



Statement to Support S73 Application

Autumn House, Milley Lane, Hare Hatch

March 2025

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1.0 INTRODUCTION

- 1.1 This statement has been prepared to support an application made under section 73 of the Town & Country Planning Act 1990 (as amended). The purpose of this Statement is to assist the allocated Planning Officer by providing a comprehensive description of the proposed amendments and an assessment of the minor revisions to the scheme against relevant planning policy, guidance and material considerations.
- 1.2 The application seeks to amend conditions imposed on planning application reference 212446 which was permitted on the 23rd October 2023 under redetermined appeal reference APP/X0360/W/21/3289621 RD and varied under S73 application reference 240108. The approved development is, as noted on the decision letter, *“erection of 4 no. bedroom detached dwelling with link attached garage and workshop, plus associated parking and landscaping, following demolition of existing animal enclosures, aviaries and office/staff welfare building.”*.
- 1.3 This application seeks to amend conditions 2 (approved drawings), 5 (landscaping), 7 (drainage) and 15 (boundary treatment and gates) in order to secure a number of minor material amendments to and provide further details of the approved scheme.
- 1.4 The application proposes the substitution of approved drawings and additional drawings to allow for the inclusion of a domestic ground mounted photovoltaic system; amended boundary treatment; and an alternative route for the foul and surface water drainage. Details are also provided, pursuant to condition 15, to indicate details of the entrance gates and frontage boundary treatment.

2.0 SITE DESCRIPTION

- 2.1 The application site comprises land known as The Bird Gardens which is located on the north side of Milley Lane, Hare Hatch. The site is now referred to as Autumn House and work has begun to commence the implementation of the planning permission for the new dwelling. The site falls within the built confines of the settlement of Hare Hatch which comprises a low density collection of buildings in residential, office, retail and industrial land uses.
- 2.2 The application site comprises 1.5 hectares and slopes gently towards the north west. The site formerly formed part of the residential land associated with the Grade II Listed dwelling house “The Old House” which is located to the west of the site. The site falls within two distinct parts. The northern part of the site stretches to the A4/Bath Road and the southern part of the site is occupied by most of the built form associated with the former private zoo.
- 2.3 The northern part of the application site was formerly occupied by a long linear, timber shed building, a large framed aviary, and associated area of hardstanding that runs parallel to the site’s eastern boundary. A former man-made pond is located in the north western corner of the site. The remainder of the northern part of the site was otherwise occupied by planting which has become unmanaged.
- 2.4 The southern part of the application site was formerly enclosed, in a walled garden “quad” type arrangement, by a collection of bird and animal enclosures. These were used by a former owner of The Old House to house a collection of rare birds and lemurs. The central area within the “walled garden” previously contained feeding and quarantine pods of which two quarantine pods now remain. Whilst the centre of the site was relatively over grown, it was previously laid out to form a parkland setting of lawns, ornamental planting and native trees, and shrubs. The animals were re-homed following the death of the former owner and The Bird Gardens now falls under a separate title to The Old House.
- 2.5 The linear group of buildings located along the site’s north, south, east and west boundaries comprised a group of aviaries. The aviaries were timber-framed and clad with mesh netting and include timber sheds that provided shelter for the animals. The enclosures along the southern most side of the site consisted of glasshouses which were heated and were used to house exotic species. The group of buildings had areas of hard standing forming a network of paths on each side of each section of the building.
- 2.6 A small and modern brick built single storey building is located in the south western corner of the site. It has a simple low height hipped and peg tiled roof. The building formerly served as the site’s

office and contains staff welfare facilities including a kitchen / messroom and WC. The building's eastern elevation provides a link to one of the aviaries.

2.7 The new vehicle access to The Bird Gardens has been constructed as approved on the 19th September 2019 under planning application reference 191566 and some work has begun to implement the approved scheme.

2.8 The application site is bounded to the east by land associated with the Berkshire Gardener "Garden Village". To the west, the site is bounded by the ornamental gardens/parkland associated with The Old House. The site is bounded to the south by Milley Lane beyond which is Hill House, another Grade II Listed dwelling house, and the A4 bounds the northern boundary of the application site.

2.9 In terms of policy designations the application site is located within the Green Belt, Countryside and an Area of Special Character. The site is located in Flood Zone 1 and is at low risk of surface water flooding. The site is not the subject of any TPOs although there are mature trees and hedges located on the site's boundary.

3.0 DESCRIPTION OF DEVELOPMENT

- 3.1 Full planning permission has been granted under planning application reference 212446 (appeal reference APP/X0360/W/21/3289621 RD and amended under application reference 240108) for the erection of a 4 bedroom detached dwelling house with link attached garage and workshop. The existing animals enclosures, sheds and aviaries will be demolished.
- 3.2 This application seeks to amend conditions 2 (approved drawings), 5 (landscaping), 7 (drainage) and 15 (boundary treatment and gates) in order to secure a number of minor material amendments to and to provide further details of the approved scheme. The application proposes the substitution of approved drawings and some new drawings to allow for the inclusion of a domestic ground mounted photovoltaic system; amended boundary treatment; and an alternative route for the foul and surface water drainage. Details are also provided, pursuant to condition 15, to show the proposed entrance gates and frontage boundary treatment.
- 3.3 Section 4 below provides an assessment of the proposed changes against relevant planning policy and material considerations and demonstrates that the proposed changes are minor with either negligible or very limited impacts arising from them.

4.0 PLANNING POLICY OVERVIEW & ANALYSIS

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise. Paragraph 11 of the NPPF provides that decisions should apply the presumption of sustainable development. For decision taking this means approving development proposals that accord with an up to date development plan without delay or where the policies that are the most important for determining the planning application are out of date, granting permission except where the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development or where any adverse impacts of doing so would significantly or demonstrably outweigh the benefits of the development as a whole when assessed against the policies of the NPPF.

4.2 The development plan comprises the Wokingham Borough Core Strategy Development Plan Document (CS), adopted in 2010 and the Managing Development Delivery (MDD) Local Plan Plan adopted in 2014. Material considerations in the context of this planning application include the National Planning Policy Framework (NPPF) and the Wokingham Borough Design Guide SPD.

The principle of the development

4.3 The principle of the development has been established by the approval of planning application reference 212446. (appeal reference APP/X0360/W/21/3289621 RD) and as varied by application reference 240108. The current application proposes minor material amendments:

- Inclusion of domestic ground mounted solar arrays
- Varied drainage route discharging surface water to existing balancing pond, rather than highway ditch, and foul water to the manhole on Milley Lane
- Replace the 1.8/2.4 metre high timber and barbed wire fence along the Eastern boundary with new 1.8/2.4 metre high close board fencing with timber posts, rails and capping

4.4 Details are also provided of the entrance gates and boundary treatment on the site frontage pursuant to condition 15.

4.5 It is only necessary to consider impacts associated with the proposed changes rather than re-assessing the development as a whole.

Green Belt Matters

4.6 It was established in the context of redetermined appeal reference APP/X0360/W/21/3289621 RD that the relevant test of the appropriateness of the scheme in Green Belt terms is provided by

NPPF (December 2024) paragraph 154 g. This was paragraph 149 g of the Sept 2023 iteration of the NPPF which was the relevant document at the time the appeal was assessed.

4.7 This paragraph provides that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this, where new buildings may be appropriate in the Green Belt, include *“g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings) which would not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land ”*.

4.8 The approved scheme was found to meet the criteria set by paragraph 154 g and, most importantly, not cause substantial harm to the openness of the Green Belt. It is therefore necessary to assess whether the proposed alterations to the scheme continue to *“not cause substantial harm to the openness of the Green Belt”*. The minor changes to the scheme relating to boundary treatment, changes to the drainage route and the entrance gates will have no material impact on the openness of the Green Belt compared to the approved scheme.

4.9 It is also necessary to consider the principle of the inclusion of ground mounted domestic solar arrays as part of the scheme and its impact on the openness of the Green Belt. The inclusion of solar arrays, which are minor structures located discreetly within the site, will have very little impact on the openness of the Green Belt overall and, in consideration of 149 g, would not cause substantial harm to the openness of the Green Belt either on its own or cumulatively with the rest of the scheme.

4.10 Should officers take a different view and regard the inclusion of domestic solar arrays as inappropriate within the Green Belt; it is suggested that the benefits of the solar arrays in terms of increased energy production from renewable sources and the role the arrays would play in increasing the sustainability credentials of the dwelling house are considered to amount to very special circumstances (NPPF paragraph 160) that would outweigh any perceivable harm to the Green Belt together with any other harm caused (NPPF para 153).

4.11 It should also be noted that there is policy support for the use of sustainable technologies within development schemes in the form of MDD Local Plan CC04 which promotes high quality sustainably designed and constructed developments and Core Strategy policy CP1 which establishes the Council’s commitment to sustainable construction, as set out in the Council’s Sustainable Environment Strategy 2010-2020 (2010), with the overall goal of pursuing carbon neutral developments.

Heritage Issues

4.12 As the character, appearance and form of the development will remain unchanged compared to the approved scheme, the proposals will continue to preserve the setting of the nearby Grade II Listed Heritage Assets of The Old House and Hill House.

4.13 The site is located within an Area of Archaeological Potential. Condition 5 of the decision letter will continue to secure a pre-commencement programme of archaeological work in accordance with a written scheme of investigation. With the use of the recommended condition, the development proposals therefore meet the requirements of Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended, MDD Local Plan policies TB24 and TB25 and the advice contained in the NPPF.

Design & appearance

4.14 The overall character and appearance of the scheme will remain unaltered and will continue to be complimentary to the building styles and form found in the site's surroundings so as to comply with Core Strategy policy CP3, the advice contained within the NPPF, and the BDG SPD. The current application includes details of the proposed entrance gates pursuant to condition 15 which are broadly characteristic of other examples found in the site's surrounding. As per previous iterations of the scheme, the site frontage will be enclosed by a close boarded timber fence which will sit behind a mixed hedgerow. The increase in height of the timber fence on the eastern boundary will have a negligible impact on the character and appearance of the area, will be more attractive than the barbed wired topped fence, and will better serve to screen the residential land uses from the garden centre beyond.

Amenity of Neighbouring & Future Occupiers

4.15 Due to generous separation distances and the minor nature of the changes proposed, the proposed amendments will have no material impact on the amenity of neighbouring occupiers when compared with the approved scheme.

4.16 When considering the amenity of future occupiers, the proposed development will continue to be served by accommodation that exceeds the space standards set by MDD Local Plan policy TB07 and a generous amount of private amenity space. The accommodation will provide a very high standard of living to any future occupier.

4.17 With the proposed amendments, the development continues to comply with the relevant requirements of Core Strategy policy CP3, MDD LP policy TB07 and the advice contained within the NPPF.

Trees, Hedges and Landscape

- 4.18 There are no material changes to the scheme when considering impacts of the proposed development on trees and landscaping. The proposed changes to the boundary treatment – in the form of an increase in height of the close board fencing – will have a negligible impact on the scheme of soft and hard landscaping overall.
- 4.19 The amended development scheme will continue to be complemented by a high quality scheme of landscaping that will seek to reinstate the re-instatement of the parkland style landscape that is characteristic of the site's history and that found at The Old House, as required by condition five of the appeal decision referenced APP/X0360/W/21/3289621 RD.
- 4.20 With the use of the conditions listed on the decision letter, the development will continue to comply with the development proposals accord with the objectives MDD LP policies CC03 and TB21; the advice contained in the NPPF; or the advice contained in the BDG SPD.

Ecology

- 4.21 Mandatory BNG is not applicable to the scheme as the original permission was granted prior to the implementation of BNG regulations. The proposed amendments to the scheme will have no material impact on matters relating to biodiversity and ecology and, with the use of conditions 6 and 9 of the decision letter which secure the mitigation recommended in the submitted ecological survey report and a strategy for biodiversity enhancements and ecological permeability to be implemented as part of the development, the development proposals will continue to comply with Core Strategy policy CP3, MDD LP policy TB23 and the advice contained in the NPPF.

Car Parking & Highways Matters

- 4.22 The proposed amendments will have no material impact on matters relating to car parking and highways. Ample space remains within the site to accommodate parking in excess of the Council's car parking standards and will be formalised as required by condition 10 on the decision letter. No amendments are proposed to the access arrangements which were approved under planning application reference 191566. The layout of the site continues to enable vehicles to enter and turn within the site safely. Pedestrians will continue to be able to move safely within the site.
- 4.23 With the use of the relevant conditions the development proposals continue to comply with MDD Local Plan policy CC07 and the advice contained in the NPPF.

Flood Risk & Drainage

4.24 Whilst the proposed amendments to the scheme include an alternative drainage route, discharging surface water into the existing pond and foul water into the manhole on Milley Lane, this will have no material impact on the ability of the site to drain and the scheme will continue to pose no material risk when considering all sources of flood risk that are relevant to the site. The drainage scheme, which is underpinned by sustainable drainage principles, has already been secured by condition 7 as set out on the decision letter. With the use of this condition as amended, the development proposals will continue to comply with MDD Local Plan policies CC09 and CC10 and the advice contained in the NPPF.

Building Sustainably

4.25 As with the previously approved scheme the dwelling will be constructed to the highest standards of design and sustainability to accord with the latest relevant Building Regulations and measures will be incorporated into the design to meet the internal potable water consumption target. The addition of the proposed solar arrays will enhance the sustainability credentials of the proposed dwelling, decreasing reliance on the use of fossil fuels. The development proposals continue to comply with the relevant parts of Core Strategy policy CP1, MDD Local Plan policy CC04 and the advice contained in the NPPF.

Developer Contributions

4.26 Wokingham Borough Council has a Community Infrastructure Levy (CIL) Charging Schedule. Net additional floorspace is understood to be charged at a rate of £365 per square metre (index linked). The planning application is accompanied by the relevant CIL form.

4.27 The approved application was accompanied by a S106 Agreement which secured the necessary contribution to affordable housing. The completed S106 Agreement includes a definition of the “Planning Permission” which provides that the planning permission “*shall include any subsequent permissions under Section 73 of the Act permitting the carrying out of the Development*”. The amended development will therefore continue to be bound by the obligations secured by this deed without the need for a Deed of Variation. The development proposals will therefore continue to comply with Core Strategy policy CP5 and MDD Local Plan policy TB05.

5.0 CONCLUSION

5.1 This statement has identified the key considerations in the determination of this planning application. This statement has shown the proposed amendments to be in accordance with the relevant policies contained within the Core Strategy and the MDD Local Plan together with the advice contained within the NPPF. The development has been demonstrated to amount to sustainable development and it is therefore respectfully requested that planning consent is granted for the proposed amendments.