

# Agenda Item 7.

Application Number	Expiry Date	Parish	Ward
203460	17/05/2021	Wokingham	Wescott

<b>Applicant</b>	Ms Sarah Cleaver
<b>Site Address</b>	Frog Hall, Frog Hall Drive, Wokingham, RG40 2LF
<b>Proposal</b>	Full application for the erection of fencing and hardstanding to form a bin store to serve the existing flats (Retrospective).
<b>Type</b>	Full planning application
<b>Officer</b>	Adriana Gonzalez
<b>Reason for determination by committee</b>	The application has been listed by Ward Member Cllr Maria Gee on the following grounds: <ul style="list-style-type: none"> <li>- Highway and safety grounds</li> <li>- Position of the bin store impeding right of way of residents</li> </ul>

<b>FOR CONSIDERATION BY</b>	Planning Committee on Wednesday, 9 June 2021
<b>REPORT PREPARED BY</b>	Assistant Director – Place

<b>SUMMARY</b>
<p>The application is before Committee as it has been listed by the Wescott Ward Member, Councillor Maria Gee.</p> <p>The application site is within a major development location in the settlement of Wokingham and within the grounds of Frog Hall, a converted block of flats. The surrounding area is characterised by mainly two storey residential dwellings on individual plots.</p> <p>The application is for a full application for the erection of fencing and hardstanding to form a bin store area to serve the existing flats of Frog Hall. The bin store area is located within part of the private residential amenity of the block of flats, towards the front north-eastern corner of the site. The application is retrospective as the development was completed in May 2020 as stated within the application form.</p> <p>The report concludes that no part of the development results in any harmful impact on the character of the area, amenity of neighbouring occupiers, highway safety or landscaping. Paragraphs 1-26 provide further details to these material considerations. It is recommended that this application is approved as it accords with the NPPF and Wokingham Development Plan Policies.</p>

<b>PLANNING STATUS</b>
<ul style="list-style-type: none"> <li>• Major Development Location – Wokingham</li> <li>• Tree Preservation Order – TPO-0004-1960</li> <li>• Bat Roost Habitat Suitability</li> <li>• Aerodrome Safeguarding: Farnborough Consultation Zone 3</li> <li>• Thames Basin Heaths SPA Consultation Zone – 5Km</li> </ul>

<b>RECOMMENDATION</b>
<p><b>That the committee authorise the GRANT OF PLANNING PERMISSION subject to the following Conditions and Informatives:</b></p>

**Conditions:****1. Approved Plans**

This permission is in respect of the submitted application plans and drawings numbered Location Plan (Esc. 1:1250); Plan and Elevation/Sections (Esc. 1:50) received by the local planning authority on 11/12/2020, and revised Site Plan (Esc 1:500) received by the Local Planning Authority on 28/04/2021. The development shall be retained in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

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

**Informatives:**

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

**PLANNING HISTORY**

Application Number	Proposal	Decision
Enforcement RFS/2020/085628	Unauthorised erection of new bin store	Case Closed – Application submitted
B/29/71	Proposed conversion of existing large house into 11 self-contained flats with provision of 6 lock-up garages with 5 permanent parking spaces	Conditionally Approved 14/01/1972
B/14/71	Proposed conversion of existing large house into eleven self-contained flats	Refused 1971

**SUMMARY INFORMATION****For Residential**

Site Area	0.25Ha (based on submitted red line)
Existing Use	Residential Block of Flats
Existing parking spaces	12 on-site car spaces (unaffected)

**CONSULTATION RESPONSES**

WBC Highways	No objections
WBC Cleaner and Greener	No objections
WBC Enforcement	No comments
Royal Berkshire Fire and Rescue	No comments

**REPRESENTATIONS**

**Town/Parish Council:**  
No comments received.

**Local Members:**

Objection received from Councillor Maria Gee on the following grounds:

- Highway and safety grounds – the fire brigade tested access with a fire engine on the 17<sup>th</sup> March 2021 and were not able to pass the corner.
- The new position of the bin store is regarded by residents not in the flats as impeding their right of way.

Objection received from Councillor Peter Dennis on the following grounds:

- The access to the bin store area does not have a door-gate as requested by WBC Waste and Recycling guidelines. Any door would either have to open onto the shared driveway thus blocking it, or into the bin storage area reducing the amount of space for waste storage.
- Lack of door makes for an unwelcome view from neighbouring properties.
- Access point to the bin store is via the shared driveway; this represents a safety hazard, the corner is blind resulting in possible collisions.
- Access point is not accessible for wheelchair users.
- One post of the bin store effectively encroaches onto the vehicle space of the highway, thus restricting access.
- Bin store does not have a covering nor adequate shade; this represents a problem of smell from food waste rotting.

**Neighbours:**

Objections received from the occupants of nos. 40, 42, 44, 46 and 47a Frog Hall Drive on the following grounds:

- New bin store restricts visibility for both pedestrians and vehicles around the corner of the right of way. (see Para 17)
- New bin store physically restricts access of service, delivery and emergency vehicles. (see Para 18-19)
- The post to the right of the bin store entrance projects onto the right of way reducing its width. (see Para 17)
- Submitted drawings of the bin store are an inaccurate representation of what has been built. (Revised Site Plan received)
- Photos submitted with the application are not relevant and do not give a fair visual impression of the impact or location. (Site visit performed by Case Officer)
- Health and safety hazard due to smell, noise and vermin. (see Para 13-14)
- The relocation of the bin area was instigated by a request of the refuse collection company to allow for easier access to the bin area and to reduce the distance the bins needed to be manhandled to the collection vehicle. (not a material consideration)
- Bin store does not comply with the guidelines for Solid Waste Storage Areas. (see Para 6-9 and 13)
- There is an area on the other side of the car park more suitable for the bin store. (not a material consideration)
- Relocation resulted in the loss of trees and hedges. (see Para 22)
- Detrimental impact to visual amenity of the area. (see Para 8-10)

Eleven letters received from local residents from Frog Hall flats in support of the proposal, and also in response to the objections received (as above).

*(Officer's note: the impact upon the character of the area, upon neighbouring private residential amenities, highways safety and trees and landscape will be addressed below in relevant section of this report.)*

### APPLICANTS POINTS

- The application has an acceptable impact on the character of the area and on neighbouring properties without any detriment to highway safety.
- The new bin store has been constructed to enable the wheelie bins to be served and emptied in a more efficient manner, making it safer for both residents and the local authority waste collection team.
- The new bin store enables easier control for any vermin issues should they arrive.
- The old bin store facility was not appropriate for storage and use due to its size.
- The new bin store complies with the Council's waste and recycling guidelines, and represents an improvement as it is of an adequate size to contain separate bins for each type of waste, enabling efficient recycling and waste disposal.

### PLANNING POLICY

National Policy	<b>NPPF</b>	National Planning Policy Framework
Adopted Core Strategy DPD 2010	<b>CP1</b>	Sustainable Development
	<b>CP3</b>	General Principles for Development
	<b>CP6</b>	Managing Travel Demand
	<b>CP9</b>	Scale and Location of Development Proposals
Adopted Managing Development Delivery Local Plan 2014	<b>CC01</b>	Presumption in Favour of Sustainable Development
	<b>CC02</b>	Development Limits
	<b>CC03</b>	Green Infrastructure, Trees and Landscaping
	<b>CC04</b>	Sustainable Design and Construction
	<b>CC07</b>	Parking
	<b>TB21</b>	Landscape Character
Supplementary Planning Documents (SPD)	<b>BDG</b>	Borough Design Guide – Section 4

### PLANNING ISSUES

#### Description of Development:

1. The application involves the erection of fencing and hardstanding to form a new bin store area within the private residential garden of Frog Hall block of flats. The application is retrospective, and the development was completed in May 2020 as stated within the application form.
2. It is noted the previous bin store was located to the side/front of the host building, near one of the communal building entrances. The information submitted within the application form refers that the previous location of the bin store was not suitable for the storage and disposal of domestic waste for all the flats, being too small and too far away from the Council's collection point.

3. The new bin store is located to the frontage of the site within the front garden, towards the north-east side, with direct access from the private right of way, a single carriage way providing access to the block of flats and properties nos. 40-46 Frog Hall Drive.
4. The bin store area has an irregular footprint measuring approximately 3.5 metres in width and 5.1 metres in length. It comprises of a concrete base and a 2 metres high close board fencing enclosing the area with open access. The structure houses the wheeled bins for all types of waste and recycling pertaining to all the flats.

**Principle of Development:**

5. The National Planning Policy Framework has an underlying presumption in favour of sustainable development which is carried through to the local Development Plan. The Managing Development Delivery Local Plan Policy CC01 states that planning applications that accord with the policies in the Development Plan for Wokingham Borough will be approved without delay, unless material considerations indicate otherwise.
6. Policy CC02 of the MDD sets out the development limits for each settlement as defined on the policies map and therefore replaces the proposals map adopted through the Core Strategy, as per the requirement of policy CP9. Policy CP9 sets out that development proposals located within development limits will be acceptable in principle, having regard to the service provisions associated with the major, modest and limited categories. As the site is within a major development location, the proposal is acceptable in principle.

**Character of the Area:**

7. Policy CP3 of the Core Strategy states that development must be appropriate in terms of its scale of activity, mass, layout, built form, height, materials and character to the area in which it is located and must be of high-quality design without detriment to the amenities of adjoining land uses and occupiers. Policy CC04 of the MDD Local Plan requires adequate internal and external storage for the segregation of waste and recycling, as well as provision for green waste and composting and an appropriate area for ease of collection.
8. The Borough Design Guide SPD states that bin stores and recycling facilities should be designed to screen bins from public view, whilst being accessible for residents. Bin stores must be placed in a position that meets the Council's Highways standards. They should be close to the highway edge as possible and no greater than 10m from a point of access for the collection vehicle.
9. The bin store area comprising of hardstanding and close board fencing is located towards the north-east corner of the application site, suitably located within the private residential garden of the block of flats and without obstructing the main view from the building when approaching from main Frog Hall Drive. It is also modestly proportioned in terms of height and size whilst providing adequate space for the storage of all waste containers, and it is partially screened by adjacent vegetation which contributes to maintain the verdant character of the residential garden.

10. Furthermore, the bin store is reasonably accessible from the main road and the carry distance complies with the Council's desired guidelines for waste collection, so that it is unlikely there is an increased risk of waste being dumped informally within the street. WBC Cleaner and Greener who are responsible for waste collection within the Borough have been consulted on the application and have raised no objections.
11. In addition, the site visit confirmed that timber close boarded fence and areas of hardstanding are common features within the front of properties, usually as boundary treatment and for parking of vehicles, therefore the presence of these elements within the frontage of Frog Hall flats do not create an alien, incongruous feature within the street scene. It was also observed during the site visit a number of properties in the area where such bins were not enclosed within a dedicated storage area, which results in additional visual clutter in the street scene. As such, it is considered that the development does not result in any harmful impact to the character and appearance of the host building nor to the visual amenity of the area.

**Neighbouring Amenity:**

12. Policy CP3 of the Core Strategy aims to protect neighbouring amenity. The bin store area is currently located adjoining the Frog Hall's parking area with direct access from the private carriageway, at approximately 11 metres (linear) from the front elevation of the nearest neighbouring property no. 40 Frog Hall Drive across the carriageway, and with its access oblique to the main access to this neighbouring site.
13. Given the single storey and open nature of the bin store area, it is not considered it results in any adverse impacts upon the neighbouring properties – particularly no. 40 – by way of loss of light, overbearing or overshadowing, and is not significantly different to the existing relationship on site, where plot boundaries are characterised by high fencing/brickwall and overgrown hedges, including the boundaries of no. 40. Likewise, while the bin store is visible from the carriageway, due to its modest scale and nature of development (close board fencing and hardstanding) it does not represent a dominant feature in the outlook from neighbouring property no. 40 or appear oppressive, thus there is no significant adversely effect upon the living conditions of the occupiers of this property in this respect.
14. Moreover, the new bin store effectively provides ease of maintenance with a tap for regular cleaning and washing, and adequate ventilation being the area only partially enclosed on the boundaries. The site visit confirmed that the bin store is kept to the highest practical standard of hygiene with all waste contained in appropriate wheeled bins which all have close lids, and there was no evidence of vermin presence within the bin store at the time of the site visit. Whilst it is acknowledged the storage of refuse is likely to generate some odour, it is noted that the closest windows are those on the first floor of property no. 40, which are at a distance of approximately 11 metres from the storage area – which is considered to be an appropriate separation distance for waste within a residential area. As such, a reason to refuse this application on this sole ground would not be substantiated.
15. In addition, any potential noise nuisance is only temporary during waste disposal from residents and on collection day by the Local Authority, which would be the case wherever the bin store was located within the site so that there is no significant adverse impact upon the living conditions of adjoining occupiers.

**Amenity Space for Current/Future Occupiers:**

16. The new bin store facility occupies part of the existing private residential garden of Frog Hall flats. However, the site visit confirmed that given the modest dimensions of the structure, the remaining amenity space is still of an adequate size, capable of accommodating typical garden activities, in accordance with the Borough Design Guide. Therefore, no objections are raised in this aspect.

**Access and Movement:**

17. Policy CP6 of the Core Strategy seeks to manage travel demand with sustainable travel modes, appropriate vehicle parking and minimisation of traffic impacts. The bin store area is located adjacent to the parking area to the frontage of the building, without compromising its access nor the number of available parking spaces for residents of the flats or visitors. No objections are therefore raised in this respect.

18. It is noted that objections have been received relating to the location of the bin store restricting visibility for both pedestrians and vehicles around the corner of the right of way to properties nos. 40-46 Frog Hall Drive. This right of way is a single carriageway which provides access solely to these properties. A historical photo taken from Google Street View (2009) confirms that there used to be a large mature tree and substantial hedgerow right up to the edge of the carriageway. The site visit confirmed that the fencing and posts are all within the site boundary line, without obstructing the right of way nor reducing the width of the carriageway. As such, it is considered that the location of development does not represent a significant difference to the previous situation, and thus the new bin store does not result in any harmful impact in terms of highway and safety grounds, nor does it impede the right of way for residents of the properties using this access. The WBC Highways Officer has raised no objections to the development.



Photo taken from Google Map, dated April 2009



Photo from Officer's Site Visit on 13 April 2021

19. It is noted the objection received relating to the new bin store area physically restricting access of service, delivery and emergency vehicles to properties located within the right of way (i.e. nos. 40-46 Frog Hall Drive). It is also noted the listing request from Councillor Gee on the ground that on 17/03/21, the fire brigade tested access with a fire engine and were not able to pass the corner. It should be noted that this point raised by Councillor Gee is based on the comments made by local

neighbours of properties nos. 40-46 Frog Hall Drive, and has not been verified by the Royal Berkshire Fire & Rescue Services.

20. The Royal Berkshire Fire & Rescue Services have been consulted as part of this application, and whilst no response have been received to date, the below image taken by a local resident on 17/03/21 demonstrates that there is adequate space within the carriageway for a fire engine to access without being close to the new bin store area, and in any event, as previously mentioned the current bin store is set without encroaching on the highway and does not represent a material difference to the previous situation where trees and hedges were right up to the edge of the carriageway. As such, in this instance it can be said that the development does not result in any harmful impact on highway safety or the operation of emergency and rescue vehicles. The WBC Highways Officer has raised no objections on this aspect.



Photo of Fire Engine Vehicle



Photo of Delivery Van

### Trees and Landscape:

21. 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.

22. The Council's inventory registers the presence of protected trees within the immediately adjacent land to the north and west of the application site (TPO-0004-1960), however these are at a sufficient distance (25 metres linear) from the new bin storage area. Given the modest scale of development, it is not considered that the erection of hardstanding and fencing has resulted in any damage upon the root protection area of these trees.

23. It is noted the objection received which relates to the relocation of the bin storage area resulting in the loss of trees and hedges. Historical photo from Google maps shows the presence of a large tree and hedge where the bin is currently located.

However, the Council's inventory does not record that this tree was protected, and it is not clear whether their removal is directly linked to the development subject of this application. The existing laurel hedge and other soft landscaping along the fencing provides for suitable screening, it softens the hard boundary fence and thus integrates more sympathetically within the verdant character of this front amenity area. As such, it is considered that the development does not have a significantly adverse impact upon trees and landscape to the extent of substantiating a reason to refuse the application on this ground.

**Ecology:**

24. There are no ecological issues associated with the proposal.

**Thames Basin Heaths Special Protection Area:**

25. 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. The subject property is located within 5km of the TBH SPA but the scope of the works is minor whereby there is no foreseeable impact upon the SPA.

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

In determining this application, the Council is required to have due regard to its obligations under the Equality Act 2010. The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. The new bin store area does not have a step or platform, and is fully accessible by wheelchair users. 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**

26. The retrospective proposal makes adequate provision for the storage and collection of domestic waste and recyclable materials, having regard to neighbouring amenity and the character and appearance of the surrounding area. The proposal does not represent a material difference to the existing situation in terms of highway access and safety. It is considered that the development accords with national and local planning policies, and it is therefore recommended for approval.

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