

## **DELEGATED OFFICER REPORT**



**WOKINGHAM**  
**BOROUGH COUNCIL**

|                                                                                                                                                                                                                                                              |                                                        |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------|
| <b>Application Number:</b>                                                                                                                                                                                                                                   | 242029                                                 |
| <b>Site Address:</b>                                                                                                                                                                                                                                         | Victoria Gardens, 31 Barkham Ride, Wokingham, RG40 4EX |
| <b>Expiry Date:</b>                                                                                                                                                                                                                                          | 11 October 2024                                        |
| <b>Site Visit Date:</b>                                                                                                                                                                                                                                      | 23 April 2024                                          |
| <b>Proposal:</b> Full application for the change of use of land for the stationing of a caravan for mixed use purposes for 1) office to manage the Victoria Gardens caravan site and 2) office in connection with property services business (retrospective) |                                                        |

### **PLANNING CONSTRAINTS/STATUS**

Water Utility Consultation Zones  
Contaminated Land Consultation Zone  
Bat Roost Habitat Suitability  
Scale and Location of Development Proposals - Countryside  
Farnborough Aerodrome Consultation Zone  
Great Crested Newt Consultation Zone – Red  
Local Geological Sites  
Nuclear Consultation Zone  
Tree Preservation Orders  
Landscape Character Assessment Area  
SSSI Impact Risk Zones  
Thames Basin Heaths SPA Mitigation Zones – 5km  
Ordinary Watercourses Consultation Zone  
Local Geological Sites Consultation Zone  
Ordinary Watercourse  
Local Plan Update Submitted Sites

### **PLANNING POLICY**

|                           |                                                                                                                                                                                                                                                                                                                                                                                               |
|---------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>National Policy</b>    | National Planning Policy Framework (NPPF)<br>National Planning Policy Guidance (NPPG)                                                                                                                                                                                                                                                                                                         |
| <b>Core Strategy (CS)</b> | CP1 – Sustainable Development<br>CP2 – Inclusive Communities<br>CP3 – General Principles for Development<br>CP4 – Infrastructure Requirements<br>CP6 – Managing Travel Demand<br>CP7 – Biodiversity<br>CP8 – Thames Basin Heaths Special Protection Area<br>CP9 – Scale and Location of Development Proposals<br>CP11 – Proposals Outside Development Limits<br>CP15 – Employment Development |
| <b>MDD Local</b>          | CC01 – Presumption in Favour of Sustainable Development<br>CC02 – Development Limits                                                                                                                                                                                                                                                                                                          |

|                                             |                                                                                                                                                                                                                                                                                                             |
|---------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Plan (MDD)</b>                           | CC03 – Green Infrastructure, Trees and Landscaping<br>CC04 – Sustainable Design and Construction<br>CC06 – Noise<br>CC07 – Parking<br>CC09 – Development and Flood Risk<br>CC10 – Sustainable Drainage<br>TB11 – Core Employment Areas<br>TB21 – Landscape Character<br>TB23 – Biodiversity and Development |
| <b>Joint Minerals and Waste Plan (JMWP)</b> | The site is not located in a Mineral and Safeguarding Area or within a defined area of search for minerals. As such, the JMWP does not apply to this proposal.                                                                                                                                              |
| <b>Other</b>                                | Borough Design Guide Supplementary Planning Document<br>CIL Guidance + 123 List<br>Sustainable Design and Construction Supplementary Planning Document<br>Finchampstead Neighbourhood Development Plan (2023)                                                                                               |

## PLANNING HISTORY AT VICTORIA GARDENS

That which relates to the subject office are highlighted in **yellow**.

| <b>Application Number</b> | <b>Proposal</b>                                                                                                                                                                                                                | <b>Decision &amp; Date</b>                                                                                                 |
|---------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|
| CLU(E) 137                | Use of mobile home as permanently occupied dwelling                                                                                                                                                                            | Approved<br>21/10/1999                                                                                                     |
| F/2001/3371               | Proposed erection of stable block and all weather riding surface (retrospective)                                                                                                                                               | Approved<br>09/04/2001                                                                                                     |
| F/2001/4878               | Proposed erection of detached dwelling. Demolition of existing dwelling and outbuildings                                                                                                                                       | Refused<br>08/11/2001                                                                                                      |
| F/2002/6734               | Proposed demolition of existing dwelling and outbuildings. Erection of one replacement dwelling                                                                                                                                | Approved<br>15/07/2002                                                                                                     |
| F/2004/1333               | Proposed erection of detached garage/storage building plus existing outbuilding to be demolished                                                                                                                               | Approved<br>27/04/2004                                                                                                     |
| F/2005/4769               | Proposed erection of new entrance gate piers, wing walls and planting beds. (Retrospective)                                                                                                                                    | Approved<br>04/07/2005                                                                                                     |
| 152851                    | Application for a certificate of existing lawfulness for the continued use of land at 31 Barkham Ride as residential mobile home park plus commercial building and open yard storage area with parking for commercial vehicles | Split decision<br>27/07/2016<br>approving 6 mobile homes, commercial building and residential use of the detached bungalow |

|        |                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                        |
|--------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|
| 162682 | Application for certificate of existing lawful development for the residential use of existing mobile homes Nos 7 and 8                                                                                                                                                                                                                                                                                                                           | Approved<br>23/12/2016                 |
| 171099 | Full planning application for proposed change of use of land for the stationing of 8no mobile homes for residential use with associated landscaping and infrastructure following relocation of existing mobile homes, demolition of existing stabling and removal of existing all weather manege                                                                                                                                                  | Application<br>withdrawn<br>05/06/2017 |
| 182183 | Application for a certificate of existing lawful development for the (i) use of land for leisure amenity areas, site office, residents utility/laundry room and car parking ancillary to residential caravan areas granted lawful development certificates 152851 and 162682 and (ii) use of redundant stable building for residential storage; ancillary to residential caravan areas granted lawful development certificates 152851 and 162682. | Approved<br>18/10/2018                 |
| 190416 | Proposed Lawful Development Certificate for the stationing of six additional mobile homes on existing mobile home park                                                                                                                                                                                                                                                                                                                            | Approved<br>29/04/2019                 |
| 191809 | Full application for proposed change of use of commercial/open yard storage area to stationing of 6 mobile homes for residential purposes following the demolition of existing industrial unit.                                                                                                                                                                                                                                                   | Approved<br>12/11/2019                 |
| 193402 | Full planning application for the proposed use of land to stationing of 4 mobile homes for residential purposes following demolition of existing dwelling and outbuildings.                                                                                                                                                                                                                                                                       | Approved<br>14/05/2020                 |
| 200298 | Application for submission of details to comply with the following condition of planning consent 191809 (Dated 12/11/2019) 4. Scheme to deal with potential contamination 5. Drainage system 6. Himalayan Balsam and Variegated Yellow Archangel eradication strategy. 9. Landscaping                                                                                                                                                             | Approved<br>07/04/2020                 |
| 201546 | Application for a certificate of existing lawful development for the use of the former sand school for storage and parking.                                                                                                                                                                                                                                                                                                                       | Refused<br>04/09/2020                  |
| 202081 | Application for submission of details to comply with the following conditions of planning consent 193402 dated 15/05/2020. Condition 4 relates to submission of drainage details and condition 8 to a scheme of landscaping.                                                                                                                                                                                                                      | Approved<br>30/09/2020                 |
| 202615 | Full application for the temporary stationing of a sales office for a period of one year (Retrospective).                                                                                                                                                                                                                                                                                                                                         | Approved<br>24/12/2020                 |
| 202587 | Full application for the proposed infilling of pond area                                                                                                                                                                                                                                                                                                                                                                                          | Approved                               |

|        |                                                                                                                              |                         |
|--------|------------------------------------------------------------------------------------------------------------------------------|-------------------------|
|        | and the erection of two bases for mobile homes. (Retrospective).                                                             | 01/02/2021              |
| 213928 | Full application for the temporary stationing of a sales office for a period of one year. Renewal of 202615.                 | Approved<br>31/01/2022  |
| 230997 | Full application for the temporary stationing of a sales office for a period of one year. Renewal of 213928. (Retrospective) | Withdrawn<br>03/07/2023 |

## CONSULTATION RESPONSES

### Internal

WBC Environmental Health – No objection  
WBC Drainage – No comments received on reconsultation (but comments received on initial scheme where description of development was incorrect)  
WBC Enforcement – The sales office was previously subject of an enforcement investigation due to temporary planning permission for the former sales office expiring  
WBC Highways – No objection  
WBC Ecology – No comments received  
WBC CIL- Development would not be CIL liable

### External

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

## REPRESENTATIONS

|                     |                                                                                                                                                                                                                                                                                                                                                       |
|---------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Parish/Town Council | Objection as a sales office is no longer required so justification for one is not applicable.<br><br><b>Officer comment:</b> <i>The office is no longer proposed as a sales office. See report for discussion over the proposed use.</i>                                                                                                              |
| Ward Member(s)      | Cllr Margetts contacted the case officer directly to ask for clarification over what the office was intended to be used for. He also made the case officer aware of civil issues within Victoria Gardens (expressed by residents) however acknowledged that these are not material considerations for the determination of this planning application. |
| Neighbours          | No comments received                                                                                                                                                                                                                                                                                                                                  |

It should be noted that this application has been subject to several re-consultations due to the description of development originally being incorrect (making reference to a sales office which is not the case) and not sufficiently detailed. Neighbours were re-notified of the application with the description as written.

## APPRAISAL

### Site Description:

The application site relates to a portion of land contained within Victoria Gardens, 31 Barkham Ride. Victoria Gardens is a mobile home park with currently 26 residential

mobile homes. The site is accessed from Barkham Ride and to the west is Rooks Nest SANG. Directly adjacent to the either side of the site is 31 and 33 Barkham Ride; both are single residential sites that have a resolution to grant planning permission for larger residential schemes comprising of 26 and 56 dwellings respectively. The site is located within the Wokingham Countryside but to the east and north-east (beyond no 33 Barkham Ride) is Finchampstead North modest development location.

**Proposal:**

Retrospective and permanent planning permission is sought for the retention of an office at Victoria Gardens. As can be seen in the planning history, the office has been granted temporary planning permission several times for the retention of the office, which was formerly a sales office for Victoria Gardens. The mobile office has been in situ since 01/10/20 (as declared on the application form).

The most recent application for the retention of the office was withdrawn as the agent advised that the office was no longer being used as a sales office (which was what was previously applied for) and therefore the application description was incorrect.

The applicant advises that the office is no longer needed as a sales office as most of the homes within Victoria Gardens are now sold, and remaining sales will primarily take via phone/ email rather than via the office. As such, the office is now being used as a maintenance office for the Victoria Gardens estate as well as being an office used by the applicant's property services business (which is unconnected to the site).

Within the office, it has a reception and 2 offices (one for park maintenance and one for property services business). One full time and one part time member of staff work within the office.

The office itself measures 13m x 3m and has a flat roof. A photo is below:



**Principle of Development:**

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.

### Countryside

The site is located outside of settlement limits and therefore within the Wokingham Countryside. As such, policy CP11 applies. Policy CP11's overall aims are to protect the separate identity of settlements and maintain the quality of the environment. The policy goes on to state that development within the countryside will not normally be permitted except where:

*1) It contributes to diverse and sustainable rural enterprises within the borough, or in the case of other countryside based enterprises and activities, it contributes and/or promotes recreation in, and enjoyment of, the countryside; and*

*2) It does not lead to excessive encroachment or expansion of development away from the original buildings; and*

*3) It is contained within suitably located buildings which are appropriate for conversion, or in the case of replacement buildings would bring about environmental improvement; or*

*4) In the case of residential extensions, does not result in inappropriate increases in the scale, form or footprint of the original building;*

*5) In the case of replacement dwellings the proposal must:*

*i) Bring about environmental improvements; or*

*ii) Not result in inappropriate increases in the scale, form or footprint of the original building.*

*6) Essential community facilities cannot be accommodated within development limits or through the re-use/replacement of an existing building;*

*7) Affordable housing on rural exception sites in line with CP9.*

Officers do not consider that the proposal aligns with any of the above exceptions. Whilst the building is of a relatively small scale, it notably does not contribute to a sustainable rural enterprise or other countryside enterprises or activities. It is proposed to partly support the functions of the existing mobile home park, and partly for commercial purposes, unconnected to the land. However, it should be noted that paragraph 88(a) of the NPPF supports “*the sustainable growth and expansion of all types of business in rural areas*”. It does not specify here that the business needs to be connected to the rural area/ countryside it is located within.

Notwithstanding the fact that paragraph 88 of the NPPF supporting all businesses in rural areas, policy CP11 is still relevant to the proposal despite the Local Plan being out of date. This has been concluded in various appeal decisions within the borough where policy CP11 has still been deemed relevant and afforded weight (eg. Land East of Lodge Road (ref: 220458, appeal ref: APP/X0360/W/22/3309202). As such, it is relevant to still be mindful of policy CP11 and its requirements.

The assessment of the proposal's acceptability within the countryside will be broken down into the two proposed uses within the office and the operational development itself.

### Maintenance office

Owing to the nature of the mobile home park (with communal areas that require upkeep), it is logical to have a maintenance office on site, albeit it is acknowledged that other residential estates in the borough do not have this. It is also noted that the owner of Victoria Gardens is the owner and occupier of the residential property at 31 Barkham Ride and as such has close and direct links with the park on an ongoing basis. There is also a benefit of having an onsite presence for the occupiers of the park, who are an elderly population (as the park is advertised as being for this demographic).

Whilst the site subject to the application is within the Countryside, so is the remainder of Victoria Gardens. Officers consider it would not be reasonable to resist the proposal on the basis of its countryside location given part of the office has a functional and logical link to the wider residential site that is already within the countryside.

### Property services business office

The part of the office that is used in connection with the applicant's property services business is not related to the development that is already within the countryside (Victoria Gardens) and therefore contrary to policy CP11, although could potentially be acceptable in light of aforementioned paragraph 88 of the NPPF. The part of the office to be used by the property services business would be contained within the same building as that for park maintenance and all in the control of the applicant who resides at no. 31 Barkham Ride and owns Victoria Gardens.

Had a separate building been proposed for the property services business, there may be stronger grounds to resist an independent office with no link to the development that exists within the countryside. However, both the park maintenance and property services business carry out administrative tasks and are both businesses owned by the applicant. As such, on the basis that *part* of the office has a functional and logical link to Victoria Gardens, the use of the office for two purposes is considered, on balance, to be acceptable in this instance.

However, this is also on the basis that the owner of Victoria Gardens is the owner of the property services business, rather than the property services business/ office being occupied by a 3<sup>rd</sup> party. It will be conditioned that the office is used for no other purposes or businesses, other than those specified in the description of development. The description of development also secures this in its own right. The condition will also result in a form of personal permission being granted to state that it is only the applicant's property services business that can operate from the office. This is to avoid it being sub-let to another company whose business is the same (property servicing company).

The PPG states that *"There may be exceptional occasions where development that would not normally be permitted may be justified on planning grounds because of who would benefit from the permission"* (015 Reference ID: 21a-015-20140306, Revision date 06 03 2014). In this case, the development is only acceptable due to the link of the applicant between the two proposed uses in the office, and the connection to Victoria Gardens.

Officers did consider whether a condition restricting part of the office to the applicant's business would be appropriate however the PPG states *"A condition limiting the benefit of the permission to a company is inappropriate because its shares can be transferred to other persons without affecting the legal personality of the company."* (015 Reference ID: 21a-015-20140306, Revision date 06 03 2014). As such, the condition will be linked to the applicant and any property servicing business they operate.

#### Operational development

In terms of the acceptability of the physical structure within the Countryside, Officers are mindful that the wider Victoria Gardens site is built up (and a resolution to approve for further residential development either side of Victoria Gardens has been made). As such, in the context of the wider built development (and that approved), the office would not appear unacceptable or encroaching to the countryside to a degree that would warrant refusal of the application.

#### Conclusion on countryside impacts

Turning back to the overall aims of CP11 which are to protect the separate identity of settlements and maintain the quality of the environment, neither of these are considered to be compromised as a result of the development owing to the office's relatively modest scale in relation to the site and surrounding countryside.

Overall, the principle of development, which contrary to the exceptions outlined in policy CP11 is not contrary to the overall aims of the policy. Subject to conditions to restrict the use of the office, and by whom, it is on balance accepted in this countryside location, which in itself is relatively urbanised and this will be exacerbated in light of resolutions to grant permission at 31 and 33 Barkham Ride to the west and south of the site respectively.

#### Employment Development

The site is not located in a Core Employment Area, as outlined in policy CP15 of the Core Strategy and TB11 of the MDD. Policy CP15 goes on to state that *"Elsewhere within development limits the redevelopment, refurbishment or minor extension of buildings in employment use will be acceptable in principle"*. This is echoed by TC1 of the Finchampstead Development Neighbourhood Plan. However, in this case, the site is not located within settlement limits.

Nevertheless, as discussed earlier in this report, the office proposed is focused and has links to the mobile home park and therefore this employment development is deemed acceptable on that basis only. Notwithstanding this, the provision of two jobs within the office is a benefit of the scheme.

#### **Character of the Area / Impact on the Landscape:**

Policy CP3 states that development should be of scale of activity, mass, layout, built form, height, materials and character to the area together with a high quality of design. The Borough Design Guide also has guidance on development within rural areas (one of which are countryside areas). RD5 states 'New development in the rural area should respond to the typical forms of buildings in the village or locality'.

Policy TB21 of the MDD states that proposals shall retain or enhance the condition,

character and features that contribute to the landscape.

The office is of a design comparable to the mobile homes already situated within Victoria Gardens, albeit it is of a smaller scale. Whilst acknowledged not the highest quality for a permanent structure, it is not out of keeping in the immediate context and therefore acceptable. It would also have minimal views from the Barkham Ride street scene owing to the park's set-back from the road and the office's positioning within the park. Materials are also deemed acceptable in the context of surroundings (grey panelling).

In terms of impact on the landscape, the site is located within the M1 character landscape which is the Finchampstead Forested and Settled Sands which is a high-quality landscape with moderate sensitivity and a low capacity for change. Owing to the modest scale of the development, the site's containment from the wider landscape (owing to vegetation) and given the presence of development already on site and permitted on the adjacent sites, the proposal would not be resisted on impact on the landscape character area.

It should be noted that any advertisements that may be put on the building will need to be subject of a separate advertisement consent application. This will be reminded to the applicant via an informative.

#### **Neighbouring Amenity:**

Policy CP3 states that development should not have a detrimental impact on the amenities of adjoining land users.

#### **Overlooking**

The office has windows primarily facing mobile home no. 19 (with that neighbouring property having windows facing the office too). The office has one window serving a WC that would face no. 1.

There is approx. 9.5m separating the principal (front) elevation office with the rear elevation of mobile home no. 19. There is a separation distance of 7.3m separation between the rear elevation of the office and front elevation of mobile home no.1.

As only a rear WC window that faces no. 1 (which is a transient space within an office), this would not result in harmful overlooking from the window. There is also boundary treatment (vegetation) in place between the sites.

In terms of no 19, it is acknowledged that the primary windows from the office do face onto a number of rear facing windows at the neighbouring property. Owing to the configuration of the mobile homes, windows are concentrated at the front and rear (with the front elevations being side on rather than facing the internal site road). However, the separation distance of just under 10m is acceptable given the office is not residential accommodation and not used at all times. Furthermore, the Borough Design Guide (in R15 & R16) does not stipulate separation distances between for front-rear relationships and furthermore those separation distances are aimed at being applied to residential development which is not the case here.

### Overbearing

The separation distances between the office and closest neighbouring properties are mentioned and these are considered suitable so as not to result in overbearing impacts. Furthermore, owing to the office being single storey, means that there are not substantial overbearing concerns and the arrangement is little different found elsewhere within the park with mobile homes being positioned next to one another.

### Privacy

Owing to the suitable separation distances and nature of the development (being an office) windows from the office are not considered to unduly harm the privacy of occupiers at mobile home no. 19.

### Noise and disturbance

Policy CC06 of the MDD states that development Proposals must demonstrate how they have addressed noise impacts to protect noise sensitive receptors (both existing and proposed) from noise impacts. Owing to the office being used for administrative functions, partly to support the operations of the mobile home park itself, there is not considered to be concern with noise generated from the office. However, again, it is important to condition that the office only used for the applied for purpose to ensure a business that could generate more noise from the office does not occupy the premises.

No comments have been received by Environmental Health Officers and owing to the use of the office, an hours of use condition is not deemed to be necessary in this instance.

In the unlikely event any substantial noise disturbance does arise, noise complaints could be investigated by Environmental Health under separate legislation (outside of the planning process).

### **Highway Access and Parking Provision:**

Policy CC07 states that development should have sufficient levels of parking. Policy CP6 states that development should not adversely affect the highway network and sustainable forms of transport should be encouraged.

WBC Highways have reviewed the proposal and raise no objections and nor have they recommended any conditions. Parking is available directly outside the office which would appear to be sufficient for office users. Given the condition to restrict the use and occupier of the office, this will also have benefits in terms of parking provision so that the office is not let to a company that may have more staff/ vehicles and therefore compromise highway standards.

### **Flooding and Drainage:**

Policy CC09 states that all sources of flood risk, including historic flooding, must be taken into account at all stages and to the appropriate degree at all levels in the planning application process to avoid inappropriate development in areas at risk of flooding.

Policy CC10 states that all development proposals must ensure surface water arising from the proposed development including taking into account climate change is

managed in a sustainable manner.

The WBC Drainage Officer advised that the site is located within Flood Zone 1 and so risk from flooding is low. No comments were received in respect of drainage for this permanent development. On the application form, the applicant has stated that drainage is via SuDS. However, no details have been provided. It will be conditioned that within 3 months, details of how drainage from the office is operating, will be submitted to the LPA (and implemented within 2 months thereafter). There is not sufficient evidence or advice from drainage consultees to warrant a refusal of the application based on this information not being submitted at this application stage.

**Ecology:**

Policy TB23 states that development will only be acceptable where biodiversity is enhanced, habitats and species of principle importance are protected and development is ecologically permeable.

The site is located in a Red zone for Great Crested Newts which means it contains suitable habitat for Great Crested Newts. The area of the site subject to this application is not within a bat roosting area.

No comments have been received from the WBC Ecologist. However, given the development is in situ with no new works or development now proposed, Officers have no information to the contrary that the proposal will have further impact on ecology above and beyond what may have already occurred through the stationing of the structure. As the development is a permanent development, it will be conditioned that within 3 months, details of ecological enhancements to the building (installation of bat/ bird box) is submitted (and implemented within 2 months thereafter). There is not sufficient evidence or advice from Ecology consultees to warrant a refusal of the application based on this information not being submitted at this application stage.

The proposal does not trigger a requirement for Biodiversity Net Gain as it is a retrospective development.

**Thames Basin Heaths Special Protection Area (TBH SPA):**

Policy CP8 states development which alone or in combination is likely to have a significant effects on the Thames Basin Heaths Special Protection Area will be required to demonstrate that adequate measures to avoid and mitigate any potential adverse effects are delivered.

Mitigation is in the form of SANG (Suitable Alternative Natural Greenspace) and monitoring of the SANG which is SAMM (Strategic Access Management and Monitoring).

The site is located within the 5km linear zone from the TBH SPA. However as the proposal is not for a residential scheme and therefore contributions towards SANG/ SAMM are not sought.

**Sustainability:**

Policy CC04 of the MDD states:

All new non-residential proposals of more than 100 sqm gross non-residential floorspace shall at least:

*a) Achieve the necessary mandatory Building Research Establishment Assessment Method (BREEAM) requirements or any future national equivalent*

*b) Meet or exceed statutory requirements for water resource management.*

The office has an internal area measuring approx. 37 sqm and therefore below the 100sqm threshold for the above requirements.

The policy also goes on to state that all development shall be equipped with suitable waste and recycling facilities. Given the small scale of the office (which does not contain a kitchenette according to the floorplans) this is unlikely to generate substantial waste and there would be capacity to store this within the office until collected. Commercial waste is not collected by the Council and so Officers trust private arrangements are in place. Details were not provided on the application form.

**Other Matters:**

*Ceasing development if conditions not complied with*

A condition will be attached stating that if no scheme in accordance with drainage and ecology conditions is not submitted within the specified timeframe, that the use of the office in its entirety shall cease until such time as a scheme approved in writing by the local planning authority is implemented. This is owing to the application being retrospective and for a permanent development.

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

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

| RECOMMENDATION     |                                                                       |
|--------------------|-----------------------------------------------------------------------|
| Conditions agreed: | Not required                                                          |
| Recommendation:    | Approve subject to the following conditions:<br><br>1. Approved Plans |

|                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                    | <p>2. Office only to be used for the uses specified in the application and the property services business can only be operated by the applicant</p> <p>3. For the lifetime of the development, the office at all times has to be used, at least in part, in connection with Victoria Gardens</p> <p>4. Drainage details to be submitted within 3 months of date of permission</p> <p>5. Ecological enhancements to be submitted within 3 months of date of permission</p> <p>6. Use of office to cease unless drainage and ecology information provided within set timeframe</p> |
| <b>Date:</b>                       | 25 September 2024                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>Earliest date for decision:</b> | 24 September 2024                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

|                                                           |                                                                                     |
|-----------------------------------------------------------|-------------------------------------------------------------------------------------|
| <b>Recommendation agreed by:<br/>(Authorised Officer)</b> |  |
| <b>Date:</b>                                              | 25/09/24                                                                            |