

DELEGATED OFFICER REPORT



WOKINGHAM
BOROUGH COUNCIL

Application Number:	241881
Site Address:	Dairy Cottage, Heathlands Road, Wokingham, RG40 3AN
Expiry Date:	9 October 2024
Site Visit Date:	23 August 2024
Proposal: Full planning application for the proposed erection of 3 no. detached dwellings with associated access, car ports and landscaping, following demolition of the existing 4no. dwellinghouses and associated buildings, plus the removal of 1no. static caravan pitch.	

PLANNING CONSTRAINTS/STATUS

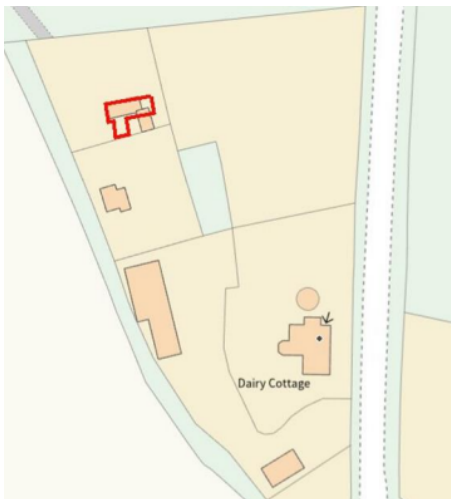
Water Utility Consultation Zones
Heathrow Aerodrome Consultation Zone
Affordable Housing Thresholds
Bat Roost Habitat Suitability
Scale and Location of Development Proposals – Countryside (CP11)
Farnborough Aerodrome Consultation Zone
Great Crested Newt Consultation Zone – Red Risk Zone
Nuclear Consultation Zone – Special Case Zone
Landscape Character Assessment Area - Holme Green Pastoral Sandy Lowland
SSSI Impact Risk Zones
Thames Basin Heaths SPA Mitigation Zones – 5km Linear Mitigation Zone

PLANNING POLICY

National Policy	National Planning Policy Framework (NPPF) National Planning Policy Guidance (NPPG) National Design Guide
Core Strategy (CS)	CP1 – Sustainable Development 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
MDD Local Plan (MDD)	CC01 – Presumption in Favour of Sustainable Development CC02 – Development Limits CC03 – Green Infrastructure, Trees and Landscaping CC04 – Sustainable Design and Construction CC05 – Renewable Energy and Decentralised Energy Networks CC06 – Noise CC07 – Parking

	CC09 – Development and Flood Risk CC10 – Sustainable Drainage TB05 – Housing Mix TB06 – Development of Private Residential Gardens TB07 – Internal Space Standards TB21 – Landscape Character TB23 – Biodiversity and Development
Other	Borough Design Guide Supplementary Planning Document CIL Guidance + 123 List

PLANNING HISTORY

Application No.	Description	Decision & Date
990313	Proposed Erection Of Barn And Four Stables And Menage. Change Of Use Of Land From Agricultural To Keeping of Horses.	Approved 05/05/1999
230578	Application for a certificate of existing lawful development for the stationing of a static caravan for residential use. 	Approved 02/06/2023
230642	Application for a certificate of existing lawful development for use of a building as a residential dwelling (Unit/Flat 1)	Approved 25/05/2023

		
230643	Application for a certificate of existing lawful development for the siting of a static caravan for use as a residential dwelling (Unit / Flat 3) 	Approved 25/05/2023
230649	Application for a certificate of existing lawful development for the use of a building as a residential dwelling (Unit / Flat 2). 	Approved 25/05/2023

CONSULTATION RESPONSES

Internal

WBC Property Services – No comments received
WBC Environmental Health – No objection subject to condition(s)
WBC Drainage – No objection subject to condition(s)
WBC Highways – Request further information (see main body of report)
WBC Economic Prosperity & Place (Community Infrastructure)
WBC Landscape and Trees - Objections
WBC Ecology – No comments received
WBC CIL – Development is CIL liable
WBC Cleaner and Greener – No comments received
WBC Ecology Newts – No objections subject to an informative

External

Thames Water Utilities Ltd – No comments received
South East Water – No comments received

REPRESENTATIONS

Parish/Town Council	No objections
Ward Member(s)	No comments received
Neighbours	No comments received

APPRAISAL

Site Description:

The application is approximately 0.65 hectares in size and is largely characterised by the main dwelling on site known as 'Dairy Cottage' sited adjacent to the eastern site border. The dwelling is a modest two storey dwelling sited in generous grounds, including a discreet access located to the south that leads round to the parking area to the rear of the dwelling's garden.

The rear parking area includes a single storey, elongated gable roofed building that previously served as an outhouse/garage for Dairy Cottage but has since been converted into 2no. residential dwellings (subject of CLUE applications 230642 & 230649), the details of which are expanded on below in the site history section.

Immediately north of the 2no. dwellings referenced above is another detached dwelling that is well visually enclosed by tall, dense coniferous vegetation. The dwelling is a structurally modified single storey static caravan that includes several extensions to its original form and has a legible garden area outside its eastern frontage. This building was subject of CLUE application 230643 and will be described in further detail below in the site history section.

Immediately north of the detached dwelling referenced above is a caravan pitch that includes a structurally modified static caravan with a legible garden space and driveway access. Similarly, this application was also subject to a CLUE application (reference: 230578) and subsequently approved.

The rest of the site is characterised by areas of open space currently inhabited by a football pitch/goals and several small agricultural/horticultural structures. The site as a whole is well vegetated on all its boundaries, enforcing its rural setting within the

designated Countryside. Views are however numerous of Dairy Cottage from Heathlands Road due to its close proximity to the road.

The north of the site has historic permission for the keeping of horses which was permitted under application 990313 on 5th May 1999.

Overall, the site lacks coherence but the predominantly single storey nature of the dwellings/buildings on site, their modest footprints and substantial visual screening enforces the viewpoint that the site retains a low-key, rural appearance that is in-keeping with its Countryside surroundings.

Site History:

As outlined above, four of the five residential units on site all gained approval for use as such in May and June 2023 through application references 230578, 230642, 230643, 230649. As can be seen in the history section above, the red-lines for each unit were tight around the footprints of the buildings/caravan rather than including their informal garden spaces.

All four applications were submitted under a Certificate of Existing Lawfulness. Evidence submitted by the applicant demonstrated that they had been in consistent use for at least 10 years prior to the submission of the application and therefore immune from enforcement action.

Proposed Development:

This application seeks approval for the proposed demolition of the existing 4no. dwellinghouses, associated buildings and the removal of the caravan pitch to facilitate the erection of 3no. detached two storey dwellings (1x 5-bedroom, 2x 4-bedroom), detached car ports, new access and access road plus associated landscaping to create a Public Open Space to the north of the site.

Principle of Development:

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case the development plans for the area are the Wokingham Borough Core Strategy 2010 and the Managing Development Delivery Local Plan 2014. At a national level, the National Planning Policy Framework (NPPF) constitutes guidance which the Local Planning Authority (LPA) must have regard to. The NPPF does not change the statutory status of the development plan as the starting point for decision making but is a material consideration in any subsequent determination.

Policy Context:

Core Strategy 2010:

Policy CP1 of Core Strategy states that planning permission will be granted for development proposals that maintain or enhance the high quality of the environment. Other requirements consist of minimising the emission of pollutants into the wider environment, avoiding areas where pollution (including noise) may impact upon the amenity of future occupiers, providing attractive, functional, accessible, safe, secure and adaptable schemes and contributing towards the goal of reaching zero-carbon developments.

Policy CP3 of the Core Strategy states that planning permission will be granted for proposals that:

- 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 spaces or occupiers and their quality of life;
- Have no detrimental impact upon important ecological, heritage, landscape (including river valleys) or geological features or water courses.
- Contribute to a sense of place in the buildings and spaces themselves and in the way they integrate with their surroundings (especially existing dwellings)
- including the use of appropriate landscaping;
- Do not lead to a net loss of dwellings and other residential accommodation or land

The site lies within the Countryside as designated in the Wokingham Borough Core Strategy. Core Strategy policy CP11 states, in order to protect the separate identity of settlements and maintain the quality of the environment, proposals outside of development limits will not normally be permitted except in certain circumstances. These exceptions are:

- 1) It contributes to diverse and sustainable rural enterprises within the borough, or in the case of other countryside-based enterprises and activities, it contributes and/or promotes recreation in, and enjoyment of, the countryside; and
- 2) It does not lead to excessive encroachment or expansion of development away from the original buildings; and
- 3) It is contained within suitably located buildings which are appropriate for conversion, or in the case of replacement buildings would bring about environmental improvement; or
- 4) In the case of residential extensions, does not result in inappropriate increases in the scale, form or footprint of the original building;
- 5) In the case of replacement dwellings the proposal must:
 - i) Bring about environmental improvements;
 - or ii) Not result in inappropriate increases in the scale, form or footprint of the original building.
- 6) Essential community facilities cannot be accommodated within development limits or through the re-use/replacement of an existing building;
- 7) Affordable housing on rural exception sites in line with CP9.

Managing Development Delivery Local Plan (MDDLDP) 2014:

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.

Policy CC03 of the MDD Local Plan aims to protect green infrastructure networks, promote linkages between public open space and the countryside, retain existing trees and establish appropriate landscaping.

National Planning Policy Framework (NPPF):

The National Planning Policy Framework has an underlying presumption in favour of sustainable development which is carried through to the local Development Plan.

Section 5 of the NPPF relates to delivering a sufficient supply of homes. The Government has an objective to significantly boost the supply of homes in the country and it is important that the needs of groups with specific housing requirements are addressed. The NPPF requires Local Planning Authorities to identify a five-year supply of specific deliverable sites to meet housing needs. At the current time the Council is unable to demonstrate that it has 5 years' worth of deliverable sites with the latest figure being 3.2 years.

Pages 19-21 of the NPPF cover 'Identifying land for homes'. Within this, paragraph 72 states that plans 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.

The NPPF sets out the Government's planning policy for England and places sustainable development at the heart of the decision-taking process incorporating objectives for economic, social and environmental protection. These objectives seek to balance growth and local community needs against protection of the natural, built and historic environment. How the development performs against these three objectives will be considered in the planning balance section at the end of this letter.

Section 11 of the NPPF relates to making effective use of land. Within this section, paragraph 123 states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Assessment:

The proposed development fails to comply with any of the criteria within CP11 and is unacceptable in principle.

The development does not contribute to a sustainable rural enterprise and therefore fails to comply with criterion 1 of CP11. With regards to criterion 2, the proposals result in the erection of 3 no. large detached dwellings on site that involves a legible increase in building volumes on site by over 1000m³. The overall footprint of buildings on site would decrease but the replacement dwellings/buildings, in particular Plots 1 and 2, would be much more visible from Heathlands Road than the buildings they would replace and their visual impact would be exacerbated by the replacement of the existing, discreet access road with a more suburban style, central access point that leads to a suburban cul-de-sac layout that is not in-keeping with the rural character of the area.

It is important to highlight that the red-lines for the three of the dwellings on site and the caravan pitch (as seen in the planning history section above) are tight to the building's footprints, leaving the buildings with no recognised residential curtilage. The expansion of the new dwellings' curtilages across the site combined with the associated residential paraphernalia would have substantially larger visual and spatial impacts on the surrounding Countryside than that permitted currently.

The footprint calculations also appear to ignore the additional footprint resulting from the large access road, parking and turning areas which further increase the urbanising

impact of the development. The areas of Public Open Space are acknowledged but ultimately hold little weight as the area of land it would occupy is largely undisturbed and open currently.

The overall additional visual prominence of the proposals and substantial increases in volume on site results in the excessive encroachment and expansion of development away from the original buildings and represents a conflict with criterion 2.

Criterion 3 requires replacement buildings to bring about environmental improvements. Whilst the biodiversity enhancements are acknowledged, these are outweighed by the areas of visual and landscape harm raised both above and below. Overall, the proposals would not result in environmental improvements and are contrary to criterion 3 and also section 15 of the NPPF.

Criteria 4 to 7 are not considered relevant to the proposed development.

Notwithstanding the development's unacceptability in principle as per CP11, they also result in a net loss of 2no. residential dwellings on site and therefore represent a direct conflict with Policy CP3 of the Core Strategy. It also conflicts with section 5 and para 60 of the NPPF which refers to significantly boosting the supply of homes, rather than reducing the housing stock. It is important to note that this net loss is at a time when the Council cannot demonstrate a five year housing supply, exacerbating the impact. The energy performance of the new dwellings compared to the existing dwellings is acknowledged but ultimately, the weight applied in this instance is very limited as it is expected of all new dwellings that are constructed in the Borough via Building Regulations.

Overall, the proposals are unacceptable in principle, would cause adverse harm to the openness and rural character of the surrounding Countryside and result in a net loss of 2no. dwellings at a time when the Council cannot demonstrate a five year housing land supply.

Character of the Area/Landscape Character:

Policy Context:

With regards to well-designed places, paragraph 135 of the NPPF states planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

Similarly, paragraph 139 states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. This is supported by paragraph 125 of the NPPF too, which states:

“Area-based character assessments, design guides and codes and masterplans can be used to help ensure that land is used efficiently while also creating beautiful and sustainable places.”

The National Design Guide section B1, paragraph 67 also states that the built form of well-designed places should relate well to:

- the site, its context and the opportunities they present;
- the proposed identity and character for the development in the wider place;

Paragraph 68 follows on from this stating that houses and streets should establish an appropriate relationship with the pattern, sizes and proportions of existing houses in the local area.

Policy CP11 supports development in the countryside only where it maintains the high quality of the rural environment. Policy CP1(1) similarly only supports development that maintains or enhances the high quality of the environment, with policy CP3 supporting development of an appropriate mass, layout, built form, height and character to the area CP3(a) and which makes a positive contribution to the sense of place contributes to the buildings and spaces themselves and in the way they integrate with their surroundings CP3(f).

Policy CC03 of the MDD Local Plan aims to protect green infrastructure networks. The Countryside is defined as a green infrastructure network.

Policy TB21 of the Managing Development Delivery 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. Proposals should retain or enhance the condition, character and features that contribute to the landscape.

The Borough Design Guide Supplementary Planning Document provides further guidance for developers with general guidance that development should respond positively to its site and local context.

Paragraph 180b of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

Site Context:

The site is located within Landscape Character Area (LCA) N1: Holme Green Pastoral Sandy Lowland according to the Council's Landscape Character Assessment (2019). The landscape is considered to be in moderate condition, valuable landscape attributes include:

- The open agricultural land which provides a gap between the settlement edge of Finchampstead and Wokingham.

- Pastoral farmland, paddocks and sparse settlement pattern to the south of the LCA, creating a rustic feel.
- Scattered historic farm buildings and houses, pubs and mansions provide time-depth.
- Rural views over fields and towards Wokingham, given a sense of openness and orientation.

To maintain the landscape character of the Holme Green Pastoral Sandy Lowland the following strategy is required: to conserve and enhance the existing landscape character. In terms of development, the rural setting of Wokingham should be conserved and management of urban fringe activities on marginal land is also required.

The built surroundings of the application are visually dominated by the several fields to the north, east, south and west that are all covered by polytunnels, primarily associated with the agricultural operations of Heathlands Farm. Other than agricultural fields, there are a handful of modest commercial sites including Squirrels Garden Centre to the south, Holme Grange Craft Village to the north-east.

The residential character of the surrounding area, like that of Dairy Cottage's original setting, are scattered large, detached dwellings located in generous individual plots. The application site, despite hosting five dwellings, still retains plenty of these rural characteristics and due to the predominantly single storey roofscape of the site and the substantial areas of tall tree coverage/screening.

Proposed Dwellings:

The three dwellings proposed all have a main hipped roof form ranging from 7.7 to 7.95 metres tall.

Plot 1 (4-bedroom) would have 2no. hipped roof two storey protrusions, one on the front and one on the rear. The hipped roofs on both front and rear elevations would also form a minor cat-slide roof form that would accommodate 2no. hipped roof dormers on either elevation. Material choice appears to be a choice of clay tiles for the roof. Tile hung frontages and a mix of render and brick plinth ground floor facades.

Plot 2 (5-bedroom) would have a symmetrical hipped/cat-slide roof form with a central gable protrusion and 2no. hipped roof dormers. The rear would include 2no. large hipped roof protrusions plus a central hipped roof dormer. Material choices would match that of Plot 1, with the exception of an exposed timber front porch element.

Plot 3 (4-bedroom) would have a large cat-slide roof form on its eastern elevation and a two storey gable roofed front protrusion on the western end. The front and rear elevations also include 3no. gable roof dormers each.

Each dwelling would also have a hipped roof double carport, each with a clay tile hipped roof and timber cladded side elevations.

The existing discreet southern access would be stopped up and would be replaced by more formalised, central access point to the east that would connect to a long access road, continuing on into a cul-de-sac layout to the west that accesses all of the

dwellings, their driveways and turning areas. Public Space is proposed to the north-east of the site with a mown path, landscaping and other wildlife enhancements.

Assessment:

As outlined above, the site, whilst hosting 5no. dwellings, still retains a strong low-key, rural appearance and due to the predominantly single storey roofscape of the site and the substantial areas of tall tree coverage/screening. The incoherent layout of the application is very much reflective of the site's rural/agricultural surroundings.

When travelling past the site via Heathlands Road south and northbound, the site very much retains the visual appearance of a single dwelling sited in generous grounds:



The proposed development on the other hand would drastically alter the rural appearance of the site, introducing 3no. large executive style dwellings that whilst exhibit some locally appropriate material choices (tile hung frontages, clay tiles etc) are laid out in an urban cul-de-sac layout accessed by a much more formalised, and visually prominent, central vehicular access. This layout is out of keeping with the residential character of the area and would cause harm to the visual amenities of the area by reason of its urbanising impact.

The development, despite reducing the number of dwellings on site, would increase the number of dwellings and overall amount of development visible from Heathlands Road. This would be exacerbated by the new central access, with views of Plot 1 and its associated car port being available by passers by, as would Plot 2 and its oddly 'front-heavy' side profile (seen below). Landscaping cannot be relied on in perpetuity to screen design that is considered incompatible with the surroundings.



Side Elevation

Turning to the LCA, the area is characterised by scattered historic farm buildings and houses, pubs and mansions. The overall aim for development is to conserve the rural character of Wokingham and management of urban fringe activities on marginal land. The imposition of a 3no. dwelling urban cul-de-sac layout that is incompatible with the surrounding rural character would directly conflict with the LCA's development aim to maintain the rural character.

Policies CP1, CP3 and CP11 all require development to maintain or enhance the high quality of the environment. Paragraph 139 of the NPPF states that development that is not well designed should be refused, with Paragraph 180d of the NPPF requiring development to recognise the intrinsic character and beauty of the countryside. The proposed development represents a layout, built form and character that would be at odds with the traditional rural character of the site and thereby failing to maintain or enhance the high quality of the surrounding environment, subsequently failing to comply with any of the policies listed above.

Furthermore, the proposals conflict with Policy CC03 and TB21 of the MDD Local Plan as they cannot promote the integration of the scheme with the countryside sufficiently, nor do the proposals maintain, let alone enhance the condition, character and features that contribute to the landscape.

Neighbouring Amenity:

Overlooking:

Plots 1 and 2 would retain a back to back distance from the adjacent 'Beth Rauch' of between 47 and 50 metres and would have well vegetated rear and side borders. This is acceptable. The front to front distances between Plots 1 and 2 and Plot 3 would be approximately 38 metres which is also acceptable.

Plot 3 would overlook well vegetated side and rear site boundaries and agricultural tunnels further north. This is acceptable.

Loss of Light and Overbearing:

All of the dwellings would retain adequate separation distances from each other and the surrounding residential properties. There are therefore no concerns on these grounds.

Highway Access and Parking Provision:

Locational Sustainability:

Despite being located outside of development limits and in a location defined as unsustainable in terms of its access to sustainable transport options, the submitted transport statement identifies a net reduction in traffic to and from the site. There are therefore no objections to the replacement of the existing dwellings in locational sustainability terms.

Access/Visibility:

The existing access is to be stopped up, creating a new central eastern access. WBC Highways consider that this results in an improvement to visibility when facing southwards compared to the original access.

Heathlands Road is subject to a 60mph speed limit, however a speed survey has been carried out and demonstrates lower vehicle speeds of 41.6mph southbound and 36.7mph northbound (85th percentile). In accordance with DMRB guidance, this will require visibility splays of 2.4m x 90m (looking south) and 2.4m x 116m (looking north) to be provided.

The submitted drawings (within Transport Statement and Landscape Plan) demonstrates that appropriate visibility splays can be provided from the access onto Heathlands Road. Sightlines will need to clear of all obstructions exceeding 0.6m in height and shall be subject to a condition if the application is recommended for approval.

Parking and Turning:

Each plot is provided with a double car port and driveway parking for at least two vehicles. The level of parking meets WBC parking standards and is therefore considered acceptable. There is additional space within the driveway for each plot for any visitor parking.

The dimensions of parking spaces are considered acceptable and appropriate turning area has been demonstrated.

A swept path is requested for a fire tender to ensure it can enter and leave the site in forward gear. This has not been requested but could be conditioned in the event of an approval.

Cycle Storage:

Secure and covered cycle storage has been indicated however, the size of the stores is not suitable for 3 cycles each, which is the minimum standard required. In addition, it is recommended that the cycle storage is moved from within the car port to the rear gardens, as this would obstruct the parking area. Further details are requested to resolve this. These have not been requested due the above concerns.

Amenity Space:

Internal:

The internal space standards for new dwellings are set out in the Borough Design Guide and supported by Policy TB07 of the MDD. All three dwellings proposed meet the minimum standards required for their occupancy levels and would provide adequate internal space to serve future occupiers.

External:

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. This is achieved for all three dwellings and no objections are raised.

Flooding and Drainage:

The site is located within Flood Zone 1 and at low risk of surface water flooding. WBC Drainage have no objections to the proposals providing a drainage strategy is secured via condition. This would be attached to the decision notice if the application was recommended for approval.

Arboricultural Matters:

Policy CC03 of the MDD Local Plan aims to protect green infrastructure networks.

The Arboricultural Assessment to BS5837:2012 is submitted with the application and includes a Tree Survey and survey schedule and a Tree Protection Plan. There are 21 trees, 3 hedges and 2 groups surveyed within which there are 8 No. A quality trees, 5No. 'B' and 12 'C' and 1 'U'.

Judging from the Tree Survey Schedule there several trees on site that are displaying characteristics consistent with Veteranisation:

- Trees T12, T20 have the 'A3' BS5837:2012 classification given to trees that have cultural or historical features, or Veteran trees and woodland.
- Trees T14, T15 are notable, possibly veteran, and have high landscape value displaying features of Veteranisation.
- T7, T19 and T20 are recognised on the Woodland Trust Ancient Tree Inventory as Veteran trees reference numbers 165046 (T19), 165045 (T20) on eastern boundary, and on SW corner 163683 (T7).
- Trees T14 and T15 have high landscape value as well as displaying features of Veteranisation, which also applies to trees T17 and T18, T21.

Veteran trees by definition have a greater protection area than other trees, that is measured at 15 x the tree stem at breast height. The PPG on Ancient and Veteran trees also states that;

"A buffer zone around an ancient or veteran tree should be at least 15 times larger than the diameter of the tree. The buffer zone should be 5m from the edge of the tree's canopy if that area is larger than 15 times the tree's diameter."

The diameter of T20 (Veteran) tree is 900mm dbh x 15 results in a buffer zone of 13.50m RPA – only 11.60m is shown on the Tree Protection Plan. The correct RPA for T20 at 13.50m would conflict with the turning head that protrudes northward into the Public Open Space which is not appropriate.

T14 (offsite trees but material to the application) is classified as 'A2' for its landscape value – and although not classified as a 'Veteran' tree it is showing characteristics of Veteranisation. The dbh measures 1200mm x 12 is 14.4m RPA although 14m is shown on the Tree Protection Plan. The RPA of T14 extends into well over half of the rear garden of Plot 3 which is not appropriate.

The NPPG states that Veteran tree buffer zones should not be located in gardens to protect its environment. Although T14 has not been classified as A2, there is a case for it being a Veteran tree and future proofing its environment, and therefore the site layout appears incompatible and should be reconsidered.

The NPPG states buffer zones should;

- *contribute to wider ecological networks*
- *be part of the green infrastructure of the area*
- *woodland*
- *a mix of scrub, grassland, heathland and wetland planting*

Other recommendations include:

“You should plant buffer zones with local and appropriate native species.

You should consider if access is appropriate and can allow access to buffer zones if the habitat is not harmed by trampling.

You should not approve development proposals, including gardens, within a buffer zone.”

Several elements of the proposals conflict with this guidance. Therefore, as it stands the information provided does not comply with NPPF 2023 paragraph 186c which states;

“development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.”

Overall, the siting of the proposals would conflict with several visually valuable and prominent trees, including Veteran trees on or adjacent to the site, to the detriment of their health and subsequently to the detriment of the rural character of the area. The proposals are therefore contrary to CC03 and TB21 in this regard.

Biodiversity Net Gain:

As of 2nd April 2024, a 10% Biodiversity net gain (BNG) for minor developments is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). This can be achieved through either on-site or off-site mitigation.

Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met (“the biodiversity gain condition”).

"The biodiversity gain condition is a pre-commencement condition: once planning permission has been granted, a Biodiversity Gain Plan must be submitted and approved by the planning authority before commencement of the development.

The BNG metric provided with this application outlines that a 101.46% gain in habitat units and a 205.94% gain in hedgerow units can be achieved on site. This is based of existing baseline units of 0.92 (habitat) and 0.79 (hedgerow). WBC Ecology have not responded to this application and therefore it is assumed that they have no objections to the existing baseline.

There are however several concerns about the methods of achieving the gains proposed. For example, several trees and hedgerows that contribute to the proposed units are sited on the boundary of or within the gardens of each residential plot. The Council could not reasonably control their retention in perpetuity and residents could fell them at any time.

Furthermore, several enhancements are proposed within the Public Open Space (POS), including wildflower grassed areas, a log pile and several small trees. Their location within the POS, particularly the wildflowers and log piles, are likely to be compromised by recreational users of the POS, for example dog walkers.

Lastly, whilst such a large net gain is afforded weight in the planning balance, the weight is limited due to the small scale of the application site (0.65 hectares).

Ecology:

Bats:

A Preliminary roost assessment and emergence survey report accompanies this application (Arbtech, 9th July 2024). The reports conclude that the demolition of the buildings on site will not likely impact bats. Due to the ecological value of the surrounding area, enhancements and mitigations are proposed within the report, the details of which would be conditioned in the event of an approval.

Great Crested Newts:

The site is within a Red Risk Zone for Great Crested Newts. Despite this, WBC Ecology Newts do not consider that the proposals would have any harm on this protected species but have requested an informative be added to the decision notice in the event of an approval.

Thames Basin Heath Special Protection Area (TBH SPA):

The proposed development, despite being within the 5km Linear Mitigation Zone for the TBH SPA, results in a net loss of residential units. The proposals are therefore not subject to monetary mitigation contributions as per Policy CP8 of the Core Strategy.

Affordable Housing:

The Council's Affordable Housing Supplementary Planning Document (SPD) July 2013 provides guidance on the Council's approach to securing affordable housing in accordance with Policy CP5. It sets out, subject to viability, the minimum percentages of affordable housing sought on site by land type and location.

However, Policy CP5 and the guidance contained within the SPD pre-dates the publication of the National Planning Policy Framework (NPPF), including the latest 2023 version by some time. Paragraph 65 of the Framework requires that the provision of affordable housing should not be sought for residential developments that are not

major developments (10 or more dwellings), other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer).

The Planning Practice Guidance (NPPG) reinforces this approach, stating specifically that planning obligations for affordable housing should only be sought for residential developments that are major developments. The PPG also confirms that the Community Infrastructure Levy (CIL) is the most appropriate mechanism for capturing developer contributions from small developments.

Further updates to the NPPF have reaffirmed the Government's view that contributions should not be collected from developments of less than 10 units. These amendments significantly strengthened the Government's position on affordable housing thresholds, and it is now a material planning consideration the LPA must have due regard to.

As outlined above the Council is currently not able to demonstrate a five year supply of dwellinghouses. Subsequently, Policy CP5 and accompanying guidance not only has a degree of inconsistency with the framework and predates it; but is recognised as being out-of-date in accordance with Paragraph 11 of the NPPF, as it sits alongside those other identified policies which are considered most important for determining applications for new housing. The above position has been reinforced via a number of recent appeal decisions on smaller sites whereby it was concluded that although applicable, policy CP5 carries limited weight, and affordable housing was not sought. Limited weight is therefore afforded to CP5 in the determination of this application.

In light of the above, less weight applied to Policy CP5 and the re-affirmation within the NPPF that contributions should not be collected from developments of less than 10 units, the failure to provide affordable housing provision and an appraisal of financial viability does not constitute a reason for refusal.

Planning Balance:

The statutory starting point for determination is the development plan. The site is outside of the defined settlement limits and within the countryside and conflicts with the spatial strategy of the plan as the development is unacceptable in principle as per CP11 of the Core Strategy. The development also results in the net loss of 2no. dwellings, subsequently contrary to CP3 of the Core Strategy. Substantial weight is afforded to this harm in the planning balance.

In addition to the above, the proposals would have an urbanising impact on the surrounding Countryside by reason of the construction of a 3no. dwelling urban cul-de-sac layout that is incompatible with the surrounding rural character and directly conflicts with the aims of the LCA. The siting of the proposals would also conflict with several visually valuable and prominent trees on or adjacent to the site, including Veteran trees, to the detriment of their health and subsequently to the detriment of the rural character of the area. In light of this, the proposals represent conflicts with policies CP1, CP3 and CP11 of the Core Strategy, CC03 and TB21 of the MDDL, the Borough Design Guide SPD and sections 12 and 15 of the NPPF.

The benefits of the scheme are very limited, there would be a small area of biodiversity net gain but this seems to conflict with the parcel of land being described as public open space. The public open space would have negligible appeal to the wider public

given it is in an unsustainable location and is not connected by any footpaths. It is also questioned what legitimate planning purpose this would serve given the scale of development and its location. The proposal has also referred to the buildings having greater energy efficiency, but this assessment does not consider the significantly greater scale of the development than the existing dwellings or the carbon impact of demolishing the properties and rebuilding substantially larger houses.

Overall, in engaging the planning balance, the harm caused by the proposals significantly and demonstrably outweighs the benefits of the proposals. The application is therefore recommended for refusal.

Community Infrastructure Levy (CIL):

When planning permission is granted for a development that is CIL liable, the Council will issue a liability notice as soon as practicable after the day on which the planning permission first permits development. Completing the assumption of liability notice is a statutory requirement to be completed for all CIL liable applications.

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.

RECOMMENDATION

Conditions agreed:	Not required
Recommendation:	Refuse
Date:	26 September 2024
Earliest date for decision:	6 September 2024

Recommendation agreed by: (Authorised Officer)	<i>MC</i>
Date:	08.10.2024