982

Firmness Commodity Light

Client  
 Classicstone Properties Ltd

Job Title  
 Proposed apartments at:  
 9 Easthamstead Rd,  
 Wokingham,  
 Berks.,  
 RG40 2EH

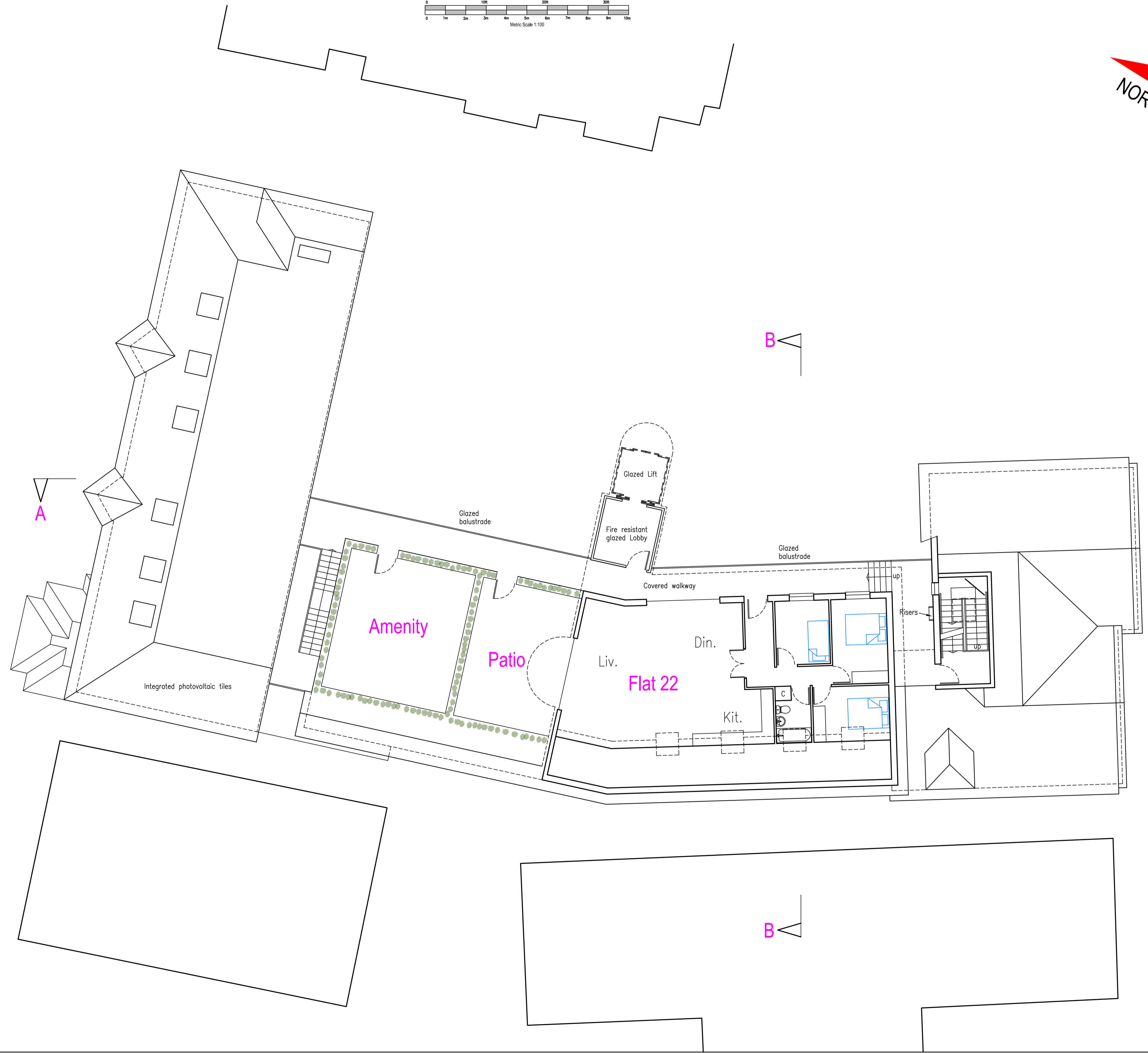
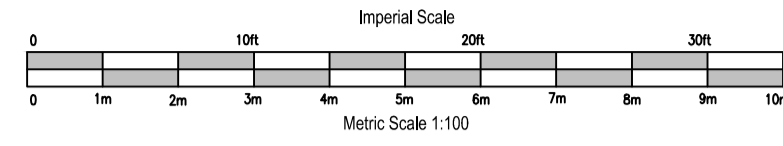
Drawing Title Proposed Second Floor Plan	
Scale 1:100 (plot at oversize A1)	
Date Dec. 2018	Drawn by A. Lloyd Architect
Drg No HIP/FLATS/07	Rev C

PROPOSED

109



# Third Floor Plan 1:100



General notes:

- Key:  
 C Cupboard  
 H.L. High level window

FOR PLANNING PURPOSES ONLY  
 (currently excludes construction detail)

Date	Revisions
C Sept. 2019	Changes for Planners
B Mar. 2019	Flat Nos. altered
A Dec. 2018	Flat layouts altered

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 Firmness Commodity Light

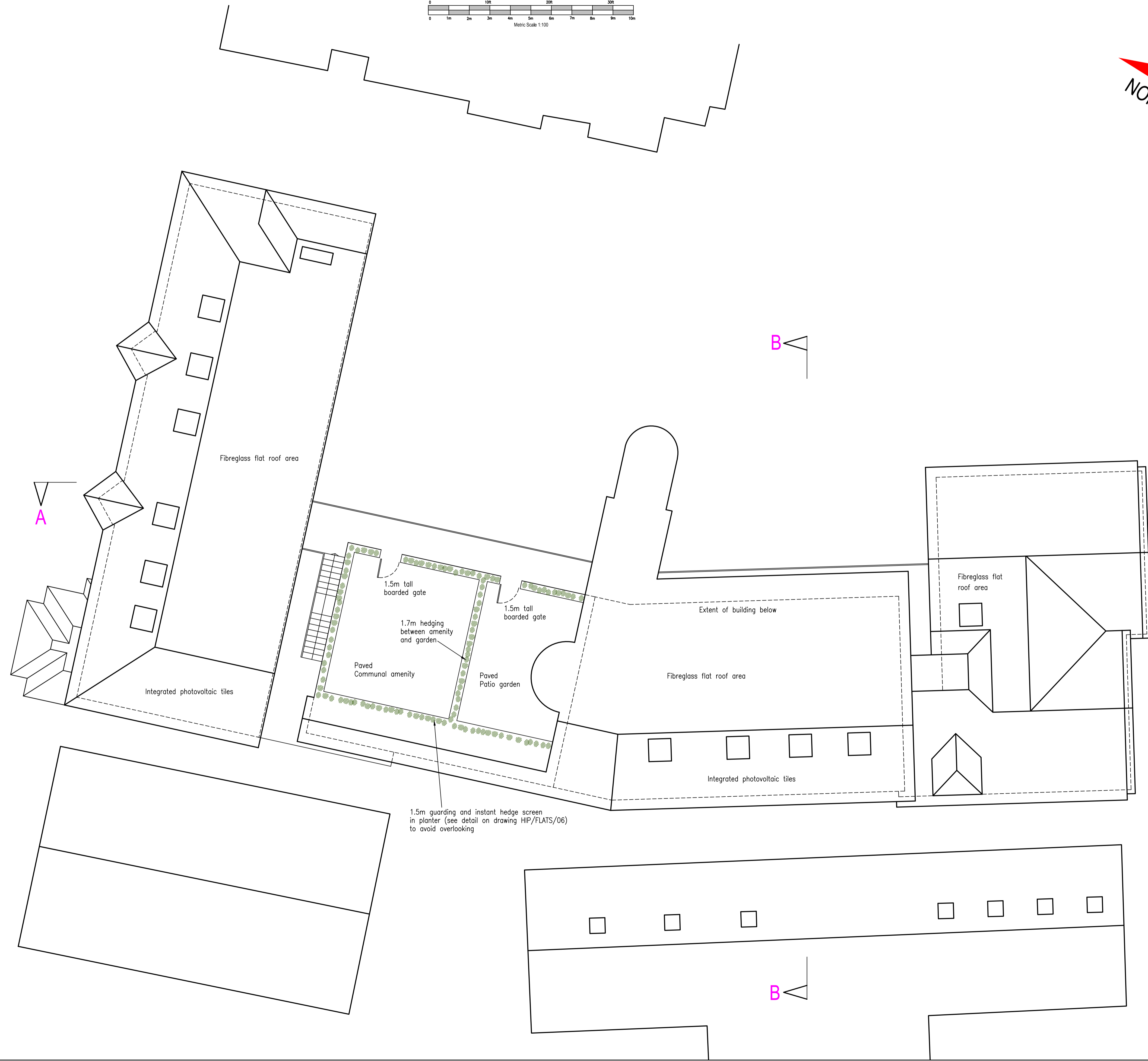
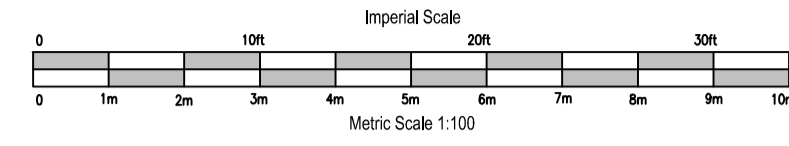
Client  
 Classicstone Properties Ltd  
 Job Title  
 Proposed apartments at:  
 9 Easthamstead Rd,  
 Wokingham,  
 Berks.,  
 RG40 2EH

Drawing Title Proposed Third Floor Plan	
Scale 1:100 (plot at oversize A1)	
Date Dec. 2018	Drawn by A. Lloyd Architect
Drg No HIP/FLATS/08	Rev C

PROPOSED

110

# Roof Plan 1:100



1.5m guarding and instant hedge screen in planter (see detail on drawing HIP/FLATS/06) to avoid overlooking

General notes:

FOR PLANNING PURPOSES ONLY  
(currently excludes construction detail)

Date	Revisions
B Sept. 2019	Changes for Planners
A Dec. 2018	Flat layouts altered

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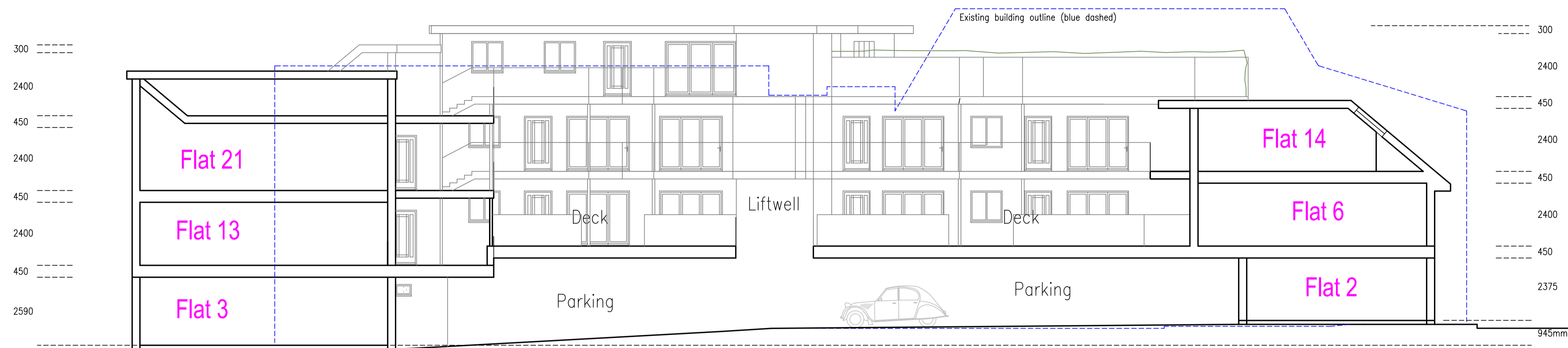
Client  
Classicstone Properties Ltd

Job Title  
Proposed apartments at:  
9 Easthampstead Rd,  
Wokingham,  
Berks.,  
RG40 2EH

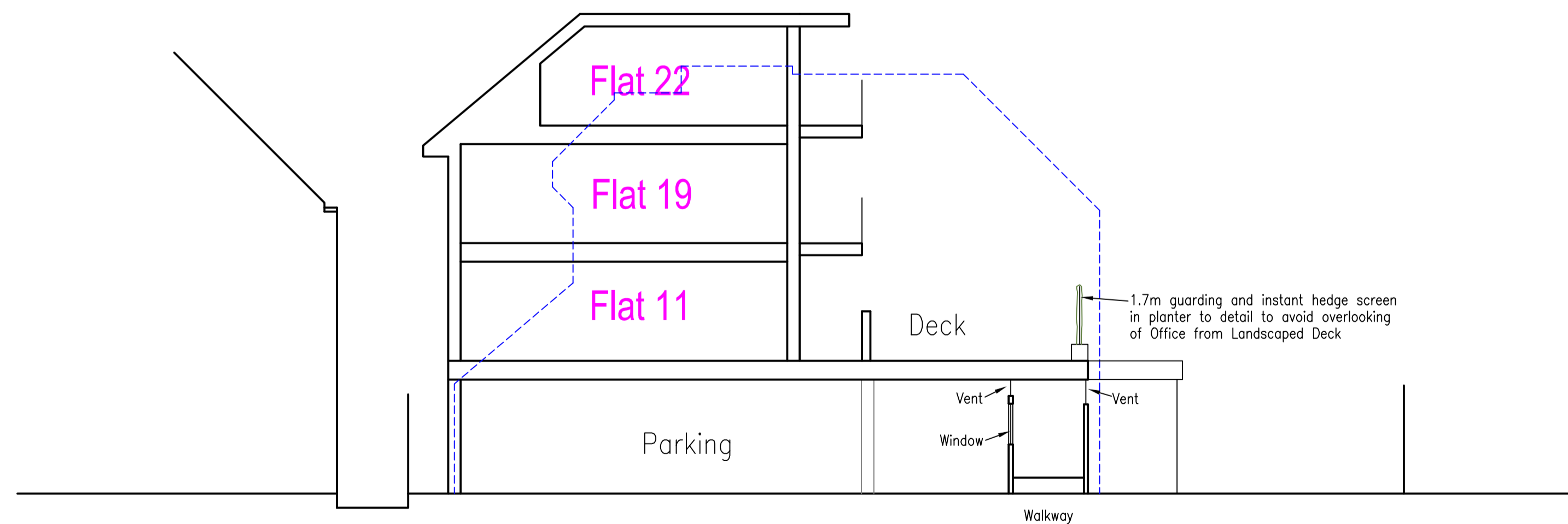
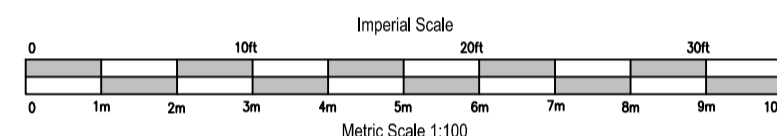
Drawing Title Proposed Roof Plan	
Scale 1:100 (plot at oversize A1)	
Date Apr. 2018	Drawn by A. Lloyd Architect
Drg No HIP/FLATS/09	Rev B

**PROPOSED**

General notes:



Section A-A 1:100



Section B-B 1:100

FOR PLANNING PURPOSES ONLY  
(currently excludes construction detail)

Date	Revisions
C Sept. 2019	Changes for Planners
B Jun. 2019	Flat numbers altered on B-B
A Dec. 2018	Flat layouts altered

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Firmness Commodity Light

Client  
Classicstone Properties Ltd

Job Title  
Proposed apartments at:  
9 Easthamstead Rd,  
Wokingham,  
Berks.,  
RG40 2EH

Drawing Title  
Proposed Cross Sections

Scale 1:100 (plot at oversize A1)

Date Apr. 2018 Drawn by A. Lloyd Architect

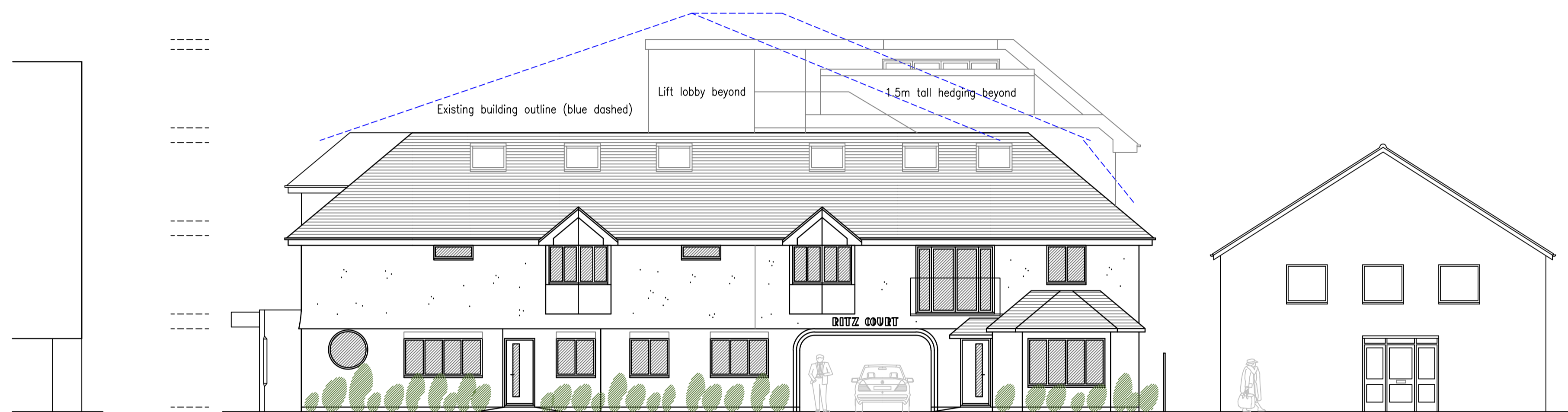
Drg No HIP/FLATS/10 Rev C

PROPOSED





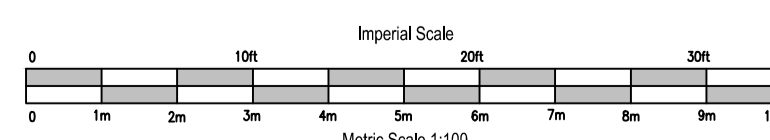
Proposed N.E. Easthampstead Road Streetscene 1:100



Proposed S.W. Streetscene by Denton Road 1:100



Proposed N.W. Deck Elevation 1:100



**PROPOSED**

General notes:

Materials:

- Pastel coloured rendered elevations with feature highlights
- Off white/grey framed windows
- Various coloured front doors
- Slate pitched roofs
- Fibreglass flat roofs
- Black uPVC guttering
- Colours illustrative only

FOR PLANNING PURPOSES ONLY  
(currently excludes construction detail)

Date	Revisions
C Sept. 2019	Changes for Planners
B Mar. 2018	Contemporary 1st floor street finish
A Dec. 2018	Flat layouts altered

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Client  
**Classicstone Properties Ltd**

Job Title  
Proposed apartments at:  
9 Easthampstead Rd,  
Wokingham,  
Berks.,  
RG40 2EH

Drawing Title  
**Proposed Streetscene & Main Deck Elevations**

Scale 1:100 (plot at oversize A1)

Date Apr. 2018	Drawn by A. Lloyd Architect
Drg No HIP/FLATS/11	Rev C

General notes:

Materials:

- Pastel coloured rendered elevations with feature highlights
- Off white/grey framed windows
- Various coloured front doors
- Slate pitched roofs
- Fibreglass flat roofs
- Black uPVC guttering
- Colours illustrative only

FOR PLANNING PURPOSES ONLY  
(currently excludes construction detail)

Date	Revisions
C Sept. 2019	Changes for Planners
B Mar. 2018	Contemporary 1st floor street finish
A Dec. 2018	Flat layouts altered

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Firmness Commodity Light

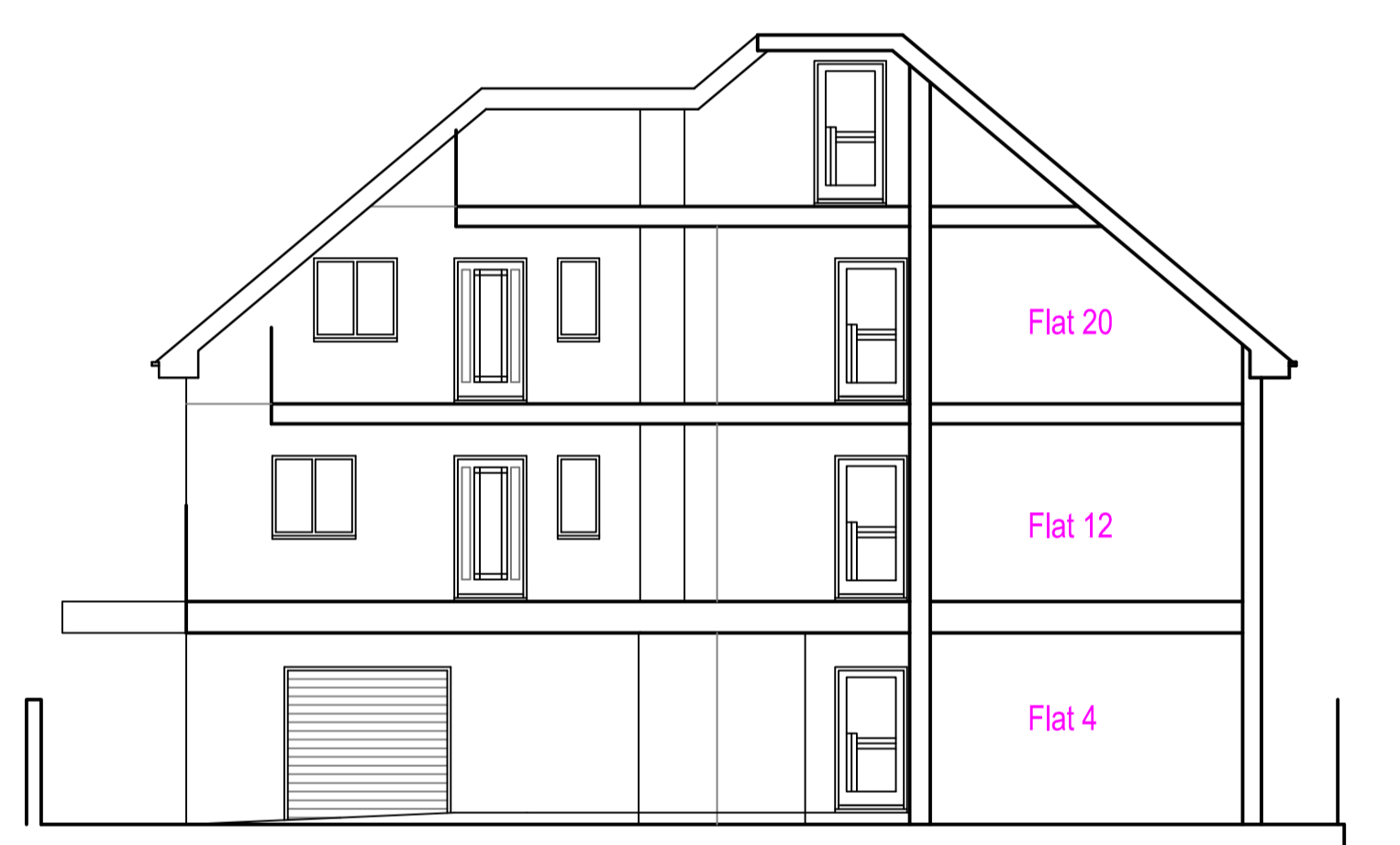
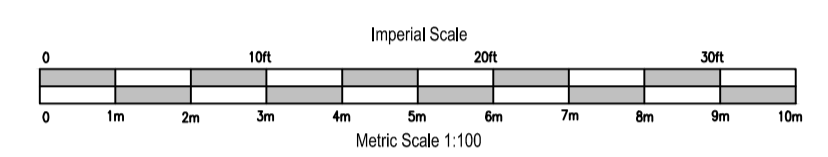
Client  
Classicstone Properties Ltd

Job Title  
Proposed apartments at:  
9 Easthamstead Rd,  
Wokingham,  
Berks.,  
RG40 2EH

Drawing Title Proposed Side & other Deck Elevations	
Scale 1:100 (plot at oversize A1)	
Date Apr. 2018	Drawn by A. Lloyd Architect
Drg No HIP/FLATS/12	Rev C



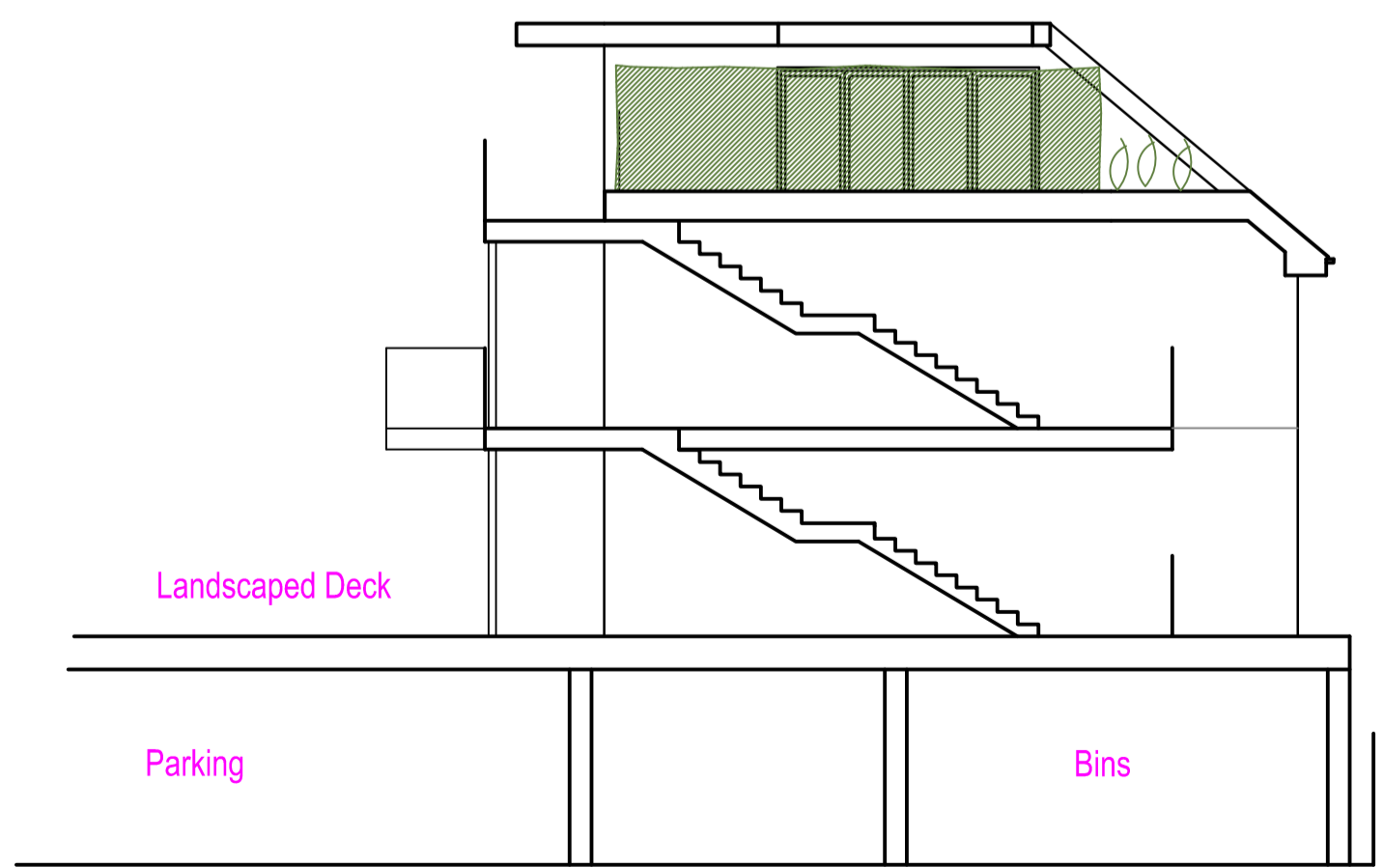
Proposed S.E. Side Elevation 1:100



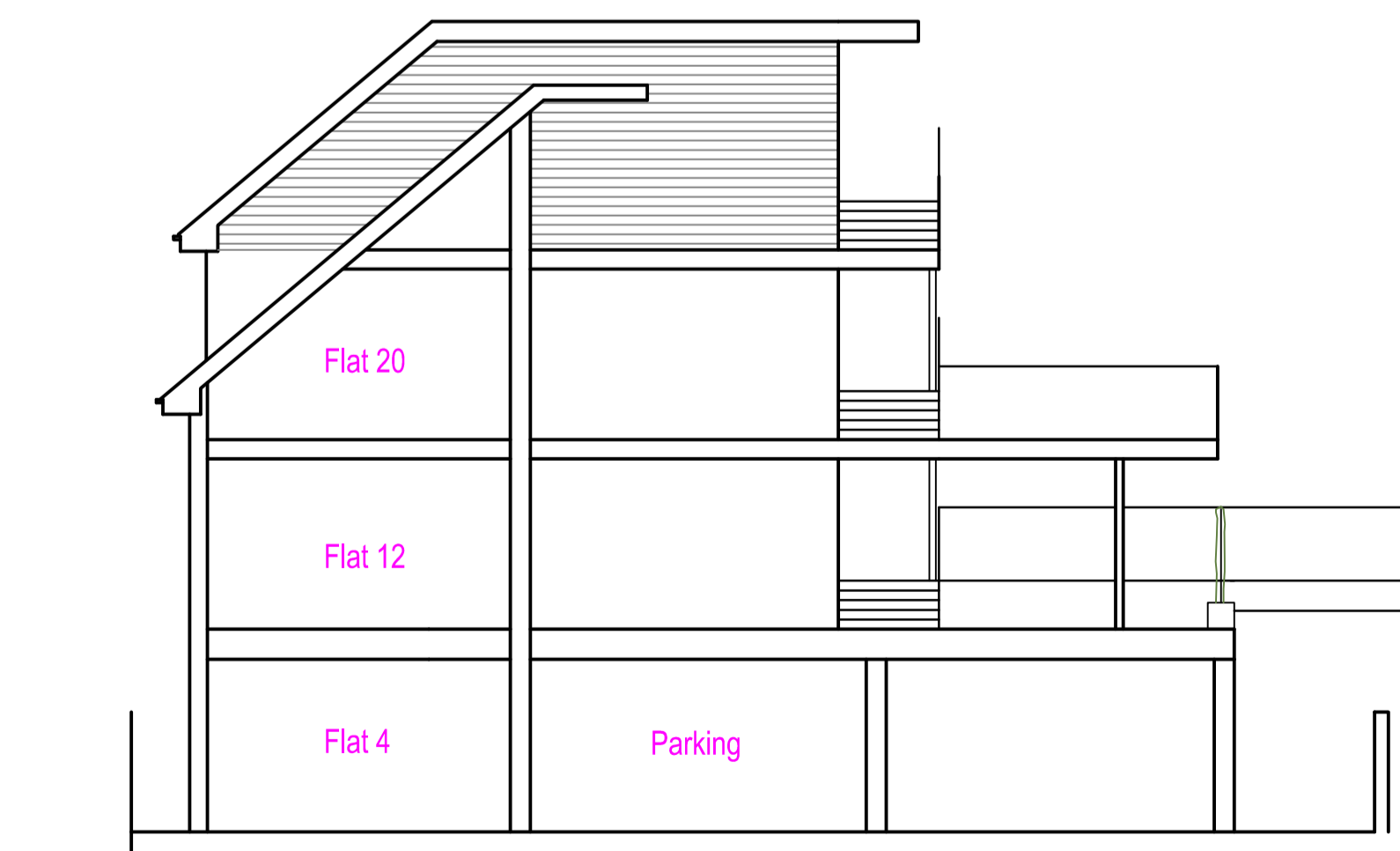
Proposed S.W. Deck Elevation 1:100



Proposed E. Deck Elevation 1:100



Proposed E. End Elevation 1:100



Proposed N.E. End Elevation 1:100

**PROPOSED**

PLANNING REF : 191573  
PROPERTY ADDRESS : Town Hall  
: Market Place, Wokingham, Berkshire  
: RG40 1AS  
SUBMITTED BY : Wokingham Town Council  
DATE SUBMITTED : 11/09/2019

COMMENTS:

Objection on following:

On side of building with underground parking it is in effect a 4 storey building and not in keeping with buildings in area.

Comments:

Would like to see more emphasis on alternative energy sources within the development. For example Solar Panels and grey water solutions (collecting rainwater for reuse etc.)

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# Agenda Item 54.

Application Number	Expiry Date	Parish	Ward
191554	15 November 2019	Wargrave	Remenham, Wargrave and Ruscombe

<b>Applicant</b>	Mr and Mrs Ramsey
<b>Site Address</b>	8 Victoria Road, Wargrave RG10 8AB (Plot 1)
<b>Proposal</b>	Full planning application for the proposed erection of one 6no. bedroom dwelling with attached double garage and ancillary annex, provision of new access, gates, bike storage and bin storage
<b>Type</b>	Full
<b>Officer</b>	Simon Taylor
<b>Reason for determination by committee</b>	Listed by Councillor Halsall

<b>FOR CONSIDERATION BY</b>	Planning Committee on Wednesday 13 November 2019
<b>REPORT PREPARED BY</b>	Assistant Director – Place

<b>SUMMARY</b>
<p>8 Victoria Road is a corner plot at the intersection of Victoria Road and School Hill and comprises a two storey, late 19th century arts and crafts dwelling sited towards the eastern boundary, with an expansive garden to its west that is framed by a collection of 13 TPO protected trees around the perimeter. The site area is 1685m<sup>2</sup> in an area that consists of a variety of detached, semi-detached and terraced dwellings.</p> <p>Permission has been granted for the demolition of the existing dwelling under prior approval application 191536 but demolition has not yet occurred. The proposal involves the subdivision of the plot into two and the erection of a 2.5 storey, six bedroom dwelling house with an attached garage partly within the footprint of the existing dwelling and partly on what would be considered as the residential garden of the existing plot but also with the creation of a new access onto Victoria Road. It was submitted at the same time as application 191570, which involves the erection of a 2.5 storey, five bedroom dwelling house on plot 2 immediately to the east.</p> <p>Ten submissions have been received – five for and five against. The primary concerns are that the access will result in a loss of on-street parking, it will lead to increased traffic and pose safety concerns, unreasonable amenity outcomes, over development and potential harm to existing trees. Wargrave Parish Council have objected and the Ward Member has listed the application on similar grounds.</p> <p>The Council officer raises no in-principle objections to the proposal. The introduction of the new entrance will result in the loss of not more than two off street parking spaces but this is not unreasonable, the additional traffic generation is typical of a replacement dwelling and is acceptable, it relates appropriately to neighbouring properties, it has been amended so that it does not create an overwhelming impression of bulk in the street and the trees are protected. The Council's Trees Officer and Highways Officer raise no objection and the proposal represents a satisfactory response to the streetscene. Condition 4 requires full protection of existing trees and Conditions 6 and 7 relate to ecology measures. Condition 15 also prohibits deliveries of materials during school drop off and pick up times as Robert Piggot CoE Junior School is less than 200m to the south on School Hill.</p>

Footnote: Planning application 191570 is also for consideration at the Planning Committee. Whilst the two dwellings are proposed as part of two separate planning applications, there are no immediate implications between the two applications.

## PLANNING STATUS

- Modest Development Location
- TPOs 1474/2014 and 1277/2008 comprising 13 protracted trees to the northern, western and southern boundaries
- Classified road (School Hill) and non-classified road (Victoria Road)
- Flood zone 1
- Bat consultation zone
- Groundwater zone 2
- Potentially contaminated consultation zone
- Wind turbine safeguarding zone
- Radon affected area

## RECOMMENDATION

**That the committee authorise the GRANT OF PLANNING PERMISSION subject to:**

- A) The satisfactory completion of a legal agreement to secure affordable housing provisions**  
**B) The following conditions and informatives:**

### Conditions

1) Timescale

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

*Reason: In pursuance of s.91 of the Town and Country Planning Act 1990 (as amended by s.51 of the Planning and Compulsory Purchase Act 2004).*

2) Approved details

This permission is in respect of the plans numbered 1-0-01 Rev C, received by the Local Planning Authority on 28 October 2019 and plans numbered 1-01 Rev F, 1-02 Rev B, 1-03 Rev B, 1-04 Rev B, 1-05 Rev B, 1-06 Rev A, 1-07 Rev A, 1-08 Rev A, and 1-09 Rev A, all received 28 October 2019.

The development shall be carried out in accordance with the approved details unless other minor variations are agreed in writing after the date of this permission and before implementation with the Local Planning Authority.

*Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the application form and associated details hereby approved.*

3) Landscaping details

Prior to the commencement of the development hereby approved, full details of both hard and soft landscape proposals shall be submitted to and approved in writing by the local planning authority. These details shall include, as appropriate, proposed finished floor levels or contours, means of enclosure (including elevations of the entrance gates), car parking layouts, other vehicle and pedestrian access and circulation areas, hard surfacing materials and minor artefacts and structures, including boundary treatments.

Soft landscaping details shall include planting plan, specification (including cultivation and other operations associated with plant and grass establishment), schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate, and implementation timetable. All hard and soft landscape works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a timetable approved in writing by the local planning authority.

Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced in the next planting season with others of species, size and number as originally approved and permanently retained.

*Reason: In the interests of visual amenity.*

*Relevant policy: Core Strategy policy CP3 and Managing Development Delivery Local Plan policies CC03 and TB21.*

4) Protection of trees

a) Prior to the commencement of the development hereby approved, an Arboricultural Method Statement and Scheme of Works which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site in accordance with BS5837: 2012 shall be submitted to and approved in writing by the local planning authority.

b) No operations shall commence on site in connection with development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening or any other operation involving use of motorised vehicles or construction machinery) until the tree protection works required by the Approved Scheme are in place on site.

c) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within an area designated as being fenced off or otherwise protected in the Approved Scheme.

d) The fencing or other works which are part of the Approved Scheme shall not be moved or removed, temporarily or otherwise, until all works including external works have been completed and all equipment, machinery and surplus materials removed from the site, unless the prior approval in writing of the local planning authority has first been sought and obtained.

No development or other operations shall take place except in complete accordance with the details as so-approved (hereinafter referred to as the Approved Scheme).

*Reason: To secure the protection throughout the time that the development is being carried out of trees shrubs or hedges growing within or adjacent to the site which are of amenity value to the area, and to allow for verification by the local planning authority that the necessary measures are in place before development and other works commence.*

*Relevant policy: Core Strategy policy CP3 and Managing Development Delivery Local Plan policies CC03 and TB21.*

5) Sustainable drainage details

No construction shall take place until details of the drainage system for the site have been submitted to and approved in writing by the LPA. The details shall include how the site currently drains and will be drained after proposed development with consideration to SuDS.

*Reason: To prevent increased flood risk from surface water run-off.*

*Relevant policy: NPPF Section 14, Core Strategy policy CP1 and Managing Development Delivery Local Plan policies CC09 and CC10.*

6) Lighting details

Prior to the commencement of the development, a lighting scheme and how this will not adversely affect wildlife shall be submitted to and approved in writing by the LPA. The report shall include the following figures and appendices:

- a) A layout plan with beam orientation
- b) A schedule of equipment
- c) Measures to avoid glare
- d) An isolux contour map showing light spillage to 1 lux both vertically and horizontally and areas identified that could be of importance for commuting and foraging bats.

The approved lighting plan shall thereafter be implemented as agreed.

*Reason: To minimise impacts on biodiversity in accordance with Paragraphs 170 and 175 of the NPPF and upon neighbouring properties in accordance with Policies CP1 and CP3 of the Core Strategy.*

7) Biodiversity enhancement details

No part of the dwelling hereby permitted shall be occupied until details of biodiversity enhancements, to include bird and bat boxes, tiles or bricks on and around the new buildings and native and wildlife friendly landscaping (including gaps at the bases of fences to allow hedgehogs to traverse through the gardens), have been submitted to and approved in writing by the council. The biodiversity enhancements shall thereafter be installed as approved.



*Reason: To ensure that the ecological value of the site is enhanced post development in line with paragraphs 170 and 175 of the NPPF.*

8) Parking and turning space

No part of the dwelling hereby permitted shall be occupied until the vehicle parking and turning space has been provided in accordance with the approved plans. The vehicle parking and turning space shall be retained and maintained in accordance with the approved details and the parking space shall remain available for the parking of vehicles at all times and the turning space shall not be used for any other purpose other than vehicle turning.

*Reason: To provide adequate off-street vehicle parking and turning space and to allow vehicles to enter and leave the site in a forward gear in the interests of road safety and convenience and providing a functional, accessible and safe development and in the interests of amenity.*

*Relevant policy: Core Strategy policies CP3 & CP6 and Managing Development Delivery Local Plan policy CC07.*

9) Access

No part of the dwelling hereby permitted shall be occupied until the vehicular access has been constructed in accordance with the approved plans and surfaced with a permeable and bonded material across the entire width of the access for a distance of 5m measured from the carriageway edge or drained in a manner that runoff discharges to permeable areas within the plot.

*Reason: To avoid spillage of loose material onto the highway, in the interests of road safety.*

*Relevant policy: Core Strategy policy CP6.*

10) Visibility splays

No part of the dwelling hereby permitted shall be occupied until the proposed vehicular access shall have been formed and provided with visibility splays shown on the approved drawing number 1-01 rev C. The land within the visibility splays shall be cleared of any obstruction exceeding 0.6m in height and maintained clear of any obstruction exceeding 0.6m in height at all times.

11) Cycle parking

No part of the dwelling hereby permitted shall be occupied until secure and covered parking for cycles has been provided in accordance with the approved drawing(s)/details. The cycle parking/ storage shall be permanently so-retained for the parking of bicycles and used for no other purpose.

*Reason: In order to ensure that secure weather-proof bicycle parking facilities are provided so as to encourage the use of sustainable modes of travel.*

*Relevant policy: NPPF Section 9 (Sustainable Transport) and Core Strategy policies CP1, CP3 & CP6 and Managing Development Delivery Local Plan policy CC07.*

12) Bin store

No part of the dwelling hereby permitted shall be occupied until the bin storage area has been provided in full accordance with the approved details. It shall be permanently so-retained and used for no purpose other than the temporary storage of refuse and recyclable materials.

*Reason: In the interests of visual and neighbouring amenities and functional development.*

*Relevant policy: Core Strategy CP3 and Managing Development Delivery Local Plan policy CC04.*

13) Obscure glazing

The windows to bedroom 1 and adjacent ensuite hereby permitted along the southern elevation of the first floor shall be fitted with obscured glass and shall be permanently so-retained. The window shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the finished floor level of the room in which the window is installed and shall be permanently so-retained.

*Reason: To safeguard the residential amenities of neighbouring properties.*

*Relevant policy: Core Strategy policy CP3.*

14) First floor bedroom balcony

The privacy screening shown on the southern side of the first floor balcony to bedroom 1 as shown on the approved drawings shall be so-fitted and permanently so-retained.

*Reason: To safeguard the residential amenities of neighbouring properties.*

*Relevant policy: Core Strategy policy CP3.*

15) Hours of work and deliveries

No work relating to the development hereby approved, including works of demolition or preparation prior to building operations, shall take place other than between the hours of 8am-6pm Monday to Friday and 8am-1pm Saturdays and at no time on Sundays or Bank or National Holidays. Deliveries of materials or collection of building materials associated with the development hereby approved shall not occur via any vehicle larger than 8m in length during the hours of 8am-9pm and 2:30pm-4pm Monday to Friday.

*Reason: To protect the occupiers of neighbouring properties, including the nearby school, from noise and disturbance and to manage safe traffic movement.*

*Relevant policy: Core Strategy policies CP1, CP3 and CP6 and Managing Development Delivery Local Plan policy CC06.*

16) Retention of trees and shrubs

No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted wilfully damaged or destroyed, cut

back in any way or removed without previous written consent of the local planning authority; any trees, shrubs or hedges removed without consent or dying or being severely damaged or becoming seriously diseased within 5 years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species unless the local planning authority gives written consent to any variation.

*Reason: To secure the protection throughout the time that development is being carried out, of trees, shrubs and hedges growing within the site which are of amenity value to the area.*

*Relevant policy: Core Strategy policy CP3 and Managing Development Delivery Local Plan policies CC03 and TB21.*

17) Restriction of permitted development rights

Notwithstanding the provisions of the Town and Country Planning, (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) and except for any which may be shown on the approved drawing(s), the following is restricted:

- a) No additional windows or similar openings shall be constructed in the side elevations
- b) No gates or barriers within the vehicular access
- c) The garage accommodation shall be kept available for the parking of vehicles ancillary to the residential use of the site at all times

*Reason: To safeguard the character of the area, retain sufficient parking on the site and protect the amenity of neighbouring properties.*

*Relevant policy: Core Strategy policies CP1, CP3 and CP6, and Managing Development Delivery Local Plan Policies CC07 and TB21.*

**Informatives**

1) Protected species (including nesting birds and bats)

This permission does not convey or imply any approval or consent required under the Wildlife and Countryside Act 1981 for protected species. The applicant is advised to contact Natural England with regard to any protected species that may be found on the site.

All birds, their nests and eggs, are protected by law. It is a criminal offence (with certain exemptions) to deliberately or recklessly take, damage or destroy the nest of any wild bird whilst it is in use or being built. The buildings and vegetation on the site are likely to be used by nesting birds and any works to buildings with bird nests or vegetation clearance should take place outside the bird nesting season (March - August inclusive). If this is not practicable areas to be cleared should first be checked for bird nests by an appropriately qualified person. If bird nests are found works that could disturb it must stop until any young have fledged the nest.

The ecology report details several recommendations that the Council strongly recommends be implemented. All species of bats receive special protection under UK law and it is a criminal offence under the Wildlife and Countryside Act 1981 (as

amended) and The Conservation of Habitats and Species Regulations 2017 (The Habitat Regulations) to deliberately or recklessly to destroy or damage their roosts, or to disturb, kill or injure them without first having obtained the relevant licence for derogation from the regulations from the Statutory Nature Conservation Organisation (the SNCO - Natural England in England).

2) Pre commencement details

Where this permission requires further details to be submitted for approval, the information must formally be submitted to the Council for consideration with the relevant fee. Once details have been approved in writing the development should be carried out only in accordance with those details. If this is not clear please contact the case officer to discuss.

3) Access construction

The Head of Highways at the Council Offices, Shute End, Wokingham [0118 9746000] should be contacted for the approval of the access construction details before any work is carried out within the highway (including verges and footways). This planning permission does NOT authorise the construction of such an access or works.

4) Changes to the approved plans

The applicant is reminded that should there be any change from the approved drawings during the build of the development this may require a fresh planning application if the changes differ materially from the approved details. Non-material changes may be formalised by way of an application under s.96A Town and Country Planning Act 1990.

5) Mud on the road

Adequate precautions shall be taken during the construction period to prevent the deposit of mud and similar debris on adjacent highways. For further information contact the Highway Authority on tel.: 0118 9746000.

6) Community Infrastructure Levy

The development hereby permitted is liable to pay the Community Infrastructure Levy. The Liability Notice issued by Wokingham Borough Council will state the current chargeable amount. A revised Liability Notice will be issued if this amount changes. Anyone can formally assume liability to pay, but if no one does so then liability will rest with the landowner. There are certain legal requirements that must be complied with. For instance, whoever will pay the levy must submit an Assumption of Liability form and a Commencement Notice to Wokingham Borough Council prior to commencement of development. For more information see - <http://www.wokingham.gov.uk/planning/developers/cil/cil-processes/>

7) Discussion

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations,

including planning policies and any representations that may have been received. This planning application has been the subject of positive and proactive discussions with the applicant in terms of planning issues relating to ecology and amended plans being submitted by the applicant to overcome tree issues.

The decision to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the NPPF is considered to be a positive outcome of these discussions.

#### PLANNING HISTORY

App Number	Proposal	Decision
709/1956	Conversion of room to habitable space	Approved 9 October 1956
753/1956	Part conversion of garage to bathroom	Approved 31 August 1956
R/190/1963	Double garage	Approved 5 September 1963
191536	Demolition of existing house (prior app)	Approved 8 July 2019
191570	Five bedroom dwelling house	Considered concurrently

#### SUMMARY INFORMATION

Existing site area	0.25 hectares
Proposed site area	0.1815 hectares (remainder of site considered in 191570)
Existing units	Single dwelling (demolition of dwelling approved by 191536)
Proposed units	Single dwelling (additional dwelling proposed on adjacent plot as part of 191570)
Existing density	4 dwellings per hectare
Proposed density	5.5 dwellings per hectare (8 dwellings per hectare when accounting for 191570)
Existing parking spaces	> 3
Proposed parking spaces	> 3, including double attached garage
Affordable units	None. See commentary in 191570

#### CONSULTATION RESPONSES

WBC Ecology	No objection, subject to Conditions 6 and 7 requiring details of lighting and biodiversity measures at pre commencement stage and Informative 1 for obligations relating to the protection of bats.
WBC Drainage	No objection, subject to Condition 5.
WBC Env. Health	No objection.
WBC Highways	No objection, subject to Conditions 8-11 relating to car and cycle parking and proposed access.
WBC Tree and Landscape	No objection, subject to Conditions 3 and 4 relating to a full landscape plan and protection of the existing protected trees at pre commencement stage.
Thames Water	No comments received.

#### REPRESENTATIONS

Wargrave Parish Council	<p>Objections are raised on the following grounds:</p> <ul style="list-style-type: none"> <li>New entrance is incompatible with the streetscene</li> </ul> <p>The new driveway has a width of 4.5m, widening to a dropped kerb of 7.0m width. This is not excessive and not out of character for the</p>
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	<p>streetscene that is characterised by numerous driveways, some of similar width.</p> <ul style="list-style-type: none"> <li>• Permitted development rights should be removed</li> </ul> <p><u>Officer comment:</u> Condition 17 removes certain permitted development rights but there is no overwhelming reason to extend this to include building extensions. Regardless, the site contains several protected trees and the harm or removal of trees to allow for any additional works would be contrary to section 13 of the Town and Country Planning (Tree Preservation)(England) Regulations 2012.</p> <ul style="list-style-type: none"> <li>• Incorrect red line plan (it relates to the entire site when the proposal includes the subdivision of the original site)</li> </ul> <p><u>Officer comment:</u> The red line plan has been updated to correct the anomaly.</p>
Ward Member	<p>The application has been listed by Councillor Halsall for the following reasons:</p> <ul style="list-style-type: none"> <li>• Will detract from neighbouring amenity</li> <li>• Harm to the character of the area</li> </ul> <p><u>Officer comment:</u> See comments above.</p> <ul style="list-style-type: none"> <li>• Loss of on street parking</li> </ul> <p><u>Officer comment:</u> This application comprises a new access point and would result in the loss of 7.0m of the kerb, which is not more than two on-street parking spaces. It is recognised that these spaces may be used by nearby residents that have no off street parking of their own but there is no planning justification to oppose the development on these grounds.</p> <ul style="list-style-type: none"> <li>• Risk to health of existing protected trees</li> </ul> <p><u>Officer comment:</u> The dwelling is well removed from the protected trees and the Council's Trees Officer raises no objection, subject to tree protection measures being imposed as per Condition 4.</p>
Neighbours	<p>The application was consulted to neighbours from 12 August to 3 September 2019. Submissions were received from the following properties:</p> <ol style="list-style-type: none"> <li>1) 6 School Lane, Wargrave RG10 8AA</li> <li>2) 5 Victoria Road, Wargrave RG10 8AD</li> <li>3) 22 Purfield Drive, Wargrave RG10 8AP</li> <li>4) 59 Ridgeway, Wargrave RG10 8AS</li> <li>5) Pegasus Group, on behalf of 10 Victoria Road, Wargrave R10 8AB</li> </ol> <p>The submissions raised the following issues:</p> <ul style="list-style-type: none"> <li>• Pressure on existing on street parking</li> </ul>

Officer comment: See comments above.

- Increased traffic, which poses a safety risk

Officer comment: The replacement dwelling (and infill dwelling on Plot 2) does not represent an unreasonable burden on the highway network nor does it represent any perceived harm to the safety of road users and pedestrians, including school children. This is detailed in 'Highway Access and Parking Provision'.

- Restricted delivery hours outside of school times should be applied

Officer comment: Because of its proximity to the nearby Junior School, restrictions to delivery hours are appropriate during school drop off and pick up times. See Condition 15.

- Incursions into the root protection zone of Tree 25
- Risk to health of existing trees

Officer comment: The Council's Trees Officer has reviewed the proposal and raises no objection, subject to additional construction method details in Condition 4. See 'Trees and Landscaping' for further comment.

- Infill represents over development

Officer comment: The scale and form of the proposed dwelling, as revised, is appropriate for the streetscene. See comments in 'Character of the Area'.

- Not appropriate development of a residential garden

Officer comment: The dwelling is viewed as an appropriate replacement dwelling (or even if it were considered as an infill development) that will not have an adverse impact upon the consistency and character of development in the area, including the setting of the residential garden. This is detailed in 'Character of the Area'.

- Detracts from neighbouring amenity

Officer comment: Subject to Conditions 13, 14 and 17, there are no unreasonable amenity concerns to neighbouring properties, as outlined in 'Neighbour Amenity'.

- The separation of the applications avoids affordable housing and this consideration should be taken into account
- No affordable housing

Officer comment: Regardless of the separation of the two applications, affordable housing remains applicable and this is applied in 191570 as this is viewed as the infill development. This is detailed further in 'Housing Affordability'.

- Disruption from construction

Officer comment: This is an unavoidable consequence of redevelopment and is not a relevant planning consideration.

- Existing dwelling is not proposed to be demolished and the relationship with this dwelling is problematic

Officer comment: Demolition of the dwelling was approved in a prior approval application 191536. Demolition will need to occur prior to construction.

- There are ramifications if only one dwelling is constructed

Officer comment: The Council officers do not foresee any ramifications if only one dwelling is constructed and no immediate examples were provided by the objector.

- CIL forms are incorrect (floor area not specified, proposed by a charity)

Officer comment: The inconsistencies in the CIL form have been rectified in a revised CIL form.

- Loss of outlook, sunlight, daylight to 10 Victoria Road
- Overlooking of 10 Victoria Road
- Inadequate setbacks to the boundary
- Inadequate building separation

Officer comment: Refer to comments in planning application 191570 for the dwelling on Plot 2.

- There are inconsistencies in the streetscene elevation and sections

Officer comment: The perceived inconsistency in the plans relates to the location of the section through the proposed dwelling being drawn at a different point to the elevation.

- Selective street viewpoints have been used

Officer comment: Whilst this is perceived to be a subjective interpretation, the viewpoints submitted in support of the application have not affected the assessment of the proposal and do not form part of the approved documents.

Letters of support were received from the following properties:

- 6) Corner House, School Hill, Wargrave RG10 8DY
- 7) Meadow Lodge, School Hill, Wargrave RG10 8DY
- 8) Middle House, School Hill, Wargrave RG10 8DY
- 9) Asana Cottage, 3 Victoria Road, Wargrave RG10 8AD
- 10) Farthings, 11 Victoria Road, Wargrave RG10 8AD



	<p>They noted the following comments:</p> <ul style="list-style-type: none"> <li>• Safeguards against larger scale development</li> <li>• Trees should be cut down</li> <li>• Driveway access improves line of sight</li> </ul> <p><u>Officer comment:</u> These comments are unrelated to the assessment of the subject application.</p> <ul style="list-style-type: none"> <li>• Appropriate design</li> </ul> <p><u>Officer comment:</u> This is noted.</p>
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<p><b>APPLICANTS POINTS</b></p> <p>The brief has been to use a strong contemporary architectural design creating a very high standard of development and one which fits in with neighbouring dwellings. The dwellings seek to maintain minimal massing and volumes with projections, gables and single storey elements to maintain sufficient distances between the dwellings and to the immediate neighbours. The main house is set back from School Lane in order to be consistent with the large front garden of the existing dwelling and has been re-designed from the pre-application proposals to respect the rear building line of Victoria Road, as well as being re-positioned on the plot to give greater separation distances between No. 10 Victoria Road and the proposed new dwelling. It has also been relocated further forward at the request of the planners to improve the relationship to other properties on Victoria Road.</p> <p>Suitable external amenity areas, driveway spaces, garaging and access/egress points to Victoria Road are provided to satisfy and meet National Planning Policy guidance.</p>
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<b>PLANNING POLICY</b>		
National Policy	NPPF	National Planning Policy Framework
Core Strategy 2010	CP1	Sustainable Development
	CP2	Inclusive Communities
	CP3	General Principles for Development
	CP5	Housing Mix, Density and Affordability
	CP6	Managing Travel Demand
	CP7	Biodiversity
	CP9	Scale and Location of Development Proposals
Managing Development Delivery Local Plan 2014	CC01	Presumption in Favour of Sustainable Development
	CC03	Green Infrastructure, Trees and Landscaping
	CC04	Sustainable Design and Construction
	CC06	Noise
	CC07	Parking
	CC09	Development and Flood Risk
	CC10	Sustainable Drainage
	TB06	Development of Private Residential Gardens
	TB07	Internal Space Standards
	TB21	Landscape Character
TB23	Biodiversity and Development	

Other	BDG	Borough Design Guide Supplementary Planning Document (Section 4)
	SDC SPD	Sustainable Design and Construction Supplementary Planning Document
	AH SPD	Affordable Housing Supplementary Planning Document
	DCLG	National Internal Space Standards

## PLANNING ISSUES

### Description of Development

1. The proposal involves the following:
  - Subdivision into a plot of 1815m<sup>2</sup>
  - Construction of a dwelling house consisting of two storeys with loft space with a total of six bedrooms and an attached double garage
  - Fencing between the two plots and new gates to the front boundary
  - New access to Victoria Road with gravel drive and entrance gates
  - Associated landscaping and site works, including bin storage and cycle storage
2. Demolition of the existing dwelling has been approved via the prior approval process (191536) and does not form part of this application.

### Site Description

3. The site is located in a modest development location in the village of Wargrave, east of the high street. The subject site is large at 0.25 hectares and is positioned within a prominent corner location. It is a good example of the late 19<sup>th</sup> century arts and crafts style of the development in the immediate area, which also includes the 'Police House' property opposite. TPO protected trees line the northern and western street frontages as well as the southern side boundary. Surrounding development comprises a mixture of development styles and plot sizes, with terraces and small plots to the west and larger dwellings and plots to the south and east.

### Principle of Development

4. The National Planning Policy Framework has an underlying presumption in favour of sustainable development which is carried through to the local Development Plan. Policy CC01 of the MDD Local Plan states that planning applications that accord with the policies in the Development Plan for Wokingham Borough will be approved without delay, unless material considerations indicate otherwise.
5. The site is located within a modest development location and a replacement dwelling house on this plot is acceptable in principle, including with respect to it representing development of a residential garden and being sustainably located close to local facilities and services as well as schools and public transport. It is also acceptable in terms of the principles stated in the Core Strategy and also accords with the relevant policies in the MDD Local Plan, as outlined in this report.

## **Character of the Area**

### General form

6. Policy CP3 of the Core Strategy states that development must be appropriate in terms of its scale, mass, layout, built form, height and character of the area and must be of high quality design. R1 of the BDG requires that development contribute positively towards and be compatible with the historic or underlying character and quality of the local area. It is reinforced in RD1-RD5, which states that development should adhere to the characteristics, setting and built form of the village.
7. The proposed dwelling has a footprint of 250m<sup>2</sup> and maximum height of 9.45m, which is larger and higher than other dwellings in the surrounding area. However, it also benefits from a larger than average site such that the proportion of site coverage is minimal and the dwelling retains a prominent form on a prominent corner location.
8. Any impression of dominance or built form is offset by the east/west building orientation and the flat roof form of the double garage, which reduces the impression of building width in Victoria Road to 11.6m, which is not inconsistent with other dwellings in the street. At 9.45m in height, the two east/west gables are the most dominant feature of the building but there is a very large setback to School Hill of at least 24m, which minimises the impression of the building when viewed from the west. The other street elevation to Victoria Road measures 6.7m to the gable eaves, which gives a softer impression. Coupled with a 10m setback to the street, this reduces any impression of dominance in the streetscene.
9. There are also TPO protected trees along both street frontages, which will break up the interpretation of the dwelling in views from the street. With no perceived harm to the protected boundary trees, the dwelling is sited whereby they will ensure that the landscape setting remains the prominent feature of the site.

### Development of a Residential Garden

10. Policy TB06 of the MDD Local Plan seeks to avoid inappropriate development of residential gardens where there is harm to the local area. Permission would only be granted where there is a positive contribution to the built form and surrounding spaces, integration with the layout of the surrounding area, appropriate hard and soft landscaping, amenity space, building separation and compatibility with the general building height.
11. R22 of the BDG also notes that backland development must not harm the existing character of the local area, relate positively to the existing layout and urban form, maintain the quality of environment for existing residents and create a satisfactory living environment.
12. The proposal is not viewed as backland development because of its corner location but it is still, in effect, development of an existing residential garden, one that is expansive in size, prominent in appearance and framed by protected trees.

13. At 0.25 hectares, the plot size is large for the area, particularly when compared with other properties in Victoria Road. There is therefore little doubt that the site can accommodate a replacement and additional infill development without interrupting the rhythm in plot sizes or the consistency in building line. There is ample provision for amenity space, landscaping and parking but most significantly, the siting of the dwelling can be achieved without harm to the protected trees that frame the boundary.
14. There are also no concerns in terms of security risk, overlooking or building separation and an adequate level of consistency in terms of building height. The dwelling has an appropriate footprint and is sited appropriately to relate to neighbouring properties and without resulting in any dominance from the required parking and access.
15. As such, the proposal achieves a satisfactory outcome in terms of TB06 and R22 and the principle of the replacement dwelling is acceptable. The same conclusions are reached in relation to the proposed replacement dwelling at Plot 2 in application 191570.

#### Siting

16. R2 of the BDG requires development to respond to context, including relating to neighbours, R3 and R4 require housing to relate to the existing network of streets and spaces and R7 requires a consistent building line relative to existing buildings.
17. The building is setback 2.6m (ground floor) to 11.7m (first floor) from the common boundary with Plot 2 and 24m to the School Hill frontage. There is adequate building separation within the site and it is entirely consistent with the pattern of development in the street. The proposal also retains the impression of an expansive garden to the west of the dwelling such that there is no unreasonable loss of landscape prominence on this corner site and it is not inconsistent with the building alignment of properties along School Hill.
18. The dwelling is sited over 10m from the front boundary, which is a departure from the predominant building line, which varies between 6.5m and 7.5m. However, when considered in the context of the proposed dwelling on Plot 2, it would establish a degree of consistency because the dwelling on Plot 2 is setback about 10-12.5m from the street.

#### Height

19. R9 of the BDG note that height, bulk and massing should respond to the local context and the prevailing heights in the area. The dwelling has a gable eaves height of 6.7m, a central ridge height of 8.8m and a gable ridge height of 9.45m. This compares with the 6.4m eaves height and 8.2m ridge height of the dwelling at Plot 2.
20. The two gables run east-west such that the presentation to Victoria Road is measured to the 6.7m gable eaves height. This lessens any impression of bulk to this frontage. The increased height in the two gables facing School Hill to the west is well removed from the front boundary and less dominant in views.

21. With the exception of these gable ends, it retains the impression of a 2.5 storey building, which would exceed the predominant height of two storeys in Victoria Road. However, in terms of overall form, the departure is modest and the perceived height of the dwelling it is not unreasonably out of character in the street and is therefore acceptable.

#### Parking

22. P2 of the BDG ensures that parking is provided in a manner that is compatible with the local character. The parking arrangement is acceptable, with the gravel driveway allowing for a minimisation of hard surfaces and the parking layout not out of character with the wider streetscene that is largely characterised by parking forward of the dwelling. The new 7.0m wide crossover introduced into Victoria Road is also acceptable in the context of numerous other crossovers, some of which are of a width that is equivalent of two cars.

#### Materials

23. R11 of the BDG requires that housing ensure a coherent use of materials and colour, RD6 states the elevations are to be well composed, proportioned and detailed and RD7 requires that materials, colours and details respond to the distinctive elements of the locality. The materials schedule suggests the use of standard brick and tiles with aluminium windows and timber doors. There is nothing striking in the use of these materials but they are not opposed.

#### Design

24. Paragraph 130 of the NPPF states that '*where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.*'
25. The dwelling has been orientated so that its front door opens to the east but there is still good articulation to the elevations facing the two street frontages. The distinctive elements of the proposed design include a double gable frontage with projecting block bays to the western and eastern elevations, as well as the extensive use of glazing, particularly within the loft. Whilst it has a distinctive form and design, it creates a positive impression in the streetscene that is suitable for its corner location. It is not out of character with the variety of architectural forms and styles in the streetscene and wider area and no objection is raised.

#### **Accessibility**

26. Policy CP2 of the Core Strategy seeks to ensure that new development contributes to the provision of sustainable and inclusive communities. The dwelling is afforded level access with sleeping and bathroom facilities within the ground floor such that no objection is raised.

#### **Housing Amenity**

##### Internal amenity

27. Policy TB07 of the MDD Local Plan and R17 of the BDG require adequate internal space to ensure the layout and size achieves good internal amenity. In accordance with the Technical housing standards – nationally described space standard, a minimum standard of 138m<sup>2</sup> applies for a three storey, six bedroom, 8+ person occupancy dwelling. The dwelling exceeds this standard. It also satisfies minimum standards for main and secondary bedrooms, living spaces and storage as required by the above policies.
28. R18 of the BDG requires sufficient sunlight and daylight to new properties, with dwellings afforded a reasonable dual outlook and southern aspect. The dwelling has a good aspect and orientation such that no objection is raised, including with respect to the level of amenity provided within the loft rooms and despite the extensive tree coverage along the property boundaries.

#### External amenity

29. R16 of the BDG requires a minimum depth of 11m for rear gardens and it should receive direct sunlight and be capable of accommodating play, clothes drying and storage. The site layout allows for sufficient amenity space for the dwelling to the rear (south) and side (west).

#### **Neighbour Amenity**

#### Overlooking

30. R15 of the BDG requires the retention of reasonable levels of visual privacy to habitable rooms, with separation of 11-15m to the rear and 10-15m to the street. R23 notes that the side walls must not contain windows, especially at first floor level.
31. Front facing windows easily accord with the standard of 10-15m to the street but there are two first floor windows to bedroom 1 to the rear elevation that extend within 11m of the boundary. Whilst there is heavy vegetation cover along the common boundary and these trees are protected from removal, they are secondary windows and have been made obscure glazed by Condition 13. A balcony also extends from the western elevation of bedroom 1 but it has privacy screening to its southern side limiting any unreasonable angled views across the boundary (see Condition 14). There are no rear facing windows to the loft.
32. Several side windows are proposed. On the ground floor, these will be contained within the proposed landscaping and boundary fencing and pose no issue. There is also no objection raised on the western elevation given there is ample separation to the boundary (>24m) with the road of School Hill beyond. There is also a minimum of 11m separation to the common boundary with Plot 2 as measured to the three bedroom windows on the first and second floor levels. As there is compliance with the BDG guidelines, there are no objections on overlooking grounds.

#### Sunlight and Daylight

33. R18 of the BDG aims to protect sunlight and daylight to existing properties, with no material impact on levels of daylight in the habitable rooms of adjoining properties.
34. The rear elevation extends further south than the proposed dwelling at Plot 2. However, there is ample two storey building separation of 13.5m which will ensure an adequate degree of light and no interruption of the 45 degree line. Furthermore, the proposal is setback at least 9.5m to the southern boundary and there is no interruption of the 25 degree line as measured to the existing dwelling on the neighbouring property to the south. As such, there are no concerns in relation to loss of daylight or sunlight whether between the two dwellings or across the boundary.

#### Overbearing and Sense of Enclosure

35. R16 of the BDG requires separation distances of 1.0m to the side boundary and 11m to the rear boundary. The proposal is setback 2.7m from the eastern boundary and 23.4m to the western boundary. There is a setback of 9.5m-11.5m with the southern rear boundary, which is a technical non-compliance of 1.5m. However, it is limited to a small portion of the rear elevation and even then, it complies with the 25 degree rule and is separated by protected trees along the boundary. Furthermore, the site benefits from its corner location with a large expanse of garden to the west and adequate building separation. It is not out of character with the wider streetscene nor is there any adverse amenity outcome as a result, the proposal is considered to be reasonable.

#### Noise disturbance

36. Policy CC06 and Appendix 1 of the MDD requires that development protect noise sensitive receptors from noise impact. The proposal involves the establishment of a six bedroom dwelling in a residential neighbourhood of similar scale development. No objection is raised on acoustic grounds.

#### **Highway Access and Parking Provision**

##### Car Parking

37. Policy CC07 and Appendix 2 of the MDD stipulates minimum off street parking standards. The proposal makes provision for at least three car spaces, with three uncovered spaces as well as a double garage, which includes compliant internal dimensions. On this basis, the proposal is acceptable.

##### Cycle Parking

38. Policy CC07 and Appendix 2 of the MDD stipulates minimum cycle parking standards and Policies P2 and P3 of the BDG ensure that it is conveniently located, secure and undercover and provided where it is compatible in the streetscene. Cycle storage for at least two bicycles is located at the front of the property with a maximum height that is below the existing fence and hedge line. This is satisfactory.

##### Access

39. The proposal will involve the creation of a new access and dropped kerb onto Victoria Road alongside the existing entrance which will be retained for Plot 2. It would measure 7.0m at the kerb and result in the loss of at least one but not more than two on-street car parking spaces but even if it is the latter, there is no opposition given there is at least three parking spaces within the site, it is not contrary to any policy and it is insufficient to warrant refusal of the application on these grounds. The access will be bonded by Condition 9 and proposed splays are satisfactory, subject to compliance in Condition 10. On site turning is possible. Accordingly, no objection is raised on access grounds.

#### Traffic Generation

40. It is unlikely that the proposal would have an adverse impact on the highway network as it represents a net increase of one dwelling.

#### **Landscaping and Trees**

41. Policy CC03 of the MDD aims to protect green infrastructure networks, retain existing trees and establish appropriate landscaping and Policy TB21 requires consideration of the landscape character. R14 of the BDG requires well-designed hard and soft landscaping that complements housing.
42. The site is surrounded with TPO 1277/2008 and 1474/2014 comprising of a number and variety of trees to the site boundary with Victoria Road and School Hill. The site itself is an extensive corner plot that is characterised by mature trees mostly to its perimeter, creating a prominent landmark in the neighbourhood.
43. The Arboricultural Impact Assessment is acceptable and the findings are not disputed by the Council's Trees Officer. Appropriate protection measures are shown on the Tree Protection Plan and because it is centrally located away from the property boundaries, it is envisaged that the proposed dwelling and new driveway entrance can be accommodated without any harm to the protected trees. On this basis, no objection is raised, subject to the submission of an Arboricultural Method Statement in Condition 4.
44. A Landscape Plan is also required in Condition 3, which is to include boundary treatments.

#### **Ecology**

45. Policy TB23 of the MDD requires the incorporation of new biodiversity features, buffers between habitats and species of importance and integration with the wider green infrastructure network.
46. A bat survey report was submitted with the planning application. It was prepared by Crossman Associates and dated May 2019. It concludes that the existing house contains features suitable for use by roosting bats and they could be disturbed or harmed by the demolition of the house. The report recommends a further two surveys be carried out to establish whether the existing house hosts a bat roost.



47. However, demolition of the house was granted under prior approval application 191536, which included an informative about roosting bats because the Council was not in a position to impose such a condition within the prior approval. Similarly, the Council is not in a position to impose conditions requiring that the applicant undertake further surveys, and if necessary, establish a mitigation scheme or obtain a Bat Licence from Natural England because the demolition of the house is unrelated to this application. Rather, the Council is limited to recommending that further surveys be undertaken. Not following this advice as part of the demolition of the house would potentially be contrary to the relevant legislation and subject to prosecution. This forms Informative 1.
48. Trees are unlikely to host roosting bats but vegetation clearance is conditioned in Informative 1 so that it does not affect nesting birds.

### **Building Sustainability**

49. Policy CC04 of the MDD and the Sustainable Design and Construction SPD require sustainable design and conservation and R21 of the BDG requires that new development contribute to environmental sustainability and the mitigation of climate change. The proposal is required to satisfy building regulations and in this respect, no objection is raised.

### **Boundary Treatments**

50. R5 of the BDG requires a clear distinction between the public and private areas and R12 states that boundary treatments contribute positively to the character of the area.
51. The existing timber fence and hedge to the street frontages is largely retained and it is apparent that there is no new proposed fencing, with the exception of fencing between the two plots and new gates. This is satisfactory, subject to clarification of any additional boundary treatments in Condition 3 and the continued protection of the boundary trees in Condition 4.

### **Waste Storage**

52. Policy CC04 of the MDD requires adequate external storage for the segregation of waste and recycling. The bin storage area is adjacent to the main driveway entrance and will be screened behind the front boundary fencing and landscaping. This is satisfactory.

### **Flooding and Drainage**

53. Policy CC09 of the MDD requires consideration of flood risk from historic flooding. The site and access thereto is located within Flood Zone 1 and the proposal represents no additional flood risk or vulnerability. It is therefore acceptable in terms of Policy CC09.
54. Policy CC10 of the MDD requires sustainable drainage methods and the minimisation of surface water flow. The footprint of the dwelling remains appropriate when considered against the predominant form of development in the

area and the amount of soft landscaping retained on the site. Soakaways are intended to be used and there are no in-principle objections on drainage and water infiltration grounds, subject to the submission of a drainage strategy report prior to the commencement of works. See Condition 5.

55. R23 of the BDG notes that parking spaces in front gardens must be paved with permeable surfaces to avoid any increase in surface water run-off. A gravel driveway is noted on the submitted plans and this ensures adequate on site infiltration.

### **Contamination**

56. The area is listed as potentially contaminated on the Council's inventory of potentially contaminated sites. The listing relates to a historic use located approximately 70m to the west of the application site. Given there is no change in the use of the site and the distance from the source, it is unlikely to pose any adverse impact and no objection is raised.

### **Housing Affordability**

57. Policy CP5 of the Core Strategy, Policy TB05 of the MDD and the Affordable Housing SPD specify an affordable housing rate of 20% for any development involving five dwellings or more or where it is being undertaken on land with a total area of 0.16 hectares or more. The application site measures 0.1685 following subdivision of the original site into two plots. However, given there are two applications, consideration would need to be made against the total site area of 0.25 hectares to ensure there is no intended or unintended circumvention of the affordable housing requirements.
58. The two applications cumulatively involve a net increase of one dwelling on land that is greater than 0.16 hectares, which triggers the need for 0.2 affordable units.
59. The applicant has requested that the affordable housing obligation be applied to the application for Plot 2 (191570) only. This is a reasonable outcome because the subject application necessitates the demolition of most of the existing dwelling (whereas the dwelling on Plot 2 can be accommodated by demolishing the garage and some other minor elements) and the applicant advises that the dwelling on Plot 1 is to be built first. Accordingly, there is no net increase in dwellings within the subject application and no affordable housing obligation although the legal agreement will cover any scenario where the opposite occurs such that no objection is raised.

### **Community Infrastructure Levy**

60. The intended purpose behind the submission of two separate planning applications (in addition to the prior approval for demolition) was to separate CIL obligations into the two plots/proposed dwellings. This application is for Plot 1, which is liable for CIL payments and is payable at £365/m<sup>2</sup> index linked although an application for self-build exemption accompanies the application.

**The Public Sector Equality Duty (Equality Act 2010)**

61. In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. There is no indication or evidence (including from consultation on the application) that the protected groups identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application and there would be no significant adverse impacts upon protected groups as a result of the development.

**CONCLUSION**

62. The proposal involves an appropriate replacement dwelling house partly within a residential garden of sufficient size. The subdivision and dwelling adequately reflects the character and scale of other development in the street and responds and respects its corner location. It ensures adequate protection for existing protected and non-protected trees, retains neighbour amenity (subject to Conditions 13, 14 and 17) and allows for adequate car parking. It is recommended for approval, subject to pre commencement conditions relating to landscaping (Conditions 3 and 4) as well as other ecology conditions (Conditions 6 and 7) and limitations upon deliveries (Condition 16), amongst other conditions.

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PLANNING REF : 191554  
PROPERTY ADDRESS : Council Office  
: Pavilion, Recreation Road, Wargrave, Wokingham  
: RG10 8BG  
SUBMITTED BY : Wargrave Parish Council  
DATE SUBMITTED : 03/09/2019

COMMENTS:

Wargrave Parish Council objected to this application. The introduction of a new entrance in this location is incompatible with the street scene in relation to highway safety.

Note: If the

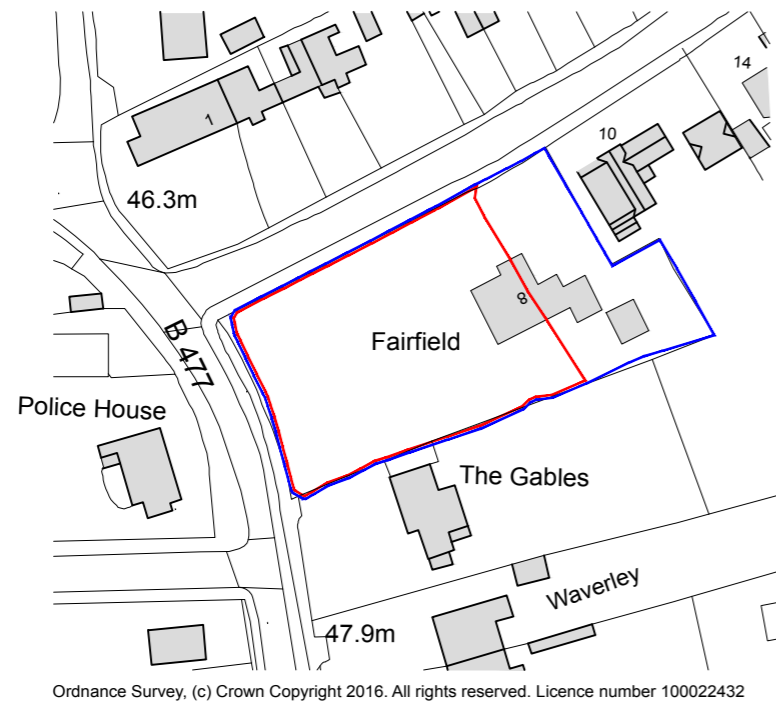
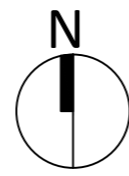
associated application of 191570 is not progressed/approved and there is a single entrance to the whole site (the existing 8 Victoria Road site) the objection is withdrawn.

If approved, the Parish Council

requests that Permitted Development Rights be withdrawn.

Note: The application appears to have an incorrect boundary (red) marking if it is intended to only refer to a subdivision of the original site.

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### 01 EXISTING LOCATION PLAN

1:1250



### 02 EXISTING SITE PHOTOGRAPHS

NTS

### 03 PLOT 1 EXISTING SITE PLAN

1:500



Client:  
Mr & Mrs Ramsey  
Date:  
September 2019

Project:  
Fairfield, 8 Victoria Road,  
Wargrave, Berkshire, RG10 8AB

Drawing Title:  
Existing GA Location & Site Plans  
Scale:  
1:1250 / 1:500 @A3

Drawing Issue:  
ISSUED FOR PLANNING

Scale:  
1:500 @ A3  
1:1250 @ A3

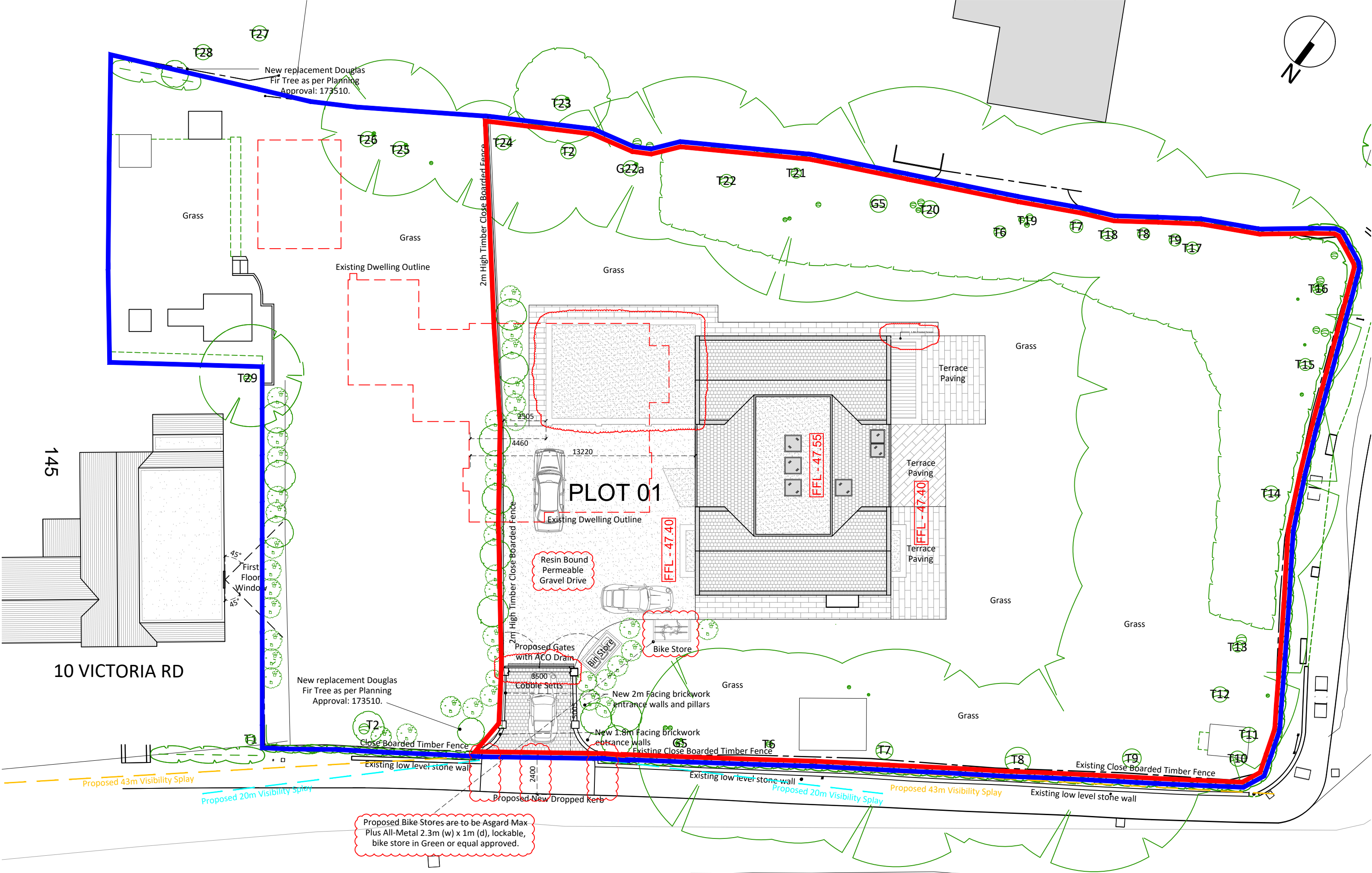
JW Architects Ltd.  
Tel: 07786 380 357 Email: info@jw-architects.co.uk

Project Reference Dwg No Name Rev  
P.19.270 FAIRF 1-0-01 JWA C

Do not scale drawings.  
All dimensions to be verified & checked on site.  
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145

10 VICTORIA RD

PLOT 01

Proposed Bike Stores are to be Asgard Max Plus All-Metal 2.3m (w) x 1m (d), lockable, bike store in Green or equal approved.

PROPOSED SITE PLAN - PLOT 1

1:200

Client:  
Mr & Mrs Ramsey  
Date:  
October 2019

Project:  
Fairfield, 8 Victoria Road,  
Wargrave, Berkshire, RG10 8AB

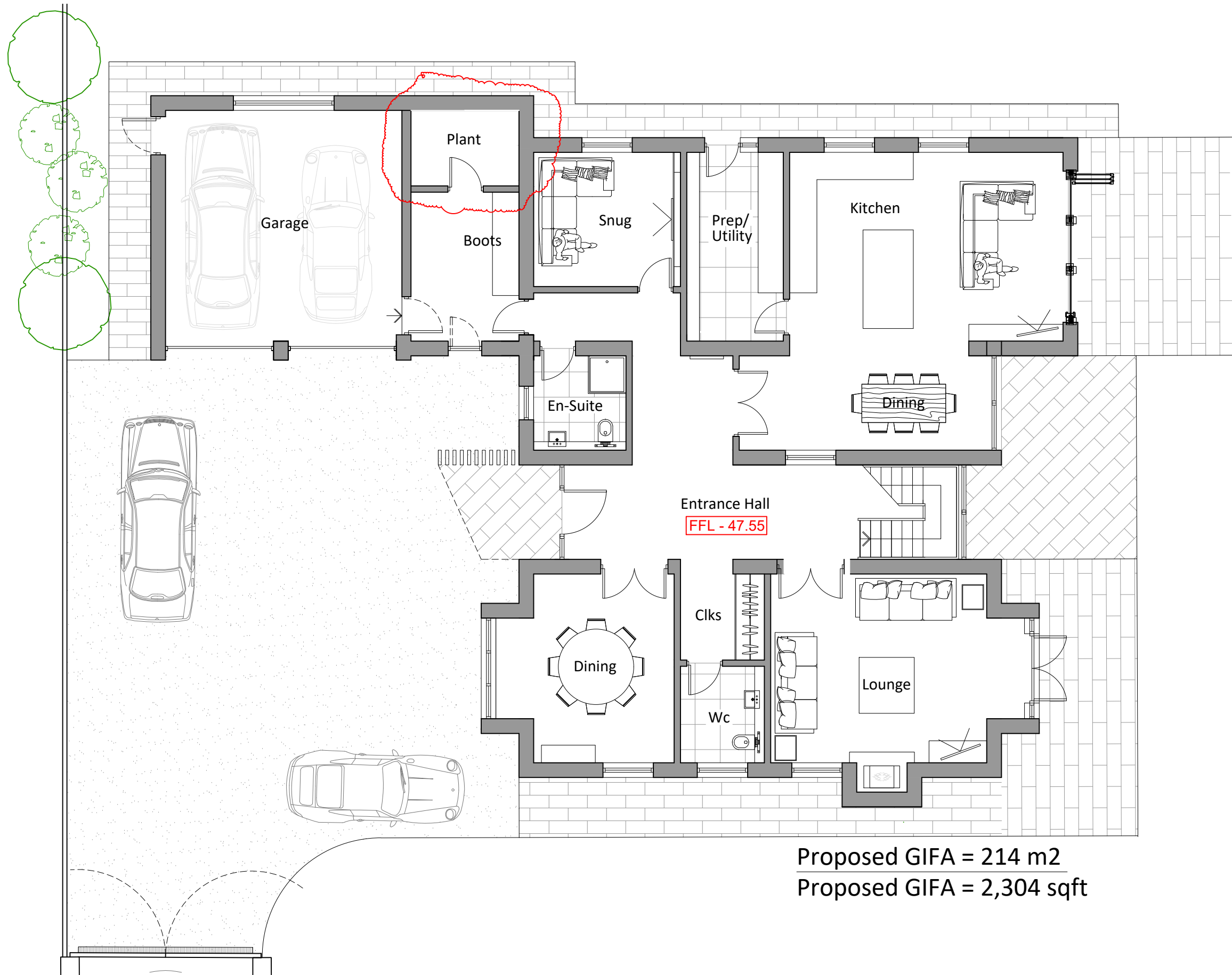
Drawing Title:  
Proposed Site Plan - Plot 1  
Scale:  
1:200 @A3

Drawing Issue:  
ISSUED FOR PLANNING

JW Architects Ltd.  
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Email: info@jw-architects.co.uk

Project	Reference	Dwg No	Name	Rev
P.19.270	FAIRF	1-01	JWA	F

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Proposed GIFA = 214 m2  
 Proposed GIFA = 2,304 sqft

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**PROPOSED GROUND FLOOR PLAN**

**1:100**

Client:  
 Mr & Mrs Ramsey  
 Date:  
 October 2019

Project:  
 Fairfield, 8 Victoria Road,  
 Wargrave, Berkshire, RG10 8AB

Drawing Title:  
**Proposed GF Plan**  
 Scale:  
**1:100 @A3**

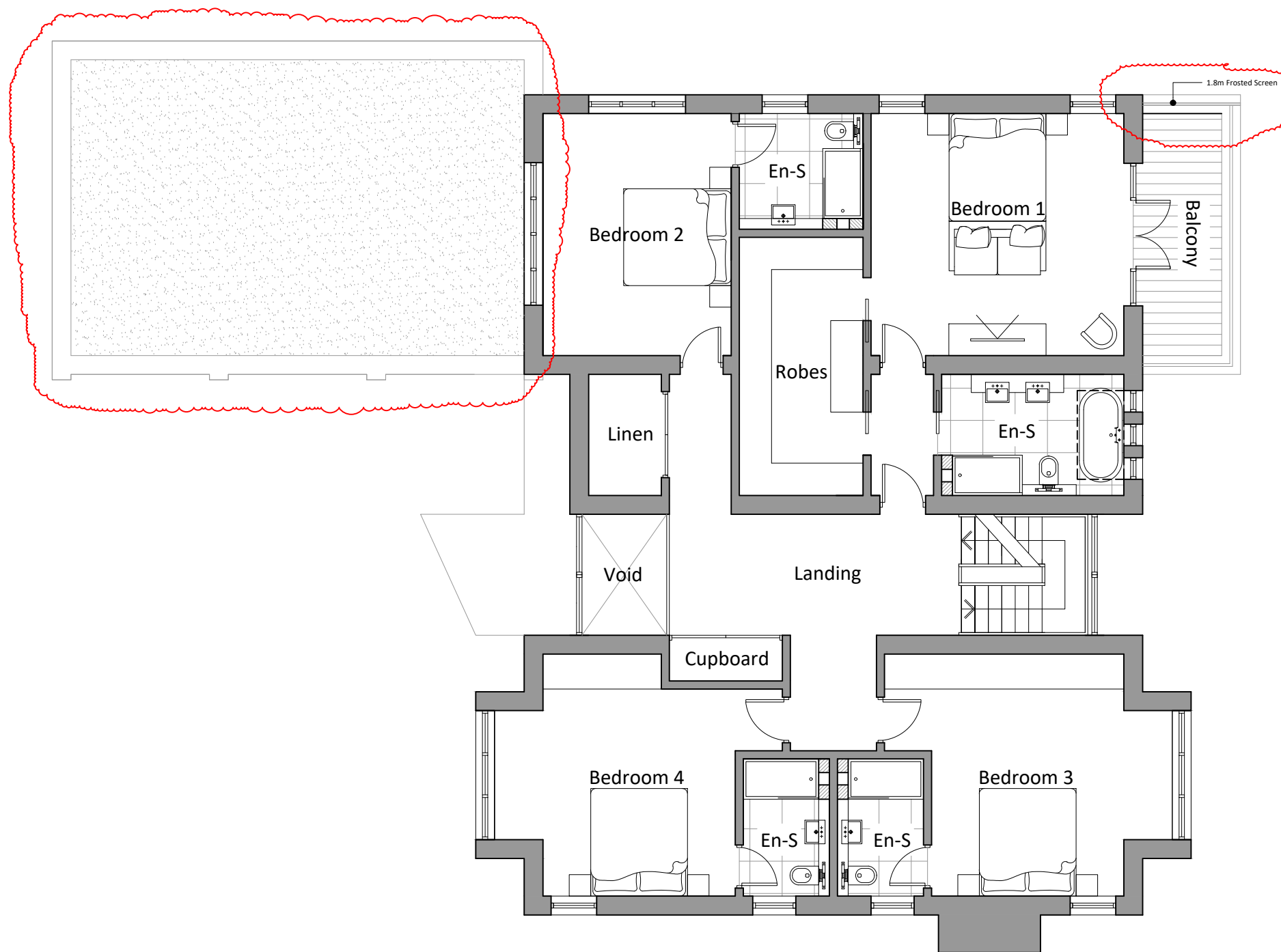
Drawing Issue:  
**ISSUED FOR PLANNING**

Scale bar: 1:100 @ A3  
 1.0 0 1.0 2.0 2.5

**JW Architects Ltd.**  
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 Email: info@jw-architects.co.uk

Project	Reference	Dwg No	Name	Rev
P.19.270	FAIRF	1-02	JWA	B

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Proposed GIFA = 150.5 m2  
 Proposed GIFA = 1,620 sqft

PROPOSED FIRST FLOOR PLAN

1:100

Client:  
 Mr & Mrs Ramsey  
 Date:  
 October 2019

Project:  
 Fairfield, 8 Victoria Road,  
 Wargrave, Berkshire, RG10 8AB

Drawing Title:  
 Proposed FF Plan  
 Scale:  
 1:100 @A3

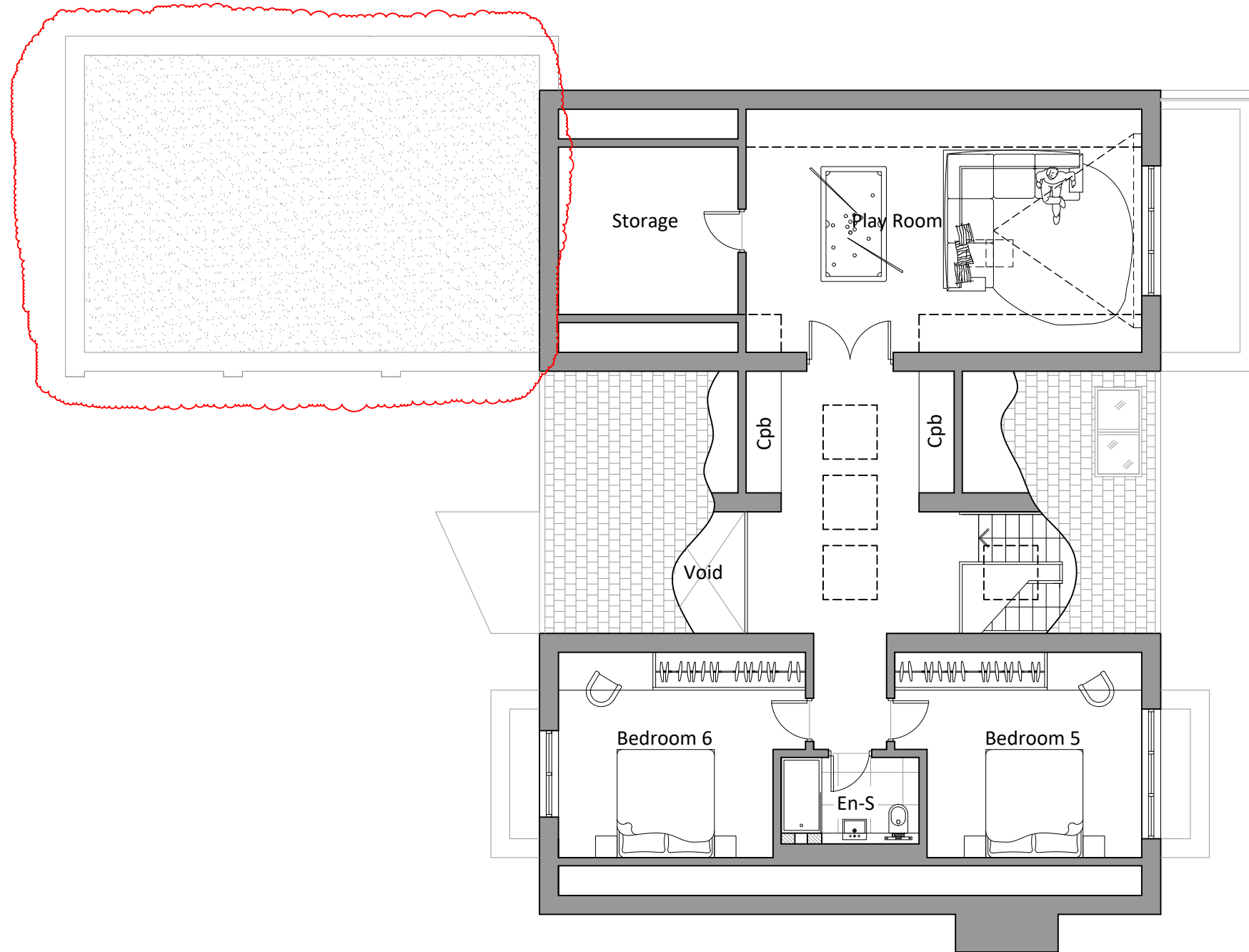
Drawing Issue:  
 ISSUED FOR PLANNING

1:100 @ A3

**JW Architects Ltd.**  
 Tel: 07786 380 357  
 Email: info@jw-architects.co.uk

Project	Reference	Dwg No	Name	Rev
P.19.270	FAIRF	1-03	JWA	B

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Proposed GIFA = 87.0 m2  
 Proposed GIFA = 936 sqft

**PROPOSED SECOND FLOOR PLAN**

Client:  
 Mr & Mrs Ramsey  
 Date:  
 October 2019

Project:  
 Fairfield, 8 Victoria Road,  
 Wargrave, Berkshire, RG10 8AB

Drawing Title:  
 Proposed SF Plan  
 Scale:  
 1:100 @A3

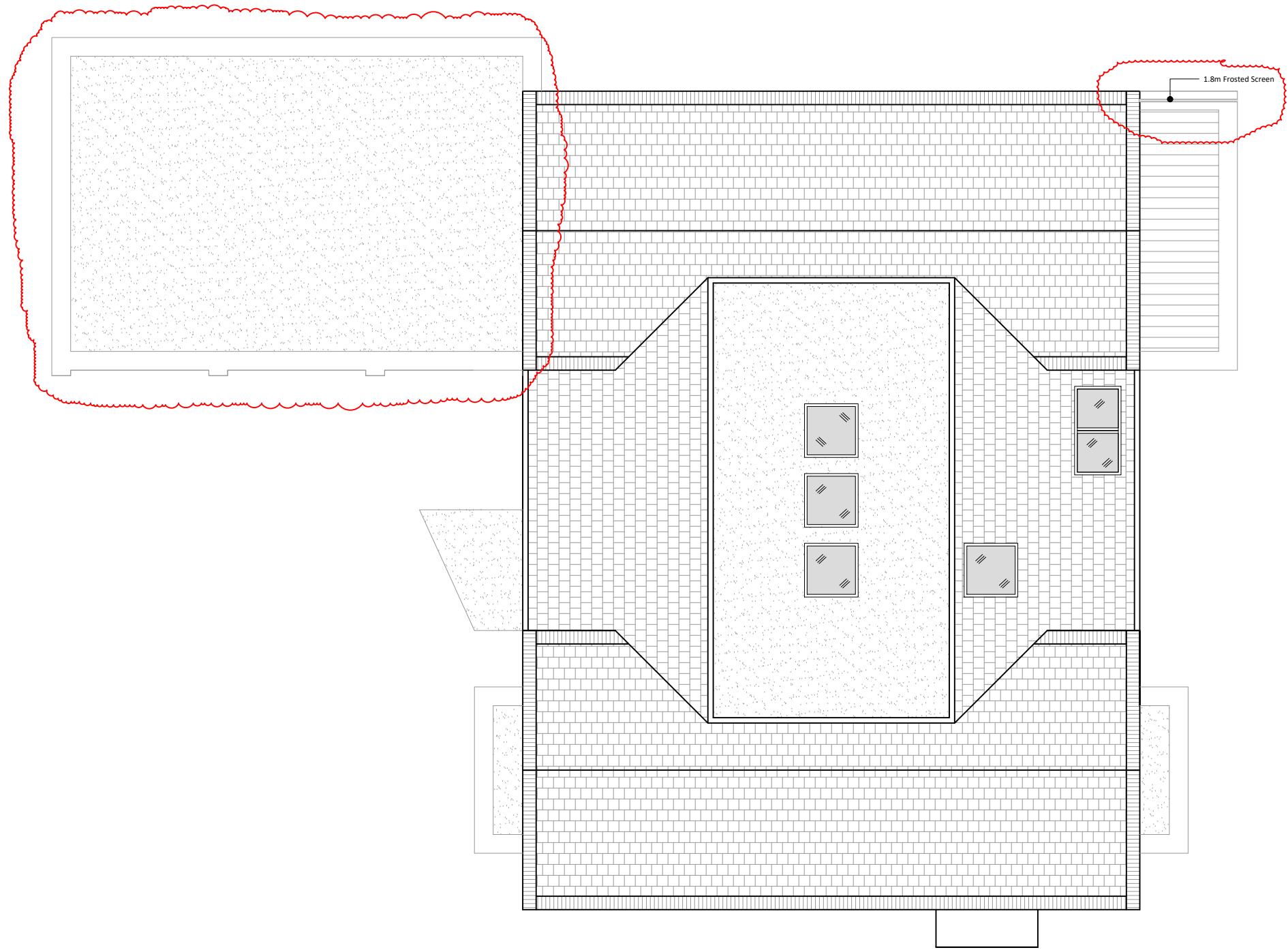
Drawing Issue:  
 ISSUED FOR PLANNING

1:100 @ A3  
 JW Architects Ltd.  
 Tel: 07786 380 357  
 Email: info@jw-architects.co.uk

Project	Reference	Dwg No	Name	Rev
P.19.270	FAIRF	1-04	JWA	B

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**1:100**



Total Proposed GIFA = 451.5 m<sup>2</sup>  
 Total Proposed GIFA = 4,860 sqft

**PROPOSED ROOF PLAN**

**1:100**

Client:  
 Mr & Mrs Ramsey  
 Date:  
 October 2019

Project:  
 Fairfield, 8 Victoria Road,  
 Wargrave, Berkshire, RG10 8AB

Drawing Title:  
**Proposed Roof Plan**  
 Scale:  
**1:100 @A3**

Drawing Issue:  
**ISSUED FOR PLANNING**

**JW Architects Ltd.**  
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 Email: info@jw-architects.co.uk

Project	Reference	Dwg No	Name	Rev
P.19.270	FAIRF	1-05	JWA	B

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**NORTH ELEVATION**

**1:100**

Client:  
 Mr & Mrs Ramsey  
 Date:  
 October 2019

Project:  
 Fairfield, 8 Victoria Road,  
 Wargrave, Berkshire, RG10 8AB

Drawing Title:  
 Proposed Elevations  
 Scale:  
 1:100 @A3

Drawing Issue:  
 ISSUED FOR PLANNING

 1:100 @ A3  
**JW Architects Ltd.**  
 Tel: 07786 380 357  
 Email: info@jw-architects.co.uk

Project	Reference	Dwg No	Name	Rev
P.19.270	FAIRF	1-06	JWA	A

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**SOUTH ELEVATION**

**1:100**

Client:  
 Mr & Mrs Ramsey  
 Date:  
 October 2019

Project:  
 Fairfield, 8 Victoria Road,  
 Wargrave, Berkshire, RG10 8AB

Drawing Title:  
 Proposed Elevations  
 Scale:  
 1:100 @A3

Drawing Issue:  
 ISSUED FOR PLANNING

Scale bar: 1:100 @ A3  
 JW Architects Ltd.  
 Tel: 07786 380 357  
 Email: info@jw-architects.co.uk

Project	Reference	Dwg No	Name	Rev
P.19.270	FAIRF	1-07	JWA	A

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**EAST ELEVATION**

**1:100**

Client:  
 Mr & Mrs Ramsey  
 Date:  
 October 2019

Project:  
 Fairfield, 8 Victoria Road,  
 Wargrave, Berkshire, RG10 8AB

Drawing Title:  
 Proposed Elevations  
 Scale:  
 1:100 @A3

Drawing Issue:  
 ISSUED FOR PLANNING

1:100 @ A3

**JW Architects Ltd.**  
 Tel: 07786 380 357  
 Email: info@jw-architects.co.uk

Project	Reference	Dwg No	Name	Rev
P.19.270	FAIRF	1-08	JWA	A

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**WEST ELEVATION**

**1:100**

Client:  
 Mr & Mrs Ramsey  
 Date:  
 October 2019

Project:  
 Fairfield, 8 Victoria Road,  
 Wargrave, Berkshire, RG10 8AB

Drawing Title:  
 Proposed Elevations  
 Scale:  
 1:100 @A3

Drawing Issue:  
 ISSUED FOR PLANNING

 1:100 @ A3  
**JW Architects Ltd.**  
 Tel: 07786 380 357  
 Email: info@jw-architects.co.uk

Project	Reference	Dwg No	Name	Rev
P.19.270	FAIRF	1-09	JWA	A

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# Agenda Item 55.

Application Number	Expiry Date	Parish	Ward
191570	15 November 2019	Wargrave	Remenham, Wargrave and Ruscombe;

<b>Applicant</b>	Mr and Mrs Ramsey
<b>Site Address</b>	8 Victoria Road, Wargrave RG10 8AB (Plot 2)
<b>Proposal</b>	Full planning application for the proposed erection of one 6no. bedroom dwelling with attached double garage and ancillary annex, provision of new access, gates, bike storage and bin storage
<b>Type</b>	Full
<b>Officer</b>	Simon Taylor
<b>Reason for determination by committee</b>	Listed by Councillor Halsall

<b>FOR CONSIDERATION BY</b>	Planning Committee on Wednesday 13 November 2019
<b>REPORT PREPARED BY</b>	Assistant Director – Place

<b>SUMMARY</b>
<p>8 Victoria Road is a corner plot at the intersection of Victoria Road and School Hill and comprises a two storey, late 19th century arts and crafts dwelling sited towards the eastern boundary, with an expansive garden to its west that is framed by a collection of 13 TPO protected trees around the perimeter. The site area is 1685m<sup>2</sup> in an area that consists of a variety of detached, semi-detached and terraced dwellings.</p> <p>Permission has been granted for the demolition of the existing dwelling under prior approval application 191536 but demolition has not occurred. The proposal involves the subdivision of the plot into two and the erection of a 2.5 storey, five bedroom dwelling house with an attached garage partly within the footprint of the demolished house, use of the existing access onto Victoria Road and landscaping. It was submitted at the same time as application 191554, which involves the erection of a 2.5 storey, six bedroom dwelling house on plot 1 immediately to the west.</p> <p>12 submissions have been received – seven for and five against. The primary concerns are that the access will result in a loss of on-street parking, increased traffic and pose safety concerns, unreasonable amenity outcomes, over development and potential harm to existing trees. Wargrave Parish Council have objected and the Ward Member has listed the application on similar grounds.</p> <p>The Council officer raises no in-principle objections to the proposal. There is no new access proposed and therefore no loss of on street parking, the level of traffic generation is typical of an infill dwelling and is acceptable, it relates appropriately to neighbouring properties, it does not create an overwhelming impression of bulk in the street and the trees are protected. The Council's Trees Officer and Highways Officer raise no objection and the proposal represents a satisfactory response to the streetscene. Condition 4 requires full protection of existing trees and Conditions 6 and 7 relate to ecology measures. Condition 15 also prohibits deliveries of materials during school drop off and pick up times as Robert Piggot CoE Junior School is less than 200m to the south on School Hill. Affordable housing requirements are secured by legal agreement.</p>

Footnote: Planning application 191554 is also for consideration at the Planning Committee. Whilst the two dwellings are proposed as part of two separate planning applications, there are no immediate implications between the two applications.

## PLANNING STATUS

- Modest Development Location
- TPOs 1474/2014 and 1277/2008 comprising 13 protracted trees to the northern, western and southern boundaries
- Classified road (School Hill) and non-classified road (Victoria Road)
- Flood zone 1
- Bat consultation zone
- Groundwater zone 2
- Potentially contaminated consultation zone
- Wind turbine safeguarding zone
- Radon affected area

## RECOMMENDATION

**That the committee authorise the GRANT OF PLANNING PERMISSION subject to the following conditions and informatives:**

### Conditions

1) Timescale

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

*Reason: In pursuance of s.91 of the Town and Country Planning Act 1990 (as amended by s.51 of the Planning and Compulsory Purchase Act 2004).*

2) Approved details

This permission is in respect of the plans numbered 2-0-01 Rev C, 2-01 Rev D and 2-05 Rev B, all received by the Local Planning Authority on 4 October 2019, plan numbered 2-02 Rev B, received 30 August 2019 and plans numbered 2-03 Rev A, 2-04 Rev A, 2-06 Rev A and 2-07 Rev B, received 11 June 2019.

The development shall be carried out in accordance with the approved details unless other minor variations are agreed in writing after the date of this permission and before implementation with the Local Planning Authority.

*Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the application form and associated details hereby approved.*

3) Landscaping details

Prior to the commencement of the development hereby approved, full details of both hard and soft landscape proposals shall be submitted to and approved in writing by the local planning authority. These details shall include, as appropriate, proposed finished floor levels or contours, means of enclosure, car parking layouts,

other vehicle and pedestrian access and circulation areas, hard surfacing materials and minor artefacts and structures, including boundary treatments.

Soft landscaping details shall include planting plan, specification (including cultivation and other operations associated with plant and grass establishment), schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate, and implementation timetable. All hard and soft landscape works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a timetable approved in writing by the local planning authority.

Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced in the next planting season with others of species, size and number as originally approved and permanently retained.

*Reason: In the interests of visual amenity.*

*Relevant policy: Core Strategy policy CP3 and Managing Development Delivery Local Plan policies CC03 and TB21.*

4) Protection of trees

a) Prior to the commencement of the development hereby approved, an Arboricultural Method Statement and Scheme of Works which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site in accordance with BS5837: 2012 shall be submitted to and approved in writing by the local planning authority.

b) No operations shall commence on site in connection with development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening or any other operation involving use of motorised vehicles or construction machinery) until the tree protection works required by the Approved Scheme are in place on site.

c) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within an area designated as being fenced off or otherwise protected in the Approved Scheme.

d) The fencing or other works which are part of the Approved Scheme shall not be moved or removed, temporarily or otherwise, until all works including external works have been completed and all equipment, machinery and surplus materials removed from the site, unless the prior approval in writing of the local planning authority has first been sought and obtained.

No development or other operations shall take place except in complete accordance with the details as so-approved (hereinafter referred to as the Approved Scheme).

*Reason: To secure the protection throughout the time that the development is being carried out of trees shrubs or hedges growing within or adjacent to the site which are of amenity value to the area, and to allow for verification by the local*

*planning authority that the necessary measures are in place before development and other works commence.*

*Relevant policy: Core Strategy policy CP3 and Managing Development Delivery Local Plan policies CC03 and TB21.*

5) Sustainable drainage details

No construction shall take place until details of the drainage system for the site have been submitted to and approved in writing by the LPA. The details shall include how the site currently drains and will be drained after proposed development with consideration to SuDS.

*Reason: To prevent increased flood risk from surface water run-off.*

*Relevant policy: NPPF Section 14, Core Strategy policy CP1 and Managing Development Delivery Local Plan policies CC09 and CC10.*

6) Lighting details

Prior to the commencement of the development, a lighting scheme and how this will not adversely affect wildlife shall be submitted to and approved in writing by the LPA. The report shall include the following figures and appendices:

- a) A layout plan with beam orientation
- b) A schedule of equipment
- c) Measures to avoid glare
- d) An isolux contour map showing light spillage to 1 lux both vertically and horizontally and areas identified that could be of importance for commuting and foraging bats.

The approved lighting plan shall thereafter be implemented as agreed.

*Reason: To minimise impacts on biodiversity in accordance with Paragraphs 170 and 175 of the NPPF and upon neighbouring properties in accordance with Policies CP1 and CP3 of the Core Strategy.*

7) Biodiversity details

No part of the dwelling hereby permitted shall be occupied until details of biodiversity enhancements, to include bird and bat boxes, tiles or bricks on and around the new buildings and native and wildlife friendly landscaping (including gaps at the bases of fences to allow hedgehogs to traverse through the gardens), have been submitted to and approved in writing by the council. The biodiversity enhancements shall thereafter be installed as approved.

*Reason: To ensure that the ecological value of the site is enhanced post development in line with paragraphs 170 and 175 of the NPPF.*

8) Parking and turning space

No part of the dwelling hereby permitted shall be occupied until the vehicle parking and turning space has been provided in accordance with the approved plans. The vehicle parking and turning space shall be retained and maintained in accordance

with the approved details and the parking space shall remain available for the parking of vehicles at all times and the turning space shall not be used for any other purpose other than vehicle turning.

*Reason: To provide adequate off-street vehicle parking and turning space and to allow vehicles to enter and leave the site in a forward gear in the interests of road safety and convenience and providing a functional, accessible and safe development and in the interests of amenity.*

*Relevant policy: Core Strategy policies CP3 & CP6 and Managing Development Delivery Local Plan policy CC07.*

9) Access surfacing

No part of the dwelling hereby permitted shall be occupied until the vehicular access has been surfaced with a permeable and bonded material across the entire width of the access for a distance of five metres measured from the carriageway edge or drained in a manner that runoff discharges to permeable areas within the plot.

*Reason: To avoid spillage of loose material onto the highway, in the interests of road safety.*

*Relevant policy: Core Strategy policy CP6.*

10) Cycle parking

No part of the dwelling hereby permitted shall be occupied until secure and covered parking for cycles has been provided in accordance with the approved drawing(s)/details. The cycle parking/ storage shall be permanently so-retained for the parking of bicycles and used for no other purpose.

*Reason: In order to ensure that secure weather-proof bicycle parking facilities are provided so as to encourage the use of sustainable modes of travel.*

*Relevant policy: NPPF Section 9 (Sustainable Transport) and Core Strategy policies CP1, CP3 & CP6 and Managing Development Delivery Local Plan policy CC07.*

11) Bin store

No part of the dwelling hereby permitted shall be occupied until the bin storage area has been provided in full accordance with the approved details. It shall be permanently so-retained and used for no purpose other than the temporary storage of refuse and recyclable materials.

*Reason: In the interests of visual and neighbouring amenities and functional development.*

*Relevant policy: Core Strategy CP3 and Managing Development Delivery Local Plan policy CC04.*

12) Obscure glazing

The bathroom and ensuite windows to the first floor side elevations of the development hereby permitted shall be fitted with obscured glass and shall be

permanently so-retained. The window shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the finished floor level of the room in which the window is installed and shall be permanently so-retained.

*Reason: To safeguard the residential amenities of neighbouring properties.  
Relevant policy: Core Strategy policy CP3.*

13) Hours of work and deliveries

No work relating to the development hereby approved, including works of demolition or preparation prior to building operations, shall take place other than between the hours of 8am-6pm Monday to Friday and 8am-1pm Saturdays and at no time on Sundays or Bank or National Holidays. Deliveries of materials or collection of building materials associated with the development hereby approved shall not occur via any vehicle larger than 8m in length during the hours of 8am-9pm and 2:30pm-4pm Monday to Friday.

*Reason: To protect the occupiers of neighbouring properties, including the nearby school, from noise and disturbance and to manage safe traffic movement.  
Relevant policy: Core Strategy policies CP1, CP3 and CP6 and Managing Development Delivery Local Plan policy CC06.*

14) Retention of trees and shrubs

No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted wilfully damaged or destroyed, cut back in any way or removed without previous written consent of the local planning authority; any trees, shrubs or hedges removed without consent or dying or being severely damaged or becoming seriously diseased within 5 years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species unless the local planning authority gives written consent to any variation.

*Reason: To secure the protection throughout the time that development is being carried out, of trees, shrubs and hedges growing within the site which are of amenity value to the area.*

*Relevant policy: Core Strategy policy CP3 and Managing Development Delivery Local Plan policies CC03 and TB21.*

15) Restriction of permitted development rights

Notwithstanding the provisions of the Town and Country Planning, (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) and except for any which may be shown on the approved drawing(s), the following is restricted:

- a) No additional windows or similar openings shall be constructed in the side elevations
- b) No gates or barriers within the vehicular access
- c) The garage accommodation shall be kept available for the parking of vehicles ancillary to the residential use of the site at all times



*Reason: To safeguard the character of the area, retain sufficient parking on the site and protect the amenity of neighbouring properties.*

*Relevant policy: Core Strategy policies CP1, CP3 and CP6, and Managing Development Delivery Local Plan Policies CC07 and TB21.*

## **Informatives**

### 1) Legal agreement

This permission should be read in conjunction with the legal agreement under Section 106 of the Town and Country Planning Act dated [TBC], the obligations in which relate to the provision of affordable housing for the development.

### 2) Protected species (including nesting birds and bats)

This permission does not convey or imply any approval or consent required under the Wildlife and Countryside Act 1981 for protected species. The applicant is advised to contact Natural England with regard to any protected species that may be found on the site.

All birds, their nests and eggs, are protected by law. It is a criminal offence (with certain exemptions) to deliberately or recklessly take, damage or destroy the nest of any wild bird whilst it is in use or being built. The buildings and vegetation on the site are likely to be used by nesting birds and any works to buildings with bird nests or vegetation clearance should take place outside the bird nesting season (March - August inclusive). If this is not practicable areas to be cleared should first be checked for bird nests by an appropriately qualified person. If bird nests are found works that could disturb it must stop until any young have fledged the nest.

The ecology report details several recommendations that the Council strongly recommends be implemented. All species of bats receive special protection under UK law and it is a criminal offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 (The Habitat Regulations) to deliberately or recklessly to destroy or damage their roosts, or to disturb, kill or injure them without first having obtained the relevant licence for derogation from the regulations from the Statutory Nature Conservation Organisation (the SNCO - Natural England in England).

### 3) Pre commencement details

Where this permission requires further details to be submitted for approval, the information must formally be submitted to the Council for consideration with the relevant fee. Once details have been approved in writing the development should be carried out only in accordance with those details. If this is not clear please contact the case officer to discuss.

### 4) Changes to the approved plans

The applicant is reminded that should there be any change from the approved drawings during the build of the development this may require a fresh planning application if the changes differ materially from the approved details. Non-material

changes may be formalised by way of an application under s.96A Town and Country Planning Act 1990.

5) Mud on the road

Adequate precautions shall be taken during the construction period to prevent the deposit of mud and similar debris on adjacent highways. For further information contact the Highway Authority on tel.: 0118 9746000.

6) Community Infrastructure Levy

The development hereby permitted is liable to pay the Community Infrastructure Levy. The Liability Notice issued by Wokingham Borough Council will state the current chargeable amount. A revised Liability Notice will be issued if this amount changes. Anyone can formally assume liability to pay, but if no one does so then liability will rest with the landowner. There are certain legal requirements that must be complied with. For instance, whoever will pay the levy must submit an Assumption of Liability form and a Commencement Notice to Wokingham Borough Council prior to commencement of development. For more information see - <http://www.wokingham.gov.uk/planning/developers/cil/cil-processes/>

7) Discussion

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. This planning application has been the subject of positive and proactive discussions with the applicant in terms of planning issues relating to ecology and amended plans being submitted by the applicant to overcome tree issues.

The decision to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the NPPF is considered to be a positive outcome of these discussions.

<b>PLANNING HISTORY</b>		
<b>App Number</b>	<b>Proposal</b>	<b>Decision</b>
709/1956	Conversion of room to habitable space	Approved 9 October 1956
753/1956	Part conversion of garage to bathroom	Approved 31 August 1956
R/190/1963	Double garage	Approved 5 September 1963
191536	Demolition of existing house	Approved 8 July 2019
191554	Five bedroom dwelling house	Undetermined

<b>SUMMARY INFORMATION</b>	
Existing site area	0.25 hectares
Proposed site area	0.0685 hectares (remainder of site considered in 191554)
Existing units	Single dwelling (demolition of dwelling approved by 191536)
Proposed units	Single dwelling (additional dwelling proposed on adjacent plot as part of 191554)1/.25
Existing density	4 dwellings per hectare
Proposed density	15 dwellings per hectare (8 dwellings per hectare when accounting for 191554)
Existing parking spaces	> 3

Proposed parking spaces	> 3, including double attached garage
Affordable units	Commuted sum in lieu of on site provision. See informative 1

<b>CONSULTATION RESPONSES</b>	
WBC Ecology	No objection, subject to Conditions 6 and 7 requiring details of lighting and biodiversity measures at pre commencement stage and Informative 2 for obligations relating to the protection of bats.
WBC Drainage	No objection, subject to Condition 5
WBC Env. Health	No objection.
WBC Highways	No objection, subject to Conditions 8-10 relating to car and cycle parking and surfacing of access.
WBC Affordable Housing	No objection, subject to payment of a commuted sum in lieu of on site affordable housing
WBC Tree and Landscape	No objection, subject to Conditions 3 and 4 relating to a full landscape plan and protection of the existing protected trees at pre commencement stage.
Thames Water	No comments received.

<b>REPRESENTATIONS</b>	
Wargrave Parish Council	<p>Objections are raised on the following grounds:</p> <ul style="list-style-type: none"> <li>Siting, bulk and overbearing form</li> </ul> <p><u>Officer comment:</u> The scale and form of the proposed dwelling is appropriate for the streetscene, as detailed in 'Character of the Area'.</p> <ul style="list-style-type: none"> <li>Impact upon neighbour amenity</li> </ul> <p><u>Officer comment:</u> There are no unreasonable amenity concerns to neighbouring properties, as outlined in 'Neighbour Amenity'.</p> <ul style="list-style-type: none"> <li>Incorrect red line plan (it relates to the entire site when the proposal includes the subdivision of the original site)</li> </ul> <p><u>Officer comment:</u> The red line plan has been updated to correct the anomaly.</p>
Ward Member	<p>The application has been listed by Councillor Halsall. It is noted that the listing is partly in relation to the proposal within plot 1. Nonetheless, the listing is for the following reasons:</p> <ul style="list-style-type: none"> <li>Will detract from neighbouring amenity</li> <li>Harm to the character of the area</li> </ul> <p><u>Officer comment:</u> See comments above.</p> <ul style="list-style-type: none"> <li>Loss of on street parking</li> </ul> <p><u>Officer comment:</u> This application does not involve a new access point and therefore does not represent any net loss of on street</p>

	<p>parking. Regardless, this issue on its own would not warrant refusal of the application.</p> <ul style="list-style-type: none"> <li>• Risk to health of existing protected trees</li> </ul> <p><u>Officer comment:</u> The dwelling is well removed from the protected trees and the Council's Trees Officer raises no objection, subject to tree protection measures in Condition 4.</p>
Neighbours	<p>The application was consulted to neighbours from # to #. Submissions were received from the following properties:</p> <ol style="list-style-type: none"> <li>1) 6 School Lane, Wargrave RG10 8AA</li> <li>2) School Lane, Wargrave RG10 8AA (no number specified)</li> <li>3) 59 Ridgeway, Wargrave RG10 8AS</li> <li>4) 22 Purfield Drive, Wargrave RG10 8AP</li> <li>5) Pegasus Group, on behalf of 10 Victoria Road, Wargrave R10 8AB</li> </ol> <p>The submissions raised the following issues:</p> <ul style="list-style-type: none"> <li>• Pressure on existing on street parking</li> </ul> <p><u>Officer comment:</u> See comments above.</p> <ul style="list-style-type: none"> <li>• Increased traffic, which poses a safety risk</li> </ul> <p><u>Officer comment:</u> When accounting for the dwelling approved to be demolished, the application involves no net increase in dwellings and therefore will not result in any adverse increase in traffic movements.</p> <ul style="list-style-type: none"> <li>• Risk to health of existing trees</li> </ul> <p><u>Officer comment:</u> The Council's Trees Officer has reviewed the proposal and raises no objection, subject to additional construction method details in Condition 4. See 'Trees and Landscaping' for further comment.</p> <ul style="list-style-type: none"> <li>• Infill represents over development</li> </ul> <p><u>Officer comment:</u> The scale and form of the proposed dwelling is appropriate for the streetscene. See comments in 'Character of the Area'.</p> <ul style="list-style-type: none"> <li>• Restricted delivery hours outside of school times should be applied</li> </ul> <p><u>Officer comment:</u> Because of its proximity to the nearby Junior School, restrictions to delivery hours are appropriate during school drop off and pick up times. See Condition 13.</p> <ul style="list-style-type: none"> <li>• Detracts from neighbouring amenity</li> <li>• Loss of outlook, sunlight, daylight to 10 Victoria Road</li> </ul>

- Overlooking of 10 Victoria Road

Officer comment: The amenity afforded to the occupants of 10 Victoria Road is compromised but not to the extent that is unreasonable or would warrant refusal of the application. See comments in 'Neighbour Amenity'

- Inadequate setbacks to the boundary
- Inadequate building separation

Officer comment: The setbacks and separation are acceptable and provide for an appropriate level of amenity and a positive streetscape presentation, as outlined in 'Character of the Area'.

- No affordable housing
- The separation of the applications avoids affordable housing and this consideration should be taken into account

Officer comment: Affordable housing is required by legal agreement in Informative 1. See 'Housing Affordability'.

- Disruption from construction

Officer comment: This is an unavoidable consequence of redevelopment and is not a relevant planning consideration.

- Existing dwelling is not proposed to be demolished and the relationship with this dwelling is problematic

Officer comment: Demolition of the dwelling was approved in a prior approval application 191536. Demolition will need to occur prior to construction.

- There are ramifications if only one dwelling is constructed

Officer comment: Subject to affordable housing being imposed in 191570, there are no foreseeable implications of only approving one of the two applications. No other immediate examples were provided by the objector.

- CIL forms are incorrect (floor area not specified, proposed by a charity)

Officer comment: The inconsistencies in the CIL form have been rectified in a revised CIL form.

- There are inconsistencies in the streetscene elevation and sections

Officer comment: The perceived inconsistency in the plans relates to the location of the section through the proposed dwelling being drawn at a different point to the elevation.

	<ul style="list-style-type: none"> <li>• Selective street viewpoints have been used</li> </ul> <p><u>Officer comment:</u> Whilst this is perceived to be a subjective interpretation, the viewpoints submitted in support of the application have not affected the assessment of the proposal and do not form part of the approved documents.</p> <p>Letters of support were received from the following properties:</p> <ol style="list-style-type: none"> <li>6) Corner House, School Hill, Wargrave RG10 8DY</li> <li>7) Meadow Lodge, School Hill, Wargrave RG10 8DY</li> <li>8) Middle House, School Hill, Wargrave RG10 8DY</li> <li>9) The Gables, School Hill, Wargrave RG10 8DY</li> <li>10) Asana Cottage, 3 Victoria Road RG10 8AD</li> <li>11) 5 Victoria Road, Wargrave RG10 8AD</li> <li>12) Farthings, 11 Victoria Road, Wargrave RG10 8AD</li> </ol> <p>The submissions raised the following issues:</p> <ul style="list-style-type: none"> <li>• Design is sensitive</li> <li>• Safeguards against larger scale development</li> <li>• Retention and protection of the protected trees is required</li> </ul> <p><u>Officer comment:</u> These comments are noted.</p> <ul style="list-style-type: none"> <li>• Trees should be cut down</li> <li>• Driveway access improves line of sight</li> </ul> <p><u>Officer comment:</u> There is no proposal for the trees to be removed or to change driveway access.</p>
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<b>APPLICANTS POINTS</b>		
<p>The brief has been to use a strong contemporary architectural design creating a very high standard of development and one which fits in with neighbouring dwellings. The dwellings seek to maintain minimal massing and volumes with projections, gables and single storey elements to maintain sufficient distances between the dwellings and to the immediate neighbours. The main house is set back from School Lane in order to be consistent with the large front garden of the existing dwelling and has been re-designed from the pre-application proposals to respect the rear building line of Victoria Road, as well as being re-positioned on the plot to give greater separation distances between No. 10 Victoria Road and the proposed new dwelling. It has also been relocated further forward at the request of the planners to improve the relationship to other properties on Victoria Road.</p> <p>Suitable external amenity areas, driveway spaces, garaging and access/egress points to Victoria Road are provided to satisfy and meet National Planning Policy guidance.</p>		

<b>PLANNING POLICY</b>		
National Policy	NPPF	National Planning Policy Framework
Core Strategy 2010	CP1	Sustainable Development
	CP2	Inclusive Communities

	CP3	General Principles for Development
	CP5	Housing Mix, Density and Affordability
	CP6	Managing Travel Demand
	CP7	Biodiversity
	CP9	Scale and Location of Development Proposals
Managing Development Delivery Local Plan 2014	CC01	Presumption in Favour of Sustainable Development
	CC03	Green Infrastructure, Trees and Landscaping
	CC04	Sustainable Design and Construction
	CC06	Noise
	CC07	Parking
	CC09	Development and Flood Risk
	CC10	Sustainable Drainage
	TB06	Development of Private Residential Gardens
	TB07	Internal Space Standards
	TB21	Landscape Character
	TB23	Biodiversity and Development
Other	BDG	Borough Design Guide Supplementary Planning Document (Section 4)
	SDC SPD	Sustainable Design and Construction Supplementary Planning Document
	AH SPD	Affordable Housing Supplementary Planning Document
	DCLG	National Internal Space Standards

<p><b>PLANNING ISSUES</b></p> <p><b>Description of Development</b></p> <p>1. The proposal involves the following:</p> <ul style="list-style-type: none"> <li>• Subdivision into a plot of 685m<sup>2</sup></li> <li>• Construction of a dwelling house consisting of two storeys with loft space with five bedrooms and an attached single garage</li> <li>• Fencing between the two plots and new gates to the front boundary</li> <li>• Associated landscaping and site works, including bin storage</li> </ul> <p>2. Demolition of the existing dwelling has been approved via the prior approval process (191536) and does not form part of this application.</p> <p><b>Site Description</b></p> <p>3. The site is located in a modest development location in the village of Wargrave, east of the high street. The subject site is large at 0.25 hectares and is positioned within a prominent corner location. It is a good example of the late 19<sup>th</sup> century arts and crafts style of the development in the immediate area, which also includes the 'Police House' property opposite. TPO protected trees line the northern and western street frontages as well as the southern side boundary. Surrounding development comprises a mixture of development styles and plot sizes, with terraces and small plots to the west and larger dwellings and plots to the south and east.</p> <p><b>Principle of Development</b></p>
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4. The National Planning Policy Framework has an underlying presumption in favour of sustainable development which is carried through to the local Development Plan. Policy CC01 of the MDD Local Plan states that planning applications that accord with the policies in the Development Plan for Wokingham Borough will be approved without delay, unless material considerations indicate otherwise.
5. The site is located within a modest development location and an infill dwelling house on this plot is acceptable in principle, including with respect to it representing development of a residential garden and being sustainably located close to local facilities and services as well as schools and public transport. It is also acceptable in terms of the principles stated in the Core Strategy and also accords with the relevant policies in the MDD Local Plan, as outlined in this report.

### **Character of the Area**

#### General form

6. Policy CP3 of the Core Strategy states that development must be appropriate in terms of its scale, mass, layout, built form, height and character of the area and must be of high quality design. R1 of the BDG requires that development contribute positively towards and be compatible with the historic or underlying character and quality of the local area. It is reinforced in RD1-RD5, which states that development should adhere to the characteristics, setting and built form of the village.
7. With no perceived harm to the protected boundary trees, the dwelling is sited whereby they will retain a suitable landscape setting. It is relatively modest proportions and does not present as an overwhelming form in a street predominated by two storey dwellings. It has a footprint of 136m<sup>2</sup> and maximum height of 8.9m, which is not overly excessive for the surrounding area.

#### Development of a Residential Garden

8. Policy TB06 of the MDD Local Plan seeks to avoid inappropriate development of residential gardens where there is harm to the local area. Permission would only be granted where there is a positive contribution to the built form and surrounding spaces, integration with the layout of the surrounding area, appropriate hard and soft landscaping, amenity space, building separation and compatibility with the general building height.
9. R22 of the BDG also notes that backland development must not harm the existing character of the local area, relate positively to the existing layout and urban form, maintain the quality of environment for existing residents and create a satisfactory living environment.
10. The proposal is not viewed as backland development because of its corner location but it is still, in effect, development of an existing residential garden, one that is expansive in size, prominent in appearance and framed by protected trees.
11. At 0.25 hectares, the plot size is large for the area, particularly when compared with other properties in Victoria Road. There is therefore little doubt that the site can accommodate a replacement and additional infill development without



interrupting the rhythm in plot sizes or the consistency in building line. There is ample provision for amenity space, landscaping and parking but most significantly, the siting of the dwelling can be achieved without harm to the protected trees that frame the boundary.

12. There are also no concerns in terms of security risk, overlooking or building separation and an adequate level of consistency in terms of building height. The dwelling has an appropriate footprint and is sited appropriately to relate to neighbouring properties and without resulting in any dominance from the required parking and access.
13. As such, the proposal achieves a satisfactory outcome in terms of TB06 and R22 and the principle of the infill dwelling is acceptable. The same conclusions are reached in relation to the proposed replacement dwelling at Plot 1 in application 191554.

#### Siting

14. R2 of the BDG requires development to respond to context, including relating to neighbours, R3 and R4 require housing to relate to the existing network of streets and spaces and R7 requires a consistent building line relative to existing buildings.
15. The building is setback 2.5m from the boundary with 10 Victoria Road and 2.9m from the common boundary with Plot 1. Coupled with the setback within the neighbouring properties, there is adequate building separation within the site and it is entirely consistent with the pattern of development in the street.
16. The dwelling is sited over 10-12.5m from the front boundary, which is a departure from the predominant building line, which varies between 6.5m and 7.5m. However, when considered in the context of the proposed dwelling on Plot 1, it would establish a degree of consistency because the dwelling on Plot 1 is setback about 10m from the street. Even if the dwelling were to be refused, it would adopt a corner location in which it would be acceptable. Furthermore, it is worth noting that the dwelling sits forward of the existing dwelling and that any further projection towards the street would reduce the outlook afforded to a side bedroom window in 10 Victoria Road, even though the impact has been considered as acceptable.

#### Height

17. R9 of the BDG note that height, bulk and massing should respond to the local context and the prevailing heights in the area. The dwelling has an eaves height of 6.4m and ridge height of 8.2m. The additional ridge height arises because of an 800mm projection above the main ridge to accommodate habitable space within the roof space. This part of the building is not readily interpreted in the streetscene because it is set 5m behind the front elevation and would be obscured in views from the pavement on either side of Victoria Road.
18. More generally, it is equivalent to a 2.5 storey building, which would exceed the predominant height of two storeys in Victoria Road. However, in terms of overall form, the departure is modest and the perceived height of the dwelling it is not unreasonably out of character in the street and is therefore acceptable.

## Parking

19. P2 of the BDG ensures that parking is provided in a manner that is compatible with the local character. The parking arrangement is acceptable, with the gravel driveway allowing for a minimisation of hard surfaces and the parking layout not out of character with the wider streetscene that is largely characterised by parking forward of the dwelling.

## Materials

20. R11 of the BDG requires that housing ensure a coherent street character, including materials and colour, RD6 states the elevations are to be well composed, proportioned and detailed and RD7 requires that materials, colours and details respond to the distinctive elements of the locality. The materials schedule suggests the use of standard brick and tiles with aluminium windows and timber doors. There is nothing striking in the use of these materials but they are not opposed.

## Design

21. Paragraph 130 of the NPPF states that *'where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.'*
22. The distinctive elements of the proposed design include a double gable frontage, full height glazing to the first floor between the gables and a protecting roof. All aspects of the dwelling are acceptable on design grounds and it is not out of character with the variety of architectural forms and styles in the streetscene and wider area.

## **Accessibility**

23. Policy CP2 of the Core Strategy seeks to ensure that new development contributes to the provision of sustainable and inclusive communities. The dwelling is afforded level access with sleeping and bathroom facilities within the ground floor such that no objection is raised.

## **Housing Amenity**

### Internal amenity

24. Policy TB07 of the MDD Local Plan and R17 of the BDG require adequate internal space to ensure the layout and size achieves good internal amenity. In accordance with the Technical housing standards – nationally described space standard, a minimum standard of 134m<sup>2</sup> applies for a three storey, five bedroom, 8+ person occupancy dwelling. The dwelling exceeds this standard. It also satisfies minimum standards for main and secondary bedrooms, living spaces and storage as required by the above policies.
25. R18 of the BDG requires sufficient sunlight and daylight to new properties, with dwellings afforded a reasonable dual outlook and southern aspect. The dwelling

has a good aspect and orientation such that no objection is raised, including with respect to the level of amenity provided within the loft bedroom.

#### External amenity

26. R16 of the BDG requires a minimum depth of 11m for rear gardens and it should receive direct sunlight and be capable of accommodating play, clothes drying and storage. The site layout allows for sufficient amenity space for the dwelling, with rear garden space of at least 11m, supplemented by an additional side garden to the rear of 10 Victoria Road.

#### **Neighbour Amenity**

#### Overlooking

27. R15 of the BDG requires the retention of reasonable levels of visual privacy to habitable rooms, with separation of 11-15m to the rear and 10-15m to the street. R23 notes that the side walls must not contain windows, especially at first floor level.
28. The proposal retains a suitable level of privacy to surrounding properties. Front and rear facing windows easily accord with the minimum standard of 10m to the street and 22m to the rear. In addition, the rooflights are in excess of 15m, which is compliant.
29. Some side windows are proposed. On the ground floor, all side facing windows are non-habitable windows with the exception of a study facing Plot 1, which regardless would be screened by boundary treatments between the two plots. Windows at first floor levels are also non-habitable and are obscure glazed by Condition 12. There are two loft rooflights to the western roof plane facing Plot 1 although the minimum sill height of 1.6m is such that no real overlooking would eventuate.

#### Sunlight and Daylight

30. R18 of the BDG aims to protect sunlight and daylight to existing properties, with no material impact on levels of daylight in the habitable rooms of adjoining properties. Despite a submission from the neighbour from 10 Victoria Road raising concerns on these grounds, there are no concerns in relation to loss of daylight or sunlight whether between the two dwellings or across the boundary.
31. Because the rear elevations of properties on this side of Victoria Road have a good southerly aspect, only afternoon sunlight would be affected and even then, it is almost entirely confined to the side elevation of 10 Victoria Road. The habitable windows to the rear elevation will continue to receive sunlight and daylight through the vast majority of the day. Any impact to side windows is largely unavoidable and not unreasonable given there is a 2.5m setback to the boundary and 4.0m to the dwelling. The same conclusions are provided in relation to any impact towards the proposed dwelling on Plot 1, with good building separation and uninterrupted access to sunlight to the rear and western side elevations where the majority of the habitable windows are located.

32. The submission against the proposal from the neighbour refers to a kitchen window at the rear and a bedroom window on the middle of the first floor within this side elevation. The kitchen includes an open plan dining area and it enjoys large window openings to the rear elevation where light will be unaffected throughout the day. The bedroom window on the first floor will be partly affected but this is largely unavoidable because it is side facing and is the only window to this room. Even then, it benefits from the increased setback of the proposed dwelling from the front boundary, which allows for increased light to the window. On this basis, no objection is raised.

#### Overbearing and Sense of Enclosure

33. R16 of the BDG requires separation distances of 1.0m to the side boundary and 11m to the rear boundary. The proposal complies with both requirements, with side setbacks measuring 2.5m to the existing dwelling at 10 Victoria Road and 1.8m to the proposed dwelling on the adjacent plot and a minimum of 14m to the rear boundary. The proposal is therefore considered to be reasonable on these grounds. Any increased setback beyond this would be considered unreasonable and unnecessary.
34. The neighbour at 10 Victoria Road has raised concerns with the loss of outlook from side facing windows. However, the windows are side facing, with a reduced expectation or right to an outlook over a side boundary. This is particularly relevant given the setback of the proposed dwelling exceeds the setback of the corresponding elevation within 10 Victoria Road. As noted above, a first floor bedroom will have a partial interruption to its outlook but there is no unreasonable dominance, particularly given the openness afforded by an increased front setback. Any harm is largely a consequence of the fact that the window already overlooks the side boundary.

#### Noise disturbance

35. Policy CC06 and Appendix 1 of the MDD requires that development protect noise sensitive receptors from noise impact. The proposal involves the establishment of a five bedroom dwelling in a residential neighbourhood of similar scale development. No objection is raised on acoustic grounds.

#### **Highway Access and Parking Provision**

##### Car Parking

36. Policy CC07 and Appendix 2 of the MDD stipulates minimum off street parking standards. The proposal makes provision for at least three car spaces, with three uncovered spaces and a single garage, which includes compliant internal dimensions. On this basis, the proposal is acceptable.

##### Cycle Parking

37. Policy CC07 and Appendix 2 of the MDD stipulates minimum cycle parking standards and P2 and P3 of the BDG ensure that it is conveniently located, secure and undercover and provided where it is compatible in the streetscene. Cycle storage for at least two bicycles is located at the front of the property with a

maximum height that is below the existing fence and hedge line. This is satisfactory.

### Access

38. The proposal will utilise the existing access to the site, with the driveway remodelled to reflect the new dwelling and no new changes to the location or width of the dropped kerb. It will be bonded by Condition 9 and existing splays are satisfactory. No objection is raised on access grounds.

### Traffic Generation

39. It is unlikely that the proposal would have an adverse impact on the highway network as it would replace the existing dwelling that is approved for demolition.

### **Landscaping and Trees**

40. Policy CC03 of the MDD aims to protect green infrastructure networks, retain existing trees and establish appropriate landscaping and Policy TB21 requires consideration of the landscape character. R14 of the BDG requires well-designed hard and soft landscaping that complements housing.
41. The site is surrounded with TPO 1277/2008 and 1474/2014 comprising of a number and variety of trees to the site boundary with Victoria Road and School Hill. The site itself is an extensive corner plot that is characterised by mature trees mostly to its perimeter, creating a prominent landmark in the neighbourhood. There are no protected trees within this plot although the root protection areas of the trees extend into it, and the appropriate protection measures are shown on the Tree Protection Plan.
42. The Arboricultural Impact Assessment is acceptable and the findings are not disputed by the Council's Trees Officer. Appropriate protection measures are shown on the Tree Protection Plan and it is envisaged that the proposed dwelling can be accommodated without undue harm, including in terms of its relationship with Tree 25 in the rear garden of 10 Victoria Road to the east. On this basis, no objection is raised, subject to the submission of an Arboricultural Method Statement in Condition 4.
43. A Landscape Plan is also required in Condition 3, which is to include boundary treatment.

### **Ecology**

44. Policy TB23 of the MDD requires the incorporation of new biodiversity features, buffers between habitats and species of importance and integration with the wider green infrastructure network.
45. A bat survey report was submitted with the planning application. It was prepared by Crossman Associates and dated May 2019. It concludes that the existing house contains features suitable for use by roosting bats and they could be disturbed or harmed by the demolition of the house. The report recommends a

further two surveys be carried out to establish whether the existing house hosts a bat roost.

46. However, demolition of the house was granted under prior approval application 191536, which included an informative about roosting bats because the Council was not in a position to impose such a condition within the prior approval. Similarly, the Council is not in a position to impose conditions requiring that the applicant undertake further surveys, and if necessary, establish a mitigation scheme or obtain a Bat Licence from Natural England because the demolition of the house is unrelated to this application. Rather, the Council is limited to recommending that further surveys be undertaken. Not following this advice as part of the demolition of the house would potentially be contrary to the relevant legislation and subject to prosecution. This forms Informative 2.
47. Trees are unlikely to host roosting bats but vegetation clearance is conditioned in Informative 1 so that it does not affect nesting birds.

### **Building Sustainability**

48. Policy CC04 of the MDD and the Sustainable Design and Construction SPD require sustainable design and conservation and R21 of the BDG requires that new development contribute to environmental sustainability and the mitigation of climate change. The proposal is required to satisfy building regulations and in this respect, no objection is raised.

### **Boundary Treatments**

49. R5 of the BDG requires a clear distinction between the public and private areas and R12 states that boundary treatments contribute positively to the character of the area.
50. The existing timber fence and hedge to the street frontages is largely retained and it is apparent that there is no new proposed fencing, with the exception of fencing between the two plots. This is satisfactory, subject to clarification of any additional boundary treatments in Condition 3 and the continued protection of the boundary trees in Condition 4.

### **Waste Storage**

51. Policy CC04 of the MDD requires adequate external storage for the segregation of waste and recycling. The bin storage area is adjacent to the main driveway entrance and will be screened behind the front boundary fencing and landscaping. This is satisfactory.

### **Flooding and Drainage**

52. Policy CC09 of the MDD requires consideration of flood risk from historic flooding. The site and access thereto is located within Flood Zone 1 and the proposal represents no additional flood risk or vulnerability. It is therefore acceptable in terms of Policy CC09.

53. Policy CC10 of the MDD requires sustainable drainage methods and the minimisation of surface water flow. The footprint of the dwelling remains appropriate when considered against the predominant form of development in the area and the amount of soft landscaping retained on the site. Soakaways are intended to be used and there are no in-principle objections on drainage and water infiltration grounds, subject to the submission of a drainage strategy report prior to the commencement of works. See Condition 5.
54. R23 of the BDG notes that parking spaces in front gardens must be paved with permeable surfaces to avoid any increase in surface water run-off. A gravel driveway is noted on the submitted plans and this ensures adequate on site infiltration.

### **Contamination**

55. The area is listed as potentially contaminated on the Council's inventory of potentially contaminated sites. The listing relates to a historic use located approximately 70m to the west of the application site. Given there is no change in the use of the site and the distance from the source, it is unlikely to pose any adverse impact and no objection is raised.

### **Housing Affordability**

56. Policy CP5 of the Core Strategy, Policy TB05 of the MDD and the Affordable Housing SPD specify an affordable housing rate of 20% for any development involving five dwellings or more or where it is being undertaken on land with a total area of 0.16 hectares or more. The application site measures 682m<sup>2</sup> following subdivision of the original site into two plots. However, given there are two applications, consideration would need to be made against the total site area of 0.25 hectares to ensure there is no intended or unintended circumvention of the affordable housing requirements.
57. The two applications cumulatively involve a net increase of one dwelling on land that is greater than 0.16 hectares, which triggers the need for 0.2 affordable units.
58. Paragraph 63 of the NPPF notes that the '*provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer).*'
59. It is acknowledged that there is a conflict between NPPF policy for affordable housing (applied where the proposal is for ten or more dwellings) and local policy (applied for sites larger than 0.16 hectare). In this instance, Council's view is that there is an acute need for affordable housing in the area and this is highlighted in the 2016 Berkshire Housing Market Assessment, which shows a need of 441 affordable homes (net) per annum.
60. As it involves only one additional dwelling, the only practical means of delivery for the affordable housing is through a commuted sum. Based on the Viability Study undertaken by Levvel Ltd, the Council's approach to calculating commuted sums for affordable housing is based on the difference in the residual development value of a scheme without on-site affordable housing and the same scheme with

on-site affordable housing. The commuted sum sought in-lieu of 0.2 dwellings would total £28,291.64 and this forms part of the section 106 agreement in Informative 1.

61. The applicant has requested that the affordable housing obligation be applied to this application. This is a reasonable outcome because the subject application necessitates the demolition of most of the existing dwelling (whereas the dwelling on Plot 2 can be accommodated by demolishing the garage and some other minor elements) and the applicant advises that the dwelling on Plot 1 is to be built first. Accordingly, there is no net increase in dwellings within the subject application and no affordable housing obligation although the legal agreement will cover any scenario where the opposite occurs such that no objection is raised.

### **Community Infrastructure Levy**

62. The intended purpose behind the submission of two separate planning applications (in addition to the prior approval for demolition) was to separate CIL obligations into the two plots/proposed dwellings. This application is for Plot 2, which is liable for CIL payments and is payable at £365/m<sup>2</sup> index linked. An application for self-build exemption accompanies the application for a new dwelling house on the adjoining plot (Plot 1).

### **The Public Sector Equality Duty (Equality Act 2010)**

63. In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. There is no indication or evidence (including from consultation on the application) that the protected groups identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application and there would be no significant adverse impacts upon protected groups as a result of the development.

### **CONCLUSION**

64. The proposal involves an appropriate infill dwelling house within the plot that reflects the character and scale of other development in the street. The subdivision and dwelling adequately reflects the character and scale of other development in the street and responds and respects its corner location. It ensures adequate protection for existing protected and non-protected trees, retains neighbour amenity and allows for adequate car parking. It is recommended for approval, subject to pre commencement conditions relating to landscaping (Conditions 3 and 4) as well as other ecology conditions (Conditions 6 and 7) and a site specific limitation upon deliveries to protect the amenity of the neighbouring school (Condition 13), amongst other conditions.



PLANNING REF : 191554  
PROPERTY ADDRESS : Council Office  
: Pavilion, Recreation Road, Wargrave, Wokingham  
: RG10 8BG  
SUBMITTED BY : Wargrave Parish Council  
DATE SUBMITTED : 03/09/2019

COMMENTS:

Wargrave Parish Council objected to this application. The introduction of a new entrance in this location is incompatible with the street scene in relation to highway safety.

Note: If the

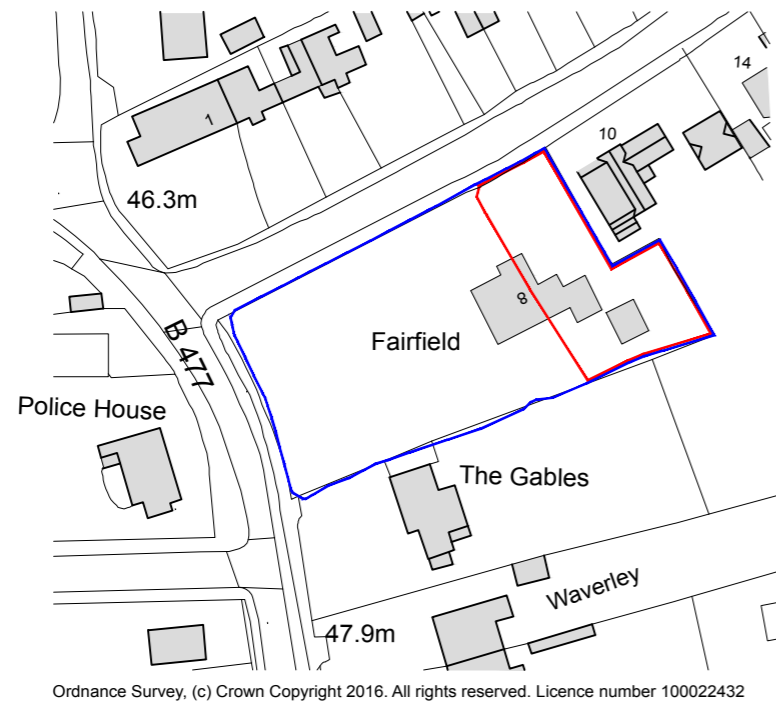
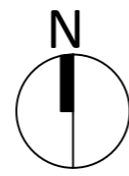
associated application of 191570 is not progressed/approved and there is a single entrance to the whole site (the existing 8 Victoria Road site) the objection is withdrawn.

If approved, the Parish Council

requests that Permitted Development Rights be withdrawn.

Note: The application appears to have an incorrect boundary (red) marking if it is intended to only refer to a subdivision of the original site.

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### 01 EXISTING LOCATION PLAN

1:1250



### 02 EXISTING SITE PHOTOGRAPHS

NTS

Client:  
Mr & Mrs Ramsey  
Date:  
September 2019

Project:  
Fairfield, 8 Victoria Road,  
Wargrave, Berkshire, RG10 8AB

Drawing Title:  
Existing GA Location & Site Plans  
Scale:  
1:1250 / 1:500 @A3

Drawing Issue:  
ISSUED FOR PLANNING

### 03 PLOT 2 EXISTING SITE PLAN

1:500



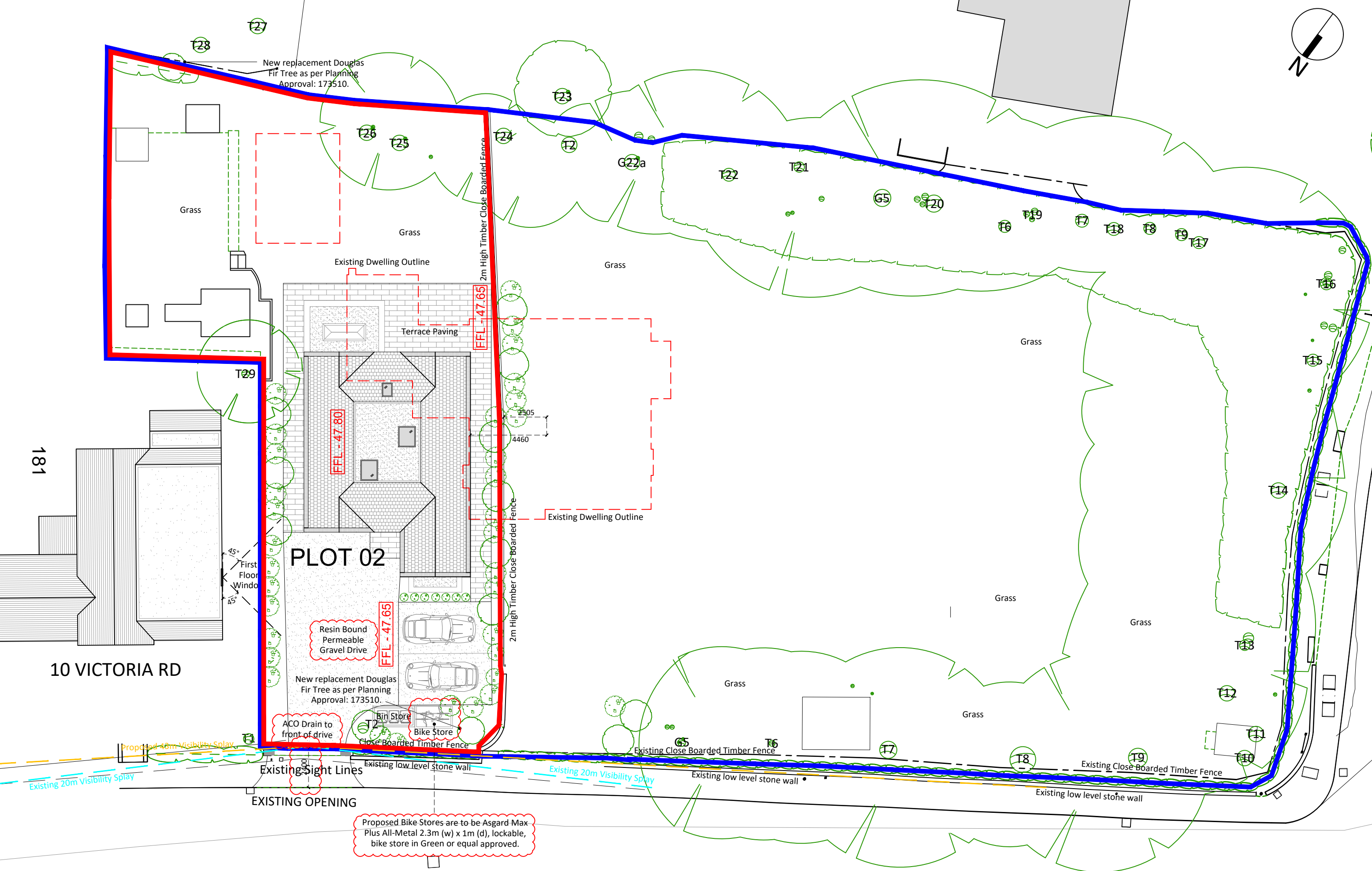
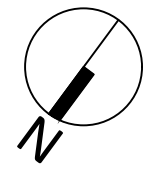
Scale bars for 1:500 @ A3 and 1:1250 @ A3.

JW Architects Ltd.  
Tel: 07786 380 357 Email: info@jw-architects.co.uk

Project	Reference	Dwg No	Name	Rev
P.19.270	FAIRF	2-0-01	JWA	C

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PLOT 02

10 VICTORIA RD

Proposed Bike Stores are to be Asgard Max Plus All-Metal 2.3m (w) x 1m (d), lockable, bike store in Green or equal approved.

### PROPOSED SITE PLAN - PLOT 2

1:200

Client:  
Mr & Mrs Ramsey  
Date:  
October 2019

Project:  
Fairfield, 8 Victoria Road,  
Wargrave, Berkshire, RG10 8AB

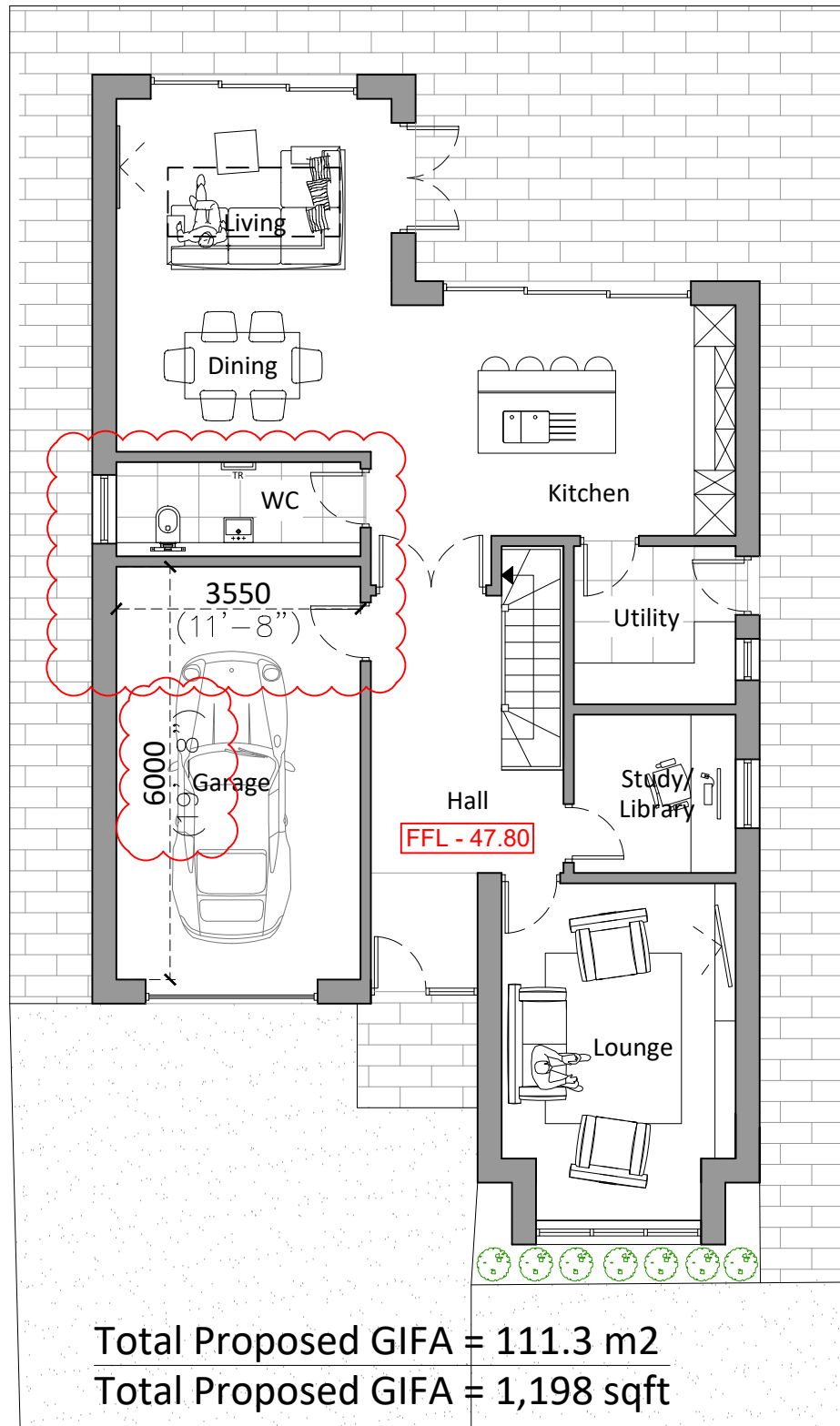
Drawing Title:  
Proposed Site Plan - Plot 2  
Scale:  
1:200 @A3

Drawing Issue:  
ISSUED FOR PLANNING

JW Architects Ltd.  
Tel: 07786 380 357  
Email: info@jw-architects.co.uk

Project	Reference	Dwg No	Name	Rev
P.19.270	FAIRF	2-01	JWA	D

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PROPOSED GROUND FLOOR PLAN

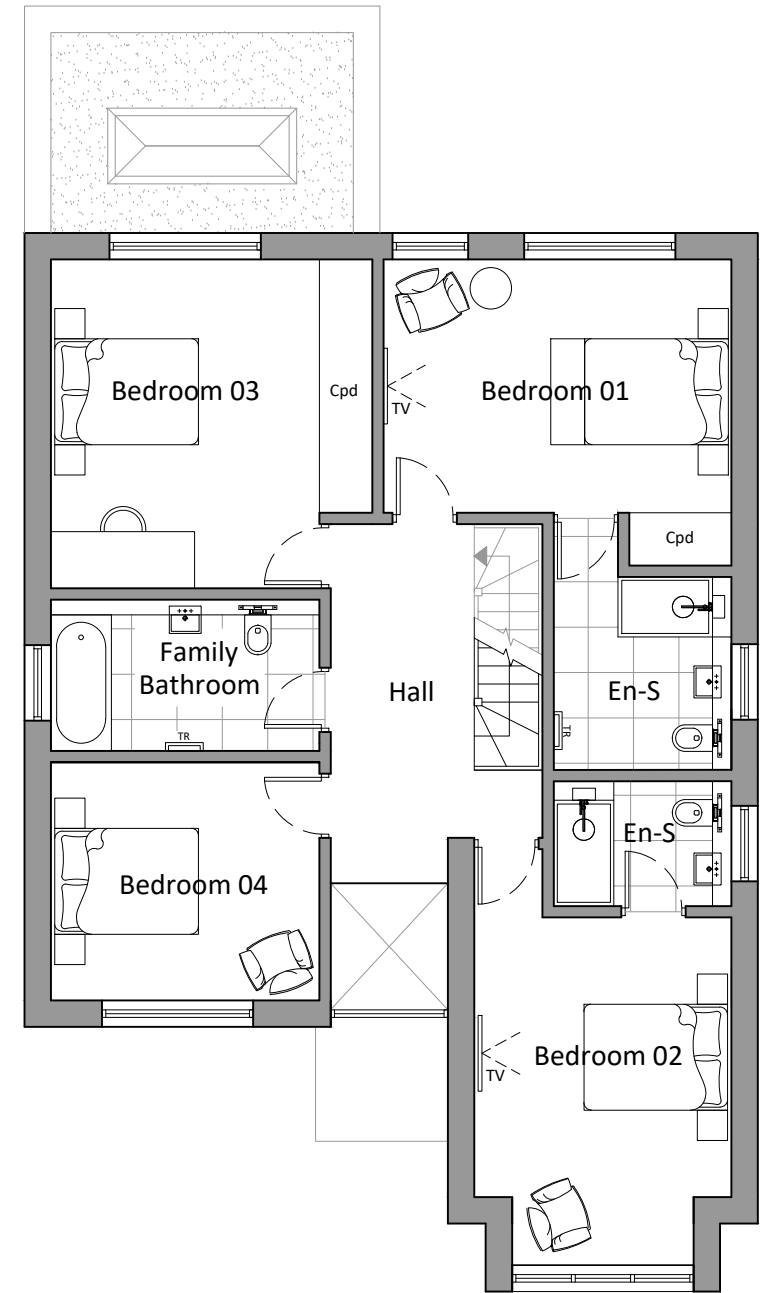
1:100

Client:  
Mr & Mrs Ramsey  
Date:  
August 2019

Project:  
Fairfield, 8 Victoria Road,  
Wargrave, Berkshire, RG10 8AB

Drawing Title:  
Proposed GF Plan  
Scale:  
1:100 @A3

Drawing Issue:  
ISSUED FOR PLANNING



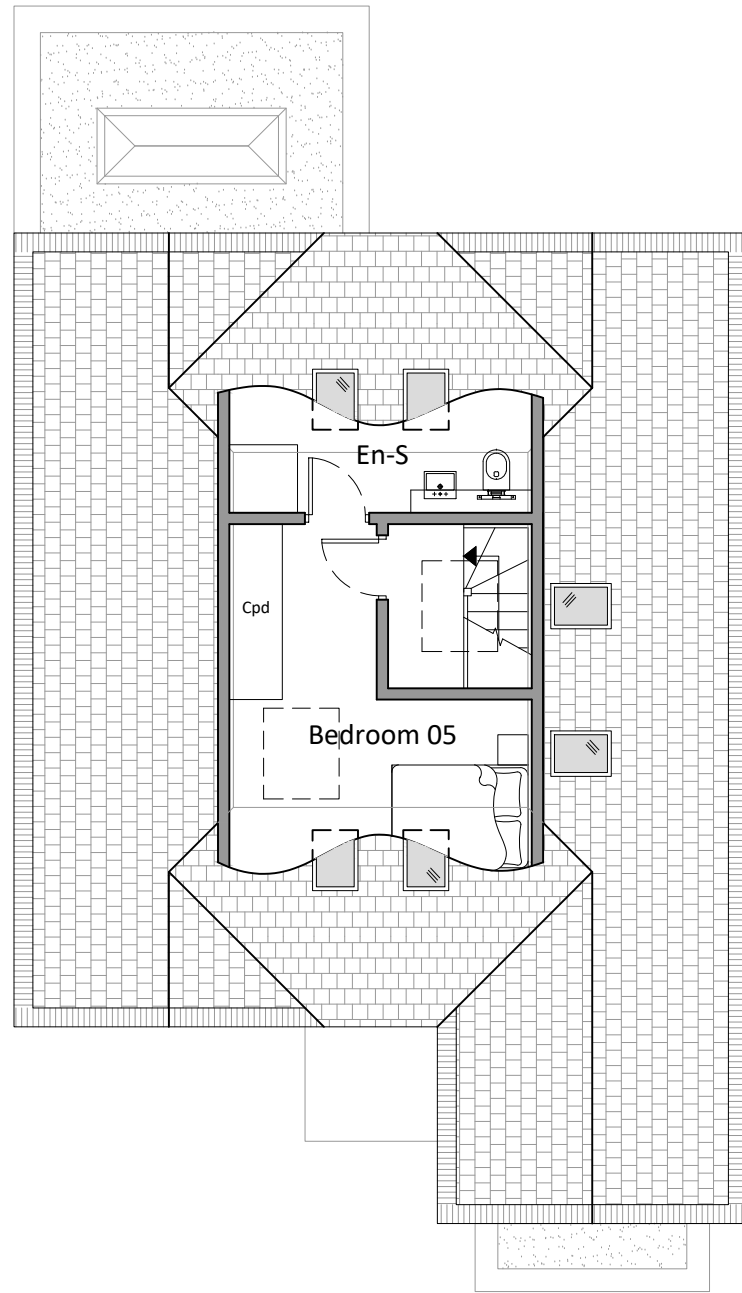
PROPOSED FIRST FLOOR PLAN

1:100

JW Architects Ltd.  
Tel: 07786 380 357  
Email: info@jw-architects.co.uk

Project	Reference	Dwg No	Name	Rev
P.19.270	FAIRF	2-02	JWA	B

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Total Proposed GIFA = 32 m2  
 Total Proposed GIFA = 344 sqft

PROPOSED SECOND FLOOR PLAN

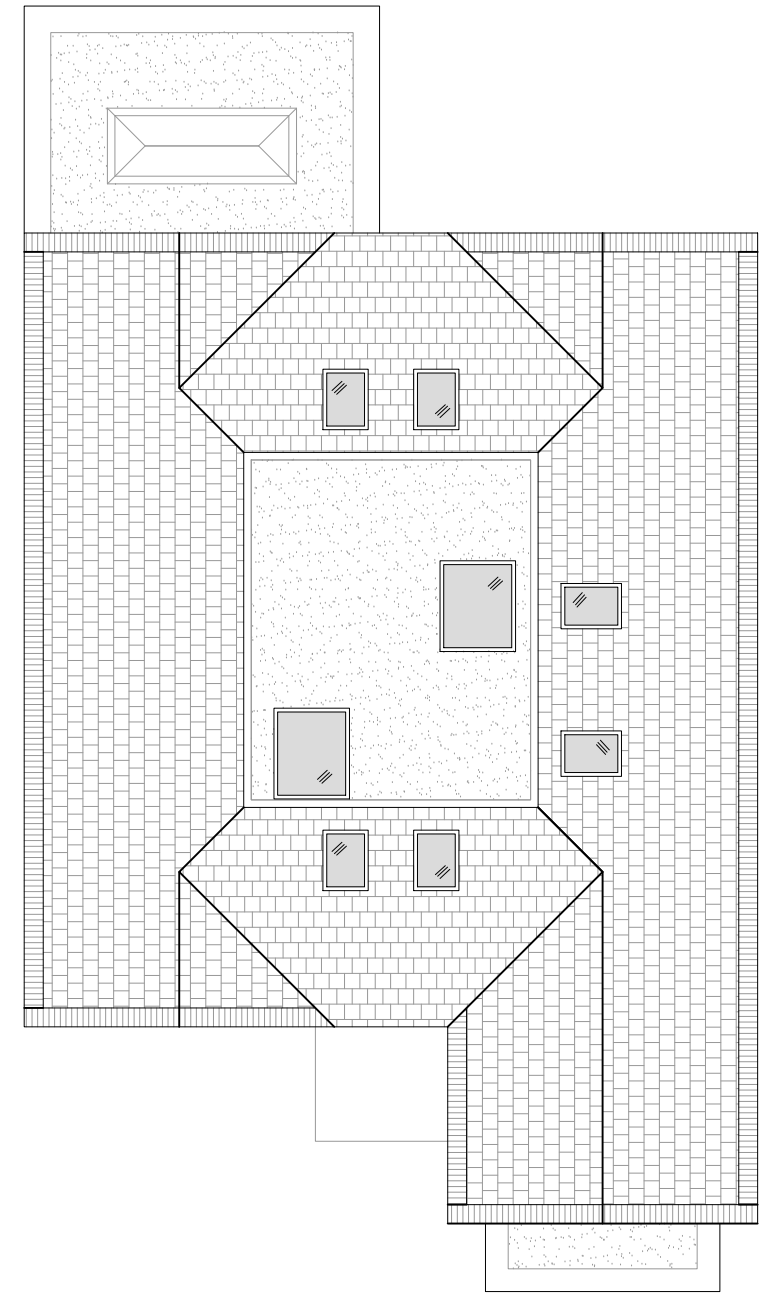
Client:  
 Mr & Mrs Ramsey  
 Date:  
 May 2019

Project:  
 Fairfield, 8 Victoria Road,  
 Wargrave, Berkshire, RG10 8AB

Drawing Title:  
 Proposed FF Plan  
 Scale:  
 1:100 @A3

Drawing Issue:  
 ISSUED FOR PLANNING

1:100



Total Proposed GIFA = 242.5 m2  
 Total Proposed GIFA = 2,610 sqft

PROPOSED ROOF PLAN

1:100

Scale bar: 1:100 @ A3  
 JW Architects Ltd.  
 Tel: 07786 380 357  
 Email: info@jw-architects.co.uk

Project	Reference	Dwg No	Name	Rev
P.19.270	FAIRF	2-03	JWA	A

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WEST ELEVATION

1:100

Client:  
Mr & Mrs Ramsey  
Date:  
October 2019

Project:  
Fairfield, 8 Victoria Road,  
Wargrave, Berkshire, RG10 8AB

Drawing Title:  
Proposed Elevations  
Scale:  
1:100 @A3

Drawing Issue:  
ISSUED FOR PLANNING

Scale bar: 1:100 @ A3  
North arrow symbol  
**JW Architects Ltd.**  
Tel: 07786 380 357  
Email: info@jw-architects.co.uk

Project	Reference	Dwg No	Name	Rev
P.19.270	FAIRF	2-04	JWA	A

Do not scale drawings.  
All dimensions to be verified & checked on site.  
The owner of the copyright in this drawing is JW Architects Ltd.





**PROPOSED MATERIALS**

**WALLS**

- Facing Brickwork to match existing
- Horizontal timber cladding

**ROOF**

- Traditional Plain Roof Tiles

**RAINWATER GOODS**

- Black PVCu gutters and downpipes (concealed where possible)

**WINDOWS**

- Aluminium Frame Windows and Sliding Doors

**ROOFLIGHTS**

- Glazed flat-roof skylight
- Velux Pitched Rooflights

**DOORS**

- Timber Entrance Doors
- Timber garage doors

03 ELEVATION: SIDE

1:100

03  
05



04 ELEVATION: SIDE

1:100

Client:  
Mr & Mrs Ramsey  
Date:  
May 2019

Project:  
Fairfield, 8 Victoria Road,  
Wargrave, Berkshire, RG10 8AB

Drawing Title:  
Proposed GA Elevations  
Scale:  
1:100 @A3

Drawing Issue:  
ISSUED FOR PLANNING

1:100 @ A3  
JW Architects Ltd.  
Tel: 07786 380 357  
Email: info@jw-architects.co.uk

Project	Reference	Dwg No	Name	Rev
P.19.270	FAIRF	2-05	JWA	B

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The owner of the copyright in this drawing is JW Architects Ltd.

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**NORTH ELEVATION**

**1:100**

Client:  
**Mr & Mrs Ramsey**  
Date:  
**October 2019**

Project:  
**Fairfield, 8 Victoria Road,  
Wargrave, Berkshire, RG10 8AB**

Drawing Title:  
**Proposed Elevations**  
Scale:  
**1:100 @A3**

Drawing Issue:  
**ISSUED FOR PLANNING**

**JW Architects Ltd.**  
Tel: 07786 380 357  
Email: info@jw-architects.co.uk

Project	Reference	Dwg No	Name	Rev
P.19.270	FAIRF	2-06	JWA	A

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All dimensions to be verified & checked on site.  
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NO. 10 VICTORIA RD

**SOUTH ELEVATION**

**1:100**

Client:  
 Mr & Mrs Ramsey  
 Date:  
 October 2019

Project:  
 Fairfield, 8 Victoria Road,  
 Wargrave, Berkshire, RG10 8AB

Drawing Title:  
 Proposed Elevations  
 Scale:  
 1:100 @A3

Drawing Issue:  
 ISSUED FOR PLANNING

 1:100 @ A3  
**JW Architects Ltd.**  
 Tel: 07786 380 357  
 Email: info@jw-architects.co.uk

Project	Reference	Dwg No	Name	Rev
P.19.270	FAIRF	2-07	JWA	A

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Application Number	Expiry Date	Parish	Ward
191879	14/11/2019	Earley	Hillside;

<b>Applicant</b>	Mr Muhammad Dawood
<b>Site Address</b>	31 Redhatch Drive, Earley, RG6 5QN
<b>Proposal</b>	Householder application for the proposed single storey side/rear extension including conversion of existing garage to additional habitable accommodation, and insertion of 4no. rooflights, internal alterations and changes to fenestration (part-retrospective).
<b>Type</b>	Full
<b>PS Category</b>	21
<b>Officer</b>	Stefan Fludger
<b>Reason for determination by committee</b>	Listed by Councillor Caroline Smith based on its potential impacts on the character of the area.

<b>FOR CONSIDERATION BY</b>	Planning Committee on Wednesday, 13 November 2019
<b>REPORT PREPARED BY</b>	Assistant Director – Place

SUMMARY
<p>This application is part-retrospective, the foundations having been dug and amendments to fenestration having been made. The proposal has also been revised, removing the previously proposed balustrading from the flat roof. It has been listed by Cllr Caroline Smith, who has concerns relating to the impact on the character of the area. However, the revised proposal is now clearly subservient, would not harm the character of the area or neighbouring amenity. Additionally, adequate parking would be provided. The proposal is therefore considered acceptable and is accordingly recommended for approval.</p>

PLANNING STATUS
<ul style="list-style-type: none"> <li>Major development location</li> </ul>

RECOMMENDATION
<p><b>That the committee authorise the GRANT OF PLANNING PERMISSION subject to the following:</b></p> <p><b>A. Conditions and informatives:</b></p> <p><i>Conditions:</i></p> <p>Timescale</p> <p>1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p><i>Reason: In pursuance of s.91 of the Town and Country Planning Act 1990 (as amended by s.51 of the Planning and Compulsory Purchase Act 2004).</i></p> <p>Approved Details</p> <p>2. This permission is in respect of the submitted application plans and drawings numbered HDC-19-0021-EXT-001 REV C, HDC-19-0021-EXT-002 REV C, HDC-19-</p>

0021-EXT-005 REV C and HDC-19-0021-EXT-006 REV B, received by the local planning authority on 12/07/2019 and revised plan numbered HDC-19-0021-EXT-003 REV D, received by the Local Planning Authority on The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

*Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the application form and associated details hereby approved.*

#### External Materials

3. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall be of a similar appearance to those used in the existing building unless otherwise agreed in writing by the local planning authority.

*Reason: To ensure that the external appearance of the building is satisfactory.*

*Relevant policy: Core Strategy policies CP1 and CP3*

#### Restriction of roof as terrace

4. Notwithstanding the provisions of the Town and Country Planning, (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification), the flat roof of the single storey rear and side extension shall not be used as a first floor balcony or terrace area and no railings, balustrading or other means of enclosure shall be erected on that roof, unless otherwise agreed in writing by the Local Planning Authority.

*Reason: In the interests of neighbouring amenity. Relevant policy: CP1 and CP3 of the Core Strategy.*

#### Side Gate Details Provided

5. Notwithstanding the details provided on the approved plans, prior to the installation of the proposed gate along the side boundary, full details of the gate or other boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. The gate shall be a pedestrian gate only and shall be installed in accordance with the approved details.

*Reason: In the interests of visual amenity and in the interests of Highway Safety.*

#### Permeable Surfacing

6. The hard surfacing hereby permitted shall be constructed from porous materials or provision shall be made to direct water run-off from the hard surface to a permeable or porous area within the curtilage of the development, and the hard surfacing shall thereafter be so-maintained.

*Reason: To prevent increased flood risk from surface water run-off. Relevant policy: NPPF Section 10 (Meeting the Challenge of Climate Change, Flooding and Coastal Change) and Managing Development Delivery Local Plan policies CC09 and CC10.*

#### Informatives:

1. The development hereby permitted is liable to pay the Community Infrastructure Levy. As an affordable housing development a claim for relief can be made. This is a matter for the developer. The Liability Notice issued by Wokingham Borough Council will state the current chargeable amount. Anyone can formally assume liability to pay, but

if no one does so then liability will rest with the landowner. There are certain legal requirements that must be complied with. For instance, whoever will pay the levy must submit an Assumption of Liability form and a Commencement Notice to Wokingham Borough Council prior to commencement of development. For more information see - <http://www.wokingham.gov.uk/planning/developers/cil/cil-processes/>.

2. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. This planning application has been the subject of positive and proactive discussions with the applicant in terms of:

- Amending the scheme to remove balustrading and therefore protect the character of the area and the amenity of neighbouring properties.

The decision to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the NPPF is considered to be a positive outcome of these discussions.

<b>PLANNING HISTORY</b>		
<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>
536/48	Erection of 180 houses.	Approved – 11/01/1948
94/51	Outline application for residential development.	Approved – 18/03/1951
440/53	Pair of semi-detached houses.	Approved – 14/07/1953
R/16/66	Addition.	Approved – 17/02/1966
13458	Outline application for detached house at rear of numbers 31-47	Refused – 23/06/1980
14425	Demolition of garage and construction of 2 storey addition.	Approved – 25/11/1980
26159	Erection of house and garage.	Refused – 09/10/1986
28315	Erection of a new house and garage.	Approved – 16/09/1987

<b>SUMMARY INFORMATION</b>
<b>For Residential</b> Site Area – 0.0534 ha Proposed parking spaces - 3

<b>CONSULTATION RESPONSES</b>
WBC Highways <span style="float: right;">No objection, subject to condition.</span>

<b>REPRESENTATIONS</b>
<b>Town/Parish Council:</b>  <b><i>Note: Town Council initial response: second consultation response pending at time of writing report.</i></b>

*First consultation:* Object on the basis that this would be harmful to the character of the area on this corner plot. Would not create a coherent street scene. Object to balcony.

*Second consultation pending at time of report writing.*

**Local Members:** Listed in the event of a recommendation for approval by Cllr Caroline Smith for potential impacts on the character of the area and the potential impact on neighbouring properties.

**Neighbours:**

*First consultation:* Two comments received regarding the following:

33 Redhatch Drive: No objection to single storey extension, however roof should not be used as a balcony or veranda [as proposed on original plans] as this would affect privacy. The proposed roof veranda would be unusual in this area and this would set a precedent. French doors have already been installed upstairs.

20 Wychwood Crescent:

- No site notice has been put up. – *Officer note: Neighbour consultations were carried out by post and therefore the site notice is not statutorily required to be displayed.*
- The website states that the application was received on 12<sup>th</sup> July 2019, but this cannot be true as application its self is dated 14<sup>th</sup> August. - *Officer note: The application was received on 12/07/2019 but was validated on 14/08/2019.*
- The application form states that no new access is proposed, however the design and access statement indicates that a new gate to the pavement along the side would be installed for occasional use. This is shown on the plan and there is already a gap in the fence. What is intended? Is this to be used for vehicular access? The house will be large and the rear garden could be used for parking and this would have an adverse impact on neighbouring properties and such a gate should be restricted by condition.
- The proposed balcony would be wholly out of keeping with the area and would cause harmful overlooking. How can 4 roof lights be installed in a balcony?
- No soft landscaping is indicated to the front. This would result in harm to the character of the area and potential flooding issues.
- Conditions are recommended to mitigate these issues.
- The proposal may become an HMO.

*Second consultation pending at time of report writing.*

**APPLICANTS POINTS**

Design and access statement states that:

- The proposal aims to improve the functionality of the property.
- The proposal would not result in loss of privacy, outlook or daylight to neighbours.

**PLANNING POLICY**

National Policy

**NPPF**

National Planning Policy Framework



Adopted Core Strategy DPD 2010	<b>CP1</b>	Sustainable Development
	<b>CP2</b>	Inclusive Communities
	<b>CP3</b>	General Principles for Development
	<b>CP4</b>	Infrastructure Requirements
	<b>CP6</b>	Managing Travel Demand
	<b>CP7</b>	Biodiversity
	<b>CP9</b>	Scale and Location of Development Proposals
Adopted Managing Development Delivery Local Plan 2014	<b>CC01</b>	Presumption in Favour of Sustainable Development
	<b>CC02</b>	Development Limits
	<b>CC03</b>	Green Infrastructure, Trees and Landscaping
	<b>CC04</b>	Sustainable Design and Construction
	<b>CC07</b>	Parking
	<b>CC09</b>	Development and Flood Risk (from all sources)
	<b>CC10</b>	Sustainable Drainage
	<b>TB23</b>	Biodiversity and Development
Supplementary Planning Documents (SPD)	<b>BDG</b>	Borough Design Guide – Section 4
		DCLG – National Internal Space Standards

## **PLANNING ISSUES**

### **Description of Development:**

1. The application consists of a single storey rear and side extension to an existing semi-detached dwelling, along with the conversion of the existing small garage to habitable accommodation. The dwelling sits on the corner of Redhatch Drive and Wychwood Crescent, has parking to the front and a garden to the rear.
2. It should be noted at this point that the proposal has been amended since the submission of the original scheme. It used to include railings and a balcony on top of the flat roof, however this has been removed, replacing the upstairs balcony with a Juliet balcony. Consultations have been re-issued. The development appears to have commenced, as trenches for foundations have been dug and changes have been made to fenestration. The proposal has been listed for the committee based on its potential impact on the character of the area and potential impacts on neighbouring properties.

### **Principle of Development:**

3. The National Planning Policy Framework has an underlying presumption in favour of sustainable development which is carried through to the local Development Plan. The Managing Development Delivery Local Plan (MDD) Policy CC01 states that planning applications that accord with the policies in the Development Plan for Wokingham Borough will be approved without delay, unless material considerations indicate otherwise.

4. Policy CC02 of the MDD sets out the development limits for each settlement as defined on the policies map and therefore replaces the proposals map adopted through the Core Strategy, as per the requirement of policy CP9. Policy CP9 sets out that development proposals located within development limits will be acceptable in principle, having regard to the service provisions associated with the major, modest and limited categories. As the site is within a major development location, the proposal is acceptable in principle.

**Character of the Area:**

5. The proposed extension would measure just under 5 metres in length and would protrude beyond the side wall of the original house by 3.2 metres. It would have a flat roof and would be 2.8 metres tall. Neighbours have indicated that the originally proposed balcony would have been harmful to the character of the area.
6. Policy CP1 of the Core Strategy states that planning permission will be granted for development proposals that 'maintain or enhance the high quality of the environment'. Policy CP3 of the Core Strategy states planning permission will be granted if development is 'of an appropriate scale of activity, mass, layout, built form, height, materials and character to the area, together with a high quality of design, without detriment to the amenities of adjoining land users including open spaces or occupiers and their quality of life'. The guidance contained in section 4.11 of the Borough Design Guide outlines a number of key considerations in relation to the design of extensions. Amongst others, these include consideration to be given to the built form, scale and mass of extensions (i.e. the design of proposed extensions must be well considered and should complement the existing building). Overall, extensions and alterations should respond positively to the context, maintaining or enhancing the street scene and local character. The guidance contained in section 4.11 of the Borough Design Guide outlines a number of key considerations in relation to the design of extensions. Amongst others, these include consideration to be given to the built form, scale and mass of extensions (i.e. the design of proposed extensions must be well considered and should complement the existing building). Overall, extensions and alterations should respond positively to the context, maintaining or enhancing the street scene and local character. Extensions should generally be subservient to the host dwelling. With regard side extensions, the main consideration is the impact on the street scene. With regards rear extensions, the main consideration is the impact on neighbours.
7. The proposed extension would be significantly visible in the area, as the house is on a prominent corner plot. However, since the removal of the unusual balustrading from the scheme, it is not considered that it would be out of character for the area in general. Indeed, the area is characterised by a mix of extensions, including those which are flat roofed and single storey such as those which are present at the house on the opposite side of Wychwood Road, 29 Redhatch Drive. Also, by virtue of its single storey nature, the proposal is suitably subservient to the host dwelling and a gap of one metre would be retained between the side wall and the side boundary. For these reasons, it is considered that the proposal is in accordance with the advice contained in the Borough Design Guide and would have an acceptable impact on the character of the area. It is therefore also in accordance with CP1 and CP3 of the Core Strategy and is acceptable.

8. A neighbour comment has drawn attention to the existing gap in the fence along the side boundary of the property. A new gate also seems to be proposed and it is stated that this is for occasional access from the road and into the garden. It is noted that no vehicular access from the highway has been proposed and therefore this application only relates to the installation of gates. A set of gates would not be harmful to the character of the area, however no details have been provided. Double gates to allow vehicular access would not be appropriate as there is no vehicular access at this point, however as no formal details have been submitted, details can be required by condition.
9. The neighbouring comment has also raised objections to the full paving of the front garden. It is acknowledged that this would lead to a lack of soft landscaping, however this could be carried out under permitted development rights and therefore this represents a valid fall-back position. Surface water runoff from this area could be addressed by condition.

**Residential Amenities:**

10. The proposed extension would protrude from the rear wall of the existing dwelling by 4.8 metres. The Borough Design Guide recommends that rear extensions are generally not greater than 4 metres in length, where close to a side boundary. The proposal would not leave a gap between it and the side boundary and would be just under one metre longer than is recommended. This being said, the neighbouring property also has a rear extension which abuts the side boundary in the form of a conservatory. Its flank wall is mostly brick, however high level windows are also present. These windows would be obscured by the proposed development, however by virtue of being a conservatory, the neighbour's extension benefits from open views to the rear and light is provided through the roof and rear windows. It is therefore not considered that the obscuring of these windows would cause a loss of light or overbearing impacts in a way which would substantiate refusal of this application.
11. The Borough Design Guide recommends that a distance of 12 metres is retained between the rear elevation of dwellings and the side elevations of those behind. The proposal would accord with this. All other neighbours are a significant distance from the proposal. As a result, the proposal would not be harmfully overbearing or cause a harmful loss of light to any other neighbour.
12. With regards overlooking, there are no side facing windows at the neighbour to the rear. All other ground floor windows would be largely obscured from neighbouring properties by existing boundary treatments. Objections have been raised regarding the use of the roof as a terrace. This was proposed in the original scheme, however has now been removed, replaced with a Juliet balcony to the first floor bedroom. It is not considered that a Juliet balcony would be harmfully overlooking to neighbouring properties compared to ordinary upstairs windows as no external platform would be created. The proposal is therefore considered acceptable in this regard. However, considering the nature of the flat roof and the installation of doors on the first floor, it would be necessary to impose a condition, prohibiting the use of the flat roof as a terrace and the implementation of any railings. For these reasons, it is considered that the proposal would have an acceptable impact on neighbouring properties and would be acceptable in this regard.

**Access and Movement:**

13. Policy C6 of the Core Strategy and CC07 of the MDD Local Plan relate to highway impacts and parking provision. The proposal would lead to the addition of 2 habitable rooms, but 3 parking spaces are indicated. It appears that a large part of the garden has already been paved over. The Council's Highways Officer has indicated that 3 spaces are acceptable and has recommended a condition to require that these spaces are implemented. At the time of the site visit, not all of these spaces had been implemented and therefore this condition is reasonable and necessary. The existing access is located on the corner and the proposal does not indicate changes to this. The proposal is therefore considered acceptable in terms of highway impacts and parking provision.

**The Public Sector Equality Duty (Equality Act 2010)**

*In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. There is no indication or evidence (including from consultation on the application) that the protected groups identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application and there would be no significant adverse impacts upon protected groups as a result of the development*

**CONCLUSION**

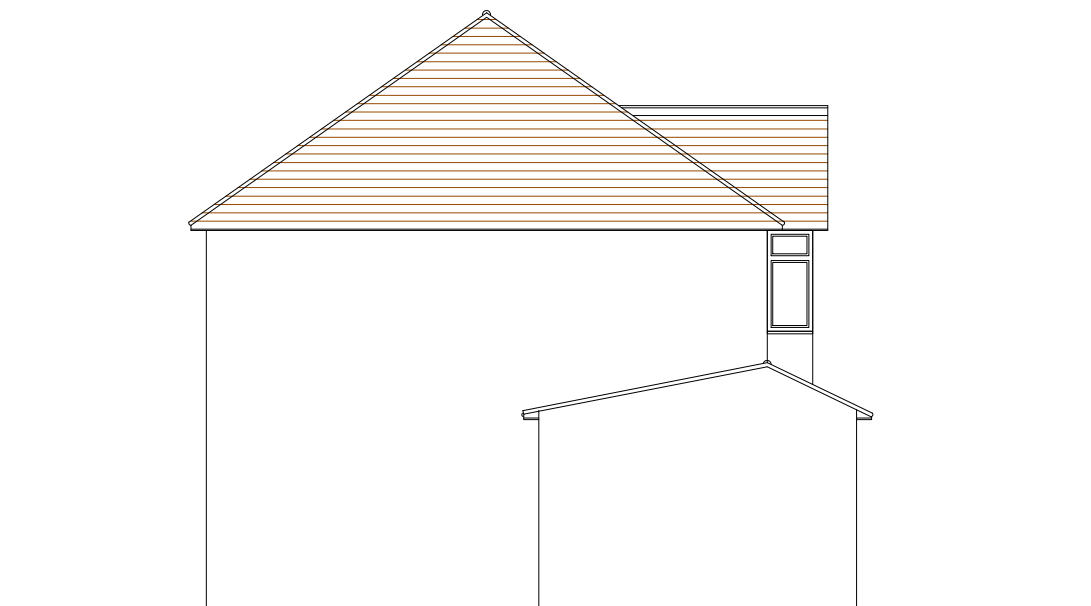
The proposal has been listed by Cllr Caroline Smith, who has concerns relating to the impact on the character of the area and neighbours. However, the proposal is clearly subservient, would not harm the character of the area or neighbouring amenity. Additionally, adequate parking would be provided. The proposal is therefore considered acceptable and is accordingly recommended for approval.



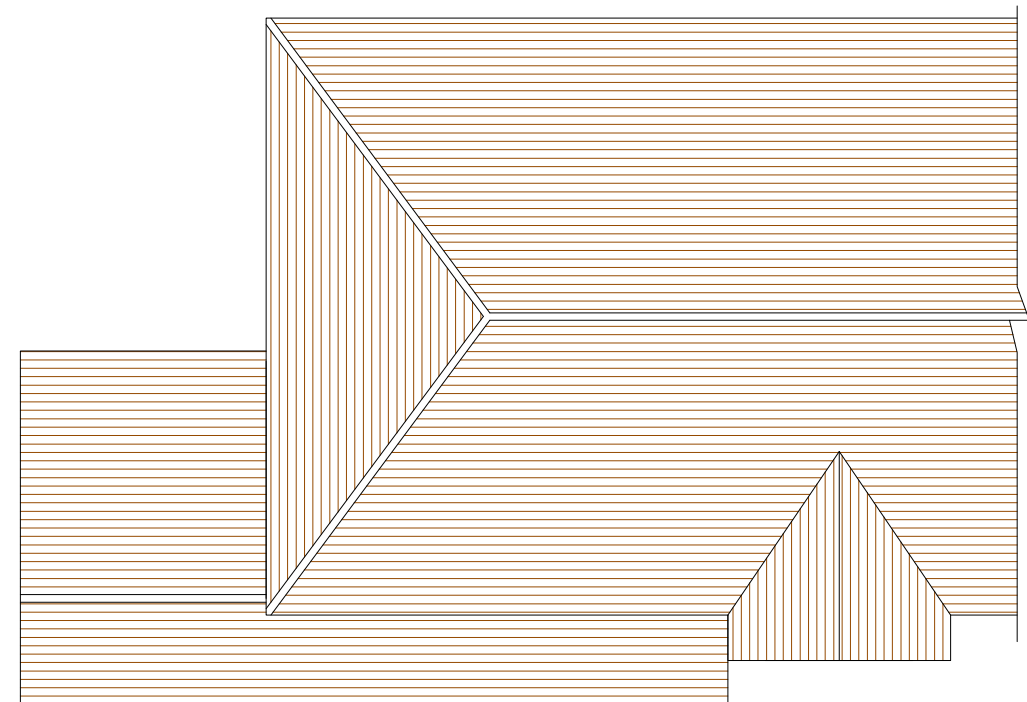
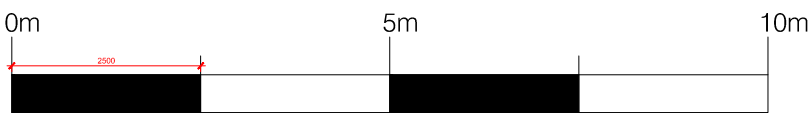
EXISTING - FRONT ELEVATION



EXISTING - REAR ELEVATION



EXISTING - SIDE ELEVATION



EXISTING - ROOF

**PRELIMINARY**

REVISIONS		
ISSUE	AMENDMENT	DATE
A	For Preliminary Issue	06.07.2019
B	Temporary storage removed	08.07.2019
C	Scale bar added, roof added	01.08.2019

CLIENT DETAILS
HDC-19-0021-EXT
MUHAMMAD DAWOOD KHAN
31 Redhatch Drive, Lower Earley Reading RG6 5QN

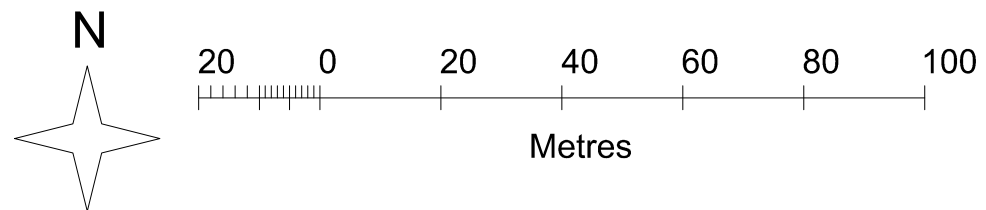
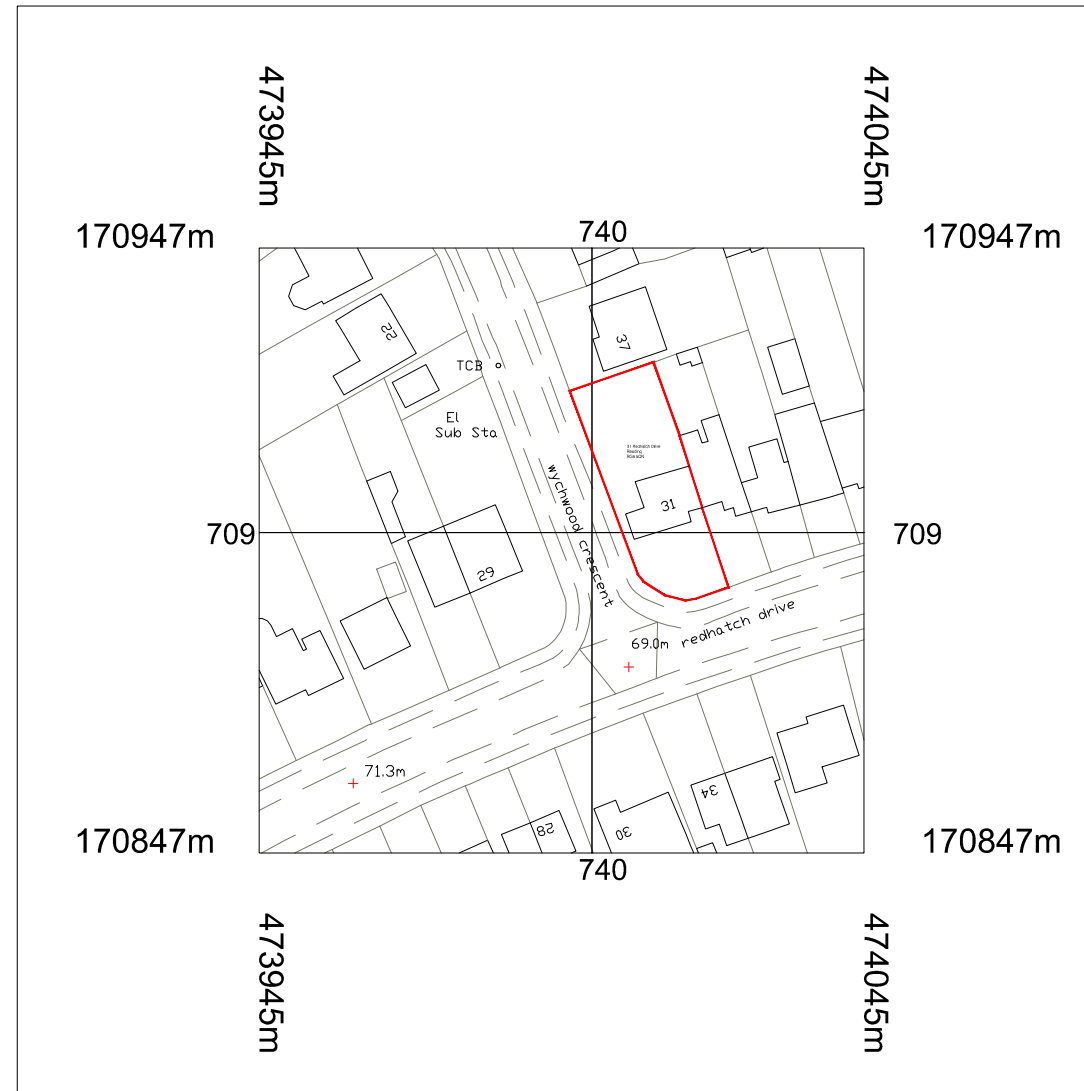
SITE ADDRESS
31 Redhatch Drive, Lower Earley Reading RG6 5QN

DRAWING TITLE
<b>EXISTING ELEVATIONS &amp; ROOF</b>

Dimension, areas and levels where given are only approximate and subject to site survey. All dimensions are to be checked on site. Any discrepancies are to be reported to the architect before the work commences. Figured dimensions only are to be taken from this drawing. This drawing is to be read in conjunction with all relevant consultants' and/or specialists drawings/documents and any discrepancies or variations are to be notified to the architect before the affected work commences.

DRAWN BY:	SCALE:	DATE:
S. Mamun	1:100 @ A3	01.08.2019
DRAWING NUMBER:	REVISION:	
<b>HDC-19-0021-EXT-002</b>	<b>C</b>	
<b>E - ELE &amp; ROOF</b>		

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**PRELIMINARY**

REVISIONS		
ISSUE	AMENDMENT	DATE
A	For Preliminary Issue	06.07.2019
B	Scale updated	01.08.2019

CLIENT DETAILS
HDC-19-0021-EXT
MUHAMMAD DAWOOD KHAN 31 Redhatch Drive, Lower Earley Reading RG6 5QN

SITE ADDRESS
31 Redhatch Drive, Lower Earley Reading RG6 5QN

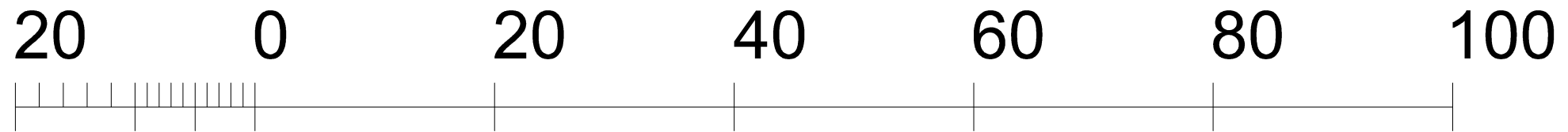
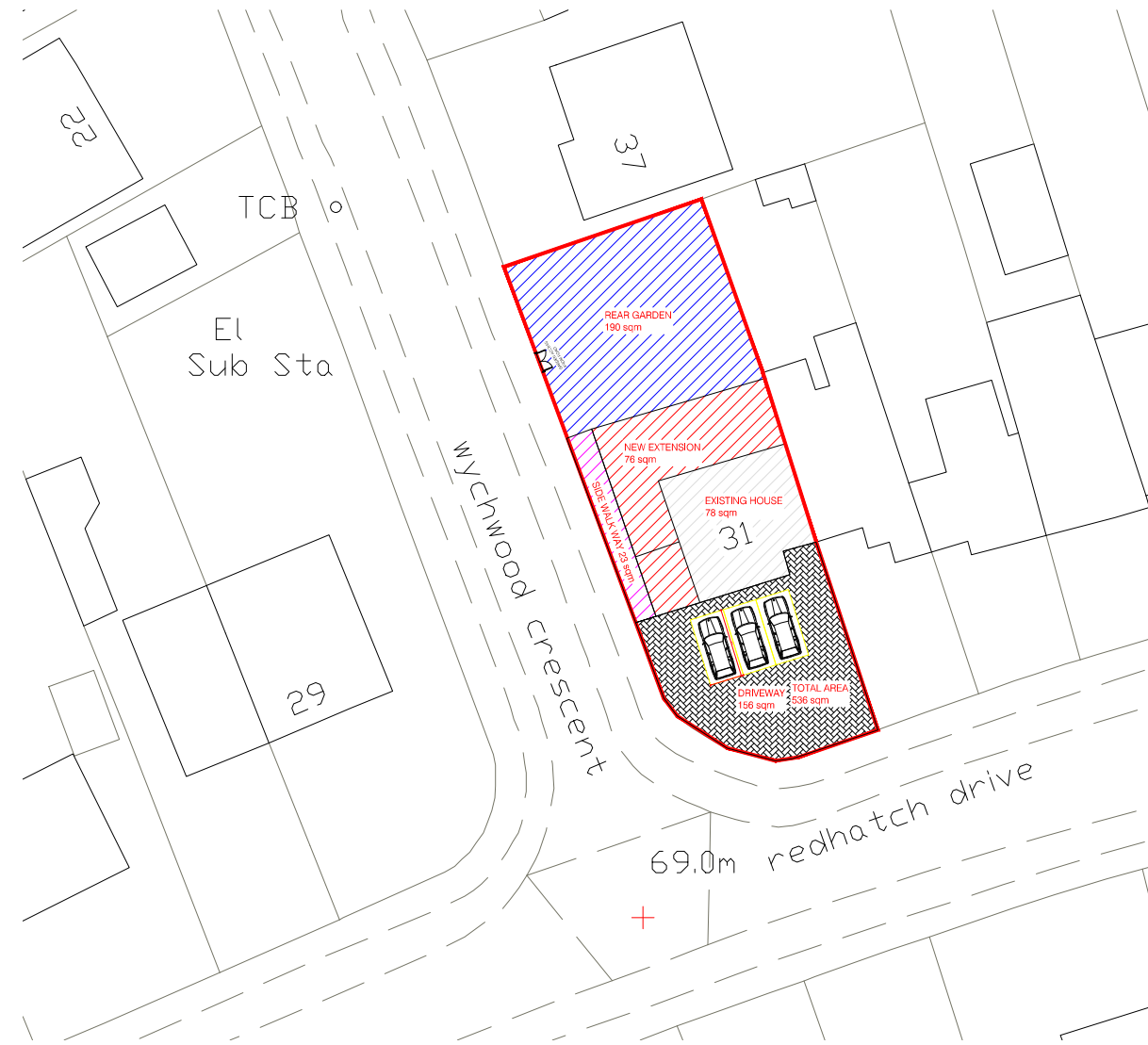
DRAWING TITLE
<b>LOCATION MAP</b>

Dimension, areas and levels where given are only approximate and subject to site survey.  
 All dimensions are to be checked on site.  
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 Figured dimensions only are to be taken from this drawing.  
 This drawing is to be read in conjunction with all relevant consultants' and/or specialists drawings/documents and any discrepancies or variations are to be notified to the architect before the affected work commences.

DRAWN BY:	DATE:
S. Mamun	01.08.2019
SCALE: 1:1250 @ A3	
DRAWING NUMBER: <b>HDC-19-0021-EXT-006</b> <b>Location Map</b>	REVISION: <b>B</b>

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**PRELIMINARY**

REVISIONS		
ISSUE	AMENDMENT	DATE
A	For Preliminary Issue	06.07.2019
B	Updated as per plan	09.07.2019
C	Scale bar added	01.08.2019

CLIENT DETAILS
HDC-19-0021-EXT
MUHAMMAD DAWOOD KHAN
31 Redhatch Drive, Lower Earley Reading RG6 5QN

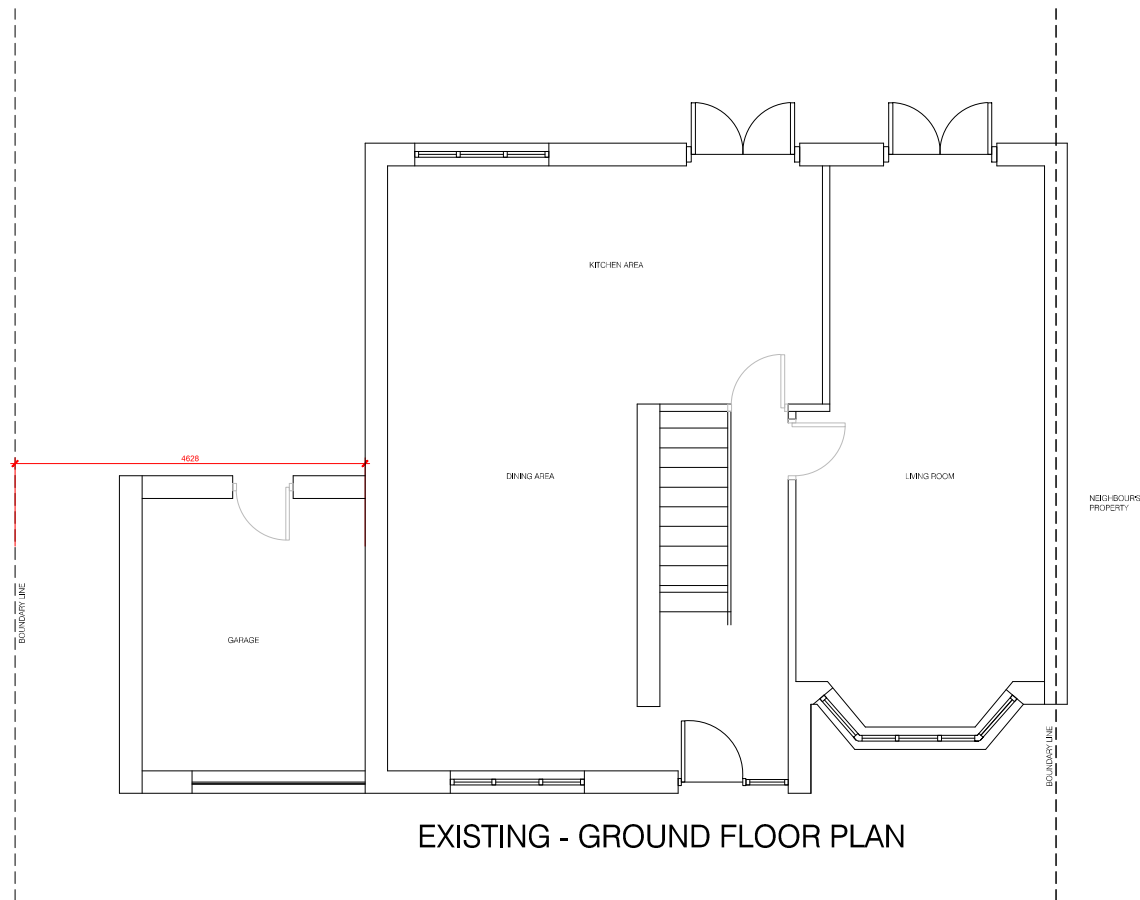
SITE ADDRESS
31 Redhatch Drive, Lower Earley Reading RG6 5QN

DRAWING TITLE
<b>BLOCK PLAN</b>

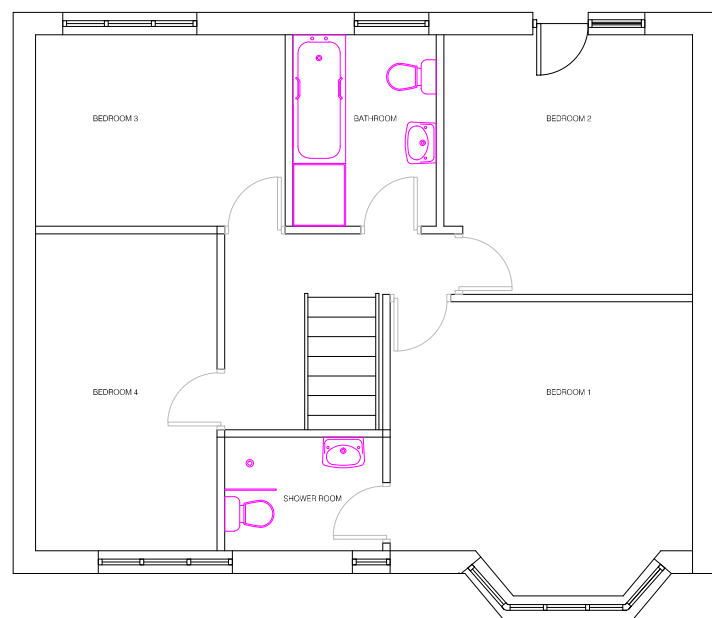
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DRAWN BY:	DATE:
S. Mamun	01.08.2019
SCALE: 1:500 @ A3	REVISION: C
<b>HDC-19-0021-EXT-005</b>	
<b>Block Plan</b>	

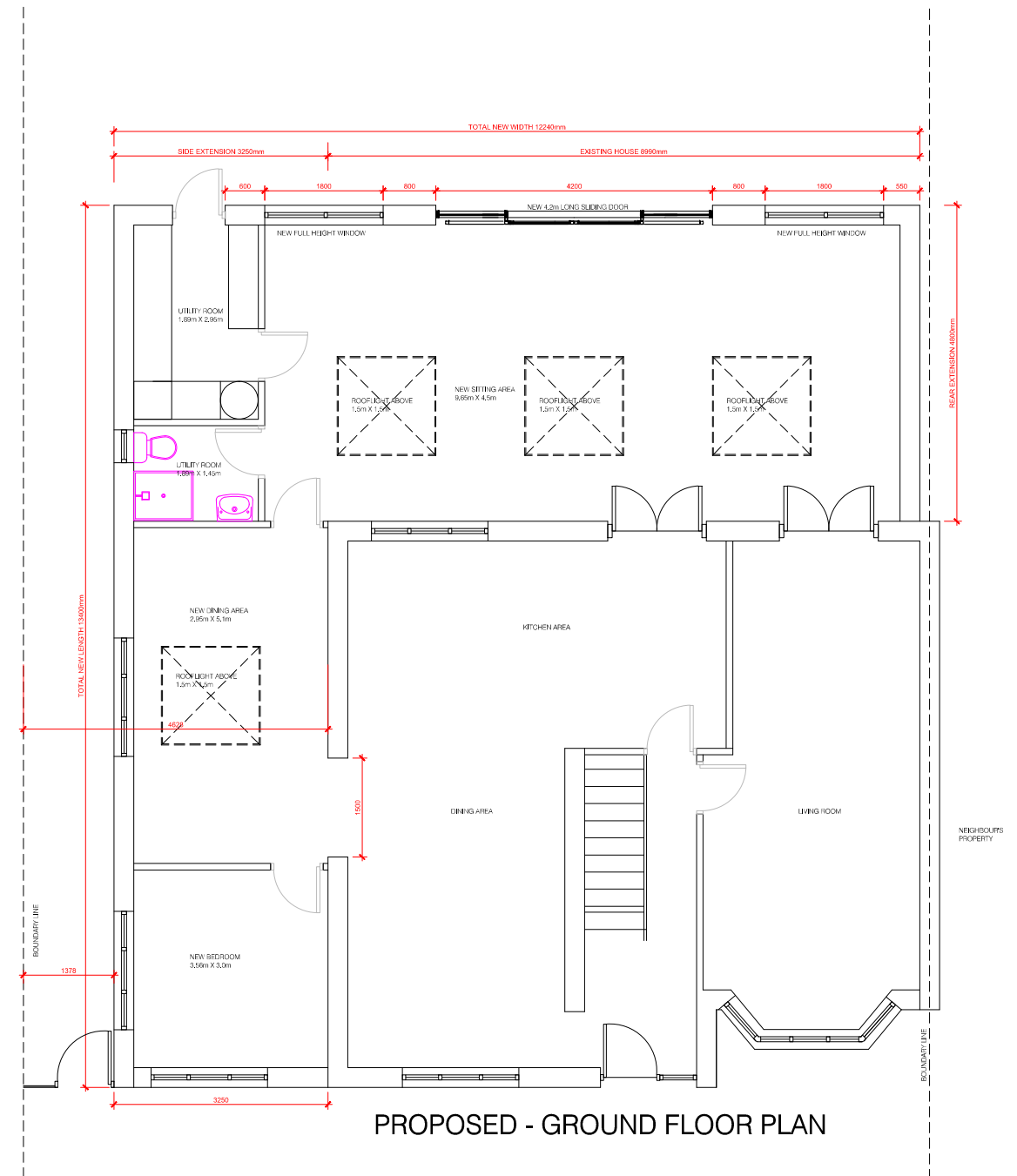
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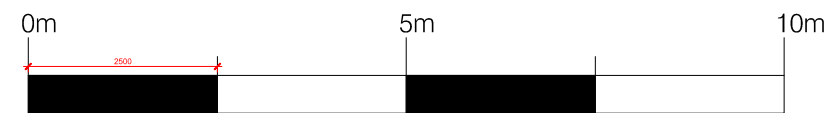
EXISTING - GROUND FLOOR PLAN



EXISTING - FIRST FLOOR PLAN



PROPOSED - GROUND FLOOR PLAN



**PRELIMINARY**

REVISIONS		
ISSUE	AMENDMENT	DATE
A	For Preliminary Issue	06.07.2019
B	Extension length increased	08.07.2019
C	Scale Bar added	01.08.2019

CLIENT DETAILS	
HDC-19-0021-EXT	MUHAMMAD DAWOOD KHAN 31 Redhatch Drive, Lower Earley Reading RG6 5QN

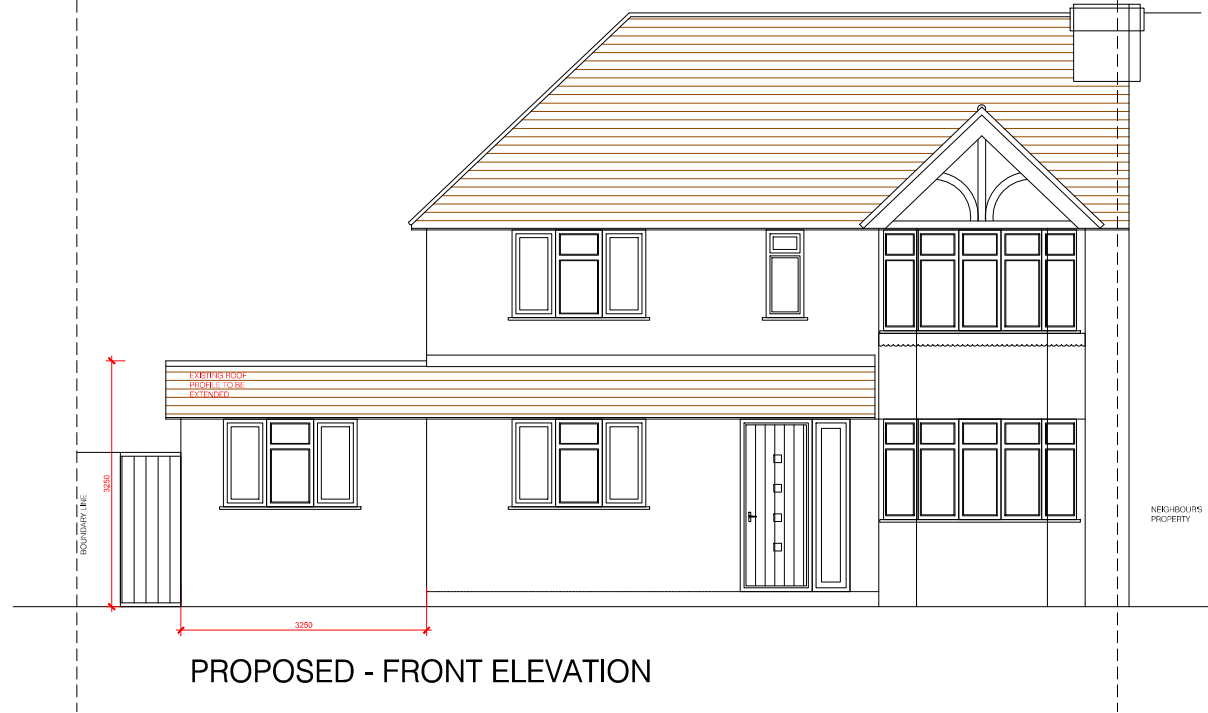
SITE ADDRESS	
31 Redhatch Drive, Lower Earley Reading RG6 5QN	

DRAWING TITLE	
<b>EXISTING &amp; PROPOSED PLAN</b>	

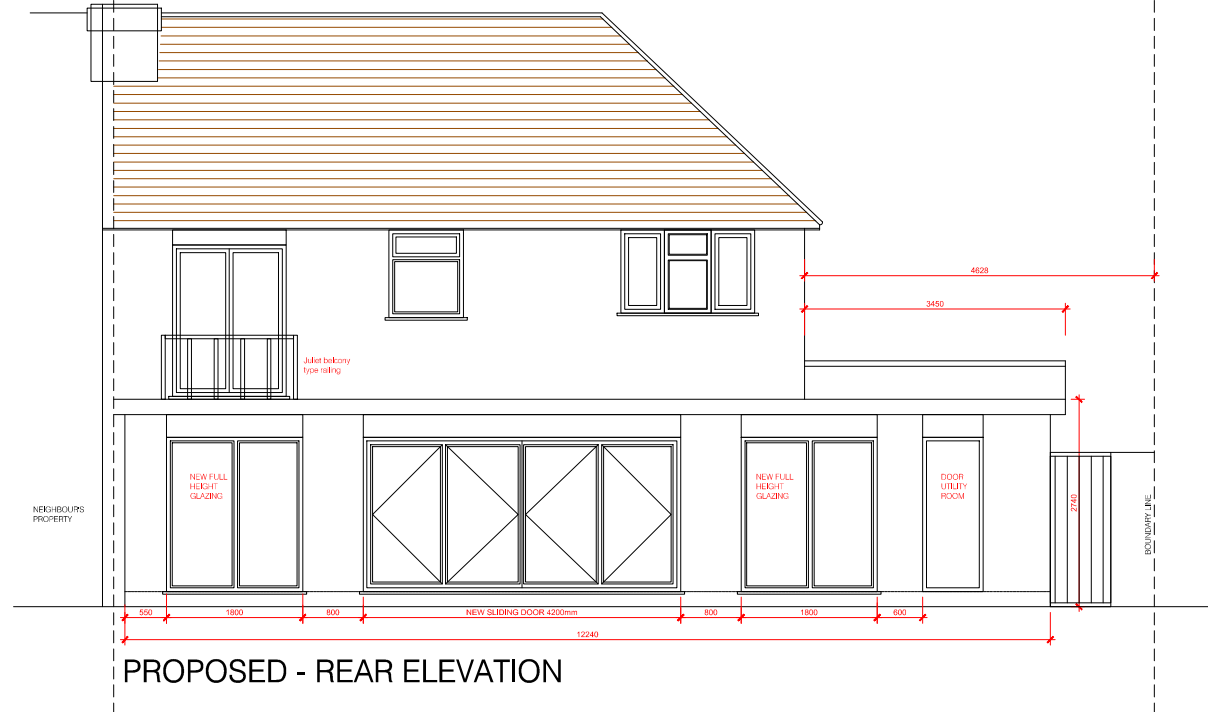
Dimension, areas and levels where given are only approximate and subject to site survey. All dimensions are to be checked on site. Any discrepancies are to be reported to the architect before the work commences. Figured dimensions only are to be taken from this drawing. This drawing is to be read in conjunction with all relevant consultants' and/or specialists drawings/documents and any discrepancies or variations are to be notified to the architect before the affected work commences.

DRAWN BY: S. Mamun	DATE: 01.08.2019
SCALE: 1:100 @ A3	REVISION: C
DRAWING NUMBER: <b>HDC-19-0021-EXT-001 E &amp; P-PLAN</b>	

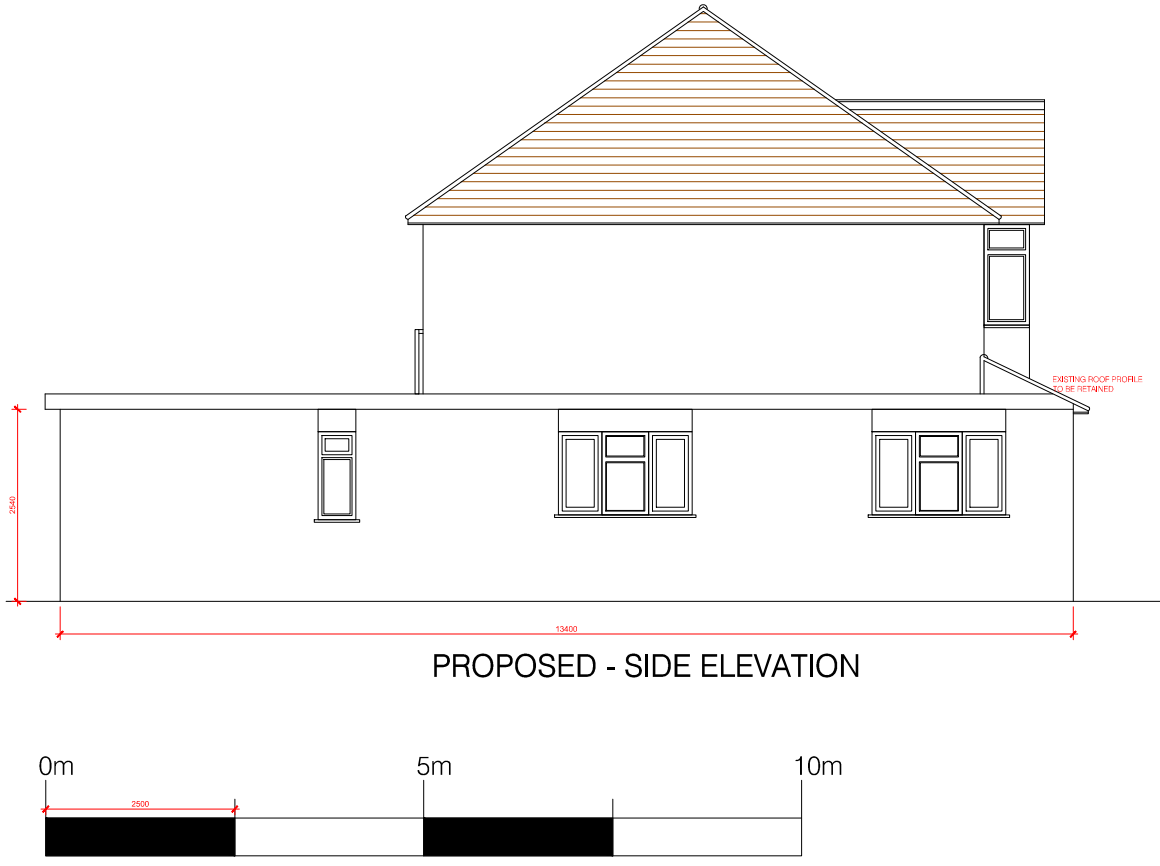
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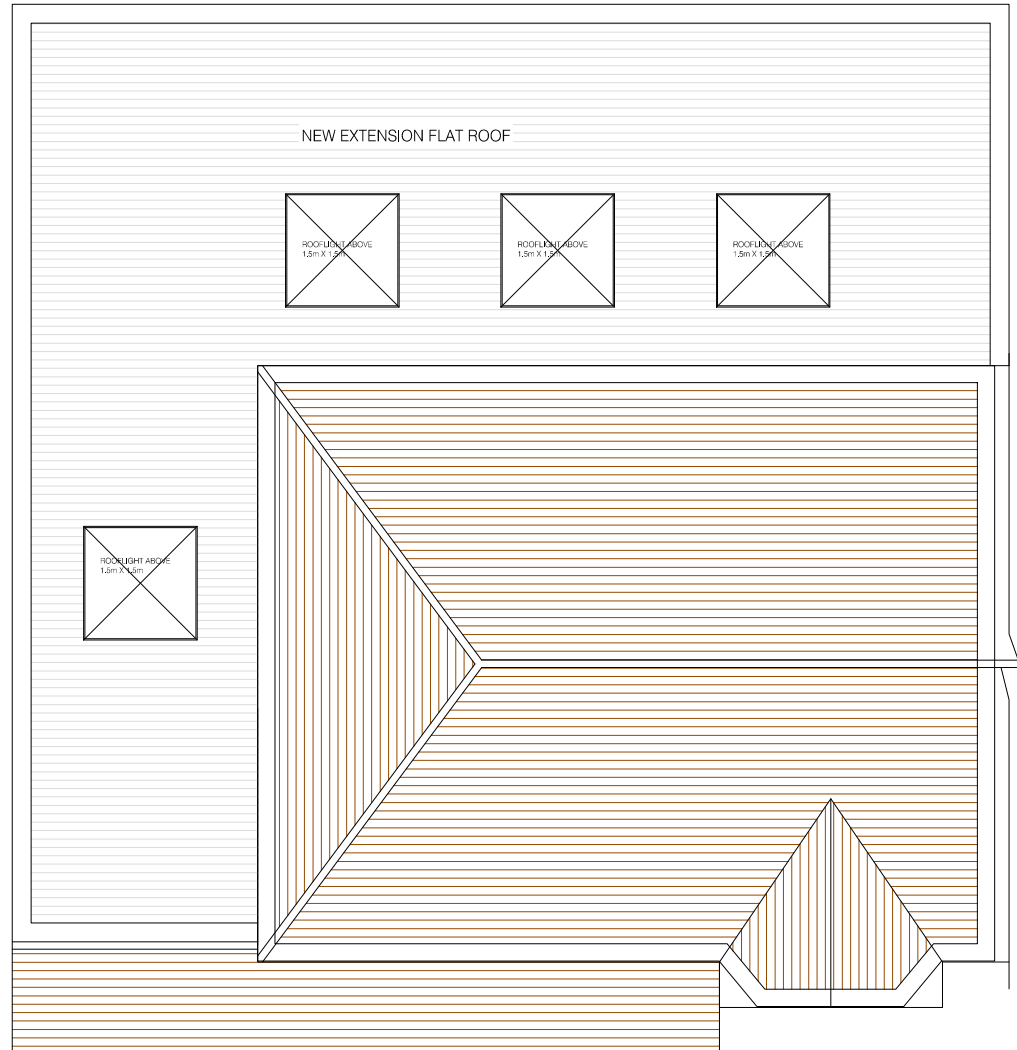
PROPOSED - FRONT ELEVATION



PROPOSED - REAR ELEVATION



PROPOSED - SIDE ELEVATION



PROPOSED - ROOF

**PRELIMINARY**

REVISIONS		
ISSUE	AMENDMENT	DATE
A	For Preliminary Issue	06.07.2019
B	Extension Length increased	08.07.2019
C	Scale bar added, roof added	01.08.2019
D	Railing removed	08.10.2019

CLIENT DETAILS	
HDC-19-0021-EXT	MUHAMMAD DAWOOD KHAN
31 Redhatch Drive, Lower Earley	Reading RG6 5QN

SITE ADDRESS	
31 Redhatch Drive,	Lower Earley
Reading RG6 5QN	

DRAWING TITLE	
<b>PROPOSED ELEVATIONS &amp; ROOF</b>	

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DRAWN BY:		DATE:	
S. Mamun		08.10.2019	
SCALE: 1:100 @ A3		PERIOD: D	
<b>HDC-19-0021-EXT-003</b>		<b>P - ELE &amp; ROOF</b>	

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PLANNING REF : 191879  
PROPERTY ADDRESS : Radstock House  
: Radstock Lane, Earley, Wokingham  
: RG6 5UL  
SUBMITTED BY : Earley Town Council  
DATE SUBMITTED : 12/09/2019

COMMENTS:

Recommend Refusal

1. Not compliant with corner plot policy, does not enhance (R8).
2. Not compliant with Policy R2, character, or R7, creating a place.
3. Does not create a coherent street scheme, (Policy R14) landscaping in frontage, (Policy R23) contributing positively to local character.
4. Request that balcony should not be used as such.
5. Does not comply with CP3a, appropriate mass, scale and character or CP3f, integration with surroundings.

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