

Agenda Item 93.

Application Number	Expiry Date	Parish	Ward
220228	15/04/2022	Wokingham	Wescott

Applicant	Mr Ian Scott
Site Address	27 Easthampstead Road, Wokingham, RG40 2EH
Proposal	Application to vary condition 2 of planning consent 203223 for the proposed erection of 1 no. five bedroom dwelling, following demolition of existing dwelling. Condition 2 refers to the approved details and the variation is to lower the approved site levels and lower approved drainage cover levels (Retrospective)
Type	Section 73 variation/removal of condition application
Officer	Adriana Gonzalez
Reason for determination by committee	The application has been listed by Ward Member Councillor Maria Gee on the following grounds: <ul style="list-style-type: none"> - Adverse effect on the street scene - Adverse effect on vegetation

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

SUMMARY
<p>The application is before Committee as it has been listed by the Borough Councillor for Wescott area.</p> <p>The site is located on Easthampstead Road, adjacent to, but outside of Wokingham Town Centre Conservation Area. The original application (203223) was for a replacement two storey detached dwelling following the demolition of the existing dwelling on site. The scheme was granted with relevant conditions, and this approved development is now nearing completion.</p> <p>The current application proposes to retrospectively vary condition 2 (approved details) to lower the site levels and drainage cover levels. The level change is approximately 225mm down at the front of the house and 450mm down at the back of the patio, since the ground rises gradually front to back of the plot.</p> <p>The report concludes that no part of the development as varied results in any harmful impact on the character of the area, amenity of neighbouring occupiers, drainage, highway safety or landscaping. Paragraphs 1-20 provide further details to these material considerations. It is recommended that this application submitted under S.73 of the Town and Country Planning Act 1990 (as amended) is approved as it accords with the NPPF and Wokingham Development Plan Policies.</p>

PLANNING STATUS
<ul style="list-style-type: none"> • Major development location – Wokingham • Adjoining Wokingham Town Conservation Area • Water Utility Consultation Zones • Contaminated Land Consultation Zone • District Town and Local Centres • Replacement Mineral Local Plan

- Thames Basin Heaths SPA Mitigation Zones – 5Km
- Green Routes and Riverside Paths Consultation Zone
- Archaeological Sites Consultation Zone

RECOMMENDATION

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

Conditions:

Condition 2 varied to read as follows:

2. **Approved details** – This permission is in respect of the submitted application plans and drawings numbered S-2466 received by the local planning authority on 23/11/2020; MAP/C3799/001 C; MAP/C3799/211 C & MAP/C3799/221 C received by the local planning authority on 22/01/2021 (in respect of planning application 203223), and MAP/C3799/002; MAP/C3799/051 A; MAP/C3799/208 D & MAP/C3799/210 E received by the local planning authority on 26/01/2022 (in respect of planning application 220228). 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.

All other conditions of planning permission 203223 apply to this planning permission, except where updated to reflect any subsequent discharge or commencement of development viz:

1. **Timescale** - The development hereby permitted shall be begun before the expiration of three years from the date of the original permission 203223 (12 February 2021).

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. See above

3. **External materials** - The materials to be used in the construction of the external surfaces of the building shall be as approved under discharge of condition application Ref. 212275. 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.*

4. **Protection of trees** - a) The development shall be implemented fully in accordance with the Arboricultural Method Statement (Heritage Tree Services Ltd, dated June 2021) and Tree Protection Plan (HTS-TPP-02B) submitted under discharge of condition application Ref. 212284. No development or other operations shall take place except in complete accordance with the details as so-approved (hereinafter referred to as the Approved Scheme).

- b) No operations shall commence on site in connection with development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening or any other operation involving use of motorised vehicles or construction machinery) until the tree protection works required by the Approved Scheme are in place on site.
- c) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within an area designated as being fenced off or otherwise protected in the Approved Scheme.
- d) The fencing or other works which are part of the Approved Scheme shall not be moved or removed, temporarily or otherwise, until all works including external works have been completed and all equipment, machinery and surplus materials removed from the site, unless the prior approval in writing of the local planning authority has first been sought and obtained.

Reason: To secure the protection throughout the time that the development is being carried out of trees shrubs or hedges growing within or adjacent to the site which are of amenity value to the area. Relevant policy: Core Strategy policy CP3 and Managing Development Delivery Local Plan policies CC03 and TB21.

5. **Landscaping** - The development shall be implemented fully in accordance with the details of both hard and soft landscape proposals submitted under discharge of condition application Ref. 212627. 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 (and TB06 for garden development).

6. **Drainage details** - The development shall be implemented fully in accordance with the drainage details for the site submitted under application Ref. 212627. No development or other operations shall take place except in complete accordance with these details.

Reason: To prevent increased flood risk from surface water run-off. Relevant policy: NPPF Section 10 (Meeting the Challenge of Climate Change, Flooding and Coastal Change), Core Strategy policy CP1 and Managing Development Delivery Local Plan policies CC09 and CC10.

7. **Parking to be provided** - No part of any building hereby permitted shall be occupied or used until the vehicle parking space has been provided in accordance with the approved plans. The vehicle parking space shall be permanently maintained and remain available for the parking of vehicles at all times.

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

8. **Access surfacing** - No building shall be occupied until the vehicular access has been surfaced with a permeable and bonded material across the entire width of the access for a distance of 5 metres measured from the carriageway edge.

Reason: To avoid spillage of loose material onto the highway, in the interests of road safety. Relevant policy: Core Strategy policy CP6.

9. **Access to be widened** - The development shall not be occupied until the vehicular access from the highway has been increased to a width of 4.5 metres (this work will need separate authorisation by the Borough's highway section – see informative below).

Reason: To allow vehicular access to off-street parking spaces without causing damage to the footway and kerb, and to avoid undue delay in vehicles leaving the highway in the interests of highway safety and convenience. Relevant policy: Core Strategy policies CP3 & CP6.

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

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

11. **Garage to be retained as such** - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), the garage accommodation on the site identified on the approved plans shall be kept available for the parking of vehicles ancillary to the residential use of the site at all times. It shall not be used for any business nor as habitable space. The garage doors shall be fitted with roller shutter doors to have enough room on the driveway to park a vehicle and be able to open and shut the garage doors.

Reason: To ensure that adequate parking space is available on the site, so as to reduce the likelihood of roadside parking, in the interests of highway safety and convenience. Relevant policy: Core Strategy policy CP6 and Managing Development Delivery Local Plan policy CC07.

12. **Obscure glazing** - The ensuite and bathroom windows at first floor and second floor in the south-east side elevation of the development hereby permitted shall be fitted with obscured glass and shall be permanently so-retained. The window shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the finished floor level of the room in which the window is installed and shall be permanently so-retained.

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

13. **Restriction of permitted development rights** - Notwithstanding the provisions of the Town and Country Planning, (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no additional windows or similar openings shall be constructed in the first floor level or above in the south-east side elevation of the development hereby permitted except for any which may be shown on the approved drawing(s).

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

Informatives:

1. The development accords with the policies contained within the adopted development plan and there are no material considerations which warrant a different decision being taken.
2. The Head of Highways at the Council Offices, Shute End, Wokingham [0118 9746000] should be contacted for the approval of the access construction details before any work is carried out within the highway (including verges and footways). This planning permission does NOT authorise the construction of such an access or works.
3. 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.
4. 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.
5. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the NPPF.

PLANNING HISTORY		
Application Number	Proposal	Decision
212275	Application for submission of details to comply with the following condition of planning consent 203223 dated 12/02/2021. Condition 3. External Materials	Condition discharged 06/09/2021
212627	Application for submission of details to comply with the following condition of planning consent 203223 dated 12/02/2021. Condition 5. Landscaping.	Conditions discharged 25/08/2021

	Condition 6. Drainage Details	
212284	Application for submission of details to comply with the following condition of planning consent 203223 dated 12.02.2021. Condition 4. Protection of Trees	Condition discharged 20/08/2021
203223	Full application for the proposed erection of 1no five bedroom dwelling, following demolition of existing dwelling	Approved 12/02/2021
191337	Householder application for proposed erection of single storey rear extension, first floor side extension, loft conversion to provide habitable accommodation plus front facing dormer window and 3no rear roof lights, removal of existing chimneys, changes to fenestration and internal alterations	Approved 03/07/2019

SUMMARY INFORMATION	
For Residential	
Site Area	353sqm
Existing Use	Single residential dwelling (C3) use
Proposed Use	Single residential dwelling (C3) use
Existing parking spaces	2 (including garage)
Proposed parking spaces	3 (including garage)

CONSULTATION RESPONSES	
WBC Highways	No objections
WBC Trees and Landscape	No objections
WBC Drainage	No objections

REPRESENTATIONS
Town/Parish Council: No comments received.
Local Members: Objection from Councillor Maria Gee on the following grounds: <ul style="list-style-type: none"> - Requirement for a Party Wall Agreement due to proximity of development to side boundaries. <i>(This is not a material planning consideration. The Council will not get involved in boundary disputes and this is solely a matter for private landowners to resolve.)</i> - Parking of delivery vehicles in controlled areas causing safety concerns. <i>(This is not a material planning consideration.)</i> - Apple tree removed from the rear garden should be replaced and landscaping plan amended. <i>(see Para 15-16)</i> - Street scene adversely affected by the change in site levels. <i>(see Para 6-9)</i> - Widening of access appears to conflict with crossover policy where new access must not be next to zig zags. <i>(see Para 12-13)</i>
Neighbours: Objections received from the occupants of nos. 29 Easthampstead Road and no. 14 Erica Drive on the following grounds:

- Impact on street scene/visual appearance adjacent to a conservation area. (see *Para 6-9*)
- Lowering of levels may cause risk of subsidence to adjoining properties. (*Not a material planning consideration*)
- Building works on site continue without planning approval for the new changes. (*Applicant has been notified this is at their own risk.*)
- Impact of engineering works on neighbouring properties. (*Not a material planning consideration*)
- Impact on drainage and damp from neighbouring land. (see *Para 17-18*)
- Landscaping plan appears incomplete; should include replacement of any trees/hedges that have been removed or damaged. (see *Para 15-16*)
- Application does not address all areas of the material breach of planning. (See *description of proposal above*)
- Incorrect measurements stated within the application; drop in level more than stated 225mm. (*Case officer measured site levels on site and these match with those shown on submitted plans*)
- Highway safety and traffic impact during construction. (*Not a material planning consideration*)
- Driveway access has been widened for increased traffic without seeking Highways Authority authorisation. (see *Para 12-13 and Informative 2*)
- Impact on trees. (see *Para 14-16*)
- No notification to neighbours ahead excavation and starting of works on site. (*Not a material planning consideration*)
- No party wall agreement thought with the adjoining neighbours. (*Not a material planning consideration*)
- No Site Notice displayed. (*Site visit confirmed Site Notice displayed on lamppost outside the property. Council records show all relevant neighbours have been consulted for this application, in accordance with the Council's Statutory Requirements. Notification Letters were sent on 28 January 2022.*)
- Impact of unsupported land to no. 29; requirement for a retaining wall between properties. (*Not a material planning consideration*)
- Foundations for new house closer to no. 29 than expected at around 3m from side wall. (*Construction details are not a material planning consideration*)
- No 29. Property cannot be sold in its current state. (*Not a material planning consideration*)
- Unnecessary stress caused to neighbours due to potential slippage of land. (*Not a material planning consideration*)
- Applicant should place solar panels on their roof to offset environmental impact of new development. (*Not relevant to this application*)
- Cars cannot safely enter and exit the property without reversing onto or off the junction and onto or off the zig-zags for a pedestrian crossing. (see *Para 12-13*)

A letter received from Mr Geoff Hislop from WBC stating they are not aware of any party wall agreement with the Council with the development so close to the Council's public car park. (*The development is entirely within the curtilage of the application site, and the matter of Party Wall Agreement is not a material planning consideration.*)

A letter of support received from the occupant of no. 42 Easthampstead Road. Refers to overall improvement of the site.

Rebuttal letters received from the applicant and agent for the application in response to objections raised.

APPLICANTS POINTS
<ul style="list-style-type: none"> • The retrospective variation in site levels do not result in any negative impact on the street scene. • Proposed house retains the same footprint, volume and location described on the originally approved drawings. • Local flooding concerns are not compromised and approved drainage scheme is not affected. • No change in area or volume from previously approved, therefore CIL calculation unaffected.

PLANNING POLICY		
National Policy	NPPF	National Planning Policy Framework
Adopted Core Strategy DPD 2010	CP1	Sustainable Development
	CP2	Inclusive Communities
	CP3	General Principles for Development
	CP6	Managing Travel Demand
	CP7	Biodiversity
	CP8	Thames Basin Heaths Special Protection Area
	CP9	Scale and Location of Development Proposals
Adopted Managing Development Delivery Local Plan 2014	CC01	Presumption in Favour of Sustainable Development
	CC02	Development Limits
	CC03	Green Infrastructure, Trees and Landscaping
	CC04	Sustainable Design and Construction
	CC06	Noise
	CC07	Parking
	CC09	Development and Flood Risk
	CC10	Sustainable Drainage
	TB07	Internal Space Standards
	TB21	Landscape Character
	TB23	Biodiversity and Development
Supplementary Planning Documents (SPD)	BDG	Borough Design Guide
		CIL Guidance
		Sustainable Design and Construction Supplementary Planning Document

PLANNING ISSUES
Description of Development:

1. The original dwelling on site has been demolished and replaced with a new two storey detached dwelling under recent planning permission ref. 203223. The officer site visit confirmed that the development is nearly completed. The application is to retrospectively vary condition 2 of planning consent 203223 to lower the approved site levels including drainage cover levels. The level change is approximately 225mm down at the front of the house and 450mm down at the back of the patio, since the ground rises gradually front to back of the plot.

Principle of Development:

2. The National Planning Policy Framework has an underlying presumption in favour of sustainable development which is carried through to the local Development Plan. The Managing Development Delivery Local Plan Policy CC01 states that planning applications that accord with the policies in the Development Plan for Wokingham Borough will be approved without delay, unless material considerations indicate otherwise.
3. The site is located within a major development location and as such, the development should be acceptable providing that it complies with the principles stated in the Core Strategy and MDD Local Plan. The principle of a replacement dwelling on this location has been already established and found acceptable under application 203223. The matters for which this variation application relate are not considered to alter this position.

Character of the Area:

4. Policy CP3 of the Core Strategy states that development must be appropriate in terms of its scale, mass, layout, built form, height and character of the area and must be of high quality design. R1 of the Borough Design Guide SPD requires that development contribute positively towards and be compatible with the historic or underlying character and quality of the local area and P2 seeks to ensure that parking is provided in a manner that is compatible with the local character.
5. The site lies outside of, but faces the Wokingham Town Centre Conservation Area, the boundary of which is on the side of Easthampstead Road opposite the application site. The character along this road is fairly mixed with detached, semi-detached and terraced properties. Whilst gaps between buildings are varied, these are still a predominant feature within the street, and there is a distinctive building line which is perceived on both sides of Easthampstead Road.
6. The application seeks to retrospectively approve alterations that were made to the development during construction works, specifically the lowering of the approved site levels and approved drainage cover levels. The supporting Planning Statement refers that this was done so that the maximum ridge height of the dwelling would not exceed the maximum ridge height of the adjoining property no. 29 Easthampstead Road. An error was noted in the original survey data whereby the dimension from the ridge to existing floor was incorrectly stated on the drawings approved under application 203223.
7. The proposed variation in site levels has not resulted in any discernible or detrimental change to the visual character and appearance of the street scene and

local area. Furthermore, there has been no alterations to the originally approved replacement dwelling in terms of footprint, mass, scale and overall design. As demonstrated in the submitted street scene drawing and confirmed during the site visit, the maximum ridge height of the new dwelling remains commensurate to that of nearby properties along Easthampstead Road including adjoining no. 29, and the building maintains the same building line and adequate separation distances from its site boundaries to the south-east side and rear, thus retaining the characteristic gap and sense of openness between buildings as determined under 203223.

8. Responding to third party concern, the difference in site levels has resulted in an altered scheme compared to that previously approved under application 203223; however, the variation has not resulted in any harmful change to the established pattern of development and rhythm of the street, which is already very diverse, composed of dwellings of different styles and proportions. Moreover, with the use of gable elements as features of the front elevation and red brick as external material, the dwelling reflects the local context including properties within the Conservation Area.
9. Considering all the above points, the development as varied is not visually harmful within the context of the wider street scene or immediate neighbouring properties, and accords with national and local planning policies. The proposed variation to the approved plans is therefore acceptable.

Housing Amenity:

10. Policy TB07 of the MDD Local Plan and R17 of the Borough Design Guide require adequate internal space to ensure the layout and size achieves good internal amenity. R16 of the Borough Design Guide SPD requires a minimum depth of 11 metres for rear gardens and 1 metre setback from the site boundaries. The internal living space remains unchanged in accordance with the aforementioned standards, and the rear garden with circa 15.8m continues to be sufficient for future occupants to enjoy of ample outdoor amenity space. No objections are therefore raised in this regard.

Neighbouring Amenity:

11. R15 of the Borough Design Guide SPD requires the retention of reasonable levels of visual privacy to habitable rooms, with separation of 10m to the street and 22m to the rear. No changes have occurred to the location of windows and separation distances between adjoining properties. Whilst the lowering of the site levels has resulted in the windows on the side elevations being at a marginally lower level than those on the side elevation of no. 29 Easthampstead Road, the new dwelling has retained a 1m separation from the shared side boundary in accordance with the Borough Design Guide, and in any case all the windows serve non-habitable rooms, so that no loss of privacy will result upon no. 29's private residential amenities.

Highway Access and Parking Provision:

12. The variation of the site levels does not represent alterations to the parking arrangement on site approved under planning permission 203223, which allows for 3no. parking spaces on site including the garage, secured by conditions (7) and

(11). The site visit confirmed that cycle parking is also available on a secured storage shed to the rear of the site as required by condition (10). The WBC Highways Officer has raised no objections to the development on these grounds.

13. With regard to the third-party concerns raised in relation to the widening of the access, it is noted that this is a requirement of the extant permission 203223 (condition 9). It is also noted that the improved access point is on the same location as the original vehicular access to the site. The WBC Highways Officer has indicated that whilst the access has been widened in accordance with condition 9, the existing dropped crossing has not been altered. The wider access will result in an easier and quicker way for occupants of the new dwelling to manoeuvre in and out of the site, which can only improve highway safety. On this basis, no objections are raised in this regard.

Trees and Landscape:

14. There are no protected trees on site or adjacent to it. The extant planning permission ref. 203223 for the replacement dwelling included planning pre-commencement conditions for the protection and retention of trees on/adjacent to the site, and to secure full details of both hard and soft landscape proposals (conditions 4 and 5 respectively). It is noted that these details were subsequently submitted under a discharge of conditions applications 212284 & 212627, and have been already agreed by the local planning authority. The WBC Trees and Landscape Officer has raised no objections to the variation to condition 2 in terms of landscape elements.
15. It is noted the objections received which relates to the removal of an apple tree from the rear garden of the application site. However, the Council's inventory does not record that this tree was protected under a TPO. It is also noted that given its small scale the tree was not visible from the street scene (Figure 1). The development has retained all trees and landscape features of importance within or adjacent the site (in accordance with condition 4) including those towards the north-west side adjacent the car park, which contribute to the setting of the site and character of Easthampstead Road as a Green Route Enhancement Area.
16. On this basis, the removal of the apple tree does not result in any detriment to visual amenity and on this basis there is no requirement for an amended landscaping scheme. Landscaping details are secured via condition 5.



Figure 1: Apple tree in the rear garden

Flooding and Drainage:

17. The site and access thereto is located within Flood Zone 1 and the proposal represents no additional flood risk or vulnerability. It is noted that the drainage details were submitted and subsequently found acceptable by the local planning authority under discharge of condition application 212627.
18. The proposed variation to the drainage cover levels as a result of the changes in site levels does not have any harmful impact in terms of flood risk or surface water runoff as drainage design has remained the same as previously approved under discharge of conditions application 212627. The WBC Drainage Officer has raised no objection to the development as varied.

Thames Basin Heaths Special Protection Area:

19. Despite its location within 5km of the TBH SPA, the application does not involve a net increase in dwellings on site such that no objection is raised and there is no further requirements placed on the development.

Community Infrastructure Levy (CIL):

20. The application is liable for CIL payments because it involves additional floor area in excess of 100m². It is payable at £365/m² index linked.

The Public Sector Equality Duty (Equality Act 2010)

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

CONCLUSION

21. This variation to condition 2 of permission 203223 does not involve any harmful changes to the overall built form of the dwelling. The changes to the scheme in terms of site levels and drainage cover levels is considered acceptable on the streetscape, neighbour amenity, as well as highways safety and landscaping. It is therefore recommended that this application to vary condition 2 is approved subject to the above amended conditions, as it accords with the NPPF and development plan policies for Wokingham Borough.