

PD14170/TM/BD

email: [REDACTED]

Wokingham Borough Council
Civic Offices
Shute End
Wokingham
RG40 1BN

18th February 2025

Dear Sir / Madam,

PLANNING AND HERITAGE STATEMENT AND DESIGN AND ACCESS STATEMENT**3 OLD DAIRY COURT, WARGRAVE RG10 8BU****FULL PLANNING APPLICATION FOR ALTERATIONS TO EXISTING CHIMNEY STACK**

On behalf of our client, Mr Keith Anderson (the "Applicant"), we hereby enclose an application for full retrospective planning permission for the removal of a chimney stack at the above premises. The chimney has been removed as advised by a structural engineer to be urgently necessary in the interests of health and safety.

The Council's Dangerous Structures Team was notified as soon as the chimney was identified as a chimney and they agreed that the chimney was to be immediately made safe. The works were completed in July 2024.

The chimney has been removed to roof level and the roof 'made good' using tiles that match those of the surrounding roof slope.

The Proposals

The application seeks retrospective planning permission for the removal of the chimney stack located at the rear of the building by dismantling it down to roof slope level and the roof made good with tiles to match the surrounding roof slope. The chimney will then be rebuilt from this level to match the existing corbelled detailing of the chimney stack.

The justification for the works is set out in the letter prepared by Andrew Eades (Chartered Surveyor) that accompanies this submission.

The existing condition of the chimney was described as follows:

"Externally the chimney is in poor condition. The pointing is worn and missing in sections and here are areas of loose and spawled brickwork, notably around the head. The chimney also has a pronounced lean from front to back which is likely due to uneven weathering and the deterioration of the mortar joints. This leaning in itself is not uncommon in chimneys, however eventually it leans to such a degree where it is considered unsafe. The lean on this chimney is pronounced enough that it now needs safeguarding works.."

The proposed works are recommended as follows:

"In summary I could not see any evidence internally that the chimney is supported inadequately following the removal of the chimney breast below, however the remaining section of chimney above the roof line has lacked

maintenance and thus the brickwork and pointing has deteriorated. This has no doubt exacerbated the front to back lean which will have been caused by differential weathering. The lean in itself coupled with the worn pointing raises concerns regarding stability of the chimney, however it is the lack of any lateral restraint and ease of movement which is of greater concern. This is likely due to the chimney being largely above the roof line with only the lower courses being restrained by the adjacent rafters, effectively making it top heavy.

The chimney needs to be repaired and safeguarded or removed as in its current state it is unstable. This is of particular concern considering its location immediately adjacent to the grounds of 79 High Street which are in constant use"

The letter concludes with the recommendation:

"I would recommend that it is taken down entirely and the tiled roof surface reinstated over. This would be a more cost effective approach given that to retain the chimney it would need to be taken down, rebuilt and restrained with a tie bar. Removing the chimney would also remove one of the penetrations through the roof which could be a weak point for damp ingress in the future. "

The above extract explains that the proposed alteration is the only one feasible to address the structural issues with the chimney stack.

The above letter was shared with the Council's Dangerous Structures Team in June 2024 who advised by email (Sara Hiscox):

"I am satisfied that virtually doing a site check with you, that the chimney is considered to be live and this should be addressed immediately, The survey does refer to the chimney being top heavy, I would suggest that this is either removed or taken down to a level where it no longer moves by itself."

The chimney was immediately removed thereafter.

Planning Policy Framework

Statutory Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 stipulates that where making any determination under the Planning Acts, regard is to be had to the development plan, and the determination must be made in accordance with that plan unless material considerations indicate otherwise.

The statutory development plan relevant for the Site comprises the following documents:

- Core Strategy (2010);
- Managing Development Delivery Local Plan: Enhancing the Borough's environmental character through exceptional development (2014);
- Replacement Minerals Local Plan for Berkshire (1995);

Material Considerations

WBC are in the process of preparing a Local Plan update which will guide where and how growth will take place in the years up to 2038. Consultation was most recently undertaken on a Revised Growth Strategy between November 2021 and January 2022. Consultation took place on the Regulation 19 draft of the emerging plan in Autumn of 2024.

In accordance with paragraph 49 of the NPPF, it is considered that little weight can be afforded to the emerging Local Plan given the stage of preparation.

The National Planning Policy Framework (“NPPF”) (2024) and Planning Practice Guidance (“PPG”) (2014) are also material considerations in the determination of this application.

The Wargrave Conservation Area Leaflet is also a material consideration.

Planning Policy Assessment

Legislation

The Planning (Listed Buildings and Conservation Areas) Act 1990 (“the 1990 Act”) provides the legislation that is used to assess the impact of proposals on conservation areas and settings of listed buildings.

With respect to this application, the applicable statutory provisions are:

- Section 66(1): *“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features or special architectural or historic interest which it possesses.”*

This is applicable because the proposals have the potential to affect the setting of listed buildings and structures.

- ‘Section 72(1): *With respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*’

Section 72(1) is applicable given that the Site lies within the Wargrave Conservation Area.

Local Plan

WBC’s relevant policies on local character and heritage are summarised below.

CP3 (‘General Principles for development’) confirms that planning permission will be granted for proposals that (a) are of an appropriate scale of activity, mass, layout, built form, height, materials and character to the area together with a high quality of design without detriment to the amenities of adjoining land users including open space or occupiers and their quality of life.

TB24 (‘Designated Heritage Assets (Listed Buildings, Historic Parks and Gardens, Scheduled Ancient Monuments and Conservation Areas’)) sets out that the Council will conserve and seek the enhancement of designated heritage assets in the Borough and their settings by:

- (a) *Requiring works to or affecting heritage assets or their setting to demonstrate that the proposals would at least conserve and, where possible enhance the important character and special architectural or historic interest of the building, Conservation Area, monument or park and garden including its setting and views.*
- (b) *Supporting development proposals or other initiatives that will conserve and, where possible, enhance the local character, setting, management and historic significance of designated heritage assets, with particular support for initiatives that would improve any assets that are recognised as being in poor condition or at risk.*

Material Considerations

National Planning Policy Framework (2023)

Chapter 16 of the 'NPPF' sets out the Government's policies relating to the conservation and enhancement of the historic environment. In determining planning applications, Paragraph 200 specifies that:

- *"local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance."*

The proportionality approach arises from the methodology that the protection afforded to heritage assets is relative to that asset's significance; in other words the higher the significance of the heritage asset, the greater weight will be given to its protection. Significance is defined in the NPPF as:

- *"The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting."*

Paragraph 205 sets out the principle affording great weight to the conservation of heritage assets:

- *"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."*

This is followed by Paragraph 206 which stipulates that:

- *"Any harm to, or loss of, the significance of a designated heritage asset (in this case, the conservation area) (from its alteration or destruction, or from development within its setting), should require clear and convincing justification."*

Paragraph 208 of the NPPF affords weight to public benefits of a proposal when considering the allocation of harm. It states:

- *"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."*

Paragraph 212 of the NPPF advises that proposals that help to enhance or better reveal an asset's significance should be treated favourably:

- *"Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably."*

The National Planning Practice Guidance ("PPG")

The PPG adds further context to the NPPF and it is intended that the two documents should be read together. The chapters relevant to the proposals are Design: process and tools (updated October 2019); Determining a planning application (updated June 2021); and Historic environment (updated July 2019).

Wargrave Conservation Area Leaflet (1993)

Wargrave Conservation Area was designated in June 1971. The village has a rich and varied history. Wargrave developed as a settlement in about AD 900 at the confluence of the Thames and Loddon Rivers. The medieval settlement of Wargrave is likely to have developed around the church, with a manor house and to the east a village green and pond. Other early buildings are sited on the High Street.

The site makes a neutral contribution to the significance of nearby listed buildings by way of setting (Wargrave House, The Bull, Duart Cottage) and the listed structures (K6 Telephone Kiosk and Street Wall between Ousleys and Wargrave House).

Design and Heritage Assessment

The chimney was located at the rear of the building. It was of limited visibility, not visible from the street, but visible from the rear from positions within and across the car park located on School Lane. The chimney was previously part of a cluster of three chimney stacks serving Old Dary Court and the Greyhound Inn. The two other chimney stacks remain, allowing an appreciation of the roof scape of the rear of the buildings facing the High Street.

We do not consider that the alteration materially changes the Site's contribution to the character and appearance of the conservation area and it has no material effect on the significance of any listed building by virtue of setting.

Accordingly, we do not identify any harm arising from the proposed alteration. An options analysis undertaken by the engineer shows that there are no alternative means of making the chimney safe

The public benefits from the works are to remedy a structural issue with the property which are urgently necessary in the interests of health and safety (as agreed by the Council's building control engineers) and by making the building and neighbouring buildings safe.

Ecological Matters

The works were undertaken in accordance with the GCN method statement as outlined below:

Non-licensed Avoidance Measures for Great Crested Newts

There is very low risk that individual great crested newts could be present in chimney work to could go ahead lawfully.

In order to minimise the small risk of harming great crested newts, the following avoidance measures will be adopted:

- *Any stored building materials such as bricks etc. that might offer shelter for newts will be kept raised off the ground on pallets or on existing hard standing.*

In the unlikely event that a great crested newt is found during the construction, works will stop immediately, and a licensed ecologist will be called onto site to ensure the newt is not harmed and provide further advice on how to proceed; work will recommence only once further written advice has been received.

Prior to the commencement of the urgent works, advice was sought about the potential for encountering bat roosts. The Ecologist (Arbtech limited) advised:

"It is proposed to remove the chimney due to health and safety reasons. Although this would typically require a preliminary roost assessment, the project ecologist has already conducted a preliminary roost assessment at the adjacent, conjoined property for a separate planning application, which included an assessment of the chimney in question due to its immediate proximity. This document, "Preliminary Roost Assessment and Bat Emergence and Re-entry Surveys (Arbtech Consulting, 2023)", can be found attached. The overall building was assigned a moderate habitat value for bats, although the chimney itself was not noted to possess any roosting features. This remains the case in 2024: as no significant changes that would increase the suitability of the chimney have occurred since that work (As confirmed by photographs from 2024 shown to me), I consider that this survey effort from 2023 is still valid for the 2024 season.

Moreover, due to the adjacent buildings rating of "moderate", two nighttime bat emergence and re-entry surveys were conducted (Also included in the attached report). These found no emergences. The chimney in question was in the field of view of two of the three surveyors conducting these surveys, and no bat activity was seen.

Having reviewed this 2023 survey effort, I consider that it is appropriate to use it in support of the current application without the need to produce a new report or conduct an additional site visit."

No bat roosts were encountered during the works.

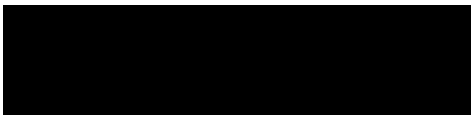
pAdministrative Matters

In order to validate this application, please find enclosed the following documentation:

- Application form
- This Planning and Heritage and Design and Access Statement;
- CIL Form 1;
- Existing and proposed elevations

The application has been submitted via the Planning Portal. We trust the above and enclosed is in order and will allow you to issue confirmation of the validation of the Application. However, if you have any outstanding queries or should you require any further information, please do not hesitate to contact Tim Miles (07818 012 444 / tim.miles@montagu-evans.co.uk) of this office in the first instance.

Yours faithfully



MONTAGU EVANS LLP

