

# Agenda Item 68.

Application Number	Expiry Date	Parish	Ward
192312	13 November 2019	Sonning	Sonning

<b>Applicant</b>	Mr and Mrs T and C Murphy
<b>Site Address</b>	The Atrium and Pool Court, Thames Street, Sonning RG4 6UR
<b>Proposal</b>	Full application for the proposed construction of an external swimming pool and ornamental pond to the rear of The Atrium, regrading of garden land at Pool Court (retrospective) and amendments to approved landscaping schemes proposed in connection with applications 181850, 173369 (Pool Court) and 180857 (The Atrium)
<b>Type</b>	Full
<b>Officer</b>	Simon Taylor
<b>Reason for determination by committee</b>	Listed by Councillor Firmager because of the visibility of the development from the Thames Towpath, impact upon neighbour amenity and drainage problems

<b>FOR CONSIDERATION BY</b>	Planning Committee on Monday 16 December 2019
<b>REPORT PREPARED BY</b>	Assistant Director – Place

## SUMMARY

The Atrium and Pool Court are two separate backland plots of approximately 0.45 hectares each at the northern edge of Sonning, with designated countryside adjoining to the north. Pool Court comprises a non-designated heritage asset with a separate outbuilding and tennis court. The demolition of the dwelling was refused and dismissed at appeal. A replacement two storey dwelling house is currently under construction at The Atrium, having been the subject of four recent planning or variation applications.

The application involves changes to the approved hard and soft landscaping scheme on both sites (including changes to vehicular access), the addition of a swimming pool at the Atrium and the retrospective raising of the ground level in the garden at Pool Court. The common boundary between the two properties has also been altered but there is no intention to formally amalgamate the two sites as part of this application. Since the original submission, the plans have been revised, including the lowering of the elevated patios to The Atrium, the deletion of the tennis court lighting and modifications to the location of replacement trees and hedgerow (mostly in Pool Court).

The application has been listed by Councillor Firmager because of drainage, neighbour amenity and visibility concerns. Sonning Parish Council and two neighbour submissions raise additional concerns about the works being retrospective, loss of landscaping, use of an outbuilding at Pool Court as an office and the existence of mounds of soil. These issues remain relevant despite the revised plans.

The proposal, as amended, is acceptable on landscape character grounds, including when viewed from the Thames Towpath. The revisions to the landscape scheme have resolved the initial concerns of the Council's planning officer and no objections are raised on drainage, ecology and conservation grounds. Conditions have been carried over from the most recent applications for both properties and these include revised lighting details (Condition 3), revised landscape details (Condition 4), no changes in ground levels to the north of The Atrium (Condition 5), compliance with the ecological mitigation (Condition 6) and compliance with the Construction Management Plan for the Atrium (Condition 8).

## PLANNING STATUS

- Limited development location
- Settlement Edge/Adjacent to Designated Countryside
- Sonning Conservation Area
- Archaeological Site (part of site)
- Contaminated land consultation zone
- Radon affected area
- Nitrate vulnerable one (groundwater)
- Sand and gravel extraction consultation zone
- Bat consultation zone
- Flood Zone 1
- Classified road (Thames Street)

## RECOMMENDATION

**That the committee authorise the GRANT OF PLANNING PERMISSION subject to 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 permission is in respect of the plans numbered 17119-LD101-G, dated 26 November 2019 and 17119-LD102-A, dated 6 November 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) Lighting details

Within one month of the date of this planning permission, a consolidated scheme of lighting across The Atrium and Pool Court sites shall be submitted to and approved in writing by the local planning authority. The scheme is to include any proposed external lighting and measures to limit light pollution of the reservoir of dark skies identified under the Wokingham District Landscape Character Assessment (2004) and under Policy TB21 of the Local Plan.

*Reason: In the interests of visual amenity and to protect the character of the Conservation Area.*

*Relevant policy: Managing Development Delivery Local Plan Policies TB21 and TB24.*

4) Landscaping and boundary treatments

The development at Pool Court and The Atrium is to adhere to the Tree Protection Report and Method Statement for Pool Court (dated October 2018) and the Tree Survey Report for The Atrium (dated November 2017). All hard and soft landscape works and boundary treatments shall be carried out in accordance with the approved hard and soft landscape plan as amended by the site plan numbered 17119-LD101-G, dated 26 November 2019.

However, within one month of the date of this planning permission, a revised and consolidated Tree Planting Plan and implementation timetable for The Atrium and Pool Court shall be submitted to and approved in writing by the local planning authority, which shall confirm the species, planting sizes, spacing and numbers of trees and shrubs to be planted, and any existing trees or shrubs to be retained.

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: In the interests of visual amenity.*

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

5) Ground and building levels

The contours and levels of the rear garden area to the north of the patio areas of the replacement dwelling at the Atrium (approved in 191808) shall not be modified from those on the approved plans, whether by excavation, establishment of retaining walls, increased ground levels or any other similar means.

The approved dwelling at The Atrium shall not be occupied until a final measured survey of all areas to the north of the patios and tennis court within The Atrium and Pool Court, showing details of existing and proposed finished ground levels (in relation to a fixed datum point), has been submitted to and approved in writing by the local planning authority.

*Reason: In order to ensure a satisfactory form of development and landscape character of the area.*

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

6) Ecological mitigation

Mitigation measures are to be carried out in full compliance with the recommendations made in Section 5 of the ecological report (Windrush Ecology, Ref: W2719\_rep\_Pool Court, Sonning\_28-12-17, December 2017) for Pool Court

and in Section 5 of the ecological report (Windrush Ecology, Ref: W2355\_rep\_The Atrium, Sonning\_16-08-17, August 2017) for The Atrium as well as the Low Impact Class Licence (reinforced in comments from Natural England received by email on 15 March 2018).

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

7) Permeable surfacing

The hard surfacing of the patios and the driveway accesses for The Atrium and Pool Court 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 and Managing Development Delivery Local Plan policies CC09 and CC10.*

8) Construction method statement

Development is to be undertaken in accordance with the approved Construction Traffic Management Plan (dated March 2018) throughout the construction period and is to be applied to works within The Atrium and Pool Court.

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

9) Access and turning

No part of The Atrium shall be occupied or used until the vehicle access and turning space has been provided in accordance with the approved site plan 17119-LD101-G. It shall be permanently maintained and remain available for the parking of vehicles at all times.

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

10) 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.*

11) Hours of work and access

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. No works are permitted at any time on Sundays or Bank or National Holidays.

No deliveries associated with the development hereby approved shall occur other than between the hours of 9am and 3pm Monday to Friday and 8am to 1pm on Saturdays. No deliveries or access associated with the development is permitted at any time on Sundays or Bank or National Holidays.

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

12) Restriction of permitted development rights

Notwithstanding the provisions of Class E of Part 1 of the Second Schedule the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no buildings shall be carried out at The Atrium or Pool Court without the express permission in writing of the local planning authority.

*Reason: To safeguard the character of the Countryside and neighbouring amenities. Relevant policy: Core Strategy policies CP1, CP3 and CP11 and Managing Development Delivery Local Plan policy TB21.*

13) Pool Court outbuilding

The detached outbuilding at Pool Court shall not be occupied or used at any time other than incidental to the enjoyment of the residential dwelling located on the site. It shall not be used, sold or sub-let as a separate dwelling.

*Reason: A separate unit of accommodation of this nature may not be acceptable in this location in the interests of the amenities, character of the area and highway safety in accordance with Core Strategy Policies CP1, CP3, CP4, and Managing Development Delivery Local Plan Policies CC01, CC07, TB07, TB08.*

14) In the event of any inconsistencies

In the event of inconsistencies between the development hereby approved (including landscaping) and previous permissions for The Atrium and Pool Court, this planning permission prevails.

*Reason: To avoid potential conflicts with landscaping schemes or an accumulation of hard surfacing.*

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

## **Informatives**

### 1) 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.

### 2) 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.

### 3) 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.

Should any Great Crested Newts or evidence of Great Crested Newts 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.

### 4) 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 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 – POOL COURT</b>		
<b>App Number</b>	<b>Proposal</b>	<b>Decision</b>
600/1954	New dwelling (outline)	Approved 6 August 1954
78/1959	New dwelling and garage	Approved 9 June 1959
PD/51/1969	Alterations and additions	Approved 20/02/1969
00565	Replacement dwelling	Approved 16 May 1974
38903	Single storey side extension (bedroom)	Approved 2 March 1992
F/2007/0741	Single storey rear extension	Approved 11 May 2007
170437	Demolition of existing dwelling and replacement with new dwelling with basement and garage annex	Withdrawn 28 March 2017
171171		Refused 13 June 2017
W/17/3180148	Appeal against refusal of 171171	Dismissed 12 January 2018
173369	Single storey side and rear extensions, conversion of garage to habitable room and repositioning of tennis court and western boundary	Approved 6 February 2018
180445	Detached garage and ancillary accommodation	Approved 25 April 2018
181850		Approved 14 September 2018
182775	Discharge of landscaping and tree protection conditions for 173369	Approved 29 November 2018
182805	Discharge of landscaping and tree protection conditions for 181850	Approved 29 November 2018
191188	Change of approved roof from clay to slate	Approved 29 May 2019
<b>PLANNING HISTORY – THE ATRIUM</b>		
<b>App Number</b>	<b>Proposal</b>	<b>Decision</b>
23240	Demolition of cottage and construction of a single storey dwelling and garage	Approved 24 April 1985
171293	Replacement two storey dwelling with basement, detached garage and garden store	Withdrawn 7 August 2017
172637		Approved 2 November 2017
173537	Replacement dwelling house with basement, detached double garage and store and incorporation of curtilage land from Pool Court	Approved 8 February 2018
180771	Discharge of landscaping condition for 173537	Approved 2 May 2018
180857	Variation to 173537 including amendments to the garage, additional covered parking and connection of garage to the house	Approved 16 May 2018
191808	Variation to 180857 including use of flat roof as terrace, external staircase and additional sliding doors to orangery	Approved 18 September 2019

<b>SUMMARY INFORMATION</b>	
Site area	0.46 hectares (The Atrium) and 0.45 hectares (Pool Court)
Land use	Residential (no change)

Number of dwellings	Single dwelling on each plot (no change)
Parking spaces	> 3 spaces on each plot (no change)

<b>CONSULTATION RESPONSES</b>	
WBC Drainage	No objection.
WBC Tree and Landscape	No comments received.
WBC Environmental Health	
WBC Ecology	Objections are raised in relation to the proposed tennis court lighting. (Officer comment: The tennis court lighting has been deleted)
WBC Conservation	Concerns are raised in relation to the retaining walls to the elevated gardens and swimming pools. (Officer comment: This aspect of the proposal has been amended by lowering the finished levels of the patio and walls)
Berkshire Archaeology	No objection on the basis of findings outlined in previous archaeological monitoring.

<b>REPRESENTATIONS</b>	
Sonning Parish Council	<p>Objections are raised on the following grounds:</p> <ul style="list-style-type: none"> <li>Raising of ground will affect drainage and flooding of adjacent properties</li> </ul> <p><u>Officer comment:</u> The Council's Drainage Officer has reviewed the proposal and raises no objection. See 'Flooding and Drainage'.</p> <ul style="list-style-type: none"> <li>Works are retrospective and would have been unsupervised</li> </ul> <p><u>Officer comment:</u> It is noted that the modified contours to the garden to Pool Court have been completed but retrospective permission is possible.</p> <ul style="list-style-type: none"> <li>Soil has been brought onto the site</li> </ul> <p><u>Officer comment:</u> The soil mounds at the northern side of The Atrium are temporary and are excavated material from the basement. Condition 9 of the original planning permission (173537) prohibited any change to the contours of the land extending north of the dwelling and the soil will need to be removed from the site upon completion of the dwelling. The same condition forms Condition 5 of this recommendation.</p> <ul style="list-style-type: none"> <li>Hedging has been removed and the site is more visible</li> <li>Impacts upon neighbour amenity from loss of landscaping</li> </ul> <p><u>Officer comment:</u> Hedging has been removed as part of the change to the common boundary between the two properties. As amended, the extent of proposed replacement landscaping is acceptable and the visibility of the site from neighbouring properties is not sufficient to warrant concern. However, it is noted that this comment is based on the current unlandscaped nature of the site and without acknowledging that</p>



	<p>replacement landscaping will be implemented at the next planting season following completion of the dwelling at The Atrium.</p> <ul style="list-style-type: none"> <li>• Outbuilding at Pool Court is being used as an office</li> </ul> <p><u>Officer comment:</u> The plans indicate that the outbuilding at Pool Court has changed from Garden Store/Gym to Gym/Home Office. The ancillary nature of the building is maintained and no concerns are raised although the limitations of its ancillary use is reinforced in Condition 13.</p>
Local Members	<p>Councillor Firmager has listed the application on the following grounds:</p> <ul style="list-style-type: none"> <li>• The property at The Atrium will be visible from the Thames Towpath especially since most of the hedges and trees have been removed seriously affecting the scene by the river</li> </ul> <p><u>Officer comment:</u> Subject to the implementation of the approved landscaping scheme, which includes hedgerow to the northern boundary, the proposal has a satisfactory landscaping outcome for the settlement edge location and in views from the River Thames. This is noted in 'Character of the Area'.</p> <ul style="list-style-type: none"> <li>• There will be a detrimental effect on the neighbouring properties by the dominating presence of this application together with the lighting of the tennis court</li> </ul> <p><u>Officer comment:</u> The tennis court lighting has been deleted, the patio to the western side of The Atrium has been lowered in the most recent revisions to the plans and there are no changes to the built form of the dwelling. Whilst some landscaping has been removed between Pool Court and The Atrium, this will be replaced in part and there are no adverse amenity outcome for neighbouring properties.</p> <ul style="list-style-type: none"> <li>• There is going to be an impact on the drainage and the resultant problems that will entail</li> </ul> <p><u>Officer comment:</u> The Council's Drainage Officer has reviewed the proposal and raises no objection. See 'Flooding and Drainage'.</p>
Neighbours	<p>The application was consulted to neighbours from 7-28 October 2019. Submissions were received from the following properties:</p> <ol style="list-style-type: none"> <li>1) Thames Street, Sonning RG4 6UR (no house specified)</li> <li>2) Star Court, Thames Street, Sonning RG4 6UR</li> </ol> <p>The submissions raised the following issues:</p> <ul style="list-style-type: none"> <li>• Removal of hedgerow and scale of development harms the conservation area and is contrary to the Sonning Conservation Area Appraisal</li> <li>• Harm to the character of the area caused by loss of landscaping and raising of ground levels</li> </ul>

Officer comment: Subject to the provision of additional landscaping details in Condition 4 and the final implementation of the approved landscape scheme, the proposal has a satisfactory landscaping outcome for the settlement edge location, the Sonning Conservation Area and in views from the River Thames. This is noted in 'Character of the Area'.

- Outbuilding at Pool Court has been changed to an office, which harms the setting of the non-designated Pool Court. It should also be limited in its use

Officer comment: The plans indicate that the outbuilding at Pool Court has changed from Garden Store/Gym to Gym/Home Office. The ancillary nature of the building is maintained and no concerns are raised although this is reinforced in Condition 13.

- Light pollution and heritage harm caused by tennis court lighting
- Tennis court lighting will be visible

Officer comment: The tennis court lighting has been deleted from revised plans.

- Impacts upon TPO trees from raising in ground levels

Officer comment: There are no TPO protected trees on either site. However, it is acknowledged that a tree has been removed without consent from the grounds of Pool Court in the past and this application retains the replacement planting that was required following its removal. Refer to 'Trees and Landscaping' for comment.

- Increased noise and wind from loss of hedgerow
- Landscaped setting has been altered and views of the tennis court are now available from Star Court

Officer comment: Landscaping has been removed along the common boundary between Pool Court and The Atrium but will be replaced in part. It is noted that the comments in terms of visibility, landscape setting, noise and wind are based on the current unlandscaped nature of the site and without acknowledging that replacement landscaping will be implemented at the next planting season following completion of the dwelling at The Atrium. When it is, the proposal will be acceptable on the above grounds.

- Works have already been undertaken

Officer comment: It is noted that the modified contours to the garden to Pool Court and other minor aspects of the proposal have been completed but retrospective permission is possible.

- Tennis court has been assigned to The Atrium, harming the significance of the non-designated asset at Pool Court

Officer comment: Refer to comments in 'Heritage and Conservation'.
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### APPLICANTS POINTS

As far as the swimming pool and pond are concerned, these are proposed works and would be located within the formal garden area of the site rather than in the more informally planted areas towards the northern end of the site. Neither element would be visible from public vantage points surrounding the site and, as such, it is evident that there would be no harm caused to the character and appearance of the Conservation Area or to the landscape setting of the village.

The remodelling of the garden land at Pool Court has already been undertaken and provides a more graduated slope down from the house (to the west) than was previously the case. The proposed new internal boundary tree and hedgerow landscaping that has been undertaken, coupled with the wholly new tree and hedgerow planting proposed along the rear boundary of The Atrium will ensure that the re-graded land is visually screened from the river Tow Path and, again, will ensure that the visual amenities of the site and its attractive rural backdrop are not harmed.

### PLANNING POLICY

National Policy	NPPF	National Planning Policy Framework
	NPPG	National Planning Policy Guidance
Core Strategy DPD 2010	CP1	Sustainable Development
	CP3	General Principles for Development
	CP6	Managing Travel Demand
	CP7	Biodiversity
	CP9	Scale and Location of Development Proposals
	CP11	Proposals outside Development Limits
Managing Development Delivery Local Plan 2014	CC01	Presumption in Favour of Sustainable Development
	CC02	Development Limits
	CC03	Green Infrastructure, Trees and Landscaping
	CC04	Sustainable Design and Construction
	CC06	Noise
	CC07	Parking
	CC09	Development and Flood Risk
	CC10	Sustainable Drainage
	TB21	Landscape Character
	TB23	Biodiversity and Development
TB24	Designated Heritage Assets	
Borough Design Guide	BDG	Section 4
Others	SPDS	Sonning Parish Design Statement
	SCAA	Sonning Conservation Area Appraisal 2016

## PLANNING ISSUES

### Proposal Description

1. As amended, the subject application acts to supersede the most recent approvals for Pool Court and The Atrium with variations to the approved hard and soft landscaping schemes across both sites, including:

#### Pool Court

- Remodelling and partial raising of the ground levels to the north western garden of Pool Court (retrospective)
- Relocation of the approved hedgerow along the common boundary of both properties and changes to species mix
- Minor relocations of four approved replacement trees adjacent to the main entrance
- Relocation of three approved replacement trees in the main garden
- Enlargement of the tennis court playing surface by 50m<sup>2</sup> (1m width x 1m length), moving closer to The Atrium, the lowering of the finished level of the playing surface and the establishment of a retaining wall to the eastern edge (retrospective)
- Enlarged driveway and turning space
- Additional paving to the south western and north eastern corners of the dwelling
- New pathway leading from the driveway for The Atrium to the outbuilding

#### The Atrium

- Relocation of the approved hedgerow along the common boundary of both properties and changes to species mix
- Additional hedgerow to the northern boundary with the adjacent paddock with species mix to match the approved hedgerow at Pool Court
- Relocation of the gates to the northern boundary to the adjacent paddock
- Rearrangement of the 4 x Betula in the north eastern corner
- Planting of six additional trees within the rear garden, concentrated along the eastern side boundary
- Installation of a swimming pool and ornamental pond, including landscaped surrounds to the western side of the dwelling at The Atrium within an approved raised patio area
- Enlarged patio areas to the western side of the tennis court
- Remodelling of the central driveway feature
- Provision of a bin store at the main entrance (retrospective) resulting in the loss of two trees
- Enlarged driveway including a turning court at the southern end of the site, surrounded by hedgerow instead of six approved trees
- Addition of gravel paths to the western side of the Atrium linking the parking court and swimming pool, including remodelled landscaping and a net increase of five additional trees along the western side boundary
- No net change in the number of trees to be planted to the western and southern sides of the dwelling

2. It is not readily apparent from the site plan but with the relocation of the hedgerow along the common boundary, the rearrangement of the tennis court so that it opens towards the Atrium and the addition of a pathway from the driveway for The Atrium to the outbuilding, it is apparent that the land included with the curtilage and site of The Atrium is to be enlarged, consuming the southern end of the garden and tennis court of Pool Court. This has not been referenced in the application form or supporting documentation but is referenced in this report.
3. The application has been amended since validation and after the consultation period by lowering the levels of the swimming pool and patio surrounds at The Atrium, various revisions to the landscaping arrangements and the deletion of the lighting within the existing tennis court.

## **Site History**

### Pool Court

4. Demolition of the existing dwelling was refused and dismissed as part of application 171171. Subsequent to this, there have been three householder applications comprising extensions to the Pool Court dwelling and repositioning of the tennis court, a detached garage and ancillary outbuilding.
5. The site has been the subject of some enforcement enquiries including:
  - RFS/2017/084058 relating to the illegal clearing of trees
  - RFS/2018/084227 relating to the illegal demolition of an outbuilding
  - RFS/2018/084593 relating to the breach of conditions relating to landscaping
6. RFS/2017/084058 related to the illegal removal of a Magnolia towards the southern end of the garden. As part of approved replacement landscaping approved as part of the householder extensions, a replacement Magnolia was required to be planted to the north of the tennis court.
7. It is understood that the owner of The Atrium purchased Pool Court in November 2017.

### The Atrium

8. Planning application 172637 granted approval for the demolition of the existing single storey dwelling house and construction of a new two storey plus basement replacement dwelling house with garage, landscaping, kitchen garden in the south western corner and other site works.
9. 173537 involved a resubmission of 172637 with other minor works and the widening of the site via a relocated common boundary with Pool Court. 180857 varied this permission with the enlargement and relocation of the garage, changes to the approved orangery and fenestration changes. It was varied again by 191808 with a roof terrace over the orangery with external staircase. Pre commencement conditions associated with the approval are fully discharged, including landscaping requirements, and building works are nearing completion.

10. The site has been the subject of some enforcement enquiries including:

- RFS/2018/084698 relating to a breach of working hours
- RFS/2019/084942 relating to unauthorised engineering operations
- RFS/2019/085356 relating to the raising of ground levels (subject of this application)

## **Site Description**

### Pool Court

11. Pool Court is a backland property behind existing buildings on the northern side of Thames Street. It is predominately rectangular in nature with a total site area of 0.45 hectares. The existing dwelling is listed as non-designated heritage asset dating from 1975, with a steeply pitched clay tiled gable roof with deep sprocketed eaves. It is sited on the highest point and northern end of a gently sloping chalk outcrop. A tennis court and outbuilding are concentrated to the southern end of the site.

12. The Atrium is a backland property formed c1820 behind existing buildings on the northern side of Thames Street. It is predominately rectangular in nature with a total site area of 0.46 hectares, sloping consistently downwards by about 5m from the south western corner to the north eastern corner. The replacement dwelling is currently under construction.

13. Both properties share driveway access from the south eastern corner via a 145m long gravel driveway to Thames Street that is also shared by four other properties.

### Surrounding development

14. Surrounding development comprises smaller one and two storey cottages to the south on Thames and High Streets (including numerous listed buildings), expansive properties with larger dwellings elsewhere (including Sonning Court to the north, Star Court to the west and the Rose Garden to the east) and designated countryside to the north (with the adjoining paddock to the north in the same ownership of the subject property). The Thames River and Tow Path is more than 100m to the north. The immediate area is also within the Sonning Conservation Area.

## **Principle of Development**

15. 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.

16. The site is located within settlement limits within a limited development location and is acceptable in terms of the principles stated in the Core Strategy and the relevant policies in the MDD Local Plan.

## Character of the Area

17. Policy CP3 of the Core Strategy states that development must be appropriate in terms of the character of the area and high quality design. There are also relevant guidelines in the BDG, including R1 and RD1-RD5, which require that development is computable and does not harm the setting of Sonning Village. Furthermore, R12 requires that boundary treatments contribute to the character of the area and P2 aims to ensure that parking is compatible with the local character.
18. The northern boundary of both sites form the settlement edge (ie the sites adjoin the designated countryside to the north) and the dwellings are visible from The Thames Towpath. As such, Policy CC02 of the MDD Local Plan states that development at the edge of settlements must respect the transition between the built up area and the open countryside by taking account of the character of the adjacent countryside and landscape. Similarly, RD9 of the Borough Design Guide SPD requires soft landscaping that integrates to the rural setting.
19. From this landscape perspective, Policy CC03 of the MDD Local Plan 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 Borough Design Guide SPD also requires well-designed hard and soft landscaping.
20. The Sonning Design Statement is also relevant. It states that care should be taken to preserve or replace existing hedges and trees and aims to incorporate appropriate landscaping schemes that respect and reflect the local landscape character and incorporate native planting appropriate to the Sonning area. The Sonning Design Appraisal also states at Section 7.1 that planted boundaries (hedging and shrubs) should be used to eliminate the need for visually inappropriate boundary materials.
21. The landscape scheme for The Atrium was last approved in May 2018 in planning application 180857, and this followed the initial discharge of the landscaping details as part of the approval for the replacement dwelling. There were no objections to tree removal and replacement planting.
22. The landscape scheme for Pool Court was approved in November 2018 in concurrent discharge applications in relation to householder extensions to the dwelling but also to compensate for the unauthorised removal of a Magnolia tree. There were several important considerations that are of relevance in this application:
  - The hedge to the countryside boundary was approved at a minimum height of 1.5m (h) x 1m (width) with specific species mix
  - Changes to contours were minimised to ensure no impact upon the health of trees to be retained
  - A replacement Sequoia sempervirens was required to compensate for the loss of a removed tree and it was to be located in a prominent lower location of the site
  - The retaining wall of the tennis court initially could have affected RPZ of trees to be retained

23. At the request of the Council, various revisions have been undertaken to the landscape scheme since the initial submission to address initial concerns and to rectify departures from previously negotiated outcomes, particularly for Pool Court.
24. The proposal, as amended, comprises the following primary changes:
- Additional boundary hedgerow, additional tree planting, installation of a swimming pool in an elevated patio, additional patio alongside the tennis court and additional driveway, gravel paths, paving, bin store and pathways at The Atrium
  - Changes to the garden contours, relocation of trees, enlargement and lowering of the tennis court and additional driveway, paving and pathways at Pool Court
  - Reduction in the length of hedgerow between the two properties
25. With these changes and when compared with the discharged plans, the proposed works at The Atrium do not seek to materially alter the changes in ground level or the encroachment of development (in the form of the swimming pool and patio) northwards away from the replacement dwelling house at The Atrium. The northernmost retaining wall is the same distance from the dwelling and the level of the pool and patio remains unchanged at 43.8. There are various minor changes to the landscape detail and the extent of hard and soft landscaping within the patio, including gravel pathways, but it is not to the extent that would result in an adverse detracting in the landscape setting of the site. Being permeable, either with the use of gravel or by Condition 7, it also retains a satisfactory level of on-site infiltration.
26. Hedgerow (of box leaved holly) is maintained along the western and northern edges of any of the retaining walls of the patios, which will aid in screening the form of the retaining walls. At 500mm above the finished levels of the patio, it will adequately screen the retaining walls and any fixed elements above, such as pool fencing and furniture.
27. Additional hedgerow is proposed amongst an approved post and rail fence along the north western boundary of The Atrium and in other infill areas, and this will ensure an adequate transition and relationship to the countryside and with the hedgerow at Pool Court. The species mix is acceptable and the height of 1.5m and width of 1m will match.
28. There is no net reduction in the number of trees across The Atrium site but there is a net increase in trees on the northern side of the dwelling where they are visible from and contribute to the settlement edge setting. There is additional patio alongside the tennis court, but it is much less visible in views from the public domain. Likewise, additional gravel driveway will be confined to the southern and western sides of the dwelling, where it is less conspicuous and otherwise acceptable.
29. Pool Court is broadly consistent with the approved landscape plan, with the main exception being the raising of ground levels towards the northern end of the garden, undertaken to provide a more level lawn for the occupants. It is adequately removed from existing trees, is outside of approved root protection



zones and is not significant enough to result in an adverse impression for the landscape setting of the site and its relationship with the countryside.

30. Several trees have been relocated but not to any significant degree to warrant concern. A Magnolia (Tree 9) as a compensatory tree for the felled tree will be retained in a similar location to its approved location such that it will remain prominent in views from the towpath and is not adversely compromised by any change in levels. The application had initially sought to relocate the tree further south alongside another Magnolia (Tree 12) in order to achieve a pairing but it is argued that there is greater importance in retaining its visibility as a prominent tree on its own. Trees 7 and 8 are relocated marginally such that concern is not raised.
31. The changes to the tennis court are retrospective. The enlargement of the playing surface of the tennis court has not impeded the ability to achieve a hedgerow of sufficient width alongside its western edge and the retaining wall and changes to soil levels on its eastern edge sits outside of the root protection zone of existing trees to be retained.
32. There is a marginal increase in gravel driveway and paving around the dwelling at Pool Court but it is outside the root protection zone of trees to be retained and it is not to the extent that it would compromise the landscape setting of the site. A new pathway between the driveway of The Atrium and the outbuilding alongside the tennis court is in the immediate vicinity of the root protection zone of Tree 6. However, it has already been partly constructed and it can only be assumed that its construction was undertaken with respect to ensuring no harm to tree roots.
33. The hedgerow along the common boundary was approved to be removed and relocated as part of planning application 173537 but this application seeks to make further changes. However, interpretation of plot separation is maintained, and it connects with and continues beyond the tennis court, albeit at a reduced height and width of 1m x 1m in this area. It is broadly in accordance with the original approval and on this basis, no objection is raised.
34. More generally, the proposal has seen increased formalisation of the garden at Pool Court and around the tennis court with greater manicuring and additional built form that would have some perceived effect upon the impression of transition to the rural setting of the countryside to the north. However, this is balanced with increased tree planting and screening of the built form and in this regard, the proposal retains a satisfactory landscape outcome for the site in accordance with the Core Strategy, MDD Local Plan, Borough Design Guide and the Sonning Design Statement.
35. Condition 4 still requires compliance with the arboricultural details and the landscape plan hereby approved. However, because of some inconsistencies between revised and older documentation, the consolidation of the two sites onto the single landscape scheme and given the past history, additional tree planting details are required as part of Condition 4. It would also allow for a double checking to ensure that the mature height of trees is appropriate.

36. Both properties lie within the Sonning Conservation Area and Policy TB24 of the MDD Local Plan requires the conservation and enhancement of Conservation Areas, including their views and setting.
37. Whilst the two properties are not visible from Thames Street, an important view is obtained from the north and north west along the towpath of the River Thames. As noted above, the proposal retains a satisfactory appearance in the conservation area, with no adverse increases in hard surfacing and built development and a landscape scheme that will continue to complement and adequately screen the hard surfaces and built form of the dwelling as well as allow a sympathetic transition to the countryside to the north. On this basis, the proposal has an acceptable outcome on conservation grounds.
38. Furthermore, Paragraph 197 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
39. Pool Court is a non-designated heritage asset and in the appeal decision for the demolition of the dwelling at Pool Court (APP/X0360/W/17/3180148), the Inspector observes the following at Paragraph 9:
- ‘...Pool House is a most attractive dwelling with an interesting and well resolved mix of architectural styles. It is, moreover, a dwelling which, with its restrained single-storey appearance and being well set back on its plot, is in harmony with its wider setting on a slope leading up from the River Thames. In light of the foregoing I consider Pool House as lying between moderate to considerable significance and clearly meriting being regarded as a NDHA. As the proposal involves the demolition of Pool House the harm to the NDHA can only be regarded as substantial.’*
40. There is a change to the setting of Pool Court through the cumulative effects of the rearrangement of landscaping, the realignment of the boundary hedgerow, the partially raised garden levels, additional paving around the dwelling and the outbuilding and the assumption of the tennis court to The Atrium. However, each of these aspects are minor in nature and a balanced judgement would indicate that there is no unreasonable level of harm. Of most significance, the raising of the ground level will alter the slope of the land when viewed from the towpath but in wider countryside views, it is minimal at worst and indiscernible at best. On this basis, there is no unreasonable harm to the character of the asset and the proposal is acceptable.
41. The realignment of the common boundary and the assumption of the tennis court into The Atrium will reduce the site area of Pool Court from 0.45 hectares to 0.31 hectares, a reduction of more than 30%. Such a change does not require planning permission and the impact arising from a boundary alignment is limited, particularly when most of the landscaping and the tennis court is retained. However, a consideration of the setting of Pool Court is still necessary. In this case, the main setting of Pool Court, with its main garden to the north and west

and its landscaped entrance and drive, will be retained. There is no adverse level of crampedness and the setting of the non-designated heritage asset is maintained.

### **Residential Amenities**

42. As there are no changes to the built form of either dwelling and given there is ample separation to property boundaries, there are no objections on the grounds of overlooking, dominance or sense of enclosure. Furthermore, the change in ground level within Pool Court or the location and levels of the swimming pool at The Atrium would not result in any additional impact.
43. The tennis court lighting has been deleted from the plans due to the issues of potential harm to neighbour amenity, amongst other reasons. As such, there are no light pollution concerns. Moreover, the tennis court is existing, the swimming pool is a typical feature within a residential setting and the density of the site is unchanged such that there are no noise disturbance concerns.
44. In terms of any impacts between Pool Court and The Atrium, the layout of the boundary hedgerow and the tennis court fencing suggests that the tennis court is to be reallocated to The Atrium. The two sites are under one ownership but as there is no immediate proposal to formally amalgamate the sites, the assessment requires some consideration of impacts between the two properties.
45. There is privacy screening from the first floor terrace above the orangery at The Atrium, which limits overlooking towards the tennis court but the removal of boundary landscaping has resulted in sightlines between the garden areas of the two properties. However, because there remains adequate separation between the dwelling houses and with landscaping retained in various areas, there are no unreasonable overlooking concerns and the proposal is acceptable.

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

46. The changes to the landscape scheme have resulted in a net increase in the area of the site covered by gravel driveway. This has no immediate adverse implications for access and parking, with increased manoeuvrability and additional parking provided on both sites. As the number of dwellings is unchanged, there are unlikely to be any unreasonable increases in traffic movements to and from the two sites. No objection is raised on this basis.

### **Amenity Space**

47. The amount of external amenity space remains acceptable.

### **Ecology**

48. 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.
49. A number of trees and a line of boundary hedging, including the hedgerow separating The Atrium and Pool Court, have already been removed under existing

approvals. The ecological report submitted with planning application 173369 concluded that the trees have negligible potential for roosting bats and no objection was raised at the time. However, with wholesale changes to hard and soft landscaping and the potential for additional external lighting, this application remains subject to requirements from previous applications.

50. Condition 4 requires lighting details, particularly around the swimming pool, as part of pre commencement details. Precautionary measures regarding bats, nesting birds and Great Crested newts form part of the recommendations in Section 5 of ecology reports submitted in the past for both properties and the requirements to adhere to these recommendations are carried over to this application in Condition 6. Subject to this arrangement, no objection is raised.

### **Flooding and Drainage**

51. Policy CC09 of the MDD Local Plan 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.
52. Policy CC10 of the MDD Local Plan requires sustainable drainage methods and the minimisation of surface water flow. The proposed changes to the natural contours alongside Pool Court are not considered to pose any adverse drainage implications, with no net change in the footprint of the building and only a marginal increase in hard surfaces. Elsewhere, the proposal involves some increases in patio areas and changes to driveway access. However, Condition 7 maintains a requirement for hard surfacing to remain permeable and the driveways will consist of a gravel surface. Subject to these aspects and with the Council's Drainage Officer raising no objection, the proposal is acceptable in terms of Policy CC10.

### **Contamination**

53. The area is listed as potentially contaminated on Council's inventory but the proposed changes due not raise any new implications.

### **Community Infrastructure Levy**

54. The application does not affect CIL calculations.

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

55. 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**

56. As amended, the application involves appropriate changes to the landscaping scheme across The Atrium and Pool Court sites as well as the addition of a swimming pool and modest alterations to ground levels. The impression of the buildings and associated hard surfacing remains satisfactory in terms of its backland location, position on the settlement edge and in the Sonning Conservation Area and in views from the River Thames.
57. Part of the concerns raised by residents, the Parish Council and the ward member relate to the appearance of the site during construction. However, with the revision of the original plans, and subject to full implementation of the tree and hedgerow planting as part of the soft landscape scheme and adherence to aforementioned conditions discussed throughout the report, the application achieves a satisfactory outcome for the site, even when accounting for the length of time that the landscaping will take to establish. On this basis, no objections are raised.

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