

Agenda Item 7.

Application Number	Expiry Date	Parish	Ward
221797	16/06/2023	Earley	Hillside

Applicant	Mrs. C Burrows
Site Address	"Crookers", Rushey Way, Earley, Wokingham
Proposal	Outline application with all matters reserved for the proposed erection of 9 no. dwellings following demolition of the existing dwelling.
Type	Outline Planning Permission
Officer	Benjamin Hindle
Reason for determination by committee	Listed by Cllr Pauline Jorgensen and Cllr Caroline Smith

FOR CONSIDERATION BY	Planning Committee on Wednesday, 14 th June 2023
REPORT PREPARED BY	Assistant Director – Place

Summary

Application 221797 was deferred on the 10 May 2023 following Members of the Planning Committee's request for site visit to assess the context of the site, including neighbouring amenity, access and green infrastructure. The site visit to the application site and 2no. neighbouring properties is to be carried out on the 9 June 2023.

The original Committee report is appended below as Appendix 1 and the adjoining Supplementary Agenda detailing points of clarity requested by Members of the Planning Committee are appended below as Appendix 2.

Further to matters raised during public speaking and debate at 10 May Planning Committee, further clarity is provided below in relation to comments relating to access, loss of TPO trees, hard landscaping, garden space standards, provision of 3 storey dwellings, biodiversity loss, neighbouring amenities, the applications nature as an outline with all matters reserved and impacts of granting approval to the principle of development.

Access:

Access is a reserved matter and only the broad location is approved within this submission which WBC Highways support in principle. Members will note that the proposed access location is the same as existing. Details of width, length and highways safety is to be considered in a separate Reserved Matters application wherein it can be scrutinised at a latter date in consultation with the Highways Officer who will make an assessment under WBC standards.

Loss of TPO Trees:

The site plan provided is on an indicative basis only, as this Outline planning application as landscape is reserved . Approving this Outline application does not authorise the removal of any TPO Trees as these are protected by separate legislation and will need to be considered under a separate application.

Hard landscape appearance:

As above, landscape is a matter reserved and full details of landscaping will be submitted at a latter date wherein it can be scrutinised in line with adopted policy. Both these elements will be assessed in consultation with the Landscape Officer.

Garden space standards:

The site plan provided is on an indicative basis only and is not an 'approved plan' as appearance, layout and scale are matters reserved which will require a separate application which can be scrutinised at a latter date. The layout provided is on an indicative basis only, which shows the site can accommodate the proposed 9 dwellings. Members please note that the garden depths indicatively shown vary in their scale, with some plots being far above standards, but with minor adjustments which would be expected at Reserved Matters stage the site could accommodate garden depths compliant with the Wokingham Borough Design Guide.

3 Storey Dwellings:

The matters of appearance, scale and layout are reserved and the indicative site plan should not be viewed as exactly what will come forward at Reserved Matters stage. Any future submission will require a detailed assessment which includes how the proposed scale of the dwelling would relate to neighbouring amenity and the character of the area. Approval of this Outline application as recommended does not authorise any 3 storey dwellings and as such, this comment is not material to determination.

Biodiversity Loss:

Landscape, layout and scale are reserved matters which will require a separate application which can be scrutinised at a latter date. Whilst it is anticipated that there will be a degree of biodiversity loss, when applying the tilted balance this is not considered to significantly and adversely outweigh the identified benefits of the scheme as required by Paragraph 11d of the NPPF. These benefits include, amongst others, providing 9 much needed homes in a sustainable location within a Major Development Location.

Neighbouring Amenity:

The matters of appearance, scale, layout and landscape (buffering) are reserved and the site plan is purely indicative to show that the number of dwellings proposed can be accommodated on site. Any future submission will require scrutiny in regard to neighbouring amenity with reference to the LPA's MDD Local Plan, Core Strategy and the recommendations within the Borough Design Guide.

Outline applications:

The Town and Country Planning Act (as amended) established Outline Applications including in 1990 and this application type is fully valid and prescribed nationally. The application's nature as an Outline with all matters reserved cannot hold any material weight, nor prejudice the determination of the application.

Impacts on granting the principle of development:

This application is for 9 dwellings, and any future applications that may follow will be assessed on their own merits. Members please note that notwithstanding the proposal, the site as existing is developed land and a brownfield site, with an approved principle of development for (use class) C3 residential in a major development location.

The application is recommended for approval subject to conditions and informatives as detailed within Appendix 3 below.

APPENDIX 1 – Committee Report 10th May 2023

Application Number	Expiry Date	Parish	Ward
221797	12/05/2023	Earley	Hillside

Applicant	Mrs. C Burrows
Site Address	"Crockers", Rushey Way, Earley, Wokingham
Proposal	Outline application with all matters reserved for the proposed erection of 9 no. dwellings following demolition of the existing dwelling.
Type	Outline Planning Permission
Officer	Benjamin Hindle
Reason for determination by committee	Listed by Cllr Pauline Jorgensen and Cllr Caroline Smith

FOR CONSIDERATION BY	Planning Committee on Wednesday, 10 th May 2023
REPORT PREPARED BY	Assistant Director – Place

SUMMARY
<p>This application relates to the property Crockers, within the major development location of Earley. The proposal seeks to demolish the existing large, detached dwelling and erect 9no. dwellings (net gain of 8no. dwellings). The application is submitted in outline with all matters reserved.</p> <p>The proposal is located within a sustainable location within an existing urban area where the principal of such development is supported. The scheme does however fail to provide the required 2.8 affordable units on site (subject to viability) and therefore is in recognised to be in conflict with policy CP5. However, for reasons outlined in this report, in this instance the identified policy conflict is considered limited.</p> <p>The quantum of development, indicative layout and type of dwellings are considered to be appropriate in terms of the nature and pattern of development in this particular location. The location of the access is considered to be acceptable and design details of the access are a reserved matter. There are no objections from the Highways Officer in relation to the access.</p> <p>The proposal involves the loss of a small number of protected trees. The removal of protected trees would be limited in its extent and the applicant has confirmed that these will be replaced as part of a comprehensive landscaping scheme which would include biodiversity net gain to enhance the ecological and nature environmental features of the site.</p> <p>The NPPF is clear that where development does not result in significant harm and is sustainable, it should be supported. The proposal achieves wider compliance with the overall spatial objectives of the NPPF in significantly boosting the supply of new homes in a sustainable location within the borough.</p> <p>When applying the tilted balance as required by Paragraph 11d(ii), the limited harm caused by the failure to provide a small affordable housing contribution and the loss of a small number protected trees is not considered to significantly and adversely outweigh</p>

those identified benefits associated with the provision of housing within a sustainable location which has an appropriate and safe means of access. Officers are therefore recommending the application for approval, subject to the conditions listed.

RECOMMENDATION

APPROVAL subject to conditions and informatives.

PLANNING STATUS

- Major Development Location
- Electricity sub-station consultation zone
- Potentially contaminated land consultation zone
- Tree Preservation Order
- Thames Basin Heaths - Special Protection Area – 5 and 7 km

RELEVANT PLANNING HISTORY

No relevant planning history

SUMMARY INFORMATION

For Residential

Site Area	0.27 HA
Existing units	1
Proposed units	9
Existing density – dwellings/hectare	3.7
Proposed density - dwellings/hectare	33.3
Number of affordable units proposed	0 units
Previous land use	C3 Residential and residential garden

CONSULTATION RESPONSES

Internal

WBC Property Services – No comments received
WBC Sports Development (Places and Neighbourhoods) -
WBC Environmental Health – No objection subject to conditions
WBC Drainage – No objection subject to conditions
WBC Highways – No objections subject to conditions
WBC Education (School Place Planning) – No comments received
WBC Economic Prosperity & Place (Community Infrastructure) – No objection subject to conditions
WBC Green Infrastructure – Non compliance with TB08 no on or off site public open space.
WBC Landscape and Trees – Objection due to removal of TPO trees
WBC Ecology – No objection subject to conditions
WBC Health and Wellbeing – No comments received
WBC Community Safety – No comments received
WBC Cleaner and Greener – No comments received

External

National Grid – No comments received.

Southern Gas Networks - There should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3.0m of an intermediate pressure system. You should, where required confirm the position using hand dug trial holes.

SSE Power Distribution – No objections

Thames Water Utilities Ltd – No objections

Berks, Bucks & Oxon Wildlife Trust – No comments received.

NHS Wokingham CCG – No comments received

Crime Prevention Design Advisor – No comments received.

Royal Berkshire Fire & Rescue – No comments to make

Berkshire Archaeology - There is archaeological potential in the wider area, even if little is known nearer to the site, on account of a lack of investigation. Pre commencement conditions recommended

REPRESENTATIONS			
Parish/Town Council	<p>Objection (05/04/2023)</p> <ul style="list-style-type: none"> - Layout does not demonstrate that 9 dwellings can be accommodated on site with suitable access. - No assessment of viability of junction and no transport statement - TPO trees are not retained - Contrary to CP3 & CC03 - Wildlife is not protected - No pre-application consultation - Unacceptable layout and design <p><i>Officer Comment: Layout, appearance, means of access, landscaping and scale are reserved matters and cannot be considered as part of this application. This application considers the principle of development only.</i></p>		
Ward Member(s)	<p>Cllr Jorgensen & Cllr Smith comments on original plans</p> <ul style="list-style-type: none"> - Design and layout – can site accommodate the dwellings - Highways Safety 		
Neighbours	Objections- on revised plan		
	1.	23 Beauchief Close	<ul style="list-style-type: none"> • No Acknowledgement of important hedgerows and trees • Overlooking and loss of privacy
	2.	34 Beighton Close	<ul style="list-style-type: none"> • No recognition of hedgerows on revised plan • Issues on ground levels for plot 1 • Development scale and height issues • Detrimental to the green space • No detail on how the egress will be treated

	3.	11 Steeple Walk	<ul style="list-style-type: none"> • Access to the development is unsuitable • Proposed 3 storey houses are obtrusive • Removal of tress and hedgerows
	4.	Steeple Walk, Reading RG64HR	<ul style="list-style-type: none"> • Increased traffic • Pressure on local community and services • Impact on local wildlife
	5.	18 Wickford Way	<ul style="list-style-type: none"> • 9 houses in less then an acre of space is not viable • Not enough spaces for cars • 3 storey houses do not keep up with the current setting
	6.	5 Steeple Walk	<ul style="list-style-type: none"> • Significant congestion will take place • 3 storey dwellings will impact privacy
	7.	143 Hilmanton Lower Earley	<ul style="list-style-type: none"> • Loss of privacy • Risk of flooding for neighbouring properties • Visual impact • Loss of trees • Effects on wildlife • Traffic issues
	8.	20 Wickford Way	<ul style="list-style-type: none"> • Reducing from 10 to 9 houses will have minimal impact • Impact on vehicle congestion • Impact on local infrastructure
	9.	Beighton Close RG6 4HZ	<ul style="list-style-type: none"> • Proposed properties are obtrusive • Local areas land, stability and drainage will be impacted • Generation of traffic, pollution and parking
	10.	28 Beauchief Close	<ul style="list-style-type: none"> • Height concern for plots 7, 8 and 9 • Access to the plot • Flooding issues • Properties will be intrusive • Loss of wildlife • Overcrowding in the area • Increased traffic

11.	16 Beauchief Close	<ul style="list-style-type: none"> • Pedestrian access will be impacted • Traffic levels • Access remains unimproved • Parking issues • Breach of permitted development • Loss of amenity • Privacy concerns • Increased noise pollution
12.	5 Tiptree Close	<ul style="list-style-type: none"> • Heavy Traffic overflow • Entrance is next to children crossing the road
13.	32 Easby Way	<ul style="list-style-type: none"> • Revise description • Site access does not comply with highway standards
14.	27 Beauchief Close	<ul style="list-style-type: none"> • Hedgerow is vital to importance of the land • Impacts local wildlife • Ground levels and flooding issues • Waste management issues
15.	4 Wickford Way	<ul style="list-style-type: none"> • 3 storey houses do not suit local area • Increased traffic • Lack of parking
Objections on previous plan		
17.	27 Beauchief Close	<ul style="list-style-type: none"> • Comments same as revised plan
18.	21 Beighton Clo Lower Earley	<ul style="list-style-type: none"> • Disappointed with the agent
19.	14 Cambrian Way	<ul style="list-style-type: none"> • Not in keep with current development • Not good for sustainability
20.	16 Beauchief Cl	<ul style="list-style-type: none"> • Comments remain the same on revised plan
21.	34 Beighton Close	<ul style="list-style-type: none"> • Comments same as revised plan
22.	98 Silverdale Road	<ul style="list-style-type: none"> • Loss of trees and hedging • Violates the local plan
23.	28 Beighton Close	<ul style="list-style-type: none"> • Increase in pollution • Detrimental to wildlife • Privacy issues with houses being to close • Parking issues

24.	45 Main Road	<ul style="list-style-type: none"> • Access to the development • 3 storey plots are too high and violate privacy • Effect the great crested newts • Loss of trees
25.	77 Hilmanton RG64HN	<ul style="list-style-type: none"> • Infrastructure will not support the development • 3 storey houses result in loss of privacy
26.	2 Tiptree Close	<ul style="list-style-type: none"> • Excessive number of homes • 3 storey houses do not keep up with the area • Traffic congestion
27.	25 Ryhill Way	<ul style="list-style-type: none"> • Violates the council's climate emergency plan • Loss of trees and hedges • Privacy issues of plots 7, 8 and 9
28.	90 Hilmanton	<ul style="list-style-type: none"> • Space for development is too small • Access issues • Developers maximising profits with no concern for local community
29.	159 Hilmanton	<ul style="list-style-type: none"> • Safety for school children • Detrimental to quality of life • Air pollution issues
30.	5 Wickford Way Lower Earley	<ul style="list-style-type: none"> • loss of trees • Objects to erection of 3 storey houses
31.	1 Hilmanton	<ul style="list-style-type: none"> • Not in keep with surrounding properties • Issues with road access • Inadequate space for parking • Loss of privacy
32.	9 Tiptree Close	<ul style="list-style-type: none"> • Density of development is too much • Access to the site will cause congestion • Parking issues
33.	5 Steeple Walk	<ul style="list-style-type: none"> • Comments same as revised plan
34.	11 Steeple Walk	<ul style="list-style-type: none"> • Comments same as revised plan

	35.	96 Hilmanton	<ul style="list-style-type: none"> • Not in keep with the area • Increased cars and parking • More school children attending an overpopulated school • Loss of trees • Burden to local GP
	36.	16 Tiptree Close	<ul style="list-style-type: none"> • Access to the road will be an issue • Development is overlooking • Landscaping problems • Inadequate parking
	37.	3 Steeple Walk	<ul style="list-style-type: none"> • Increased pollution levels • Visual amenity
	38.	11 Tiptree Clos Lower Earley	<ul style="list-style-type: none"> • Highway safety issues • Overdevelopment of the area • Loss of trees
	39.	2 Wickford Way	<ul style="list-style-type: none"> • Significant traffic • Lack of parking • Tree destruction • More school places • 3 storey houses • Overlooking • Not keeping within local setting
	40.	7 Tickhill Close	<ul style="list-style-type: none"> • Issues with increased housing • Lack of privacy • Increased congestion
	41.	2 Steeple Walk	<ul style="list-style-type: none"> • Inadequate access and highway safety • Inappropriate design • Privacy issues due to high buildings • Loss of trees • Local services already too stretched
	42.	25 Beauchief Close	<ul style="list-style-type: none"> • 10 proposed dwellings for 1 current dwelling • Safety and access issues
	43.	245 Rodway Road	<ul style="list-style-type: none"> • Too many houses being built • Buildings should be reduced in height • Doctors surgery is overstretched
	44.	22 Carshalton Way	<ul style="list-style-type: none"> • Not enough doctors to deal with increased persons

		<ul style="list-style-type: none"> • Trip to pharmacy will be redirected to a telephone conversation
45.	20 Wickford Way Lower Earley	<ul style="list-style-type: none"> • Not in keep with the surrounding area • Increase of 20 cars • Safety issues with regards to primary school • Local GP stretched out
46.	15 Tiptree Close	<ul style="list-style-type: none"> • Density of the development is too much • Road positioning issues • Reduction of green space • No increased infrastructure to deal with the development
47.	15 Beauchief Close	<ul style="list-style-type: none"> • 3 storey properties will look overlook
48.	30 Beighton Close	<ul style="list-style-type: none"> • Removal of laurel cherry hedge • Removal of 36 trees
49.	20 Beighton Close	<ul style="list-style-type: none"> • Inevitable lack of privacy • 3 storey buildings inconsistent with local upkeep • Inadequate access • Inappropriate design and density • Loss of habitats • Loss of trees
50.	17 Beauchief Close	<ul style="list-style-type: none"> • Proposed properties above ground of local properties • Burden on sewer and water works • Congestion issues
51.	23 Beauchief Close	<ul style="list-style-type: none"> • Comments same as revised plan
52.	143 Hilmanton	<ul style="list-style-type: none"> • Loss of privacy • Visual impact to local community • Loss of trees • Effects on wildlife • Traffic congestion • Local services will be stretched
53.	2 Beighton Close	<ul style="list-style-type: none"> • Issues with parking • 3 storey houses are not in keeping with local houses

		<ul style="list-style-type: none"> • Loss of both light and privacy • Proposed building is effectively a back garden
54.	Tiptree Close RG64HS	<ul style="list-style-type: none"> • Shocked at the proposal of 10 houses for 1 • Over 20 new cars on the road • Loss of trees
55.	Planters Lodge	<ul style="list-style-type: none"> • 3 storey houses have inadequate garden length • Access to the road • Large amount of hard standing • Parking will be overwhelmed • Destroying lung supporting wildlife
56.	1 Catcliffe Way	<ul style="list-style-type: none"> • Dangerous for a busy road • 3 storey houses are not in keep with the surrounding area
57.	34 Beighton Close	<ul style="list-style-type: none"> • Comments same as revised plan
58.	21 Beighton Close	<ul style="list-style-type: none"> • The intensive development of the plot is not in keeping with the local area • Properties will be overlooking • Destruction of the natural environment • Generation of traffic • Local services will be stretched
59.	26 Beighton Close	<ul style="list-style-type: none"> • Access route will be too busy • Proximity of proposed properties are too close to each other • Not enough space for development
60.	24 Beighton Close	<ul style="list-style-type: none"> • Size and scale is too much for 1 existing property • Detrimental effects on wildlife • Parking issues
61.	5 Beauchief Close	<ul style="list-style-type: none"> • 10 houses will cause too much congestion • Will affect the peacefulness of the community

	62.	32 Easby Way	<ul style="list-style-type: none"> • Comments same as revised plan
	63.	17 Beauchief Close	<ul style="list-style-type: none"> • Issues with new types of trees and foundations of our house • Will need to maintain more tree branches
	64.	12 Beighton Close	<ul style="list-style-type: none"> • Overcrowding in the area • Proposed windows would look into my property

PLANNING POLICY		
National Policy	NPPF	National Planning Policy Framework
	NPPG	National Planning Practice Guidance
	NDG	National Design Guide
Adopted Core Strategy DPD 2010	CP1	Sustainable Development
	CP2	Inclusive Communities
	CP3	General Principles for Development
	CP4	Infrastructure Requirements
	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
	CP10	Improvements to the Strategic Transport Network
	CP11	Proposals outside development limits (including countryside)
	CP12	Green Belt
	CP13	Town Centres and Shopping
	CP14	Growth and Renaissance of Wokingham Town Centre
	CP15	Employment Development
	CP18	Arborfield Garrison Strategic Development Location
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
	CC05	Renewable energy and decentralised energy networks
	CC06	Noise
	CC07	Parking
	CC09	Development and Flood Risk (from all sources)
	CC10	Sustainable Drainage
	TB05	Housing Mix
	TB07	Internal Space standards
	TB12	Employment Skills Plan
	TB21	Landscape Character
	TB23	Biodiversity and Development
	TB24	Designated Heritage Assets
Supplementary Planning Documents (SPD) / other		Borough Design Guide – Section 4

PLANNING ISSUES

Outline Applications:

1. The application has been submitted in outline, with all matters reserved, therefore the principle of development in this location can only be assessed.
2. Information about the proposed use or uses, and the amount of development proposed for each use, is necessary to allow consideration of an application for outline planning permission. An application for outline planning permission must indicate the area where access points to the development will be situated regardless of whether access is reserved.
3. Unless the applicant has indicated that those details are submitted “for illustrative purposes only” (or has otherwise indicated that they are not formally part of the application), the local planning authority must treat them as part of the development in respect of which the application is being made; the local planning authority cannot reserve that matter by condition for subsequent approval.

Background Information:

4. The scheme originally applied for was for up to 10 dwellings, a revised plan was received on 13 March 2023 reducing the scheme to 9 dwellings only. This would constitute a net gain of 8 dwellings.

Site Description:

5. The site is located within a major development location. It is 0.27ha in area and occupied by a part-single, part two-storey, flat-roofed dwelling built in the 1960s. Access is via Rushey Way. It is surrounded by more suburban residential estates, including those built in the 1980's, with Tiptree Close opposite the access point and fourteen dwellings on Rushey Way, Beighton Close and Beauchief Close bordering the site's perimeter.
6. Bus stops are approximately 50m and 127m away from the current access point for each direction and the services link to Reading town centre and mainline station: a 30 minute bus journey from the site. Numerous services and facilities are within a 0.5-1km walking distance from the site including a primary school, leisure centre and superstore.
7. A number of the trees on the site are protected by a Tree Protection Order (ref: TPO-1890-2022).

Proposal:

8. This application proposes the demolition of the existing dwelling and its replacement with 9 dwellings (8 net additional dwellings).

Principle of Development:

9. Section 38(6) of The Planning and compulsory purchase Act 2004 requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case the Development Plan comprises the Core Strategy (CS), the Managing Development Delivery Local Plan (MDD) and Central and Eastern Berkshire Joint Minerals and Waste Plan (Joint Plan) (2023) which are read alongside the NPPF.
10. The MDD 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.

Core Strategy (CS), the Managing Development Delivery Local Plan (MDD)

11. Policy CC02 of the MDD Local Plan sets out the development limits for each settlement as defined on the policies map. Policy CP9 of the CS sets out that development proposals located within development limits will be acceptable in principle, having regard to service provisions associated with the major, modest and limited categories.
12. The application site is located in a sustainable location within a major development location and within a settlement boundary; as such, the principle of the development is acceptable providing it complies with local and national policy and there are no other material considerations which dictate otherwise.
13. CS policy CP3 states that development must be appropriate in terms of its scale of activity, as layout, built form height, materials and character to the area in which it is

located and must be of a high-quality design without detriment to the amenities of adjoining land uses and occupiers. The appearance, means of access, landscaping, layout and scale of development are reserved matters and cannot therefore be considered until a reserved matters application for each matter is submitted.

Emerging Local Plan Update:

14. The Local Plan Update (LPU), the plan which will supersede the adopted Core Strategy and Managing Development Delivery (MDD) local plans, is at the consultative stage of preparation. To date, the council has consulted on two draft strategies for the LPU: the Draft Plan (2020) and the Revised Growth Strategy (2021). The emerging local plan is at an early stage in preparation and supporting evidence has been challenged and will be reviewed. Therefore, the LPU is afforded little weight in the overall balance.

Minerals and Waste Local Plan:

15. The Central and Eastern Berkshire Joint Minerals and Waste Plan (Joint Plan) was adopted by Wokingham Borough Council on 19 January 2023. The Joint Plan identifies site allocations and extensions to help provide a future supply of sand and gravel extraction. However, despite these allocations, there remains a shortfall of supply during the plan period. The policy response to address the shortfall is the identification of a 'Minerals Safeguarding Area' (MSA), where Policy M2 of the plan applies, and also an 'Area of Search' where Policy M4 applies. This approach is to demonstrate the potential for, in effect, windfall provision within the Plan area.
16. The site is located outside the MSA and therefore it is not considered commercially viable or suitable for prior extraction and removal.

NPPF and Housing land supply position:

17. The latest published assessment of housing land supply concluded a deliverable supply of 3.95 years as of the 31 March 2022.
18. The National Planning Policy Framework (NPPF) states under paragraph 11 that where a local planning authority is unable to demonstrate a five-year supply of deliverable housing sites, the most important policies relating to the application may be viewed as being out of date. It continues to advise that unless there are specific policies in the NPPF protecting the land subject to the application, that permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF. This presumption in favour of sustainable development outlined in paragraph 11 of the NPPF is commonly referred to as the 'tilted balance' as harm and benefits are not weighed equally, but tilted according to paragraph 11(d)ii).
19. The statutory status of the development plan as the starting point for decision-making. This is set out clearly in paragraph 12 of the NPPF and is a matter of law.
20. In considering the weight to be attached to the various benefits and adverse impacts of a proposed development under the NPPF and the development plan, any planning application must be considered in context.

21. Material to decisions on planning applications involving housing is the underlying reasons for the shortfall in deliverable housing sites.
22. The shortfall is not as a result of non-delivery of housing but due to the significant over delivery in recent years reducing the bank of land with extant planning permissions.
23. All evidence and assessments show that whether the housing target is defined through the requirement set out in the Core Strategy or the outcome of the standard method set out in national Planning Practice Guidance, delivery has significantly exceeded the target. If over delivery were taken into account over the whole Core Strategy plan period or since the introduction of the standard method, there would be no shortfall over the coming five years with over delivery significantly exceeding the shortfall.
24. In this context, the weight to be attached to the benefits of additional housing under paragraph 11 of the NPPF should be moderated. This reflects the approach set out in the Willow Tree House (Application ref 203560, Appeal ref: APP/X0360/W/21/3275086), Land at Baird Road (Application ref 202303, Appeal ref APP/X0360/W/21/3276169) and Land to the west of St Anne's Drive and south of London Road (Application ref 203544, Appeal ref APP/X0360/W/22/3297645) appeals, where the Inspectors only applied moderate weight to the provision of additional housing.
25. In the case of the former two appeals, the Inspector continued to consider the adverse impacts and dismissed the appeals. In the case of land to the west of St Anne's Drive, the Inspector acknowledged the Council's strong record of housing delivery, which he concluded could be said to have significantly boosted the supply of housing. Given this strong record of housing delivery performance, the Inspector noted:

'Under these circumstances, I consider that moderate weight is attributed to the modest contribution that the appeal scheme would make towards housing land supply in the area and reducing the shortfall in the 5-year supply of deliverable housing sites, which is itself limited.'(paragraph 45)
26. These three appeals were all determined before the most recent housing land supply statement was published. Based on the previous housing land supply statement, housing land supply was considered by the Inspectors to be between 4.34 to 4.92 years.
27. Nevertheless, this conclusion was reinforced by an Inspector following a very recent appeal decision at Land East of Lodge Road, Hurst (Application ref: 220458, Appeal ref APP/X0360/W/22/3309202) and was determined using the most recent housing land supply statement. The Inspector noted:

Even though the Council is currently unable to demonstrate a deliverable 5-year HLS, falling short by some 863 dwellings, I do not consider it reasonable to ignore the bigger picture, which is that there is a very strong likelihood that the Council will achieve a significant oversupply of dwelling completions over the whole Core Strategy period. To my mind this does not signify a Council that is failing in terms of housing provision, but rather one which is performing well and managing to boost the supply of housing over that which it planned for'(paragraph 32).

28. Completions data therefore continues to demonstrate high levels of housing delivery, and housing supply continues to be significantly boosted and should be weighed in the planning balance.
29. Any future application must be considered in line with paragraph 11(d) of the National Planning Policy Framework. This advises that the policies which are most important for determining the application should be deemed out of date and that permission should be granted unless:
 - i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed;
 - ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
30. Firstly, in considering i), it must be recognised that the proposed site is not located within any protected areas or assets of particular importance (as outlined above and within footnote 7 and paragraph 181 of the NPPF).
31. Acknowledging the requirements of paragraph 11(d)ii) and the titled balancing exercise which must be undertaken as a result of paragraph 11 being engaged, the underlying reasons for the shortfall in deliverable sites must be recognised. Notwithstanding this, under Paragraph 11d(ii) the LPA required to consider the proposal against the policies in the NPPF taken as a whole.
32. The NPPF support the Government's objective of significantly boosting the supply of homes. Paragraph 69 recognises the important role small and medium sized sites can make in contributing to meeting the housing requirement of an area and are often built out relatively quickly. This goes on to encourage LPAs to support the development of windfall sites through their decisions and give **great weight** (officer emphasis) to the benefits of using suitable sites within existing settlements for homes. This includes working with developers to encourage the sub-division of large sites where this could help to speed up the delivery of homes.
33. Paragraph 105 identified the importance of development being focused within locations which are sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions and improve air quality and public health.
34. Paragraph 119 is clear that decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Paragraph 124 goes on to state that "decisions should support development that makes efficient use of land, taking into account: a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;"
35. In light of the above, this proposed development supports the overarching aims housing delivery, sustainable transport and the efficient use of land as identified within the framework, and this is afforded great weight in the overall balance.

Affordable Housing:

36. Policy CP5 of the Core Strategy requires all residential proposals of at least 5 dwellings or a net site area of at least 0.16 within development limits has to provide a minimum of 35% affordable housing where viable.
37. The Council's Affordable Housing Supplementary Planning Document (SPD) July 2013 provides further guidance on its approach to securing affordable housing through the planning process. It sets out, subject to viability, the minimum percentages of affordable housing sought on site by land type and location. It also explains that, for the avoidance of doubt, any application for dwellings exceeding the thresholds in Policy CP5, including mobile home sites, will need to deliver affordable housing in line with the Core Strategy.
38. However, this policy and the guidance contained within the SPD pre-dates the publication of the National Planning Policy Framework (NPPF), including latest 2021 version by some time. Paragraph 64 of the Framework requires that the provision of affordable housing should not be sought for residential developments that are not major developments (10 or more dwellings), other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer).
39. The Planning Practice Guidance (PPG) states specifically that planning obligations for affordable housing should only be sought for residential developments that are major developments. The PPG confirms that the Community Infrastructure Levy (CIL) is the most appropriate mechanism for capturing developer contributions from small developments.
40. The background to this national approach is the Government's desire to incentivise house building in recent years, particularly for smaller sites and local builders. Introduced formally in 2014, this requirement was subject to a number of legal challenges and appeals which meant that it only became set into the PPG in 2016. However, it was still up to the decision maker (the local planning authority) to decide how much weight should be given to the national policy in light of local circumstances. Further updates to the NPPF have reaffirmed the Government's view that contributions should not be collected from developments of less than 10-units. These amendments significantly strengthened the Government's position on affordable housing thresholds, and it is now a material planning consideration the LPA must have due regard to.
41. In addition to the above inconsistency with the Framework, as discussed earlier in this report, the Council is currently only able to demonstrate that it has 3.95 years' supply of deliverable housing land rather than a minimum five-year supply required. Subsequently, Policy CP5 and accompanying guidance is not only inconsistent with the framework and predates it; but is recognised as being out-of-date in accordance with Paragraph 11 of the NPPF, as it sits alongside those other identified policies which are considered most important for determining applications for new housing. The above position has been reinforced via a number of recent appeal decisions on smaller sites whereby it was concluded that although applicable, Policy CP5 carries limited weight, and affordable housing was not sought.
42. It is recognised that in Wokingham Borough the ratio between house prices and earnings is higher than then national average. An assessment undertaken as part of

the evidence base to support the emerging local plan update in 2020 identified a need of 407 affordable dwellings per annum over the period 2018-36.

43. This information has been discussed at several appeals, but because the local plan update remains at a consultative stage, appeal inspectors refer to adopted planning policies set out in the development plan. Considering the changes in national planning policy and recent appeal decisions, the Council remains very vulnerable to challenges when requesting affordable housing on sites providing less than 10 dwellings.
44. Therefore, with due regard to the above conclusions it is considered necessary to only afford the requirements of Policy CP5 limited weight in the overall planning balance. This however does not affect its assessment as the starting point as required by Section 38(6) of The Planning and Compulsory Act 2004.
45. Part of the application site is considered Previously Developed Land -within the settlement limit (on the basis that the NPPF definition of Previously Developed Land excludes "*land in built-up areas such as residential gardens*"). It is noted that the minimum requirements for affordable housing is lower (20%) for previously development land (the part of the site comprising the dwelling itself).The site is approximately 0.27ha and would result in the net gain of approximately 8 dwellings. For a proposal of this scale, 2.8 units (a contribution of 35%) would be required to be secured as affordable in the first instance.
46. No affordable housing is proposed, nor has any viability information been submitted with the application. Therefore, the scheme results in an initial conflict with the requirements of Policy CP5. However, this proposal must also be viewed in terms of its wider contribution to the current affordable housing needs of the borough (407 dwellings per year). The scheme would in effect deliver approximately 0.68% of the total annual affordable housing need and would therefore make a negligible contribution to supply. However, in the context of under-delivery over a number of years, this very limited contribution would still be a benefit, albeit a modest one.
47. Despite there being a significant affordable housing need in the borough, those policies most relevant for delivery of housing, including CP5, are out-of-date in accordance with Paragraph 11 of the NPPF given the housing land supply position. Recent appeal decisions highlight the risk of challenge at appeal should the LPA request affordable housing from sites of this particular size. Finally, the very limited contribution this particular site could make to the needs of the borough must also be recognised in establishing the level of harm caused because of non-compliance. As such it is concluded that the overall harm arising from the in conflict with policy CP5 is very limited.
48. This conflict is reduced further as a consequence of the proposal's wider compliance with the overall spatial objectives of the NPPF in significantly boosting the supply of new homes in such a sustainable location within the borough as identified earlier in the report. The harm caused by the failure to comply with the requirements of CP5 must therefore be carefully considered in the overall planning balance against the wider merits of this scheme.

Garden Development:

49. The Council will resist inappropriate development of residential gardens where development would cause harm to the local area.
50. Policy TB06 of the MDD Local Plan with regard to the development of private residential gardens. Part 2 states that:

Proposals for new residential development that includes land within the curtilage or the former curtilage of private residential gardens will only be granted planning permission where:

- i. The relationship of the existing built form and spaces around buildings within the surrounding area;*
 - ii. A layout which integrates with the surrounding area with regard to the built up coverage of each plot, building line(s), rhythm of plot frontages, parking areas”*
 - iii. Existing pattern of openings and boundary treatments on the site frontage*
 - iv. Providing appropriate hard and soft landscaping, particularly at site boundaries.*
 - v. Compatibility with the general building height within the surrounding area*
 - vi. The materials and elevational detail are of high quality, and where appropriate distinctive and/ or complementary*
51. As all matters are reserved, these aspects will be assessed at reserved matters stage, however the indicative plan indicates a form of development that fits within the context of the surrounding area including the relationship of the built form, plot sizes.

The policy continues to state that:

- b) The application site provides a site of adequate size and dimensions to accommodate the development proposed in terms of the setting and spacing around buildings, amenity space, landscaping and space for access roads and parking*
 - c) The proposal includes access, which meets appropriate highway standards*
 - d) The proposal does not lead to unacceptable tandem development*
 - e) The design and layout minimises exposure of existing private boundaries to public areas and avoids the need for additional physical security measures*
52. The proposed development is considered to be of an adequate size to accommodate 8 additional dwellings and meets appropriate highways standards in terms of the location of the access (the design details of the access are a reserved matter). The proposal does not lead to tandem development; the site fronts the road and the existing dwelling is not being retained. The indicative plans indicate a cul-de-sac layout development which is commonplace in this location.

Character of the Area:

53. Section 12 of the NPPF 'Achieving well-designed places', reinforces the importance of good design in achieving sustainable development, by ensuring the creation of inclusive and high-quality places. Paragraph 130 of the NPPF includes the need for new design to function well and add to the quality of the surrounding area, establish a strong sense of place, and respond to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.
54. The Government's National Design Guide 2019 (NDG) is clear that well-designed places contribute to local distinctiveness. This may include introducing built form and appearance that adds new character and difference to places. Design & Appearance is a reserved matters and cannot be considered at this stage, a contextual analysis is important to understand the prevailing character of the area and consider whether the proposal is able to respond positively to any distinctive features.
55. The site is surrounded by 1970's and 1980's suburban estates, arranged predominantly in cul-de-sacs. As such there is limited residential frontages onto main distributor roads like Rushey Way within the estates. The density of the immediate cul-de-sacs adjoining the application site range from 27-27 dwellings per hectare.
56. The introduction of an additional small cul-de-sac is considered to be in keeping with the existing residential character of this area and is consistent with the predominant form of development in the area. The introduction of residential frontages on Rushey Way is considered a positive aspect of the scheme, with active frontages providing activity, surveillance and interest, thereby contributing to attractive streets and sense of place in accordance with the NDG.
57. The level of development proposed (9 dwellings) is considered modest and at this scale in this location would not represent an overdevelopment of the site. The proposal would result in the net gain of 8 dwellings within the Borough with adequate space retained between dwellings and neighbouring properties as well as adequate gardens and parking provision. The NPPF is clear in its need for decisions promote an effective use of land in meeting the need for homes. It is considered that this proposal would comply with this objective on a site located within an existing urban area.
58. On this basis, the proposed development is realistically considered to be able to achieve a considerate relationship with the existing buildings and will not result in an adverse impact the character and appearance of the area in accordance with CP1, CP3 and the WBC Design Guide.

Design/climate change:

59. 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.

60. Paragraph 153 of the NPPF requires local plans to “*take a proactive approach to mitigating and adapting to climate change...*” which footnote 53 makes clear should be in line with the Climate Change Act 2008 and Paragraphs 157 – 158 deal with individual development and emphasise the importance of energy efficient, low carbon development.
61. It is acknowledged that there may be some environmental benefits to replacing a building in disrepair, however, the energy used to construct a new building can dwarf the energy saved over its useful life. For this reason, it is preferable to adapt existing buildings rather than demolish and replace wherever possible since, even when derelict, a building represents a considerable store of embodied energy. Whilst, no specific design or materials have been proposed or agreed at this stage, 9 new dwellings replacing a single dwelling within the existing housing stock will need to demonstrate an inherent compliance with the most up-to-date energy efficiency stands and building regulations through the reserved matters submission.
62. Any future reserved matters application considering design will be expected to take maximum advantage of sunlight and make use of recycled or sustainable building materials, building insulation, energy efficient and water saving appliances (such as an energy efficient gas powered boiler), photovoltaic panels, compost facilities and cycle storage as well as water butts and soak-aways for rainwater reuse, permeable car parking surfaces and maximisation of soft landscaping for natural infiltration.
63. Overall, there exists a very strong legislative and policy basis for planning decisions to be taken with Climate Emergency considerations at their heart. WBC expects that any new dwelling should meet the requirements set out in the Climate Change Interim Policy Position Statement Wokingham Borough Council (December 2022).

Trees and Landscape:

64. The local area comprises residential development predominantly consisting of cul-de-sacs of properties on relatively modest plots with limited landscaping. The prevailing pattern of development in the area is urban and most boundary treatments comprise fences or walls rather than vegetation or hedgerows. Although there are many protected trees on the site, these are set back within the site and do not contribute to the street scene and the prevailing urban context of the area.
65. Arboricultural Report by Duckworths Arboriculture and dated July 2022 which provides details of the existing tree resource within the site. The indicative plan indicates that three trees are to be removed and replacement trees will be planted.
66. The Trees and Landscape Officer has raised objections to the removal of the trees on the site and considers that the trees shown on to be retained cannot be successfully retained given the proposed development. The WBC Trees Officer makes a number of observations in relation to the TPO trees:
67. T005 – they state that this tree is unlikely to be retained following widening of the access.
68. Given there is an existing access adjacent to the tree which does not appear to be harming it and the access details remain a reserved matter, the design of the widened access cannot be considered. Without details of the widened access the Council

cannot evidence that its alteration will harm this tree. The Applicant's intention is to retain this tree and there is nothing to suggest that this is not feasible or how a widened access would be detrimental to the health of the tree given the existing presence of hardstanding in its RPA.

69. T007 – They state that the location of plot 1 will be located within a significant proportion of the RPA of this tree and will also require its canopy to be raised.
70. There is a minor incursion of dwelling 1 into the RPA. The location of the properties is indicative and dwelling 1 may be in a different location at reserved matters stage.
71. T014, T021 & T024 – of the three trees shown to be retained, only one forms part of G1 of the TPO where there are four protected trees within this group.
72. These trees are located within the garden of Plot 2 and the two silver birch trees to be removed (part of the TPO G1)
73. T026 - It is likely that this tree can be retained as part of the indicative layout.
74. This is not considered to be an objection.
75. T030 - A large significant Silver Birch in the rear garden of the existing dwelling cannot be retained within the current layout. It is not clear why the layout could not be designed around the tree to create a landscape focal point between dwellings
76. Layout is a reserved matter and therefore it may be that the Silver Birch tree will be retained in any reserved matters scheme. It is also noted that this tree is currently within an existing patio and the existing dwelling is within its root protection area.
77. T032 & T044 – Are likely to be retained successfully as part of the proposed layout.
78. This is not considered to be an objection.
79. Beech hedge (G031) – This has been requested to be retained for screening to other dwellings in /out of the site.
80. Landscaping is a reserved matters and it is likely that any future reserved matter scheme will have a boundary treatment to separate the dwellings therefore this is not considered to be a material consideration.
81. Overall, the Trees and Landscape Officer objects to the proposal due to the inability to retain all trees on site; the Applicant has indicated that any trees that are removed will be replaced and this can form a condition of any approval. The NPPF paragraph 131 recognises that trees cannot be retained in every circumstance for all developments. The trees on site are not considered to be veteran trees and therefore not considered to be irreplaceable habitat therefore 180 of the NPPF does not apply in this instance.
82. Whilst some tree removal would be required for the development to proceed, this would be limited in its extent which would result in minimal harm to the urban character and appearance of the site.

Public Open Space:

83. TB08 states that proposal for residential development will need to demonstrate how they meet the standards set out in the policy table.
84. The site is small and cannot physically provide or appropriately accommodate open space, indoor or outdoor play or sport/recreational facilities. The indicative plan indicates a small area of open space between plots 6 and 7 within the site which would contribute to the requirements of TB08 although it has not been formally laid out for any purpose.
85. There are opportunities for recreation and outdoor space in close proximity to the site, with Chalfont Park and facilities less than 200m walk providing high-quality amenity space for the enjoyment of future occupiers. On this basis, it is considered that the scheme affords adequate public open space for occupiers.

Highway Access and Parking Provision:

86. The layout is indicative and access is a reserved matter, meaning that the access could be changed. However, the indicative plan shows that the access would be provided in the same location as existing.
87. The layout also indicates the parking provision for each dwelling which would be provided through driveway spaces and some with integral garages. Conditions for cycle parking, vehicular parking and EVC charging are recommended.
88. The Highways Officer has advised that the indicative access and parking provision is acceptable, however the design details of the access including width, visibility splays, swept path analysis, and the design must be informed by a road safety audit. This should be controlled via conditions.

Neighbouring Amenity:

89. At this stage, the proposal must demonstrate that the amount of development (9 dwellings) can be accommodated without significant impact on residential properties in terms of overlooking, overbearing and ,loss of light.
90. The indicative layout shows the 9 dwellings on the site with some properties fronting Rushey Way and others in a cul-de-sac configuration. The properties are set away from the site boundaries and have adequate garden sizes. Due to their location, orientation and spaces between properties, it is considered that the site could accommodate the number of dwellings proposed without any harmful impact on neighbour amenity.
91. As this is an outline application and scale, layout and appearance are a reserved matters, the detailed assessment of neighbour amenity would need to be assessed at reserved matters stage once the location of windows, and orientation, height and location of properties is confirmed.

Internal Space Standards:

92. The internal space standards for new dwellings are set out in the Borough Design Guide and supported by TB07. As this is an outline application and scale is a reserved matter, the internal space would need to be assessed at reserved matters stage.

External Space Standards:

93. The Borough Design Guide indicates that gardens should have a depth of approximately minimum garden length of 11m provided the space is usable. The indicative site plans shows the indicative locations of gardens.
94. It is noted that Plot 9 garden is only 10m in depth, however the garden of Plot 8 is 24m in depth; on this basis a small reconfiguration of the indicative position of these properties is possible to maintain adequate gardens for both properties.
95. Plots 1 and 6 garden depths are also less than 11m; however, they both have a width of significantly over 11m which allows for further usable space any compensates for any shortfall in depth.
96. Overall, gardens of adequate size can be accommodated within the site and this can be assessed as a reserved matters.

Flooding and Drainage:

97. The site is located in Flood Zone 1 and therefore at low risk of flooding. Policy CC10 of the MDD Local Plan requires sustainable drainage methods and the minimisation of surface water flow.
98. R23 of the Borough Design Guide SPD notes that parking spaces in front gardens must be paved with permeable surfaces to avoid any increase in surface water run-off and should include for soft landscaping. This will be secured at reserved matters stage through the landscape reserved matter.
99. The WBC drainage Officer has requested a Surface water drainage strategy which includes more information to be submitted to allow for the management of flood risk and surface water run off. This will be secured by condition.

Environmental Health:

100. The proposed residential units are set within an established residential area, with multiple properties surrounding the site. There are no external noise sources that would impact on the proposed new dwellings and therefore the conditions proposed in relation to noise are not considered to be reasonable, particularly given this is all matters are reserved and the design and layout of the properties has not yet been determined. A number of conditions are recommended to reduce the impacts of the development during the construction period e.g. hours of working and the submission of a Construction Method Statement.

101. Whilst no records of contamination on or nearby nor landfill sites within close proximity an 'Unexpected Contamination' condition is recommended to account for any unexpected sources of contamination.

Archaeology:

102. TB25 states that where development is likely to affect an area of high archaeological potential or an area which is likely to contain archaeological remains, the presumption is that appropriate measures shall be taken to protect remains by preservation in situ. Where this is not practical, applicants shall provide for excavation, recording and archiving of the remains.
103. The supporting text to this policy states that The Council will consult with Berkshire Archaeology and with developers and their heritage consultants to ensure that the appropriate level of archaeological evaluation and appropriate measures to protect and preserve remains are undertaken.
104. Berkshire Archaeology have advised:
105. This region of Earley has seen very few previous archaeological investigations, as it was predominantly developed prior to regular development led archaeology as part of the planning system. More recently, there have been very few large developments for which an archaeological response would be proportionate.
106. A rare exception was at Crossfield School, c. 700 m west of the site, where an investigation in advance of the construction of an AstroTurf pitch in 2018 discovered Late Bronze Age and Middle Iron Age occupation. To the south of the M4, c. 850 m south of the site, a series of cropmarks are known showing likely Iron Age and Roman rural settlement, and c. 400 m to the southeast a hypothesised line of a Roman road is recorded. C. 1 km northwest Bronze Age and Roman occupation was recorded at Ridgeway Primary School. Thus there is archaeological potential in the wider area, even if little is known nearer to the site, on account of a lack of investigation.
107. In line with both local and national planning policy, I would therefore recommend that a scheme of archaeological works is secured by a condition, should permission be granted, to be undertaken prior to the submission of any reserved matters applications. On this basis a condition is recommended.

Ecology and Biodiversity:

108. All species of bats receive special protection under UK law and it is a criminal offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 (The Habitat Regulations), deliberately or recklessly to destroy or damage their roosts, or to disturb, kill or injure them without first having obtained the relevant licence for derogation from the regulations from the Statutory Nature Conservation Organisation (the SNCO - Natural England in England).

109. The licensing process is separate and distinct from planning permission but the Local Planning Authority has statutory obligations under the Habitat Regulations. This means that the Local Planning Authority needs to be satisfied that the proposals are likely to meet the three tests of the Habitat Regulations (see above) and that a licence is likely to be obtained from Natural England before they can issue planning permission [The courts have considered the application of a planning authority's duty under the Habitat Regulations (and therefore the Habitat Directive) in the cases of Woolley vs Cheshire Borough Council (2009) and Morge vs Hampshire County Council (2010). In the Morge vs Hampshire County Council case the supreme court has ruled that it cannot see why planning permission should not be granted unless the proposed development: A) Would be likely to offend the prohibitions in Article 12(1) and B) Would be unlikely to be licensed as a derogation from those provisions.
110. Policy CP7 of the Core Strategy states that sites designated as of importance for nature conservation at an international or national level will be conserved and enhanced and inappropriate development will be resisted.
111. The development is not supported by any ecological survey.
112. The site falls outside of an area considered to be within suitable habitat for bats to be present and roosting in buildings and therefore it unlikely to have an significant impact on this protected species.
113. The site lies within an amber risk area for great Crested Newts and contains a series of small ornamental ponds however, due to the surrounding habitat and barriers to movement for this species, the presence of GCN's is unlikely.
114. WBC records indicate the presence of the hedgehog locally. CP7 and TB23 require the retention of ecological permanently for this species of principal importance and therefore a condition is recommended to secure this.
115. Considering that the site is a mixture of sealed surface and vegetated garden currently, in this instance I think the indicative outline plan does not show a proportionately large change in habitat types. I think it reasonable to accept that a biodiversity net gain could be achieved through appropriate planting and provision of species enhancements such as bird boxes, hedgehog shelters, targeted invertebrate measures, etc. I therefore propose a condition to secure detail of such enhancements at reserved matters stage.

Thames Basin Heaths Special Protection Area:

116. Policy CP8 of the Core Strategy states that development comprising 50 or more dwellings within the 5-7kms linear distance from the TBH will need to be assessed for whether there is likely to be significant impacts. As the proposal comprises fewer than 50 dwellings, this assessment is not required.

Conclusion:

117. The proposal is located within a sustainable location within an existing urban area where the principal of such development is supported. The scheme does however fail to provide an affordable housing contribution (subject to viability) and therefore is in recognised to be in conflict with policy CP5. However, as described above, the

identified inconsistency between CP5 and the NPPF, the current housing land supply position, the overall contribution this particular site would make to identified affordable housing needs, and the council's appeal record of securing such compliance on small sites, means the identified policy conflict is considered limited.

118. The quantum of development, indicative layout and type of dwellings are appropriate in terms of the nature and pattern of development in this particular location. The location of the access is acceptable and design details of the access are a reserved matter.
119. The proposal does involve the loss of a small number of protected trees. The removal of protected trees would be limited in its extent and the Applicant has confirmed that these will be replaced in any reserved matters scheme alongside a comprehensive landscaping scheme alongside biodiversity net gain to enhance the ecological and nature environmental features of the site.
120. Paragraph 11 of the NPPF sets out that achieving sustainable development means that development should satisfy three overarching objectives in relation to economic, social and environmental benefits. The economic role of the NPPF requires proposals to contribute to building a strong, responsive, and competitive economy. The social role requires planning to support strong, vibrant, and healthy communities and states that it should create a high-quality built environment. The environmental role states that the natural built and historic environment should be protected and enhanced and should mitigate and adapt to climate change. It is therefore necessary as part of any forthcoming application for the LPA to consider carefully to what degree this proposal would meet the sustainable development goals of the NPPF in terms of its economic, social and environmental roles.
121. The development would result in a time limited economic benefits brought about through employment opportunities associated with the construction period. In the longer term a net gain of 8 homes in the areas will bring about increased expenditure in the local economy, alongside the contribution towards CIL. The site can reasonably be expected perform a positive economic role.
122. Socially, through the provision of additional homes, the development would contribute, albeit in a limited way, to increasing the borough's overall housing supply. The new homes would also provide the foundation for future community life. As such the redevelopment of this site could reasonably perform a positive social role.
123. With regard to the environmental role, the redevelopment of the site could reasonably be expected to demonstrate a degree of inherent sustainability through compliance with the Council's most up-to-date energy efficiency and Building Regulations standards. Although there will be some loss of trees which are identified as Category C in the Arboricultural Impact Assessment, there would be no actual net tree loss due to the intention to replace any trees lost, Furthermore, the development will bring about a comprehensive landscaping scheme with biodiversity net gain which can be secured at reserved matters stage to enhance the ecological and natural environmental features of the site. The site also makes an efficient use of land within a sustainable location providing options for more active travel a healthier lifestyle for occupants. The development is therefore recognised as being able to perform a positive environmental role.

124. The NPPF is clear that where development does not result in significant harm and is sustainable, it should be supported. The proposal achieves wider compliance with the overall spatial objectives of the NPPF in significantly boosting the supply of new homes in a sustainable location within the borough.
125. In returning to Paragraph 11d of the NPPF and the tempered tilted balancing that must be undertaken, it is considered that the limited harm caused by the conflict with Policy CP5 of the Local Plan through a lack of affordable units and removal of a small number of protected trees is not considered to significantly and adversely outweigh those identified benefits associated with the provision of housing in this location, even when taking into account past over delivery as identified earlier in this report. Officers are therefore recommending the application for approval, subject to the conditions listed.

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.

**APPENDIX 2 – Supplementary Planning Agenda, extract from Agenda item 116 -
10th May 2023**

Agenda Item 116

Site Address: Crockers, Rushey Way, Earley, Wokingham

Application No: 221797, Pages 109-146

Further clarity within Officer report:

Clarity provided following Chairman's Briefing on 9th May 2023 on the following matters:

Density – Paragraph 55 which is in relation to the dwelling density of the surrounding area, should read 27-47 Dwellings per hectare (DPH), rather than 27-27 Dwellings per hectare (DPH).

Access – As a point of clarity, access is a reserved matter wherein the detail on the entrance to the site will be considered at a later stage. Notwithstanding this, an application for Outline planning permission must indicate the area of access regardless of whether access is reserved. Unless the applicant has indicated that those details are submitted “for illustrative purposes only” (or has otherwise indicated that they are not formally part of the application) which is not the case, the local planning authority must treat them as part of the development in respect of which the application is being made. This aside, though the broad area of the access will be subsequently considered within this application, the details of this (width, length, visibility splays, carriageway connection etc) will be assessed in the Reserved Matters application to follow should approval be granted which will be subject to Highways Officer consideration in line with statutory policy and guidance.

Amount of development – The indicative site plan has been provided illustrating how a proposal for 9 dwellings will be accommodated within the site. Detailed layout is to be considered at Reserved Matters stage. Therefore, officers are considering the principle of development for 9 dwellings in line with the description of development.

Trees and Landscape – Landscape and layout are reserved matters. Therefore, impacts on existing landscape features (particularly in relation to on-site trees recently benefitting from Tree Protection Orders (TPO)) are only based on the indicative site plan submitted. Notwithstanding the fact that the applicant has stated that removal of some landscape features are likely required to facilitate a wider access, it should be noted that approval of this Outline planning application does not indirectly approve landscape removal, as the need for this depends on an agreed layout and access, which matters are reserved and have not been assessed within this submission.

APPENDIX 3

Conditions / informatives or Reasons for refusal

APPROVAL subject to the following conditions and informatives:

1. Outline Permission

a) No development shall commence until details of the access, appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") have been submitted to and approved in writing by the local planning authority and the development shall be carried out as approved.

b) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.

Reason: In pursuance of s.92 of the Town and Country Planning Act 1990 (as amended by s.51 of the Planning and Compulsory Purchase Act 2004).

2. Approved Plans

This permission is in respect of the submitted application plans and drawings numbered P001PL01 Issue 006 received by the local planning authority on 18 July 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. Archaeology

Prior to the submission of any reserved matters applications and any works on site, except demolition to ground level, the applicant or their agents or successors in title will secure the implementation of a programme of archaeological work (which may comprise more than one phase of works) in accordance with a written scheme of investigation, which has been submitted by the applicant and approved by the planning authority. The development shall only take place in accordance with the detailed scheme approved pursuant to this condition.

Reason: The site lies within an area of unknown archaeological potential. The condition will ensure that any archaeological remains within the site are adequately investigated and recorded in order to advance our understanding of the significance of any buried remains to be lost and in the interest of protecting the archaeological heritage of the Borough.

4. Car and Motorcycle Parking

The reserved matters application for the development shall include details of car and motorcycle parking in accordance with the Council's policies and which are to be approved in writing by the Council. No dwelling shall be occupied until the vehicular accesses, driveways, parking and turning areas to serve it including any visitor and unallocated space have been provided in accordance with the approved

details and the provision shall be retained thereafter. The vehicle parking shall not be used for any other purposes other than parking and the turning spaces shall not be used for any other purposes than turning.

Reason: In the interests of highway safety and convenience in accordance with Wokingham Borough Core Strategy Policies CP1 and CP6, CC07 of the Managing Development Delivery Local Plan (Feb 2014), the Parking Standards Study within the Borough Design Guide 2010.

5. Cycle Parking and Storage

The reserved matters application for the development shall include details of secure and covered bicycle storage/parking facilities serving that dwelling for the occupants of, and visitors to the development. The cycle storage/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: In order to ensure the development contributes towards achieving a sustainable transport system and to provide parking for cycles in accordance with Wokingham Borough Core Strategy Policies CP1 and CP6, the Parking Standards Study within the Borough Design Guide 2010 and CC07 of the Managing Development Delivery Local Plan.

6. Vehicular Access

Prior to commencement of the development, details of the proposed vehicular access on to Rushey Way to include visibility splays of 2.4m by 43m, swept paths, moving of lamp post and Road Safety Audit Stage 1 shall be submitted to and approved in writing by the local planning authority. The accesses shall be formed as so approved and the visibility splays shall be cleared of any obstruction exceeding 0.6 metres in height prior to the occupation of the development. The access shall be retained in accordance with the approved details and used for no other purpose and the land within the visibility splays shall be maintained clear of any visual obstruction exceeding 0.6 metres in height at all times.

Reason: In the interests of highway safety and convenience in accordance with Core Strategy policies CP3 & CP6

7. Electric Vehicle Parking

Prior to commencement of development, an Electric Vehicle Charging Strategy shall be submitted to, and approved in writing by, the local planning authority. This strategy shall include details relating to onsite electric vehicle charging infrastructure in accordance with Building Control Regulations Approved Document S and details of installation of charging points. The development shall be implemented in accordance with the agreed strategy thereafter.

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 and Managing Development Delivery Local Plan policy CC07.

8. Surface Water Drainage

A Surface Water Drainage Strategy shall be submitted to and approved in writing prior to occupation of the dwellings hereby approved. The Drainage strategy shall include:

1. Calculations indicating the Greenfield runoff rate from the site.
2. BRE 365 test results demonstrating whether infiltration is achievable or not.
3. Use of SuDS following the SuDS hierarchy, preferably infiltration.
4. Full calculations demonstrating the performance of soakaways or capacity of attenuation features to cater for 1 in 100 year flood event with a 40% allowance for climate change and runoff controlled at Greenfield rates, or preferably better.
5. Calculations demonstrating that there will be no flooding of pipes for events up to and including the 1 in 100 year flood event with a 40% allowance for climate change.
6. If connection to an existing surface water sewer is proposed, we need to understand why other methods of the SuDS hierarchy cannot be implemented and see confirmation from the utilities supplier that their system has got capacity and the connection is acceptable.
7. Separate drainage systems for any proposed adopted highways and residential dwellings.

Reason: This is to prevent increased flood risk from surface water run-off. Relevant policy: NPPF (2019) Section 14 (Meeting the Challenge of Climate Change, Flooding and Coastal Change), Core Strategy policy CP1 and Managing Development Delivery Local Plan policies CC09 and CC10.

9. Construction Environmental Management Plan (CEMP)

No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i) the parking of vehicles of site operatives and visitors,
- ii) loading and unloading of plant and materials,
- iii) storage of plant and materials used in constructing the development,
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate,
- v) wheel washing facilities,
- vi) measures to control the emission of dust and dirt during construction,

vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.

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

10. Tree Protection

No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, another tree of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

Reason: To secure the protection throughout the time that development is being carried out, of trees, shrubs and hedges growing within 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.

11. Arboricultural Method Statement

- a) No development or other operation shall commence on site until an Arboricultural Method Statement and Scheme of Works which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site in accordance with BS5837: 2012 has been submitted to and approved in writing by the local planning authority. 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, and to allow for verification by the local planning authority that the necessary measures are in place before

development and other works commence Relevant policy: Core Strategy policy CP3 and Managing Development Delivery Local Plan policies CC03 and TB21.

12. Contamination

If contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To protect future occupiers and users of the site from the harmful effects of contamination

Informatives:

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the NPPF.
2. 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.

APPENDIX 3

Earley Town Council Comments

PLANNING REF : 221797
PROPERTY ADDRESS : Radstock House
: Radstock Lane, Earley, Wokingham
: RG6 5UL
SUBMITTED BY : Earley Town Council
DATE SUBMITTED : 05/04/2023

COMMENTS:

ETC raises objection to this application and recommends that WBC refuses the application as whilst the layout is "indicative", it is the applicants intention that it shows that 9 dwellings can be satisfactorily accommodated on this site. However, ETC consider that this layout has failed to demonstrate that 9 dwellings can be accommodated satisfactorily, in failing to demonstrate that a suitable and safe access can be achieved, with an existing junction opposite, and no assessment of the viability of the proposed junction in geometric and highway safety terms, and with no transport statement; and that the TPO trees shown fail to show they can be realistically retained, as even set out in the applicants own Arboricultural Report. A resolution of these issues is unlikely without impacting the site capacity significantly, contrary to Policy CP3 and CC03, and Manual for Streets. Also, a failure to demonstrate the protection of wildlife contrary to Policies CP3 and TB21. In addition a failure to adequately carry out pre-application consultation, as described in Paragraphs 33-42 of the NPPF 2021. If WBC are minded to approve this application the following condition is requested: 1 The indicative layout submitted as part of the outline application in no way represents an acceptable form of layout, being in conflict with WBC Policy CP3 and Design Policies R15 and R16, and not demonstrating a suitable and safe access from the highway, contrary to MfS

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