

## DELEGATED OFFICER REPORT



**WOKINGHAM  
BOROUGH COUNCIL**

<b>Application Number:</b>	210874
<b>Site Address:</b>	Suncot, School Road, Barkham, Wokingham, RG41 4TR
<b>Expiry Date:</b>	14 May 2021
<b>Site Visit Date:</b>	23/04/2021
<b>Proposal:</b> Full planning application for the proposed subdivision of the site and erection of 4 no. detached dwellings following demolition of existing outbuildings, with alterations to the existing access serving Suncot, provision of parking, boundary treatment, surface water attenuation measures and hard and soft landscaping.	

### **PLANNING CONSTRAINTS/STATUS**

- Designated Countryside
- Green Route and Riverside Paths – Barkham Road
- Affordable Housing Thresholds
- Bat Roost Habitat Suitability
- Local Plan Update – site was not included in the list of sites allocated for residential/mixed use.
- Thames Basin Heaths SPA Mitigation Zones – 5Km
- Flood Zone 1
- SSSI Impact Risk Zones
- Landscape Character Assessment Area J2; 'Arborfield Cross and Barkham Settled and Farmed Clay'

### **PLANNING POLICY**

<b>National Policy</b>	National Planning Policy Framework (NPPF) National Planning Policy Guidance (NPPG)
<b>Core Strategy (CS)</b>	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 CP11 – Proposals Outside Development Limits CP17 – Housing Delivery
<b>MDD Local Plan (MDD)</b>	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

	<p>CC07 – Parking      CC09 – Development and Flood Risk      CC10 – Sustainable Drainage      TB05 – Housing Mix      TB06 – Development of Private Residential Gardens      TB07 – Internal Space Standards      TB21 – Landscape Character      TB23 – Biodiversity and Development</p>
<b>Other</b>	<p>Borough Design Guide Supplementary Planning Document      CIL Guidance      Affordable Housing Supplementary Planning Document      Sustainable Design and Construction Supplementary Planning Document      Barkham Village Design Statement      Arborfield and Barkham Neighbourhood Plan</p>

#### **PLANNING HISTORY**

Application No.	Description	Decision & Date
080067	Erection of single storey side and rear extensions to form granny annexe	Approved 12/01/2009
082114	Erection of single storey side and rear extensions to form granny annexe	Refused 01/10/2008  Appeal Dismissed 03/08/2009
F/2003/9047	Proposed single storey front and rear extensions to dwelling, chimney to side plus erection of replacement detached garage and store room	Approved 19/05/2003
27185	Two storey extension	Approved 20/03/1987

#### **CONSULTATION RESPONSES**

##### **Internal**

**WBC Environmental Health** – No objections  
**WBC Drainage** – No objection subject to condition  
**WBC Highways** – Recommended Refusal (further details below)  
**WBC Economic Prosperity & Place (Community Infrastructure)** - No objections subject to Affordable Housing contribution in form of commuted sum  
**WBC Landscape and Trees** - Recommended Refusal (further details below)  
**WBC Cleaner and Greener** – No comments received  
**WBC Ecology** – Requested additional information (further details below)

##### **External**

**Natural England** – No objection subject to appropriate mitigation being secured for TBH SPA  
**Thames Water Utilities Ltd** – No comments received

## REPRESENTATIONS

Parish/Town Council	<p>Barkham Parish Council raised objection on the ground of overdevelopment. In recent years there has been a plethora of planning applications of varying scale and purpose in the School Road area, and all these applications were REFUSED for various reasons but there was a common under riding theme that each represented a detrimental intrusion into the countryside which would detract from the rural character an appearance. This backland infill proposal is no different.</p> <p>When BPC commented on the inclusion of the site under the Call for Sites to be considered as part of the Local Plan Update exercise, it recommended that this was not a suitable site for development for a number of reasons including:</p> <ol style="list-style-type: none"> <li>1. Suncot is set back from School Road and has a large rear garden which, together with its neighbours, contributes to the rural nature of the area.</li> <li>2. BPC understood that backland development is discouraged as this would have an adverse effect on the environment and harm the amenity and privacy of neighbours.</li> <li>3. Any development would add to the already congested School Road and there are often queues back towards Langley Common Road at peak times.</li> <li>4. Facilities are limited and certainly not within the 800m (10 mins) walking distance that are deemed necessary for a sustainable site as laid out in the MDD report. It should be noted that the bus service mentioned in the Design and Access Statement within 180m in Langley Common Road offers a very restricted service.</li> <li>5. Development of the site would be contrary to the settlement separation area for the Arborfield SDL as detailed in Core Plan Policy CP18(5) nor does not comply with the limited number of exceptions as laid out in Core Plan Policy CP11.</li> </ol> <p>The site was deemed to be unsuitable when reviewed at the end of 2019 as reported in the LPU Housing and Economic Land Availability Assessment (HELAA) for reasons that included:</p> <ol style="list-style-type: none"> <li>1. It is poorly related to the existing settlement pattern.</li> <li>2. Development would extend development along School Road and would contribute to the coalescence of the Arborfield SDL and Arborfield Cross.</li> <li>3. Access would have to be via an existing residential curtilage and would contribute to traffic congestion on School Road.</li> </ol>
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	<p>The proposals go against Policy IRS1 of the Arborfield and Barkham Neighbourhood Plan which requires the protection of separation of settlements IRS3 to protect green spaces.</p> <p>The restricted access to the site and limited parking places proposed to serve the four large houses proposed is further evidence of the overdevelopment of this location should this proposal be allowed to go ahead.</p> <p><i>(Officer's note: These comments were given due weight while determining this application. Further details on these issues are discussed in the appraisal section below.)</i></p>
Ward Member(s)	<p>Cllr John Kaiser has requested that this application is determined at Planning Committee should officers are recommending approval, the reason for listing being overdevelopment of the site.</p> <p><i>(Officer's note: These comments were given due weight while determining this application. Further detail on this issue is discussed in the appraisal section below.)</i></p>
Neighbours	<p>Objections from local residents, including a letter from Solve Planning Consultancy on behalf of the owner of Grantley house, on the following grounds:</p> <ul style="list-style-type: none"> <li>- Overdevelopment of the site</li> <li>- Loss of privacy upon adjoining residential dwellings</li> <li>- Two storey dwellings out of character with predominant style of chalet-type and bungalow properties</li> <li>- Loss of existing boundary treatment between properties and application site</li> <li>- Insufficient on-site parking for occupiers and visitors</li> <li>- Impact on character by increased density of housing on site</li> <li>- Unacceptable back garden development</li> <li>- No mention of solar panels or ground-source heating</li> <li>- Boring, normal design of proposed houses</li> <li>- Overbearing impact of development</li> <li>- Current Leyland cypress hedges are unsuitable and will need to be removed, exposing views of the development from and to adjoining properties</li> <li>- Loss of light upon neighbouring properties</li> <li>- Harm to local biodiversity</li> <li>- Loss of existing trees and hedges</li> <li>- Proposed access road to dwellings runs directly next to habitable rooms of neighbouring dwelling</li> <li>- Urbanisation of semi-rural location</li> <li>- Unsustainable location of the site</li> <li>- Noise from construction works</li> </ul> <p><i>(Officer's note: These comments were given due weight while determining this application. Further details on these</i></p>

*(issues are discussed in the appraisal section below.)*

## APPRAISAL

### **Site Description:**

The application site is located in the borough's designated countryside within Langley Common, a small cluster of residential development between Arborfield Cross to the west and Arborfield Garrison to the south-east. The proposal site comprises of approximately 0.44Ha of land to the rear of the property known as "Suncot". The site is accessed via the site frontage of Suncot, a bungalow with converted attic space, and forms part of the residential curtilage of this property, which is surrounded by the rear gardens of properties along School Road and Langley Common Road. Further to the south-west of the site is open agricultural farm land.

It is noted that part of the rear (western area) of no. 14 Langley Common Road is also included within the site's defined red line. However, historic planning information for this property shows this area does not form part of no. 14's residential garden.

### **Principle of Development:**

The National Planning Policy Framework has an underlying presumption in favour of sustainable development which is carried through to the local Development Plan. The Managing Development Delivery Local Plan Policy CC01 states that planning applications that accord with the policies in the Development Plan for Wokingham Borough will be approved without delay, unless material considerations indicate otherwise.

### Housing Land Supply and Tilted Balance:

The Council's most up-to-date Five Year Housing Land Supply Statement demonstrates the Council has a five year housing land supply. At 31 March 2020 published 14 January 2021, the deliverable land supply was 5.23 years against the local housing need of 789 additional homes per annum plus a 5% additional buffer and as such, the tilted balance of Paragraph 11 of the NPPF is not engaged in this instance.

The Wokingham Borough Council has a planned approach to the delivery of housing within the Borough using 4 major Strategic Development Location (SDL) sites which is successfully delivering the Council's future housing in addition to infill development within the settlement boundaries. The most up-to-date Five Year Housing Land Supply Statement demonstrates the Council has a five year housing land supply. The Council does not understand there to be any dispute on this aspect. Based on the latest 5 year land supply position, the Council believes that the tilted balance, as advocated in paragraph 11d of the NPPF is not engaged here and the collection of development plan policies, so far as relevant to the current appeal, are up to date.

### Accordance with the Development Plan:

The starting point for decision making is the development plan. Section 70[2] of the TCPA 1990 & 38[6] of the PCPA 2004 states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. A fundamental spatial objective of the development plan is to steer new development to the sustainable defined settlement

limits and ensure that the scale of development reflects the size of the settlement and the services within it.

The application site is located within designated countryside outside of settlement boundary, and therefore any residential development would have to be in accordance with local and national policies. Policy CP11 of the Core Strategy relates to proposals outside such development limits. It is a restrictive policy designed to protect the separate identity of settlements and maintain the quality of the environment. Policy CP11 states that proposals outside of development limits will not normally be permitted except (summarised):

1. Where it contributes to diverse and sustainable rural enterprises; and,
2. Where it does not lead to excessive encroachment or expansion of development away from original buildings; and,
3. Buildings appropriate for conversion or environmental improvements for replacement buildings; or,
4. Appropriate residential extensions;
5. Where replacement dwellings would bring about environmental improvements and not result in inappropriate increases in the scale, form or footprint of the original building;
6. Provision of community facilities, and
7. Affordable housing on rural exception sites.

For the current proposal, point 2 of policy CP11 is the most relevant as the proposal would not contribute to a rural enterprise, it would not be for a community facility and neither is the proposal for affordable housing<sup>1</sup>. Moreover, the proposal is not for a replacement dwelling and neither for residential extensions. The proposal would result in a hitherto undeveloped rural greenfield land with associated hardstanding and residential paraphernalia, thus introducing built form into the countryside. As such it would result in excessive encroachment and expansion of development away from original buildings and is contrary to the second point. None of the other points are considered applicable to the application and on this basis; the proposal does not comply with policy CP11 of the Core Strategy. The proposal is therefore contrary to the development plan being outside of development limits which would not accord with any exception criteria.

The National Planning Policy Framework indicates Local Authorities should seek to protect the intrinsic beauty of countryside locations. In regard to new dwellings in rural areas, paragraph 79 of the NPPF states local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances, which are set out in the NPPF as:

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
- b) the development would represent the optimal viable use of a heritage asset or

<sup>1</sup> The site area triggers for affordable housing contributions and the Planning Statement argues that this is not required since Core Strategy policy CP5 is out-of-date and not consistent with the NPPF. Since there is no provision of on-site affordable housing and this is not a rural exceptions site, the proposal is not considered to comply with point 7 of CP11.

would be appropriate enabling development to secure the future of heritage assets;

- c) the development would re-use redundant or disused buildings and enhance its immediate setting;
- d) the development would involve the subdivision of an existing residential dwelling; or
- e) the design is of exceptional quality, in that it:
  - is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
  - would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.

Paragraphs 6.8 and 6.10 of the Planning Statement argue that the application site is not an 'isolated' dwelling in NPPF paragraph 79 terms, because it is surrounded on four sides by residential development and it lies within the curtilage of a dwelling and as a result, the site is one where residential development should be positively encouraged. However, that is clearly not what the NPPF states. Other than paragraph 79, paragraphs 77 and 78 provide guidance for rural housing. Paragraph 77 of the NPPF states that in rural areas, housing developments that reflect local needs will be supported and that rural exception sites for affordable housing with some market housing should be encouraged. The current application has not been supported with a Housing Need Analysis to demonstrate a local need for the proposed development. Arborfield & Barkham Neighbourhood Plan Policy AD2 indicates that the maximum demand for housing within this area would be for population within the 60+ years age group. The proposal includes 4 large executive style properties which are not retirement homes. Moreover, the proposal is not for any affordable housing development nor does it proposes to provide monetary contributions in-lieu of affordable housing provisions. As such, the proposal does not comply with paragraph 77 of the NPPF. In addition, the proposal would not comply with the paragraph 78 since it has not been demonstrated that the proposal would enhance or maintain vitality of the rural communities. Moreover, the proposal will be located within an unsustainable location and will be contrary to the requirements of the NPPF, see the discussion below.

It is noted that the intent of Core Strategy Policy CP11 is not only to protect 'separate identity of settlements', that can broadly relate to resisting isolated dwellings within Countryside in line with paragraph 79 of the NPPF, but also to maintain 'quality of environment' which is consistent with paragraph 170 of the national policy. As such, even though the proposal would not result in 'isolated' dwellings in the ordinary meaning of the word (it would still be isolated since it would be physically separated from any settlement boundary by a considerable distance – applying Court of Appeal judgement *City & Country Bramshill Limited v Secretary of State for Housing, Communities and Local Government [2021] EWCA Civ 320*, dated 09/03/2021), it would nonetheless have a detrimental impact on the quality of the environment by introducing residential development with additional paraphernalia into hitherto undeveloped land, resulting in encroachment into countryside and urbanisation contrary to policy CP11. In this regard, the proposal is contrary to the intent of development plan and is unacceptable in principle.

The Planning Statement argues that the site should be considered as previously

developed land (brownfield) using a recent case law ((Dartford Borough Council v The Secretary of State for Communities and Local Government & Ors [2017] EWCA Civ 141: 14 March 2017). Whilst there is no disagreement about the interpretation of previously developed land, as offered by the case law, it should be noted that there are no exceptional categories in either the NPPF or CP11 to allow new dwellings within designated countryside on previously developed land<sup>2</sup>. Moreover, it is clear in the NPPF's definition for previously developed land that, "*Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed)*". As noted from the site photos, the existing three outbuildings are currently located right next to the existing dwelling, with the rest of the curtilage including the western section of no 14 Langley Common Road having the appearance of greenfield, undeveloped land, with no substantial outbuildings, in keeping with the surrounding open countryside. Moreover, historic planning records for property no. 14 demonstrates that the rear part of the curtilage, that is the area included as part of this site application, does not form part of this property's residential garden. For these reasons, the proposal is considered contrary to national and local development plan policies.

Arborfield & Barkham Neighbourhood Plan is a material consideration for developments within this area. Policy IRS1 states that in order to protect the separation of settlements, development proposals outside of development limits will be required to preserve the character and appearance of the countryside and not lead to the physical, visual or perceived coalescence of existing settlements. The proposal would erode the rural character of the area and introduce additional built form between the existing settlement boundaries of Arborfield Cross, Arborfield Garrison and Barkham Hill further north-east, and would be contrary to policy IRS1. Additionally, the proposal would be contrary to policy IRS3 which requires planning proposals to protect and enhance the natural environment and green spaces within the area, and contrary to policy AD2 which states that housing for local needs is to be prioritised. As such, the proposal would be contrary to the provisions of neighbourhood plan of Arborfield & Barkham.

The site was not considered to be suitable when put forward for residential development as part of the LPU.

The proposal being within the rear curtilage of Suncot property is considered to be 'backland' development. Paragraph 70 of the NPPF states that 'local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area'. Policy TB06 – Development of Private Residential gardens – of the MDD Local Plan states that proposals for new residential development that includes land within the curtilage of private residential gardens will only be granted planning permission where:

- a) The proposal makes a positive contribution to the character of the area in

<sup>2</sup> In paragraph 145g of the NFFP, redevelopment of previously developed land is listed as one of the exceptions for development within Green Belt. However, the proposal site is located within countryside and not within Green Belt and as such, paragraphs 77-79 of NPPF will be applicable in this instance.

terms of:

- 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, and
- 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 elevation detail are of high quality, and where appropriate distinctive and/ or complementary

- 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

It is considered that the proposal is in conflict with the above policy, with particular reference to criterion a), and d), this is explored further below in the “Character of the Area” section of the report.

Sustainable Location:

Policy CP1 of the Core Strategy states development should provide accessible schemes and *‘demonstrate how they support opportunities for reducing the need to travel, particularly by private car in line with CP6’*.

Policy CP6 states of the Core Strategy states that planning permission will be granted for schemes that a) Provide for sustainable forms of transport to allow choice; b) Are located where there are or will be at the time of development choices in the mode of transport available and which minimise the distance people need to travel. The supporting information in policy CP6 states that:

*‘Paragraph 2.16 recognises that the borough has one of the highest car ownership rates of any English local authority. To reduce the likelihood that these vehicles will be used and to encourage modal shift, it is important to ensure all proposals achieve sustainable development’*

*‘To help achieve sustainable development, proposals likely to generate significant demands for travel movements should be located in areas with best access to existing good services. This means that people can have the widest range of choice in selecting transport modes and help reduce the use of the private car. The availability of good existing public transport services has been considered in drafting the strategy for the Borough.’*

A priority of the development plan, as set out in CP6 is to encourage a ‘modal shift’ away from private motor vehicles to sustainable transport options by locating development within sustainable settlement limits. The application site is within a

poorly accessible location in the countryside that is unrelated to any settlement, where people would be reliant on using private vehicles.

The Borough Design Guide SPD states that 'if places are to be sustainable then the aim should be to create: Walkable neighbourhoods, with a range of facilities within 10 minutes walking distance of residential areas, which encourage people to travel on foot or by bicycle.' Walkable neighbourhoods are defined in Manual for Streets as those typically characterised by having a range of facilities within 10 minutes walking distance from residential area. Manual for Streets clarifies that 10 minutes walking distance is roughly 800 metres.

The National Design Guide (2019) states that walkable neighbourhoods means '*local facilities are within walking distance, generally considered to be no more than a 10 minute walk (800m radius).*' A partial assessment has been provided in the Planning, Design and Access Statement (PDAS) including walking distances. Apart from the Coombes C of E primary School and the Bull PH, the rest of facilities would not be within the recommended walking distance as stated above. In addition, the walking environment along School Road or Barkham Road (to reach the PH) is poor with no street lighting, narrow footpaths and is absent from any passive surveillance for long sections. These roads are busy B classified roads and the level of traffic also compromises the quality of the local walking environment.

With regards to buses, there is a bus stop approximately 180m walking distance from the proposal site, on Langley Common Road. However, the only bus route serving this road is the 145 (between Three Mile Cross and Winnersh), which runs each way once per week (Tuesday). It is noted the submitted Transport Statement mentions that this service was cancelled in December 2020 as a response to the Covid pandemic, and there is no indication of whether this service will be reinstated in the future (para 3.4.2). In any case, this bus service does not satisfy the Council's definition for a good public transport, which requires a service frequency of at least every 30 minutes during peak times (7am-9am and 4pm-7pm Monday to Saturday) and every 60 minutes during off-peak times (9am-4pm and 7pm-10pm Monday to Saturday and 7am-10pm on Sundays) (paragraph 4.37 of the Core Strategy). The next nearest bus stops are in Arborfield Cross over 1Km walking distance from the application site.

There are no nearby cycle lanes that would encourage cycling to and from the site.

In summary, the proposal would result in an unsustainable pattern of development by reason of the poor sustainable transport options in the locality and the countryside location outside of settlement limits. The proposal is contrary to policies CP1, CP3 and CP6 of the Core Strategy: policies CC01 and CC02 of the MDD Local Plan and section 9 of the NPPF which seek to reduce the need to travel, particularly by private car, and resist development outside defined settlement limits.

### **Housing Affordability:**

Policy CP5 of the Core Strategy states that all residential proposals of at least 5 dwellings (net) or covering a net site area of at least 0.16 hectares will provide up to 50% of the net additional units proposed as affordable dwellings, where viable.

Section 4 of the Application Form submitted by the applicant states that the site has a total area of 0.44Ha; this exceeds the above threshold and therefore there is a requirement for the provision of affordable housing.

The submitted Affordable Housing Statement received with this application contends that Policy CP5 is out of date because it is inconsistent with the NPPF, and therefore it is not appropriate to seek affordable housing on a site of 0.44Ha/4 dwellings.

Paragraph 63 of the NPPF notes that the 'provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer).' It is acknowledged that there is a conflict between the NPPF policy for affordable housing (applied where the proposal is for ten or more dwellings) and local policy (applied for sites of 0.16 hectares or larger). In this instance, the Council's view is that there is an acute need for affordable housing in the area and this is highlighted in the 2016 Berkshire Housing Market Assessment, which shows a need of 441 affordable homes (net) per annum.

The WBC Housing Policy Officer has been consulted on the proposal and has determined that to meet the requirements of Core Strategy Policy CP5, a minimum of 40% of the total number of units (net) should be provided as affordable housing; in this case this equates to 1.6 units. Due to the small number of units proposed, the only practical means of delivery for the affordable housing is through a commuted sum. Based on the Viability Study undertaken by Levvel Ltd, the Council's approach to calculating commuted sums for affordable housing is based on the difference in the residual development value of a scheme without on-site affordable housing and the same scheme with on-site affordable housing. The commuted sum sought in-lieu of 1.6 units is £215,886.98 index-linked towards affordable housing in the borough; this would form part of a section 106 agreement.

As previously mentioned, the applicant points out the inconsistency between the NPPF and Core Strategy Policy CP5 and contends that on this basis contribution for affordable housing is not required. Any suggestion of a departure from the requirement as set out in Policy CP5 would require the preparation and submission of a Viability Statement, which has not been provided. In the absence of measures to secure the affordable housing, the proposal is contrary to policies CP1 and CP5 of the Core Strategy 2010, Policy TB05 and Appendix 12 of the Managing Development Delivery Local Plan 2014 and the Affordable Housing Supplementary Planning Document 2013.

#### **Character of the Area:**

Section 12 of the NPPF states that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions' and 'the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'.

Policy CP1 states that development should maintain or enhance the high quality of

the environment. CP11 of the Core Strategy refers to maintaining the quality of the environment and restricting development within the countryside. Policy TB06 of the MDD Local Plan seeks to avoid inappropriate development of residential gardens where there is potential harm to the local area. Policy CC03 of the MDD Local Plan states development should protect and retain existing trees, hedges and other landscape features. Policy TB21 of the MDD Local Plan states that proposals must demonstrate how they have addressed the requirements of the Council's Landscape Character Assessment, including the landscape quality; landscape strategy; landscape sensitivity and key issues and 'proposals shall retain or enhance the condition, character and features that contribute to the landscape'.

Policy IRS2 of the Neighbourhood Plan states 'development proposals must recognise, respect and preserve the identity and rural setting of settlements. Neighbourhood Plan policy IRS1 also states that the development should preserve the character and appearance of the countryside.

The proposal site is within designated countryside and is currently occupied by grassland and mature trees and hedgerows towards the site boundaries, which contribute positively to the character of the area including the Green Route. The main property Suncot is located towards the frontage of the plot. The site is a large plot located halfway along a small stretch of residential dwellings on both School Road and Langley Common Road. The dwellings are typically detached with ample rear gardens of about 30 metres long. There is a clearly evident linear pattern of development and strong building line, with properties located facing either School Road or Langley Common Road (including Suncot), and whilst there is a mix type of dwellings with two storey and chalet-style bungalows, it is noted that those properties immediately adjoining the proposal site are all chalet-style bungalows, whereas two storey dwellings are mainly towards the northern side of School Road and eastern side of Langley Common opposite to the proposal site.

It is considered that the proposed scheme would have an urbanising and detrimental impact on the rural and verdant character of the countryside area. Particularly, the erection of new dwellings of an average 8.4m height would erode the open character and quality of the area by extending the built development into undeveloped land, further encroaching into the open countryside and dominating the views from both School Road and Langley Common Road.

In addition, the proposal would introduce 4no. large units as a form of backland development not situated on the same building line as the immediate neighbours. The layout and design of the proposal are considered to be at odds with the linear pattern of development along School Road and adjacent Langley Common Road that are set out along road frontages on single plots with a consistent building line. The cul-de-sac nature of the new site layout would contrast unfavourably with the road frontage settings of existing houses and would extend residential activities into the open countryside. It has been noted that there are no other examples of tandem or backland development in the immediate vicinity; this unusual arrangement will appear as an incongruous form of development fitted into a site located at the back of a residential garden, detrimentally affecting the character and appearance of the locality. The lack of variety in housing would add to the feeling of a sub-urban development and this would be apparent from the same appearance of the roofs and

any views into the site revealing very similar façades. In addition, the proposal would result in a large proportion of the site (approximately 36%) changing from soft grass to building footprints, extended driveways, access way and parking areas, which altogether would change the existing verdant, undeveloped character of this backland site, resulting in further intensification of development of the countryside location, to the detriment of its rural verdant character.

It is noted that all residential properties within Langley Common village are set within extensive plots and average plot coverage of this area (including access/structures) is approximately 10%. In contrast, the new dwellings and access/parking areas would occupy 36% of the site area. As such, the proposal is considered overdevelopment and encroachment of countryside location that will have a detrimental urbanising impact on the verdant character of the area. This would further be exacerbated by large part of the site frontage being almost entirely given over to hardstanding and parking/turning spaces for Suncot. Whilst the proposal includes existing access, currently the hard surfacing occupies only the front section of the site. The proposal would result in spread of development into more than half of the site's depth that would have detrimental impact on the verdant character of the area.

#### Landscape Character:

The Wokingham District Landscape Character Assessment (LCA) shows that the site lies within J2 'Arborfield Cross and Barkham Settled and Farmed Clay' Character Area. The key characteristics and valuable landscape attributes include:

- Wooded context provided by characteristic mature hedgerow and in-field trees, combined with woodland belts, with BAP priority habitats and ancient woodland, and the wooded horizons of the surrounding hills. This creates a loose sense of enclosure.
- Barkham Brook and associated wetland which provide important ecological habitats including wet meadow and BAP priority habitat wet woodland.
- A gently undulating landscape between 50m and 65m AOD.
- Rural settlement pattern of older scattered settlement of farms, hamlets and small nucleated villages
- Public rights of way run between the settlements and provide access for recreational use.
- A rural character away from development and roads, with views across to adjacent character areas.

The key issues include; large scale residential development and supporting infrastructure at Arborfield Garrison SDL. The resulting increased traffic on rural roads is leading to a loss of tranquillity, erosion of road verges and increased levels of air pollution in rural areas and specifically erosion of the landscape character. Hedgerow loss, impact/loss of woodland and species diversity due to lack of management including the lack of recruitment of young trees is adversely impacting the features that make up the rural character with knock on effects on biodiversity.

The landscape strategy is to conserve and enhance the remaining rural character of the landscape. The key aspects to be conserved and enhanced are the field pattern with mature hedgerow trees, wetland and woodland habitats, rural lanes and historic features. In terms of development, the aim is to integrate new development into its

landscape setting and retain the open and rural character of the landscape between settlements.

The site is a fairly flat piece of land with mature trees and hedgerows lining towards the site boundaries. There are no protected trees on the site, however aerial images from the site point to a very recent largescale removal of mature trees from the site – presumably in preparation of the planning application. Since these trees were not protected by a TPO, their removal is not considered unauthorised. Nonetheless, their removal has resulted in a significant loss of landscape cover within the area, to the detriment of the landscape character of the countryside.

The proposal is supported with a Landscape and Visual Appraisal Report (LVA) which concludes that, *“The effects of the proposed scheme on the landscape character areas... are assessed as negligible. The proposal would result in changes to landscape character at the site level, comprising loss of an area of private garden space and the introduction of residential development, access routes and associated activity and lighting. These changes to landscape character are assessed as being a minor adverse effect and would be contained within a small geographic area”* (paragraph 8.1.4). The WBC Trees and Landscape Officer has been consulted on the proposal and has found this to be contradictory between the descriptions and a poor assessment of what is in effect a Major/Moderate effect on the landscape character, its context and elements, resulting in a permanent urbanising effect of this pocket of extended garden in a medium quality landscape bordering a higher quality area of rural landscape.

In addition, the visual assessments within the LVA identifies the impact of the development proposals on the views and groups of housing range from minor-negligible to negligible level effect. These assessments are partly based on misplaced assumptions relating to the design layout and retention of the existing high hedged boundary treatment, which comprises mostly of Leyland cypress hedge of between 3-7m high. The hedge will be contained within the garden boundaries of the new houses and there will be no control over their retention or height/breadth. These hedges in smaller scale gardens and spaces especially, are considered a nuisance drying out the area of soil around them and having the capacity to develop into very large trees, both in height and width.

Large trees would become overbearing and would require crown reduction and raising in time. The height, length and the intense management and control required over the hedge means that this hedge will in itself appear sub-urban and alien in the countryside setting. It follows that this vegetative screening cannot be relied on in the longer term as the impact of age, catastrophic weather, disease, or malicious removal will gradually reduce the effectiveness of this type of screen. The proposal would appear as a dominant feature within the existing verdant and rural character of the area, that would detrimentally impact the landscape visual character of the Green Route and associated high quality landscape, contrary to policies CC03 and TB21 of the MDD Local Plan.

#### **Housing Amenity:**

#### Internal Amenity:

The internal space standards for new dwellings are set out in the Borough Design Guide and supported by Policy TB07 of the MDD. A four-bedroom dwelling should provide 6 bed spaces and a minimum gross internal area of 100 sqm (Plots 1 and 4), whereas the Technical housing standards – nationally described space standard defines that a five-bedroom, 6 person dwelling should have a minimum gross internal area of 110sqm (Plots 2 and 3). Dwellings should also accommodate for a minimum combined floor area of living, dining and kitchen space of 31sqm. Given the size of the rooms, the configuration of the dwellings and their windows, the proposal would exceed the internal space standards.

The size of the proposed bedrooms would comply with the minimum recommended floor space for twin/double bedrooms (11.5 sqm) and single bedrooms (7.5 sqm) as set out in the nationally described internal space standards. All the habitable rooms would be served by appropriately sized windows and fenestration. Additionally, all dwellings would have adequate storage spaces. It is considered that the internal living environment is acceptable and accords with policy TB07 of the MDD Local Plan and the Nationally Described Space Standards.

**External Amenity:**

The Borough Design Guide specifies a minimum depth of 11 metres for rear gardens and a 1 metre set-back from the site boundary to allow access thereto. The proposed amenity spaces of all dwellings, including the existing property Suncot, would comply with the requirements of the Borough Design Guide. Proposed gardens would be located to the rear, would be private and would have a depth commensurate to the plot sizes, so that no objections are raised on this ground.

**Neighbouring Amenity:**

Policy CP3 of the Core Strategy and other policies within the Borough Design Guide SPD aim to ensure that there is no detrimental impact upon neighbour amenity. R15 of the Borough Design Guide requires the retention of reasonable levels of visual privacy to habitable rooms, with separation of 22 metres to the rear and 10 metres to the street, and R16 of the SPD sets minimum distances to limit sense of enclosure, referring for two storey properties these are 1 metre flank-to-boundary and 12 metres flank-to-rear. Within the borough, there is an expectation that the separation distances between properties should be significant to safeguard the heightened level of amenity expected of the area.

The application site is physically surrounded by other residential plots, however by virtue of its backland location and adequate separation distances, the proposal would not have any loss of light, overshadowing or overbearing impact on any neighbouring residential amenity. All proposed dwellings would retain adequate separation between them in accordance with the Borough Design Guide, as well as separations in excess of 22 metres to the rear elevations of adjoining properties. Moreover, proposed first floor windows on side elevations would be serving bathrooms/ensuites, and these could be conditioned to be partly fitted and obscure-glazed. As such, there is no objection to the proposal on the neighbour impact grounds.

**Noise:**

Given the site is already in residential use and with other residential properties

adjacent to it, it is not considered the noise levels would be significantly different to the existing situation, therefore a reason to refuse this application on this ground would not be substantiated. In regard to the concerns received relating to noise during construction works, it is noted that should the proposal was recommended for approval, the hours of work could be regulated via planning condition, so this would not support an objection on this ground.

### **Building Sustainability:**

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. In this case, it is considered that the proposed scheme could be reasonably built to the required standards of Level 4 of the Code for Sustainable Homes as set out in Policy CC04, and should the application be recommended for approval, a condition could be recommended. No objections are therefore raised with regard to sustainable design and construction.

### **Highway Access and Parking Provision:**

#### Parking:

Policy CC07 and Appendix 2 of the MDD Local Plan stipulates minimum off street parking standards, including provision for charging facilities. P3 of the Borough Design Guide SPD notes that parking spaces are to be a minimum of 5m x 2.5m. the proposal includes 2no dwellings which would have 2 spaces and double garages (each 4 total) and 2no dwellings with single garage and 1 space (each 2 total). The WBC Highways Officer has indicated that to be in line with the Council's parking Standards, 1 visitor parking and 3 unallocated spaces would be required. The submitted Transport Statement states that 3 unallocated spaces would be required; this is a shortfall of 1 space which is contrary to the Council's Standards. Also, the Transport Statement identifies the likely location of the unallocated spaces within the access road which is 4.8m wide. There is insufficient width for parking and to allow a vehicle to pass, which is unacceptable. The proposal is therefore contrary to the provisions of the local development plan in respect of highway safety and parking provision.

#### Swept Paths:

Swept paths for a refuse vehicle have been submitted which is welcome. There is no problem with the access and egress to/from the site. The WBC Highways Officer has raised that it is very tight at the turning head; the wept path needs looking at especially if there are park cars. The Officer has indicated that swept paths for a large car accessing/egressing would be required. This can be secured via planning condition.

#### Cycle Parking:

For the two proposed dwellings with double garages, the cycle parking could be contained within the garages. For the two other dwellings with single garages, due to the internal dimensions of the garages, cycle parking would need to be provided in a secured location in the rear gardens with direct access. It is envisaged this could be achieved with the proposal, and cycle parking/storage details would be secured via

planning condition. No objections are therefore raised in this respect.

#### Visibility Splays

The speed limit of School Road is 30mph and therefore the visibility splays of 2.4 x 43m are acceptable.

#### Access:

It is proposed that the current access is widened which is acceptable. As part of widening the access, the existing crossover would need to be widened at the applicant's expense.

#### Construction Method Statement:

Due to the location of the site, in close proximity to a school, the WBC Highways Officer has indicated that a Framework Construction Method Statement would be required, and this has not been provided as part of the application. Notwithstanding, this can be secured via planning condition.

#### Sustainability Assessment:

WBC Highways Officer has indicated that the proposal site is in an unsustainable location contrary to policy CP6. See detailed discussion above in "Principle of Development" section.

#### **Flooding and Drainage:**

Policy CC09 of the MDD Local Plan requires consideration of flood risk from historic flooding and Policy CC10 of the MDD Local Plan requires sustainable drainage methods and the minimisation of surface water flow. The site and access thereto are located within Flood Zone 1 with low risk of surface water flooding.

The WBC Flood Risk and Drainage Officer has evaluated the proposal and indicates that overall Drainage Strategy Plan and Report have been presented in support of the proposal. On this basis, the Officer would have no objections in principle to the proposed development. However, it was noted that discharge amount of 2 l/s has been proposed and subject to agreement with Thames Water; the justification from Thames Water for the proposed connection would need to be submitted to and approved by the local planning authority. This can be secured by a pre-commencement condition.

#### **Landscape and Trees:**

The site is located along School Road which is a designated Green Route defined in the MDD Local Plan as 'roads into settlements that are lined with trees and other vegetation which make a significant contribution to character and environment of the area and contribute to the Borough's network of wildlife corridor'. This designation can be illustrated in the mature native hedgerows just to the east of the site that are protected by TPO1516/2016, which also includes several individual trees and woodland that establishes the character of this area of land that extends from the gardens that comprise the site as open and wooded pasture land.

There are no protected trees on the site but as previously noted, a significant amount

of tree felling has been carried out within the rear garden – presumably to facilitate the development – and this appears to have been done prior to the Tree Survey dated December 2020. The Tree Survey identifies 9 trees and 6 hedges recorded on the site currently that are a mix of A, B and C quality. There is a notable Oak to the southern boundary classified A1 quality, and at 950mm girth is a notable tree and possible future Veteran tree. The WBC Trees and Landscape Officer has identified that the root protection area (RPA) of this tree will encroach onto the rear gardens of Plots 2 and 3, and the RPA of the tree at the front of the site closest to the entrance will be adversely affected by the use of block paving to the front driveway. As such, the Officer has indicated that an Arboricultural Method Statement including Tree Protection Plan would be required. These can be secured by way of conditions should the application be recommended for approval.

The WBC Trees and Landscape Officer has raised an objection regarding the impact of the development on the countryside. This consideration is set out in greater detail above in the “Principle of Development and Character of the area” sections of this report.

### **Ecology:**

Policy CP7 of the Core Strategy 2010 requires the conservation of sites for nature conservation in accordance with national, regional, county, and local biodiversity action plans. Policy TB23 of the MDD Local Plan requires the incorporation of new biodiversity features, buffers between habitats and species of importance and integration with the wider green infrastructure network.

The WBC Ecology Officer has evaluated the proposal, who has offered the following comments:

*I have read the submitted Preliminary Ecological Appraisal report (Windrush Ecology, ref: W4082\_rep\_Suncot, Langley Common\_08-01-21, January 2021). I note that report does not appear to consider limitations to the survey. The site walkover took place in early January 2021 which is in the dormant season for a number of species and there may be a skewed view as to the quality of the habitats. Compounding this, it appears the survey took place shortly after a significant amount of site clearance had been undertaken, again risking make the site look more simple than it was.*

### **Reptiles**

*The desktop survey identified that reptiles (slow-worm and grass snake) have been recorded locally, beyond the site boundary. Looking at the species records available from Thames Valley Environmental Records Centre it is clear that the nearest records of these two widespread reptile species are from a site that has functional connectivity to the application site.*

*I am of the opinion that it is possible that the site, prior to the vegetation clearance, may have been much more suitable for reptile species than the Preliminary Ecological Appraisal assesses. The wood chip pile, if retained on site through the active season, may continue to be a feature used by slow-worms.*

**However, considering the development proposal and the extent of the changes, I am**

*minded to think that it would not lead to a deterioration of the favourable conservation status of a reptile species of principal importance. I do think that there remains the risk of killing or injuring a protected reptile species during construction. Therefore, I recommend that a pre-commencement condition for submission and approval of a reptile mitigation strategy is applied in order to minimise the risk to protected species during construction.*

#### Species Specific Recommendations

*Section 6.3 of the Preliminary Ecological Appraisal makes species specific recommendations for bats, birds, and hedgehogs.*

*I am inclined to think that the provision of Schwegler 1FR bat tubes (at a rate of one per dwelling) would be an enhancement for this protected species group. However, I cannot see where this recommendation has been included within the plans for the dwellings. I therefore recommend that a condition is applied to secure the detail and implementation of this recommendation.*

*I am inclined to think that the provision of Schwegler Avianex bird boxes (at an as yet unspecified quantum) will not be sufficient to make up for the vegetation clearance work already undertaken so it should not be seen as an enhancement but as partial mitigation for the development and its impacts on birds.*

*The provision of hedgehog holes in fencing for the site is vital to maintain the ecological permeability of the site and so should be a necessary component of the development to fulfil MDD policy TB23. I am also of the view that the provision of at least one hedgehog nest box within the scheme is necessary to mitigate for the loss of vegetation that has taken place so far.*

*Considering that there is detail missing on all of the species specific mitigation and enhancement measures mentioned above and that this detail is vital for implementation, I recommend that a prior to occupation condition is applied to secure the detail and implementation of such measures. Even with these species specific measures secured I am not convinced that the proposal will result in a biodiversity net gain (see below).*

#### Biodiversity Net Gain

*Paragraph 170 of the NPPF is clear that new development should make a net positive contribution to local biodiversity. The developing guidance on this matter is that this is best considered through a habitat assessment process.*

*Even taking into account that the Preliminary Ecological Appraisal was undertaken at a suboptimal time of year and after the site had been cleared of a great deal of vegetative cover, I would still expect the ecology report for this site to consider biodiversity net gain in terms of habitat change. No biodiversity impact assessment calculator has been submitted in support of this application.*

*Defra's biodiversity metric 2.0 (beta) is the most recent impact assessment calculator available (although metric 3.0 and a small sites metric may be published soon). This calculator does evaluate garden habitat as having some value, albeit low distinctiveness. The proposal will lead to a significant loss of the garden habitat with*

*conversion to sealed surface which has no value in the calculator. At this stage I therefore think that the proposal will result in a net loss for biodiversity in terms of habitat change.*

*I recommend that a detailed biodiversity impact assessment calculator is submitted so the extent of loss or gain can be considered by the local planning authority. If a 10% gain is not achievable within the site boundary, then it is possible for the shortfall to be resolved through an offsite offset. As an offsite offset for biodiversity net gain would need to be secured through a planning obligation, it is relevant for this detail to be considered at the point of determination and it cannot be left to be resolved through condition. Without the further information requested and the matters outlined above resolved, I am of the opinion that this application should be refused on the grounds that it is contrary to paragraph 170(d) of the NPPF.*

In the absence of a S106 legal agreement to secure biodiversity net gain on site, it is considered that the proposed development would result in a net loss for biodiversity and therefore would fail to comply with paragraphs 170 and 175 of the NPPF, nor would it comply with Core Strategy Policy CP1 which seeks among other things to maintain or enhance the high quality of the environment.

#### **Waste Storage:**

Policy CC04 of the MDD Local Plan requires adequate internal and external storage for the segregation of waste and recycling as well as provision for green waste and composting and an appropriate area for ease of collection.

The submitted Design and Access Statement mentions that for all dwellings, a dedicated bin store can be accessed via the proposed residential access road through their access gates, close to the rear of each property. Whilst details of waste storage have not been shown on the plans, these can be secured by way of condition, so no objections are therefore raised on this aspect.

#### **Infrastructure:**

##### Community Infrastructure Levy (CIL):

As the proposal is for net increase of dwellings on site, it would be a CIL liable development. The CIL charge for new residential development is set at £365 per square metre index linked.

##### Thames Basin Heath Special Protection Area:

Policy CP8 of the Core Strategy states that where development is likely to have an effect on the TBH SPA, it is required to demonstrate that adequate measures to avoid and mitigate any potential adverse effects are delivered.

The application site is located within 5km of the TBH SPA and Policy CP8 states that where there is a net increase in dwellings within 5km of the SPA, contributions to access management measures and monitoring in line with the Delivery Framework will be required. This will be in the form of a monetary contribution of **£19,900.96** towards Suitable Alternative Natural Greenspace (SANG) in the Rocks Nest Wood SANG and ongoing monitoring (SAMM).

A Section 106 agreement would be sought were the application recommended for approval. Paragraph 7.2 of the Planning Statement refers that the applicant proposes s106 Heads of Terms for TBH SPA mitigation. Whilst this is welcome, no such agreement has been secured to date. In the absence of a planning obligation to secure suitable avoidance and mitigation measures and access management monitoring arrangements, in terms that are satisfactory to the Local Planning Authority (LPA), the LPA is unable to satisfy itself that the proposals include adequate mitigation measures to prevent the proposed development from having an adverse effect on the integrity of the Thames Basin Heaths SPA, in line with the requirements of Regulation 63 of the Conservation of Habitats and Species Regulations 2017 and Article 6(3) of Directive 92/43/EEC. The proposal would be contrary to Policy NRM6 of the South East Plan, Policies CP8 and CP4 of the Core Strategy.

#### **Environmental Health:**

The proposal site is not known to have any contamination issues and there are no sites nearby that may give rise to potential contamination.

#### **Planning Balance:**

The most up-to-date Five Year Housing Land Supply Statement demonstrates the Council has a five year housing land supply. At 31 March 2020 and published 14 January 2021, the deliverable land supply was 5.23 years against the housing need of 789 additional homes per annum plus a 5% additional buffer. The Council does not understand there to be any dispute on this aspect. Paragraph 8 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 proposal involves a net increase of four market dwellings. The construction of four dwelling would bring about some economic output in terms of direct and indirect job creation. There is limited social benefit with no on-site provision for affordable housing obligations with this proposal. The environmental benefits are limited, since the opportunity for landscaping is limited to only 64% of the site.

On the contrary, the proposal would result in unacceptable residential development within the designated countryside that will have a detrimental and urbanising impact on the landscape and the character and appearance of the area by reason of its incongruous “backland” location; the design; scale; layout and quantum of development proposed. The scheme would introduce residential properties in an unsustainable location in the countryside and outside of any settlement limits. Since local facilities would be a significant walk from the application site, the occupants of the dwellings would be overly reliant on private motor vehicles to access basic amenities and services. There is insufficient parking on site to satisfy the Council’s parking standards. The proposal is contrary to development plan of Wokingham Borough and is therefore recommended for refusal.

**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 persons with protected characteristics as 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 as a result of the development.

<b>RECOMMENDATION</b>	
<b>Conditions agreed:</b>	Not required
<b>Recommendation:</b>	<b>Refusal</b>
<b>Date:</b>	11 May 2021
<b>Earliest date for decision:</b>	14 April 2021

<b>Recommendation agreed by:</b> <b>(Authorised Officer)</b>	
<b>Date:</b>	<b>11/05/21</b>

### **The Conservation of Habitats and Species Regulations 2017 Screening Assessment and Appropriate Assessment**

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

#### **Summary of Response**

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

This site is located approximately **0.9 km** (measured from the access road to the application site) from the boundary of the SPA and therefore is likely to result in an adverse effect on the SPA, unless it is carried out together with appropriate avoidance and mitigation measures.

On commencement of the proposed development, a contribution (calculated on a per-bedroom basis) is to be paid to Wokingham Borough Council (WBC) towards the

cost of measures to avoid and mitigate against the effect upon the Thames Basin Heaths SPA, as set out in WBC's Infrastructure Delivery Contributions Supplementary Planning Document (SPD).

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

In this instance, the proposed development would result in a net increase **2no 4 bedroom dwellings and 2no 5 bedroom dwellings** within 5km of the SPA which results in a total SANG contribution of **£15,574.96**.

The proposed development is required to make a contribution towards Strategic Access Management and Monitoring (SAMM) which is also calculated on a per bedroom basis. Taking account of the per bedroom contributions this results in a total SAMM contribution of **£4326**.

The total SPA related financial contribution for this proposal is **£19,900.96**. The applicant **must agree** to enter into a S106/s111 agreement to secure this contribution prior to occupation of each dwelling. Subject to the completion of the S106 agreement, the proposal would not lead to an adverse effect on the integrity of the SPA and would comply with SEP Saved Policy NRM6, policy CP8 of the Core Strategy, and the NPPF.

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

In accordance with The Conservation of Habitats and Species Regulations (2017) as amended, Regulation 63, a competent authority (in this case Wokingham Borough Council (WBC)), before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which—

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

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

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

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

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

## **2. Stage 1 Screening for Likely Significant Effects**

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

At this stage WBC cannot rule out 'likely significance effects' on the SPA (alone or in combination with other plans or projects) because the proposal could undermine the Conservation Objectives of these sites. This is because the proposal lies within **0.9 km** of the SPA and:

- represents a net increase in dwellings within 400m - 5km of the Thames Basin Heaths Special Protection Area (SPA) which will lead to an increase in local population and a potential increase in recreational activity on the SPA

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

## **3. Stage 2 Appropriate Assessment**

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

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

For SDL development (and occasionally some other larger non SDL developments) within 5km of the SPA, SANG is required at a minimum of 8 ha per 1,000 new residents, constructed and delivered to Natural England's quality and quantity

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

#### a. Policies and Guidance

For this proposal the following guidance and policies apply:

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

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

#### b. SPA Avoidance and Mitigation Measures

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

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

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

The development will result in a net increase of **4no dwellings**, broken down as follows: **2no 4 bedroom dwellings, and 2no 5 bedroom dwellings**. Depending on the dwelling mix, the level of SANG payments are set out as follows:

No. of bedrooms	SANG Contribution 5km	Aggregate SANG Contribution
1 bedroom	£1,567.98	£0
2 bedrooms	£2,049.59	£0
3 bedrooms	£2,690.93	£0
4 bedrooms	£3,546.86	<b>2 x £3,546.86</b>
5 bedrooms	£4,240.62	<b>2 x £4,240.62</b>
Total SANG Contribution		<b>£15,574.96</b>

## ii. Strategic Access Management and Monitoring (SAMM) Contribution

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

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

The level of contributions are calculated on a per bedroom basis. The application for this development is for **2no 4 bedroom dwellings, and 2no 5 bedroom dwellings**. Depending on the dwelling mix, the level of SAMM payments are calculated as follows:

No. of bedrooms	SAMM Contribution 5km	Aggregate SAMM Contribution
1 bedroom	£464.00	£0
2 bedrooms	£646.00	£0
3 bedrooms	£858.00	£0
4 bedrooms	£1,010.00	<b>2 x £1,010.00</b>
5+ bedrooms	£1,153.00	<b>2 x £1,153.00</b>
Total SAMM Contribution		<b>£4326</b>

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

#### **4. Conclusion**

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

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

The proposal does not include a legal agreement to confirm the SAMM SANG payments.

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

<b>Date:</b>	11/05/21	<b>Signed:</b>	
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