
WOKINGHAM BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACTS

Mr D Bond
Woolf Bond Planning
The Mitfords
Basingstoke Road
Reading, Reading
RG7 1AT

Application Number: 153431

Parish: St. Nicholas, Hurst

Location: Land at, Lodge Road, Hurst, Wokingham, RG10 0SG.

Proposal: Full application for the proposed erection of 12no dwellings, garages and creation of new vehicular access off Lodge Road.

Wokingham Borough Council, in pursuance of its powers under the above Acts and Regulations, hereby **Refuses Permission** for carrying out the above development for the reason(s) specified hereunder.

Reasons List

1. The proposed development is located in an isolated, unsustainable location for transport and services outside the defined settlement limits. The site is not identified as an allocated housing site and the Council can demonstrate a sufficient housing land supply in accordance with the requirements of the NPPF and a planned approach to the delivery within the Borough. The proposed siting of the development outside of development limits is unacceptable in principle as it fails to protect the separate identity of settlements, fails to maintain the quality of the environment is at odds with Core Strategy Policy CP6 which aims to provide a choice of sustainable transport modes and minimise travel distances. The proposal therefore conflicts with the requirements of the National Planning Policy Framework (NPPF), Policies CP1, CP3, CP6 and CP11 of the Wokingham Borough Council Core Strategy (2010) and Policies CC01 and CC02 of the Managing Development Delivery Local Plan (2014).

2. The proposed development is not considered to fall within the limited category of exceptions set out in Core Strategy Policy CP11, where development proposals may be acceptable in the countryside. The proposed dwellings, located within the open countryside, have an urbanising effect that is inappropriate in this location and erodes the open character of the countryside which is important to protect. The proposal represents the excessive encroachment and expansion of development into the open countryside causing harm to the quiet, rural, open landscape. The proposals are therefore unacceptable in principle and contrary to Core Strategy Policies CP1, CP3 and CP11 and Managing Development Delivery Local Plan Policies CC01, CC02, CC03 and TB21.

3. The applicant has supplied insufficient information in order for the authority to assess the impact of the development on a UK Biodiversity Action Plan (BAP) Priority Habitat (Habitats of Principal Importance or Section 41 NERC Act Habitat - Hedgerows). The loss of important hedgerow will reduce the existing buffer between the site and the highway and will cause irreversible harm to biodiversity. This would be contrary to the National Planning Policy Framework (NPPF), Core Strategy Policy CP7 and Managing Development Delivery Policy TB23.

4. The applicant has supplied insufficient information in order for the authority to assess the impact of the development on protected species and UK Biodiversity Action Plan (BAP) Priority Species (Species of Principal Importance or Section 41 NERC Act species – reptiles). The site has good potential to support common reptile species. The proposed development would result in significant loss of habitat supporting a priority species and consequent lowering of local conservation status of the species. This would be contrary to the National Planning Policy Framework (NPPF), Core Strategy Policy CP7 and Managing Development Delivery Policy TB23.

5. The applicant has supplied insufficient information in order for the authority to assess the impact of the development on a protected species (Bats). The proposed development will fragment an important commuting/foraging route from a nearby bat roost. This would be contrary to the National Planning Policy Framework (NPPF), Core Strategy Policy CP7 and Managing Development Delivery Policy TB23.

6. The proposal fails to demonstrate that the site is not suitable for sand and gravel extraction, and would prejudice future use of the site for these purposes, contrary to Paragraphs 142 and 144 of the NPPF and to saved policies 1, 2, 10 and 13 of the Replacement Minerals Local Plan for Berkshire.

7. The applicant has failed to demonstrate to the Council's satisfaction that an 11.2m rubbish/recycling vehicle can negotiate the proposed layout. The failure to demonstrate this means that the Council cannot be certain that there would be no highway safety impacts as a result of this proposal. Furthermore failure to provide a suitable layout for refuse vehicles may lead to a detrimental impact upon residential amenity in terms of the suitability of an alternative refuse collection point. To avoid this through design may have an impact on the proposed layout and/or development areas of the site. The development would therefore be contrary to the national Planning Policy Framework (NPPF) and Core Strategy Policies CP1, CP3 and CP6.

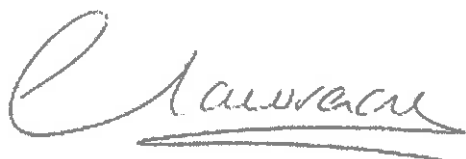
8. In order to provide for a mix and balance of densities, dwelling types, tenures and sizes, affordable housing must reflect the sizes and types that meet the proven needs of people who are not able to compete in the general housing market. In the absence of a completed legal agreement to secure provision of affordable housing, the application fails to meet the needs of people who are not able to compete in the general housing market and the development is therefore contrary to the National Planning Policy Framework (NPPF), Core Strategy Policies CP4 and CP5 and Policy TB05 of the Managing Development Delivery Local Plan.

Informatives

1. This decision is in respect of the drawings and plans numbered 01/D, 02, 03, 04A, 05A, 06, 07, 08, 09, 10 and EIP20143 10 received by the Local Planning Authority on 10th February 2016.

2. The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, no pre-application advice was sought before the application was submitted. As the proposal was clearly contrary to the provisions of the Development Plan, it was considered that further discussions would be unnecessary and costly for all parties.

Signed

A handwritten signature in dark ink, appearing to read 'Clare Lawrence', with a horizontal line drawn underneath the name.

Clare Lawrence

Head of Development Management & Regulatory Services

Date: 10/05/2016

Further Information

Should you require further guidance or information on the conditions and/or reasons set out in this decision notice please contact the Planning Case Officer, Daniel Hay on telephone number: 0118 908 8101 or by email at: daniel.hay@wokingham.gov.uk

An officer report on the application and the decision will be available to view online at www.wokingham.gov.uk within a few days of the date of the decision, or otherwise can be viewed in the council offices at Shute End, Wokingham.

The Town & Country Planning (Development Management Procedure) 2015 Article 35 – This decision has been made in accordance with the requirement to work with the applicant in a positive and proactive manner.

APPEALS – If your application has been **refused** by the Borough Council or **granted subject to conditions** that you are not happy with, you have the right to appeal to the Planning Inspectorate (under Section 78 of the Town and Country Planning Act 1990 or Section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990). The Planning Inspectorate is an Executive Agency reporting to the Secretary of State for Communities and Local Government.

The Planning Inspectorate has an online appeals service: <https://acp.planninginspectorate.gov.uk> which contains information and guides on the appeal process. The Inspectorate will publish details of your appeal on the internet which may include a copy of the application form and associated documents and the completed appeal documents. Please ensure that you only provide information, including personal details, that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure that you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal through the above address. Alternatively, you can obtain a form from the **Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN Tel: 0303 444 5000**

If you want to appeal, you must use the correct appeal form from the following list: Planning, Householder, Minor Commercial, Listed Building Consent or Certificate of Lawful Use or Development. The time limits for appeals vary according to the type of application submitted. The period after the date of the Borough Council's decision in which an appeal must be received by the Planning Inspectorate is as follows:

- **8 weeks** in the case of a refusal of 'advertisement consent'
- **12 weeks** in the case of a refusal of a 'householder' application:
 - Being the refusal of an application for planning permission to alter or extend a house, or for works within the curtilage of a house; or,
 - Being the refusal to approve details submitted as required by a condition imposed on a permission granted for a householder application
- **12 weeks** in the case of a refusal of a 'minor commercial' application:
 - Being the refusal of an application for development of an existing building or part of a building currently in use for purposes in Use Classes A1, A2, A3, A4 and A5 where the proposal does not include a change of use, a change to the number of units, development that is not wholly at ground floor level and/or does not increase the gross internal area of the building.
- **6 months** in the case of all other appeals made under s78(1) or s20 of the above Acts relating to a decision on a planning application or listed building/conservation area consent application.
- **6 months** in the case of any appeal made under s78 (2) of the Act in respect of a failure to give a decision within the statutory period.
- Please note an extension of time for lodging an appeal is unlikely to be granted except in special circumstances.

NEW DWELLINGS – If this notice relates to approval of new dwellings, please ensure that you contact the Council at least 12 weeks before the commencement on site, to arrange for an address and post code to be allocated. Details can be obtained from streetnamingandnumbering@wokingham.gov.uk.

FIRE REGULATIONS - In accordance with the Berkshire Act 1986, when Building Regulation applications are submitted for building(s) or extensions, the Local Authority will reject the plans unless, after consultation with the fire authority, they are satisfied that the plans show the following: -

- i) That there will be adequate means of access for the fire brigade to the building(s) or the extended building(s); and,
- ii) That the building(s) or extension(s) will not render inadequate any existing means of access for the fire brigade to a neighbouring building.

WASTE MANAGEMENT REGULATIONS - In accordance with the Site Waste Management Plans Regulations 2008, where the estimated cost of construction exceeds £300,000, the main contractor or their agent must prepare and maintain a site waste management plan. Further information can be found in the document entitled

'Non – statutory guidance for site waste management plans'

(Defra - April 2008) which can be downloaded from the Defra web site at: <http://www.defra.gov.uk/environment/waste/topics/construction/pdf/swmp-guidance.pdf>

PURCHASE NOTICES - If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that the owner can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (that is, where the land is situated in a National Park, the National Park authority for that Park, or in any other case the district council (or county council which is exercising the functions of a district council in relation to an area for which there is no district council), London borough council or Common Council of the City of London in whose area the land is situated). This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter I of Part VI of the Town and Country Planning Act 1990.