

DELEGATED OFFICER REPORT



WOKINGHAM
BOROUGH COUNCIL

Application Number:	250655
Site Address:	Land to the rear of 240, Nine Mile Ride, Finchampstead
Expiry Date:	19.06.2025
Site Visit Date:	04.04.2025
Proposal: Application for approval of Reserved Matters pursuant to Outline Planning Consent 211889 (approved under appeal ref. APP/X0360/W/22/3295631 dated 13/12/2022) for the erection of 26 no. dwellings and associated infrastructure, landscaping and demolition of existing dwellings. Details of appearance, landscaping, layout and scale to be considered.	

PLANNING CONSTRAINTS/STATUS

Modest Development Location
Badger Setts Consultation Zones
Water Utility Consultation Zones
Contaminated Land Consultation Zone
Affordable Housing Thresholds
Bat Roost Habitat Suitability
Great Crested Newt Consultation Zone
Site Allocations - FI140
Nuclear Consultation Zone
Tree Preservation Orders
Oil Pipe
Landfill Gas Consultation Zone
Landscape Character Assessment Area
SSSI Impact Risk Zones
Thames Basin Heaths SPA Mitigation Zones
PRoW Within WB Consultation Zone
Green Routes and Riverside Paths Consultation Zone
CLH Oil Pipeline Consultation Zone
Local Plan Update Submitted Sites

PLANNING POLICY

National Policy	National Planning Policy Framework (NPPF) National Planning Policy Guidance (NPPG)
Core Strategy (CS)	CP1 – Sustainable Development CP3 – General Principles for Development 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 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 TB22 – Sites of Urban Landscape Value TB23 – Biodiversity and Development
Local Plan Update	SS1 Sustainable development principles SS2 Spatial strategy and settlement hierarchy SS4 Development within and adjacent to minor settlements SS10 Meeting our housing needs SS15 Securing Infrastructure CE5 Embodied Carbon C1 Active and sustainable transport and accessibility C2 Mitigation of transport impacts and highway safety and design C3 Active travel C4 Green and blue infrastructure and public rights of way C8 Utilities ER4 Employment and skills plans H1 Housing mix, density and standards H3 Affordable housing FD1 Development and flood risk (from all sources) FD2 Sustainable drainage NE1 Biodiversity and geodiversity NE2 Biodiversity net gain NE4 Trees, woodland, hedges and hedgerows NE5 Landscape and design DH1 Place making and quality design DH2 Safeguarding amenity DH6 Archaeology HC4 Open space, sports, recreation and play facilities HC5 Environmental Protection HC7 Light Pollution HC8 Noise Pollution HC10 Odour, Fumes and Dust
Other	Borough Design Guide Supplementary Planning Document CIL Guidance + 123 List Affordable Housing Supplementary Planning Document Sustainable Design and Construction Supplementary Planning Document Finchampstead Neighbour Plan

PLANNING HISTORY		
Application No.	Description	Decision & Date
F/2002/7172	Proposed single storey rear extension to form conservatory.	Approved 28/08/2002
F/2004/1258	Proposed two storey rear extension to dwelling to form conservatory. Amendment to consent F/2002/7172.	Approved 04/05/2004
F/2006/8134	Proposed two storey front and rear extensions with dormers, first floor turret room over front entrance and alterations to windows and doors. Demolition of existing chimney and side extensions.	Refused 25/08/2006
F/2006/8785	Proposed two storey front and rear extensions with alterations to dormers. Demolition of chimney.	Approved 14/11/2006
F/2011/0129	Proposed retention of single storey side extension, erection of two pitched roof dormers to replace rear dormer window, erection of front gable extension plus revised window configuration.	Approved 03/03/2011
211889	Outline application for the construction of up to 32 dwellings. All matters reserved other than means of access from the existing highway on Nine Mile Ride and associated infrastructure, landscaping, and demolition of 2 existing dwellings.	Not Determined Appeal Allowed 13/12/2022
232298	Application for the approval of reserved matters pursuant to outline planning consent 211889 for the erection of up to 32 dwellings. All matters reserved other than means of access from the existing highway on Nine Mile Ride and associated infrastructure, landscaping and demolition of 2 existing dwellings. Appearance, Landscaping, Layout and Scale to be considered.	Refused: 20.06.2024 Appeal Dismissed: 21.02.2025

CONSULTATION RESPONSES
Internal
WBC Drainage – Request further information WBC Highways – Request Further Information WBC Landscape and Trees – Request Further Information Nature Space – No objection WBC Public Rights Of Way – No comments received
External
Natural England – No objection subject to appropriate mitigation being secured Berkshire Archeaology – No objection as condition imposed on outline consent. Southern Gas Networks – Advisory comment received SSE Power Distribution – Advisory comment received

Thames Valley Police – No objection but advisory comments received.
 Royal Berkshire Fire and Rescue – Advisory comments received.

REPRESENTATIONS

Finchampstead Parish Council	<u>Objection:</u> 1. Access remains inadequate and is likely to cause significant congestion during peak times. This concern has not been alleviated in any way and continues to be a primary issue. 2. Safety concerns regarding pedestrian use of the vehicular access route instead of the footway on the right.
Ward Member(s)	None
Neighbours	<u>20 objections raising the following concerns:</u> • The proposed access road from Nine Mile Ride, which is situated on the brow of a hill has restricted visibility. The access in this location dangerous due to existing traffic speeds and volumes. • The narrow access drive is considered unsuitable for two-way traffic, delivery vehicles, or emergency access, and would result in queuing on Nine Mile Ride. • Congestion on Nine Mile Ride and California Crossroads during peak hours, with existing traffic frequently queuing past No. 234 Nine Mile Ride that would be exacerbated by this development. • The development would increase parking demand on an already busy stretch of road, with knock-on effects on pedestrian safety and pavement accessibility. • An overdevelopment of a backland site. • The density, scale and layout of the development are out of keeping with the surrounding low-density, semi-rural character of Finchampstead. • The proposal is contrary to Policy CP3 (General Principles for Development), which requires new development to respect the scale, form and character of its context. • The previous appeal decisions and local design guidance show that concerns around scale, layout and impact on neighbouring amenity had not been meaningfully addressed. • The site contains a number of mature trees and woodland habitats, including trees covered by Tree Preservation Orders (TPOs). The loss of these trees is environmentally unacceptable.

	• The woodland is described as valuable habitat supporting species such as bats, nesting red kites, and other protected wildlife and this would be lost • The ecological value of the trees is irreplaceable and the proposal would be in conflict with local biodiversity objectives and national environmental policy. • Concerns about surface water drainage and flood risk, particularly in light of the site's elevated topography and proximity to existing properties on lower ground. • There are existing flooding issues along Wick Hill Lane, Heath Ride, and other nearby roads, which would be worsened by the proposed development. • Concerns about the proposed use of soakaways, and that these would not prevent water runoff to neighbouring properties due to the impermeable ground conditions and sloping terrain. • There have been past experiences of increased waterlogging following nearby developments. • Existing houses would be directly overlooked by new dwellings, causing a significant loss of privacy. • The proposed dwellings would be unacceptably close proximity to neighbouring gardens and windows, particularly given the elevated ground levels of the site. • The proposed footpaths along garden boundaries would introduce noise, loss of privacy, and potential security issues. • Noise, pollution, loss of tranquillity, and a general degradation in residential amenity as key concerns. • The existing access track currently serves a single dwelling. Its conversion to a main road serving 26 dwellings is considered inappropriate and disruptive to neighbouring occupiers. • Prolonged construction traffic and activity were expected to further compound the disturbance. • Lack of local infrastructure — including GP surgeries, dentists, primary schools and drainage systems — is already under significant strain. • The development would exacerbate existing shortfalls in public services and utilities, with no clear mitigation or investment proposed. • Many of the issues raised in previous appeal decisions remain unresolved, including: ◦ Proximity of dwellings to boundaries; ◦ Poor separation distances; ◦ Inadequate boundary treatment; ◦ Lack of sensitive integration into the landscape.
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	• The development would be cramped and poorly designed, with insufficient landscaping and an urbanising effect at odds with the character of the area. • Lack of detail on boundary treatment, especially for properties most affected by the access road and rear gardens of new homes. • The site layout should be redesigned and reduced in scale to reflect the site constraints and protect neighbouring amenity. • The Council should impose pre-commencement conditions to secure effective landscaping and drainage measures, should the development be approved.
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APPRAISAL

Background History:

The site is part of a reserve allocated site for 40 dwellings in policy SAL03 of the MDD Local Plan. The site includes a section of the allocated land. To the east 3 houses have been erected in accordance with the reserved allocation.

Application 211889 was an Outline Application for a residential development of up to 32 dwellinghouses with all matters reserved other than means of access from the existing highway on Nine Mile Ride and associated infrastructure, landscaping, and demolition of two existing dwellings. This was allowed on Appeal by the Planning Inspectorate on 13 December 2022.

The outline consent included a S106 legal agreement. The obligations within the legal agreement include provisions relating to ongoing maintenance and management of the estate roads within the development, the provision of public open space and the provision of an accessible woodland area, as well as the establishment of a management company for the maintenance of incidental landscaped areas; on terms agreed with the Council.

In addition, there are provisions for providing offsite biodiversity habitat, payment of an employment skills contribution or the delivery of an employment skills plan; a 'My Journey' contribution which is a borough-wide initiative seeking to encourage residents to make use of various transport options; and SAMM and SANG mitigation contributions in respect of the Thames Basin Heath Special Protection Area (SPA).

A Reserved Matters application (232298) was refused and dismissed at appeal. The reasons provided were specific to the impact on a neighbouring property called Oak Manor and the impact on the woodland character along the eastern boundary - this issue is addressed throughout this report.

An additional informal consultation was carried out on 02.06.2025 as amended details to eastern boundary were submitted. The comments received have been summarised above and are addressed in this report.

Site Description:

The application site forms part of a wider local plan reserve allocation within the settlement limits of Finchampstead.

The application site comprises an area of land to the south of Nine Mile Ride. It forms the central portion of a wider housing allocation that extends to the east and west. The site includes two substantial detached properties (nos. 238 & 240) which are set back from Nine Mile Ride and on generous plots. There are two separate accesses serving these existing properties which pass in between nos. 238 and 240 fronting the road and are included in the proposal.

To the south behind the two dwellings is an extensive area of woodland covered by a Tree Preservation Order, this includes trees around the borders of the dwellings at nos. 238 & 240, as well as trees in the existing tree-lined access to no. 238. This woodland area extends southwards to Wick Hill Lane.

Nine Mile Ride is a linear road which comprises housing on both sides of the road. The houses vary in style and design, there are predominantly detached dwellings and some semi-detached dwellings. The majority of dwellinghouses along Nine Mile Ride are set back from the road, with substantial front gardens which are landscaped with hedges and plants.

The main part of the application site is not directly visible from the road, it is set behind the existing residential frontage development.

Principle of development:

The proposal is for the approval of Reserved Matters (Appearance, Landscaping, Layout, and Scale) pursuant to outline planning consent 211889 (allowed on appeal on 13 December 2022 APP/X0360/W/22/3295631) for the erection of up to 32 dwellinghouses. The Outline Approval considered the access only.

The National Planning Policy Framework (NPPF) has an underlying presumption in favour of sustainable development which is carried through to the local Development Plan. The Managing Development Delivery Local Plan Policy CC01 states that planning applications that accord with the policies in the Development Plan for Wokingham Borough will be approved without delay, unless material considerations indicate otherwise.

The site is located within settlement limits and as such the development should be acceptable providing that it complies with the principles stated in the Core Strategy. In addition the site is reserved for residential development under policy SAL03 of the MDD Local Plan and the criteria for releasing the site have been met.

The principle of development including means of access for residential development for up to 32 dwellings on this site was already been established under the allowed appeal for the outline application 211889. The Inspector at Paragraph 13 of the Appeal Decision stated *'...in this case it is that the appeal site falls within a larger area*

identified within the MDD as a 'reserve site' for housing under Policy SAL03 for 'around 40 dwellings' (although the two accesses proposed in this scheme from Nine Mile Ride are excluded)..... Therefore, and very importantly for this appeal, the principle of residential development has already been established on the site'.

Additionally, the Outline Planning Permission established the parameters for the development for matters reserved from consideration at that stage (detailed matters of layout, appearance, scale and landscaping), which are now subject of this Reserved Matters application. It is considered that the principle of development of the current application is acceptable subject to other material considerations.

Finchampstead Neighbourhood Plan

Policy ES1 outlines the environmental standards for residential development. In this case, the development will deliver on-site renewables and include carbon technologies within the design of the dwellings. In addition, the dwellings are likely to achieve compliance with Part L of the Building Regulations. Therefore, the development would comply with Policy ES1.

Policy IRS6 aims to protect and retain trees and seeks appropriate replanting where the opportunity arises.

Local Plan Update

The site is included within the development limits of Finchampstead in the Local Plan Update and therefore residential development in accordance with the outline planning permission is acceptable in principle.

Impact on character and appearance of the area:

Policy CP3 of the Core Strategy states that development must be appropriate in terms of its scale, mass, layout, built form, height and character of the area and must be of high-quality design.

The parameters of the design were established in the Outline appeal decision and broadly includes the areas of development, the area retained for woodland, the proposed access road, separate pedestrian access and the quantum of development.

It is relevant to consider the appeal inspectors comments on design and character during both the outline and reserved matters appeal. For the outline appeal the Inspector stated:

..... 'However, the proposed density is not unusually high, and I see no reason why a scheme of this type could not be adequately assimilated in the locality, subject to careful design at reserved matters stage'

[...]

'The site is very well contained, with a high degree of physical and visual containment, and a strong sense of enclosure. Views across and into the site

are heavily restricted, including from the footpath running along the southern boundary of the site. There are very limited public views into the site. The most visible parts of the site from the public realm are the existing driveways fronting Nine Mile Ride. There is no public access. The site is primarily seen in the context of the existing suburban setting along Nine Mile Ride in fleeting or glimpsed views. All these factors mean the effect on the landscape would be very localised’.

[...]

‘This is an outline application, and (I am) satisfied that the proposed dwellings could be designed to be of a high quality and of an appropriate scale, and that the palette of materials and design of the buildings could blend with those of the existing locality’.

The broad areas of development were established by the approved parameters in the outline application and the development is within these parameters. The quantum of development has been reduced from 32 to 26 and is therefore less dense than would have been considered by the Inspector at the outline stage.

The proposed access arrangement includes one vehicle access with a partly shared footpath/carriageway and a separate pedestrian access and these were approved details of the outline application. Whilst some concerns were raised about this arrangement and passive surveillance in general, these are addressed in the outline appeal decision as follows:

‘The internal layout of the development would provide passive surveillance of the communal areas, including to some degree the retained woodland. This woodland would be accessible to occupiers of the development. It would also be accessible to anyone else from the development, although not from Wick Hill Lane. A path leading through the woodland would exit along the west boundary where natural surveillance would come from the occupiers of the house on plot 13. This path, the retained woodland and areas of public open space around the site would contribute towards retaining a degree of the woodland character which the site currently possesses. Other than as noted above, the development would retain enough of that woodland character that it would not otherwise be harmful to the character and appearance of the area.’

The development follows a perimeter block layout with dwellings generally fronting onto public areas and rear gardens backing into other private spaces and this is considered appropriate for the context of the site and minimises dead edges in the proposed layout.

The grain of development is relatively tight when considering the surrounding context. The Reserved Matters Inspector considered how the development would relate to the surrounding context and ultimately found that the degree of containment with the surrounding area would mitigate any harm to an acceptable degree apart from eastern boundary with a new development/property called Oak Mannor. The inspector stated the following:

'The scale of development would be at a density higher than the surrounding area, even allowing for the reduced proposal of 26 houses. The development would be particularly visible from surrounding properties, in part because of the height and elevated position of some of the houses. In addition, the density would result in smaller plot sizes than those of most neighbouring dwellings, including some terraced houses which are not typical in the immediate surrounding area. From these surrounding properties, the development would be seen in varying degrees of prominence.

The eastern boundary of the site would be the subject of extensive landscaping works, including the removal of all non-native trees. This would include several mature Lawson cypress trees, many of which are sited close to the 3 new houses Oak Manor, Willow Cottage and Orchard House. These would be replaced with hedgerow planting, while some existing trees in this area would be retained. The retained trees and proposed hedgerows would provide some screening but the nearest houses on the appeal site would be visible from these existing houses, especially from the two houses which have a common boundary with the appeal site. The houses on plots 7 and 8 would be prominent from Oak Manor in particular, with the resulting relationship a substantial change in the character of the area as experienced by the occupiers of that property.

The principle of development of the appeal site has been established, and the 3 new houses occupy part of the wider allocated site. However, the development proposes the loss of a prominent part of the boundary planting as seen from Oak Manor. This would be contrary to the established woodland character and cause a loss of the enclosed character which was recognised by my colleague in their decision to grant outline planning permission on the site. This would result in harm to the character and appearance of the area as seen from Oak Manor.

I have considered whether this matter could be resolved through use of conditions. However, there is no guarantee that an acceptable relationship could be secured in this way, and the occupiers of Oak Manor would not necessarily be consulted on the discharge of a condition. Accordingly, I do not consider that the issue could be resolved in this way. I have also considered that the occupiers of Oak Manor could erect or plant additional boundary treatments within their own land. However, such would be outside of the control of any permission for the appeal site. It would also be unreasonable for a development outside of their control to require the occupiers of that property to introduce such measures on their own land.'

The layout and design of the dwellings is similar same as the previous appeal, except an additional length of access road at the rear. The boundary with Oak Manor has been amended and includes the retention of additional trees and additional soft landscaping along this boundary. The amendments to this boundary broadly include the following:

- *Proposing an 1.8m close boarded fence along the boundary with Oak Manor (to replace existing post and rail fence)*
- *Retaining of all cypress trees (nos. 213-215 and 227-241) growing to the west of Oak Manor and to the east of plots nos. 5 to 9, previously shown to be removed (see Figure 6).*

- *Planting of new 2m wide hedgerow of native mix 'Type 3 Mix on plan' (in behind 1.8m close boarded fence). The hedgerow will grow up to 2-3m in height and will add further depth to the reinforced boundary.*
- *Planting Acer campestre within planted hedgerow. Acer campestre will grow up to 8-12m in height. Again this will add further depth to the reinforced boundary.*

There would still be intervisibility between the application site and the three dwellings to the east but this would be reduced by the amended landscaping proposed. It is an inevitable consequence of the outline permission that there would be some perception of this development from the surrounding area but overall, the enclosed woodland character would be maintained to an acceptable degree when considering the parameters of the outline permission and the reserved allocation for residential development in the MDD Local Plan.

The proposal will predominately provide 2-storey dwellinghouses, with Plots 11-16 comprising car ports which will be single storey in scale. Within the development layout itself, given the height of House Type A at 10 metres (maximum ridge height), this would be a predominant view as you enter the site. House Type E which would be positioned behind House Type A on the layout plan will also have a maximum ridge height of 10 metres. The heights of the remaining House Types range between 9- 9.4 metres. Whilst concerns were set out in the officer's report for the previous reserved matters application, this was not a matter raised by the previous Inspector when dismissing the appeal and there is no good reason that would warrant a different conclusion being reached.

The proposed dwellings will use traditional building forms with some contemporary features such as small flat roof elements, brick work detailing on the front elevations and large window proportions in the first floor. A combination of traditional and contemporary detailing, references to local features will add to architectural interest throughout the site.

The submitted details indicate the materials to be used comprise of the following:

- Red brick (primary facing material)
- Red clay tile hanging/cladding
- Light grey coloured aluminium or flush casement windows.
- Painted composite boarded entry doors.
- UPVC rainwater goods
- Parapet walls with coping
- Feature panels on key elevations

Broadly, the use of the above materials is in keeping with the wider area and can be secured by condition in the event of an approval.

There will be a buffer between the site boundary and the edges of the development's rear gardens. The buffer will be an access for maintenance of retained trees and would be the route to the retained woodland to the south. As stated, the amendments to the planting along the eastern boundary are sufficient to overcome the previous Inspectors objection.

The development does hollow existing trees from the middle of the site. This matter was however not a reason for given by the previous inspection for dismissing the appeal. As stated, the site is reserved for housing development in the local plan and the areas for development are established by the approved outline consent parameter plan. There would be some areas for trees within the site, but it is appreciated there would be a significant change in character due to the extent of the tree loss. This was however established by the approved outline consent.

The reasons relating to the refused appeal have been adequately addressed in this application. The development would have a satisfactory impact on the character and appearance of the area whilst taking into consideration of the parameters and quantum of development that were established by the outline permission and the allocation of the site in the current adopted development plan.

Dwelling Mix:

Policy CP5 of the Core Strategy and Policy TB05 of the MDD require an appropriate dwelling type and tenure for affordable housing schemes. The dwelling mix proposed (i.e. 2-, 3- and 4-bedrooms units) is broadly consistent with the desired mix across the borough therefore no objections are raised on this aspect.

Affordable Housing:

Policy CP5 of the Core Strategy, Policy TB05 of the MDD Local Plan and the Affordable Housing SPD specify an affordable housing rate of 40% for any development involving five dwellings or more on land with a total area of 0.16 hectares or more.

Affordable housing was addressed at the Appeal for the Outline Application, the inspector stated the lack of provision of affordable housing was a putative (assumed) refusal ground, but this had fallen away as the parties both agreed its provision would not be viable (Paragraph 7 Appeal Decision APP/X0360/W/22/3295631).

Whilst the Council's Affordable Housing Officer states a commuted sum is a practical means of providing an affordable housing contribution on site this is not being pursued given the Council had agreed its provision would not be viable during the Appeal Inquiry.

Housing Amenity:

Policy TB07 of the MDD and Policy R17 of the Borough Design Guides requires adequate internal space to ensure the layout and size achieves good internal amenity.

A minimum standard of 79m² applies for a two-bedroom, two storey dwelling (on the basis of four persons sharing). The internal gross area of House Type A would comply with this requirement and as such there is no objection in terms of adequate internal space.

A minimum standard of 93m² applies for a three-bedroom, two storey dwelling (on the basis of five persons sharing). The internal gross area of House Type C would comply

with this requirement and as such there is no objection in terms of adequate internal space.

A minimum standard of 102m² applies for a three-bedroom, two storey dwelling (on the basis of six persons sharing). The internal gross floor area of House Type B and D would comply with this requirement, and as such there is no objection in terms of adequate internal space.

A minimum standard of 124m² applies for a four-bedroom, two storey dwelling (on the basis of eight persons sharing). The internal gross area of House Type E and F would comply with this requirement and as such there is no objection in terms of adequate internal space.

In terms of bedroom sizes, the Technical Housing Standards requires that a dwelling with more than one bedroom should have a main bedroom (double), which is to have a minimum area of 11.5sqm. Secondary of single bedrooms should have a minimum area of 7.5sqm and living spaces should have a minimum area of 31sqm. There should also be provision for storage.

The double bedrooms, and single bedrooms of each House Type (A-F) complies with the minimum standards as above including living spaces. Whilst the marked storage areas on the submitted plans are just below the minimum sizes the overall differences are de-minimis and would not warrant a reason for Refusal.

R18 of the Borough Design Guide SPD requires sufficient sunlight and daylight to new properties, with dwellings afforded a reasonable outlook. Whilst some concerns were previously raised by the council regarding overshadowing and natural light due to the surrounding trees, this was not a matter for concern by the Inspector for the reserved matters application. All gardens meet the minimum requirement of being 11m deep, as recommended in the Borough Design Guide SPD.

Neighbouring Amenity:

Overlooking

R15 of the Borough Design Guide SPD requires the retention of reasonable levels of visual privacy to habitable rooms, with separation of 22-30m to the rear and 10-15m to the street. R23 notes that the side walls must not contain windows, especially at first floor level. All properties would have satisfactory separation distances. Whilst there are changes in levels across the site, this would not warrant an unacceptable level of overlooking for the proposed dwellings and was not an objectionable point raised by the previous Inspector.

Several plots would have side windows serving non-habitable rooms a condition is recommended to ensure the windows are obscurely glazed where appropriate.

Properties along Nine Mile Ride

Plot 1 would be on higher ground level than 240b Nine Mile Ride by approximately 3 metres, the separation distance from the flank wall of Plot 1 to the rear wall of 240b Nine Mile Ride would be approximately 35 metres. This complies with the 12-metre

requirement. It is noted that Plot 1 will contain a first-floor side window to a bedroom, this would face 240b Nine Mile Ride but the separation distances between the dwellings appreciably exceed the minimum recommended guidelines in the BDG SPD.

The separation distances from Plots 1, 2 and 3 to the properties known as Corner way, Ladygate and Rogate would be approximately 11-12 metres. This distance would be to the respective large gardens, any views would be oblique and does not sufficiently warrant a reason for refusal on overlooking grounds.

The separation distance from the flank wall of Plot 25 to the rear wall of 232 Nine Mile Ride would be approximately 44 metres. This complies with the minimum 12 metre separation distance to ensure no detrimental overlooking impact will occur to the habitable rooms and spaces of this neighbouring property.

The separation distance from the rear wall of Plot 26 to the rear walls of nos.234 and 236 Nine Mile Ride would be approximately 50 metres. This complies with the minimum 22 metre separation distance to ensure no detrimental overlooking impact will occur to the habitable rooms and spaces of this neighbouring property.

Properties along Heath Ride

The separation distances taken from the rear wall of Plots 4 and 5 to the flank wall of Willow Cottage Heath Ride would be approximately 27-30 metres. This would meet the recommended 12 metre separation distance and thus would not result in a detrimental overlooking impact upon the habitable rooms and spaces for this neighbouring property. However, it is recognised that plots will be on higher ground.

The separation distances taken from the rear wall of Plot 5 to the flank wall of Orchard House Heath Ride would be approximately 40 metres. This would meet the recommended 12 metre separation distance and thus would not result in a detrimental overlooking impact upon the habitable rooms and spaces for this neighbouring property.

The 2 storey separation distances taken from the rear wall of Plots 6 and 7 to the flank wall of Oak Manor Heath Ride would be approximately 23-25 metres. At single storey the separation distances taken from the rear of Plots 6 and 7 to the flank wall of Oak Manor Heath Ride would be approximately 20-22 metres. The separation distance from the rear wall of Plots 6 and 7 to the rear boundary is approximately 14 metres. These distances comply with the minimum standards set out in the Borough Design Guide.

The appeal was dismissed in part due to an unsatisfactory relationship between the appeal site and Oak Manor. As set out above, the eastern boundary has been bolstered by retaining additional trees, additional planting and a close boarded timber fence. This will reduce an overlooking / privacy concerns to an acceptable degree. Especially in light of the compliance with the Borough Design Guide.

The property known as Silvertrees Heath Ride sits behind Oak Manor, despite the changes in ground levels the separation distance is approximately 45 metres from the rear wall of Plots 8 and 9 to the boundary of this site, therefore it is not considered a

detrimental overlooking impact will occur to the habitable rooms and spaces of this property.

Properties along Wick Hill

The separation distance taken from the flank wall of Plot 13 to the boundary of the property known as Tubney is approximately 20 metres. This would meet the recommended 12 metre separation distance and thus would not result in a detrimental overlooking impact upon the habitable rooms and spaces for this property.

The separation distance taken from the rear wall of Plot 13 to the boundary of the property known as Silverwood is approximately 30 metres. Whilst the Borough Design Guide does not stipulate a recommendation for a rear to front distance, this distance is considered satisfactory to ensure there would be no detrimental overlooking impact upon the habitable rooms and spaces for this property.

The separation distance taken from the rear of Plot 10 to the nearest wall of the property known as Sojiley is approximately 65 metres. This distance is considered satisfactory to ensure there would be no detrimental overlooking impact upon the habitable rooms and spaces for this property.

Overbearing and Sense of Enclosure

R16 of the Borough Design Guide SPD requires separation distances of 1m to the side boundary and 11m to the rear boundary.

The plots will meet the minimum 1 metre separation to side boundaries, however Plots 11 – 26 fall short of the minimum 11 metres to rear boundary when measuring to the parameters plan however the shortfall is minor with distances being between 10.6 – 10.9 metres. Overall, it is considered the proposed dwellinghouses would not result in an overbearing impact upon the neighbouring properties along Nine Mile Ride, Heath Ride and Wicks Hill Lane. In addition, no overbearing impact is likely to occur between the plots within the development itself.

Highway Access and Parking Provision:

The proposed access for vehicles was approved under the appeal decision and the details of the access including the Road Safety Audit are secured by Conditions 6 to 8 of the outline appeal decision.

It is acknowledged under the outline appeal decision the access drawing 70070533-SK-006-Ref F was approved. This differs from the design submitted for the previous reserved matters appeal and this application. No overriding objections were raised by the Council for the previous reserved matters appeal on highway access or safety and there are no good reason to depart from that established position.

The access would have a width of 5.5m for approximately 20m from Nine Mile Ride. There would then be a short length where the width is reduced to 3.7m, this is the minimum width which is acceptable for a fire tender. The road then widens to 5.5m into the site.

The Council's Highways Officer has stated there is acceptable visibility from both ends of the access and in addition the level of traffic using this access would be low.

Car Parking

Policy CC07 and Appendix 2 of the MDD Local Plan stipulates minimum off street parking standards, including provision for charging facilities.

A total of 53 allocated spaces, 5 garages, 5 visitor spaces and 6 unallocated spaces are proposed as part of the development. The proposed level of parking is in line with Borough's Parking Standards, with both the visitor and unallocated spaces being evenly distributed throughout the site. All the proposed spaces meet the minimum dimensions of 5m x 2.5m. The internal dimensions of garages are in line with the Council's standards i.e. 6 metres x 3 metres and no objections are raised on this aspect. Overall, no objections are raised on this aspect by the Council's Highways Officer.

The Council's Highways Officer required a Parking Management Plan and this can be secured via a planning condition.

Cycle Parking

Covered and secure bike spaces are provided for each dwelling in the rear garden with direct access however full design details of the secure bike storage is required to ensure the size is suitable. This is secured by a planning condition.

Pedestrians and Cycling

As approved under the Appeal Decision there will be a separate 3-metre-wide pedestrian and cycle route from Nine Mile Ride which is acceptable. There will also be a 2-metre pavement within the site. The details of this pedestrian/cycle access are secured by Condition 6 of the outline appeal decision.

Visibility Splays

The visibility splays for the internal junctions are in line with Manual for streets for the design speed of 20mph which are acceptable. The visibility splay by Plot 17 will be woodland seed mix with wooden bollards and is acceptable to the Council's Highway Officer. Any landscaping within the visibility splay will need to be maintained to be less than 0.6 metre.

The visibility splay for the vehicular access was approved under plan 70070533-SK-006 Ref F under the Appeal.

Swept Path Assessment

The only change in this from the previous Reserved Matters application is the extended roadway towards the entrance of the woodland to the front of Plot 10. The council's Highway Engineer requested further information regarding a fire tender swept path and this has now been submitted and shows acceptable manoeuvrability. Swept path for other vehicles has also been demonstrated and is acceptable.

Servicing

The carrying distances for refuse have not been shown on a plan, however it appears that all dwellings are within the carrying distance for refuse as set out in Manual for Streets. This has been confirmed and is acceptable to the Council's Highways Officer.

Construction Method Statement

The Construction Method Statement is secured under planning Condition 9 of the outline Appeal decision notice.

S106 Contribution

As part of the signed S106 contributions for the outline application, the developer has agreed to pay the £540 per dwelling for MyJourney.

Flooding and Drainage:

Section 14 of the NPPF, Policy CP1 of the Core Strategy and Policies CC09 and CC10 of the MDD requires flooding protection, sustainable drainage methods and the minimisation of surface water flow.

The application site is located within Flood Zone 1, the site would not be at risk of fluvial flooding, however there is a risk of pluvial flooding. The previous case officer considered that full drainage details would be secured via conditions on the outline planning application. No objection was raised by the council for the previous reserved matters application and there has been no change in circumstances that would warrant a different conclusion being reached. The Inspector for the outline appeal also raised no objections on drainage grounds

The council's Drainage Engineer requested further information relating infiltration rates and ground water levels. The applicant has advised that whilst it is planned to do comprehensive site wide BRE 365 compliant soakage testing, but that is not feasible until the site is cleared, after the protected trees have been removed and the buildings demolished, which cannot be done until the reserved matters is granted.

As the two previous appeal inspectors have been satisfied this matter can be addressed by way of condition, no objection is raised on drainage grounds.

Public Open Space:

Policy TB08 of the MDD Local Plan states Open space; indoor or outdoor play; sport and recreational facilities should be provided on-site, and that new development can provide opportunities to provide, protect and enhance new and existing public open space.

The proposed development will deliver a small area of formal open space (465m²) located at the site entrance. The proposed open space area would be planted with native tree species and wildflower mixes which will provide foraging and habitat areas for wildlife and this is secured by the approved details and the open space requirements in the section 106 agreement secured at outline stage.

the outline application also secured off site open space and sports provision.

Ecology:

Policy TB23 of the MDD Local Plan requires the incorporation of new biodiversity features, buffers between habitats and species of importance and integration with the wider green infrastructure network.

Paragraph 180 of the National Planning Policy Framework refers to the mitigation hierarchy of avoiding, mitigating and as last resort compensating for biodiversity loss.

The woodland on the site is a Priority Habitat of Lowland Mixed Deciduous Woodland.

Paragraph 36 of the Outline Appeal Decision states *'It has also been agreed between the parties that compensation for the loss of 0.53 ha of woodland (a Habitat of Principal Importance) could be provided in the form of off-site woodland creation. It is proposed that the compensation would be provided off-site in the form of a Suitable Alternative Natural Greenspace (SANG) together with additional planting to meet the requirement for biodiversity net gain of approximately 10%. That is proposed to be secured through the planning obligations'*

The Council's Ecology Officer previously raises no objections on this aspect on ecological grounds, given that the loss of woodland was addressed and compensated at the outline planning permission stage. The Inspector's decision was also influenced by the fact the site formed part of the reserved allocation for housing in the development plan.

The submitted Boundary Treatments plan shows the location where Hedgehog highway points will be installed. The submitted Management Plan and Public Open Space shows areas of public open space that will be maintained. These areas of public open space provide suitable connecting routes for ecological permeability.

Biodiversity Net Gain

The applicant has supplied information regarding the specifics of the revised calculator. This combined with the additional information on the management of the open spaces and boundaries of the site and the development will result in the required biodiversity net gain.

Building Sustainability:

Policy CC04 of the MDD Local Plan and the Sustainable Design and Construction SPD require sustainable design and conservation and R21 of the Borough Design Guide SPD requires that new development contribute to environmental sustainability and the mitigation of climate change.

The Sustainability & Energy Statement states that a 78.39% reduction in emissions is achieved through provision of air-source heat-pumps (ASHP) to provide heating to all homes when compared with a baseline of notional buildings heated by gas boilers. The proposed development will include air source heat pumps which will be located within the rear gardens of the units.

Whilst no screening is proposed for the ASHP, given the distances from neighbouring properties, it is considered that appropriate models can be conditioned to minimise noise to an acceptable level.

A water efficiency calculation for new dwellings is provided, demonstrating how the maximum domestic consumption rate of 105 L per capita per day required to comply with MDD Policy CC04 can be achieved. The sustainability statement also describes various measures such as rainwater harvesting which can be used to reduce consumption.

Waste Storage:

Policy CC04 of the MDD Local Plan requires adequate internal and external storage for the segregation of waste and recycling as well as provision for green waste and composting and an appropriate area for ease of collection.

The submitted details indicate bin storage areas for each plot. On collection day bins are to be left at the front of each property within the curtilage or on identified areas of hardstanding of a common bin collection point.

Three areas require bin collection points where private drives or rear accesses means that direct access for bin collection cannot be achieved. These are as follows:

- A collection point within the courtyard wall serving plots 22 and 25;
- Between plots 16 and 17 to serve plots 17 to 21;
- Adjacent to the front garden area of Plot 12 to serve plots 12 to 14 within the private drive (adjoining the courtyard).

The road leading to the houses will have to be built to adoptable standards to ensure a kerbside collection can take place, in the event the road is not built to adoptable standards, the Council's contractors will need to be granted insurance from any damage to the road. It is acknowledged the houses will be storing a 180-litre wheeled bin for rubbish, in some circumstances a 240-litre bin.

It is considered the bin collection points are in an unacceptable location in the courtyard serving plots as this would be right next door to the garden of someone's house and likely to be a storage place rather than a collection point.

Land Contamination:

Whilst the site has no historic land contamination a site investigation as a safety measure to establish the land is safe for development of residential property should be submitted. This has been secured via Condition 10 of the Outline permission. Given the residential use of the site, it is not considered that an Air Quality Assessment is a reasonable or necessary condition to make the development acceptable.

Thames Basin Heath Special Protection Area:

Policy CP8 of the Core Strategy states that where development is likely to have an effect on the Thames Basin Heaths Special Protection Area (TBH SPA), it is required to demonstrate that adequate measures to avoid and mitigate any potential adverse effects are delivered.

The application site is within 400m – 5km of the Thames Basin Heaths Special Protection Area (TBH SPA). The TBH SPA receives the highest level of protection under the EU Habitats Directive (implemented in the UK by The Conservation of Habitats and Species Regulations 2017).

The SAMM and SANG contributions in respect of the SPA has been secured via a legal agreement with the Outline Permission.

Planning Balance:

The site forms part of a reserved site allocated for housing and the criteria for developing the site in MDD Local Plan Policy SAL03 is met due to the absence a rolling 5-year housing land supply. As established by the outline planning permission, the principle of development is acceptable and in accordance with the development plan.

The number of dwellinghouses has reduced from 32 dwellings to 26 since the outline application was approved and the proposed density and scale of development is acceptable. The proposed layout would have an acceptable impact on the character and appearance of the area and the amendments to the eastern boundary have addressed the Inspectors reasons for dismissing the previous outline planning appeal.

The second and final reason for dismissing the previous appeal was the impact on the property Oak Mannor. The development complies with minimum separation distance and the screening along the boundary has been bolstered by the retention of existing trees, additional planting and a close boarded timber fence. Overall, the proposal would have an acceptable impact on neighbours amenity.

As per the previous appeal decisions on the site, the development would have acceptable impacts with regard to the design, layout, highways, landscape, ecology, drainage, environment health and sustainability. This is subject to recommended conditions with this application and also conditions and a legal agreement secured at the outline stage.

This reserve matters application is broadly consistent with the parameters allowed during the previous outline appeal. The development would be in accordance with the development plan as a whole subject the recommended conditions.

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:	Agreed
Recommendation:	Approve
Date:	12.06.2025
Earliest date for decision:	11.04.2025

Recommendation agreed by: (Authorised Officer)	<i>BJC</i>
Date:	19.06.25