

Agenda Item 78.

Development Management Ref No	No weeks on day of committee	Parish	Ward	Listed by:
150260	18/08	Wokingham Town	Emmbrook	Cllrs Ullakarin Clark & Philip Mirfin

Applicant David Parsons
Location 97 Oxford Road, Wokingham **Postcode** RG41 2YL
Proposal Full Application for demolition of existing community building (D1 use class) and erection of a single storey replacement building for use as Gospel Hall (D1 use class).

Type Minor all other developments
PS Category 16
Officer Katie Herrington

FOR CONSIDERATION BY Planning Committee on 9th December 2015
REPORT PREPARED BY Head of Development Management & Regulatory Services

SUMMARY

This application is for the demolition of the existing bungalow last used as a dental practice and the erection of a new building for use as a Gospel Hall (D1).

The existing dentistry use falls within the D1 Use Class, as does the proposed use as a Gospel Hall. Movement from one use to another within the same use class is not development, and does not require planning permission.

It is understood that the current building is in a state of disrepair and the applicant seeks to replace the building. The proposal would replace the existing building with a smaller building within the same use class.

Although concerns have been expressed as to whether an extant consent for the change of use to a dwelling has been implemented, and whether the use of the site was restricted for use as a dentist only. As a result legal advice was sought and clarified that:

- That the use of the site was not restricted to use as a Dentist
- The permission for residential use (F/2013/0212) was not implemented.

As such, the proposed use itself does not require planning permission, and the application is for a replacement building.

The proposed replacement building would be smaller than the existing building and would be acceptable in terms of its design and impact upon the streetscene and would not result in loss of privacy or overbearing to neighbouring dwellings. The application allows the opportunity to impose conditions relating to parking and hours of use. Therefore, the scheme is compliant with the development plan and is recommended for conditional approval.

Councillors Ullakarin Clark and Philip Mirfin have requested that this application be considered by committee because of concerns relating to the use of the building/site,

noise and disturbance, traffic and parking issues.

PLANNING STATUS

- Major Development Location
- Bat Roosts
- 7KM SPA Zone

RECOMMENDATION

APPROVAL subject to the following conditions:

1. 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. The use hereby permitted shall be carried on only by the Plymouth Brethren Christian Church or their nominees. When the premises cease to be occupied by the Brethren or its nominees, the Gospel Hall use hereby permitted shall cease.

Reason: To protect the occupiers of nearby premises from unreasonable noise levels.

Relevant policy: NPPF Section 11 (Conserving and Enhancing the Natural Environment), Core Strategy policies CP1 and CP3 and Managing Development Delivery Local Plan policy CC06.

3. This permission is in respect of the submitted application plans 01 A, 02 E by the authority on the 23/07/2015. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the development plan.

4. The mitigation strategy given in Section 4.1.2 of the submitted Bat Surveys report (Derek Finnie Associates, Version 2a, September 2015) shall be implemented in full in accordance with the approved plan unless otherwise approved in writing by the local planning authority.

Reason: To ensure that bats, a European Protected Species, are not adversely impacted upon as a result of the development and provide wildlife enhancements as appropriate under NPPF.

5. Before the development hereby permitted is commenced, samples and details of the materials to be used in the construction of the external surfaces of the building/s shall have first been 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

6. The use hereby permitted shall not operate beyond 21:00 Mondays to Saturdays and 20:00 Sundays and Public Holidays.

Reason: To safeguard residential amenities.

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

7. Before the development hereby permitted commences a scheme shall be submitted to and approved in writing by the local planning authority which specifies the provisions to be made for the control of noise emanating from the building and the approved scheme shall be fully implemented prior to the occupation of the building(s).

Reason: To protect the occupiers of nearby premises from unreasonable noise levels.

Relevant policy: NPPF Section 11 (Conserving and Enhancing the Natural Environment), Core Strategy policies CP1 and CP3 and Managing Development Delivery Local Plan policy CC06.

8. The development hereby permitted shall be carried out at all times in accordance with the Noise Management Plan, dated 22nd November 2015, unless agreed otherwise in writing by the Local Planning Authority.

Reason: To protect the occupiers of nearby premises from unreasonable noise levels.

Relevant policy: NPPF Section 11 (Conserving and Enhancing the Natural Environment), Core Strategy policies CP1 and CP3 and Managing Development Delivery Local Plan policy CC06.

9. 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 external lighting shall be installed on the site or affixed to any buildings on the site.

Reason: In the interests of amenity and highway safety.

Relevant policy: NPPF

Section 11 (Conserving and Enhancing the Natural Environment), Core Strategy policies CP1, CP3 [and CP6 / CP11 and Managing Development Delivery Local Plan policy TB21]

10. No part of any building(s) 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.

11. Prior to the commencement of the development there shall be submitted to and approved in writing by the local planning authority a scheme of landscaping, which shall specify species, planting sizes, spacing and numbers of trees/shrubs to be planted, and any existing trees or shrubs to be retained.

Planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the occupation of the building(s).

Any trees or plants which, within a period of 5 years from the date of the planting (or within a period of 5 years of the occupation of the buildings in the case of retained trees and shrubs) die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species or otherwise as approved in writing by the local planning authority.

Reason: To ensure adequate planting 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).

12. Before the development hereby permitted is commenced details of all boundary treatment(s) shall first 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 or phased as agreed in writing by the local planning authority. The scheme shall be maintained in the approved form for so long as the development remains on the site.

Reason: In the interests of amenity and highway safety.

Relevant policy: Core Strategy policies CP1, CP3 and CP6.

13. No development shall take place until a measured survey of the site and a plan prepared to scale of not less than 1:500 showing details of existing and proposed finished ground levels (in relation to a fixed datum point) and finished roof levels shall be submitted to and approved in writing by the local planning authority, and the approved scheme shall be fully implemented prior to the occupation of the building.

Reason: In order to ensure a satisfactory form of development relative to surrounding buildings and landscape. Relevant policy: Core Strategy policies CP1 and CP3 and Managing Development Delivery Local Plan policy TB21.

Informatives

1. 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.
2. 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 allowing for the submission of additional information to overcome concerns relating to impact upon neighbouring residential dwellings. 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

Application	Officer Note
Transfer of dental practice from 103 Oxford Road. Approved 1966.	97 Oxford Road was granted permission for both a dentist and residential element through this application.
Change of use from dental surgery/residential to solely dental surgery. Refused July 1990.	Refused for the following reasons: <ul style="list-style-type: none"> • Lack of suitable parking space • Loss of amenity to the rear gardens of neighbouring properties, by virtue of parking to the rear.
36870 - Change of use from	Concerns have been raised that the 1990 consent

<p>residential/dental surgery to sole use as dental surgery. Approved December 1990.</p>	<p>(36870) restricted the use to 'dentist' only. Legal advice had been sought on this matter:</p> <p>The use of the words you "sole use as dental surgery" in the statement is not sufficient alone, this would normally be achieved by restricting the use of land via condition or removal of permitted development a rights.</p>
<p>F/2004/1405 - Proposed conversion of loft space to one flat with dormer extensions and single storey rear extension to dental surgery. Approved August 2004</p>	<p>This permission was not implemented.</p>
<p>F/2013/0212 - Proposed change of use from a dental surgery to a dwelling. Approved 27/08/2015.</p>	<p>This permission has not been implemented. Legal advice has been sought:</p> <p>There is no evidence to suggest that a residential use had commenced. Works to clear some of the equipment from the site does not constitute development there is no evidence of residential habitation. A S106 agreement was attached to the above consent requiring the payment of sums before occupation. However as the permission was not implemented the S106 is not payable. In addition the Council's S106 monitoring officer received an email stating that the current occupiers did not wish to implement the consent, and have since submitted this application. As such there is no evidence to suggest that the use had commenced.</p>
<p>F/2014/1845 – Proposed demolition of existing community use building and replacement with a single storey building for meeting hall. Withdrawn 22nd October 2014.</p>	<p>Withdrawn to enable a bat survey to take place.</p>

SUMMARY INFORMATION

Site Area	0.06 ha
Proposed use	D1 Gospel Hall
Existing use	D1 Dentist
Existing parking spaces	No designated bays
Proposed parking spaces	8 plus over spill

CONSULTATION RESPONSES

Highways	No objection subject to conditions (Condition 10)
Biodiversity	No objection subject to conditions (Condition 4)
Environmental Health	No objection subject to conditions. (Conditions 7,8, and 9)
Wokingham Town Council	Objection
Local Members	Objection

REPRESENTATIONS

Objections

9 objections and 1 letter with 6 objections attached to it:

- Noise/ disruption to rear gardens, use, vehicles (**See paragraph 19- 29**)
- Noise outside the building (people leaving, entering, chatter) (**See paragraph 19- 24**)
- Obstruction of highway/ issues of highway safety (**see paragraph 26-29**)
- Loss of privacy (**see paragraph 25**)
- Loss of daylight and sunlight (**see paragraph 25**)
- Excessive operating hours (**see paragraph 19-24**)
- Excessive number of people using the hall/ large attendance (dentist by appointment, restrictions on number of dentist rooms in operation) (**see paragraph 19-24**)
- Parking stress (**see paragraph 26 - 29**)
- The D1 use does not exist/ residential use in place (**see paragraph 6 - 12**)
- 2004 application was for dentist, not D1 (**see paragraph 6 - 12**)
- Materials not in-keeping with the area (**see paragraph 16**)
- Lack of windows/ out of keeping with the character of the area (**see paragraph 17 - 18**)
- Proposed building would be taller than the adjoining buildings/ overbearing. (**see paragraph 17 - 18**)
- Hours of use not displayed (**see paragraph 19 - 24**)
- Building line is out of keeping (**see paragraph 13 - 15**)
- 2004 consent had restriction on the number of dentist rooms to be used – to reduce impact of noise/traffic on neighbours (limiting the number of people on the site).
- Does not meet required 1 metre from the boundary distance (**see paragraph 15**).

Support letters

6 letters of support:

- Closer local church

Wokingham Town Council objections

- North flank to boundary separation is 0.5m (Borough Design Guide minimum is 1m) (**see paragraph 15**)
- Width of driveway is 2m (Highways Design Guide is 2.5 minimum) (**see**

paragraph 26-29)

- The low building line, front elevation and proposed gate are out of character with the street scene (***see paragraph 13-18)***)
- The proposed hours of opening are not stated, leading to potential noise and disturbance (***See paragraph 19- 29)***)
- Off road parking provision is not adequate (***see paragraph 26 - 29)***)
- Due to its size, scale and orientation the proposal would have a harmful impact on the residential amenities of 99 Oxford Road (***see paragraph 17 - 18)***)
-

Member objection

Cllr Ullakarin Clark

- Permission was originally given for sole use as a dental surgery. (***see paragraph 6 - 12)***)
- Permission was never given for D1 use. (***see paragraph 6 - 12)***)
- Documentation from Wokingham Borough Council as well as the Bank Deed confirm work had been started. This means that even if D1 status had been granted, it has now lapsed. (***see paragraph 6 - 12)***)
- Under the above Deed s. 106 contribution should have been paid but is still outstanding. (***see paragraph 6 - 12)***)
- The present application contravenes CP3 and Design Guide R7 in that the proposed building is out of character with the surrounding properties. (***see paragraph 13-18)***)
- The present application also contravenes Design Guide R1 because it is not conforming with the building line. The boundary separation of 0.5 metre is not in line with the Design Guide where it is clearly stated that 1 metre is required. (***see paragraph 13-18)***)
- There is insufficient parking to the rear and front as well as limited street parking available. (***see paragraph 26 - 29)***)

Cllr Philip Mirfin

- The site has never had D1 classification (***see paragraph 6 - 12)***)
- The residential use has been implemented (***see paragraph 6 - 12)***)
- North flank to boundary separation is 0.5m (Borough Design Guide minimum is 1m) (***see paragraph 13 - 18)***)
- Width of driveway is 2m (Highways Design Guide is 2.5 minimum) (***see paragraph 13 - 18)***)
- The low building line, front elevation and proposed gate are out of character with the street scene (***see paragraph 13 - 18)***)
- The proposed hours of opening are not stated, leading to potential noise disturbance (***see paragraph 19 - 24)***)
- Off road parking provision is not adequate (***see paragraph 26 - 29)***)
- Due to its size, scale and orientation the proposal would have a harmful impact on the residential amenities of 99 Oxford Road (***see paragraph 25)***)

APPLICANTS POINTS

- The hall be used as a gospel for locally based families belonging to the Christian group known as Plymouth Brethren
- The church could occupy the existing building without planning permission.
- Whilst the group could occupy the existing building, they seek to demolish and rebuild a new hall due to structural issues with the existing building.

PLANNING POLICY		
National Policy	NPPF	National Planning Policy Framework
Adopted Core Strategy DPD 2010	CP1	Sustainable Development
	CP3	General Principles for Development
	CP4	Infrastructure Requirements
	CP6	Managing Travel Demand
	CP7	Biodiversity
	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
	CC06	Noise
	CC09	Development and Flood Risk
	Cc07	Parking
	CC10	Sustainable Drainage
	TB07	Internal Space Standards
	TB21	Landscape Character
	TB23	Biodiversity
Supplementary Planning Documents (SPD)	BDG	Borough Design Guide – Section 4
	WPSS	Wokingham Parking Standards Study Report October 2011

PLANNING ISSUES
<p><u>Description of Development:</u></p> <p>1. It is proposed to demolish the existing single storey building and erect a new single storey building that would be:</p> <ul style="list-style-type: none"> - Set behind the façade of the adjoining dwelling by 3 metres, 0.5 metres away from the boundary from number 99; - Smaller than the existing dwelling measuring 8 metres in width, 12 metres in depth, and 6.1 metres in height compared to 8.4 metres in width, 13.9 metres in depth and 6.3 metres in height at present;

- Include 5 parking spaces to the front, and disabled bays and overflow parking to the rear.

Principle of Development:

2. The National Planning Policy Framework (NPPF) 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 within a settlement boundary and as such the development should be acceptable providing that it complies with the principles stated in the Core Strategy.
4. Policy CP3 of the Core Strategy states that development must be appropriate in terms of its scale of activity, mass, layout, built form, height, materials and character to the area in which it is located and must be of high quality design without detriment to the amenities of adjoining land uses and occupiers.
5. The site would be within the major development location and as such would be acceptable in principle, subject to other material considerations.

The existing use of the site:

Whether Open D1 or 'Dentist'

6. Concerns were raised that the 1990 consent was not for an open D1 use but for the use as a dental surgery only - The proposal is described as "36870 Change of use from residential/dental surgery to sole use as dental surgery. Approved 12. December 1990".
7. Legal advice had been sought on this matter. The wording in the proposal alone is not a sufficient to ensure that the premises can only be used for a dental surgery and for no other use. The words 'sole use as a dental surgery' are simply part of the proposal description. Changing to another use within the same Use Class is not development and does not require planning permission. The law will require any planning authority that wishes to restrict a use to say so clearly and unambiguously in a carefully worded condition and to give reasons why it is reasonable to do so. The only way to clarify the restriction of a use by removing rights from land, such as permitted development rights, either via a condition or an Article 4 direction, or removing a planning permission. There is no such condition in this planning permission, and without this, any argument that it should be used only as a dental surgery and no other D1 use is completely unenforceable.
8. Planning permission decision notices do not have to specify the class of use being applied for. As the premises have permission for a dental surgery, and that permission was clearly implemented, then it must be concluded that the use is D1 as advised previously, and that all of the uses within D1 will be permitted.

Whether the residential use had been implemented

9. Concerns were raised that the site was in residential use and was no longer a dentist. It was argued that the removal of dentist equipment implemented the residential consent. It was also relevant that the attached S106 monies had not been paid.
10. Legal advice was also sought on the above matter. The assessment of whether a use had commenced is a matter of fact and degree, along with the requirements of the decision notice. In this case there is no evidence that a residential use had commenced. Whilst dental equipment had been removed, including tools and chairs, this was likely to be a result of the previous occupant leaving, such activity would not constitute development and is an activity over which the Council does not have control. There were no other signs of residential habitation. The reception and dentist rooms remained set up, albeit without tools or chairs. There was no bedroom or bathroom that included bathing or showering facilities. There was no full kitchen, other than a small kitchenette.
11. Whilst a S106 agreement had been signed, the payment of the section 106 would only be required on implementation of the planning permission. The applicant is not required to implement the permission and the permission had not been implemented. In addition, the Council's S106 monitoring officer received an email stating that the current occupiers did not wish to implement the consent for the dwelling, and have since submitted this application. As such no S106 monies are due.

Use as Gospel Hall

12. The proposal would fall within the same use class as the existing use on the site. The site was last used as a Dentist, a use falling within use Class D1. Gospel Halls would also fall within the D1 use class. Such use could operate within the existing building and on the existing site without requiring planning permission. The use of the site is therefore not for consideration as part of this application for a replacement building.

Impact upon the character of the area

13. Concerns were raised with the position of the replacement building within the prevailing building line, its lack of fenestration, and materials used on the proposed replacement building.

Prevailing building line



14. The proposed replacement dwelling would be located 3 metres behind the adjoining dwellings allowing additional parking spaces to the front. This is compared to the original building that was in line with the adjoining dwellings. Whilst the new building would be set back from the adjoining dwellings, such variations exist in the wider area and as such the proposal would not be harmful to the character of the area.

15. Concern has also been raised that the proposed building would only be set 0.5 metres off the boundary, rather than 1m as required for residential development by the Borough Design Guide. However, the proposal is for a detached single storey Gospel Hall which would adjoin a two

storey residential dwelling and would be set significantly back from that neighbour. As such it would not result in the terracing impact which the Borough Design Guide seeks to avoid.

Materials

16. The application proposes the use of white weather boarding to the elevations and plain clay tiles to the roof. Concerns were raised regarding the use of weather boarding on the basis that these would be contrary to the character the area. The area is characterised by a range of building styles and sizes, with some variation in materials surrounding the application site. The use of weather boarding is not particularly unusual on residential and non-residential properties and the use of external materials other than brick is considered to be acceptable.

Height, scale and massing, and fenestration

17. The existing building on site is a bungalow which is smaller than the majority of surrounding dwellings, which are largely two storeys. The proposed replacement building would have a similar height to the original, but would be slightly narrower and less deep than the existing building, resulting in a smaller volume overall. The building designs and height within the surrounding street scene are varied, and there is an existing height and scale difference between the existing building and the surrounding dwellings. Whilst the proposed building is smaller this would not be

harmful to the character of the area.

18. Concern was raised that the proposed replacement building would be out of character within a residential area due to its lack of fenestration. The proposed building would contain one window and one door to the front elevation, compared to two windows to the front on the present building. This is considered to be appropriate. It should also be noted that the D1 use of the site is not residential in any event.

Residential Amenities:

Noise/disturbance

19. Concerns were raised with the noise and disturbance of from within the Gospel Hall, from people leaving and entering the hall, and through the movement of vehicles on and off the site. It needs to be emphasised; however, that the use of the building as a Gospel Hall is not the primary factor to be considered as the existing building could be used for this use without requiring planning permission.

20. Whilst parking spaces are proposed to the rear of the site, limitations to the hours of operation are proposed which would limit the impact upon the amenity of the amenity of neighbouring dwellings. The existing D1 use does not have any restrictions relating to hours of operation and it should therefore be noted that the Gospel Hall could use the site without any time restrictions. The rebuilding therefore represents the opportunity to place constraints on the use to limit its impact.

21. Concerns were raised with the early opening hours due to potential noise disturbance; however, the applicant advises that the early Sunday morning Lords Supper (Holy Communion) is regarded as an immutable commitment. Furthermore, this could occur in the existing building without planning controls.

22. A noise management plan has been submitted by the agent that sets out measures to manage potential noise levels, including no musical instruments or pre-recorded amplified music, no outside music, due care to not disturb neighbours, and a complaints procedure (**Condition 8**). In addition, the unit is relatively small, limiting the amount of people that could use the building and associated traffic movements. This represents an additional control relative to the current position.

23. For the reasons above it is considered appropriate to condition the use of the building by the Plymouth Brethren only (**Condition 2**).

24. In terms of noise and disturbance from within the Gospel Hall, appropriate soundproofing or sound insulation has been conditioned, details of which must be submitted and approved prior to commencement (**Condition 7**). As above, it should be noted that the use of the existing building is unrestricted and the hours of use of the building are therefore not controlled at present. Therefore, this represents an ability to control the use of the building relative to the current position.

25. In summary therefore, both in terms of noise and disturbance due to people entering and leaving the Gospel Hall and from noise within the site, the current application represents an opportunity to impose a restriction on hours of operation of the site in the interests of the amenity of surrounding occupiers, which does not exist at

present given the unrestricted nature of the lawful D1 use of the site.

Privacy/ loss of daylight and sunlight

26. Concerns were raised with the rearward projection of the new building and that it would overshadow the rear extensions of the adjoining dwelling; However it is considered that whilst there would be shadowing for some parts of the day it would not be to the extent that it was result in harm to residential amenity from this modest building, which is smaller than the existing building.

Highways issues

27. Concerns were raised about the impact the vehicle movements, and parking demand as a result of the proposed Gospel Hall including parking stress and issues of highway safety.

28. The council's parking standards set out by use class. For D1 uses there is no set parking requirement for a Gospel Hall. The 1990 consent for 'Change of use from residential/dental surgery to sole use as dental surgery' conditioned the parking layout and turning space for 5 visitor bays and 5 staff parking bays.

29. The setting back of the building provides space for 5 vehicles and landscaping to the front, and 3 disabled bays and overflow parking to the rear. The proposed allocated bays are less than that of the 1990 consent, the proposed building is also smaller and there is space for overflow parking at the rear that results in a similar provision.

30. Given that the proposed use could occupy the existing unit without planning permission and use the same parking provision, it is not considered reasonable to require additional parking provision over and above the level proposed.

Biodiversity:

31. The building currently at 97 Oxford Road was confirmed as a resting place of a European Protected Species (bats) in October 2014 when bat droppings, likely Brown Long-eared, were discovered by GS Ecology. The building is proposed for demolition and replacement. The destruction of existing roost would be an offence unless a derogation licence is obtained. In order to obtain the derogation licence from Natural England the applicant will need to demonstrate that the 'three tests' can be passed, one of which is whether favourable conservation status of the protected species will be maintained.

32. In relation to the tests it is considered that:

- The proposal would comply with development plan policy, and in doing so would be in the public's interest to approve.
- Due to the need to replace the building, following concerns of its structural integrity, there is no satisfactory alternative
- The proposal would achieve conservation status from a compensating with bat brick within the building, and tree mounted boxes (**Condition 4**).

33. These tests have been met by the proposal, and therefore it is considered reasonable that a Licence could be granted from Natural England. There is therefore

no objection to the development on the basis of ecological impact.

CONCLUSION

This is a proposal for the demolition of a building last used as a dentist and the erection of a new building for use as a Gospel Hall. Both uses fall within use class D1. Concerns were raised that the building is now under residential use, and that the use is limited to a dentist only. Legal advice has been sought that clarified that the use is open D1. Consequently, the existing building could be used as a Gospel Hall without planning permission. This application provides an opportunity to secure controls over noise, hours of operation and noise mitigation relative to the current position. The building itself would not harm the character of the area, or impact upon residential premises in physical terms and provides adequate parking which would be controlled through condition. As such the proposal is recommended for conditional approval.

CONTACT DETAILS

Service	Telephone	Email
Development Management and Regulatory Services	0118 974 6428 / 6429	development.control@wokingham.gov.uk