EX SYSTEMS LTD

APPLICATION NO:
O/2001/3157

LOCATION:
Land Adjacent Spring Copse Wick Hill Lane, Finchampstead Wokingham.

APPLICANT:
Mr G D'Cruze C/O Day Tanner Partnership

PROPOSAL:
Outline application for the proposed erection of one dwelling.

EARLIEST DATE FOR DECISION: **09/02/2001**

APPLICATION WILL HAVE EXPIRED ON:
07/03/2001

CASE OFFICER: **Elaine Connor**

(EC)

WOKINGHAM DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACTS

Notification of Refusal of Permission

Mr G D'Cruze
C/O Day Tanner Partnership
11-13 Dukes Ride
Crowthorne
Berkshire
RG45 6LZ

Application Number: O/2001/3157

Parish:	**FINCHAMPSTEAD**
Location:	**Land Adjacent Spring Copse, Wick Hill Lane, Finchampstead, Wokingham.**
Proposal:	**Outline application for the proposed erection of one dwelling.**

The Wokingham District Council in pursuance of their powers under the above Acts and Regulations hereby **Refuse Permission** for carrying out the above development in accordance with the application and the accompanying plans submitted to the Council, the reasons for which are specified hereunder.

Reason
1. The proposed development would result in inappropriate development outside the settlement boundary in an area designated as "setting of settlement", and would have a detrimental effect on the character and appearance of the rural area. The proposal would also result in the loss of woodland which is protected by a tree preservation order and would threaten an active wildlife habitat particularly in relation to the protected badger sett to the west of the site. As such the proposal is contrary to policies EN1, C1, C2 and C5 of the Berkshire Structure Plan, policies STV2, SBE1, SBE2, SC2 and SC15 of the South East Area Local Plan and to policies WOS2, WOS3, WBE1, WCC1 and WLL6 of the Wokingham District Local Plan (Deposit Draft).

Reason
2. The proposed development would generate additional vehicle turning movements at the junction of Wick Hill Lane and Nine Mile Ride, which is substandard in respect of radii and road width, visibility and construction. In consequence the safety and free flow of traffic on the B3430, Nine Mile Ride, would be adversely affected.

John Mitchell
Development Control Manager
Date: 28/02/2001

Notice checked by: _____

If this notice grants permission to proceed with the proposal the applicant is reminded that it relates to planning permission only and does not constitute approval under any other legislation including Building Regulations.

File copy

Elaine.

Applicationo	Name & Address
O/2001/3157	H & D Budd & M Everard 230 Nine Mile Ride Finchampstead RG40 3QD
O/2001/3157	Dr S P Wilford 17 Copse Drive Wokingham RG41 1NA
O/2001/3157	Mr M Green Green Pstures Wick hill Lane Finchampstead RG40 3PY
O/2001/3157	Mr & Mrs N Lloyd Spring Copse Wick Hill lane Finchampstead RG40 3PZ
0/2001/3157	DJ & J Norman Tubney Wick Hill Lane Finchampstead Berks RG40 3PZ

committee letters sent
1st class 20.2.01

Tel. (0118) 974 6051

Date: 21 February 2001

Your Ref:

My Ref: **Elaine Connor - O/2001/3157**

Mr G D'Cruze
C/O Day Tanner Partnership
11-13
Dukes Ride
Crowthorne
Berkshire
RG45 6LZ

Environmental Services Department
Planning Services
P.O. Box 157
Shute End, Wokingham
Berkshire RG40 1WR
Tel: (0118) 974 6000
Fax: (0118) 974 6484
Minicom No: (0118) 974 6991
DX: 33506 – Wokingham

Dear Sir/Madam

Application Number: O/2001/3157

Site Address: Land Adjacent Spring Copse, Wick Hill Lane, Finchampstead, Wokingham.

Proposal: Outline application for the proposed erection of one dwelling..

Your application is to be determined at the Development Control Sub-Committee meeting on the 28.02.01 and will start at 7.00pm. The application has been recommended for refusal and you can see a copy of the committee report at the Environmental Services Department, Council Offices, Shute End, Wokingham, or at your local library.

You may attend the Committee meeting and speak if you wish. A leaflet explaining the process is enclosed.

All requests to speak must be received no later than 5.00pm on the last working day prior to the meeting and must be arranged by contacting Andrew Lowther on 0118 974 6051

Yours faithfully,

John Mitchell

Development Control Manager

File copy

Elaine

Applicationo	Name & Address
F/2000/0385	R Blake Loddon Lower Farm Spencers Wood Reading Berks RG7 1JE
F/2000/0385	Mr D Templeton Kingsbridge Lambs lane Swallowfield RG7 1JE
F/2000/0385	The Owner/Occupier Loddon Lower Farm Spencers wood RG7 1JE
F/2000/0385	S Munro The Coach House Lambs Lane Swallowfield RG7 1JE
F/2000/0385	P Harty Loddon Lodge Lambs Lane Swallowfield RG7 1JE
F/2000/0385	Martin Bishop Wokingham Animal Rescue Group C/o 18 Durham Close Woosehill RG41 3AB

committee letters Sent
1st class 20.2.01

Tel. (0118) 974 6051

Date: 21 February 2001

Your Ref:

My Ref: **Elaine Connor - F/2000/0385**

Mr M Bishop

18
Durham Close
Woosehill Wokingham
Berkshire
RG41 3AB

Environmental Services Department
Planning Services
P.O. Box 157
Shute End, Wokingham
Berkshire RG40 1WR
Tel: (0118) 974 6000
Fax: (0118) 974 6484
Minicom No: (0118) 974 6991
DX: 33506 – Wokingham

Dear Sir/Madam

Application Number: F/2000/0385

Site Address: Kingsbridge Farm, Lambs Lane, Spencers Wood, Reading.

Proposal: Proposed change of use of small holding to animal rescue centre..

Your application is to be determined at the Development Control Sub-Committee meeting on the 28.02.01 and will start at 7.00pm. The application has been recommended for approval and you can see a copy of the committee report at the Environmental Services Department, Council Offices, Shute End, Wokingham, or at your local library.

You may attend the Committee meeting and speak if you wish. A leaflet explaining the process is enclosed.

All requests to speak must be received no later than 5.00pm on the last working day prior to the meeting and must be arranged by contacting Andrew Lowther on 0118 974 6051

Yours faithfully,

John Mitchell

Development Control Manager

3157

FINCHAMPSTEAD PARISH COUNCIL

PARISH OFFICE, MEMORIAL HALL, THE VILLAGE,
FINCHAMPSTEAD, BERKS RG40 4JU
THE CLERK: MRS CHERRY COLE
TELEPHONE: 0118 - 9328256
FAX NO. 0118 - 9730515
E MAIL ADDRESS – finchpc@breathe.com

~~PLANNING SERVICES~~	~~HPT~~
POL	TLS
DC	ENF
APP	
CS	70309
23 FEB 2001	
COPIES TO:	ACK:
	FILE: O/2001/3157

20 February 2001

Mr J Mitchell
Head of Planning Services
Environmental Services Dept
Wokingham District Council
P O Box 157
Shute End
WOKINGHAM
Berks
RG40 1WR

no reply necessary
Lee

Dear Mr Mitchell,

DEVELOPMENT CONTROL COMMITTEE MEETING – TUESDAY 27 FEBRUARY 2001

I have been instructed to inform you that the Parish Council intend to be represented at the above meeting, by Parish Councillor O A Vile. Cllr Vile wishes to address the meeting on two applications, which I understand are to be determined at the meeting, namely:
Application No.F/2000/2829 – Stean – Chung Yu, Heath Ride, Finchampstead AO
Application No.O/2001/3157 – D'Cruze – Spring Copse, Wick Hill Lane, Finchampstead. EC

Cllr Vile is aware of the three minute rule for speaking at the meeting.

Yours sincerely

C.S. Cole

Mrs Cherry Cole
The Clerk

copied to Alan Gauthier.

3157

REPLY BY

14 MAR 2001

Tubney,
Wickhill Lane,
Finchampstead,
Berks.
RG40 3PZ.

PLANNING SERVICES	HPT
POL	TLS
DC	ENF
APP	
CS	40490
28 Feb 2001	
COPIES TO:	CASE:
	FILE:

26th February 2001

John Mitchell,
Development Control Manager,
Environmental Service Department,
Planning Services,
P.O. Bo 157,
Shute End,
Wokingham,
RG40 1WR.

replied by phone 28/2/01 Explained at my discretion because of allegations that members pressurised me into making certain delegated decisions

JQM 28/2/01

Dear Mr Mitchell,

Planning Application No 0/2001/3157
Land adjacent to Spring Copse and Tubney

Further to my letter of 15th February (copy attached), I am still looking forward to a reply.

I have tried, unsuccessfully, to contact you by telephone over the past few days, and note that you have today left me a voice message at my office.

Yours sincerely

D J Norman

Norman Lloyd – Spring Copse

Tubney,
Wickhill Lane,
Finchampstead,
Berks.
RG40 3PZ.

15th February 2001

John Mitchell,
Development Control Manager,
Environmental Service Department,
Planning Services,
P.O. Bo 157,
Shute End,
Wokingham,
RG40 1WR.

Dear Mr Mitchell,

Planning Application No 0/2001/3157
Land adjacent to Spring Copse and Tubney

I am writing to ask for your assistance in respect of both the above application, and its immediate predecessor.

I understand that the previous application was referred to Committee, and that, therefore, this one will also be so determined.

I would like to ask you to kindly let me know by what criteria cases are referred to Committee, and which of these reason(s) applied to the previous application.

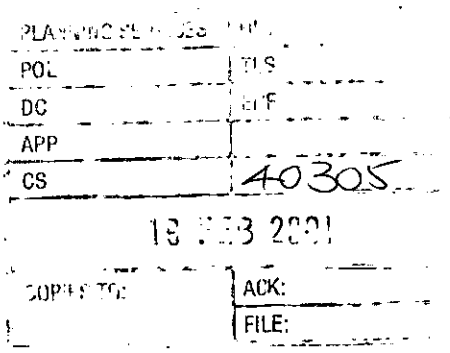
Thank you in advance.

Yours sincerely

D J Norman

Norman Lloyd – Spring Copse

Tubney,
Wickhill Lane,
Finchampstead,
Berks.
RG40 3PZ.



15th February 2001

John Mitchell,
Development Control Manager,
Environmental Service Department,
Planning Services,
P.O. Bo 157,
Shute End,
Wokingham,
RG40 1WR.



Dear Mr Mitchell,

Planning Application No 0/2001/3157
Land adjacent to Spring Copse and Tubney

I am writing to ask for your assistance in respect of both the above application, and its immediate predecessor.

I understand that the previous application was referred to Committee, and that, therefore, this one will also be so determined.

I would like to ask you to kindly let me know by what criteria cases are referred to Committee, and which of these reason(s) applied to the previous application.

Thank you in advance.

Yours sincerely

D J Norman

c.c. Norman Lloyd

HIGHWAYS CONSULTATION SHEET

From: Elaine Connor **Date:** 16 January 2001

Application Number: O/2001/3157

Proposal: Outline application for the proposed erection of one dwelling.

Parish: FINCHAMPSTEAD PARISH

Site Address:
Land Adjacent Spring Copse, Wick Hill Lane, Finchampstead, Wokingham.

Applicant:
Mr G D'Cruze C/O Day Tanner Partnership.

Your observations are required in respect of this application within **7 days** of the above date.

✓ below as applicable;

1) ☑ Recommend refusal for the reason(s) **stated below**;
2) ☐ Recommend approval but with condition(s) & reason(s) **stated below**;
3) ☐ Recommend approval with **no** condition(s) or reason(s).

The proposal would generate additional vehicle turning movements at the junction of Wick Hill Lane and Nine Mile Ride which is substandard in respect of radii and road width, visibility and construction and the safety and flow of traffic on the B3430, Nine Mile Ride would be adversely affected.

Signed: _____ **Print name:** Adam Coggins

22/01/01

① ADDRESS SPRING COPSE PARISH LYNCH

PLOT No. FR. WICK MILL LANE ORD. SHEET No. 107

BUILDER (ACCESS WAS 229 NINE MILE RIDE)

Plan No.	Applicant	Description of Development	Date of Decision	Decision
32630	MR & MRS P. THOMAS	DEM. OF 226 N.M.R. REPL. HOUSE & GARAGE	27.4.89	C/A
38287	INVALID			
38770	BUNGALOW HOMES	"	17.10.91	W/DR.
38897	V/OR.		4.2.92	Ref
39057	SPONSORED PROPS	"	23.3.92	C/A
BRA 11246		"	4.3.92	C/APP
40115	MR. S D'CRUZ RETD	RELAY. CONN. S/39057 DET. HOUSE WITH GARAGE ABOVE	16.11.92	C/A
FP/92/1023	"	LOFT CONV.	23.11.92	APP
44976	"	DET. HOUSE & GARAGE. LAND ADJ.	20.11.95	Ref
95/61067/Z				

DATE OF COMPLETION

MINISTRY DECISION

SPECIAL ORDERS TPO

DRAINAGE

091074 N.B. LAND NOW SUB-DIVIDED / INFO. FROM COUNTER.

② ADDRESS SPRING COPSE PARISH LYNCH

PLOT No. WICK MILL LANE ORD. SHEET No. 107

BUILDER (ACCESS WAS NINE MILE RIDE)

Plan No.	Applicant	Description of Development	Date of Decision	Decision
96/63335/F APPEAL	MR D'CRUZ	DWELLING & GARAGE LAND ADJ.	28.3.96	Ref
/2000/2117	Mr E G De'Cruz	DWELLING	20.12.00	REF

DATE OF COMPLETION

MINISTRY DECISION 96/63335/F - APPEAL DISMISSED - 28.02.97

SPECIAL ORDERS

DRAINAGE

091074

TO: **DEVELOPMENT CONTROL**
Elaine Connor

FROM: Environmental Design

DATE: 26 January 2001

Location:	Land adjacent to Spring Copse, Wick Hill Lane, Finchampstead, Wokingham
Proposal:	Outline application for proposed erection of one dwelling.
Application Number:	O/2001/3157

In response to your consultation dated 16 January 2001 for the above application, the landscape comments are as follows:

The application should be refused for the following reasons:

1. The site is located within the countryside and Setting of Settlements designation and any development within the site is contrary to policies WCC1 and WLL6 respectively. The proposals will have a wider impact on the open countryside to the south.

2. The site consists of a mixed woodland that is protected by a TPO. In order for the dwelling and access road to be constructed, a considerable number of the trees would need to be felled which is clearly unacceptable and contrary to policy WBE11.

It is noted that there may be badgers active in this area, and as a protected species the applicant will need to seek advice from English Nature before any work of any kind is undertaken.

Catherine Brimble

Catherine Brimble
Landscape Architect

Tel. (0118) 974 6451

Date: 16 January 2001

Your Ref:

My Ref: Elaine Connor / O/2001/3157

PLANNING SERVICES	HPT 39177
POL EC	TLS
DC	ENF
APP	
CS	
26 JAN 2001	
COPIES TO:	ACK:
	FILE:

ENGLISH NATURE
RECEIVED
19 JAN 2001
THAMES & CHILTERNS TEAM

WOKINGHAM DISTRICT COUNCIL

English Nature
Foxhold House
Thomford Road
Crookham Common
Newbury
Berks

Environmental Services Department
Planning Services
P.O. Box 157
Shute End, Wokingham
Berkshire RG40 1WR
Tel: (0118) 974 6000
Fax: (0118) 974 6484
Minicom No: (0118) 974 6991
DX: 33506 – Wokingham

PLEASE QUOTE APPLICATION NUMBER WHEN REPLYING

Dear Sir/Madam

Application Number: O/2001/3157

Site Address: Land Adjacent Spring Copse, Wick Hill Lane, Finchampstead, Wokingham.

Proposal: Outline application for the proposed erection of one dwelling..

I enclose details of the above application and would be grateful to receive your observation within **21 days** of the date of this letter. I cannot guarantee that comments received after this date will be taken into account in determining the application.

Please quote reference number **O/2001/3157** in all communications and any response should be addressed to **Elaine Connor** the case officer dealing with this application at the above address.

I look forward to hearing from you.

Yours faithfully,

John Mitchell

John Mitchell
Development Control Manager

ENGLISH NATURE

Thames & Chilterns Team
Foxhold House, Crookham Common
Thatcham, Berks RG19 8EL
Tel: 01635 268881 Fax: 01635 268940

Our ref:

To: Elaine Connor

Thank you for the attached letter. English Nature does not wish to comment on this consultation.

Signed: Conservation Officer: Martin Payne Date: 22 Jan 01

By hand 22/1/01

Tel: (0118) 974 6451

Date: 16 January, 2001

Your ref:

My ref: O/2001/3157

To: Miss Elaine Connor

From: Councillor G Cockroft
113a Nine Mile Ride
Finchampstead
RG40 4HX

PLANNING SERVICES	HPT 38972
POL	TLS
DC EC	ENF
APP	
CS	
23 JAN 2001	
	ACK:
	FILE:

Environmental Services Department
Planning Services
P.O. Box 157
Shute End, Wokingham
Berkshire RG40 1WR
Tel: (0118) 974 6000
Fax: (0118) 974 6484
Minicom No: (0118) 974 6991
DX: 33506 – Wokingham

Dear Councillor

Application No: O/2001/3157

Applicant: Mr G D'Cruze C/O Day Tanner Partnership.

Proposal: Outline application for the proposed erection of one dwelling..

Site Address: Land Adjacent Spring Copse, Wick Hill Lane, Finchampstead, Wokingham.

again ?

This is to advise that I am in receipt of the above application.

Any applications for 10 or more new dwellings or more than 500 square metres of new industrial/office floor space will be considered at the next Service Amenity and Infrastructure (SAI) Panel meeting. If you have any suggestions that you feel should be taken into consideration relating to this or any other aspect of the application please contact the case officer Elaine Connor on (0118) 974 6451.

22/01/2001.

Yours faithfully,

John Mitchell

John Mitchell
Development Control Manager

Dear Elaine,
Again! different but, the same.
Would you kindly note that if your decision were to be "Approved" – then I will wish it to go before the Committee – again!
Thank you,
Sincerely
Gerald Cockroft

WOKINGHAM DISTRICT COUNCIL

MEMORANDUM

PLANNING SERVICES | INT 38974
POL | TLS
ENF
APP
OS
25 JAN 2001
COPIES TO: | ACK:
FILE:

From: John Mullaney
Environmental Health

My Ref: JRM

To: ELAINE CONNOR
Planning Department

Date: 19/01/01

LAND ADJACENT SPRING COPSE, WICK HILL LANE, FINCHAMPSTEAD,O/2001/3157

Having considered the above application which is within 250metres of an ex landfill site, I recommend the following conditions be attached should planning permission be granted:

1. The proposed development shall be built in accordance with Approved Document C of the Building Regulations and the guidance given in the Building Research Establishment Report "Construction of new buildings on gas-contaminated land" in order to control the ingress of landfill gas to inhabited spaces.

2. Construction operations for which noise is audible at the site boundary shall only be carried out between 7.30 hours and 1800 hours Monday to Friday, 8.00 hours and 1300 hours on Saturdays and at no time on Sundays, Bank or Public Holidays without prior agreement in writing from the Local Planning Authority.

John Mullaney

John Mullaney
Senior Environmental Health Officer

FROM: Elaine Connor

DATE: 16 January 2001

RECEIVED

FINCHAMPSTEAD PARISH CONSULTATION SHEET

Application Number: O/2001/3157

Proposal: Outline application for the proposed erection of one dwelling..

Site Address: Land Adjacent Spring Copse, Wick Hill Lane, Finchampstead, Wokingham.

Applicant: Mr G D'Cruze C/O Day Tanner Partnership.

Your observations are required in respect of this application **by 09/02/2001** .

PLANNING SERVICES | HPT
POL | TLS
DC | ENF
APP
29 JAN 2001
COPIES TO: | ACK:
FILE:

The Parish Council actively supports this application on the ground that the proposal would visually improve an otherwise untidy site.

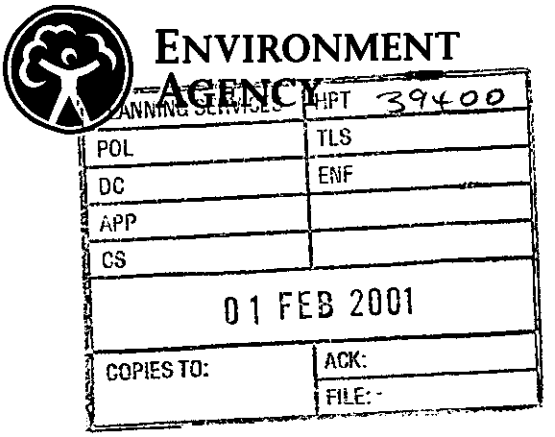
NB It has been requested that this application is listed DC.

SIGNED: C.S.Cl DATE: 25-1-01

Clerk To Finchampstead Parish/Town Council.

Our ref: SP\2001\003011\001
Your ref: O/2001/3157

Date: 29th January 2001



District Planning Officer
Wokingham District Council
Council Offices,
Shute End,
Po Box 157
Wokingham
Berkshire
RG11 1BN

For the attention of: Elaine Connor

Dear Sir/Madam

ERECTION OF ONE DWELLING - OUTLINE
LAND ADJ SPRING COPSE, WICH HILL LANE, FINCHAMPSTEAD

Thank you for your letter dated 16 January 2001 which was received on 19 January 2001. You are asked to quote the following reference in any correspondence: SU86SW/21/12. The Environment Agency has the following comments:

The Environment Agency has no objection, in principle, to the proposed development provided the following conditions are imposed on any planning permission granted:

PLANNING CONDITIONS

CONDITION: No development approved by this permission shall be commenced until a landfill gas risk assessment has been submitted to and approved in writing by the Local Planning Authority. Where a risk from migrating gas is identified, appropriate works to mitigate the effects of gas shall be incorporated in detailed plans to be approved by the Local Planning Authority.
REASON: To protect people on or close to the site from the risks associated with migrating landfill gas.

CONDITION: Surface water source control measures shall be carried out in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority before development commences.
REASON: To prevent the increased risk of flooding and to improve water quality.

CONDITION: No soakaways shall be constructed such that they penetrate the water table, and they shall not in any event exceed 3 metres in depth below existing ground level.
REASON: To prevent pollution of groundwater.

CONDITION: No soakaways shall be constructed in contaminated ground.

Cont/d..

Environment Agency
Swift House, Frimley Business Park, Frimley, Camberley, Surrey GU16 7SQ
Telephone : 01276 454300 Fax : 01276 454301

REASON: To prevent pollution of groundwater.

PLANNING INFORMATIVES

The following planning informatives should be attached to any planning permission granted:

Under the terms of the Water Resources Act 1991, the prior written consent of the Environment Agency is required for any discharge of sewage or trade effluent into controlled waters (e.g. watercourses and underground waters), and may be required for any discharge of surface water to such controlled waters or for any discharge of sewage or trade effluent from buildings or fixed plant into or onto ground or into waters which are not controlled waters. Such consent may be withheld. *Contact Andrea Szabados on 01276 45 4373 for details.*

ADVICE TO PLANNING AUTHORITY

Environment Planning: Contact Miranda Wycherley on 01276 454384

According to our records, there is one landfill site within 250 metres of the site, as follows:

Grid reference	*Distance from site*	*Landfill name*	*Details*
SU 800 648	Adjacent	Barkham Rise	Closed

In view of the proximity of the site to this landfill, it is considered possible that landfill gas may present a risk to this proposal. It is therefore recommended that a landfill gas risk assessment be carried out prior to development, as per the condition above.

Development Control: Contact Amanda Reed on 01276 45 4331

We are not aware of any watercourses on the site, but should there be any, we advise that:
(1) they should not be culverted; and
(2) a buffer zone is left on either side of any watercourse, and
(3) culverted watercourses should not be built over, but should ideally be opened up and made a feature of the site.

In any case, you should note that culverting of a watercourse requires the prior written approval of the local authority under the terms of the Public Health Act 1936, and the prior written consent of the Environment Agency under the terms of the Land Drainage Act 1991/Water Resources Act 1991. The Agency seeks to avoid culverting, and its consent for such works will normally be withheld.

There are alternatives to conventional storage for the control of surface water run-off that are favoured by the Environment Agency where ground conditions are suitable and groundwater is not at risk. These techniques not only cater for flood peak attenuation, but may also improve water quality and enhance the environment. Such systems include permeable pavements, grassed swales, infiltration trenches, ponds and wetlands. The developer is advised to discuss with the Agency how these techniques might be applied at this site.

In order to manage the disposal of surface water in a more sustainable manner, taking into account flood risk and other environmental factors, the Environment Agency is likely to

Cont/d..

recommend that restrictions are imposed on the discharge of surface water from the site. Particular care must be exercised where there is an increase in the impermeable area. The developer will be required to accommodate excess water and control its release into local watercourses, whether directly or by means of the local surface water sewerage system.

ADVICE TO APPLICANT

Environment Protection: Contact Nick Weddell on 01276 454405

Surface water from hard surfaced areas should discharge via deep seal trapped gullies incorporating a minimum water seal of 85mm or similar.

Roof water downpipes should be connected to the drainage system either directly, or by means of back inlet gullies provided with sealing plates instead of open gratings.

All sewage or trade effluent should be discharged to the foul sewer if available subject to the approval of Thames Water Utilities or its sewerage agent.

DECISION NOTICE

Would you please forward a copy of the decision notice to this office quoting our reference. A copy of this letter has been sent to the agent/applicant. If you have any further queries please do not hesitate to contact me on 01276 454323, quoting the reference cited at the beginning of this letter.

Yours faithfully

Sarah Paxman
Development Planning Officer

Cc: Day Tanner Partnership, 11-13 Dukes Ride, Crowthorne, Berks RG45 6LZ

PLANNING SERVICES	RPT
POL	TLS
DC	ENF
APP	
CS MS	CC
31 JAN 2001	
COPIES TO:	ACK:
	FILE:

17,Copse Drive,
Wokingham,
Berks. RG41 1NA

30 January,2001

The Chief Planning Officer,
Environmental Services Dept.,
Wokingham District Council,
Council Offices,
Shute End,
Wokingham.

Dear Sir,

APPLICATION NO.O/2001/3157 - PROPOSED ERECTION OF DWELLING ON LAND ADJACENT TO SPRING COPSE,WICK HILL LANE,FINCHAMPSTEAD.

The above application involves land that is classified as Setting of Settlements in the draft Wokingham District Plan(1997) and in the South East Area Local Plan(SEALP).The development proposed is contrary to Policy WLL6 of the draft Wokingham District Plan(1997) and to Policy SC2 of the SEALP.

Wokingham District CPRE therefore ask the District Council to refuse this application.

Yours faithfully,

Dr.S.P.Wilford(Chairman,Wokingham District CPRE)

PLANNING SERVICES	HPT
POL	
DO	
APP	
CS OBS	
05 FEB	
COPIES TO:	ACK:
	FILE

29.1.2001

GREEN PASTURES
WICK HILL LANE
FINCHAMPSTEAD.
BERKS
RG40 3PY.

APLICATION NUMBER 0/2001/3157

Dear Elaine Connor,

My wife & I are against any development on the land adjacent to Spring Copse, Wick Hill Lane Finchampstead our objections are the same as they were the last time we objected things have only got worse.

We want to protect the Badger's & other wild life in that piece of woodland. The lane is at breaking point with trafic it is nearly impossible to exit the lane onto Nine Mile Ride it is more dangerous now since Charles church built the estate on the left. Since that estate was built we have constant trouble with no water, we have had to change from cooking with gas to Electric because

The Presure is so bad.
I believe Finchampstead Parish Council's Coments on the piece of woodland looking untidy is just an exause.
The Residents of the lane know its the Owner of the woodland who is dumping the Rubbish.
do the district Council know that the main drainage runs through this piece of land & would be damaged if any building was to go on. ? I have lived opasite to this Piece of Land for 40 years & I will continue to object to any building we must keep this piece of woodland for the Badgers.

Yours Faithfully
M. Wood. (Mr.)

Tubney,
Wickhill Lane,
Finchampstead,
Berks.
RG40 3PZ.

PLANNING SERVICES	HPT
POL	TLS
DC EC	ENF 39813
APP	
CS	
05 FEB 2001	
COPIES TO:	ACK:
	FILE:

Reply Req

6th February 2001

Ms Elaine Connor,
Planning Department,
Wokingham District Council,
Shute End,
Wokingham,
Berks.

Dear Elaine Connor,

Planning Application No 0/20011/3157
Land adjacent to Spring Copse and Tubney

With regard to the above application, I believe that two of the questions have been answered incorrectly, as follows:-

Q.11) Regarding existing use of land, the applicant has answered "residential". It is in fact green field.

Q.13) Regarding existing trees, the applicant has incorrectly answered that no trees will be felled.

Does this in any way change the validity of the application?

Yours sincerely

D J Norman

D J Norman

The Birchlands,
Wick Hill Lane,
Finchampstead,
Berks. RG40 3PY

31st January 2001

PLANNING SERVICES | APT
POL | TLS
DC | ENF
APP | CE
CS | ABS
05 FEB 2001
COPIES TO: | ACK: | FILE:

Re. Outline application for proposed erection of one dwelling on land adjacent to Spring Copse,Wick Hill Lane,Finchampstead.

Ref. Elaine Connor 0/2001/3157.

0/2000/2117

As only a few short weeks have elapsed since a similar (or the same) application was rejected by the inspector,it is difficult to understand why yet another application should be entertained by the Council.Is it not time that planning applications were subject to a fee commensurate with the cost to the Council of processing such,especially when,as in this case,they could be deemed frivolous?

The objections to this planned development have been set out in detail repeatedly so that it should not be necessary to repeat them yet again.Nothing has changed since the rejection of the previous application so there can be no justification for planning permission to be granted on this occasion.

Wick Hill lane is an unmade bridlepath giving access for walkers and horse-riders to the footpath network and the all-too-rare peace and safety it affords.It is a no through road for motor vehicles on which a speed restriction of 15mph has been voluntarily imposed by residents and respected by them though not so readily by delivery and other vehicles,especially builders' lorries as we have found in the past!

It is no exaggeration to state that the lane constitutes a microcosm of our fast-vanishing rural environment.There is an extensive and well-used badger sett underlying several of the properties in the lane including our own and the site which is the subject of the present application.Roe and muntjac deer are constantly in evidence and parts of setts are regularly used by foxes for breeding.Furthermore the area is already protected by tree-preservation orders which would inevitably be contravened by the proposed development.Several trees would have to be removed to make way for even one dwelling.

The lane itself is single track.Residents cars are driven with courtesy and consideration and we all accept that it is necessary to pull into each others' driveways to allow oncoming vehicles,especially farm tractors,to pass.Unfortunately, lorry drivers do not always show the same courtesy nor take sufficient care when entering or leaving the lane.Water stop cocks near the foot of the lane were buried by lorries swinging into the lane and could not be found when a pipe burst.Southern Water spent days searching and digging out the stopcocks.

The recent Charles Church development has increased the number of vehicles using Nine Mile Ride.It is now both difficult and dangerous to enter or leave Wick Hill Lane at rush hour or when children from Nine Mile Ride school sre walking home along the footpath crossing Wick Hill Lane.

In our opinion any decision to grant planning permission would be unjustified in view of the number of times permission has previously been refused.We hope and expect that the site in question will be allowed to remain undisturbed for use only by wildlife for many years to come and that similar applications,which will undoubtedly be made,will not be entertained by the council.

Monica and Bill Baldwin.

Spring Copse, Wick Hill Lane
Finchampstesd, Wokingham
Berkshire RG40 3PZ
Tel: 01189 731791 Fax: 01189 730566
Business Line: 01189 736226

PLANNING SERVICES | HPT
POL | TLS
DC | ENF
APP |
CS BBS | EC
06 FEB 2001
COPIES TO: | ACK:
FILE:

5th February 2001

Dear Ms. Elaine Connor,

Re: **Planning Application**
Land adjacent to Spring Copse & Tubney
Application No: 0 / 2001 / 3157
Case Officer: Elaine Connor.

Messrs. D'Cruze and C/O Day Tanner partnership have recently resubmitted a further application to build on the land that they own in Wick Hill Lane.
The relevant details of the application are, I assume, available for inspection at Wokingham District Council Offices.

Applications to build on this land have all been refused in the past. As far as we know there has not been a change in circumstances to assist this application.

The piece of land, in question, was part of a larger parcel that included the adjacent land on which the present Spring Copse stands. This was owned by Mr. Evans, a builder, who lived on the site in a two storey dwelling, called Spring Copse. His applications to build more houses on the land were refused and he ultimatcly sold the land and bungalow, which ultimately passed to Messrs. D'Cruze and Boakes.

They were given permission to demolish and replace the existing house with one dwelling. They did so by building the present Spring Copse. However, they split the land and subsequent applications to build on the adjoining undeveloped land have all been rejected.

Associates of the Applicant have been observed dumping garden waste on the frontage to the site. This petty attempt to spoil the appearance of the lane has resulted in a statement from The Finchampstead Parish Council "actively supporting the application on the grounds that development would improve an otherwise iuntidy site."
How can the Parish Council be against Planning Policies, the Tree Preservation Order, the dangerous access to Nine Mile Ride? I think not. One can only assume that they are not aware as to who is responsible for the dumping of waste.

My wife and I, and one of our children who is in part time residence at the above address, Spring Copse, wish to object to the development. Our reasons for objection are appended. I have also appended the summary of main points from the debrief document issued by the Inspector appointed by the Secretary for State for the Environment, in February 1997, when rejecting the Appeal against the refusal to sanction development, by Wokingham Council, in late '96

Our signatures are given below.

Yours sincerely,

Norman H Lloyd.

Margaret Lloyd

Ben T C Lloyd

BASIS OF OUR PREVIOUS OBJECTIONS for Construction of a Property on land adjacent to Spring Copse / Tubney, in Wick Hill Lane.

1. this application is contrary to Development Policy for the Wokingham District.
2. Wick Hill Lane / Wick Hill falls into the designated zone – "edge of settlement area" – that is protected against development.
3. Planning applications have been made for development on this site in the past, all have been rejected and there has been no change in circumstances to alter this situation.
4. on Appeal, the Inspector appointed by the Secretary for State for the Environment rejected the last application in February 1997. As previously stated there are no changes in circumstances to alter this situation.
5. An extensive tree preservation order covers the area.
   A "Woodland Protection Order" was applicable to the area in the past.
   This is believed to be still valid.
6. An extensive and long established badger sett is registered on the site.
   The badger sett is significant with over twenty entrances visible on the proposed building site and adjoining land. The badgers are very active.
   Any building would affect their present foraging and feeding areas and would inevitably destroy their habitat.
7. Deer and other wild life are resident and active on the site and the surrounding land
8. Wick Hill Lane is single track and cannot absorb an increase in traffic.
   The residents, and other vehicular traffic, when passing in the lane, can only allow each other to pass by temporarily pulling into drive entrances.
9. Wick Hill Lane is recognized as a bridle path with access only to the existing houses.
   Horse riders use the lane regularly.
   The lane is used by local residents for walking and exercising their dogs, ramblers, joggers and horse riders for recreational purposes and access to the public footpaths at the head of the lane.
10. ***The exit from Wick Hill Lane into Nine Mile Ride is dangerous and has been recorded as so, by the then County Highways Authority at the time of the last applications.***
11. In order to cater for additional vehicular use the lane would need to be 'made up.'
12. If the lane were to be made up it would be removed as a bridleway, to the disadvantage of many local residents
13. ***A high voltage (National Grid) cable is placed at a very shallow level under the unmade road, right across the site***
14. ***A North Sea gas pipeline, serving London, is reputed to run across the land in Question.***
15. Water pressure to the houses at the head of the lane, supplied by SouthEast Water, is dreadfully low, and in the summer months is inadequate. Another house drawing water will require the installation of a pump and new water supply all of the way up the lane.
16. The drainage for the lane is affected by the site, and goes across it.
17. ***The previous application to build on the site quoted as precedent the property behind Silverwood. This is incorrect. The property built there is a replacement and uses an exit into Nine Mile Ride.***
18. If this application is successful it would drive a 'coach and horses' through several well established, documented and accepted, reasons for rejection of similar attempts to encroach on the Berkshire environment.

IN SUMMARY:

The local protected area must remain secure.
Protected wild animal habitat must be secure.
Leisure amenities, enjoyed by local inhabitants of the area, must be protected by their councils.
Traffic safety must not be jeopardized.
Dangerous precedents must be avoided by the local Planning Authority.
The environmental impact of the proposed development will be totally negative.
The building work would constitute a major inconvenience in an already narrow lane.
The building work would inevitably cause damage to the lane.
Congestion in the lane would, at times, be extremely frustrating and unmanageable.
The current residents of the lane would have an unnecessary financial penalty to bear.

SUMMARY OF MAIN POINTS for his rejection of the application given by the Inspector appointed by the Secretary of State for the Environment, in February 1997.

1. The development site is shown to lie outside the identified settlement and within an area of Setting of Settlements on the Proposals Map of the Southeast Area Local Plan. Policy STV2, Development in Rural Areas, makes clear that all land outside the identified settlements is considered to be rural areas, wherein, development will not normally be allowed unless it is in line with categories set out in the policy.
2. The appeal site and adjoining land owned by the Appellant are covered by Area Tree Preservation Order No: 479/1989
3. '...I conclude the proposal should be regarded as development in the rural area and should be considered in the light of Structure Plan Policy C2 and Local Plan Policy STV2 and SC2. No rural need has been claimed in this case.'
4. '...The existing dwellings are of low density, well spaced such that their impact on the landscape is minimal: I consider that the proposed house, garage and driveway would be an urban form of development which would be totally out of keeping with the rural character of the area. It would consolidate the sporadic development in the countryside.....I conclude that the proposal would cause undue harm to the character and appearance of the area and to the aims of Structure Plan Policy C2 and Local Plan Policy STV2 and SC2.
5. ***'....I find the radii, sight lines and width of Wick Hill Lane at the junction with Nine Mile Ride to be significantly less than recommended standards.'***
6. '....I have not given substantial weight to the Appellant's offer to contribute to an improvement of the junction.'
7. '...Subsequent to the hearing the Agent has submitted a draft Unilateral Planning Obligation – (to ensure that the land to the north-west of the site remains undeveloped) – but has indicated that it will take some time to supply signed and dated undertaking.'
8. ***'....The flora and fauna of the nearby land are protected to some degree at present. The trees on the land are protected by a Tree Preservation Order and the badgers by the Protection of Badgers Act 1992. The draft undertaking makes no provision for the long-term management of the land. The proposal would result in a significant loss of flora and natural habitat for the fauna.'***
9. '...The Appellant proposes to provide two vehicle passing points on Wick Hill Lane as part of the proposed development; one on land within the Appellant's control to the north-west of the site, and, one as part of access to the new dwelling.....However, I consider that the value of these passing points would be very limited because they would be situated close together. There would still be long lengths of Wick Hill lane without a passing point for drivers.'
10. **'....However, as para. 18 of Planning Policy Guidance Note 3 made clear, new housing development in the rural area should be sensitively related to the existing pattern of the settlement and has proper regard to Government policies for the protection of the countryside. In this case I find that the proposal would not be in accordance with either of those objectives.'**

(20 Points in total examined and commented upon) –
For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal.
R E Hurley CEng MICE MIHT
Inspector

PLANNING SERVICES	HPT
POL	TLS
DC	ENF
APP	
CS OBS	EE
24 JAN 2001	
TO:	ACK:
	FILE:

230 Nine Mile Ride,
Finchampstead,
Wokingham,
Berks., RG40 3QD.

Wokingham District Council,
Environmental Services Department,
Planning Services,
PO Box 157,
Shute End,
Wokingham,
Berks., RG40 1WR.

22nd January 2001

Att: Ms E. Connor

Dear Sirs,

Re: Planning Application No. O/2001/3157

I refer to the above mentioned outline planning application to develop the woodland adjacent to Spring Copse, Wick Hill Lane, Finchampstead.

We would like to register our opposition to the destruction of the woodland and loss of habitat for the wildlife in this area. It is well known that there is an active badger set on the land, not to mention the deer, foxes, and, no doubt, other unseen creatures. In our own garden, which backs onto woodland, we have seen several slow worms, which I believe are a protected species. If these creatures are happy to venture into gardens, then I have no doubt they will be living in undisturbed woodland areas.

I believe this is the fifth application made in relation to this site in approximately the last 10 years and although this is only for outline permission, no doubt a full planning application would soon follow.

Nothing has changed in relation to the site, since the last refusal, which should alter the Council's view on this application. Given the Council's concern that the area should retain it's rural appearance, I trust it will refuse an application which, if granted, will no doubt lead to the wholesale development of that particular area, the total destruction of the woodland habitat and more traffic on an unmade road.

I am copying this letter to our local councillors.

I trust you will take our comments into consideration.

Yours faithfully,

Heather and David Budd

Margaret Everard

cc Councillor Muriel Long
Councillor Gerald Cockcroft

Policy and Plans Consultation

Location: Land Adjacent Spring Copse, Wick Hill Lane, Finchampstead

Proposal: Outline Application for Proposed Erection of One Dwelling

Application Number: O/2000/3157

Applicant: Mr G D'Cruze C/O Day Tanner Partnership

The application is identical to the previous application on the site (0/2000/2117), which was refused. Therefore, see previous comments.

Andrew Astin
Policy & Plans

seen.

DAY • TANNER PARTNERSHIP

ARCHITECTURE & PLANNING

AID/LC/1467

9 January 2001

10.JAN.2001* 3157

Planning Department
Wokingham District Council
P O Box 157
Shute End
Wokingham
Berkshire
RG40 1WR

Dear Sirs

LAND ADJACENT SPRING COPSE, WICK HILL LANE, FINCHAMPSTEAD

Following the receipt of refusal Ref. 0/2000/2117 please now find enclosed a further outline planning application together with the following documents:

Six copies of our drawing number 1467/01 together with location plan
Six copies of the application form
Certificate A

As you know our client requested that the previous application be deferred pending further discussions but your planning committee proceeded to determine the application at the last meeting. Our client will be following this further application with additional information shortly.

Yours faithfully

A I Day

Enc

cc Client

MEMBER OF THE BRITISH INSTITUTE OF ARCHITECTURAL TECHNOLOGISTS

TONY DAY MBIAT SHAUN TANNER MBIAT

11-13 DUKES RIDE, CROWTHORNE
BERKSHIRE, RG45 6LZ
TEL: 01344 777143 FAX: 01344 750971

Partners:
A I Day S Tanner J E Day C H Tanner

The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

Room 1404
Tollgate House
Houlton Street
Bristol BS2 9DJ

Direct Line 0117-987-8927
Switchboard 0117-987-8000
Fax No 0117-987-8769
GTN 1374-8927

PLANNING DEPT. D/C
POL
DC/S
CS
03 MAR 1997
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FILE

Tony Thorpe Associates
The Studio
West View
LITTLEWICK GREEN
Berkshire
SL6 3QU

Your Ref 165
Our Ref T/APP/H0330/A/96/267543/P5

28 FEB 1997

Dear Sirs

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY MR D D'CRUZE
APPLICATION NO: 96/63335/F

1. I have been appointed by the Secretary of State for the Environment to determine this appeal against the decision of the Wokingham District Council to refuse planning permission in respect of an application to erect a single dwelling and garage on land adjacent to Spring Copse, Wick Hill Lane, Finchampstead. I conducted a hearing into the appeal on Wednesday 15 January 1997.

2. From the matters presented to me at the hearing and from my inspection of the appeal site and its surroundings I am of the opinion that the main issues in this appeal are whether the proposal would cause undue harm to, firstly, the character and appearance of the area, secondly, the free and safe flow of traffic along Nine Mile Ride and, if so, thirdly, whether there are any other material considerations which would outweigh the harm.

3. The appeal site is an area of woodland, about 0.59 ha, with a frontage of about 55m to the east side of a narrow unmade road, Wick Hill Lane. The site is about half the area of a larger piece of land in the control of the Appellant. There is an active badger sett on the other part of the Appellant's land which lies to the north-west of the site. There are some 14 residential properties spread out along Wick Hill Lane, including beyond the land to the north-west, Spring Copse, and to the south-east, Tubney. Wick Hill Lane connects to the south side of Nine Mile Ride at an oblique angle.

4. The Development Plan for the area is the Berkshire Structure Plan 1991-2006, adopted 4 November 1995, and the Wokingham South East Area Local Plan, adopted 15 April 1994.

5. Policy C2 of the Structure Plan seeks to control strictly development outside built-up areas and defined settlement boundaries; development will only be permitted where it is in accordance with certain rural uses set out in the policy. Policy C6 seeks to prevent development in defined "green wedges" or "gaps". Policy LD5 makes clear that development

100%

will not be permitted where it is likely to give rise to serious problems of access, parking, road safety or traffic congestion.

6. The site is shown to lie outside the identified settlement and within an area of Setting of Settlements on the Proposals Map of the South East Area Local Plan. Policy STV2, Development in Rural Areas, makes clear that all land outside the identified settlements is considered to be rural area, wherein, development will not normally be allowed unless it is in line with categories set out in the policy. Policy SC2, Setting of Settlements, seeks to prevent development which would detract from the open or rural appearance of defined areas of land which are of special significance in maintaining the landscape setting or the individual character of the settlement.

7. The appeal site and adjoining land owned by the Appellant are covered by Area Tree Preservation Order No. 479/1989. No individual trees, groups of trees or woodland are specified in the order. It refers to "trees of various species".

8. Dealing with the first main issue, the character of the area derives partly from the sporadic, loose knit, nature of the existing dwellings, but is dominated by the attractive wooded rural surroundings. Given this, and the distance that the appeal site is located from the edge of the built-up area of Finchampstead North, I find that the site is not located within a settlement. I conclude that the proposal should be regarded as development in the rural area and should be considered in the light of Structure Plan Policy C2 and Local Plan Policies STV2 and SC2. No rural need has been claimed in this case.

9. The proposal would not be infilling, in the sense of filling a small gap within small groups of houses, because the site is a part of an undeveloped frontage of about 90m to Wick Hill Lane. In my view it is not a small gap. Nor would it be a minor extension to a group of houses which would round off development because a large undeveloped area, to the north-west of the site, would remain. The existing dwellings are of a low density, well spaced such that their impact on the landscape is minimal. I consider that the proposed house, garage and driveway would be an urban form of development which would be totally out of keeping with the rural character of the area. It would consolidate the sporadic development in the countryside. The proposed house and garage would stand behind a line of existing oak trees and holly bushes growing near the frontage of the site which would be retained. The new buildings would be screened from view from Wick Hill Lane, to some degree, by these trees and their location at the end of a winding, dog-leg, driveway. However, the house and cars stood on the hard area in front of the house and garage would be seen through the trees along the drive. I conclude that the proposal would cause undue harm to the character and appearance of the area and to the aims of Structure Plan Policy C2 and Local Plan Policies STV2 and SC2.

10. Turning now to the second issue, Nine Mile Ride is a busy District Distributor Road, carrying traffic in a generally east-west direction south of Wokingham. The junction of Wick Hill Lane with Nine Mile Ride is about 130m east of the junction of the B3016 and B3430. Daily two-way flows along Nine Mile Ride are about 10,200 vehicles per day with morning and evening peak hour flows of some 1,100 and 1,000 vehicles, respectively. In the vicinity of its junction with Wick Hill Lane, Nine Mile Ride has a straight alignment, a 6m wide carriageway, two footways, street lighting and is subject to a speed limit of 40 mph.

11. The Highways Authority detail the sight-lines at the junction of Nine Mile Ride with Wick Hill Lane. They are all significantly less than 120m in both directions at set backs of 2m, 2.5m and 4.5m into Wick Hill Lane. The existing kerb radii at the junction are about 3m on the eastern side and between 4.5 to 5m on the western side. The width of Wick Hill Lane at the junction is about 3.7m; in the vicinity of the site it is about 3m. The Highways Authority refer to recommended standards in the County Council's Design Guide - Highway Aspects of Development Control, the Department of Transport publication TD 42/95 and Planning Policy Guidance Note 13. Wick Hill Lane has an unmade uneven surface.

12. I find the radii, sight lines and width of Wick Hill Lane at the junction with Nine Mile Ride to be significantly less than those recommended standards. Drivers, particularly those of large delivery or service vehicles such as refuse collection vehicles, would have to travel across an opposing traffic lane when turning to enter and leave the junction. The width of Wick Hill Lane is such that if two vehicles met along it length they would be unable to pass freely. One driver would have to reverse to a wide point, such as the entrance of one of the dwellings, to allow the other driver to pass. These manoeuvres would cause a degree of inconvenience and possible danger to the driver. Wick Hill Lane and its junction are used by the traffic associated with some 14 dwellings. There are no recorded accidents. Whilst I do not consider that the relatively small amount of traffic generated by one house would increase the risks to road safety to other road users to a level which would warrant refusal for this reason alone, nevertheless, I find that the increase would be significant disadvantage which weighs against the proposal.

13. Whilst the Appellant has offered to make a pro rata contribution to an improvement of the junction of Nine Mile Ride and Wick Hill Lane he is not prepared to make a Unilateral Planning Obligation to this effect. At the hearing he stated that he did not accept the scheme prepared by the Highways Authority. It would not be possible to improve the sight lines and radii at the junction to the recommended standards on highway land. Even a scheme with reduced standards would require the removal of a large oak tree on the eastern side of the junction and part of a wall on the western side which are on private land. It would not be possible to impose a Grampian condition to secure the junction improvements because the land is not in the control of the Appellant and I have no indication that the landowners would be prepared to release the land. I have not given substantial weight to the Appellant's offer to contribute to an improvement of the junction.

14. I now have regard to the third issue. The Appellant has offered to ensure that the land to the north-west of the site remains undeveloped and that it is properly restored and managed in conjunction with County Council's Wildlife Officer, English Heritage and the Berks Bucks and Oxon Naturalist Trust. This would ensure the preservation and protection of the Badger Sett. The proposed house has been located in a position where it would have no adverse effect on the badgers. Subsequent to the hearing the Agent has submitted a draft Unilateral Planning Obligation to this effect, but has indicated that it will take some time to supply the signed and dated undertaking.

15. The flora and fauna of the nearby land are protected to some degree at present. The trees on the land are protected by a Tree Preservation Order and the badgers by the Protection of Badgers Act 1992. The draft undertaking makes no provision for the restoration or the long term management of the land. The proposal would result in the transformation of the woodland on the appeal site to provide a residential environment. It would result in a significant loss of flora and natural habitat for the fauna. I conclude that the advantages which

would accrue from the Unilateral Planning Obligation would not outweigh the harm the proposal would cause to the character and appearance of the area. Given this conclusion no useful purpose would be served by delaying my decision until I receive the sealed Unilateral Planning Obligation.

16. The Appellant proposes to provide two vehicle passing points on Wick Hill Lane as part of the proposed development; one on land within the Appellant's control to the north-west of the site, and, one as part of the access to the new dwelling. He claims that they would reduce the need for drivers to use existing entrances to pass, thereby, preserving the privacy of the residents. They would also avoid the need for vehicles to travel over the verge, damaging the surface and gradually widening Wick Hill Lane However, I consider that the value of these passing points would be very limited because they would be situated close together. There would still be long lengths of Wick Hill Lane without a passing point for drivers.

17. The Council does not have a five year housing supply. The Appellant states that this is contrary to Government policy. He refers to Government advice that, in order to remedy shortfalls of this kind, full and effective use should made of vacant, derelict or underus land, provided that there is no demonstrable harm to interests of acknowledged importance. At the hearing the local planning authority's representative stated that the Council had identified housing land to meet the Government's requirements. The Council had resolved to release the land the previous week. Given this information I have not attached substantial weight to the effect that the proposed house would have on the current shortfall of housing land. The Government's support for full and effective use of land is expressed in a number of Circulars and Planning Policy Guidance Notes. However, as para. 18 of Planning Policy Guidance Note 3 makes clear, new housing development in the rural area should be sensitively related to the existing pattern of the settlement and has proper regard to Government policies for the protection of the countryside. In this case I find that the proposal would not be in accordance with either of those objectives.

18. The Appellant refers to two recent planning permissions for residential developm t in the area. One granted by the Council for a new dwelling, Spring Copse, which he describes as larger and less attractive than the appeal scheme; the other for four dwellings at Royston Gardens granted in an appeal decision letter. Having considered the Council's comments on both case, read the decision letter and seen both sites from the public highw I have concluded that those decisions were taken in the light of their respective merits an that there is nothing in that decision that is sufficient to change my decision in this case.

19. I have taken account of all the other matters in the representations, including the objections made to the proposal by the occupier of the neighbouring property, Tubney, at the hearing, but I am of the opinion that they do not outweigh the considerations that have led me to my decision.

20. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

Yours faithfully

R E Hurley CEng MICE MIHT
Inspector

WORK SHEET FOR : Elaine Connor

Application Number : O/2001/3157

Applicant : Mr G D'Cruze C/O Day Tanner Partnership.

Location : Land Adjacent Spring Copse, Wick Hill Lane, Finchampstead, Wokingham.
Proposal : Outline application for the proposed erection of one dwelling.

Site Notice Displayed ? :	YES	NO	DATE

Date of Neighbour Notifications : .....

Date of Site Visit : .....

Date Registered : 10/01/2001

Earliest Date for Decision : 09/02/2001

Latest Consultation Date/Site Notice Expiry Date : 09/02/2001

This application will have expired on: 07/03/2001. You need to make a decision 1 day prior to this date for this application to count as determined in less than 8 weeks.

Consultation Responses :

Planning Issues :

Application Number: O/2001/3157

Appraisal :

Recomendation : Approval: ☐ **Refusal:** ☐
(tick appropriate box)

Application Number O/2001/3157
Conditions/Reasons for Refusal

No	Std Con	Std Reas	Non Std Conditions / Reasons for Refusal

RECORD OF SITE VISIT

SITE ADDRESS: Land Adjacent Spring Copse Wick Hill Lane Finchampstead Wokingham.

APPLICATION NUMBER: O/2001/3157

OFFICER: Elaine Connor

DATE OF SITE VISIT:.....

1 SITE/STATUTORY NOTICE DISPLAYED ?

2. DESCRIPTION OF SURROUNDINGS

3. DESCRIPTION OF SITE/BUILDING

4. RELATIONSHIP TO ADJOINING PROPERTIES

5. SITE CONSTRAINTS

TREES

ACCESS/PARKING

LEVELS

BOUNDARY TREATMENT

OTHERS

ADDITIONAL NEIGHBOUR CONSULTATION SHEET

APPLICATION NUMBER: O/2001/3157
CASE OFFICER: Elaine Connor

ADDRESS OF ADDITIONAL NEIGHBOUR CONSULTATION	NUMBER OF DAYS FOR RESPONSE	DATE LETTER ISSUED (for Admin use)

CONDITION MONITORING RECORD SHEET

APPLICATION NO: **O/2001/3157**
CASE OFFICER: **Elaine Connor**
SECTION 106 AGREEMENT Yes ☐ No ☐

STAGE OF DEVELOPMENT	CONDITION NUMBER	DATE CONDITION DISCHARGED	DATE COMPLIANCE OBSERVED	DATE BREACH OBSERVED
PRIOR TO COMMENCEMENT				
COMMENCEMENT				
DURING CONSTRUCTION				
COMPLETION				

Received by Wokingham District Council

Application No: O/2001/3157

Proposal:
Outline application for the proposed erection of one dwelling.

Location:
Land Adjacent Spring Copse, Wick Hill Lane, Finchampstead, Wokingham.

The application is available for inspection at Wokingham District Council's offices during the following times:

PLANNING DEPARTMENT, SHUTE END, WOKINGHAM TEL (0118) 974 6428
8.30 - 5.00 Monday - Thursday & 8.30 - 4.00 Friday

WOODLEY LIBRARY HEADLEY ROAD WOODLEY (9.30am - 7.00pm Mon, Thurs & Fri. 9.30am - 5.00pm Tues, 9.30am - 1.00pm Saturday. closed all day Wednesday). If you intend to view this application at Woodley Library (see details above) please allow 4 days from the date of this notice for delivery of plans.

Comments should be sent in writing QUOTING THE APPLICATION NUMBER to the Case Officer Elaine Connor P.O. Box 157 Council Offices, Shute End, Wokingham Berkshire, RG40 1WR to arrive on or before 09/02/2001. Written comments submitted will become available for public inspection.

In view of the very large number of planning applications and letters of comment received, it will not normally be possible for an individual reply to observations made. However any comments will be taken into account when the application is determined and you will be notified of the decision.

Head Planning and Transportation

16 January 2001

Tel: (0118) 974 6451

Date:

My ref: O/2001/3157

CONFIDENTIAL

Councillor M Long
Foxfield
Wick Hill Lane
Finchampstead
RG40 3PY

Environmental Services Department
Planning Services
P.O. Box 157
Shute End, Wokingham
Berkshire RG40 1WR
Tel: (0118) 974 6000
Fax: (0118) 974 6484
Minicom No: (0118) 974 6991
DX: 33506 – Wokingham

Dear Councillor

Application Number: O/2001/3157
Land Adjacent Spring Copse, Wick Hill Lane, Finchampstead, Wokingham.
Outline application for the proposed erection of one dwelling.

I write to let you know that the above mentioned application has been recommended for APPROVAL: ☐ REFUSAL: ☐ under delegated powers.

If you have any questions please do not hesitate to contact **Elaine Connor** on **(0118) 974 6451**. If you then feel the application needs to be transferred to the next available Development Control Committee for decision please fill in the form below.
This form must be received no later than _____

Yours faithfully

John Mitchell
Development Control Manager

LISTING FORM
Case officer: **Elaine Connor** Application Number: **O/2001/3157**
Land Adjacent Spring Copse, Wick Hill Lane, Finchampstead, Wokingham.
Outline application for the proposed erection of one dwelling.

Transfer: Yes ☐ No ☐
Reason for Transfer:

_____

_____

Signed: _____ Date: _____

Councillor M Long

NB. It would be helpful for speedy decision making if you could respond, even if you do not wish this application to be transferred.

Tel: (0118) 974 6451

Date:

My ref: O/2001/3157

CONFIDENTIAL

Councillor G Cockroft
113a Nine Mile Ride
Finchampstead
RG40 4HX

Environmental Services Department
Planning Services
P.O. Box 157
Shute End, Wokingham
Berkshire RG40 1WR
Tel: (0118) 974 6000
Fax: (0118) 974 6484
Minicom No: (0118) 974 6991
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Dear Councillor

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Signed: _____ Date: _____

Councillor G Cockroft

NB. It would be helpful for speedy decision making if you could respond, even if you do not wish this application to be transferred.

MINUTES OF A MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD ON WEDNESDAY 28 FEBRUARY 2001 FROM 7.00 PM TO 11.20 PM

Present: Mr KA Malvern (Chairman), Mrs JA Lissaman (Vice-Chairman), Mrs DC Beatty Mr MJ Bryant, Mr SR Conway, Mr RH Cundy, Mr TP Dredge, Mr JL Earnshaw, Mr RFN Eke, Mrs MA Long, Mr BJS Patman and Mrs M Robertson.

Also present under Standing Order 39:- Mr FD Browne, Mrs ANMC Drake, Mr CGH Pierce and Fiona Rolls.

PART I

246. MINUTES

The Minutes of the meeting of the Committee held on 7 February 2001 were confirmed as a correct record and signed by the Chairman.

247. ORDER OF BUSINESS

RESOLVED: That the order of business detailed on the agenda be varied to enable those items where there were members of the public or local Members present to be dealt with first.

266. APPLICATION NO: 2000/3157, OUTLINE FOR THE PROPOSED ERECTION OF ONE DWELLING, LAND ADJACENT TO SPRING COPSE WICK HILL LANE FINCHAMPSTEAD, FOR MR G DE CRUZ

Mrs MA Long declared an interest in this application and left the meeting during its consideration and the voting thereon.

The Committee considered a report on this application set out on Agenda pages 2649 to 2658.

Mr Vile, a representative of Finchampstead Parish Council, attended the meeting during consideration of this item and gave that authority's views on the application.

Mr Lloyd, a local resident, attended the meeting and spoke against the application.

Mr DeCruz, the applicant, attended the meeting and spoke in favour of the application.

RESOLVED: That Application No: 2000/3157 be refused on the grounds set out on Agenda page 2652

Application No. O/2001/3157 **Received** 10/01/01 **Finchampstead**

Applicant: Mr G De Cruz
Location : Land adjacent to Spring Copse, Wick Hill Lane, Finchampstead
Proposal : Outline application for the proposed erection of one dwelling

1. **Planning History** – The site which is the subject of this application lies adjacent to 'Spring Copse,' along Wick Hill Lane, in Finchampstead. The site is a greenfield site located outside the settlement boundary and is characterised by its mature landscaping. The site is protected by a Tree Preservation Order and contains an active badger sett.

   Full planning permission for the erection of a detached dwelling and garage was refused planning permission on 28th March 1996, and an appeal against this decision was dismissed on the 3rd March 1997. An application for outline planning permission was refused at Development Control Committee on 20th December 2000.

   The application is before the committee at the discretion of the Head of Planning and Transportation.

2. **Proposal** – The application proposes the erection of one detached dwelling. The application will determine the principle of developing this site only, and proposes no other details for consideration.

3. **Consultations** -
   - ***Environmental Design:*** object since the development would result in the loss of trees and the destruction of a valuable habitat.
   - ***Finchampstead Parish Council:*** support the application, as it would visually improve an untidy site.
   - ***Council for the Protection of Rural England:*** object to the application as it is contrary to policy
   - ***Policy and Plans:*** object to the application which is contrary to policy as the site lies outside the settlement boundary
   - ***Highways:*** object on the grounds that the proposal would generate additional vehicle turning movements at the junction of Wick Hill Lane and Nine Mile Ride which is substandard in respect of radii and road width, visibility and construction and the safety and flow of traffic on the B3430, Nine Mile Ride would be adversely affected.
   - ***Environment Agency:*** has no objection subject to conditions.
   - ***Objection letters:*** 4 letters of objection
     The objections can be summarised as follows:
     - will destroy quiet enjoyment of the area
     - single track, unmade lane, cannot cope with anymore traffic
     - dangerous exit onto Nine Mile Ride
     - recognised bridle path used by walkers, horse riders, ramblers and joggers
     - destruction of woodland and loss of habitat for local wildlife; site protected by a TPO
     - loss of privacy and amenity for neighbouring dwelling
     - rural area, development is therefore contrary to Development Plan Policies

- set an undesirable precedent
- previous application refused and appeal dismissed; nothing has changed in relation to the site since
- high level voltage cable placed at a v.shallow level under the road; North Sea pipeline is reputed to run across the site
- another dwelling will affect the water supply
- will affect drainage of the land

4. **Appraisal** – The main issues are:

   A. Principle of Development: Berkshire Structure Plan C1, C2 & C5; South East Area Local Plan STV2, SBE1, SC2 SC15; Wokingham District Local Plan (Deposit Draft) WOS2, WCC1, WLL6 and WBE1.

   B. Trees: Berkshire Structure Plan EN1; South East Area Local Plan SBE9; Wokingham District Local Plan (Deposit Draft) WBE11

   C. Impact Upon the character of the area: Berkshire Structure Plan EN1; South East Area Local Plan SBE1 & SBE2; Wokingham District Local Plan (Deposit Draft) WOS3 & WBE1

   D. Impact upon Neighbouring properties: South East Area Local Plan SBE1 & SBE2; Wokingham District Local Plan (Deposit Draft) WOS3 & WBE1

   E. Highways Issues

   F. Concerns of Local residents

A. The Principle of Development

The application site is located outside the settlement boundary in an area designated as 'setting of settlement.' The setting of settlement policy seeks to preserve areas of importance because of their character and appearance in relation to adjoining built up areas. The settlement in this case is Finchampstead, and the importance is the area's wooded, rural character. The policies, which seek to protect such areas, have a presumption against development which would detract from the rural undeveloped character of these areas.

The proposal would require the removal of a significant area of woodland, which at present adds to the rural character of the area and serves as a break in development. The importance the Council places upon the wooded area is demonstrated by the Tree Preservation Order on the site.

It is therefore considered that the proposed development would have urbanising effect and would be harmful to the rural character and appearance of the area. The proposal is therefore, considered to be unacceptable.

B. Trees

As the proposal would result in the loss of trees on the site it is considered that this would cause demonstrable harm to the rural character of the area, and would result in the loss of the wooded appearance of the site. The proposal is therefore considered unacceptable on these grounds.

C. Impact upon the character of the area

The application site is maturely wooded with a distinct rural character and is home to many forms of local wildlife. In particular to the west of the site lies an identified badger sett, which is currently active, and is home to at least five badgers, and is protected by wildlife legislation. Local residents have also reported sitings of deer and fox. It is considered that loss of part of the woodland coupled with construction works on the site could have an adverse impact upon this diverse wildlife habitat.

Destruction of the woodland and the erection of a dwelling on this site are considered to have an urbanising impact upon the site which would materially alter the character of the area and lead to the erosion of the separation of settlements.

It is therefore considered that the proposed development would have an adverse impact upon the character of the surrounding area.

D. Impact upon neighbouring properties

The indicative site plan shows the location of the proposed new dwelling to be approximately 10 metres from the side boundary with the closest neighbouring dwelling, 'Tubney,' to the north. This would appear to demonstrate that a dwelling could be accommodated on this site sufficiently far enough away from neighbouring dwellings, so as not to have an adverse impact upon the living conditions of their residents, provided that the building was designed so as to avoid overlooking and overshadowing. However, this plan (drg. no. 1467/01) is for illustrative purposes only and since no details of the height of the proposed dwelling or the position of windows have been submitted it is impossible to accurately assess any impact upon the living conditions of neighbouring dwellings.

E. Highways Issues

The proposed development would generate additional vehicle turning movements at the junction of Wick Hill Lane and Nine Mile Ride, which is substandard in respect of radii and road width, visibility and construction. In consequence the safety and free flow of traffic on the B3430, Nine Mile Ride, would be adversely affected.

F. Concerns of Local Residents

The concerns of the local residents have been addressed in the above report

5. **Conclusion** – It is considered that the proposed dwelling would create additional built form in the surrounding rural area, which would have an urbanising impact upon the character of the area and would threaten an active wildlife habitat.

6. **Recommendation** – To REFUSE outline planning permission for the following reasons:

1. The proposed development would result in inappropriate development outside the settlement boundary in an area designated as "setting of settlement," and would have a detrimental effect on the character and appearance of the rural area. The proposal would also result in the loss of woodland which is protected by a tree preservation order and would threaten an active wildlife habitat particularly in relation to the protected badger sett to the west of the site.

   As such the proposal is contrary to policies EN1, C1, C2 and C5 of the Berkshire Structure Plan, Policies STV2, SBE1, SBE2, SC2 and SC15 of the South East Area Local Plan and WOS2, WOS3, WBE1, WCC1 and WLL6, of the Wokingham District Local Plan (Deposit Draft)

2. The proposed development would generate additional vehicle turning movements at the junction of Wick Hill Lane and Nine Mile Ride, which is substandard in respect of radii and road width, visibility and construction. In consequence the safety and free flow of traffic on the B3430, Nine Mile Ride, would be adversely affected.

The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

Room 1404
Tollgate House
Houlton Street
Bristol BS2 9DJ

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Switchboard 0117-987-8000
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GTN 1374-8927

PLANNING DEPT. D.C.
POL
DC/S
CS
03 MAR 1997
COPIES
FILE:

Tony Thorpe Associates
The Studio
West View
LITTLEWICK GREEN
Berkshire
SL6 3QU

Your Ref 165
Our Ref T/APP/H0330/A/96/267543/P5
Date 28 FEB 1997

Dear Sirs

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY MR D D'CRUZE
APPLICATION NO: 96/63335/F

1. I have been appointed by the Secretary of State for the Environment to determine this appeal against the decision of the Wokingham District Council to refuse planning permission in respect of an application to erect a single dwelling and garage on land adjacent to Spring Copse, Wick Hill Lane, Finchampstead. I conducted a hearing into the appeal on Wednesday 15 January 1997.

2. From the matters presented to me at the hearing and from my inspection of the appeal site and its surroundings I am of the opinion that the main issues in this appeal are whether the proposal would cause undue harm to, firstly, the character and appearance of the area, secondly, the free and safe flow of traffic along Nine Mile Ride and, if so, thirdly, whether there are any other material considerations which would outweigh the harm.

3. The appeal site is an area of woodland, about 0.59 ha, with a frontage of about 55m to the east side of a narrow unmade road, Wick Hill Lane. The site is about half the area of a larger piece of land in the control of the Appellant. There is an active badger sett on the other part of the Appellant's land which lies to the north-west of the site. There are some 14 residential properties spread out along Wick Hill Lane, including beyond the land to the north-west, Spring Copse, and to the south-east, Tubney. Wick Hill Lane connects to the south side of Nine Mile Ride at an oblique angle.

4. The Development Plan for the area is the Berkshire Structure Plan 1991-2006, adopted 4 November 1995, and the Wokingham South East Area Local Plan, adopted 15 April 1994.

5. Policy C2 of the Structure Plan seeks to control strictly development outside built-up areas and defined settlement boundaries; development will only be permitted where it is in accordance with certain rural uses set out in the policy. Policy C6 seeks to prevent development in defined "green wedges" or "gaps". Policy LD5 makes clear that development

will not be permitted where it is likely to give rise to serious problems of access, parking, road safety or traffic congestion.

6. The site is shown to lie outside the identified settlement and within an area of Setting of Settlements on the Proposals Map of the South East Area Local Plan. Policy STV2, Development in Rural Areas, makes clear that all land outside the identified settlements is considered to be rural area, wherein, development will not normally be allowed unless it is in line with categories set out in the policy. Policy SC2, Setting of Settlements, seeks to prevent development which would detract from the open or rural appearance of defined areas of land which are of special significance in maintaining the landscape setting or the individual character of the settlement.

7. The appeal site and adjoining land owned by the Appellant are covered by Area Tree Preservation Order No. 479/1989. No individual trees, groups of trees or woodland are specified in the order. It refers to "trees of various species".

8. Dealing with the first main issue, the character of the area derives partly from the sporadic, loose knit, nature of the existing dwellings, but is dominated by the attractive wooded rural surroundings. Given this, and the distance that the appeal site is located from the edge of the built-up area of Finchampstead North, I find that the site is not located within a settlement. I conclude that the proposal should be regarded as development in the rural area and should be considered in the light of Structure Plan Policy C2 and Local Plan Policies STV2 and SC2. No rural need has been claimed in this case.

9. The proposal would not be infilling, in the sense of filling a small gap within small groups of houses, because the site is a part of an undeveloped frontage of about 90m to Wick Hill Lane. In my view it is not a small gap. Nor would it be a minor extension to a group of houses which would round off development because a large undeveloped area, to the north-west of the site, would remain. The existing dwellings are of a low density, well spaced such that their impact on the landscape is minimal. I consider that the proposed house, garage and driveway would be an urban form of development which would be totally out of keeping with the rural character of the area. It would consolidate the sporadic development in the countryside. The proposed house and garage would stand behind a line of existing oak trees and holly bushes growing near the frontage of the site which would be retained. The new buildings would be screened from view from Wick Hill Lane, to some degree, by these trees and their location at the end of a winding, dog-leg, driveway. However, the house and cars stood on the hard area in front of the house and garage would be seen through the trees along the drive. I conclude that the proposal would cause undue harm to the character and appearance of the area and to the aims of Structure Plan Policy C2 and Local Plan Policies STV2 and SC2.

10. Turning now to the second issue, Nine Mile Ride is a busy District Distributor Road, carrying traffic in a generally east-west direction south of Wokingham. The junction of Wick Hill Lane with Nine Mile Ride is about 130m east of the junction of the B3016 and B3430. Daily two-way flows along Nine Mile Ride are about 10,200 vehicles per day with morning and evening peak hour flows of some 1,100 and 1,000 vehicles, respectively. In the vicinity of its junction with Wick Hill Lane, Nine Mile Ride has a straight alignment, a 6m wide carriageway, two footways, street lighting and is subject to a speed limit of 40 mph.

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11. The Highways Authority detail the sight-lines at the junction of Nine Mile Ride with Wick Hill Lane. They are all significantly less than 120m in both directions at set backs of 2m, 2.5m and 4.5m into Wick Hill Lane. The existing kerb radii at the junction are about 3m on the eastern side and between 4.5 to 5m on the western side. The width of Wick Hill Lane at the junction is about 3.7m; in the vicinity of the site it is about 3m. The Highways Authority refer to recommended standards in the County Council's Design Guide - Highway Aspects of Development Control, the Department of Transport publication TD 42/95 and Planning Policy Guidance Note 13. Wick Hill Lane has an unmade uneven surface.

12. I find the radii, sight lines and width of Wick Hill Lane at the junction with Nine Mile Ride to be significantly less than those recommended standards. Drivers, particularly those of large delivery or service vehicles such as refuse collection vehicles, would have to travel across an opposing traffic lane when turning to enter and leave the junction. The width of Wick Hill Lane is such that if two vehicles met along it length they would be unable to pass freely. One driver would have to reverse to a wide point, such as the entrance of one of the dwellings, to allow the other driver to pass. These manoeuvres would cause a degree of inconvenience and possible danger to the driver. Wick Hill Lane and its junction are used by the traffic associated with some 14 dwellings. There are no recorded accidents. Whilst I do not consider that the relatively small amount of traffic generated by one house would increase the risks to road safety to other road users to a level which would warrant refusal for this reason alone, nevertheless, I find that the increase would be significant disadvantage which weighs against the proposal.

13. Whilst the Appellant has offered to make a pro rata contribution to an improvement of the junction of Nine Mile Ride and Wick Hill Lane he is not prepared to make a Unilateral Planning Obligation to this effect. At the hearing he stated that he did not accept the scheme prepared by the Highways Authority. It would not be possible to improve the sight lines and radii at the junction to the recommended standards on highway land. Even a scheme with reduced standards would require the removal of a large oak tree on the eastern side of the junction and part of a wall on the western side which are on private land. It would not be possible to impose a Grampian condition to secure the junction improvements because the land is not in the control of the Appellant and I have no indication that the landowners would be prepared to release the land. I have not given substantial weight to the Appellant's offer to contribute to an improvement of the junction.

14. I now have regard to the third issue. The Appellant has offered to ensure that the land to the north-west of the site remains undeveloped and that it is properly restored and managed in conjunction with County Council's Wildlife Officer, English Heritage and the Berks Bucks and Oxon Naturalist Trust. This would ensure the preservation and protection of the Badger Sett. The proposed house has been located in a position where it would have no adverse effect on the badgers. Subsequent to the hearing the Agent has submitted a draft Unilateral Planning Obligation to this effect, but has indicated that it will take some time to supply the signed and dated undertaking.

15. The flora and fauna of the nearby land are protected to some degree at present. The trees on the land are protected by a Tree Preservation Order and the badgers by the Protection of Badgers Act 1992. The draft undertaking makes no provision for the restoration or the long term management of the land. The proposal would result in the transformation of the woodland on the appeal site to provide a residential environment. It would result in a significant loss of flora and natural habitat for the fauna. I conclude that the advantages which

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would accrue from the Unilateral Planning Obligation would not outweigh the harm the proposal would cause to the character and appearance of the area. Given this conclusion no useful purpose would be served by delaying my decision until I receive the sealed Unilateral Planning Obligation.

16. The Appellant proposes to provide two vehicle passing points on Wick Hill Lane as part of the proposed development; one on land within the Appellant's control to the north-west of the site, and, one as part of the access to the new dwelling. He claims that they would reduce the need for drivers to use existing entrances to pass, thereby, preserving the privacy of the residents. They would also avoid the need for vehicles to travel over the verge, damaging the surface and gradually widening Wick Hill Lane However, I consider that the value of these passing points would be very limited because they would be situated close together. There would still be long lengths of Wick Hill Lane without a passing point for drivers.

17. The Council does not have a five year housing supply. The Appellant states that this is contrary to Government policy. He refers to Government advice that, in order to remedy shortfalls of this kind, full and effective use should made of vacant, derelict or underused land, provided that there is no demonstrable harm to interests of acknowledged importance. At the hearing the local planning authority's representative stated that the Council had identified housing land to meet the Government's requirements. The Council had resolved to release the land the previous week. Given this information I have not attached substantial weight to the effect that the proposed house would have on the current shortfall of housing land. The Government's support for full and effective use of land is expressed in a number of Circulars and Planning Policy Guidance Notes. However, as para. 18 of Planning Policy Guidance Note 3 makes clear, new housing development in the rural area should be sensitively related to the existing pattern of the settlement and has proper regard to Government policies for the protection of the countryside. In this case I find that the proposal would not be in accordance with either of those objectives.

18. The Appellant refers to two recent planning permissions for residential development in the area. One granted by the Council for a new dwelling, Spring Copse, which he describes as larger and less attractive than the appeal scheme; the other for four dwellings at Royston Gardens granted in an appeal decision letter. Having considered the Council's comments on both case, read the decision letter and seen both sites from the public highway I have concluded that those decisions were taken in the light of their respective merits and that there is nothing in that decision that is sufficient to change my decision in this case.

19. I have taken account of all the other matters in the representations, including the objections made to the proposal by the occupier of the neighbouring property, Tubney, at the hearing, but I am of the opinion that they do not outweigh the considerations that have led me to my decision.

20. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

Yours faithfully

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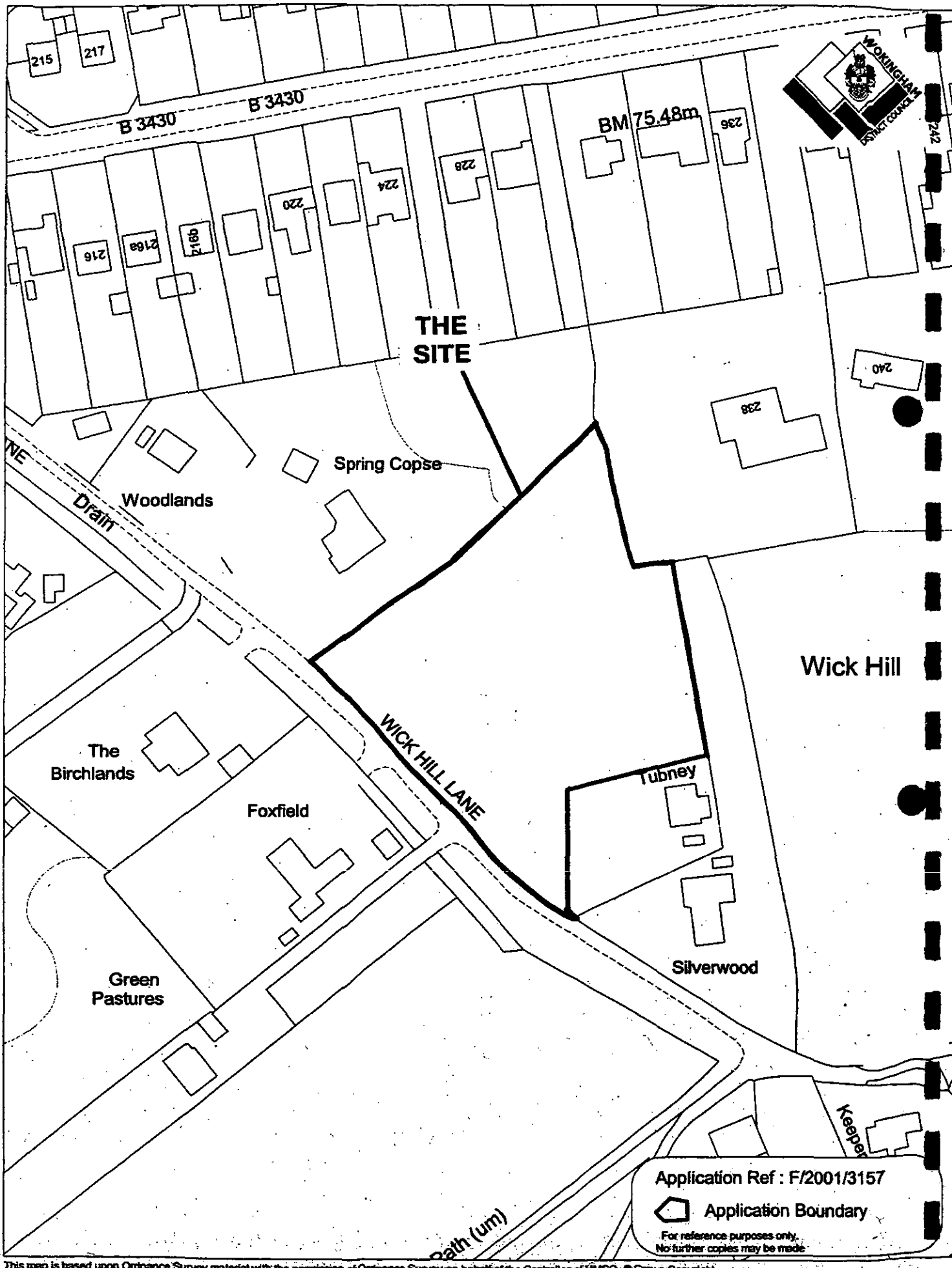
R E Hurley CEng MICE MIHT
Inspector



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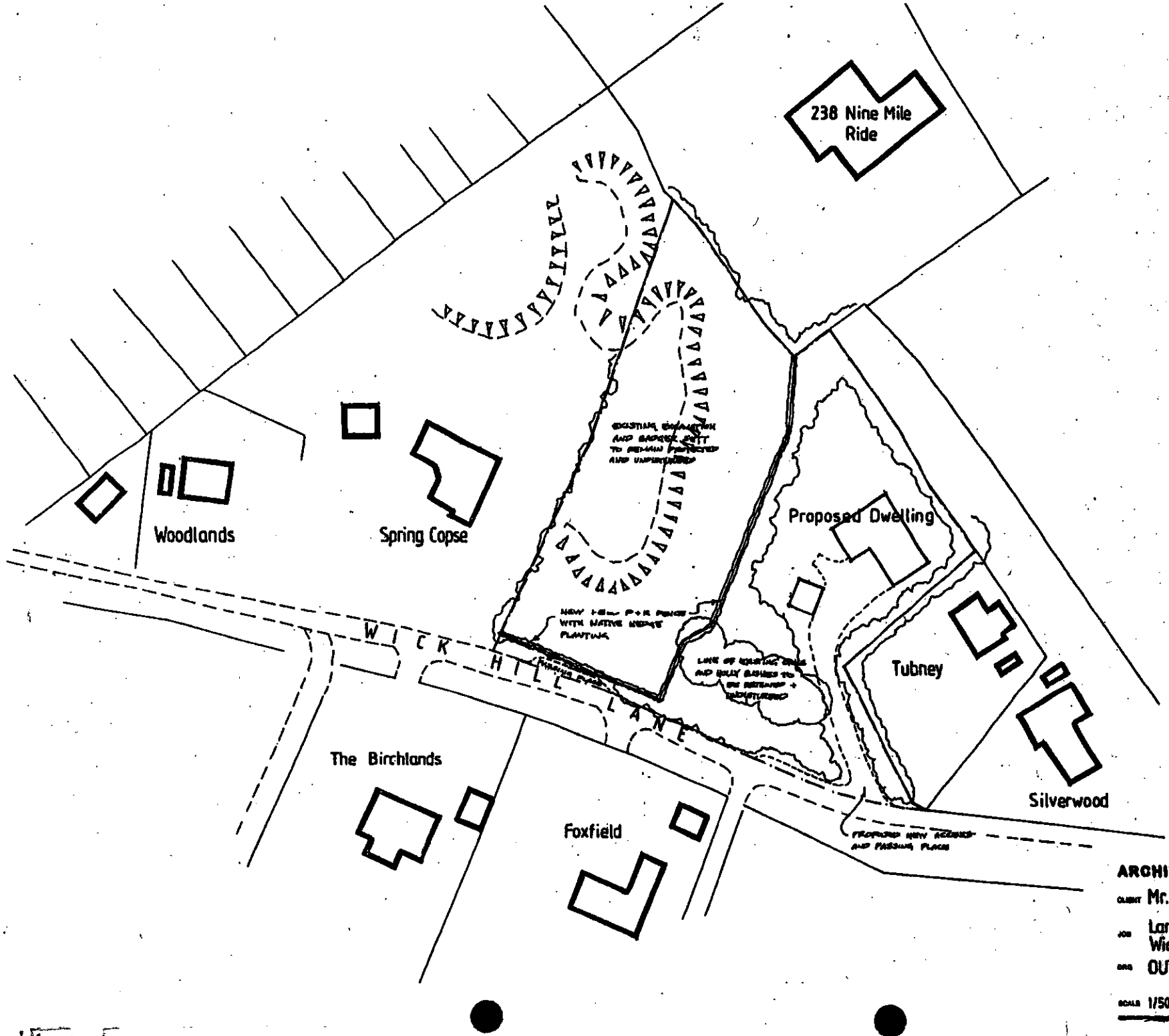
Development Control Section, Environmental Services, Wokingham District Council.

28th February 2001

2657

Scale: 1 : 1250



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10.JAN.2001 • 3157

DWT
THE • DAY • TANN

ARCHITECTURE & PLANNING PARTNERSHI

CLIENT Mr. G. D'Cruze

JOB Land adjacent Spring Copse, Wick Hill Lane, Finchampstead

DWG OUTLINE PLANNING

1467/01

SCALE 1/500 DRAWN DATE Jul 00

Application No. O/2001/3157 **Received** 10/01/01 **Finchampstead**

Applicant: Mr G De Cruz
Location : Land adjacent to Spring Copse, Wick Hill Lane, Finchampstead
Proposal : Outline application for the proposed erection of one dwelling

1. **Planning History** – The site which is the subject of this application lies adjacent to 'Spring Copse,' along Wick Hill Lane, in Finchampstead. The site is a greenfield site located outside the settlement boundary and is characterised by its mature landscaping. The site is protected by a Tree Preservation Order and contains an active badger sett.

   Full planning permission for the erection of a detached dwelling and garage was refused planning permission on 28th March 1996, and an appeal against this decision was dismissed on the 3rd March 1997. An application for outline planning permission was refused at Development Control Committee on 20th December 2000.

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     - rural area, development is therefore contrary to Development Plan Policies

As the proposal would result in the loss of trees on the site it is considered that this would cause demonstrable harm to the rural character of the area, and would result in the loss of the wooded appearance of the site. The proposal is therefore considered unacceptable on these grounds.

C. Impact upon the character of the area

The application site is maturely wooded with a distinct rural character and is home to many forms of local wildlife. In particular to the west of the site lies an identified badger sett, which is currently active, and is home to at least five badgers, and is protected by wildlife legislation. Local residents have also reported sitings of deer and fox. It is considered that loss of part of the woodland coupled with construction works on the site could have an adverse impact upon this diverse wildlife habitat.

Destruction of the woodland and the erection of a dwelling on this site are considered to have an urbanising impact upon the site which would materially alter the character of the area and lead to the erosion of the separation of settlements.

It is therefore considered that the proposed development would have an adverse impact upon the character of the surrounding area.

D. Impact upon neighbouring properties

The indicative site plan shows the location of the proposed new dwelling to be approximately 10 metres from the side boundary with the closest neighbouring dwelling, 'Tubney,' to the north. This would appear to demonstrate that a dwelling could be accommodated on this site sufficiently far enough away from neighbouring dwellings, so as not to have an adverse impact upon the living conditions of their residents, provided that the building was designed so as to avoid overlooking and overshadowing. However, this plan (drg. no. 1467/01) is for illustrative purposes only and since no details of the height of the proposed dwelling or the position of windows have been submitted it is impossible to accurately assess any impact upon the living conditions of neighbouring dwellings.

E. Highways Issues

The proposed development would generate additional vehicle turning movements at the junction of Wick Hill Lane and Nine Mile Ride, which is substandard in respect of radii and road width, visibility and construction. In consequence the safety and free flow of traffic on the B3430, Nine Mile Ride, would be adversely affected.

F. Concerns of Local Residents

The concerns of the local residents have been addressed in the above report

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- previous application refused and appeal dismissed; nothing has changed in relation to the site since
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The application site is located outside the settlement boundary in an area designated as 'setting of settlement.' The setting of settlement policy seeks to preserve areas of importance because of their character and appearance in relation to adjoining built up areas. The settlement in this case is Finchampstead, and the importance is the area's wooded, rural character. The policies, which seek to protect such areas, have a presumption against development which would detract from the rural undeveloped character of these areas.

The proposal would require the removal of a significant area of woodland, which at present adds to the rural character of the area and serves as a break in development. The importance the Council places upon the wooded area is demonstrated by the Tree Preservation Order on the site.

It is therefore considered that the proposed development would have urbanising effect and would be harmful to the rural character and appearance of the area. The proposal is therefore, considered to be unacceptable.

B. Trees

5. **Conclusion** – It is considered that the proposed dwelling would create additional built form in the surrounding rural area, which would have an urbanising impact upon the character of the area and would threaten an active wildlife habitat.

6. **Recommendation** – To REFUSE outline planning permission for the following reasons:

1. The proposed development would result in inappropriate development outside the settlement boundary in an area designated as "setting of settlement," and would have a detrimental effect on the character and appearance of the rural area. The proposal would also result in the loss of woodland which is protected by a tree preservation order and would threaten an active wildlife habitat particularly in relation to the protected badger sett to the west of the site.

   As such the proposal is contrary to policies EN1, C1, C2 and C5 of the Berkshire Structure Plan, Policies STV2, SBE1, SBE2, SC2 and SC15 of the South East Area Local Plan and WOS2, WOS3, WBE1, WCC1 and WLL6, of the Wokingham District Local Plan (Deposit Draft)

2. The proposed development would generate additional vehicle turning movements at the junction of Wick Hill Lane and Nine Mile Ride, which is substandard in respect of radii and road width, visibility and construction. In consequence the safety and free flow of traffic on the B3430, Nine Mile Ride, would be adversely affected.

WOKINGHAM D.C. DEVELOPMENT CONTROL

Start date:	10 JAN 2001
Officer: EC	Application No. O/2001/3157

Map No. 107 Site 0.57
Easting: ..... Flood Pln .....
Northing: ..... Mineral .....

Level: ☐ **Sub Committee** ☑ **Delegated** ☐ **Sec. State**
☐ **Incorrect Fee** ☐ **Invalid** ☐ **PD**

Description:
(O) OUTLINE APPLICATION FOR THE PROPOSED ERECTION OF ONE DWELLING

Location: LAND ADJACENT SPRING COPSE WICK HILL LANE

Parish: FINCHAMPSTEAD Ward: FINCHAMPSTEAD SOUTH
16.01.01

Applicant: MR G. D'CRUZE

Fee Received 0.00 Required ..... Additional ..... Refund .....
Re Submission O/2000/2117.

Enforcement Section to be notified ☐ tick if required

Additional information required for validation

		Reason	Requested	Received
1	1:2500 OS location plan showing property edged in blue/red			
2	1:500 block plan showing existing & proposed dev. + adj. Properties		phoned 15/1	
3	Forms unsigned	Q10 – details to be considered	(NO) illustrative only	
(4)	Correct S 66 certificate	Cert (A) B, C, D all deleted	A applies	
5	Elevation plans			
6	Floor plans			
7	Metric scale disclaimer			
8	Encroachment letter			
9	Miscellaneous			

APPLN NO. _____

ACTION REQUIRED BY DEVELOPMENT CONTROL

Conservation Area .....

Listed Building 1 2 2*

Advertisement Required .....

Date Site Notice Sent : 16.01.01 Parish Council Informed - YES / NO

INTERNAL CONSULTATIONS

Building Control Drainage ✓

Landscape ✓

Trees .....

Conservation Officer .....

Environmental Health ← 250 m Land Fill Site Cons. → Environment Agency ✓

Housing .....

Leisure & Cultural services .....

Public Rights of Way .....

Property .....

District Secretary (only if called in by SOS) .....

Policy & Plans ✓

Strategic Planning (JSPU) .....

Minerals (INTERNAL) .....

Archaeological Site (BABTIE) : .....

Education .....

Social Services .....

Highways ✓

EXTERNAL CONSULTATIONS

Adjacent D P A : .....

Adjacent Parish : .....

Southern Electricity Board .....

British Gas .....

PSA Oil Pipeline .....

Transco : .....

Rail Track .....

Police Arch. Liaison Officer .....

HERITAGE BODIES

The Georgian Group .....

Ancient Monuments Society .....

Council for British Arch. .....

RCHME .....

Telecommunications (NRPB) : .....

Sport England : .....

OTHERS: (Rural Area)

NO PRE APPS.

- CPRE
- English Nature
- BBOWT
- Dinton Pastures (Ecology) ✓

NEIGHBOURS:

S/N + Mr & Mrs N. Lloyd, Spring Copse, Wick Hill Lane
M. Everard, H & D Budd, 230 Nine Mile Ride
D & J Norman, Tubney, Wick Hill Lane
Mr & Mrs J. Wooders, 210 Nine Mile Ride
J & M Wood, Green Pastures, Wick Hill Lane
M & B Baldwin, The Birchlands, Wick Hill Lane
David Lee, Binfield Badger Group, 5 The Rise, Caversham

+ See map. ✓

WOKINGHAM DISTRICT COUNCIL
PLANNING APPLICATION

PART 1

APPLICATION FOR PERMISSION TO CARRY OUT DEVELOPMENT - TOWN AND COUNTRY PLANNING ACTS

Please answer **ALL QUESTIONS** in **BLOCK LETTERS**. If a question is not applicable, answer N/A in space. Please submit **SIX** copies of this form and plans to:-
THE DISTRICT PLANNING OFFICER
WOKINGHAM DISTRICT COUNCIL
PLANNING DEPARTMENT
P.O. Box No. 157
COUNCIL OFFICES
SHUTE END
WOKINGHAM
BERKSHIRE, RG40 1WR

FOR OFFICE USE ONLY

10.JAN.2001* 3157

1.	**APPLICANT'S NAME**	MR G D'CRUZE
	ADDRESS	C/O AGENT
	POSTCODE	**PHONE:**
2. If the applicant has an agent, all correspondence will be sent to the agent	**AGENT'S NAME**	DAY TANNER PARTNERSHIP
	ADDRESS	11-13 DUKES RIDE CROWTHORNE, BERKSHIRE
	POSTCODE	RG45 6LZ **PHONE:** 01344 777143
3. On the plans show the SITE outlined in RED. Show also OTHER land in the applicant's ownership or control in blue:	**SITE LOCATION:**	ADJACENT SPRING COPSE WICK HILL LANE FINCHAMPSTEAD, BERKSHIRE
4. WHAT IS THE APPLICATION FOR ? Give brief details and state for what purpose this site and any buildings will be used		ERECTION OF NEW DWELLING
5. Give the area in hectares or part of a hectare	**AREA OF SITE**	0.58
6. State the applicant's interest in the land e.g. owner, prospective purchaser, lessee	**OWNERSHIP**	OWNER
List all the plans and drawings submitted with the application	**PLANS/DRAWINGS**	1467/01 AND LOCATION PLAN

8. DOES THE APPLICATION INVOLVE ANY OF THE FOLLOWING? Tick the boxes

CHANGE OF USE		**REDEVELOPMENT**	
ERECTION OF NEW BUILDING	X	**ALTERATION or EXTENSION**	

9. WHAT TYPE OF APPLICATION IS THIS ? Tick one box only

OUTLINE PERMISSION	X	See question 10	
FULL PERMISSION			
APPROVAL OF DETAILS/RESERVED MATTERS		State relevant outline permission number.	
TEMPORARY PERMISSION		State period required.	
RELAXATION OF CONDITIONS		State relevant application no.	

10. IF THIS IS AN OUTLINE APPLICATION OR AN APPROVAL OF RESERVED MATTERS, which details, if any, do you wish to be considered as part of this application

		SITING	
EXTERNAL APPEARANCE		**DESIGN**	
MEANS OF ACCESS		**LANDSCAPING**	

11.	WHAT IS THE EXISTING USE OF THE LAND AND/OR BUILDINGS? e.g residential, industrial etc. If the site is vacant, say so, and also state its previous use and when that ceased.	RESIDENTIAL	
12.	DOES A PUBLIC RIGHT OF WAY CROSS OR ABUT THE SITE OR THE PROPOSED ACCESS?	NO	If yes, show existing route(s) and any proposed alternatives on the plans
13.	ARE THERE ANY TREES ON THE SITE? IF YES, ARE ANY TO BE FELLED	YES NO	If so, show their positions, spread and species on the plans and which, if any, are to be felled
14.	STATE EXTERNAL MATERIALS TO BE USED	T.B.A.	
15.	HOW WILL THE SITE BE ENCLOSED? Say whether walls, fences or hedges, and give height, colour and materials etc. If the site is divided into plots, say how each is to be enclosed	T.B.A.	
16.	HOW WILL SURFACE WATER BE DISPOSED OF?	SOAKAWAYS	
17.	HOW WILL FOUL SEWAGE BE DISPOSED OF?	To existing system: T.B.A. If no, please give details:	
18.	WHAT ARE THE ACCESS ARRANGEMENTS? AS EXISTING AS PROPOSED Give details of pedestrian and vehicular access.	INDICATIVE ON SITE PLAN	
19.	HAS PROVISION BEEN MADE FOR THE DISABLED See notes for applicants?	THERE WILL BE	

20. IF THIS PROPOSAL INVOLVES RESIDENTIAL DEVELOPMENT OR THE LOSS OF RESIDENTIAL UNITS, PLEASE COMPLETE THE FOLLOWING TABLE:

	No. OF DWELLINGS/HABITABLE ROOMS PROPOSED	TO BE RETAINED	TO BE LOST
HOUSE	1 / 9	/	/
BUNGALOW	/	/	/
FLAT/MAISONETTE	/	/	/
OTHER	/	/	/

21.	DOES THE PROPOSAL INVOLVE ANY NON-RESIDENTIAL BUILDING OR USE ?	NO	If YES, complete Part 2 of the form
22.	DOES THE PROPOSAL INVOLVE THE WINNING, WORKING OR PROCESSING OF MINERALS: THE DISPOSAL OR MINERAL WASTE, OR THE DEPOSIT OR PROCESSING OF REFUSE AND WASTE MATERIALS?	NO	If YES, please ask for and complete Part 3 of the form
23.	STATE THE FEE ENCLOSED WITH THIS APPLICATION. The current scale of fees is enclosed. If you believe a reduced fee or no fee is payable, say why.	RE-SUBMISSION	

I hereby apply for permission in respect of the particulars described above and in the attached plans and drawings. If planning permission is granted, the development must be carried out strictly in accordance with the approved plans. Failure to do so could result in enforcement action being taken. Permission under the Town & Country Planning Acts does not obviate the possible need to apply for Building regulations Approval.

SIGNED: L. Clarke ON BEHALF OF: MR G D'CRUZE DATE: 03.01.01

Before submitting the application check that it is complete, that all questions have been answered and that the site boundary and the new work are clearly edged in red on the plans. Every application must be accompanied by the appropriate certificate and fee. See "NOTES TO HELP APPLICANTS".

SECTION 66 CERTIFICATE

Application No. 10 JAN. 11* 3157

Please fill in both Certificate A, B, C or D and the Agricultural Holdings Certificate. Delete sections not relevant

(a) "Owner" means a person having a freehold interest or leasehold interest the not less unexpired term of which is than 7 years

OR

* See Note (a) to Certificate A

OR

* See Note (a) to Certificate A

(b) Insert description of steps taken

(c) Name of local newspaper circulating in the area where the land is situated.

(d) Date of publication (which must not be earlier than the beginning of the period of 21 days ending with the date of the application).

CERTIFICATE A

I certify that:

at the beginning of the period of 21 days ending with the date of the accompanying application, nobody except the applicant, was the owner of (a) any part of the land to which the application relates.

CERTIFICATE B

I certify that:

I have/The applicant has* given the required notice to everyone else who, at the beginning of the period of 21 days ending with the date of the accompanying application was the owner (a) of any part of the land to which the application relates, as listed below.

Owners (a) name	Address at which notice was served	Date on which notice was served

CERTIFICATE C

I certify that:

- I/The applicant* cannot issue a certificate in accordance with either paragraph (a) or paragraph (b) of Section 66(1) of the Act in respect of the accompanying application

I have/The applicant has* given the required notice to the persons specified below, being persons who at the beginning of the period of 21 days ending with the date of the accompanying application were owners (a) of any part of the land to which the application relates.

Owners (a) name	Address at which notice was served	Date on which notice was served

- I have/The applicant has* taken all reasonable steps open to me/him/her* to find out the names and addresses of the other owners (a) of the land, or of a part of it, but have/has* been unable to do so. These steps were as follows:

(b)

- Notice of the application as attached to this certificate, has been published in

the (c)

on (d)

OR

(b) Insert description of steps taken

(c) Name of local newspaper circulating in the area where the land is situated.

(d) Date of publication (which must not be earlier than the beginning of the period of 21 days ending with the date of the application).

CERTIFICATE D

I certify that:

- I/The applicant* cannot issue a certificate in accordance with paragraph (a) of Section 66(1) of the Act in respect of the accompanying application
- I have/The applicant have/has taken all reasonable steps open to me/him/her* to find out the names and addresses of everyone else who, at the beginning of the period of 21 days beginning with the date of the application was the owner (a) of any part of the land to which the application relates, but have/has* been unable to do so. These steps were as follows:.

  (b)

- Notice of the application as attached to this certificate, has been published in the (c)

on (d)

ALL APPLICANTS MUST COMPLETE THIS SECTION

If any of the site is part of an area of land which is let or there is an agreement to let the land for agricultural purposes to a tenant, it may be an agricultural holding. Further advice may be obtained from the Department.

Agricultural Holdings Certificate

One or other section must be crossed through as not applicable

If the applicant is the sole agricultural tenant he or she must delete the first alternative and insert "not applicable" as the information required by the second alternative.

- None of the land to which the application relates is, or is part of, an agricultural holding.

OR

- I have/The applicant has* given the required notice to every person other than my/him/herself who, at the beginning of the period of 21 days ending with the date of the application was a tenant of a agricultural holding on all or part of the land to which the application relates, as follows.

Tenant's name	Address at which notice was served	Date on which notice was served

Signed L. Clarke.

On behalf of **MR D'CRUZE**

Date **03.01.01**

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY GENERAL DEVELOPMENT ORDER 1988
Certificate under Section 66

① ADDRESS Spring Copse PARISH Finch

PLOT No. Fr. Wick Mill Lane ORD. SHEET No. 107

BUILDER (WAS 226 Access Nine Mile Ride)

Plan No.	Applicant	Description of Development	Date of Decision	Decision
32630	Mr & Mrs P. Yeomans	Dem. of 226 N.M.R	27.4.89	C/A
		Repl. House & Garage		
38287	INVALID		17.10.91	W/DR.
38770	Bumper Homes	"	4.2.92	Ref
38897	W/DR.			
39057	Stonebeam Props	"	23.3.92	C/A
BRA 11246		"	4.3.92	C/App
40115	Mr. J D'Cruz Retro	Relax. Cond. 5/39057 Det. House with Games Room	16.11.92	C/A
FP/92/1023	"	Loft Conv.	23.11.92	App
44976	"	Det House & Garage	20.11.95	Ref
95/61067/F		Land Adj.		

DATE OF COMPLETION

MINISTRY DECISION

SPECIAL ORDERS TPO

DRAINAGE

091074 N.B. Land now sub-divided / info. from counter.

② ADDRESS Spring Copse PARISH Finch

PLOT No. Wick Mill Lane ORD. SHEET No. 107

BUILDER (WAS 226 Access Nine Mile Ride)

Plan No.	Applicant	Description of Development	Date of Decision	Decision
96/63335/F Appeal	Mr D'Cruze	Dwelling & Garage	28.3.96	Ref
Appeal		Land Adj.		
F/2000/2117	Mr ~~DC~~ G De 'Cruz	Dwelling	20.12.00	REF

DATE OF COMPLETION

MINISTRY DECISION 96/63335/F - Appeal dismissed - 28.02.97

SPECIAL ORDERS

DRAINAGE

091074



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Development Control Section, Environmental Services, Wokingham District Council.

11 January 2001

Scale: 1 : 2500

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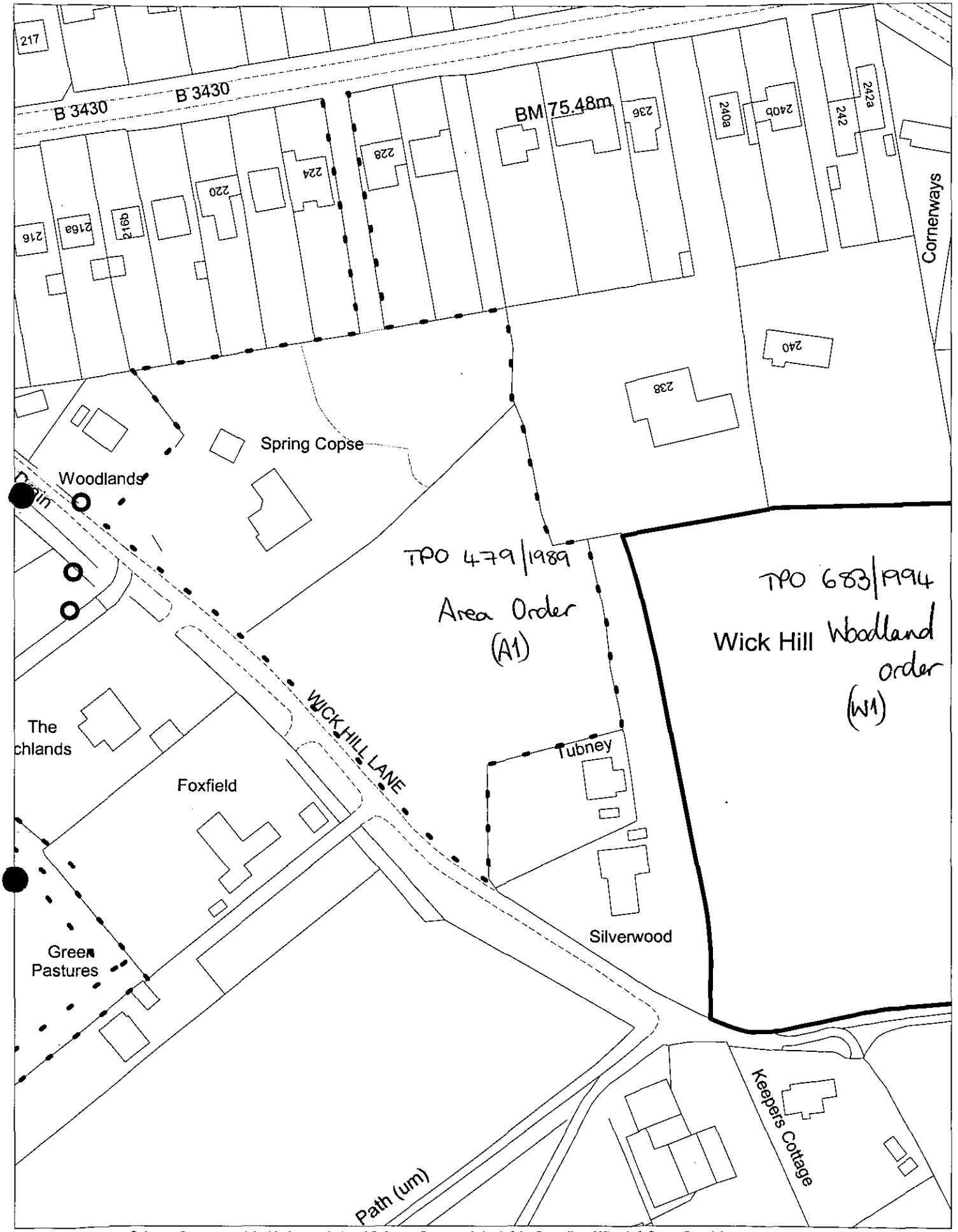

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28 February 2001 Scale: 1 : 1250