

DELEGATED OFFICER REPORT



WOKINGHAM
BOROUGH COUNCIL

Application Number:	242244
Site Address:	Land At The Scrapyard, Highlands Avenue, Barkham, Wokingham, RG41 4SP
Expiry Date:	29 October 2024
Site Visit Date:	30 April 2024
Proposal: Full application for the installation of 9No. streetlights (Retrospective).	

PLANNING CONSTRAINTS/STATUS

Countryside

Scale and Location of Development Proposals

Tree Preservation Orders

Landscape Character Assessment Area

Deciduous Woodland (priority habitat)

Valued Landscape

PLANNING POLICY

National Policy	National Planning Policy Framework (NPPF) National Planning Policy Guidance (NPPG)
Core Strategy (CS)	CP1 – Sustainable Development CP3 – General Principles for Development CP7 – Biodiversity CP9 – Scale and Location of Development Proposals CP11 – Proposals Outside Development Limits
MDD Local Plan (MDD)	CC01 – Presumption in Favour of Sustainable Development CC02 – Development Limits CC03 – Green Infrastructure, Trees and Landscaping TB21 – Landscape Character TB23 – Biodiversity and Development
Other	Borough Design Guide Supplementary Planning Document

PLANNING HISTORY

Application No.	Description	Decision & Date
240343	Full application for the erection of a footpath and 9no. street lights (part retrospective).	Refused: June 2024

		(Ongoing appeal)
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CONSULTATION RESPONSES

Internal

WBC Environmental Health – No objection
WBC Highways – No objection
WBC Green Infrastructure – No comments
WBC Landscape and Trees - Objection
WBC Ecology – No comments

External

None

REPRESENTATIONS

Barkham Parish Council	Object on the grounds that the development lies outside the settlement boundary, within an area designated as countryside and would contravene policies included in the NPPF, the WBC Core Plan and the Joint Arborfield and Barkham Neighbour Plan. The parish council raise concern to the impact on the landscape character, woodland and valued landscape. Concerns were also raised that the impact to bats has not been appropriately considered.
Ward Member(s)	No comments received
Neighbours	No comments received

APPRAISAL

Context: This application seeks retrospective planning permission for the installation of 9no. streetlight columns on land adjacent to Highlands Avenue, Barkham. The application follows the refusal of planning application 240343, which included the 9no. streetlights identical to the current application, but also a footpath alongside the lighting. The reason for refusal was as follows:

‘The development represents inappropriate development in the countryside that is outside of, and unrelated to, any defined settlement boundaries. The development has adversely impacted the character of the landscape setting by virtue of its inappropriate siting within a TPO woodland, valued landscape and countryside location. The proposal has resulted in an adverse impact on TPO woodland through the removal of seedlings and vegetation, and will continue to harm the woodland by restricting the natural spread of trees self-seeding and regenerating in the area of the Woodland TPO. The proposal would be contrary to chapters 180 (a) and (b) of the National Planning Policy Framework, CC03 & TB21 of the MDD Local Plan and CP1, CP3 & CP11 of the Core Strategy.’

The refused application is currently being considered at appeal (ref: APP/X0360/W/24/3347228).

The retrospective development is situated on land belonging to the applicant, who are owners of the nearby scrapyard. They have suggested their intention is to allow safer pedestrian access between Bearwood Road and the dwellings on Highlands Avenue.

The site lies within Countryside, Valued Landscape and a Protected Woodland.

Principle of Development: Section 38(6) of The Planning and compulsory purchase Act 2004 requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case the Development Plan comprises the Core Strategy (CS), the Managing Development Delivery Local Plan (MDD) and Central and Eastern Berkshire Joint Minerals and Waste Plan (Joint Plan) (2023) which are read alongside the NPPF.

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

The Managing Development Delivery Local Plan Policy CC01 states that planning applications that accord with the policies in the Development Plan for Wokingham Borough will be approved without delay, unless material considerations indicate otherwise

The site is located outside of settlement limits within the designated countryside as per CC02. Therefore, Core Strategy Policy CP11 is the relevant policy to assess whether the proposal is acceptable in principle by virtue of the site's countryside location.

Policy CP11 does not permit development outside of development limits unless it falls within the following exemption criteria:

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

The development does not accord with exceptions 1 & 2 above. The justification put forward with the application is that the development is to enable a safe pedestrian access between properties on Highlands Avenue, however the streetlighting is set back from the road where it is more likely pedestrians would walk, rather than on private land. It is not associated with the recycling centre and therefore it does not contribute to a rural enterprise in the countryside. Furthermore, the development is isolated, located significantly away from any nearby built form. On this basis, it is considered to represent excessive encroachment in the countryside. Exceptions 3-7 are not relevant to the proposal.

Taking the above into consideration, the development cannot be considered acceptable in principle and is contrary to CP11 of the Core Strategy.

Character of the Area: Although the proposal relates only to the installation of 9no. streetlights, there is wider development associated with the proposal that needs to be considered. This primarily includes the clearance of the TPO woodland which facilitated the retrospective development.

The development extends to the road edge, with the grass verge, which is where the lampposts are located. There is also an area of concrete halfway along the southern edge of the development and it is unclear what this is for. Images prior to the installation of the development and after can be seen below.



Figure 1 - Image of site pre-development



Figure 2 – Image of site post-development

Highlands Avenue extends off Bearwood Road, which is a Green Route Enhancement Area, as defined and referred to in Policy CC03 of the MDD Local Plan. The development starts in very close proximity to the junction of Highlands Avenue and Bearwood Road, such that the change to the wooded character as a result of the development is highly visible from the Green Route Enhancement Area when viewed from public locations along Bearwood Road.

The site is located in Wokingham Borough Landscape Character Assessment - Area L1 'Bearwood Wooded Sand and Gravel Hills', a high-quality landscape with moderate sensitivity and a limited capacity for change. The site is also within the Barkham and Bearwood Valued Landscape (Valued Landscape Assessment, September 2024). Policy TB21 of the Local Plan requires proposals demonstrate how they have addressed the requirements of the council's WBLCA, including the Landscape quality, landscape sensitivity and key issues. Proposals shall retain and enhance the condition, character and features that contribute to the landscape.

The Landscape Strategy for LCA L1 is:

'To conserve and enhance the existing wooded and parkland character of the landscape and its biodiversity.'

The key aspects to be actively managed are the mixed woodland and the features associated with the historic landscape. There are also opportunities to strengthen open water, woodland and remnant heathland habitats, and manage the exotic species including the locally distinctive Rhododendron Drive, which made include replacement by non-invasive species. In terms of development, the aim is to conserve the unsettled character of the area.

The site is within the Barkham and Bearwood Valued Landscape (see Valued Landscapes Assessment, September 2024)

The Valued Landscape Attributes of the L1 LCA includes:

'Elevated wooded hills, varied topography which forms an intricate range of landscape spaces and backdrops. Large expanses of mature mixed woodland which are designated as BAP priority habitats and LWS and provide important ecological habitats

and a sense of place. Stands of Scots pine and beech woodlands on the hilltops provide characteristic landmark features.

The distinctive mosaic of interconnecting mixed woodland interspersed with small scale pastoral fields in the south of the area which provide scenic qualities and visual diversity. Parkland landscape associated with the historic estate at Bearwood Park designated as a Registered Park and Garden which provides a cultural record of the past and layers of history within the landscape. Medieval landscape features which survive on the boundary of later historic estates. Recreational value particularly in The Coombes through the presence of byways, footpaths and bridleways which allow enjoyment of the landscape. Peaceful secluded character with naturalistic qualities and experience of dark skies.'

The Landscape Guidelines for L1 pertinent to the site includes:

'Conserve and enhance the wooded character of the landscape, manage the integration of new woodland using locally occurring native species. Conserve the rural character of the wooded landscapes. Limit unsympathetic changes of use within woodland to prevent the fragmentation of the homogenous areas of woodland. Maintain and enhance the character of rural and tree-lined byways and tracks, resisting unsympathetic highways improvements, infrastructure and signage. Use appropriate tree planting to help integrate roads.'

The omission of the footpath from the previously refused scheme, through application 240343, does not change the conclusions made and does not adequately address the previous reasons for refusal. The streetlighting and associated vegetation clearance has fundamentally altered the character of the landscape setting. The clearance of the woodland and the urbanising feature of the streetlights installed across a wide area of countryside, valued landscape, and the local and the natural environment, ensures that the development does not conserve the unsettled character of the area but rather militate against it, contrary to the L1 landscape strategy. In addition to this, the light spill from the streetlights conflicts with a key attribute of this landscape character area, namely the *Peaceful secluded character with naturalistic qualities and experience of dark skies'*. The proposal is contrary to MDD Local Plan policies CC03 & TB21 and Core Strategy policies CP1, CP3 and CP11.

Trees: There are 2 Woodland Tree Protection Orders ("TPO") protecting the site: TPO199/1981 and TPO20/1973. A woodland TPO protects the above and below ground parts of the trees, including seedlings. The woodland TPO includes hardwood trees such as Sweet Chestnut, Sycamore, Alder, Rowan, Ash, Birch, Oak, Scots Pine, Norway spruce and Hazel. The scrub layer includes Cherry Laurel and Rhododendron, both of which are considered to be exotic spreading species.

A Tree Survey for Land Adjacent to Highlands Avenue, Wokingham Doc. PB/5837-24/03.14, and an Arboricultural Impact Assessment (AIA) for Land Adjacent to Highlands Avenue PB/AIA-24/03.14, both dated March 24, were submitted with the previous application (ref: 240343). An updated Tree Survey and AIA have been submitted in support of this application. These documents have been updated to tailor to the streetlights in isolation, however, the themes remain as per the previous submissions. There is acknowledgement that there has been incursion into the root protection areas 'RPAs' of the protected trees, however, the consultant was 'anecdotally advised' that development works did not require the removal of any trees.

The AIA concludes with a 5-year mitigation plan. There is limited information in the AIA regarding foundations, excavations and locations of utilities/cabling for the streetlights, therefore it is difficult to assess the extent of the works.

The Trees Officer issued the following comments to the retrospective development:

“The Tree Protection Plan shows the locations of the streetlamps within the root protection areas of retained trees along the road. Although the lamp columns are located on the outer edges of the root protection areas of the trees, it is likely that by digging holes to secure the columns, some tree roots may have been damaged. Without a Tree Report being submitted prior to development, it has not been possible to assess the impact of the development on the existing trees and seek appropriate mitigation, including, for example, lining foundation holes with plastic prior to the filling with concrete, which is one way that tree roots can be protected from the effects of leachate from concrete.”

Further to the above, despite the assurances that no ‘woodland’ was removed in what has been a considerable amount of clearance, there is no guarantee that seedlings and native scrub protected by woodland TPOs was not also removed. It is unclear whether the 5-year mitigation strategy would mitigate the harm that has occurred, however, it should be made clear that such a long-term solution would not have been required if the unlawful development did not take place to begin with. The development has resulted in the removal of vegetation protected by a woodland TPO, contrary to the NPPF and the MDD Local Plan policies CC03 & TB21 and Core Strategy policies CP1 & CP3.

Neighbouring Amenity: Due not the nature of the proposal, there are no neighbouring amenity concerns associated with the application.

Highway Access and Parking Provision: No objection has been raised by WBC Highways to the scheme, however, as was the case through application 240343, the LPA once again question the justification put forward by the applicants with regard to safety concerns. No casualty related accidents have occurred within the Highlands Avenue in the last 5 years, and in any event, the presence of “low level lighting” for a limited extent of Highlands Avenue is unlikely to make a significant contribution to any safety concerns.

Environmental Health: No objection raised by WBC Environmental Health.

Conclusion: Having carefully considered the proposed scheme on its own merits and in relation to the previous refusal for similar development at the site, the adverse impacts previously identified remain. Excluding the footpath from the development does not adequately address the previous reason for refusal. Notwithstanding this, the footpath remains on site. The installation of the streetlight columns and the associated development has had an adverse impact on the landscape character and the proposed development will continue to harm the TPO woodland. On this basis, the reason for refusal imposed on application 240343 has not been overcome.

Community Infrastructure Levy (CIL): When planning permission is granted for a development that is CIL liable, the Council will issue a liability notice as soon as practicable after the day on which the planning permission first permits development.

Completing the assumption of liability notice is a statutory requirement to be completed for all CIL liable applications.

The Public Sector Equality Duty (Equality Act 2010): In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. There is no indication or evidence (including from consultation on the application) that persons with protected characteristics as identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application and there would be no significant adverse impacts as a result of the development.

RECOMMENDATION	
Conditions agreed:	N/A
Recommendation:	Refuse
Date:	25 October 2024
Earliest date for decision:	27 September 2024

Recommendation agreed by: (Authorised Officer)	
Date:	25 October 2024