

# Agenda Item 24.

Application Number	Expiry Date	Parish	Ward
201566	26 August 2020	Finchampstead	Finchampstead South

<b>Applicant</b>	Wokingham Area Housing Society
<b>Site Address</b>	Land Adjacent to Wyse Hill Lodge, The Village, Finchampstead RG40 4JR
<b>Proposal</b>	Full application for the proposed erection of four x 1 no. bedroom flats with associated bin/cycle store, access, parking and amenity space
<b>Type</b>	Full
<b>Officer</b>	Simon Taylor
<b>Reason for determination by committee</b>	Listed by Councillor Weeks because " <i>Finchampstead village has a distinct lack of smaller housing units for affordable social rent and this application should be treated as a rural exception site</i> "

<b>FOR CONSIDERATION BY</b>	Planning Committee on Wednesday 9 September 2020
<b>REPORT PREPARED BY</b>	Assistant Director – Place

<b>SUMMARY</b>
<p>The application site lies within the countryside on the southern side of The Village at the western edge of the limited development location of Finchampstead. It comprises a 490m<sup>2</sup> portion of a paddock that has been bequeathed by a local landowner for affordable housing (for key workers in the first instance). The subject application comprises a two storey flat building comprising four x 1-bedroom affordable flats, with parking for four vehicles. It is a resubmission following the refusal of planning application 191392 on 16 July 2019 for a similar scheme.</p> <p>Policies CP9 and CP11(7) of the Core Strategy allow residential development in the countryside as a rural exception site, consisting of up to 100% affordable housing but only where it adjoins the boundary of a limited or modest development location and there is a demonstrated genuine need from residents with connections to the area.</p> <p>This application site is adjoining the settlement boundary and has been supported by a Local Housing Needs Survey and Sequential Test that sufficiently demonstrates that there is a degree of demonstrated localised need such that the principle of the development is accepted. It is also acceptable in terms of its impression on the settlement edge and the countryside, it satisfies parking and access requirements and adequately addresses ecological concerns. However, the Council's Landscape Officer is opposed to the development because of excessive incursions into the root protection area and subsequent potential for harm to a TPO protected Oak near the entrance of the site. More significantly, the tree is also nominated as a veteran tree, which is a tree that, because of its age, size and condition, is of exceptional biodiversity, cultural or heritage value. The provision of amenity space also remains inadequate.</p> <p>Submissions from seven residents, Finchampstead Parish Council and the ward member have all expressed support for the provision of affordable housing whilst two objections, citing parking and sustainability concerns, have been received in opposition.</p> <p>When weighing the provision of four affordable units addressing a demonstrated local need against the potential harm to the Oak tree, it is concluded that, on balance, the proposed development is unacceptable, as outlined in Reasons for Refusal 1 and 2.</p>

## PLANNING STATUS

- Countryside
- Veteran tree 3242 on front boundary
- Tree Preservation Order 1691/2019 (Oak and Sycamore across eastern boundary)
- Flood zone 1
- Risk of surface flooding
- Bat consultation zone
- Thames Basin Heath Special Protection Area (5km zone)
- South East Water consultation zone
- Farnborough Aerodrome consultation zone
- Potentially contaminated consultation zone
- Minerals consultation zone
- Classified road

## RECOMMENDATION

**That the committee authorise the REFUSAL OF PLANNING PERMISSION for the following reasons:**

### **1) Potential harm to TPO protected and veteran tree**

The density of the development is excessive and as a consequence, the proposed access, parking court and flat building are within the root protection zone of a TPO protected and veteran Oak tree. The potential harm to the continued health of the tree (and the loss of landscape character within The Village as a consequence) represents an unreasonable deterioration of an irreplaceable habitat without any exceptional reasons or compensation strategy.

This is contrary to paragraph 5.3.1 of the BS5837:2012, paragraphs 170 and 175 of the National Planning Policy Framework 2019, Policies CP1, CP3 and CP11 of the Core Strategy 2010, Policies CC03 and TB21 of the Managing Development Delivery Local Plan 2014 and R2 of the Borough Design Guide Supplementary Planning Document 2012.

### **2) Lack of amenity space**

The proposal does not make adequate provision for outdoor amenity space for the occupants of all of the flats, contrary to Policies CP1 and CP3 of the Core Strategy 2010 and R16 of the Borough Design Guide Supplementary Planning Document 2012.

### **3) Lack of mitigation for the Thames Basin Heaths Special Protection Area**

The application fails to provide an appropriate assessment of the implications for the adverse effect on the integrity of the Thames Basin Heaths Special Protection Area, which is a qualifying European site. Accordingly, the proposal conflicts with Policy CP8 of the Core Strategy 2010 and NRM6 of the South East Plan Adopted (May 2009).

#### 4) Lack of affordable housing

The proposal does not make adequate provision for affordable housing, contrary to the National Planning Policy Framework 2019, Policies 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 2012.

#### And accompanied by the following informatives:

##### 1) Refused plans

This decision is in respect of the drawings numbered P01A, P03F, P04B, P05B, P06, P09D and P10C, all received by the Local Planning Authority on 29 June 2020.

##### 2) Discussion

The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, pre-application advice was sought and advice was given regarding the proposal being unacceptable. Discussion took place in trying to find a solution, but no solution was possible.

##### 3) Legal agreement

In the event of an approval, Reasons for Refusal 3 and 4 would be resolved following the completion of a satisfactory legal agreement to secure SPA mitigation and affordable housing.

<b>PLANNING HISTORY</b>		
<b>App Number</b>	<b>Proposal</b>	<b>Decision</b>
F/1999/70219	3-bed detached dwelling (to the SE)	Refused 29 October 1999
A/99/1033354	Appeal against F/1999/70219	Dismissed 2 March 2000
O/2006/8035	Detached dwelling (outline)	Withdrawn 9 November 2006
191392	Four 1-bedroom flats with access, parking and amenity space	Refused 16 July 2019

<b>SUMMARY INFORMATION</b>	
Site area	490m <sup>2</sup>
Previous land use	Agricultural (paddock)
Proposed land use	Residential
Proposed units	Four x 1 bed dwellings
Number of affordable units	100%
Proposed density	82 dwellings per hectare
Proposed parking spaces	Four spaces

<b>CONSULTATION RESPONSES</b>	
WBC Conservation	No comments received.
WBC Growth and Delivery	
WBC Env. Health	No objection.
WBC Economic Prosperity and Place	No objection.
WBC Ecology	No objection, subject to conditions requiring details of the Construction Environmental Management Plan, lighting details and biodiversity details.
WBC Highways	No objection, subject to conditions relating to car and cycle parking, turning, access surfacing and sightlines.
WBC Trees and Landscaping	Objections are raised in relation to the details of the arboricultural report (including the location of tree roots) and the subsequent impact upon an Ancient Tree on the site frontage. <u>Officer report:</u> This issue forms Reason for Refusal 1, as noted in paragraphs 54-62.
WBC Waste	No objection.
Thames Water	No comments received.
South East Water	

<b>REPRESENTATIONS</b>	
Finchampstead Parish Council	Support is noted because of the priority given to local residents. See Appendix 2.
Local Members	Councillor Weeks listed the application because the rural exception site provides smaller housing as an affordable social rent for local residents.
Neighbours	<p>The application was consulted to neighbours from 2-23 July 2020. Submissions were received in support of the proposal from the following properties:</p> <ol style="list-style-type: none"> <li>1) Wyse Hill Farm, The Village, RG40 4JR</li> <li>2) 7 Maryland, Finchampstead RG40 4PB</li> <li>3) 7 Radical Ride, Finchampstead RG40 4UH</li> <li>4) 8 Manor Park Drive, Finchampstead RG40 4XE</li> <li>5) Oakmead House, Church Lane, Finchampstead RG40 4LT</li> <li>6) 348 Nine Mile Ride, Finchampstead RG40 3NJ</li> <li>7) Edelweiss, 11 Ardwell Close, Crowthorne RG45 6BA</li> </ol> <p>The submissions raised the following comments:</p> <ul style="list-style-type: none"> <li>• Meets local and national policy, including CP9 and CP11 of the Core Strategy</li> <li>• Provides affordable housing for an identified need</li> <li>• Keeps key workers and young people in the area</li> <li>• Is a suitable location adjacent to the settlement boundary</li> <li>• Surveying for the housing needs survey was extensive</li> </ul> <p><u>Officer comment:</u> It is noted in paragraphs 5-28 that the proposal meets the requirements as a rural exception site, with adequate documentation in support of the proposal.</p>

	<ul style="list-style-type: none"> <li>• Is located in a sustainable location</li> </ul> <p><u>Officer comment:</u> The proposal is located within a sustainable location, as noted in paragraphs 5-28.</p> <ul style="list-style-type: none"> <li>• Design is in keeping with the area</li> <li>• There is no adverse impact upon the streetscene</li> </ul> <p><u>Officer comment:</u> The development achieves a satisfactory streetscape appearance, as noted in paragraphs 37-47</p> <ul style="list-style-type: none"> <li>• There is diversity in dwelling type</li> </ul> <p><u>Officer comment:</u> The unit mix comprises four x 1-bed dwellings, which is satisfactory, as noted in paragraphs 64-65.</p> <ul style="list-style-type: none"> <li>• The level of additional traffic is minimal</li> <li>• There is sufficient car parking</li> </ul> <p><u>Officer comment:</u> The Council's Highways Officer supports the proposal in terms of parking provision and traffic generation, as noted in paragraphs 75-79.</p> <p>Submissions against the proposal were received from the following properties:</p> <p>8) 1 New Cottages, The Village, Finchampstead RG40 4JX 9) Porth, Longwater Lane, Finchampstead RG40 4NX</p> <ul style="list-style-type: none"> <li>• Lack of car parking, including visitor parking resulting in unsafe parking on the road</li> </ul> <p><u>Officer comment:</u> The provision of on site car parking is acceptable/compliant, as noted in paragraphs 75-79.</p> <ul style="list-style-type: none"> <li>• Lack of site sustainability (access to employment, shops, buses and trains is poor, resulting in high car dependency)</li> </ul> <p><u>Officer comment:</u> The site is considered to be sustainable, as noted in paragraphs 31-34.</p>
--	---

**SUMMARY OF APPLICANT'S POINTS  
(CONCLUSION FROM PLANNING STATEMENT)**

1. Wokingham Area Housing Society is a recognised provider of affordable dwellings in Wokingham Borough. The land is being made available by the landowners to WAHS at no cost for the provision of affordable housing for local people in Finchampstead.
2. A Housing Need Survey has been undertaken, which has demonstrated that there is a proven need for affordable housing in Finchampstead Parish. The HNS

demonstrates that there is a need for at least 12 affordable 1-bed flats in Finchampstead Parish.

3. A Sequential Test has been carried out, which demonstrates that there are a number of sites in and on the edges of Finchampstead Village and Finchampstead North, which might be suitable for a similar development. However, they have been assessed and none of them are considered to be better than the application site, not least because the land is being gifted by the owners to WAHS specifically for 100% affordable housing only.
4. The proposed building has been reduced in scale and massing in order to ensure that it fits in with the vernacular of the street scene and doesn't harm the character and appearance of the area.
5. A considerable amount of attention has been given to preserving the TPO protected trees, which overhang the site. Details have been provided of the "no dig" and "hand digging only" construction methods, which will be used in creating the access and car parking area, so that the roots of the trees are not compromised by the development. In addition, the bin/cycle store has been moved out of the root protection area.
6. Adequate car and cycle parking will be provided as part of the development. Access off The Village will meet the council's standards in terms of manoeuvring on and off the road and visibility splays in both directions.
7. Ecological interests have been surveyed, mitigation measures proposed, and it is considered that the development will not harm any protected species.
8. Sufficient amenity space will be provided at the rear of the site. Boundary treatments will be screened by planting to ensure that they do not harm the rural character of the area. Mitigation will be provided, by means of a section 106 agreement, with regard to the cumulative impact of residential development on the Thames Basin Heath SPA.

<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
	CP11	Proposals Outside Development Limits
	CP17	Housing Delivery
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
	TB05	Housing Mix
	TB07	Internal Space Standards
	TB21	Landscape Character
	TB23	Biodiversity and Development
Other	BDG	Borough Design Guide Supplementary Planning Document (Sections 4, 6 and 8)
	AH SPD	Affordable Housing Supplementary Planning Document
	SDC SPD	Sustainable Design and Construction Supplementary Planning Document
	DCLG	National Internal Space Standards

## PLANNING ISSUES

### Description of Proposal

1. The proposal comprises the following:

- Construction of a two storey, pitched roof, flat building comprising four x 1-bedroom units with two on each level to be used as 100% affordable units
- Construction of a new driveway onto The Village (B3348), providing access to a carpark with four car spaces
- Construction of a bin and cycle store in the south eastern corner and bin collection area in the north eastern corner

2. The application is a resubmission of a previous proposal for four flats (application ref: 191392), which was refused for the following nine reasons:

1. *Principle of development*

*The proposal does not satisfy the requirements for a rural exception site within the edge of settlement location because there is no Affordable Housing Study or Housing Needs Survey and no sequential assessment accompanying the application. More generally, there is a lack of information relating to localised need and connections to the local area, a lack of consultation with the Parish Council and no demonstration of demand for only 1-bed units, and this is contrary to Policies CP5, CP9 and CP11(7) of the Core Strategy 2010, Policy TB05 of the Managing Development Delivery Local Plan 2014 and Sections 8 and 11 of the Affordable Housing Supplementary Planning Document 2013.*

2. *Character of the area*

*By virtue of the excessive density, scale and built form and proximity of the residential building to The Village/B3348 as well as the expanse of the parking court, siting of the bin/cycle store and lack of soft landscaping, the proposal is representative of an over development of the site. It is incongruous with its countryside location, harmful to the open and rural character of the area and fails to transition adequately within its edge of limited settlement location. It is contrary to paragraphs 127, 130 and 170 of the National Planning Policy Framework, Policies CP1, CP3(a), (c), (d) and (f) and CP11 of the Core Strategy 2010, Policies CC02, CC03 and TB21 of the Managing Development*

*Delivery Local Plan 2014 and R1, R2, R3, R4, R7, R11, RD1, RD2, RD9, R20 and P2 of the Borough Design Guide Supplementary Planning Document 2012.*

3. *Potential harm to trees*

*The location of the cycle/bin store, parking court and building unreasonably impedes into the root protection zone (RPA) of Tree 1 (Oak) and this poses an unacceptable potential for harm to the health of tree, thereby impacting on the wider landscape of the countryside. There is overriding justification for construction within the RPA and the proposal is contrary to BS5837:2012, Paragraphs 127 and 170 of the National Planning Policy Framework 2018, Policies CP1(1) and CP3 (c), (d) and (f) of the Core Strategy 2010 and Policies CC03 and TB21 of the Managing Development Delivery Local Plan 2014 and Sections 4.2 and 4.6 of the Borough Design Guide Supplementary Planning Document 2012.*

4. *Lack of car parking*

*The proposal does not make sufficient provision for off-street car parking to account for the likely parking demand from the occupants of the development, contrary to Policies CP1 and CP6(d) of the Core Strategy 2010.*

5. *Lack of access details*

*There is insufficient information to determine whether unimpeded and safe access is afforded to vehicles exiting the site onto The Village/B3348. In the absence of this information, the proposal is contrary to Paragraph 110 of the National Planning Policy Framework 2018 and Policies CP1 and CP6(g) of the Core Strategy 2010.*

6. *Lack of ecology details*

*There is insufficient information to confirm that the proposed development, including removal of hedgerow, will not have an adverse ecological outcome for protected species, including upon Great Crested Newts and reptiles. In the absence of this information and because of a lack of certainty in the recommendations of the Preliminary Ecological Appraisal, the proposal is contrary to Paragraph 99 of the Government Circular 06/05: Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System, Policy CP7 of the Core Strategy 2010 and Policies CC01 and TB23 of the Managing Development Delivery Local Plan 2014.*

7. *Lack of amenity space*

*The proposal does not make adequate provision for outdoor amenity space for the occupants of the dwelling, whether in terms of total depth or area. This is contrary to Policies CP1 and CP3 of the Core Strategy 2010 and R16 of the Borough Design Guide Supplementary Planning Document 2012.*

8. *Inappropriate boundary treatments*

*The proposed close boarded fencing to the side and rear boundaries of the site is atypical of the countryside location and would limit opportunities for wildlife to traverse the site. This is contrary to paragraphs 170 and 175 of the National Planning Policy Framework 2019, Policies CP1 and CP3 of the Core Strategy 2010 and R12 of the Borough Design Guide Supplementary Planning Document 2012.*

9. *Lack of mitigation for the Thames Basin Heaths Special Protection Area*

*The application fails to provide an appropriate assessment of the implications for the adverse effect on the integrity of the Thames Basin Heaths Special Protection Area, which is a qualifying European site. Accordingly, the proposal conflicts with Policy CP8 of the Core Strategy 2010 and NRM6 of the South East Plan Adopted (May 2009).*

### **Description of Site**

3. The property is located on the southern side of The Village on the western edge of Finchampstead Village, which is a limited development location. The site has a block form, measures approximately 490m<sup>2</sup> in area with a property width of about 26m and depth of 19.5m.
4. The site comprises vacant grassland with trees lining the front boundary and a veteran/TPO protected Oak tree adjacent to the north eastern corner and a smaller TPO protected Sycamore just over the eastern boundary, both trees falling within the garden of Wyse Hill Lodge to the east. Surrounding development on the opposite side of the road to the north and further to the east comprises mostly of modest residential development on medium sized but deep plots but to the south and west is countryside and farmland, including Breakspear's Farm, to the west with some isolated dwellings further west.

### **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. 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.

### **Location in the Countryside**

6. The site is in the countryside but the application is made as four rural exception flats under Policies CP9 and CP11(7), which allows affordable housing where it adjoins the boundary of a limited or modest development location and where there is a demonstrated need with local connections.
7. Paragraph 77 of the NPPF states that decisions should be responsive to local circumstances and support housing developments that reflect identified local needs for current residents or those that have a family or employment connection. This includes bringing forward small sites where housing would not normally be permitted as rural exception sites for provide affordable housing in perpetuity.

8. As an explanatory note, the Affordable Housing SPD outlines the following with respect to rural exception sites:

*For the purpose of rural exception sites, local need is defined as identified needs in the individual village or local area it serves, defined as the parish boundary. Therefore, before the Council will grant planning permission for affordable housing on a rural exception site, it must be satisfied that there is a genuine need for affordable housing in the locality. To establish that a genuine need exists the Council will require evidence from a Parish level Housing Needs Survey that is sufficiently recent to provide a reliable evidence base. Only after the Council is satisfied that a genuine local need exists will it consider the suitability of a site as a location for a rural exception site.*

*The number of affordable homes provided on a rural exception site should not be greater than the level of local need identified.*

*The housing mix and tenure split of affordable housing on rural exception sites will be determined by the particular local need identified in the village or local area it serves as defined above. As for all affordable housing, rental levels or shared ownership costs should be affordable to future tenants.*

*Affordable housing on rural exception sites should be provided in perpetuity, the Council will expect this to be secured through legal agreement, which will ensure that the affordable housing scheme remains available to those in local need and at an affordable rate initially and in perpetuity, and is managed appropriately.*

9. The site adjoins the settlement boundary of the limited development location on its eastern boundary and satisfies the first requirement for a rural exception site.
10. In terms of the second requirement, the previous application did not include a Housing Needs Survey or sequential assessment of available sites, relying instead upon published Council documents to demonstrate need. This was inadequate for the purposes of ascertaining localised need, dwelling mix and connections to the local area and this formed part of the refusal of the application. The documents now form part of the supporting documentation for this application.
11. The Housing Needs Survey was undertaken by Community First Oxfordshire in December 2019, which is sufficiently recent. It canvassed the levels and types of unmet housing need and levels of support for developing the site. A total of 731 responses were received, which is a 30% response rate and responses were separated into the localised area of Finchampstead Village (being the village in which the application site is located and its rural surrounds) and Finchampstead South (being the area to the south of the main settlement of Finchampstead and extending from Eversley in the west to Crowthorne in the east).
12. The main findings of the Housing Needs Survey were that:
- 45% were supportive of the development and 29% not supportive
  - 59% have lived in the area for more than 15 years, (67% for Finchampstead Village and 77% for more than 10 years)

- 9% (or 88 individuals) left the parish because of their housing needs not being met for a variety of reasons (12% (or 23 individuals) in Finchampstead Village)
- About 30% would return if more affordable housing was available (43% in Finchampstead Village)
- 54% need a home in the next two years (80% in Finchampstead Village)
- Most cited the desire to start their first home as a reason to remain in the area
- In terms of the desired housing type, there was a consistent mix of Council or housing association rental, shared ownership and private starter home (though almost all respondents in Finchampstead Village wanted a starter home)
- 104 expressed a housing need (15 in Finchampstead Village) though only 12 respondents were on the housing register
- Of these 15 respondents in Finchampstead Village, 11 meet the criteria for housing need, including having local connections (residency or family connections) but only one individual was on the register
- Only 11% preferenced a flat over a dwelling (0% in Finchampstead Village)
- 29 respondents require ground floor accommodation for various reasons
- The median maximum monthly rent/mortgage was £400-£600 (£800-£1000 in Finchampstead Village)
- The median monthly household income was £2400-£3200 (more than £3200 in Finchampstead Village)

13. The author of the Housing Needs Survey then concludes that there is demonstrated need for 42 homes in Finchampstead South (11 in Finchampstead Village), these being those respondents that completed the survey expressing a housing need but who did not own their own home. Of these, 12 respondents are on the Council's housing register (1 in Finchampstead Village).

14. It is recognised that there are significant limitations with the survey process and its findings. Finchampstead Parish is substantial in size, which is why a more localised survey was undertaken and the main settlement of Finchampstead was excluded. Even then, Finchampstead Village is a small village and Finchampstead South comprises an assortment of rural and isolated locations between Eversley and Crowthorne (these localities being 7km apart). This could result in misleading conclusions, including in demonstrating local connections.

15. Furthermore, the survey contained limited data on the desired size of the dwellings. It stated that there was a concentrated need for smaller 1 and 2 bed dwellings. However, the disclaimer is that '*the indicative size of home has been estimated using likely qualifying criteria for affordable housing based on the information supplied in the survey response*'. The survey findings instead note that 4.6% of respondents currently lived in one bedroom dwellings (2% in Finchampstead Village) although there are likely to be other contributing factors influencing this low figure. In its support, the Council's own housing register indicates that smaller 1-bed and 2-bed dwellings are most favoured (see table below).

Beds	Applications	Percentage
0	9	1%
1	342	57%
2	140	26%
3	79	13%
4	20	3%

5	3	< 0.5%
6	2	< 0.5%
Total	595	100%

Note: Includes instances where multiple locations were requested from a single applicant

16. However, by providing a development of only one bedroom units, it is limiting prospective occupants to singles or couples only and almost certainly prohibiting any children. There are also various other factors that have not been taken into account, including that there was very limited demand for flats (none in Finchampstead Village) and a large number of respondents specified specialised needs such as ground floor accommodation. The two first floor flats would not satisfy this need.
17. It is doubtful that there is a localised need within Finchampstead Village because of several factors, including the large numbers of current long term residents, the high median income and because there is no desire for flats within an area predominated by detached dwellings. Furthermore, only one person nominated on the housing register, which is significantly less than the apparent need expressed by respondents in the survey. Past practice has suggested that the true need is likely to be in the vicinity of 30-50% of the need registered in a Housing Need Survey. This is still in excess of the four units being provided in the proposal when considering the survey findings.
18. The Affordable Housing SPD states that the Council must be satisfied that there is a genuine identified local need within the parish boundary. On this aspect, the survey covers the southern part of the parish and excludes the main settlement of Finchampstead. As such, it is likely that there would be increased demand from those areas not included and which are closer to the application site than some areas that were included in the survey. This would, however, require residents relocating from the more accessible locations of Finchampstead in the north to the less accessible location of Finchampstead Village in the south to take up the accommodation.
19. On balance, it is concluded that there is likely to demonstrated need from the wider parish and it is envisaged that the proposal would satisfy demand and the type of development (four unit flat building), whilst not the most preferred, is the most effective and efficient outcome for addressing the identified need. As was the case in the previous refused application, the Planning Statement continues to state '*It is anticipated that tenants will be found within the Parish of Finchampstead, or within the wider Borough of Wokingham, if there are no suitable tenants in the immediate vicinity.*' This appears to go against the intent of the application and the findings of the Housing Needs Survey but it does not weigh against the conclusion that there is demand because any future approval would be secured in perpetuity by a legal agreement.
20. The second part of the process, the sequential test, was undertaken by Pegasus Group in June 2020. It considered sites within the settlement boundary first, followed by sites adjacent to the settlement boundary and then sites within and adjacent to the settlement boundary of Finchampstead North (the area excluded from the Housing Needs Survey). The set criteria used was that access be via a metalled road, it needed to be <0.5 hectares in area and the land considered viable for affordable housing. 17 potential sites were identified, including several sites promoted for inclusion in the Local Plan update.

21. The Council would also consider site access and relation to existing settlement, landscape impact, policy, amenity impact, planning history and proximity to services, costs and viability for development, whether it has been previously earmarked for development, community reaction and landowner preference.
22. Many of the identified sites were discounted because of the likely loss of trees. These concerns are concurred with as many of the edge of settlement locations in Finchampstead Village included TPO protected trees that were important in the setting of and approach into the village. Incidentally, the same concerns are encountered with this application.
23. Several other sites can reasonably be discounted on amenity grounds because of the site dimensions, loss of sporting facilities or an incompatibility with the pattern of development.
24. The sequential test then concludes that there are no alternative sites in sequentially preferable locations, fronting a metalled road and available, suitable and viable.
25. There is disagreement with the process of discounting any sites that are more than 0.5 hectares in size because it is viewed as too restrictive given the application site is 0.49 hectares and would benefit from greater separation from trees and additional amenity space. However, analysis of those discounted sites has indicated similar constraints that would render the sites undesirable for development.
26. The Housing Needs Survey also illustrated the desire for most respondents to be close to public transport and other facilities and services. On this aspect, the application site rates lower than many of the other sites. However, it is still viewed as being sustainably located. Moreover, this part of The Village lends itself more to the purposes and definition of a rural exception site in terms of maintaining the vitality and viability of a village more than it would in Finchampstead to the north of the parish which is a much larger settlement.
27. Nonetheless, the conclusions of the sequential test are accepted. The subject site has been gifted as a charitable donation for the purposes of residential accommodation and this weighs heavily to the benefit to the subject site. However, there remain unresolved issues surrounding the potential impact upon the veteran Oak on the adjacent property, as discussed in detail in paragraphs 48-63. This is indicative of an over development of the site and the siting of the parking and building rather than the prohibitive nature of the site itself because its development on a lesser scale is still feasible.
28. In conclusion, the supporting documentation has adequately demonstrated that there is likely to be demand for affordable housing for this size and tenure and that the subject site is the most appropriate location for it to be provided. As such, the concerns raised in Reason for Refusal 1 of 191392 are resolved.

#### Sustainability

29. Policies CP1, CP6, CP9 and CP11 of the Core Strategy permit development where it is based on sustainable credentials in terms of access to local facilities and services and the promotion of sustainable transport. Paragraph 4.57 in the Core

Strategy aims to prevent the proliferation of development in areas away from existing development limits as they are not generally well located for facilities and services and would lead to the increase in use of the private car.

30. Paragraph 78, 102, 103, 108, 110 and 122 seek to ensure the growth of sustainable transport in managing development that enhances the vitality of rural communities and approval of planning applications where it aims to '*promote sustainable travel modes that limit future car use*'.
31. The site is located outside the settlement limits and there is relatively limited access to facilities and services in the immediate area, including the following:
- 70m from the Petrol Station and adjoining corner shop/post office
  - 90m from the Finchampstead Sports Club
  - 250m from Finchampstead Church of England Primary School
  - 400m from the Greyhound Public House
32. Finchampstead North, which is 2.5km to the north, has a greater range of services, including a small supermarket. Crowthorne is also 3.5km to the east and includes additional services and a railway station. Access to any of these areas outside of the immediate village will almost certainly be made by private vehicle as the local bus services do not satisfy the definition of a good bus service. Route 145 is a weekly Tuesday service between Wokingham and Winnersh railway stations and Three Mile Cross. There is also a daily school service (Route 80) via a bus stop 550m to the east.
33. Nonetheless, it is felt that the proposal is acceptable on sustainability grounds because of its location adjacent to the settlement edge and because the provision of affordable housing for local residents based on need and connection to the area would most likely imply a lower trip generation and greater demand for the above facilities and services. The dwellings are also 1-bed flats, indicating that demand for school places is likely to be very low. As such, it is feasible that the site could be viewed as sustainable with the local services and facilities able to sustain some demand. Section 106 contributions for bus stop improvements, additional services or footpath and cycle way improvements could also alleviate some of the sustainability issues.
34. Furthermore, it is argued that it accords with the intent of paragraph 78 of the NPPF, which aims to promote '*sustainable development in rural areas, with housing located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.*'

## **Character of the Area**

### 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. The density is measured at 82 dwellings or bedrooms per hectare. This

far exceeds the density of the surrounding area (9-12 dwellings per hectare), which is generally indicative of the limited development location.

36. The density does not directly manifest itself in terms of excessive bulk or scale or any associated adverse impact upon the character of the area. There is also adequate amenity afforded to future residents. However, the siting of the building footprint within a small site and the location of the car parking and access poses potential impacts for the protected Oak tree near the entrance and this is a clear consequence of the density of the development. This is discussed further in paragraphs 48-63 and forms part of the reasoning for Reason for Refusal 1.

#### General form

37. 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 it must be of high quality design. R1, RD1-RD5 and R11 of the Borough Design Guide SPD also require compatibility with the historic character of the local area, a coherent street character and retention of the character, setting and views of the village.
38. Furthermore, because of its edge of settlement location, Policy CC02 of the MDD Local Plan states that development at the edge of settlements respect the transition between the built up area and the open countryside. Similarly, RD9 of the Borough Design Guide SPD requires that development on the settlement edge create an edge and incorporate soft landscaping to integrate to the rural setting.
39. The officer report for the assessment of 191392 referred to the building footprint and front setback as well as the rear gables, central flat roof, position of the bin and cycle store and expanse of parking/lack of soft landscaping in reaching the conclusion that the proposal did not suit the edge of settlement location and harmed the character of the area.
40. The resubmission includes a 10m<sup>2</sup> reduction in the building footprint, 350mm increase in the front setback, deletion of one of the two rear facing gables, reduction in the size of the flat roof, the incorporation of a set down ridge to part of the building and the relocation of the bin and cycle store to the rear of the site. Whilst these are modest changes on their own, cumulatively they reduce the overall scale of the building and lessen the impression on the streetscene. It also significantly reduces the interpretation of the building as a flat building and it is now more consistent with the dwellings on the northern side of The Village.



Street elevation

### Building Height

41. R9 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. The proposed two storey or 8.5m is, however, not out of place for its edge of settlement location when considering the two storey height of five of the six buildings on the northern side of The Village.

### Building siting

42. R2 of the Borough Design Guide requires development to respond to context, including incorporating existing features, 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. As noted above, the setback from the front boundary has been increased from 4.0m to 4.35m, which when considered with the other changes, achieves an adequate streetscape presence on the settlement edge.

### Building Materials

43. R11, RD6 and RD7 of the Borough Design Guide SPD require that housing ensure a coherent street character, including materials, colour, proportions and details. Bricks, tiles and uPVC windows are nominated and subject to further pre commencement details to ensure that it complements the countryside to the west, no issue is raised.

### Building Design

44. 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.' The building is of a standard architectural design, with dual pitch roof to the front elevation and gable ends to the sides. Whilst there is a lack of any real articulation or architectural expression, it is an acceptable design for the countryside and edge of settlement location.

## Parking

45. P2 of the Borough Design Guide SPD ensures that parking is provided in a manner that is compatible with the local character. The officer report for the previous refused application argued that the parking area dominated the area and was not typical of its countryside location. There has been no change to its proportions of the car park and would no longer form the basis for the refusal of the application on its own when considering the cumulative benefits of other parts of the scheme. However, it still poses unreasonable harm to the protected veteran Oak near the corner of the site and would be unacceptable on this basis. Were it to be acceptable, it would also be subject to pre commencement details relating to the surfacing of the carpark and landscape screening to ensure that it minimises the potential for the hard surfacing to detract from the settlement edge setting.

## Outbuildings

46. R20 of the Borough Design Guide SPD requires consideration of external elements including the bin and cycle storage to avoid proliferation of clutter. A combined bin and cycle store is located in the south eastern rear corner, having been relocated from the front of the site. This resolves the concerns originally raised in 191392.

## Conclusion

47. The changes made to the application since the refusal of 191392 are relatively minor in their nature but are adequate in achieving a development that is more sympathetic to its surroundings, which include the countryside to the west and south and similar two storey development to the north. Whilst some concerns raised in the previous refused scheme remain unresolved, they are no longer sufficient to warrant refusal of the application on their own. There is, however, continued concern with the siting of the carpark and building in relation to the veteran Oak to the east, as noted in paragraphs 48-63.

## **Landscape and Trees**

48. Policy CC03 of the MDD Local Plan aims to protect green infrastructure networks, promote linkages between public open space and the countryside, retain existing trees and establish appropriate landscaping and Policy TB21 requires consideration of the landscape character.

49. Paragraph 170(b) of the NPPF requires that planning applications enhance the natural and local environment by '*recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.*'

## Landscape Character

50. The site is located along The Village – a main route in Finchampstead Village heading towards Fleet Hill. The Village is relatively straight and shares the characteristics of the 'rides' typical of the neighbouring M1 character area, most typically found at Nine Mile Ride, Sandhurst Road and Finchampstead Road, with

mature trees, especially Oak trees of great height and presence, a native hedgerow, high quality landscaped edges and ditch and verge to the road.

51. It is in the Wokingham District Landscape Character Area N2 'Finchampstead Pastoral Sandy Lowland', a high quality landscape of strong character in good condition, and of moderate sensitivity to change. The landscape strategy is to conserve and strengthen and the key features of the character area include, amongst others, mixed pastoral landscape with a variety of enclosure patterns, scrubby overgrown shelterbelts, roadside belts, small woods and scattered remnant hedgerow trees enhancing the wooded context and a quiet rural landscape with a unobtrusive network of rural roads, drainage ditches, small brooks and drainage channels.

52. It is also in close proximity to the neighbouring character area of A3 'Blackwater River Valley', a high quality landscape of strong character in good condition and high sensitivity to change. The landscape strategy is to preserve the tranquil rural valley character.

#### Hedgerows

53. The Phase 1 Habitat Survey identifies the hedge along the roadside boundary as a Priority Habitat. The hedge consists of a variety of species including Privet, Blackthorn, Oak, Horse Chestnut, Ash, Hawthorn, Sycamore, Dog rose, Bramble and Ivy and has a viable herbaceous understorey and is of ecological value locally, including as nesting habitat for birds. A section of the hedge will be removed to facilitate the site entrance, which is not opposed. It is not anticipated that hedgerow will need to be removed to accommodate visibility splays.

#### Trees

54. Tree T1 (Oak) and T2 (Sycamore) are TPO protected under TPO 1681/2019, the listing coming after the refusal of the previous planning application for the site. Tree T1 is identified as a Veteran on the Ancient Tree Inventory (Ref 65229), the listing dating from 20 September 2009. It has a prominent street presence on the right hand side of the approach along The Village, particularly evident when travelling eastwards.



have gone into the road but would have also rooted into the paddock within the subject site and the adjacent garden of Wyse Hill Lodge. On the contrary, the Council's Landscape Officer concludes that the roots would not have travelled across the well maintained ditch or beneath a retaining wall or metalled road. As a consequence, the RPA should be redistributed further into the site and the garden of Wyse Hill Lodge, thereby encountering a larger proportion of the footprint of the proposed building and the carpark. Furthermore, it is noted that the RPA is a minimum requirement in accordance with paragraph 3.7 of BS5837:2012.

57. Moving to what is considered to be an appropriate incursion into a RPA (regardless of the differences in its calculation between the applicant and the Council):

- Paragraph 175 states that development resulting in the loss or deterioration of irreplaceable habitats (such as veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists
- Paragraph 5.3 of BS5837:2012 requires that any encroachment of the RPA must be justified, it must be demonstrated that the tree can remain viable and that the area lost to encroachment must be compensated for elsewhere, contiguous with its RPA.
- Paragraph 5.3.1 of the BS5837:2012 states that *'The default position should be that structures (see 3.10) are located outside the RPAs of trees to be retained. However, where there is an overriding justification for construction within the RPA, technical solutions might be available that prevent damage to the tree(s) (see Clause 7). If operations within the RPA are proposed, the project arboriculturist should demonstrate that the tree(s) can remain viable and that the area lost to encroachment can be compensated for elsewhere, contiguous with its RPA'*
- Paragraph 7.4.2.3 of the BS5837:2012 states that *'New permanent hard surfacing should not exceed 20% of any existing unsurfaced ground within the RPA'*

58. The subsequent incursion into the root protection zone is significant and certainly much more than that shown in plan form above and more than 20% that is considered acceptable. Moreover, compensation is not possible as the tree is not on the adjacent site. Any subsequent compromising of its health and integrity of the Oak, which in the view of the Council's Landscape Officer is inevitable, would have significant ramifications for the landscape character of this part of the Green Route of The Village. The tree offers a dominating framing entrance at the western end of Finchampstead and is readily evident in views, contributing significantly to the character of the settlement edge.

59. 'No dig' construction is proposed over the bin collection area, which could in theory satisfy the requirements of BS5837:2012. The carpark will also comprise 'no dig' construction, a porous geotextile membrane with treated wooden pegged board edging, small diameter gravel and shallow excavation for surrounding landscaping. However, there is lack of clarity in terms of existing and proposed levels, with any lifting soil levels over RPAs of more than 100mm being unacceptable.

60. Target 19 of the Wokingham Climate Emergency Progress Report refers to a tree strategy, including long term retention trees, ongoing recruitment to veteran tree population, policies to avoid loss of established habitat will help retain carbon stores and improved retention rates of trees, the logic being the longer trees are standing

the longer carbon is locked up. The potential loss of this tree would be contrary to this intent.

61. Tree T2 is a smaller Sycamore to the south of T1 and together they form a visual edge to the eastern site boundary. A small orchard of a few trees within the site and south of the site includes Black Poplars and Scots Pine. Further away on the west side of the site are T3 Oak and T4 Ash, that provide a visual screen at the west end. These trees are likely to be retained without undue impacts.
62. In conclusion, the Council's Landscape Officer argues that it is unclear whether any technical solution will work and regardless, there is no overriding justification for a technical solution. The above concerns form the basis of Reason for Refusal 1.
63. R14 of the Borough Design Guide SPD requires well-designed hard and soft landscaping that complements housing. Hedgerow is proposed within the site, including along the rear boundary, and this is supported. However, there is limited replacement planting to compensate for hedgerow loss and potential tree loss. However, notwithstanding the aforementioned concerns with the Oak, any planning permission would be subject to a pre commencement condition requiring replacement landscaping details to ensure an appropriate transition to the countryside to the west given the built up boundary will have moved westward.

### **Unit Mix**

64. Policy CP5 of the Core Strategy requires an appropriate mix of dwelling types, tenures and sizes so that the housing needs of the community are met. Policy TB05 of the MDD Local Plan requires an appropriate housing mix which reflects a balance between the underlying character of the area and both the current and projected needs of households. For affordable housing, this is 20% x 1-bed, 45% x 2-bed, 20% x 3-bed and 15% x 4-bed. Furthermore, the Berkshire (including South Bucks) Strategic Housing Market Assessment (February 2016) also identifies future housing need for the Wokingham Borough, with 2 and 3-bed dwellings making up the largest proportion of dwellings. The Council's housing needs register also shows that 57% are seeking 1-bed dwellings and 26% are seeking 2-bed dwellings.
65. The unit mix is confined to 1-bed dwellings which is generally in accordance with the demand and policy direction for smaller dwellings. Whilst some 2-bed dwellings would be favourable, it does not form the basis for the refusal of the application because of the small scale of the development.

### **Housing Amenity**

#### Internal amenity

66. Policy TB07 of the MDD and R17 of the 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 50m<sup>2</sup> applies for a 1-bedroom, two person occupancy dwelling and the dwellings are all more than 50m<sup>2</sup> in area.
67. Bedrooms should have a minimum area of 11.5m<sup>2</sup> and living spaces should have a minimum area of 23m<sup>2</sup>. There should also be provision for 1.5m<sup>2</sup> storage. The

proposed units accord with this requirement with the exception of undersized living rooms (19m<sup>2</sup>). However, with a separated kitchen area, ample bedroom area and as the units are 1-bedders, there is no real compromising of the internal amenity and no objection is raised.

68. R18 of the SPD requires sufficient sunlight and daylight to new properties, with dwellings afforded a reasonable dual outlook and southern aspect. The units extend the length of the building, allowing for three aspects and good access to sunlight to the rear and circulation through the building. On this basis, no objection is raised.

#### External amenity

69. R16 of the SPD requires a minimum depth of 11m for rear gardens with space for play and clothes drying, a 1m setback for access and direct sunlight.
70. There are no private amenity areas for the units and the proposal instead relies upon a communal rear garden. The previous scheme included a reason for refusal relating to inadequate amenity space for the occupants of the four units. It referred to the garden depth of 3.2m-4.8m and the total area was 97m<sup>2</sup> as being insufficient.
71. A parcel of land has now been added to the rear of the site to increase the amount of space but this is offset by the relocation of the building closer to the rear boundary and the provision of the cycle and bin store in the south eastern corner, resulting in a net gain of only 13m<sup>2</sup> albeit with an increased depth of 3.2m-6.2m. Whilst the increase in depth and area is an improvement and is could perceivably be acceptable, the ground floor units open onto the open space such that the rear garden remains almost exclusively for the ground floor occupants. Of the area to the side of the building, part of it will be used for access to the bin and cycle store. First floor balconies would likely resolve this concern. This was suggested to the applicant but not included in the revised scheme. On this basis, it forms Reason for Refusal 2.

#### **Residential Amenities**

72. R15 of the Borough Design Guide SPD requires the retention of reasonable levels of visual privacy to habitable rooms, with separation of 22m to the rear and 10m to the street, R16 requires separation distances of 1.0m to the side boundary and 11m to the rear boundary and 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.
73. By virtue of its removed location away from neighbouring dwellings, compliance with the minimum setback standards in R15 and R16 as measured to neighbouring residential properties (at least 18m across the road to the north and the existence of farmland to the south and west), there are no real concerns of overlooking, dominance or loss of sunlight and daylight.
74. Policy CC06 and Appendix 1 of the MDD Local Plan requires that development protect noise sensitive receptors from noise impact. The internal layout includes the grouping and stacking of rooms within each floor to minimise noise transmission between the common wall. This is a positive design outcome. Noise levels from

traffic on The Village is also not significant and it is unlikely that there will be acoustic issues to occupants at the front of each unit.

## **Access and Movement**

### Car Parking

75. Policy CC07 and Appendix 2 of the MDD Local Plan stipulates minimum off street parking standards. A four x 1-bed development in this location would require a total of 2.4 unallocated spaces whilst four spaces of 5m x 2.5m are provided.
76. The previous refused application included four allocated spaces, resulting in a departure of 1.2 spaces and a concern that vehicles would park on The Village, thereby posing issues with traffic flow. The change in this scheme is to nominate the spaces as unallocated, allowing any of the spaces to be available to any resident or visitor. This frees up the parking spaces for use at any time rather than being assigned to a specific unit. In doing so, it resolves the Council's concerns with a lack of on site car parking and the concerns that were raised in the previous scheme are no longer raised, particularly when recognising that there is at least one space per unit. .

### Cycle Parking

77. Policy CC07 and Appendix 2 of the MDD Local Plan stipulates minimum cycle parking standards and Policies 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. A cycle storage shed is provided adjacent to the main entrance. It is secure, covered, easily accessible for residents and adequately sized for use by the occupants of the development. In this respect, no objection is raised.

### Access and Traffic

78. A new access drive will be constructed onto The Village. It measures 5.5m in width and is bonded to 3.3m. Whilst this is short of the 5m standard requirement of the Council, it still achieves its intent of minimising spill onto the road and as such, no objection is raised. Visibility splays of 43m each way, at 2.4m from the road, are provided, which responds the 30mph speed limit increasing to 40mph to the west of the site. A swept path analysis indicates that there is adequate turning for a standard car within the site. This allows for two way access, forward movement and safe egress and on this basis, the access arrangements are satisfactory. This information was incomplete within the previous refused application and in addressing these shortcomings, the reason for refusal is resolved.
79. It is also unlikely that the proposal would have an adverse impact on the highway network.

## **Ecology**

80. 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.

81. The site comprises a plot of amenity grassland with areas of ephemeral vegetation, tall ruderal vegetation and scattered trees/shrubs, bounded to the north by a species rich hedgerow.
82. The application was accompanied by a Preliminary Ecological Appraisal prepared by John Wenman Ecological Consultants, dated June 2020. It details the results of an ecological assessment and reptile surveys, updated from surveys undertaken in 2018 to address shortcomings identified in the planning assessment of the proposal in 191392.
83. The report identifies the potential for the site to be used by several protected species including reptiles and mammals and notes that the hedgerow is species rich and is a UK Priority Habitat. It concludes that the small section of hedgerow that is required to be removed to provide for access is acceptable. However, it would need to be compensated for because if unmitigated, there is a low risk of reptiles, great crested newts (GCN) and nesting birds being harmed during site clearance and construction. The remaining hedgerow and oak tree will need to be protected during works.
84. To mitigate and compensate for any negative ecological impacts, Section 8 of the ecology report sets out appropriate measures for ecological mitigation, compensation and enhancement, and these recommendations would be secured via condition. In addition, biodiversity measures are required and as any new external lighting has the potential to adversely affect foraging and commuting bats and other wildlife, further details would be required by condition.
85. Subject to the above measures, the concerns raised in reason for refusal 6 of 191392 have been addressed and no further objection is raised.

### **Sustainable Design/Construction**

86. 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. 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.

### **Boundary Treatments**

87. R5 of the Borough Design Guide SPD requires a clear distinction between the public and private areas and R12 of the Borough Design Guide SPD states that boundary treatments contribute positively to the character of the area.
88. The proposal includes the retention of existing hedgerow to the road frontage, with the exception of the new entrance, which will remain open. New timber close boarded fencing to the side and rear boundaries is also proposed and was deemed to be unacceptable for its countryside location in the previous refused application. Whilst nothing has changed in this application, it is recognised that the proposed fencing meets all the requirements of permitted development. Moreover, it also

includes wildlife access and is now complemented by hedgerow along the rear boundary. On this basis and despite opposition from the Council's Landscape Officer, no objection is raised.

### **Waste Storage**

89. Policy CC04 of the MDD Local Plan requires storage and a collection area for the segregation of waste, recycling, green waste and composting. A bin store has been proposed alongside the vehicular entrance. It is suitably located for storage and collection and is adequately sized to accommodate the likely waste and recycling from the proposed development. On this basis, no objection is raised.

### **Flooding and Drainage**

90. The site and access thereto is located within Flood Zone 1 although there is localised surface water flooding from an adjacent watercourse identified on Council's mapping. Nonetheless, the proposal was accompanied by a Flood Risk Assessment and it indicates that there is no additional flood risk or vulnerability and the proposal is acceptable in terms of Policy CC09.

91. A surface water drainage strategy was included as part of the flood risk assessment and through the application of SuDS principles, surface water will be discharged via a soakaway, which is acceptable in principle. No objection is raised in terms of Policy CC10 of the MDD Local Plan subject to further pre commencement drainage details.

92. R23 of the Borough Design Guide SPD also notes that parking spaces in front gardens must be paved with permeable surfaces to avoid any increase in surface water run-off and should include for soft landscaping. The surface of the parking area and access is not noted on the plans and this would be permeable by condition, along with an additional condition requiring a permeable bonded material at the entrance.

### **Environmental Health**

93. The area is listed as potentially contaminated on Council's inventory with the two likely potential sources of contamination being Park View Motors garage/filling station to the east and a former builder's yard approximately 70m to the south west.

94. A desktop study was undertaken which considered that there was a very low to low risk of contamination but recommended that a watching brief be undertaken. Any future planning permission would be subject to a condition requiring these ground investigation works.

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

95. 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.

96. 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. The ground floor units would be accessible, with level access from the parking area and the footpath leading from The Village (although the street footpath is on the northern side of The Village). On this basis, no objection is raised.

### **Affordable Housing**

97. Policy CP5 of the Core Strategy, Policy TB05 of the MDD Local Plan and the Affordable Housing SPD specify an affordable housing rate of 40% for any development involving five dwellings or more on land with a total area of 0.16 hectares or more. There is fewer than five dwellings on a site of less than 0.16 hectares and as such, there is no requirement for affordable housing. Nonetheless, the development is proposed as 100% affordable housing, which would be secured by legal agreement and retained in perpetuity given the principle of the development is only acceptable by virtue of meeting the requirements as a rural exception site. However, as the application is recommended for refusal, the agreement has not been sought but is instead outlined in Reason for Refusal 4.

### **Thames Basin Heaths Special Protection Area**

98. Policy CP8 of the Core Strategy states that where development is likely to have an effect on the Thames Basin Heaths Special Protection Area (TBH SPA), it is required to demonstrate that adequate measures to avoid and mitigate any potential adverse effects are delivered.
99. The subject application includes a net increase of four dwellings on a site that is within 5km of the TBH SPA. 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. This is attached to this report at Appendix 2 and has concluded that contributions to access management measures and monitoring in line with the Delivery Framework will be required.
100. The mitigation measures would ordinarily be outlined in a Section 106 agreement in the form of the provision of Suitable Alternative Natural Greenspace (SANG) at Rocks Nest Wood and a monetary contribution for ongoing monitoring (SAMM). The planning permission is conditional on the completion of this agreement and the applicant acknowledges this in their supporting documentation. However, as the application is recommended for refusal, the agreement has not been sought but for future reference, is outlined in Reason for Refusal 3. This is the same outcome reached in the assessment of 191392.

### **Community Infrastructure Levy**

101. The application is entitled to Charitable and/or Social Housing Relief and is not liable for CIL payments because it is (a) for 100% affordable housing and (b) Wokingham Area Housing Society is a charitable organisation.

## CONCLUSION

102. The most up-to-date Five Year Housing Land Supply Statement demonstrates the Council has a five year housing land supply. At 31 March 2019, the deliverable land supply was 6.39 years against the local housing need of 804 additional homes per annum plus a 5% additional buffer. Recent case law has demonstrated that this is intact despite the lockdown and economic slowdown during the Covid-19 pandemic.
103. The development delivers a net increase of four dwellings, which brings economic benefits including job creation and expenditure in an edge of settlement location. The social impacts are significant including adding vitality to the local area, addressing the identified affordable housing need, allowing for residents to retain ties to the local area and support for local businesses. However, the environmental benefits are limited because of any ecological benefits are countered by the likely impact upon the Oak tree.
104. The latter impacts weighs heavily against the scheme and because the spatial strategy of the development plan is delivering in excess of the housing requirement for the borough set out the Framework, it is concluded that the proposal is unacceptable. The subject site is outside of the settlement boundary and in an unsustainable location and the development of two dwellings on the site is considered to be unacceptable and is not supported.
105. Of the reasons given for the refusal of planning application 191392, the following comments are provided in relation to the subject application:
- 1) Principle of development: Where there was a lack of information, a Housing Needs Survey and sequential assessment, with identified localised need has been provided and no further issue is noted
  - 2) Character of the area: Where density, scale, built form, setbacks, expanse of parking, siting of the bin store and lack of soft landscaping were cited as cumulative impacts upon the character of the area, these have since been resolved through revisions to the scheme and no further objection is noted
  - 3) Potential harm to trees: The impact upon Tree 1 (Oak) remains unresolved.
  - 4) Lack of car parking: Four parking spaces have been provided, which is unchanged from the previous refusal. However, the spaces are now specified as unallocated, which meets the parking standards and resolves the Council's concerns
  - 5) Lack of access details: Where there was a lack of information, visibility splays and swept paths have now been provided and no issue is raised
  - 6) Lack of ecology details: Where there was initially insufficient information to confirm whether there was an adverse ecological outcome for protected species, further studies have been undertaken and no further concern is raised
  - 7) Lack of amenity space: The initial concerns related to depth and area of privacy amenity space. These concerns remain, as outlined in Reason for Refusal 2.
  - 8) Inappropriate boundary treatments: The proposed close boarded fencing was atypical of the countryside and limited opportunities for wildlife but a review of the scheme in this application is such that no further objection is noted.
  - 9) Lack of mitigation for the Thames Basin Heaths Special Protection Area: The refusal reason related to the lack of a legal agreement and this remains the case, Reason for Refusal 3 remains valid

106. In addition to the above, it is noted that a lack of a legal agreement to secure the affordable housing component of 191392 was not listed as a reason for refusal. Upon review, however, this is now included as Reason for Refusal 4.

**APPENDICES**

1. Plans and elevations
2. Finchampstead PC comments
3. Appropriate Assessment