

DELEGATED OFFICER REPORT



WOKINGHAM
BOROUGH COUNCIL

Application Number:	250604
Site Address:	Sulby Croft, Heathlands Road, Wokingham, RG40 3AR
Expiry Date:	24 April 2025
Site Visit Date:	7 April 2025
Proposal: Permission in principle application for the proposed erection of up to 5 no. dwellings, following demolition of the existing dwelling.	

PLANNING CONSTRAINTS/STATUS

Bat Roost Habitat Suitability
Scale and Location of Development Proposals
Great Crested Newt Consultation Zone
Local Wildlife Site – Gorrick Plantation
Nuclear Consultation Zone
Tree Preservation Orders
Landscape Character Assessment Area
SSSI Impact Risk Zones
Thames Basin Heaths SPA Mitigation Zones – 5km zone
Local Wildlife Sites Consultation Zone
Local Plan Update Submitted Sites
Great Crested Newt Consultation Zone Minor

PLANNING POLICY

National Policy	National Planning Policy Framework (NPPF) National Planning Policy Guidance (NPPG)
Core Strategy (CS)	CP1 – Sustainable Development CP2 – Inclusive Communities CP3 – General Principles for Development CP4 – Infrastructure Requirements CP5 – Housing Mix, Density and Affordability CP6 – Managing Travel Demand CP7 – Biodiversity CP8 – Thames Basin Heaths Special Protection Area CP9 – Scale and Location of Development Proposals CP11 – Proposals Outside Development Limits CP17 – Housing Delivery
MDD Local Plan (MDD)	CC01 – Presumption in Favour of Sustainable Development CC02 – Development Limits CC03 – Green Infrastructure, Trees and Landscaping CC04 – Sustainable Design and Construction CC05 – Renewable Energy and Decentralised Energy Networks CC06 – Noise CC07 – Parking CC09 – Development and Flood Risk

	CC10 – Sustainable Drainage TB05 – Housing Mix TB06 – Development of Private Residential Gardens TB07 – Internal Space Standards TB08 – Open Space, Sport and Recreational Facilities Standards TB21 – Landscape Character TB23 – Biodiversity and Development
Joint Minerals and Waste Plan (JMWP)	The JMWP is not relevant to this proposal.
Other	Borough Design Guide Supplementary Planning Document CIL Guidance + 123 List Sustainable Design and Construction Supplementary Planning Document

PLANNING HISTORY

Application No.	Description	Decision & Date
242348	Householder application for the proposed modification of the existing roof form and erection of a first-floor front extension, a two-storey front extension, a single-storey side and rear extension and a two- storey rear extension with balcony, plus changes to fenestration including the addition of 2no. Juliet balconies, and a two-storey, side residential annexe extension.	Approved 24/01/25
231528	Householder application for the proposed 2No storey side extension to form triple garage with accommodation above, single storey link extension. Single storey side extension to the rear. 3No Juliet Balconies and 1No balcony all to the rear. 2No storey front extension to form porch and changes to fenestration.	Withdrawn 08/02/24
000104	Proposed single storey front extension to dwelling to form porch plus new windows in front and side elevations.	Approved 09/11/00
001653	Proposed replacement entrance gates and brick piers facing highway.	Refused 29/11/00
971195	Proposed First Floor Rear Extension To Dwelling	Approved 11/07/97

RELEVANT PLANNING HISTORY ADJACENT TO THE SITE (in same ownership as the application site)

240831	Outline application for the proposed redevelopment of the site and the erection of 49 dwellings with the associated access, infrastructure, open space, and landscaping (all matters reserved except for the means of access).	Refused 05/08/24. Currently at appeal
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CONSULTATION RESPONSES

Internal

WBC Environmental Health – No comments received

WBC Drainage – No objection subject to condition

WBC Highways – Objection as unsustainable location

WBC Economic Prosperity & Place (Community Infrastructure) – No comments received

WBC Landscape and Trees – Objection due to impact on landscape and trees

WBC CIL – Development would be CIL liable as it involves the creation of new residential dwellings

WBC Ecology Newts – Further information on Great Crested Newts required

WBC Ecology – Comments received in relation to TBH SPA only

External

Natural England – No comments received

Thames Water Utilities Ltd – No comments received

South East Water – No comments received

Berks, Bucks & Oxon Wildlife Trust – No comments received

REPRESENTATIONS

Parish/Town Council	Wokingham Without Parish Council made the following comments: <i>The proposal represents inappropriate unplanned development outside the development limits contrary to the spatial objectives of the NPPF and local planning policy. The location of the proposed development is unsustainable in transport terms with regard to its location and access to services</i> Officer comment: The above is noted and will be discussed in the report.
Ward Member(s)	No comments received
Neighbours	3 objections (excluding duplicates) were received relating to the following matters: - 5 houses creates a crowded appearance which is inappropriate in a rural area - Outside of defined settlement limits - Increased traffic - Unsustainable location

	- Felling of trees - Destruction of the natural environment and the site is within a red zone for Great Crested Newts - Adverse effect on wildlife and biodiversity - Road is unsafe for pedestrians - Congestion on Heathlands Road and there is a poor road surface - Increased traffic and noise pollution, particularly from the access track near the southern boundary of the adjacent neighbour - A solid driveway should be provided to reduce noise disturbance - Development would be a hazard to root protection areas of trees protected by way of Tree Preservation Orders - Bats found in the bat report - Technical reports do not relate to this specific proposal, built rather the application to extend the existing house <i>Officer comment: The above will be discussed within the relevant sections of the appraisal below. As will be discussed in the report, some of the above considerations do not fall within the remit of the permission in principle application type.</i> - No reason to demolish the existing family home <i>Officer comment: There is no policy justification to prevent the loss of the existing family home given the proposal is to reinstate residential accommodation.</i> - Lack of secondary school places <i>Officer comment: Residential schemes are liable to pay CIL (unless exempt) which contributes to community infrastructure. Officers have no information from the Education team that this residential scheme could not be accommodated.</i> - Would set a precedent for higher density housing <i>Officer comment: Each application has to be assessed on its individual merits in light of material considerations.</i>
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APPRAISAL

Site Description:

The application site relates to a residential plot equating to approx 0.08 hectares. Currently on site is a single, large, residential dwelling with a tennis court in the rear

garden. To the south is a large field owned by the applicant and there is a live planning appeal on this adjacent piece of land (see planning history). To the north is Gorrick Plantation, a Local Wildlife site. The land has protected trees (by way of a Tree Preservation Order across/ around the site).

Proposal

The application is for permission in principle, as provided for in the Town and Country Planning (Permission in Principle) Order 2017. The Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle from the technical detail. Planning permission does not exist unless both the permission in principle and the technical details consent are approved. This application relates to the first of these two stages. As the application does not relate to technical details and as such, the submitted plans are taken to be illustrative only.

Permission in principle is sought for the erection of up to 5 dwellings. The application form states that a minimum of 2 dwellings are proposed. This is in line with the PPG's advice that the amount of residential development must be expressed as a range, indicating the minimum and maximum amount of new dwellings which are, in principle, permitted.

A site plan has been provided alongside the application. It indicates that dwellings would have two parking spaces with amenity space. The dwellings would be arranged in a linear form with the first facing Heathlands Road and the development would be accessed via a private road off Heathlands Road.

Assessment

The PPG advises that the scope of permission in principle is limited to location, land use and amount of development. Whether permission in principle should be granted bearing in mind the effects of the proposal's location, land use and amount of development on material considerations is required to be considered.

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.

Location of development:

The site is situated within the designated countryside and not in immediate close proximity to settlement limits. However, the site in its entirety does constitute previously developed land given that the site currently contains a residential dwelling.

a) Principle under adopted development plan

Countryside

Core Strategy Policy CP9 (Scale and location of development proposals) directs development to locations within development limits and states that "*The scale of*

development proposals in Wokingham borough must reflect the existing or proposed levels of facilities and services at or in the location, together with their accessibility”. The site is not located within development limits and therefore the proposal is contrary to Policy CP9.

Development proposals within the designated countryside should be assessed against Core Strategy Policy CP11 (Proposals outside Development Limits). Policy CP11 states that development proposals will not normally be permitted in the countryside except where one or more of the specified exceptions apply:

- 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.*

The application proposal does not meet any of these specified exceptions (which is agreed by the applicant in their supporting statement) and is therefore contrary to the spatial strategy as a starting point.

Turning to the overall aim of Policy CP11, this is to protect the separate identity of settlements and maintain the quality of the environment. Owing to the site's distance from defined settlement limits and the scale of the scheme being up to 5 dwellings, Officers are not of the view that the development would result in coalescence of settlements. In terms of maintaining the quality of the environment, however, this is a matter for which further assessment is required to make a full judgement and will be returned to later in this report.

Development of private residential gardens

Policy TB06 is also relevant to the proposal. This policy states that *“Proposals for new residential development that includes land within the curtilage or the former curtilage of private residential gardens will only be granted planning permission where:*

- a) The proposal makes a positive contribution to the character of the area in terms of:*

- i. *The relationship of the existing built form and spaces around buildings within the surrounding area;*
- ii. *A layout which integrates with the surrounding area with regard to the built up coverage of each plot, building line(s), rhythm of plot frontages, parking areas, and*
- iii. *Existing pattern of openings and boundary treatments on the site frontage*
- iv. *Providing appropriate hard and soft landscaping, particularly at site boundaries.*
- v. *Compatibility with the general building height within the surrounding area*
- vi. *The materials and elevational detail are of high quality, and where appropriate distinctive and/ or complementary*

b) The application site provides a site of adequate size and dimensions to accommodate the development proposed in terms of the setting and spacing around buildings, amenity space, landscaping and space for access roads and parking

c) The proposal includes access, which meets appropriate highway standards

d) The proposal does not lead to unacceptable tandem development

e) The design and layout minimises exposure of existing private boundaries to public areas and avoids the need for additional physical security measures

However, a number of the above criteria would relate to considerations that would fall under the Technical Details Consent when the layout is finalised. However, the existence of policy TB06 does demonstrate that development of residential gardens can be accepted in principle.

Locational Sustainability:

Policy CP6 of the Core Strategy states that development should provide for sustainable forms of transport to allow choice and are located where there are or will be at the time of development choices in the mode of transport available and which minimise the distance people need to travel.

The applicant has mapped distances of facilities and bus stops from the appeal site (at the adjacent field – see planning history). As this site is in such close proximity to the appeal site, these were accepted for this application, albeit the site boundary on these plans is not drawn specifically around this site.

Nevertheless, WBC Highways have carried out their own review of nearby facilities, bus stops and walking/ cycling conditions.

Walking and Cycling

The Borough Design Guide SPD states ‘if places are to be sustainable then the aim should be to create: Walkable neighbourhoods, with a range of facilities within 10 minutes walking distance of residential areas, which encourage people to travel on foot or by bicycle.’ Walkable neighbourhoods are defined in Manual for Streets (MfS) as those typically characterised by having a range of facilities within 10 minutes walking distance from residential areas.

Whilst the applicant has provided walking distance contours, these are not actual walk distances which is what WBC Highways assess walking on. There is no mention of the walking environment which is also what is considered. There are no pavements or street lighting outside the site and none to the north. The closest pavement is to the south at the junction with Nine Mile Ride, leaving a stretch between here and the site unpaved

Local services are usually within an acceptable maximum cycling distance of 5 miles. However, due to the highways in the vicinity of the site, the cycle routes may not be an attractive environment as an alternative to the car.

As there is no footway and no street lighting along this section of Heathlands Road and as such the walking and cycling environment is also considered to be substandard.

Buses

The supporting text to policy CP6 of the Core Strategy sets out the requirement of a good bus service: *a) At least a thirty-minute service frequency during peak times (7:00 to 9:00 and 16:00 to 19:00 Monday to Saturday); and b) At least an hourly service frequency during off-peak hours (9:00 to 16:00 and 19:00 to 22:00 Monday to Saturday and between 7:00 and 22:00 on Sundays).*

The applicant has drawn Officer's attention to 'Bus Services and New Residential Developments' (January 2025). It is noted that this document was produced by a specific bus operator. The WBC Highways Officer has confirmed they tend to use the CIHT document 'Buses in Urban Developments'.

For the buses the nearest bus stop within acceptable walk distance (400m) are on Nine Mile Ride and are served by route 125 which operates 7 services a day to Crowthorne and 6 services to Wokingham and 2 return services on Saturday. There are no late evening and Sunday services.

Bus Route 194 runs between Bracknell and Camberley 2 bus an hour Monday to Saturday, hourly late evening and Sunday services. This travels through Buckler's park and Old Wokingham Road which is well outside the acceptable walk distance to a bus stop.

Bus route 145 runs one return journey a week and does not serve a stop anywhere near the site.

Whilst the distance to bus stops is accepted, the walking environment is not attractive and the bus service itself is poor.

Overall, future occupiers of the proposed development would not have access to a good bus service, as defined by policy CP6 of the Core Strategy.

Proximity to services/ facilities

WBC Highways has carried out an assessment of distance to local facilities, and there are no local services apart from a primary school and some leisure facilities within an acceptable walking distance of the application site. Due to the location of

the site and the lack of local services, any resident would be dependent on the use of the private car and there would be little or no use of walking and cycling. Therefore, this site would be considered unsustainable.

As such, the site is considered by the LPA to represent an unsustainable location for residential development.

The applicant has referred to the Council's update (as of 12th February 2025) on the South Wokingham Strategic Development Location (SDL) - 2,500 homes allocated through the MDD DPD (2014). It confirmed that work had commenced on the South Wokingham Distributor Road, which will unlock the remaining 1,800 dwelling south of the railway. The applicant states that the South Wokingham SDL is located to the north of the site and therefore considers it to be highly relevant to this application as a number of services will be located in the SDL that can be used by residents of these proposed dwellings. However, Officers afford limited weight to this as work on the Distributor Road is at such advance stages and any facilities that may come forward would not be in the immediate future. It is also unclear as to whether these facilities would be within acceptable distances from the site.

b) Emerging Local Plan Update

The Local Plan Update (LPU), the plan which will supersede the Core Strategy and MDD Local Plan, was published in October 2024 (Regulation 19 Proposed Submission Plan). It was subsequently submitted for examination on 28 February 2025. The LPU sets out the development strategy and proposed site allocations to meet housing needs to 2040. Weight to be attributed to the emerging policy is informed by paragraph 49 of the NPPF 2024. This advises that weight can be applied according to the plan's stage of preparation, the extent to which there are unresolved objections, and the degree of consistency with the NPPF. However, as a whole, the LPU is still afforded limited weight.

c) National Planning Policy Framework

The NPPF is a material consideration in the decision-making process. The NPPF outlines the Government's planning policy on a national level and highlights sustainable development as the centre of the decision-making process incorporating economic, social and environmental objectives. These three objectives seek to balance growth and local community needs against the protection of the natural, built and historic environment. It does not however change the status of the development plan as the starting point in the decision-making.

d) Housing Land Supply

The NPPF (Dec 2024) at paragraph 78 requires LPAs to identify a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than 5 years old. The latest published Five-Year Housing Land Supply Statement (at 31st March 2024) shows the Council is currently only able to demonstrate 1.7 years' worth of deliverable sites. Subsequently, those policies relating specifically to housing delivery in the borough's Core Strategy and MDD LP (and any made Neighbourhood Plans) are currently

considered to be out of date. This does not mean they have no weight but is dependant on their consistency with the NPPF.

Paragraph 11 of the NPPF states that plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means that where policies which are most important for determining the application are out-of-date, permission should be granted unless:

- the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination

Firstly, in considering i), the site is not located within a protected area or relate to an asset of particular importance which provides a strong reason for refusing the development. In considering ii), officers must assess as part of an application application whether there are any adverse impacts generated by the development that would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination. This is referred to as the 'tilted balance,' as harm and benefits are not weighed equally, but tilted according to paragraph 11(d)(ii).

In acknowledging the requirements of paragraph 11(d)(ii) and the titled balance being engaged, it is necessary to consider whether there are any circumstances which affect the weight that can be given to the supply of additional housing.

An important underlying reason in the context of Wokingham Borough is the historic oversupply of housing against both the requirement set in the Core Strategy local plan and the scale of local housing need as calculated by the previous standard method which remains a key contributing factor to the current lack of the required deliverable housing land supply and this must be considered in the planning balance section at the end of the report.

Having established the tilted balance is engaged, Paragraph 11d(ii) requires the proposal to be considered against the policies of the NPPF taken as a whole.

e) Summary on principle of development

The site is located outside of settlement limits in the countryside. It fails to meet any of the specified exceptions for development outside of settlement. When turning to the overall aim of the policy, it would not result in settlement coalescence. When assessing as to whether it would maintain the quality of the environment, this will be considered in light of other material considerations (particularly landscape/ character of the area considerations) with a final assessment being made at the end of this report.

In terms of locational sustainability, Officers do not deem the site a sustainable location for up to an additional 4 dwellings. This weighs against the proposal and the principle of the development in this location.

Officers acknowledge the tilted balance is engaged, as per paragraph 11(d)(ii) of the NPPF. The tilted balance will be returned to at the end of this report.

Location, land use and amount of development in relation to the impact on character and appearance of the area:

Policy CP3 of the Core Strategy sets out general principles for development and states that development should be of an appropriate scale, activity, mass, layout, built form, height, materials and character to the area together with a high quality of design.

Policy TB21 of the MDD states that proposals shall retain or enhance the condition, character and features that contribute to the landscape.

RD1 of the Borough Design Guide states that new development and associated landscape should retain, incorporate and enhance features that contribute towards the landscape character.

The site is located within the M1 landscape character area known as 'Finchampstead Forested and Settled Sands' a high-quality landscape. One of the valued landscape attributes is a pattern of low-density post-war properties in large plots along long straight rides and notably the occasional wooded gaps between areas of settlement. The key issues of the M1 character area include; continued pressure for expansion, infill and densification within existing settlements and is also pressure for backland development to the rear of properties of Nine Mile Ride. The Landscape Strategy is to conserve and enhance the existing character. In terms of development, the aim is to conserve and enhance the rural setting and gaps between settlements and maintain the low-density domestic character of development.

It is noted that this site entirely comprises of previously developed land. However, the proposal would see an intensification of built form compared to the existing.

The character of Heathlands Road is tree lined. Along this part of Heathlands Road housing is sparse and set back within plots only glimpsed in the views from the road. The proposed development for 5 dwellings is more in keeping with the pattern of development to the east of the site at Heathlands Court although these dwellings are associated with a wider pattern of residential development accessed from Heath Ride. An area of similarly patterned development exists on the corner of Nine Mile Ride to Heathlands Road – but Sulby Croft and Heath Lodge are still visually isolated dwellings by comparison. Although the development extends back into the site, it extends the settlement further into the countryside to the west towards Gorrick Plantation, a Local Wildlife site.

Whilst the detailed design of the proposal is not to be considered at this stage, the presence of a maximum of 5 dwellings (net increase of 4) within the landscape would be a much higher density than found elsewhere on this stretch of Heathlands Road. The existing density of the site (and the neighbouring Heath Lodge) is approx 3 Dwellings Per Hectare (DPH) and the proposed equates to approximately 15 DPH. Owing to the size of the plot, it is highly likely that dwellings would be positioned into

the plot as opposed to facing Heathlands Road (as indicatively indicated on the proposed site layout). This arrangement is not commonplace on this stretch of Heathlands Road and introduces physical built form further back into the countryside and will see greater intensification of hardstanding owing to parking, the access road etc. This results in an urbanisation of the countryside and the character and appearance of the surrounding area.

As such, the principle of 5 dwellings on this site is not considered to retain or enhance the condition, character and features that contribute to the landscape or maintain the low-density domestic character of development. Accordingly, the proposal is not considered acceptable in relation to the Borough Design Guide, policy CP3 (not an appropriate scale in relation to plot size), policy TB21 and policy CP11; the latter which seeks to maintain the quality of the environment. Whilst all development would have an impact on the environment in some respect, impacts can be of varying degrees, the impact on the environment in this case is considered to be more than neutral for the reasons outlined, and so therefore conflicts with one of the overarching aim of policy CP11.

Location, land use and amount of development in relation to impact on neighbouring amenity:

Policy CP3 of the Core Strategy states that development shall be without detriment to the amenities of adjoining land users.

The closest neighbour to the site is Heath Lodge immediately to the north.

There would be approximately 34m front to flank between the indicative layout of the dwellings and this neighbour. This would be in excess of a policy compliance separation distance outlined in the Borough Design Guide.

Given the site is already in a residential use, the principle of this land use continuing is acceptable in relation to neighbouring amenity. However, the proposal would introduce a more intense residential use for neighbours compared to the existing situation. However, given the proposal is for a maximum of 5 dwellings (net increase in 4), the amount of development and intensity of the land use is not considered to result in substantial harm to neighbours in terms of increased noise from domestic life. However, concern over noise arising from vehicles/ the access track are noted (as raised in objections) and this could be reviewed further at technical details stage.

The final layout would be subject to technical detail consent where further assessment in relation to neighbouring amenity would be carried out (in terms of the positioning of the dwellings in relation to neighbouring outlook, light etc).

Other neighbours are located substantial distances away from the site, with the Kingswood Coach house being located approx. 140m south of the site. Heathlands, a block of residential flats, is also located to the east at a distance of approx. 60m, across Heathlands Road and screened by extensive vegetation.

It is considered that the principle of the development as proposed in relation to neighbours is acceptable for permission in principle stage.

Location, land use and amount of development in relation to flood risk:

Policy CC09 of the MDD 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.

The application site is located in Flood Zone 1 which is the lowest risk of flooding. There is not incompatibility between the proposed location, use and amount of development and flood risk. Full drainage details and a flood risk assessment would be required at technical consent stage.

Location, land use and amount of development in relation to the highway network:

Policy CP6 of the Core Strategy states that development should not lead to highway problems, along with providing for sustainable forms of transport.

Policy CC07 states that sufficient parking shall be provided as part of development proposals.

WBC Highways did not raise any comments or concerns regarding the location and amount of development on the highway network, in principle. Highway considerations would also be reviewed at technical details stage once the layout finalised. This is notwithstanding their objection owing to the site being an unsustainable location

Location, land use and amount of development in relation to the impact on the natural environment (trees and ecology)

Policy CC03 of the MDD states that development shall protect existing trees and hedges and incorporate high quality landscaping.

The WBC Tree Officer raised concern over potential impact of the development on protected trees, as there are TPOs across the site. However, as the final layout of the development is unknown at this stage (and is a matter for technical details stage), this could have the potential to be mitigated/ not cause substantial adverse impact. It is not clear at this stage as to whether trees would need to be felled as the layout is not finalised. Officers do not see there to be sufficient grounds to conclude that a scheme is categorically unacceptable in principle, notwithstanding the protected trees on site.

It is noted that the arboricultural report submitted does not specifically relate to this scheme. An updated arboricultural report would be needed at technical details stage.

Likewise, the WBC Ecology Newts Officer has advised that further information on Great Crested Newts would be required at technical details stage.

The Ecology Newts officer also noted that a BLE maternity roost recorded at this property which will be lost and the surveyors reported 48 BLEs emerging during a single visit. The proposed compensation of a few bat boxes is likely insufficient. Also, within the PRA, 15-20 BLEs were recorded in the roof void in early October. However, there have been no efforts to establish whether the property is also a hibernation roost. This should be established (it seems likely) and factored into any compensation proposals. The PEA/PRA and bat survey reports have been commissioned for an extension to the

existing property, the proposed scheme, so its not clear that recommendations within the reports apply to the current proposals and so this would need to be dealt with at technical details stage and an updated report would be needed along with suitable mitigation.

Location, land use and amount of development in relation to Habitat development (Thames Basin Heath Special Protection Area) (TBH SPA)

The application site is located within the 5km zone of the Thames Basin Heath Special Protection Area. The Thames Basin Heath is a qualifying European site. Policy CP8 of the Core Strategy focuses on the Thames Basin Heath Special Protection Area and outlines when mitigation is required. In the 5km zone, all residential proposals that include a net increase of 1 or more dwellings are required to provide mitigation for the TBH SPA

Under Article 5B of the Town and Country Planning (Permission in Principle) Order 2017 (as amended) (the Order), permission in principle must not be granted for development which is habitats development. The PPG defines habitats development as development which is likely to have a significant effect on a qualifying European site or a European offshore marine site.

The case law established at *People over Wind and Sweetman v Coillte Teoranta ECLI:EU:C:2018:244* requires the decision maker, when considering the effect that a proposal may have on such a European Site, to consider mitigation within an appropriate assessment rather than at screening stage. Accordingly, where development is likely to have a significant effect on a qualifying European Site without any mitigating measures in place, it is necessary that an appropriate assessment should be undertaken before the consideration of the grant of permission in principle. This is stated in the PPG (Paragraph: 005 Reference ID: 58-005-20190315).

Within the PPG, paragraph 005 in full reads:

Can local planning authorities grant permission in principle to sites that have been subject to a Habitats assessment?

Permission in principle must not be granted for development which is habitats development. From 28 December 2018 habitats development means development which is likely to have a significant effect on a qualifying European site or a European offshore marine site, referred to as [habitats sites](#) in the National Planning Policy Framework (either alone or in combination with other plans or projects); is not directly connected with or necessary to the management of the site, and; the [competent authority](#) has not given consent, permission, or other authorisation in accordance with [regulation 63 of the Conservation of Habitats and Species Regulations 2017](#). This means for sites where development is likely to have a significant effect on a qualifying European site or a European offshore marine site without any mitigating measures in place, the local planning authority should ensure an appropriate assessment has been undertaken before consideration of the grant of permission in principle. If the local planning authority is satisfied, after taking account of mitigation measures in the appropriate assessment and concluding that the development will not adversely affects the integrity of the protected site, then, subject to compliance with other statutory requirements regarding the permission in principle process, it can grant permission in principle.

Paragraph: 005 Reference ID: 58-005-20190315

The appellant has argued that the mitigations measures can be secured at the technical details stage using a legal agreement to secure SANG/ SAMM. However, given that the risk of a significant effect on the TBH SPA would arise from the location, land use and the amount of development which are under consideration at the planning in principle stage, it must be established prior to the grant of any such permission that the development would not adversely affect the integrity of the protected site and therefore, it is not a matter that can be left to a later stage. A legal agreement to secure mitigation also cannot be secured at permission in principle stage, as per the PPG (022 Reference ID: 58-022-20180615).

It is acknowledged that the Thames Basin Heath SPA Delivery Framework states harm will only materialise upon occupation – meaning mitigation would be secured before the impact as technical details consent Stage would secure a legal agreement. However, the requirement of PiPs is that the Appropriate Assessment is required to be passed before the PiP is granted. Without a legal agreement (which is not possible as part of PiPs), it is the view of the LPA that the Appropriate Assessment cannot be formally passed at the required stage. As referenced above in paragraph 005 of the PPG, it states that *“If the local planning authority is satisfied, after taking account of mitigation measures in the appropriate assessment **and concluding that the development will not adversely affects the integrity of the protected site**, then, subject to compliance with other statutory requirements regarding the permission in principle process, it can grant permission in principle”(author’s emphasis).* Without mitigation in place at the time of granting permission in principle, Officers cannot conclude that the development will not adversely affect the integrity of the Thames Basin Heath Special Protection Area. Whilst this matter is not due to the applicant’s unwillingness to provide mitigation, as the LPA are of the view the mitigation cannot be secured (in a procedural sense), it will form a reason for refusal.

Planning Balance

The proposal is located outside of the defined settlement boundary, within the Wokingham countryside. The proposal does not meet any of the exceptions for development in the countryside, as outlined in policy CP11. It also fails to comply with one of the overarching aims of policy CP11 which is to maintain the quality of the environment. This is because the proposal introduces a denser level of development which would fail to integrate with the layout of existing built form on this stretch of Heathlands Road which would be of detriment to the character and appearance of the area, in particular the countryside.

Whilst the layout is not fixed at this permission in principle stage, because of the size and orientation of the plot, for the maximum of 5 dwellings to be accommodated, they would have to be in a tandem arrangement thereby extending built form into the countryside which conflicts with the aim and strategy of the landscape character area where the site is located.

Furthermore, the site is located in an unsustainable location whereby there are poor bus services, walking routes and access to facilities and amenities, thereby additional reliance would be needed on private motorcars.

Lastly, this permission in principle application cannot mitigate harm to the TBH SPA. Whilst the latter is a procedural matter rather than the applicant's unwillingness to provide mitigation (as discussed earlier in this report), it nevertheless weighs against the proposal as the development would result in harm to the TBH SPA.

Whilst the above disbenefits weigh against the scheme, as discussed earlier in the report, the tilted balance is engaged when determining this application owing to the Council being unable to demonstrate a 5 year housing land supply. As per paragraph 11(d)(ii), *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination*

This scheme would see a net increase of dwellings which holds substantial weight in the planning balance in principle. However, 11(d)(ii) goes on to say that particular regard has to be given to directing development to sustainable locations. As discussed above, the site is not sustainable in terms of transport modes and accessibility, owing to its location in the Wokingham countryside. Accordingly, the weight attached to the benefits of the housing proposed under this scheme is thereby slightly reduced in weight and the disbenefits, as outlined above, in combination, are considered to significantly and demonstrably outweigh the primary benefit, which is the provision of housing. Owing to the narrow considerations as part of permission in principle applications, other benefits cannot be discussed/ afforded weight at this stage as officers are unaware of the final details that will be proposed/ whether any future scheme would be policy compliant at technical details consent stage.

The recommendation is therefore to refuse permission in principle.

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 (& PiP applications cannot secure conditions)
Recommendation:	Refuse for the following reasons: 1. In accordance with the National Planning Policy Guidance, permission in principle must not be granted for development which is habitats development. The application site lies within 2.3km of Thames Basin Heaths Special Protection Area, which is a qualifying European site. The proposal fails to provide avoidance measures for the adverse effect on the integrity of the European protected site which renders the proposal as habitats development. As such, the LPA is unable to satisfy itself that the proposals include adequate mitigation measures to prevent the proposed development from having an adverse effect on the integrity of the Thames Basin Heaths SPA, in line with the requirements of Regulation 63 of the Conservation of Habitats and Species Regulations 2017 as amended and Article 6(3) of Directive 92/43/EEC. The proposal would be contrary to Policy NRM6 of the South East Plan, Policies CP8 and CP4 of the Core Strategy. 2. The site is not sustainable in transport terms with regards to its location and access to day-to-day services and facilities. Future residents of the development would also not have access to a good standard of bus service and would have an attractive walking or cycling routes/ environments when outside the site. The proposal will therefore result in high dependence on private vehicle use and represents an unsustainable development, contrary to policies CP1, CP3 and CP6 of the Core Strategy and policy CC01 paragraphs 110 and 115 of the NPPF. 3. The proposal represents inappropriate development within designated countryside. By virtue of their cumulative quantum and density, along with car parking and hardstanding that fails to integrate with the surrounding countryside, the proposal for up to 5 dwellings will have detrimental visual and urbanising impacts on the landscape and the character and appearance of the area in general and surrounding countryside in particular. The proposal is therefore contrary to policies CP1, CP3, CP9 and CP11 of the Core Strategy, policies CC01 and TB21 of the MDD, the Borough Design Guide and the NPPF.

Date:	23 April 2025
Earliest date for decision:	11 April 2025

Recommendation agreed by: (Authorised Officer)	
Date:	23/04/25

The Conservation of Habitats and Species Regulations 2017 Screening Assessment and Appropriate Assessment

In the light of the “Sweetman Judgement” (People Over Wind and Sweetman v Coillte Teoranta, April 2018), the comments below comprise an Appropriate Assessment which includes advice on necessary avoidance and mitigation measures which is consistent with the advice provided to the Planning Inspectorate on such matters.

Summary of Response

WBC, in consultation with Natural England, has formed the view that any net increase in residential development between 400m and 5km straight-line distance from the Thames Basin Heath Special Protection Area (SPA) is likely to have a significant effect on the integrity of the SPA, either alone or in-combination with other plans or projects. An Appropriate Assessment has been carried out which includes regard to mitigation requirements.

This site is located approximately **2.3 km** (measured from the access road to the application site) from the boundary of the SPA and therefore is likely to result in an adverse effect on the SPA, unless it is carried out together with appropriate avoidance and mitigation measures.

On commencement of the proposed development, a contribution (calculated on a per-bedroom basis) is to be paid to Wokingham Borough Council (WBC) towards the cost of measures to avoid and mitigate against the effect upon the Thames Basin Heaths SPA, as set out in WBC's Infrastructure Delivery Contributions Supplementary Planning Document (SPD).

The strategy is for relevant developments to make financial contributions towards the provision of Suitable Alternative Natural Greenspaces (SANGs) in perpetuity as an alternative recreational location to the SPA and financial contributions towards Strategic Access Management and Monitoring (SAMM) measures.

In this instance, the proposed development would result in a net increase of **upto 4 dwellings with bedroom numbers not finalised at this stage** within 5km of the SPA which results in a total SANG contribution **which cannot be calculated at this stage**.

The proposed development is required to make a contribution towards Strategic Access Management and Monitoring (SAMM) which is also calculated on a per bedroom basis. Taking account of the per bedroom contributions this results in a total SAMM contribution **cannot be calculated at this stage**.

The total SPA related financial contribution for this proposal cannot be calculated at this stage. The applicant **must agree** to enter into a S106/s111 agreement to secure this contribution prior to occupation of each dwelling. Subject to the completion of the S106 agreement, the proposal would not lead to an adverse effect on the integrity of the SPA and would comply with SEP Saved Policy NRM6, policy CP8 of the Core Strategy, and the NPPF.

1. The Conservation of Habitats and Species Regulations (2017) as amended

In accordance with The Conservation of Habitats and Species Regulations (2017) as amended, Regulation 63, a competent authority (in this case Wokingham Borough Council (WBC)), before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which—

- a. is likely to have a significant effect on a European site...(either alone or in combination with other plans or projects), and
- b. is not directly connected with or necessary to the management of that site.

must make an appropriate assessment of the implications of the plan or project for that site in view of that site's conservation objectives.

A person applying for any such consent, permission or other authorisation must provide such information as WBC may reasonably require for the purposes of the assessment or to enable it to determine whether an appropriate assessment is required.

WBC must for the purposes of the assessment consult Natural England (NE) and have regard to any representations made by that body. It must also, if it considers it appropriate, take the opinion of the general public, and if it does so, it must take such steps for that purpose as it considers appropriate. In the light of the conclusions of the assessment, and subject to Regulation 64 (Considerations of overriding public interest), WBC may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site.

In considering whether a plan or project will adversely affect the integrity of the site, WBC must have regard to the manner in which it is proposed to be carried out or to any conditions or restrictions subject to which it proposes that the consent, permission or other authorisation should be given.

2. Stage 1 Screening for Likely Significant Effects

WBC accepts that this proposal is a 'plan or project' which is not directly connected with or necessary to the management of a European Site. The Thames Basin Heaths Special Protection Area (SPA) is a European designated site which affects the borough, and WBC must ensure that development does not result in an adverse impact on the SPA. The potential adverse effects on the integrity of the SPA include recreational activities from inside the SPA and air pollution from inside and outside the SPA.

At this stage WBC cannot rule out 'likely significance effects' on the SPA (alone or in combination with other plans or projects) because the proposal could undermine the Conservation Objectives of these sites. This is because the proposal lies within **2.3 km** of the SPA and:

- represents a net increase in dwellings within 400m - 5km of the Thames Basin Heaths Special Protection Area (SPA) which will lead to an increase in local population and a potential increase in recreational activity on the SPA

As the 'likely significance effects' cannot be ruled out at this stage an Appropriate Assessment must be undertaken.

3. Stage 2 Appropriate Assessment

Based on the information proposed by the applicant, WBC must decide whether or not an adverse effect on site integrity (alone or in combination with other plans or projects) can be ruled out. Mitigation may be able to be provided so that the proposal is altered to avoid or reduce impacts.

The following policies and guidance set out WBC's approach to relevant avoidance and mitigation measures which have been agreed with Natural England. For the majority of housing developments this will comprise the provision of (or contribution towards) Suitable Alternative Natural Greenspace (SANG) and a contribution towards the Strategic Access Management and Monitoring (SAMM) Project. The financial contributions towards SANG would be either through an obligation in a s106 agreement that requires WBC to allocate an appropriate amount of the development CIL receipt towards the provision of SANG, or through an obligation in an agreement under s111 of the Local Government Act, that requires the developer to make an appropriate financial contribution towards the provision of SANG (to be used in the event that the developer successfully seeks CIL relief). Developers will be required to secure an appropriate financial contribution to the SAMM project through an obligation in a s106 agreement.

For SDL development (and occasionally some other larger non SDL developments) within 5km of the SPA, SANG is required at a minimum of 8 ha per 1,000 new residents, constructed and delivered to Natural England's quality and quantity standards and a contribution towards pan SPA access management and monitoring (as advised by the Thames Basin Heaths Joint Strategic Partnership Board). For SDL development (and occasionally some other larger non SDL developments) between 5 and 7km, the proposals will need to be individually assessed but it is likely that SANG will be required on site in line with Natural England's quality and quantity standards, although the exact requirement will be agreed having regard to evidence supplied.

a. Policies and Guidance

For this proposal the following guidance and policies apply:

- South East Plan (May 2009) Policy NRM6 (Thames Basin Heaths Special Protection Area)
<http://webarchive.nationalarchives.gov.uk/20100528160926/http://www.gos.gov.uk/gose/planning/regionalPlanning/815640/>
- Wokingham Borough Core Strategy (2010) Policy CP8 (Thames Basin Heaths Special Protection Area) sets out the approach WBC will take in order to protect the TBH SPA <https://www.wokingham.gov.uk/sites/wokingham/files/2023-06/Final%20adopted%20Core%20Strategy%20inc.%20cover.pdf>
- Wokingham Borough Core Strategy (2010) Policy CP7 (Biodiversity) sets out the approach WBC will take in order to protect national and international nature conservation sites <https://www.wokingham.gov.uk/sites/wokingham/files/2023-06/Final%20adopted%20Core%20Strategy%20inc.%20cover.pdf>
- Wokingham Borough Managing Development Delivery Local Plan (2014) Policy TB23 (Biodiversity and Development)
<https://www.wokingham.gov.uk/sites/wokingham/files/2023-06/Adopted%20MDD.pdf>
- Infrastructure Delivery and Contributions SPD (2011)
<https://www.wokingham.gov.uk/sites/wokingham/files/2023-06/Adopted%20Infrastructure%20De~nd%20Contributions%20SPD.pdf>

The project as proposed would not adversely impact on the integrity of the SPA if avoidance and mitigation measures are provided as stipulated by these policies and guidance.

b. SPA Avoidance and Mitigation Measures

i) The provision of Suitable Alternative Natural Greenspace (SANG) and its ongoing maintenance in perpetuity.

In accordance with the development plan, the proposed development will be required to provide alternative land to attract new residents away from the SPA. The term given to this alternative land is Suitable Alternative Natural Greenspace (SANG).

As this development is not part of an SDL, the developer may make a payment contribution towards strategic SANGs in line with schedule below (most likely this will be at Rooks Nest Wood SANG although it is subject to SANGs capacity in the right location within Wokingham borough). An occupation restriction will be included in the Section 106 Agreement in order to ensure that the contribution has been made prior to occupation of the dwellings. This

gives the certainty required to satisfy the Habitats Regulations in accordance with South East Plan Policy NRM6 (iii) and Core Strategy Policy CP8

The development will result in a net increase of **upto 4 no dwellings and the breakdown of numbers of bedrooms is not known at this stage, owing to being a permission in principle application**. Depending on the dwelling mix, the level of SANG payments are set out as follows:

No. of bedrooms	SANG Contribution 5km	Aggregate SANG Contribution
1 bedroom	£1,567.98	
2 bedrooms	£2,049.59	
3 bedrooms	£2,690.93	
4 bedrooms	£3,546.86	
5 bedrooms	£4,240.62	
Total SANG Contribution		Unknown at this stage

[DELETE AS APPROPRIATE]

ii. Strategic Access Management and Monitoring (SAMM) Contribution

The proposed development will also be required to make a contribution towards Strategic Access Management and Monitoring (SAMM). This project funds strategic visitor access management measures on the SPA to mitigate the effects of new development on it.

From 1st April 2023 SAMM contributions have been updated across the 11 Local Authorities affected by the Thames Basin Heaths Special Protection Area. Following engagement with Natural England, the Joint Strategic Partnership Board agreed this change is necessary to ensure sufficient income is raised to cover the costs of the SAMM project in perpetuity. Without this change the SAMM project would be at risk of being unable to deliver the objectives of the SAMM project, and therefore secure positive outcomes for the SPA

The level of contributions are calculated on a per bedroom basis. The application for this development is for **upto 4 additional dwellings, with bedroom numbers unknown at this stage due to being a permission in principle application**. Depending on the dwelling mix, the level of SAMM payments are calculated as follows:

No. of bedrooms	SAMM Contribution 5km	Aggregate SAMM Contribution
1 bedroom	£563.00	
2 bedrooms	£784.00	
3 bedrooms	£1,042.00	
4 bedrooms	£1,225.00	

5+ bedrooms	£1,400.00	
Total SAMM Contribution		Unknown at this stage

Prior to the permission being granted the applicant must enter into a Section 106 Agreement based upon the above measures.

4. Conclusion

An Appropriate Assessment has been carried out for this development in accordance with the Habitats Regulations 2017. Without any appropriate avoidance and mitigation measures the Appropriate Assessment concludes that the development is likely to have a significant effect upon the integrity of the SPA with the result that WBC would be required to refuse a planning application.

Provided that the applicant is prepared to make a financial contribution (see above) towards the costs of SPA avoidance and mitigation measures, the application will be in accordance with the SPA mitigation requirements as set out in the relevant policies above.

WBC is convinced, following consultation with Natural England, that the above measures will prevent an adverse effect on the integrity of the SPA. Pursuant to Article 6(3) of the Habitats Directive (Council Directive 92/43/EEC) and Regulation 63(5) of the Conservation of Habitats and Species Regulations (2017) as amended, and permission may be granted.

If the applicant does not agree with the above mitigation and does not enter into a Section 106 Agreement to secure the measures, then the application must be refused using the following reason for refusal.

As this is a Permission in Principle application, a S106 legal agreement cannot be secure appropriate mitigation and therefore without this appropriate avoidance and mitigation measures, the Appropriate Assessment concludes that the development is likely to have a significant effect upon the integrity of the SPA with the result that WBC would be required to refuse a planning application.

5. Example Reason for Refusal

In the absence of a planning obligation to secure suitable avoidance and mitigation measures and access management monitoring arrangements, in terms that are satisfactory to the Local Planning Authority (LPA), the LPA is unable to satisfy itself that the proposals include adequate mitigation measures to prevent the proposed development from having an adverse effect on the integrity of the Thames Basin Heaths SPA, in line with the requirements of Regulation 63 of the Conservation of Habitats and Species Regulations 2017 as amended and Article 6(3) of Directive 92/43/EEC. The proposal would be contrary to Policy NRM6 of the South East Plan, Policies CP8 and CP4 of the Core Strategy.

Date:	23/04/25	Signed:	
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