

Agenda Item 92.

Application Number	Expiry Date	Parish	Ward
214184	30 April 2022	Wokingham Town	Wescott

Applicant	Mr Bryan Naftalin
Site Address	43-47 Peach Street, Wokingham RG40 1XG
Proposal	Full application for the proposed creation of 24No residential units consisting of 10 x 1 bedroom, 10 x 2 bedroom and 4 x 3-bedroom units with ground floor foyer, communal roof terrace, addition of balconies and dormers, changes to fenestration and provision of parking and bin storage following demolition of existing roof structures and link between No 47 and the main building
Type	Full
Officer	Simon Taylor
Reason for determination by committee	Major application (>10 dwellings)

FOR CONSIDERATION BY	Planning Committee on Wednesday 13 April 2022
REPORT PREPARED BY	Assistant Director – Place

<p>SUMMARY</p> <p>The application relates to three buildings within Wokingham Town Centre – the corner building at 47 Peach Street at the intersection of Easthampstead Road, the Grade II listed Old Forge at 45 Peach Street and the existing three storey mixed use (retail and offices) at 43 Peach Street. The proposal seeks to convert the existing offices on the first and second floors, currently occupied by the NHS, into 24 flats. Parking and access will be from the rear, balconies will be added to some units and a roof terrace is proposed.</p> <p>There is a valid fallback of a Class O prior approval for 27 flats (ref 211977), granted 13 July 2021. A previous similar proposal for 24 units (ref: 203527) was refused on 14 May 2021 due to a failure to secure the provision of affordable housing and the associated viability of the scheme.</p> <p>The viability of the subject application has been reviewed in the current economic climate and is subject to a commuted sum, as now agreed with the applicant. This represents a partial policy compliant scheme. There is one letter of objection from the ward member, an internal objection from the Rights of Way Officer and an external objection from Thames Valley Police (crime prevention) although the issues raised are not sufficient to warrant refusal of the scheme or adequately addressed by condition. There are no neighbour objections.</p> <p>The proposal involves a satisfactory outcome on traffic and parking grounds because of its town centre location, there is negligible change to the built form and it retains a satisfactory presentation to the town centre, conservation area and street scene. In the context of a dense town centre location, there is also adequate resident and neighbour amenity. Whilst there is a loss of office floorspace in the town centre, it is outweighed by the provision of residential dwellings. On balance, the proposal represents a satisfactory planning outcome, subject to pre-commencement and pre-occupation requirements in Conditions 3-14 relating to landscaping, biodiversity, car park management, design and energy saving and a s106 agreement relating to highways matters, an Employment Skills Plan, SANG and SAMM mitigation and the affordable housing commuted sum.</p>
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PLANNING CONSTRAINTS/STATUS

- Major Development Location
- District Centre
- Primary Shopping Area
- Primary Shopping Frontage (Peach Street)
- Grade II Listed Buildings (45 Peach Street, 3-5 Easthampstead Road, and the southern section of the Victoria Arms Public House)
- Wokingham Conservation Area
- Archaeological Site
- Green Route (Easthampstead Road)
- Potentially contaminated land consultation zone
- Air quality management area
- Nitrate vulnerable zone (surface water)
- Flood zone 1
- At risk of surface flooding
- Thames Basin Heath Special Protection Area (5km zone)
- AWE Burghfield nuclear consultation zone (special case zone)
- South East Water consultation zone
- Heathrow Aerodrome turbine safeguarding zone
- Sand and gravel extraction consultation zone
- Classified road (Peach Street)
- Non-classified road (Easthampstead Road)

RECOMMENDATION

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

A. Prior completion of a legal agreement to secure:

- 1) An Employment Skills Plan,**
- 2) Contributions for MyJourney**
- 3) Implementation of a car share scheme**
- 4) Mitigation for the Thames Basin Heaths Special Protection Area**
- 5) Commuted sum in lieu of onsite affordable housing.**

If the agreement is not submitted and agreed within 3 months of the date of this resolution, planning permission will be refused unless the Operational Manager for Development Management in consultation with the Chairman of the Planning Committee agree to a later date.

B. The following conditions and informatives:

Conditions

1) Timescale

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

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

2) Approved details

This permission is in respect of the plan PL 202, received by the local planning authority on 29 December 2021; plans PL 200A, PL 201A, and PL 203A, received by the local planning authority on 01 April 2022; and plans PL 205A, PL 206A, and PL 207A received by the local planning authority on 04 April 2022. The development shall be carried out in accordance with the approved details unless other minor variations are agreed in writing after the date of this permission and before implementation with the Local Planning Authority.

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

3) Landscaping

Prior to the commencement of the development, details of hard and soft landscape proposals shall be submitted to and approved in writing by the local planning authority. These details shall include, as appropriate, means of enclosure, car parking layouts, other vehicle and pedestrian access and circulation areas, hard surfacing materials and minor artefacts and structure, signs, lighting and external services, etc.

Soft landscaping details shall include a planting plan, specification (including cultivation and other operations associated with plant and grass establishment), schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate, and implementation timetable. It shall include planting within the car park (consisting of planting to a height of 600mm) and a detailed landscape scheme for the roof terrace.

All hard and soft landscape works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a timetable approved in writing by the local planning authority. Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced in the next planting season with others of species, size and number as originally approved and permanently retained.

Reason: In the interests of visual amenity. Relevant policy: Core Strategy policy CP3 and Managing Development Delivery Local Plan policies CC03 and TB21.

4) External materials

Prior to the commencement of the development, details of the materials to be used in the construction of the extensions to the dwelling, including roof terrace surfacing and privacy screening, dormer additions and balcony additions and screening, shall be submitted to and approved in writing by the local planning authority. Development shall not be carried out other than in accordance with the so-approved details.

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

5) Drainage

Prior to the commencement of the development, details of existing and proposed drainage shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the first occupation of the development and shall be maintained for the life of the development.

Reason: To ensure the development is provided with a satisfactory means of drainage and thereby preventing the risk of flooding. Relevant policy: NPPF Section 14, Core Strategy policy CP1 and Managing Development Delivery Local Plan policies CC09 and CC10.

6) Construction management

Prior to the commencement of the development, a Construction Method Statement and Management Plan shall be submitted to and approved in writing by the local planning authority. The Statement and Plan shall provide for:

- a) the parking of vehicles of site operatives and visitors on site,
- b) loading and unloading of plant and materials,
- c) lorry routing
- d) working and delivery hours
- e) storage of plant and materials used in constructing the development,
- f) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate,
- g) wheel washing facilities,
- h) measures to control the emission of dust and dirt during construction
- i) site manager contact details
- j) a scheme for recycling/disposing of waste resulting from demolition and construction works

The approved Statement and Plan shall be adhered to throughout the construction period.

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

7) Car Parking Management Plan

Prior to the commencement of the development, a Car Park Management Plan shall be submitted and approved in writing by the local planning authority. The details shall include (but not limited to) clarification of all spaces as unallocated, methods of ensuring that the spaces remain unallocated for the life of the development, provision of EV charging facilities, a strategy to provide disabled spaces within the site and when required, details of the car share scheme and access gate details. The management plan shall be implemented before the flats are brought into use and retained in perpetuity.

Reason: To ensure adequate on-site parking provision in the interests of highway and pedestrian safety, convenience and amenity.

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

8) Cycle parking

Prior to the commencement of the development, full and final details of secure and covered bicycle storage facilities for the occupants and visitors shall be submitted to and approved in writing by the local planning authority. The cycle storage and parking shall be implemented in accordance with the approved details before occupation of the development hereby permitted and shall be permanently retained in the approved form for the parking of bicycles and used for no other purpose.

Reason: To ensure that secure weather-proof bicycle parking facilities are provided so as to encourage the use of sustainable modes of travel. Relevant policy: NPPF Section 9 and Core Strategy policies CP1, CP3 & CP6 and Managing Development Delivery Local Plan policy CC07.

9) Electric vehicle charging

Prior to the commencement of the development, an Electric Vehicle Charging Strategy serving the development shall be submitted for approval in writing by the Local Planning Authority. This strategy should include details relating to on-site infrastructure, installation of charging points and future proofing of the site. The approved details are to be implemented prior to the first occupation of the building and maintained for the life of the development, unless otherwise agreed with the local planning authority.

Reason: In order to ensure that secure electric vehicle charging facilities are provided so as to encourage the use of sustainable modes of travel. Relevant policy Core Strategy policies CP1, CP3 & CP6.

10) Energy Statement

Prior to the commencement of development, an Energy Statement indicating that an absolute minimum of the 10% of the predicted energy requirement of the development will be obtained from decentralised renewable and/or low carbon sources (as defined in the glossary of Planning Policy Statement: Planning and Climate Change (December 2007) or any subsequent version) shall be submitted to and approved in writing by the local planning authority. The Statement shall also investigate the viability of providing electric vehicle charging points at construction. The approved scheme shall be implemented before the development is first occupied and shall remain operational for the lifetime of the development.

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

11) Building security

Prior to the commencement of the development, details of building security and crime prevention design shall be submitted to and approved by the local planning authority. Details shall include recessed gated access between The Old Forge and 47 Peach Street, access, intercom and mailbox details at the ground floor lobby, car park surveillance (including the bin and bike store), door and lock designs for the bike and bin stores and measures to ensure security in and around the rear fire staircase. The measures are to be implemented prior to the first occupation of the building and maintained in accordance with the approved details.

Reason: To ensure a design that minimises the potential for anti-social behaviour and theft. Relevant policy: National Planning Policy Framework Paragraphs 92 and 130 and Core Strategy policies CP1 & CP3.

12) Fire measures

Prior to the commencement of the development, a revised Fire Safety report shall be submitted to and approved by the local planning authority. Details shall include (but not limited to) building regulations measures including dry risers on Peach Street, fire resisting doors to corridors and installation of smoke ventilation (including within windows at the rear of the building). The measures are to be implemented prior to the first occupation of the building and maintained in accordance with the approved details.

*Reason: To ensure that the building adequately considers fire safety in its final approved design and layout.
Relevant policy: Core Strategy Policies CP1 and CP3..*

13) Accessibility

Prior to the commencement of the development, details of disabled accessibility to M4(2) standard shall be submitted to and approved in writing by the local planning authority. These details shall include floor plans of units to illustrate that at least four of the units are able to function as adaptable and/or accessible dwellings for disabled persons, including bedroom circulation, hallway widths and bathroom circulation and measures to allow access to the roof terrace. The approved scheme shall be implemented prior to the occupation of the respective dwelling and shall thereafter be retained.

*Reason: To ensure the needs of the general population are met.
Relevant policy: NPPF Section 12 and Core Strategy policy CP2.*

14) Roof terrace

Prior to the commencement of the development, details relating to the roof terrace shall be submitted for approval in writing by the Local Planning Authority. The details shall include details of surfacing, any sound insulation and matters relating to use of the terrace, the latter forming part of a roof terrace operational plan. The approved details are to be implemented prior to the first occupation of the building and maintained for the life of the development with the use being in accordance with the operational plan, unless otherwise agreed with the local planning authority.

Reason: To ensure satisfactory noise attenuation measures are installed.

Relevant policy: NPPF Section 15, Core Strategy policies CP1 and CP3 and Managing Development Delivery Local Plan policy CC06.

15) Ecological mitigation

No development or other operations shall take place except in complete accordance with the measures in Sections 5 and 6 of the submitted ecological appraisal report prepared by Crestwood Environmental Ltd, ref: CE-PS-1794-RP01 - FINAL, dated 20 October 2020) unless otherwise agreed in writing by the council.

Reason: To ensure that protected and priority species are not adversely affected by the proposals. Relevant policies: Paragraphs 170 and 175 of the NPPF, Policy CP7 of the Core Strategy and Policy TB23 of the Managing Development Delivery Local Plan.

16) Parking and turning

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

Reason: To provide adequate off-street vehicle parking and turning space and to allow vehicles to enter and leave the site in a forward gear in the interests of road safety and convenience and providing a functional, accessible and safe development and in the interests of amenity. Relevant policy: Core Strategy policies CP3 & CP6 and Managing Development Delivery Local Plan policy CC07.

17) Bin store

No unit shall be occupied until the bin storage areas for each respective building have been provided in full accordance with the approved details. The bin storage shall be permanently so retained and used for no purpose other than the temporary storage of refuse and recyclable materials.

Reason: In the interests of visual and neighbouring amenities and functional development. Relevant policy: Core Strategy CP3 and Managing Development Delivery Local Plan policy CC04.

18) Demolition of link

No unit shall be occupied until the existing structure(s) shown to be demolished on the approved plans have been demolished and removed from the site.

*Reason: In the interests of the amenity of the area.
Relevant policy: Core Strategy policies CP1 and CP3 and Managing Development Delivery Local Plan policies TB21.*

19) Hours of work and deliveries

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

No deliveries relating to the development hereby permitted shall be taken in or dispatched from the site other than between the hours of 8am and 6pm Monday to Friday and 8am and 1pm Saturdays and at no time on Sundays or Bank or National Holidays.

Reason: To protect the occupiers of neighbouring properties from noise and disturbance outside the permitted hours during the construction period. Relevant policy: Core Strategy policies CP1 and CP3 and Managing Development Delivery Local Plan policy CC06.

20) Obscure glazing

The bathroom windows to Flats 3 and 15 hereby permitted shall be fitted with obscured glass and shall be permanently so-retained. The window shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the finished floor level of the room in which the window is installed and shall be permanently so-retained.

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

21) Amplified music

No sound amplifying equipment shall be installed within the roof terrace.

Reason: To safeguard the residential amenities of nearby residents and the area generally from noise and disturbance. Relevant policy: NPPF Section 15, Core Strategy policies CP1 and CP3 and Managing Development Delivery Local Plan policy CC06.

Informatives

1) Section 106 agreement

This permission should be read in conjunction with the legal agreement under section 106 of the Town and Country Planning Act dated TBC, the obligations in which relate to this development.

2) Listed building consent

This permission does not convey or imply any approval or consent in respect of Listed Building Consent that are required for internal alterations to The Old Forge.

3) Pre commencement conditions

The applicant is reminded that this approval is granted subject to conditions which must be complied with prior to the development starting on site. Commencement of the development without complying with the pre-commencement requirements may

be outside the terms of this permission and liable to enforcement action. The information required should be formally submitted to the Council for consideration with the relevant fee. Once the details have been approved in writing the development should be carried out only in accordance with those details. If this is not clear please contact the case officer to discuss.

4) Changes to the approved plans

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

5) Protected species

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

6) Mud on the road

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

7) Party Wall Act

Whilst it would appear from the application that the proposed development is to be entirely within the curtilage of the application site, the granting of planning permission does not authorise you to gain access or carry out any works on, over or under your neighbour's land or property without first obtaining their consent, and does not obviate the need for compliance with the requirements of the Party Wall etc. Act 1996.

8) Gas infrastructure

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. Prior to carrying out works, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

9) Discussion

The local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. This planning application has been the subject of positive and proactive discussions with the applicant in terms of addressing concerns relating to highway safety.

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

PLANNING HISTORY		
App No.	Description	Decision/Date
43 Peach Street		
08303	Redevelopment of shops at ground and offices at first floor and roof	Refused 8 June 1978
10820		Approved 2 August 1979
12413	New offices, shops, and flats	Approved 14 February 1980
12416	Carparking	Approved 14 February 1980
16018	CoU of 43A and 43B to building society	Refused 30 July 1981
BR 13681	Three storey building with offices and shops	Approved 19 October 1981
BR 19286	Internal shop fitout	Approved 7 September 1982
18157	New shopfront to 43B	Approved 23 September 1982
18164	Illuminated fascia sign to 43B	
18440/18441	New fascia and illuminated sign	Approved 18 November 1982
18744	First floor link between 43 and 47	Approved 13 January 1983
19032	New shopfront to 43C	Approved 31 March 1983
21336	Shopfront and fascia	Approved 5 September 1983
23144	Illuminated sign to 43C	Refused 4 April 1985
25624	CoU of 43A from retail to employment agency	Approved 22 May 1986
43083	Illuminated sign to 43C	Refused 25 January 1995
F/1999/70413	Removal of partitions	Approved 25 October 1999
F/2001/3821	Additional condensers in plant room	Approved 13 July 2001
A/2001/3938	Six non-illuminated signs	Approved 13 July 2001
A/2001/4960	Part illuminated signs	Approved 20 November 2001
CLP/2005/3782	CoU of 43C to beauty salon treatment rooms	Refused 23 February 2005
CLP/2006/7998	Opening to create one unit	Approved 7 September 2006
LB/2008/1530	New side door and internal works	Approved 30 September 2008
F/2013/1255	CoU of 43B from A1 to A2 real estate agent	Approved 30 October 2013
A/2013/1126	Five illuminated signs to 43C	Approved 17 October 2013
152919	CoU of 43C from A1 retail to A2 financial services (retrospective)	Approved 16 December 2016
191314	CoU from offices to 28 residential apartments (prior approval)	Refused 9 July 2019
45 Peach Street		
10991	Link roof to adjacent building	Approved 2 August 1979
12388	Alterations to listed building	Approved 13 February 1980
12415 and 12416	Redevelopment	Approved 14 February 1980
18744	First floor pedestrian link	Approved 13 January 1983
22731	Stand by generator	Approved 29 November 1984
BRA 5518	Internal alterations	Approved 11 July 1984
39352	Antenna	Approved 18 June 1982
39290	Commercial antenna	Approved 21 May 1982
LA/1999/70413	Removal of partition	Approved 25 October 1999

LB/2008/1530	New side door and internal works	Approved 30 September 2008
LB/2008/1848	Side wheelchair entrance and glazed protection screen	Decline to Determine 22 August 2008
45-47 Peach Street		
12415 and 12416	Redevelopment	Approved 14 February 1980
13577	Two illuminated signs	Refused 3 July 1980
18744	First floor link between 43 and 47	Approved 13 January 1983
22731	Stand by generator	Approved 29 November 1984
37316	CoU of 47B from Class A1 to A2	Approved 13 March 1991
39352	Addition of antenna	Approved 18 June 1992
39290	Addition of antenna	Approved 26 May 1992
F/1996/63729	Single storey extension	Approved 11 July 1996
CA/1996/63730		
A/1996/64548	Two wall mounted signs	Approved 11 December 1996
A/1996/64551	Two non-illuminated signs	Approved 11 December 1996
CA/1996/64768		
F/1996/64838	Single storey extension	Approved 12 February 1997
CA/1996/64768		Approved 21 January 1997
LB/2001/3554	Internal refurbishments and plaque	Approved 4 May 2001
F/2001/3821	Additional condensers in plant room	Approved 13 July 2001
A/2001/3938	Six non-illuminated signs	Approved 13 July 2001
F/2008/2113	CoU of 47A from C1 to A2 real estate agent	Approved 12 November 2008
191314	CoU from offices to 28 residential apartments (prior approval)	Refused 9 July 2019
192830		Approved 11 December 2019
203527	CoU from offices to 24 units (10 x 1 bedroom, 10 x 2 bedroom, and 4 x 3 bedroom) with ground floor foyer, balconies, dormers and parking	Refused 14 May 2021
211977	CoU from offices to 27 residential apartments (prior approval)	Approved 13 July 2021

SUMMARY INFORMATION		
	Existing	Proposed
Site area	1,885m ²	
Land use	NHS clinic (ground floor) Offices (1 st and 2 nd floors) Retail on ground floor outside red line area	Residential Retail on ground floor unchanged by proposal
Dwellings	Nil	24 dwellings
Density	Nil	127 dwellings/ha
Affordable units	Nil	Offsite commuted sum (part compliant)
Car parking	28-34 spaces	16 spaces
Employment	Not provided	Nil
Office floorspace	1914m ²	Nil

CONSULTATION RESPONSES	
WBC Highways	No objection, subject to conditions relating to construction management, car park management, cycle parking and EV charging

	in Conditions 6-9 and a contribution of £450 per unit for MyJourney and a car share scheme as to be secured via an s106 agreement.
WBC Conservation	No objection, subject to details of materials in Condition 4.
WBC Trees and Landscaping	No objection, subject to Condition 3 requiring landscaping details for external spaces.
WBC Affordable Housing	No objection, subject to eight onsite affordable homes at a 70:30 social rent/ shared ownership housing tenure split, secured via a s106 agreement. <u>Officer comment:</u> A viability review has been undertaken independently of this process and a commuted sum is agreed. See comments in paragraphs 32-35.
WBC Rights of Way	Objections are raised on the grounds that the balconies for Flats 6-8 will dominate, reduce light, and pose a security risk for the public right of way along South Place. <u>Officer comment:</u> Refer to comments in response in paragraphs 86-90.
WBC Employment Skills	No objection, subject to securing the Employment Skills Plan via a s106 agreement.
WBC Drainage	No objection subject to drainage details in Condition 5.
WBC Growth and Delivery	No objection.
WBC Environmental Health	
WBC Waste	
WBC Ecology	No comments received.
WBC Education	
WBC Green Infrastructure	
WBC Sports Development	
WBC Property Services	
South East Water	
NHS Wokingham	
Thames Water	No objection.
Berkshire Fire Service	The following observations are noted: <ul style="list-style-type: none"> • A visible dry riser is required within 18m of where a fire engine will park on Peach Street • The corridor will require fire resisting doors • The staircases and corridors will require smoke ventilation • A suitable system of ventilation (windows or smoke shaft) will need to be created at the rear of the corridor • The window at the end of the corridor requires revision <p>These matters would ordinarily be left for building regulations approval but given the complexities within the existing building and</p>

	the need for several design changes, this detail is required as a pre commencement requirement in Condition 12.
Natural England	No objection, subject to appropriate mitigation being secured. <u>Officer comment:</u> Mitigation is noted in the attached Appropriate Assessment and as secured in the s106 legal agreement. See comments in paragraphs 94 and 95.
Thames Valley Police (Crime Prevention)	Concerns are raised in relation to access, anti-social design and security in and around the cycle and bin store. <u>Officer comment:</u> All the above measures would form part of a pre commencement requirement in paragraphs 91 and 92 and Condition 11
Cadent Gas	No objection subject to Informative 8.
SSEN	No objection.
SGN	

REPRESENTATIONS

Wokingham Town Council	<p>Concerns are raised on the following grounds:</p> <ul style="list-style-type: none"> • No lift provided • The bins are excessively large <p><u>Officer comment:</u> There is an existing accessible passenger lift serving all floors of the building. The bin store is within an existing store room and is sufficiently sized for its purpose, including the existing ground floor retail units. Any surplus space would allow for better movement of bins.</p>
Ward Members	<p>Councillor Maria Gee has requested a site inspection, making the following observations:</p> <ul style="list-style-type: none"> • Lack of emergency access (as noted in the fire safety report) • Barrier access to the rear carpark impedes safe evacuation • Not all units would be within 45m of the nearest access point for a fire engine • Wheelchair users have not been considered in evacuation situations <p><u>Officer comment:</u> Berkshire Fire and Rescue have reviewed the proposal and do not raise objection on the above matters although further details on other aspects are required in Condition 12. It is noted that fire engine access can be from Peach Street or from the rear. Evacuation measures to the rear appear to be in accordance with building regulations although this does not form part of the planning consideration.</p> <ul style="list-style-type: none"> • Lack of accessibility (lift and foyer is too small and roof terrace is inaccessible) • Only one of the five accessible flats has outdoor amenity space <p><u>Officer comment:</u> The lift dimensions, door width and foyer space is compliant with M4(2) standards in the building regulations. There are some reservations with the provision of accessible units as specified on the plans and whether bathroom and bedroom widths would meet the requirements of M4(2). However, it does appear that a satisfactory</p>

outcome can be achieved and this is to be explored further in Condition 13.

- Crowded development

Officer comment: The units meet the minimum space standards and the density is appropriate for the town centre location, as noted in paragraphs 43 and 18 respectively. There is no perception that the development is crowded.

- Lack of affordable housing

Officer comment: The application was supported by a viability assessment. This has been reviewed by the Council's external consultant and there are points of differentiation. The Council's review of the viability assessment was provided to the applicant and a commuted sum of £74,990 which is partial policy compliant has been agreed. Refer to paragraphs 32-35.

- Pressure upon schools and doctors

Officer comment: The application is not liable for CIL payments because it involves the reuse of an existing building. School planning would be absorbed within other infrastructure funding.

- Impact upon the streetscene and the listed building due to balconies and dormers

Officer comment: The Council's Heritage Officer has reviewed the proposal and raises no objection, as noted in paragraphs 25-28.

- Noise assessment suggests that the Shanghai takeaway plant is only operational during the day which does not seem valid when it serves evening meals

Officer comment: The reference to daytime is for the purposes of measuring noise impacts. Daytime is for the hours of 7am-11pm which accounts for the hours of use of the restaurant. The night time hours are 11am-7am.

- Loss of office floorspace

Officer comment: The loss of office floorspace is weighed against the provision of additional residential accommodation and found to be acceptable, as noted in paragraphs 7-17.

- Increased traffic (despite suggestions in the traffic study)

Officer comment: The level of parking, whilst deficient, is acceptable for the town centre location. There is also a clear reduction in traffic generation. This assessment is based on TRICS data. See paragraph 83.

	<ul style="list-style-type: none"> Landscaping and biodiversity enhancements should be pre commencement conditions <p><u>Officer comment:</u> Condition 3 requires landscaping details as a pre commencement requirement. Biodiversity enhancements are outlined in the ecology report and are satisfactory, and implementation is required in Condition 15.</p>
Neighbour Comments	No comments received.

APPLICANTS POINTS
The development adds a 24 flat residential block to the Wokingham housing stock, at the same time offering rational flat sizes and retains the local character. The development works to comply with the spirit and content of the Local Plan.

PLANNING POLICY		
National Planning Policy Framework 2021	Chapter 5	Delivering a Sufficient Supply of Homes
	Chapter 6	Ensuring the Vitality of Town Centres
	Chapter 8	Promoting Healthy and Safe Communities
	Chapter 9	Promoting Sustainable Transport
	Chapter 10	Making Effective Use of Land
	Chapter 12	Achieving Well-Designed Places
	Chapter 14	Meeting the Challenge of Climate Change, Flooding and Coastal Change
	Chapter 15	Conserving and Enhancing The Natural Environment
Core Strategy 2010	Chapter 16	Conserving and Enhancing The Historic Environment
	CP1	Sustainable Development
	CP2	Inclusive Communities
	CP3	General Principles for Development
	CP5	Housing Mix, Density and Affordability
	CP6	Managing Travel Demand
	CP7	Biodiversity
	CP8	Thames Basin Heaths Special Protection Area
	CP9	Scale and Location of Development Proposals
	CP13	Town Centres and Shopping
	CP14	Growth and Renaissance of Wokingham Town Centre
Managing Development Delivery Local Plan 2014	CP15	Employment Development
	CP17	Housing Delivery
	CC01	Presumption in Favour of Sustainable Development
	CC03	Green Infrastructure, Trees and Landscaping
	CC04	Sustainable Design and Construction
	CC05	Renewable Energy and Decentralised Energy Networks
	CC06	Noise
	CC07	Parking
	CC09	Development and Flood Risk
	CC10	Sustainable Drainage
	TB05	Housing Mix
TB07	Internal Space Standards	
TB11	Core Employment Areas	

	TB12	Employment Skills Plan
	TB15	Major Town, and Small Town/District Centre Development
	TB16	Development for Town Centre Uses
	TB21	Landscape Character
	TB23	Biodiversity and Development
	TB24	Designated Heritage Assets
	TB25	Archaeology
Borough Design Guide SPD	Section 4	Residential
	Section 6	Parking
Affordable Housing SPD	Chapter 5	Requirement for affordable housing on residential developments
	Chapter 6	Design, Distribution and Phasing of Affordable Housing
	Chapter 7	Types and Sizes of Affordable Homes
	Chapter 8	Tenure Mix for Affordable Housing
Sustainable Design and Construction SPD	Whole document	
Technical Housing Standards 2015	Whole document	

PLANNING ISSUES

Proposal

1. The proposal involves the conversion and change of use of and extension to the existing office and clinic floor space at 43, 45 and 47 Peach Street to accommodate 24 residential units (ten x 1-bed, ten x 2-bed and four x 3-bed). More specifically, it comprises the following:
 - Change of use of the ground floor of 45 Peach Street from Class D1 clinic to a residential foyer
 - Change of use of the first floor of 47 Peach Street from Class B1 offices to comprise two x 2-bed residential units
 - Change of use of the first and second floors of 43 Peach Street from Class B1 offices to create a total of 22 units (ten x 1-bed, eight x 2-bed and four x 3-bed (ten with balconies)
 - Demolition of existing roof overrun and creation of new staircase access to a proposed roof terrace
 - Provision of 14 car parking spaces (including two accessible spaces and four EV charging points), two separate cycle parking stores and a bin store within the existing car park at the rear
 - Two new dormers to the Peach Street elevation and five new dormers to the south western side elevation
 - Internal works to suit

2. The application follows prior approval 211977, granted 13 July 2021 for the change of use of first and second floors from Class B1(a) offices to residential accommodation, comprising a total of 27 units, including five x studio units, 17 x 1

bed units and five x 2-bed units with parking for 25 vehicles within existing ground floor undercover parking.

3. It also follows on as a resubmission to the change of use of the building for 24 units but without the roof terrace in application 203527. It was refused on 14 May 2021 for the following reasons:

1. *Lack of affordable housing*

The proposal does not make adequate provision for on-site 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.

2. *Lack of mitigation for the Thames Basin Heaths SPA*

In the absence of a legal agreement, the proposal does not make adequate mitigation 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).

3. *Lack of Employment Skills Plan*

In the absence of a legal agreement, the proposal does not provide adequate opportunities for training, apprenticeship or other vocational initiatives to develop local employability skills in accordance with Policy TB12 of the Managing Development Delivery Local Plan 2014.

4. *Poor amenity for future occupiers*

The proposal will result in substandard amenity for future occupiers of the development in terms of the usability, functionality, and liveability of the units because of the cumulative impacts of various deficiencies including inadequate unit sizes, bedroom widths, common living space and outdoor amenity space as well as aspect and orientation and unreasonable levels of overlooking and noise disturbance between balconies.

This is contrary to Paragraphs 127, 130, 150 and 153 of the National Planning Policy Framework 2019, the National Space Standards 2015, Policies CP1 and CP3 of the Core Strategy 2010, Policies CC06 and TB07 of the Managing Development Delivery Local Plan 2014 and R15, R16, R17 and R18 of the Borough Design Guide Supplementary Planning Document 2014.

Site Description

4. The site comprises three distinct buildings – a two storey building with retail on the ground floor and offices on the first floor on the corner of Peach Street and Easthampstead Road at 47 Peach Street, a single storey, Grade II listed building known as the Old Forge at 45 Peach Street which is currently occupied by NHS offices and a part two/part three storey building with two retail units and car parking

on the ground floor and offices above at 43 Peach Street. A first-floor walkway behind and above The Old Forge links 43 and 47 Peach Street. Vehicle access to the site is obtained via barrier access at the rear of the site from Denton Road, leading to a part open/part undercover carpark at the rear.

5. The surrounding area comprises a mix of ground floor retail and first floor offices with a Grade II listed Victoria Arms PH to the east. Pedestrian access leads via a pedestrian pathway along the western side of 43 Peach Street to Denton Road to the rear.

Residential use

6. The provision of residential floorspace is supported by Policy CP14 of the Core Strategy and Sections 3.4.18 and 10.6.1 of the Wokingham Town Centre Masterplan SPD, which recognise that additional residential accommodation in the Wokingham Town Centre is desirable in terms of ensuring an 18-hour economy. However, this is to be balanced with the loss of conveniently located office and retail/clinic accommodation.

Loss of office and clinic floorspace

7. Policy CP13 of the Core Strategy requires the protection of retail centres, with paragraph 4.67 aiming to maintain the range of activities so that they are at the heart of sustainable communities. Proposals leading to the loss of town centre uses (including offices) will not be allowed unless it is substantiated that there is no deficiency in the catchment.
8. Policy CP14 of the Core Strategy sets out actions for the growth and renaissance of Wokingham Town Centre. This includes ensuring development cumulatively provides and maintains offices, housing, leisure and entertainment, and other specified uses.
9. Policy CP15 of the Core Strategy indicates that development should be of a scale and form that is compatible with the retail character of the centre and its role in the hierarchy of retail centres, that it contributes to the provision of day and evening/night-time uses and is compatible with other uses and enhances vitality and viability. There should not be any overall net loss of Class B floorspace.
10. Both floors of the building (1,850m²) are currently leased to the NHS until October 2023. A market report undertaken by Haslams Chartered Surveyors was submitted with the application. It concludes that the likelihood of finding new tenants once it becomes available is minimal based on the following observations:
 - Wokingham includes Grade A/B commercial properties in Millars Lane and Fishponds Road with at least 30% vacant stock in Fishponds Close due to the outdated specification and lower Grade B/C stock. There is office space available in the town centre, mostly above retail units
 - The Thames Valley office market over the last 5 years has been characterised by occupiers leasing modern stock. This has resulted in the gap between good quality and secondary accommodation widening
 - Wokingham Town Centre is not an attractive office location nor are offices above retail

- The 5-year average annual take up within Wokingham is currently 15,175m² or over 7.5 years of supply against the current supply of office space. Most of the town centre lettings in the last five years are less than 280m²
 - Whilst the level of take up remains reasonably constant, there remains many years of supply in the market and is likely to worsen given the impact of Covid
 - Wokingham Borough - whilst attracting occupiers to its major business parks - has failed constantly over many years to attract office occupiers to the town centre. This has resulted in rents reducing to unsustainable levels
 - Even where town centre lettings have been achieved, these have been for offices far smaller in size than the subject property.
11. The change of use to residential will result in a loss of Class D floorspace at the ground floor of the Old Forge and 1,850m² or 100% of the above ground office floorspace of the buildings at 43 and 47 Peach Street. The cumulative loss of floorspace requires consideration of whether (a) it will impact the range of activities in the town centre; and (b) it would impact upon the quantum and range of employment floorspace across the borough.
 12. In relation to the first question, the loss of office space would be contrary to policy, but it would be replaced by 24 residential units in an accessible location, and this is supported by Policy CP14 of the Core Strategy and the Wokingham Town Centre SPD, where there is an intent to support an 18-hour economy.
 13. Moving to the second question, the proposal would lead to the loss of 1,850m² of employment floorspace. This is a relatively modest reduction in the context of Policy CP15 which specifies that there should be no net loss of employment floorspace across the borough. The Central FEMA (Functional Economic Market Area) Economic Development Needs Assessment (EDNA) report (October 2016) identifies a recommended net office space requirement for 2013-2036 of at least 93,305m² based on the labour supply approach (although this study has not factored in the allocated Science Park south of the M4) and this suggests the need to retain existing floorspace, not only in town centres. The impacts of Covid upon this requirement are, at present, unclear though there are signs of recent rebounding.
 14. Nonetheless, the Assessment indicates that the rise in the level of floor space to meet forecast employment growth in the Borough over the Plan period is not being met through the intensification of use brought about through the redevelopment of existing employment areas and new allocations, as envisaged by paragraph 4.70 of the Core Strategy. The floorspace is also continually eroded by Class O office conversions, thereby undermining the intent of the policy.
 15. The site is outside any Core Employment Area, as defined in Policy CP15; however, it maintains an alternative location for employment land within the borough. While the principle of seeking to maintain a variety of employment floorspace provision is an important consideration, it is noted that the site is located close to the Core Employment Area of Molly Millars Industrial Estate. It is also offset by higher quality and more appropriately located retail and office developments at Peach Place and Elms Field, which are currently adding to the quality of floorspace in the town centre. There is some contradiction in the argument as to the space not being attractive for office use when it is in fact currently let for office use for a further 18 months (and there is no indication that this could not be renewed). However, there is a large

amount of employment floorspace a short distance away that is still relatively accessible to the town centre or within the town centre designation.

16. The arguments presented by the applicant are generally concurred with and the Council's Policy Officer raises no objection. On this basis and on balance, the loss of office floorspace is not objected to in principle.

Retail frontage

17. Policy TB15 of the MDD Local Plan states that Class A1 uses should be retained in the primary frontage. The site is within a primary retail frontage and primary shopping area and it plays a significant role within the town centre. The proposal to use the Old Forge as a residential entrance is not contrary to policy because it is not currently in (former) Class A use and so there is no loss of retail frontage. Moreover, access to the existing NHS clinic is via a side entrance and the main front door is not in use. There are also limitations imposed by the Grade II listing of the building limiting its presence in the street. The use of the space as a residential entrance and the reactivation of the street front elevation is therefore supported.

Density

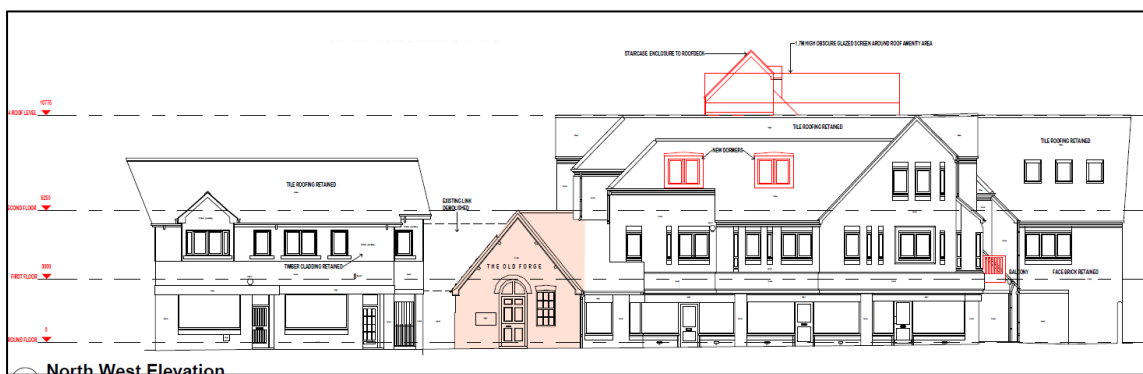
18. Policy CP5 of the Core Strategy and Policy TB05 of the MDD Local Plan require an appropriate dwelling density and R10 of the Borough Design Guide SPD seeks to ensure that the development achieves an appropriate density in relation to local character. A density of 138 dwellings per hectare is appropriate for the town centre location, with other examples of similar or greater density in the nearby vicinity. No objection is raised in this regard.

Character of the Area

19. The external changes to the building include various parking and bin structures at ground level at the rear, a total of ten balconies to the side and rear of the building, two street facing and five side facing dormers and provision of a new roof terrace with a 1.7m screen around its edge.
20. The works to the rear of the ground floor are within an existing car park area in a back of house location amongst other two and three buildings. They are relatively modest and involve a reduction in the amount of car parking, which would result in an improvement to the pedestrianisation of the area and to the rear entrance of the building. An intrusive first floor walkway link between 45 and 49 Peach Street is also to be removed, reducing clutter and bulk. On this basis, these physical works are considered acceptable.
21. The balconies have open balustrades, allowing for architectural interest and articulation to the building without unduly adding excessive bulk. The associated fenestration, including new balcony doors, are also considered reasonable.
22. The roof terrace will occupy most of the roof and will sit 250mm above the existing ridge height for structural reasons. It will not add any readily apparent bulk to the existing roof. A new staircase overrun will be positioned 4m behind the front ridge and extend 3.0m above the ridge of the roof. From footpath level, it would be mostly concealed by the front of the building but will likely be visible in other vantage points,

including from other properties. Notwithstanding, it does not appear foreign within the roof and is not dissimilar to a lift overrun. The 1.7m screen around the edge of the crown roof will sit upon the raised floor level of the roof terrace, extending 2m above the existing ridge. This is the most apparent element to the proposal but because it is a glazed screen and is between 2-8m from the edge of eaves, it will only really be apparent in much wider views and not from the immediate context. Even then, it is not overly dominating and is acceptable on that basis.

23. The dormer windows add 12m³ of building bulk to the side elevation and 4.8m³ to the street elevation, which is incidental in relation to the existing building. The dormers themselves match the design, appearance and proportions of the existing side dormers and are modest additions to the building such that no objection is raised. They fit well within the parameters of the roof plane and relate to the design of the existing building, in accordance with R23 of the Borough Design Guide SPD.



Proposed Peach Street elevation

24. Overall, the scheme is viewed as improving the character and appearance of the building in the streetscape and is supported.

Heritage and Conservation

25. The site lies at the eastern edge of the Wokingham Conservation Area. It also includes the Grade II the Old Forge building on Peach Street and is adjacent to the Grade II listed 3-5 Easthampstead Road and Victoria Arms Public House. 48, 50 and 52 Peach Street, broadly opposite the site on Peach Street, are also Grade II listed.
26. The historic mid-19th Century forge building forms part of the 1980s development of two separate block with the listed forge set in between with a first-floor level link to the two blocks forming part of a rear extension.
27. The Council's Conservation Officer has reviewed the proposal, which includes the removal of the first-floor link, two dormer windows to Peach Street and the alteration of the listed forge to form entrance foyer to the main residential block. No in-principle objection is raised as it is thought overall not to be unduly harmful to the appearance of the conservation area or have an adverse impact to the setting of the historic forge.
28. The Peach Street entrance to the listed forge will be unblocked and internal partition walls will be removed and with a new ramped entrance. Subject to listed building consent as noted in Informative 3 for these works (including any entry/security system and mailboxes), they are minor improvements to the building and are

supported. These would not form part of the full planning application and although the Council's Conservation Officer raises concern with leaving these details to conditions, they do not prevent the reasonableness of the subject application. Condition 4 also requires details of materials and finishes.

Archaeology

29. Policy TB25 of the MDD Local Plan requires the retention of archaeological sites in situ. The site is with an Area of High Archaeological Potential due to its proximity to the medieval historic core of the town. Easthampstead Road was one of the medieval routes heading south from the town, but no medieval remains have so far been found within the site or immediately adjacent. However, given there are no proposed ground intrusions beyond the new bin and cycle store, there is no likely disturbance of potential archaeological finds.

Dwelling Mix

30. Policy CP5 of the CS and Policy TB05 of the MDD require an appropriate dwelling type and tenure for affordable housing schemes. There is also reference to dwelling mix in the Wokingham Town Centre Masterplan SPD and the Berkshire (including South Bucks) Strategic Housing Market Assessment, with the following summary:

No of beds	1 bed	2 bed	3 bed	4+ bed	Total
Town Centre SPD		47%	32%	21%	100%
SHMA	7.2%	27.1%	43.5%	22.2%	100%
Average of desired mix	15%	25%	37%	22%	100%
Proposed mix	42% (10)	42% (10)	17% (4)	0%	100%

31. There is a clear departure from the above requirements with a high concentration of 1 and 2 bed units. However, the intent of Council's policies is to provide a mix of accommodation to cater for the varied needs of the community and to ensure that it is provided where it is needed. On this aspect, the proposed mix is supported because of the affordable housing contribution and the town centre location (with reduced parking provision and ready access to facilities and services within the 18-hour economy).

Housing Affordability

32. Policy CP5 of the Core Strategy, Policy TB05 of the MDD Local Plan and the Affordable Housing SPD specify an affordable housing rate of 30% for any development involving five dwellings or more on land with a total area of 0.16 hectares or more. In this case, this equates to 7.2 units, rounded to eight units.
33. The Council's Affordable Housing Officer seeks eight onsite affordable units in the form of two First Homes and six units for social rent. The applicant instead submitted a viability assessment. It initially referred to a 17.06% developer return, which is lower than the accepted benchmark (in this case) of 17.5%. The conclusion was that the scheme could not be delivered with the provision of any affordable housing. This was reviewed by the Council's consultants where it was concluded that the scheme remained viable with a developer surplus in excess of 17.5% of £74,990.

34. The cited differences related to construction costs, SANG/SAMM, interest rates and alternative use value (in this case, the prior approval). The applicant has conceded these aspects and the commuted sum forms part of the s106 agreement.
35. The previously refused scheme argued that the development was unviable with delivery of all eight affordable units and as there remained disagreement between the Council and the applicant, the application was refused. There is a clear difference between the viability of the two schemes and in the subject scheme, it means that there will be no on-site provision of affordable housing. On this aspect, the Council's consultant has advised that the office market is now much stronger than it was when the previous application was assessed in the midst of the pandemic. Further, the investment yield is sharper than it was previously and the prior approval scheme is now a valid fallback that did not exist previously and so the existing use value was not used.

Accessibility (incorporating The Public Sector Equality Duty (Equality Act 2010))

36. 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.
37. Policy CP2 of the Core Strategy also seeks to ensure that new development contributes to the provision of sustainable and inclusive communities, including for aged persons, children and the disabled. 10–20% of all dwellings should be to Lifetime Homes standards in accordance with Policy CP5 of the Core Strategy and Policy TB05 of the MDD Local Plan. In this case, it equates to 2-5 units.
38. The existing passenger lift, foyer and hallway circulation is acceptable and two accessible car spaces are shown in the car park which accords with the minimum parking standards (see paragraph 78) requirements. This allows for level access within the development, with the exception of the roof terrace. However, Condition 13 seeks further details in relation to allowing alternative access to the roof terrace.
39. The submitted plans show four accessible units, which is 17% of the development and this within the scope of Policy CP2. However, there are some issues with circulation space within the bathrooms and around the bedrooms of some of the units and there is a preference for all of the accessible units to be afforded balconies given that access to the roof terrace is restricted without any lift access. As such, further clarification of which units would be to M4(2) standard is required in Condition 13.
40. The two disabled spaces represent 13% of the total parking spaces, which generally corresponds with the proportion of accessible units when accounting for some of the units will be car free. They are at the very rear of the car park and the Highways Officer raises objection on these grounds. The distance to the rear entrance is 38m and given site constraints, this appears to be the one of the more feasible locations without additional impediment to likely users though the requirement for further details in the Parking Management Plan (Condition 7) will allow for a review of the final design. A pedestrian ramp into the front entrance and rear pedestrian access also allows for improved access into the building from Peach Street.

41. On the basis of the above, there is no indication or evidence that persons with protected characteristics as identified by the Act have or will have different needs, experiences, issues, and priorities in relation to this planning application and there would be no significant adverse impacts because of the development.

Housing Amenity

Internal amenity

42. 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 39-98m² applies depending upon the number of bedrooms and the occupancy (some units are nominated as single occupancy). Additionally, double bedrooms should have a minimum area of 11.5m² with width of 2.55m-2.75m, single bedrooms should have an area of 7.5m² and a width of 2.15m, living spaces should have a minimum area of 23-31m² and there should be provision for storage.
43. The previously refused scheme raised objection with the cumulative impacts of various deficiencies including inadequate unit sizes, bedroom widths, common living space and outdoor amenity space as well as aspect and orientation and unreasonable levels of overlooking and noise disturbance between balconies. The revised scheme has adequately addressed these issues such that the objection is no longer raised. Minimum unit sizes are satisfied in all cases although some of the one-bedroom units are nominated as single occupancy. Bedroom widths are now compliant and the number of units with deficient living room sizes are minimal and where there are shortfalls, the extent is minor. In terms of internal unit sizes allowing a functional internal environment, no objection is raised.
44. R18 of the SPD requires sufficient sunlight and daylight to new properties, with dwellings afforded a reasonable dual outlook and southern aspect. Section 12 of the NPPF seeks to promote development that has good architecture and layout with a high standard of amenity for existing and future users and Section 15 states that new development should take account of layout, orientation, and massing to minimise energy consumption.
45. The reuse of the existing envelope and fire access requirements places constraints upon the satisfactory layout of units. Some of the rooms are long but never more than 7m from window openings, which is generally acceptable. Most of the units will have access to existing window openings and some new window openings are proposed. On that aspect alone, the level of light and ventilation to the rooms is considered acceptable. 11 of the 24 units are single aspect and of these, six of these units are to the northeastern elevation where direct sunlight will be restricted to the early morning period only. However, five of these six units will have an external balcony which improves natural light and ventilation. Where the issues of aspect and orientation previously contributed to the cumulative issue of internal amenity, it no longer warrants refusal of the application on its own and on this basis, no objection is therefore raised.

External amenity

46. R16 of the Borough Design Guide SPD stipulates that each unit should have amenity space and it should retain and protect privacy, benefit from sunlight and be able to accommodate 2–4 chairs and a small table.
47. Ten of 24 units will have access to a private balcony of varying size and a roof deck of 420m² is also proposed although the latter is not accessible via the lift. Some of the balconies would not be capable of accommodating a table and chairs.
48. There is generally less expectation to outdoor amenity space within the town centre location and where they have been provided, an undersized balcony would still provide a benefit. The communal roof terrace provides supplementary access. On this basis, the combination of private and communal amenity space is supported.

Acoustic amenity

49. Policy CC06 and Appendix 1 of the MDD Local Plan requires that development protect noise sensitive receptors from noise impact.
50. Due to its town centre location, there are potential noise sources including the Victoria Arms Public House, at least two restaurants, three pizza takeaways and a 24-hour gymnasium (and their associated plant) as well as from movement in the undercroft car park and the adjacent right of way.
51. A Noise Impact Assessment dated 18 October 2019 was submitted with the previous prior approval for the site and again for the subject application. The Council's Environmental Health Officer reviewed the Noise Impact Assessment and noted the following such that no objection is raised in terms of external noise sources:

The noise assessment has assessed the noise against BS4142:2014 methodology to determine the likely noise impacts. Appropriate corrections were made to account for the character of the noises which would make them appear more dominant in the sound scape within the proposed dwellings. The plant and traffic noise was also assessed against BS8223:2014 which provides recommendations for internal noise levels for relevant rooms at relevant times to allow for resting and sleeping.

For the purposes of noise assessments, the daytime is 07:00-23:00hrs and night is 23:00hrs-07:00hrs. This represents the times when the majority of people would expect to sleep and require levels below 30dB inside, during the day the resting sleeping internal recommended level is 35dB.

The noise assessment demonstrates that with the existing glazing closed, acceptable internal levels would comfortably be achieved and with windows partially opened (likely to be necessary in very warm periods for purge ventilation for cooling) the internal levels would just be met and are considered reasonable.

52. In effect, the report concludes that adequate acoustic amenity will be maintained with open windows and no additional acoustic measures are necessary. The Environmental Health Officer is satisfied with this outcome. Impacts are to be expected in a dense location such as this.

53. Whilst it is a matter ordinarily left to building regulations, the reuse of the existing fabric of the building poses the potential for noise transmission between floors and walls of the units and to and from the ground floor retail units. The bedrooms to Flats 6, 12, 13, 18, 19 and 20 adjoin the living room of another unit whilst Flats 14 and 24 adjoin the common stairwell. In these cases, the internal walls are new and would likely be insulated to protect against adverse noise transmission. Between the floors, only Flat 19 on the second floor has a living space above bedrooms on the floor below and the Environmental Health Officer noted issues with potential transfer of noise from the retail units. However, they are also satisfied that this will be adequately addressed at the building regulations stage and otherwise, the development exhibits good design considerations in terms of minimising any potential impacts.
54. The balconies are generally well positioned, except for Flats 8 and 13 where they adjoin bedrooms of neighbouring units. Privacy screening is introduced where there is a degree of conflict and in doing so, this is considered satisfactory. Details of the privacy screening are required in Condition 4 and this would allow a further consideration of the acoustic credentials of the chosen materials.
55. The layout would require a significant amount of mechanical ventilation to bathrooms, but risers have been provided at regular intervals such that concern is not raised.

Odour

56. The site is in the vicinity of approximately ten food premises and there is a potential for cooking odour to have a negative impact on amenity. An Odour Assessment (Crestwood Environmental dated 11 December 2020) has been submitted with the application. The assessment concludes that there could be slight adverse effect which in the context of a town centre location is considered not significant. The assessment is comprehensive and the methodology used and conclusions reached are accepted by the Council's Environmental Health Officer.

Air pollution

57. The building fronts onto the Wokingham Town Centre Air Quality Management Area (AQMA) within Peach Street, with high levels of Nitrogen dioxide NO₂ from vehicular traffic. An air quality assessment (Crestwood Environmental dated 2 December 2020) was submitted and concluded that there would be a negligible impact during the operational phase and the exposure to poor air quality by residents is low because the levels predicted for NO₂ are well below the relevant Air Quality Objective at this location. The Council's Environmental Health Officer reviewed the findings and raises no objection with the methodology or outcome.

Neighbour Amenity

Overlooking

58. 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 or 30m on the second floor and 10m to the street or 15m from the second floor.

59. There is a high level of overlooking within the existing development from the office windows, mostly concentrated along the side elevations. The extent of overlooking will increase with its conversion to residential use and the installation of balconies to both sides of the building. Nonetheless, a degree of overlooking is to be expected given the town centre location and high density of the site and surrounding areas.
60. To the south west, there is a first-floor unit at 41 Peach Street with no side windows but two rear facing windows. The windows and balconies of Flats 6, 7, 19 and 20 would be within 6-21m of the rear facing windows. Beyond this, there are four flats at 37-39 Peach Street. The angle of sight from the proposed development towards the rear elevation of 39 Peach Street is rather obtuse and no issues are raised. There are, however, side facing windows and two rear facing dormer windows to the roof of the main part of the building comprising of three-bedroom windows and two living room windows that are generally within 10m but up to 32m of the balconies and windows of Flats 5-7 and 18-20.



Towards 37-41 Peach Street

61. To the east is a first floor flat at 7 Easthampstead Road which has a rear elevation facing onto the property but it is largely obscured by the adjoining property to the west and direct sightlines are relatively limited. There are two studio flats at the Ritz building but no habitable windows looking onto the site.



To 3-7 Easthampstead Road and the Ritz

62. Elsewhere there are several office and retail buildings where there is a degree of mutual overlooking that is considered acceptable on account of the existing density and expectation within a town centre location. Indeed, the approval of the units at 37-41 Peach Street in the past ten years recognised this fact. There has been a recent approval for an office to residential conversion for four flats at 3-5 Easthampstead Road (evident in the left of the above photograph). Two of the units are within the first-floor level and these units, when constructed, would be overlooked within 7-12m of the balconies and windows of Flats 11, 22 and 23. Marginal sightlines would also be evident to the ground floor amenity space. A redevelopment has also been approved at the Ritz at 9 Easthampstead Road for a four storey, 22-unit flat building. It includes a landscaped communal deck with privacy screen to its edge within 7m of the balconies and windows of Flats 9, 10, 21 and 22 and varying angles of sight of most of the 22 units within 12-22m. Overlooking would be most pronounced from the second-floor units (Flats 21 and 22) where there would be an outlook downwards to the landscaped deck.
63. In each of the recent residential approvals in the area, there is a recognition that there is a degree of existing mutual overlooking that is a consequence of the layout and poor relationship of existing buildings and high density of development in the area. This is evident regardless of the office or residential use. The change of use of the building to residential use would result in a greater level of conflict particularly as the residential uses are generally in conflict at the same time of the day. The addition of balconies would add to this harm.
64. However, most of the windows are existing and their dimensions will remain unchanged with the exceptions being the provision of doors to balconies, some lower sill heights to existing windows and five north western facing dormer windows. Projecting balconies have a modest depth of not more than 1.8m from the existing elevations. Building separation also remains unchanged and there is at least 7m between receptors.
65. For these reasons, it is accepted that where there will be a degree of overlooking, but this is not considered excessive or exacerbated beyond the existing levels. This degree of overlooking is anticipated, unavoidable and accepted and that the levels of

separation are considered adequate in the circumstances. Where non habitable spaces can be ameliorated, Condition 20 requires obscure glazing.

66. The roof terrace comprises a 1.7m screen around its edge, preventing any outlook. Internally within the development. There are also privacy screens to the sides of the balconies at Units 5, 7, 8 and 11-13 which ensures a sufficient level of privacy between units. This was noted in Reason for Refusal 4 of the previous refused scheme and this is adequately resolved in this application.

Overbearing and Sense of Enclosure/Sunlight and Daylight

67. Given the only additional volume relates to the privacy screening to the roof (a lightweight addition), dormers and balconies to the front and side elevations (of minimal bulk) and a ground floor bin store (conspicuously located), it is envisaged that there will not be any undue impacts in terms of loss of light or dominance.

Noise disturbance (to surrounding residents)

68. Policy CC06 and Appendix 1 of the MDD Local Plan requires that development protect noise sensitive receptors from noise impact. The density of the development and the location and size of the balconies is appropriate for the town centre location and as such, there are no adverse noise concerns for existing residents within the surrounding properties.
69. The roof terrace occupies most of the roof and has a total area of 420m². It equates to an occupancy rate of 17.5m² per unit or about 7m² per person although it is worth acknowledging that the space will be complemented by soft landscaping as part of the details in Condition 3. It is relatively expansive but not excessive – as comparison, a 235m² first floor communal terrace was approved on the adjoining site to the south in application 191573. In terms of providing adequate open space for occupants, it is a positive outcome and it is likely to be acceptable against the background noise level of the town centre. However, it is still prudent to seek further details such as hours of use and surfacing materials in Condition 14 to get some certainty with its future use.

Highway Access and Parking Provision

Car Parking

70. Policy CC07 and Appendix 2 of the MDD Local Plan stipulates minimum off street car parking standards, including provision for charging facilities. Section 7.4.6 of the Wokingham Town Centre Masterplan SPD sets out that parking for residential development must be materially reduced.
71. Excluding back of house areas, the existing buildings at 43, 45 and 47 Peach Street comprise four retail units, an NHS entrance foyer/exhibition space and office floorspace on the two floors above. The existing carpark at the rear comprises a total of 33-39 spaces (variances exist across the site plan, real estate brochure from the 2015 sale and the application form) although some are substandard in length or width. The existing uses generate a requirement for 94 spaces. With 33-39 spaces, this is a departure of at least 55 spaces.

72. The subject application proposes to redevelop the car park area, with a total of 16 car spaces (although two spaces are tandem and should therefore be counted as one space making a total of 15 spaces) with landscaped planters, additional pedestrian access, cycle parking, two disabled car spaces, two motorcycle bays and four electric vehicle charging points. It is unclear whether any of the five retail parking spaces are to be retained. It is also not yet determined whether the spaces will be allocated or unallocated.
73. The unit mix of ten x 1-bed, ten x 2-bed and four x 3-bed units represents a parking generation rate of between 17-24 unallocated spaces or 33 allocated spaces inclusive of visitor parking. When assuming an unchanged retail allocation of five spaces, the provision of 16 spaces represents a departure of up to 6-22 spaces.
74. Whilst there is a departure with the required standards and up to nine of the units will be car free, this is not an unreasonable outcome. If the one bedroom units are assigned as car free, the remaining 14 units (2 and 3 bedders) have access to an unallocated car space, which is a reasonable outcome. Remaining car parking could be accommodated within local car parks, which has a precedent in the area. The Council's Highways Officer is supportive of the scheme primarily because of its town centre location where there is a high level of sustainability and less car dependence, with easy access to town centre facilities and public transport, including rail and bus. There is also an expected reduction in parking demand because of the change of use of the building from offices to residential. The development is also well supplemented by other modes of parking, including an excess of motorcycle parking, compliant provision of cycle parking and disabled parking, which is supported. Visitor parking can be adequately accommodated within surrounding car parks. No objection is raised although this is conditional upon the spaces being unallocated (Condition 7) and a contribution for a car club/share space secured by legal agreement. This could be accommodated on site or off site within local roads.

Other parking

75. Policy CC07 and Appendix 2 of the MDD Local Plan stipulates a minimum of 26 cycle spaces and one motorcycle spaces. 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.
76. The redevelopment of the car park has resulted in 28 cycle spaces and three motorcycle spaces, which is in line with and exceeds the requirements respectively. The cycle storage is located at the rear of the site and conveniently located via the rear exit but it remains unclear as to whether it is secure. It would, however, be subject to further details relating to design and security measures and the provision of visitor bicycle parking in Condition 8. Dimensions for the cycle and motorcycle parking satisfy the minimum standards.
77. Four EV charging points have been nominated within the undercroft, which will allow for easy implementation of the charging points. This is a deficiency of five spaces against Appendix E of the Highway Design Guide (7 passive and 2 active spaces) with infrastructure provided during the construction of the site and the strategy for bringing into operation of the passive spaces included in the Parking Management Plan in Condition 7.

78. Disabled parking is provided in the form of two car spaces at the rear of the car park. It does not correlate with the provision of four accessible units, but it equates to 16% of the total parking provision or accords with the minimum requirement of 2.4 spaces, rounded down. Concerns about its location are discussed in paragraph 40. As the provision of accessible parking reduces the amount of unallocated parking, an alternative would be to include in the Parking Management Plan a strategy to provide a disabled space when required. Revised details are sought in Condition 7.
79. Day to day deliveries will be from the street which is accepted by the Highways Officer. Removal parking would need to be accommodated within the car park but outside of the existing spaces. Given the constraints of the existing car park, this is an unavoidable scenario and not unreasonable.

Access and Manoeuvring

80. P3 of the Borough Design Guide SPD notes that parking spaces are to be a minimum of 5m x 2.5m and this is achieved without the impediment of pylons that currently exists. Aisle width is 6m which allows for manoeuvring. There are tight movements at the two spaces near the bin store and or longer reversing to the two spaces near the rear of The Old Forge but it is a satisfactory arrangement for a medium sized car and is a vast improvement on the existing situation and is accepted.
81. Access to the car park is via Denton Road at the rear, which is unchanged. Refuse collection will be kerbside and turning circles within the site would not be required. The rear access width is 5m which would allow access for a fire engine through the existing gate. The fire safety report submitted with the application refers to the need for a fire engine to get within 45m of any point of the building and this can still be achieved from the main entrance alongside the entrance gates.
82. Planters have been incorporated into the layout of the carpark. Subject to conditions relating to the maintenance of the height of the plants in Condition 3, no objections are raised on visibility grounds.

Traffic Generation

83. A Transport Statement (Yes Engineering, dated October 2020) deals with various aspects of the scheme, including its accessibility and trip generations. Using TRICS and Council trip rates, it notes that there will be a significant reduction in traffic generation of upwards of 50% between the existing office and proposed residential uses. Moreover, with a reduction in the number of car parking spaces and its town centre location, this would clearly be expected. Traffic from this development would not have an adverse impact on the highway network. There would be a £12,480 charge (£520/unit) for MyJourney, which is the Council's sustainable travel initiative, and this would form part of the legal agreement.

Construction Management

84. Because of the town centre location, limitations within the rear of the site, listed status of the Old Forge and road network within residential areas to the area, a construction method plan and statement is a pre commencement requirement at Condition 6.

Landscaping and Trees

85. Given there is no existing landscaping within the site, there are no tree or landscape objections. Landscape details for the external spaces, including the roof terrace, will be required to be submitted through Condition 3 in accordance with R14 of the Borough Design Guide SPD, which requires well-designed hard and soft landscaping that complements housing.

Public Rights of Way

86. Wokingham Footpath 18 runs to the south-western side of this property. It is currently a relatively narrow alleyway between buildings, with minor overhangs from the existing property.
87. The Council's Rights of Way Officer raises concern that the balconies to Flats 5, 7 and 8 will overhang the footpath, particularly for Flat 5 where the path is narrower. This would interfere with the convenience of the users of the footpath with lower light levels caused by the enclosing nature of the balconies, particularly in winter months as well as a security risk for occupants of the units.
88. Under Section 177 of the Highways Act 1980, the developer would require a licence from the Council as the Highway Authority. This requires that there be no interference with the convenience of persons using the highway. It is the view of the Rights of Way Officer that the issues would result in a licence not being issued.
89. The balconies are lightweight additions to the existing building extending between 0.6m and 1.7m from the edge of the building for 10.2m of the 48m length of the right of way or the side elevation of the building. Subject to additional pre commencement details relating to their design and materials in Condition 4, it is envisaged that it would not represent an undue impression or loss of light upon the right of way, particularly when it comprises a tunnel at its eastern end and any shadowing will be over the south western face of the building or is already caused by the neighbouring building to its south. When balanced against the amenity benefits for future occupiers and the improved articulation and surveillance that the balconies provide, there is a net benefit.
90. The balconies are 2.8m above ground level, which is more than an outstretched hand of a passer-by. It is considered unlikely, therefore, that the balconies present a security risk, particularly when the Police Crime Prevention Advisor did not raise objection. On this basis, the balconies are not viewed as an unacceptable impediment on the right of way, and does not prejudice the requirement for any post consent licences to be considered.

Crime Prevention

91. Paragraph 130 of the NPPF seeks to ensure developments that are safe, accessible, and inclusive. The application was consulted to the Crime Prevention Design Advisor at Thames Valley Police where the following comments were received:
- The area between The Old Forge and 47 Peach Street is ungated and could attract anti-social behaviour and access to the car park

- There are no access and intercom details
- There are no details of secure post/delivery system within a lobby
- There is a lack of surveillance in the car park with the boom gate being ineffective, some of the car spaces are unusable and the location of the disabled parking could leave users vulnerable
- Bike stores are open sided and susceptible to theft
- The bin store has double doors and no security measures are shown
- The fire stair may become usable on a regular basis given it allows access to the car park and to the rear and should be made less attractive for use

92. The above measures are considered fundamental to the application and are reasonable requirements. The issues are adequately addressed in details that form part of Condition 11.

Ecology

93. 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. A Preliminary Ecological Appraisal Report (Crestwood Environmental Ltd, dated 20 October 2020) was submitted with the application. It noted negligible potential for bat roosts within the existing building or potential for bird nesting because of the urban location with little to no vegetation. It did make recommendations for enhancements in the form of bird and bat boxes and the findings of the ecological report are concurred. These measures are outlined in Condition 15 and deemed acceptable.

Thames Basin Heaths Special Protection Area

94. Policy CP8 of the Core Strategy states that where development is likely to influence 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 application includes a net increase of 24 dwellings on a site that is within the 5km zone 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 assessment is attached and no objection is raised in relation to its conclusions.

95. Mitigation measures are outlined in a Section 106 agreement in the form of the provision of Suitable Alternative Natural Greenspace (SANG) at Rocks Nest Wood (recouped via the Community Infrastructure Levy) and an additional monetary contribution for ongoing monitoring (SAMM).

Employment Skills

96. Policy TB12 of the MDD Local Plan requires an employment skills plan (ESP) for this development. ESPs use the Construction Industry Training Board (CITB) benchmark based on the value of construction. This is calculated by multiplying the total floor space by £1025, which is the cost of construction per square metre as set out by Building Cost Information Service of RICS and the methodology as set out in the Council's Employment and Skills Guidance. In this case, it totals £1,597,975.

97. The ESP would require a total of three community skills support jobs and the creation of one job. If for any reason the applicant is unable to deliver the plan or elects to pay the contribution, the employment outcomes of the plan will be borne by the Council at a contribution of £3,750. This has been included as part of a legal agreement.

Building Sustainability

98. 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. Policy CC05 of the MDD Local Plan encourages renewable energy and decentralised energy networks, with encouragement of decentralised energy systems and a minimum 10% reduction in carbon emissions.
99. An Energy Strategy and Sustainability Statement (Method Consulting, dated December 2020) submitted with the previous scheme has not been included in the subject application. It included measures related to water, drainage, energy, and carbon emissions, including a 25 kWp PV array to generate at least 20,193 kWh/year, accounting for 10% of the total energy demand. However, this would no longer be relevant given the roof is intended as outdoor amenity space. A new Energy Strategy will be required in Condition 10.

Waste Storage

100. A bin store is in the rear carpark. It has a floor area of 40m², which is sufficient for the waste generation of 24 units. It includes two access points allowing for ease of storage for residents and for collection at the kerbside. On this basis, no objection is raised.

Flooding, Drainage and Utilities

101. The site and access thereto are located within Flood Zone 1 and the proposal represents no additional flood risk or vulnerability. Existing drainage arrangements will be utilised and there is no change to the extent of permeability across the site. The Council's Drainage Officer has reviewed the proposal and raises no objection subject to confirmation of these details in Condition 5.

Contamination

102. The site is listed as potentially contaminated on the Council's inventory. However, the works are almost entirely limited to the first-floor refurbishment and enlargement or relatively minor changes to the existing ground floor car park and right of way. As such, there are no realistic concerns with the proposed residential use. The Council's Environmental Health Officer is agreeable on this point.

Fallback option

103. Prior approval application 211977 involves the conversion of the office building to residential use for 27 units (five x studio units, 17 x 1 bed units and five x 2-bed units). This prior approval was raised as a fallback option by the applicant as an important consideration in reaching a balanced consideration regarding affordable

housing contributions. The Planning Statement notes that “*The use and operation is not an alternative, is residential, and differs only in the number of units proposed and presents a planning improvement over the fallback option*”.

104. The weight to be attached to a ‘fallback’ option has been defined by court cases including, inter alia, *Spackman v SOS & Thamesdown BC*, *Snowden v SOS & City of Bradford MC*, *Gwinnell v SOS & LB Islington* etc, *Simpson v SOS and Medway Council* and *R (on the application of Zurich Assurance Ltd (t/a Threadneedle Property Investments) v North Lincolnshire Council*.
105. This case law identifies that the weight to be attached to a fallback option increases with the likelihood of that scheme being implemented if an alternative option, requiring planning permission, is refused. In addition, it also identifies that any alternative application option should result in no greater harm, from a planning perspective, than would result from the implementation of the fallback alternative. A fallback position has two elements that need to be established before it can be brought into the evaluation and used to justify the grant of permission. The first is the nature and content of the alternative use or operation. The second is the degree of likelihood of the alternative being carried out.
106. The subject application allows for some measurable benefits over the prior approval – better dwelling mix, balconies to 50% of the units, some improved streetscape presentation with dormers, use of the listed building and a refurbished car park area with better functionality (but with a reduction in car parking). There is no real difference between the two schemes in terms of internal space standards. The provision of outdoor amenity space is recognised and supported as a benefit over the prior approval.
107. The prior approval was granted 13 July 2021. Under part O.2(2) of the GPDO, they would need to be completed by 13 July 2024. Whilst work has not commenced, the construction schedule for the subject application is estimated at 18 months. With pre construction activity, it remains feasible that the prior approval scheme could be delivered if the subject application was refused.
108. Whilst it is recognised that the balconies and dormers add architectural interest and articulation, the additions are minor in nature and do not provide any overwhelming benefit to the character of the building in the conservation area. The opening of the Old Forge is an additional benefit, but this can occur regardless of the residential development.
109. Significant weight would be applied if a policy compliant affordable housing scheme were delivered but some weight is still applied given a commuted sum has been agreed. No such provision would be available under the previously consented prior approval.
110. Based on the changes that have been made to the scheme since the refusal of application 203527, weight is now applied to the likelihood that the prior approval already approved would be implemented and this is a material consideration in the overall planning balance.

Community Infrastructure Levy

111. The application is not liable for CIL payments because of vacant building credits although final confirmation of this is undertaken in issuing the liability notice.

CONCLUSION

112. The most up to date Five Year Housing Land Supply Statement demonstrates the Council has a 5-year housing land supply. On 31 March 2021, the deliverable land supply was 5.1 years against the housing need of 768 additional homes per annum plus a 5% additional buffer. The most recent appeal decision for Wokingham Council identified that there would still be a five-year housing land supply (5.20 years) despite the downturns associated with the Covid-19 pandemic.
113. The development delivers a net increase of 24 dwellings, which brings economic growth, job creation and expenditure in the town center location although it is not as significant as a new build development as the envelope of the building is intact. The construction period is estimated at 18 months. The delivery of 24 dwellings weighs strongly in the economic factors such that the weight applied is significant.
114. There is a limited social impact, with some larger family type housing near services and facilities, including schools. It would appear that the development is not liable for CIL and there is a significant shortfall in the delivery of affordable housing. It attracts minor weight. There are also negligible environmental benefits, partly a result of the limitations imposed by the existing site constraints and its urban location. It is largely insignificant in the overall planning balance.
115. The previous application was refused primarily because of a failure to provide a policy compliant level of affordable housing. The subject application adds some social benefit to the scheme in the form of a commuted sum and this would increase its weight. However, there is now a valid fallback option that is relevant to the planning consideration where previously there was not. Matters of substandard amenity space have also been addressed in the subject scheme. These factors are such that when taking all matters into consideration, the planning balance now weighs in favour of the scheme, and approval is therefore recommended.

The Conservation of Habitats and Species Regulations 2017

Screening Assessment and Appropriate Assessment

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

Summary of Response

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

This site is located approximately 4.865km (measured from the access road to the application site) from the boundary of the SPA and therefore is likely to result in an adverse effect on the SPA, unless it is carried out together with appropriate avoidance and mitigation measures.

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

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

The proposed development would result in a net increase of 10no 1-bedroom dwellings, 8no 2-bedroom dwellings and 4no 3-bedroom dwellings within 5km of the SPA which results in a total SANG contribution of £42,840.24.

The proposed development is required to make a contribution towards Strategic Access Management and Monitoring (SAMM) which is also calculated on a per bedroom basis. Taking account of the per bedroom contributions this results in a total SAMM contribution of £13,240.00.

The total SPA related financial contribution for this proposal is £56,080.24. The applicant must agree to enter into a S106/s111 agreement to secure this contribution prior to occupation of each dwelling. Subject to the completion of the S106 agreement, the proposal would not lead to an adverse effect on the integrity of the SPA and would comply with SEP Saved Policy NRM6, policy CP8 of the Core Strategy, and the NPPF.

1. The Conservation of Habitats and Species Regulations (2017) as amended

In accordance with The Conservation of Habitats and Species Regulations (2017) as amended, Regulation 63, a competent authority (in this case Wokingham Borough Council

(WBC)), before deciding to undertake, or give any consent, permission, or other authorisation for, a plan or project which—

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

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

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

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

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

2. Stage 1 Screening for Likely Significant Effects

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

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

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

3. Stage 2 Appropriate Assessment

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

The following policies and guidance set out WBC's approach to relevant avoidance and mitigation measures which have been agreed with Natural England. For the majority of housing developments this will comprise the provision of (or contribution towards) Suitable Alternative Natural Greenspace (SANG) and a contribution towards the Strategic Access Management and Monitoring (SAMM) Project. The financial contributions towards SANG would be either through an obligation in a s106 agreement that requires WBC to allocate an appropriate amount of the development CIL receipt towards the provision of SANG, or through an obligation in an agreement under s111 of the Local Government Act, that requires the developer to make an appropriate financial contribution towards the provision of SANG (to be used in the event that the developer successfully seeks CIL relief). Developers will be required to secure an appropriate financial contribution to the SAMM project through an obligation in a s106 agreement.

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

a. Policies and Guidance

For this proposal the following guidance and policies apply:

- South East Plan (May 2009) Policy NRM6 (Thames Basin Heaths Special Protection Area)
<http://webarchive.nationalarchives.gov.uk/20100528160926/http://www.gos.gov.uk/gose/planning/regionalPlanning/815640/>
- Wokingham Borough Core Strategy (2010) Policy CP8 (Thames Basin Heaths Special Protection Area) sets out the approach WBC will take in order to protect the TBH SPA
<https://www.wokingham.gov.uk/EasySiteWeb/GatewayLink.aspx?allId=268860>
- Wokingham Borough Core Strategy (2010) Policy CP7 (Biodiversity) sets out the approach WBC will take in order to protect national and international nature conservation sites
<https://www.wokingham.gov.uk/EasySiteWeb/GatewayLink.aspx?allId=268860>
- Wokingham Borough Managing Development Delivery Local Plan (2014) Policy TB23 (Biodiversity and Development)
<https://www.wokingham.gov.uk/EasySiteWeb/GatewayLink.aspx?allId=269993>
- Infrastructure Delivery and Contributions SPD (2011)
<http://www.wokingham.gov.uk/EasySiteWeb/GatewayLink.aspx?allId=193415>

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

b. SPA Avoidance and Mitigation Measures

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

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

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

The development will result in a net increase of 24 no dwellings. Depending on the dwelling mix, the level of SANG payments are set out as follows:

No. of bedrooms	SANG Contribution	Aggregate Contribution
1 bedroom	£1,567.98	£15,679.80
2 bedrooms	£2,049.59	£16,396.72
3 bedrooms	£2,690.93	£10,763.72
Total SANG Contribution		£42,840.24

ii. Strategic Access Management and Monitoring (SAMM) Contribution

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

From 1st April 2021 SAMM contributions have been updated across the 11 Local Authorities affected by the Thames Basin Heaths Special Protection Area. Following engagement with Natural England, the Joint Strategic Partnership Board agreed this change is necessary to ensure sufficient income is raised to cover the costs of the SAMM project in perpetuity. Without this change the SAMM project would be at risk of being unable to deliver the objectives of the SAMM project, and therefore secure positive outcomes for the SPA

The level of contributions are calculated on a per bedroom basis. The application for this development is for 24 dwellings. Depending on the dwelling mix, the level of SAMM payments are calculated as follows:

No. of bedrooms	SAMM Contribution	Aggregate Contribution
1 bedroom	£464.00	£4,640.00
2 bedrooms	£646.00	£5,168.00
3 bedrooms	£858.00	£3,432.00
Total SAMM Contribution		£13,240.00

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

4. Conclusion

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

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

WBC is convinced, following consultation with Natural England, that the above measures will prevent an adverse effect on the integrity of the SPA. Pursuant to Article 6(3) of the Habitats Directive (Council Directive 92/43/EEC) and Regulation 63(5) of the Conservation of Habitats and Species Regulations (2017) as amended, and permission may be granted.

In the absence of a planning obligation to secure suitable avoidance and mitigation measures and access management monitoring arrangements, in terms that are satisfactory to the Local Planning Authority (LPA), the LPA is unable to satisfy itself that the proposals include adequate mitigation measures to prevent the proposed development from having an adverse effect on the integrity of the Thames Basin Heaths SPA, in line with the requirements of Regulation 63 of the Conservation of Habitats and Species Regulations 2017 as amended and Article 6(3) of Directive 92/43/EEC. The proposal would be contrary to Policy NRM6 of the South East Plan, Policies CP8 and CP4 of the Core Strategy.

Date: 30 March 2022

Signed: Simon Taylor

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