

ET Planning

**Land at and to the rear of
238 & 240 Nine Mile Ride,
Finchampstead**

*Reserved Matters Application - Planning
Statement on behalf of Elivia Homes Ltd*

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Executive Summary

This Statement is produced to support a Reserved Matters application for the following development:

"Reserved Matters application for 26 dwellings and associated infrastructure, landscaping and demolition of existing dwellings (to consider appearance, landscaping, layout and scale)".

This Reserved Matters application follows on from the Outline planning application (ref: 211889) which was granted by the Planning Inspectorate via appeal (ref: APP/X0360/W/22/3295631) in December 2022. A Reserved Matters application (ref. 232298) for the Site was dismissed at appeal (ref. APP/X0360/W/24/3352010) on 21 February 2025.

In relation to the Reserved Matters appeal (ref. APP/X0360/W/24/3352010), the Inspector's decision agreed with the Appellant's position on the vast majority of points. The appeal was dismissed on the sole issue of the treatment of the boundary with Oak Manor (and specifically the loss of Lawson cypress trees along the eastern boundary). This led to harms identified on neighbours and the character of the area. The Inspector refers to the removal of the Lawson Cypress trees as being 'contrary to the established woodland character' and causing a 'loss of the enclosed character which was recognised in the decision to grant outline planning permission' (§13 of the appeal decision) as well as causing 'overlooking of Oak Manor' (§25 and 34).

The revised scheme submitted with this application addresses these concerns by:

- Retaining all of 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).
- Proposing a 1.8m close boarded fence along the boundary with Oak Manor (to replace existing post and rail fence).
- 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.

By making these revisions, the new Reserved Matters scheme would fully address the issues raised by the Inspector, related to character and neighbour impact, which are rooted in the removal of the cypress trees.

This RM resubmission also makes minor alterations to the proposed boundary treatments along the southern and western boundaries (unrelated to the Inspectors decision). These changes have been made to further enhance the aesthetics of the Proposed Development.

This RM resubmission should therefore be found acceptable and approved without delay.

1. Introduction

1.1 This Statement is produced by ET Planning on behalf of Elivia Homes Ltd (hereafter referred to as 'The Applicant') to support a planning application for the development at 'Land at and to the rear of 240 Nine Mile Ride, Finchampstead' (hereafter referred to as 'The Site').

1.2 This Statement is produced to support a resubmitted Reserved Matters application for the following development:

"Reserved Matters application for 26 dwellings and associated infrastructure, landscaping and demolition of existing dwellings (to consider appearance, landscaping, layout and scale)".

1.3 This Reserved Matters application follows on from the Outline planning application (ref: 211889) which was granted by the Planning Inspectorate via appeal (ref: APP/X0360/W/22/3295631) in December 2022. A Reserved Matters application (ref. 232298) for the Site was dismissed at appeal (ref. APP/X0360/W/24/3352010) on 21 February 2025, relating to the sole issue of the treatment to the boundary with Oak Manor. This Reserved Matters application provides an alternative approach to the boundary with Oak Manor.

1.4 The description of development and permission achieved via the Outline application was for 'outline planning permission with all matters reserved other than principal means of access from the existing highway of Nine Mile Ride for up to 32 dwellings, and associated infrastructure, landscaping and demolition of existing dwellings'.

1.5 Condition 2 of the Outline planning permission states that:

'Application for the approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.'

1.6 This Reserved Matters application is being submitted prior to December 2025, and so accords with Condition 2.

1.7 Condition 1 states that:

'Details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be submitted and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.'

1.8 These are the "reserved matters" which will be addressed by this RM submission.

The Reserved Matters submission

- 1.9 The previous Reserved Matters application (ref. 232298) was dismissed at appeal. It was dismissed on the sole issue of the treatment of the boundary with Oak Manor (and specifically the loss of Lawson cypress trees along the eastern boundary). This led to harms identified on neighbours and the character of the area.
- 1.10 The Appeal Decision summarised this as following:
- *"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**."* (§13)
 - *"**The removal of the Lawson cypress trees from the boundary** would result in there being **little visual separation between the garden to Oak Manor and the houses on plots 6, 7 and 8** of the appeal proposal. The separation distance between the houses would accord with the council's guidance. However, at present the garden to Oak Manor is effectively entirely private with little or no direct **overlooking** from any neighbouring property."* (§25)
- 1.11 This new Reserved Matters submission focusses on these core issues in order to propose a revised scheme which addresses these reasons for refusal.
- 1.12 The principle of development was found to be acceptable by the Inspector. He concluded that *"the principle of residential development on this site has already been established as acceptable"* (§36).
- 1.13 The Inspector also raised no issues with the appearance, layout and scale of development. Therefore, this resubmission does not change the quantum of development, or its appearance, layout or scale.
- 1.14 Nor did the Inspector raise issues in relation to landscaping, except for the treatment of the boundary with Oak Manor to the east of Plots 6-10. This resubmission therefore amends the approach to the boundary with Oak Manor.
- 1.15 This Statement, and accompanying technical reports, demonstrate that an acceptable scheme can be developed in respect of layout, scale, appearance, and landscape.
- 1.16 This Planning Statement is structured as follows:

- Site Location and Description

- Planning History
- Development Proposal
- Planning Policy Context and Policy Assessment
- Conclusion

2. Site Location and Description

- 2.1 The Site is approximately 1.9 hectares in size, and is located to the south of Nine Mile Ride. The Site comprises two large detached dwellings of 238 and 240 Nine Mile Ride, their residential curtilage and woodland, as shown on figure 1 below. In terms of levels, the site has a relatively gentle fall from south to north.



Figure 1: Existing Site Plan produced by Clifton Emery Design

- 2.2 The Site is surrounded by residential development on Nine Mile Ride to the north, on Heath Ride to the north-east, and east and west on Wick Hill Lane to the south. It is located within the Settlement Limits of Finchampstead North, a modest development location defined as sustainable location for growth in the Core Strategy Policy CP9.
- 2.3 Site forms the majority of a reserve allocation (now released) for residential development known as 'Land to rear of 216b-242a Nine Mile Ride, Finchampstead North' (site FI140 for around 40 homes) under Policy SAL03 of the Council's Managing Development Delivery DPD. Figure 2 shows the relationship between the Site and wider allocation.



Figure 2: Illustrative layout plan for Outline consent (also showing wider FI140 site allocation, boundary in blue, and its relationship to the Site)

- 2.4 The immediate surroundings of the site offer a diverse range of housing options, with different types, designs, densities, and layouts. Towards the east and west sides, along Nine Mile Ride and Heath Ride, there are detached houses set back with driveways and plenty of mature trees. Towards the north and south, detached units make way for more compact developments that include short terraces of houses and semi-detached homes.
- 2.5 The site is conveniently located near various local amenities on Finchampstead Road and Nine Mile Ride, specifically around California Crossroads. These amenities include Nine Mile Ride Primary School, a doctor's surgery, a convenience store, a veterinary practice, and restaurants/takeaways. Additionally, there is a nursery and pre-school, a hairdresser, and a community centre in the broader area. California Country Park is approximately a 2km distance towards the north west.
- 2.6 In terms of Site constraints and designations:
- The Site is located entirely within Flood Zone 1.
 - The Site is not subject to any heritage constraints, nor are there any heritage assets within the vicinity.

- The Site lies within two Landscape Character Area's (LCA) as identified in the Wokingham's Landscape Character Assessment (2019) M1: Finchampstead Forested and Settled Sands and N2: Finchampstead Pastoral Sandy Lowland (NB landscape character was a matter which was addressed in the Outline appeal decision).
- The Site is located within the 400m-5km buffer zone of the Thames Basin Heaths Special Protection Area (NB a legal agreement secured as part of the Outline consent secured a contribution to offset the impact on the SPA).
- The Site is the subject of two separate Tree Preservation Orders (Fig 3). The first (TPO Ref: 683/1994) covers the woodland in the southern part of the Site which extends southwards to Wick Hill Lane. The second, made after the Outline refusal was appealed (TPO Ref:1800/2021), covers the trees located towards the edges of 238 and 240 Nine Mile Ride including the existing tree-lined access to No 238.

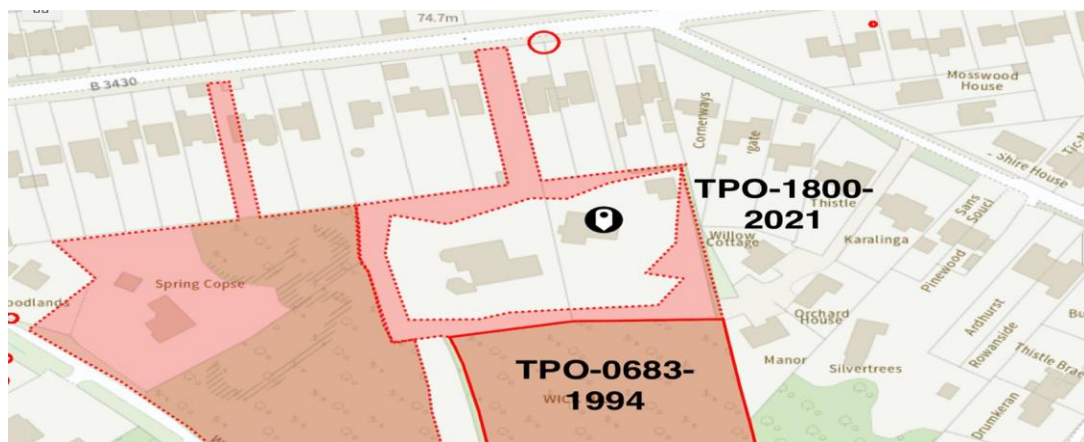


Figure 3: TPO-1800-2021 (Area TPO for trees of all species confirmed on 03/12/21) and TPO-0683-1994 (Woodland TPO for certain tree species confirmed on 08/08/96)

3. Planning History

- 3.1 This Chapter summarises the scheme secured at the Outline stage and also discusses the chronology of the Reserved Matters application and appeal process.

The Outline Consent

- 3.2 Outline permission was granted on appeal (reference APP/X0360/W/22/3295631) after an inquiry in August 2022 for the following description of development:
- 3.3 *"Outline planning permission with all matters reserved other than principal means of access from the existing highway of Nine Mile Ride for up to 32 dwellings, and associated infrastructure, landscaping and demolition of existing dwellings"*



Figure 4: Parameter plan for Outline consent

3.4 Appendix 2 of this Planning Statement provides the relevant quotes from the Outline appeal decision. These are matters which should not be revisited as part of this Reserved Matters submission.

3.5 Condition 4 required the development to accord with, among other things, the following plans:

- Site Location Plan: AAL-21-113-P03
- Parameter Plan: AAL-21-113-P02 Rev A
- Site Access Plan: 70070533-SK-006 Rev F

3.6 The Outline conditions cover a range of topic areas including:

- Access design and highway safety;
- Construction method;
- Contamination;
- Drainage;
- Archaeology;
- Arboriculture;
- Ecology;
- CEMP.

3.7 The Outline s106 covers a range of topic areas including:

- Employment Skills Contribution
- Employment Skills Plan
- Travel Plan/ My journey contribution
- Off-site habitat creation
- Woodland Management Plan
- Open Space and Management Plan
- Rooks Nest Wood SANGS contribution

- SPA Access Management and Monitoring Contribution
- Monitoring Fee

The Previous Reserved Matters Application

3.8 On 20 June 2024 the Council refused a Reserved Matters application for 26 dwellings on the following reasons for refusal:

1. *'By virtue of the poor layout design and the scale of the dwellings, taking account of the topography of the site and the loss of trees, the proposed scheme is an incongruous form of development which will erode the character and appearance of the local area. The proposal is therefore contrary to National Planning Policy Framework 2023, policies CP1 and CP3 of the Core Strategy, policies CC01, CC03 and TB21 of the Managing Development Delivery Local Plan 2014 and Policy IRS6 of the Finchampstead Neighbourhood Plan 2023'.*
2. *'The level of proposed planting fails to enhance the proposed scheme and does not integrate well within the layout design which will create a more suburban appearance in a woodland setting. The layout is also dominated by hard landscaping. The proposal is therefore contrary to the National Planning Policy Framework 2023, Policies CP1 and CP3 of the Core Strategy 2010, Policies CC03 and TB21 of the Managing Development Delivery Local Plan 2014, and Policy IRS6 of the Finchampstead Neighbourhood Plan 2023'.*
3. *'By virtue of the poor layout design, and topography of the site including the scale and design of the dwellings, the proposed scheme would result in an unacceptable arrangement affecting overlooking, outlook, natural surveillance within the development and to neighbouring properties within the vicinity of the site. The proposal is therefore contrary to the National Planning Policy Framework 2023, Policy CP3 of the Core Strategy 2010 and Section 4 of the Borough Design Guide Supplementary Planning Document 2012'.*

3.9 An appeal was subsequently lodged against the Reserved Matters refusal on 7 November 2024.

3.10 In the appeal submission, the appellant provided additional plans which amended the application. These plans were not previously considered by the LPA but were provided to address minor issues raised by the LPA. The amendments comprised revising the following:

- Removal of walk on balconies from the rear of plots 6-10, in response to the LPA's concerns about the relationship between the development and Oak Manor to the east (overlooking).
- Making the woodland entrance more legible by increasing the width of the walkway (in front of Plot 10), in response to the LPA's concerns about the relationship between the development and woodland.

3.11 The amendments were accepted and considered in the Reserved Matters appeal. These changes are again included as part of this submission.

The Previous Reserved Matters Appeal Decision

3.12 In relation to the Reserved Matters appeal (ref. APP/X0360/W/24/3352010), the Inspector's decision agreed with the Appellant on the vast majority of points (areas of agreement and the outstanding issues are summarised below).

3.13 The appeal was dismissed on 21 February 2025 on the sole issue of the treatment of the boundary with Oak Manor (and specifically the loss of Lawson cypress trees along the eastern boundary). This led to harms identified on neighbours and the character of the area.

3.14 Key quotes from the appeal are set out below:

Principle of Development and Outline Appeal Decision:

- "my colleague found that the **site is very well contained with heavily restricted views** into and across it. Even allowing for the extent of proposed tree removal, I agree generally with my colleague on this point." (§10)
- "My colleague further found [referring to the outline appeal decision] that **a significant loss of trees from the site was an inevitable consequence of its allocation** for housing

development. I also agree with this point.” (§10)

- “The **principle of development of the appeal site has been established**, and the 3 new houses [referring to Oak Manor, Willow Cottage and Orchard House] occupy part of the wider allocated site.” (§13)

Character and Appearance:

- “**Views of the development from Nine Mile Ride would be limited** principally to along the proposed accesses. Such **views would be distant**, given the depth of the accesses, and from elsewhere on Nine Mile Ride the proposed houses would be seen as a backdrop to the existing houses, as well as in the context of the retained and proposed trees and landscaping. In this context the change would **not be harmful to the character and appearance of the area.**” (§16)
- “Whilst the proposed development would be visible from the lane, it would be seen as a background presence in the context of the nearer houses and with some screening provided by the retained trees. This would be a change from the current character, but **given the urban setting of the wider area this would not amount to harm to its character.**” (§17)
- The houses on plots 11-16 due to their size and proximity to those houses would be visible from the lane. However, **they would be seen as a backdrop to Silverwood and Tubney**, and there would be screening from the intervening woodland to the rear of the houses and the retained trees on the appeal site. While this would result in a change to the character of Wick Hill Lane, **this change would be modest in scale, and so would not be harmful.**” (§18)
- “**the development would retain enough of that woodland character that it would not otherwise be harmful to the character and appearance of the area.**” (§19)
- The appeal proposal would involve laying hardstanding throughout the site to provide access to the houses...While it

would result in a significant change to the internal character of the site, **the degree of enclosure would mean that this would not affect the character of the wider area.**" (§20)

- **"The development would** otherwise, considering that the principle of development has been established, **be acceptable in terms of integrating into its woodland setting.** It would therefore accord overall with policies CC03 and TB21 of the Local Plan and Policy IRS6 of the Finchampstead Neighbourhood Plan 2023. These policies seek, amongst other things, for development to retain the condition, character and features that contribute to the landscape and seek to retain mature or important trees, groups of trees or woodland on site." (§24)

Living Conditions - Future Occupiers and Adjacent Properties:

- **"the relationship of the houses to the woodland would be acceptable."** (§32)
- "The proposed development would provide acceptable living conditions for future occupiers. **Its effect on the living conditions of most neighbouring occupiers would be limited and would not result in undue harm to them.** However, it would **cause direct overlooking of Oak Manor, and as a result its occupiers would experience an unacceptable loss of privacy.** It would therefore conflict with policy CP3 of the Wokingham Borough Core Strategy 2010 (the Core Strategy)." (§34)

3.15 In regard to the key reasons for the dismissal of the appeal, the Inspector concluded that:

- "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...Elsewhere, the screening provided by the retained trees and proposed landscaping would be more effective.**

*While the appeal site is only part of the allocated site it is inevitable that any housing development on it would result in change to its character and appearance. **Other than in relation to Oak Manor, the effect would largely be contained to the interior of the site, with only a limited impact beyond it due to the extent of retained trees within the site**". (§13-15)*

- *"**The removal of the Lawson cypress trees from the boundary would result in there being little visual separation between the garden to Oak Manor and the houses on plots 6, 7 and 8 of the appeal proposal.**" (§25)*
- *"A hedgerow would be planted along the shared boundary. This would be comprised of specimens of up to 1 metre in height. I am mindful that **the proposed species could grow over time to provide meaningful screening. However, this would take several years, during which the neighbouring occupiers would experience both overlooking and the perception of being overlooked.** Given that little or no overlooking occurs at the present time due to the mature trees and orientation of neighbouring properties, this **would result in unacceptable harm to their living conditions.**" (§26)*

4. Development Proposals

4.1 In response to the recent Reserved Matters appeal decision, amendments have been made to ensure that this Reserved Matters application overcomes the sole issue of the treatment of the boundary with Oak Manor (and specifically the loss of Lawson cypress trees along the eastern boundary).

4.2 The revisions are as follows:

- 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 overleaf).
- Proposing a 1.8m close boarded fence along the boundary with Oak Manor (to replace existing post and rail fence).
- 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.

4.3 This Reserved Matters resubmission also makes minor alterations to the proposed boundary treatments along the southern and western boundaries (unrelated to the Inspectors decision). These changes have been made to further enhance the aesthetics of the Proposed Development.

4.4 As before, the mix for the Proposed Development is as follows with all homes meeting M4(2) standards:

- 5 x 2 bedroom houses
- 10 x 3 bedroom houses
- 11 x 4 bedroom houses

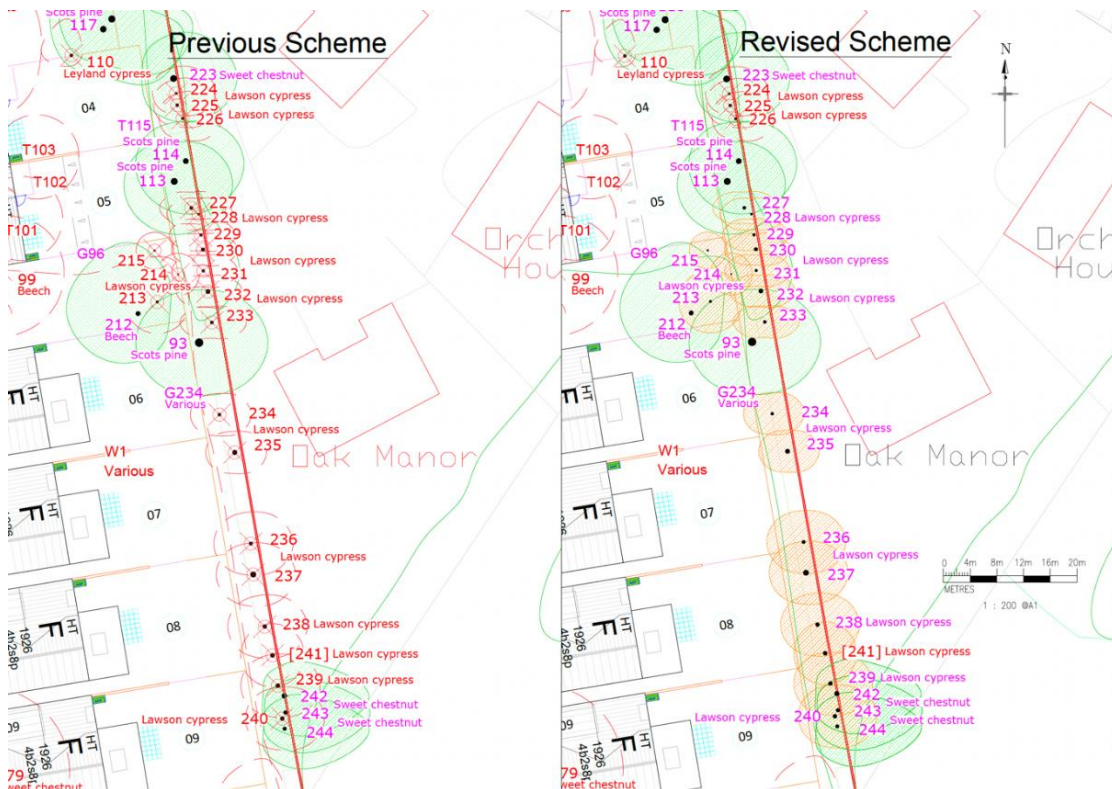


Figure 6: New RM submission on right compared to application ref 232298 on left (additional retained trees shown orange)

4.5 In regards to public open space, the Proposed Development again comprises:

- Site area: 1.9ha
- Development area: 1ha
- Public open space: 500sqm
- Landscape buffers: 2,165sqm
- Retained woodland 6,053sqm

4.6 The green infrastructure strategy for the Site is not changing and partly relies on taking advantage of the Site's unique woodland setting, with large areas of retained woodland and buffers around the perimeter and significantly through the southern section of the Site. The scheme will also deliver circa 0.5ha of publicly accessible open space, at the site entrance to great a focal point to the development.

5. Planning Policy Context

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70 (2) of the Town and Country Planning Act 1990 requires that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 5.2 **The Development Plan:** At a local level, Wokingham Borough Council ('WBC') adopted their Core Strategy (CS) in January 2010 and Managing Development Delivery (MDD) was adopted in February 2014. Additionally, the Finchampstead Neighbourhood Plan was made in September 2023. All 3 documents form the Development Plan for WBC.
- 5.3 A number of Supplementary Planning Documents ('SPDs') have also been created which link to specific policies within the Development Plan and provide additional detail.
- 5.4 WBC's emerging Local Plan has been submitted to the Secretary of State for Independent Examination. The emerging Local Plan bases their housing requirement calculates on the old Standard Method. Housing need for WBC has increased from 748 dpa to 1308 dpa under the new Standard Method. The Examination is yet to be scheduled and will test the 'soundness' of the emerging Local Plan. As such the emerging Local Plan has limited weight.
- 5.5 **Housing Land Supply and Tilted Balance:** At a national level, the National Planning Policy Framework ('NPPF') was revised in December 2024 and constitutes guidance which the Local Planning Authority must have regard to. The NPPF does not change the statutory status of the development plan as the starting point for decision making but is a material consideration.
- 5.6 The NPPF also requires Local Planning Authorities to maintain a five-year housing land supply position. The adopted Core Strategy was adopted in 2010 and the Managing Development Delivery was adopted in 2014 as a result the NPPF requires calculations of housing land supply must now be measured against the local housing need using the Standard Method (until such time that the new Local Plan is adopted).
- 5.7 It is important to note that at present Wokingham Borough Council are unable to demonstrate a five-year housing land supply position. Wokingham Borough Council published their Five-Year Housing Land Supply Statement in January 2025 following the publication of the new

NPPF and Standard Method. The Statement confirms that Wokingham are only able to demonstrate 1.7 years of deliverable housing sites.

5.8 Clearly given the council's current lack of five-year housing land supply position, the policies relating to housing delivery in the Local Plan are considered out of date and afforded limited weight in the decision-making process. Furthermore, paragraph 11(d) of the National Planning Policy Framework is engaged and as such proposals for new dwellings should be granted permission unless it can be demonstrated that there is a clear reason for refusing the development, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole. However, given that the site already has Outline permission, the principle of developing the site has already been accepted.

5.9 **Relevant Local Plan Policies:** The relevant development plan documents are:

- Core Strategy (CS) adopted in January 2010;
- Managing Development Delivery (MDD) adopted in February 2014; and
- Finchampstead Neighbourhood Plan (FNP) adopted in September 2023.

5.10 It is considered that the following policies of the Core Strategy are relevant to this proposal:

- Policy CP1 – Sustainable Development
- Policy CP2 – Inclusive communities
- Policy CP3 – General Principles for Development
- Policy CP4 – Infrastructure Requirements
- Policy CP5 – Housing mix, density and affordability
- Policy CP6 – Managing Travel Demand
- Policy CP7 – Biodiversity
- Policy CP8 – Thames Basin Heaths Special Protection Area
- Policy CP9 – Scale and Location of Development Proposals

- Policy CP17 – Housing Delivery

5.11 It is considered that the following policies of the Managing Delivery Local Plan are relevant to this proposal:

- Policy CC01- Presumption in Favour of Sustainable Development
- Policy CC02 – Development Limits
- Policy CC03 – Green Infrastructure, Trees and Landscaping
- Policy CC04 – Sustainable Design and Construction
- Policy CC05 – Renewable Energy and Decentralised Energy Networks
- Policy CC07 – Parking
- Policy CC09 – Development and Flood Risk (from all sources)
- Policy CC10 – Sustainable Drainage
- Policy TB05 – Housing Mix
- Policy TB07 – Internal Space Standards
- Policy TB08 – Open space, sport and recreational facilities standards for residential development
- Policy TB21 – Landscape character
- Policy TB23 – Biodiversity and Development

5.12 The following policies of the FNP is considered to be relevant to this proposal:

- Policy AHD1 – Development Outside the Development Limits
- Policy AHD2 – Development Within the Development Limits
- Policy ES1 – Environmental Standards for Residential Development
- Policy GA1 – Improve Environment and Health from Traffic Pollution

- Policy GA2 – Reduction in Car Use with Safe Personal Mobility Options
- Policy D1 – Building Heights
- Policy D2 – Preserving the Rural Character of the Parish
- Policy IRS2 – Protection of Outstanding Views
- Policy IRS4 – Informal Green Spaces
- Policy IRS5 – Ecologically-Important Areas and Biodiversity
- IRS6 – Trees

5.13 It should also be noted that the FNP does not qualify for the protection afforded to neighbourhood plans as set out in paragraph 14 of the NPPF. This is pertinent as the Neighbourhood Plan does not qualify against criterion b) which requires it to contain policies and allocations to meet its identified housing requirement.

5.14 The Planning Practice Guidance, which supports the NPPF, provides detail on what would qualify as policies and allocations and notes that *'In order for a neighbourhood plan to meet the criteria set in paragraph 14b of the Framework, the 'policies and allocations' in the plan should meet the identified housing requirement in full, whether it is derived from the housing figure for the neighbourhood area set out in the relevant strategic policies, an indicative figure provided by the local planning authority, or where it has exceptionally been determined by the neighbourhood planning body'*. It also notes that *'Policies and allocations within other development plan documents, for example strategic site allocations or windfall development set out in a local plan or spatial development strategy, will not meet criterion 14b of the National Planning Policy Framework.'* (Paragraph: 097 Reference ID: 41-097-20190509).

5.15 **Supplementary Planning Documents and Guidance and interim planning guidance:**

- Borough Design Guide (June 2012)
- Sustainable Design and Construction (May 2010)
- Infrastructure Delivery and Contributions (October 2011)
- Affordable Housing (July 2013)

- 5.16 **National Guidance:** The National Planning Policy Framework (NPPF) is a relevant material consideration to the application.
- 5.17 The purpose of the planning system is to contribute to the achievement of sustainable development. So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development. Paragraph 39 of the NPPF states that "*Local planning authorities should approach decision on proposed development in a positive and creative way*" and "*at every level should seek to approve applications for sustainable development where possible*". Paragraph 124 of the NPPF comments that planning should "*make effective use of land*" in "*meeting the need for homes and other uses, whilst safeguarding and improving the environment and ensuring safe and healthy living conditions*".
- 5.18 Paragraph 61 confirms the Government's objective to boost the supply of housing, and paragraph 8 identifies the three objectives of sustainable development, as economic, environmental and social. In addition, paragraph 73 highlights that "*Small and medium sized sites can make an important contribution to meeting the housing requirement of an area*".
- 5.19 Paragraph 131 identifies that "*Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities*", whilst paragraph 139 states that significant weight should be given to "*outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings*".
- 5.20 The National Design Guide builds on the above, and clarifies that "*well-designed neighbourhoods need to include an integrated mix of tenures and housing types that reflect local housing need and market demand. They are designed to be inclusive and to meet the changing needs of people of different ages and abilities. New development reinforces existing places by enhancing local transport, facilities and community services, and maximising their potential use*" (para 109).

6. Policy Assessment

6.1 This Chapter is structured under the following headings:

- Principle of Development;
- Character and Appearance of the Area;
- Amenity and Living Conditions;
- Arboriculture; and
- Transport and Access.

6.2 The Inspector raised no issues with the appearance, layout and scale of development (as set out below). Therefore, this resubmission does not change the quantum of development, or its appearance, layout or scale (only the treatment of the interface between Plots 6-10 and Oak Manor).

6.3 **Principle of Development:** Section 38 (6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that development proposals be determined in accordance with the Development Plan unless material considerations indicate otherwise.

6.4 The MDD 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.

6.5 The principle of development of the Site has been accepted through the allocation of the Site as part of a wider reserve housing allocation (reference FI140 'for around 40 dwellings' within MDD Policy SAL03) and with the granting of the outline planning application for 'up to 32 dwellings' (granted at appeal, reference APP/X0360/W/22/3295631).

6.6 The applicant is proposing a quantum of development (26 dwellings) within housing allocation FI140 ('around 40 dwellings') and the figure granted at Outline ('up to 32 dwellings').

6.7 The Inspector for the RM appeal reference APP/X0360/W/24/3352010 concluded that "the principle of development of the appeal site has been established" (§13).

- 6.8 **Character and Appearance of the Area:** CS Policy CP1 requires amongst other things that development maintains or enhances the high quality of the environment (criterion 1).
- 6.9 CS Policy CP3 at criterion a states that planning permission will be granted for proposals that are of an appropriate scale of activity, mass, layout, built form, height, materials and character to the area together with a high-quality of design.
- 6.10 MDD Policy CC03 at criterion 2 states that development proposals should demonstrate how they have considered and achieved the following criteria within scheme proposals:
- a) Provide new or protect and enhance the Borough's Green Infrastructure networks, including the need to mitigate potential impacts of new development
 - b) Promote accessibility, linkages and permeability between and within existing green corridors including public rights of way such as footpaths, cycleways and bridleways
 - c) Promote the integration of the scheme with any adjoining public open space or countryside
 - d) Protect and retain existing trees, hedges and other landscape features
 - e) Incorporate high quality, ideally, native planting and landscaping as an integral part of the scheme
- 6.11 It goes onto state at criterion 3 that development proposals which would result in the loss, fragmentation or isolation of areas of green infrastructure will not be acceptable.
- 6.12 MDD Policy TB21 requires proposals to 1) address the requirements of the Council's Landscape Character Assessment and 2) retain or enhance the condition, character and features.
- 6.13 FNP Policy IRS6 echoes Local Plan policies in requiring, amongst other things, that development proposals seek to retain mature or important trees, groups of trees or woodland on site.
- 6.14 The appeal decision issued on the previous Reserved Matters application confirms that the majority of the proposed scheme has acceptable character impacts (§16-20, 24). This includes the perception of the

Proposed Development from the Nine Mile Ride (§16) and other vantage points such as the neighbouring Silverwood and Tubney (§18).

- 6.15 The single outstanding issue in relation to the impact on character and appearance resides in the localised interrelationship of the Proposed Development with Oak Manor to the east of the Site. The Inspector concluded:

"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...Elsewhere, the screening provided by the retained trees and proposed landscaping would be more effective. While the appeal site is only part of the allocated site it is inevitable that any housing development on it would result in change to its character and appearance. Other than in relation to Oak Manor, the effect would largely be contained to the interior of the site, with only a limited impact beyond it due to the extent of retained trees within the site". (§13-15)

- 6.16 In order to make the scheme acceptable to the character and appearance as seen from Oak Manor, the applicant has undertaken the following changes to overcome this issue:

- 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.

- 6.17 Clifton Emery Design have produced a Design and Access Statement (DAS) which provides justifies our design response to the previous dismissed appeal.
- 6.18 Accordingly, the revisions to this part of the Site are considered to be an improvement, ensuring that the 'established woodland character' is maintained and enhanced as seen from Oak Manor, and that the Site will retain its enclosed character (a characteristic identified by the Outline appeal Inspector).
- 6.19 We will now consider the Proposed Development in respect of the matters reserved, namely:
- Appearance and Scale
 - Layout
 - Landscaping

Appearance and Scale

- 6.20 For the Outline appeal, the Inspector stated the following:
- "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."* (§27)
- 6.21 This position was accepted at the Reserved Matters appeal. The Reserved Matters Inspector made no criticism of
- 6.22 The appearance and scale of the Proposed Development did not form part of the Inspectors reasons for dismissing the appeal.
- 6.23 In addition, the Officer's Report for the previous Reserved Matters application confirmed the following:
- "The proposed dwellings will use traditional building forms – combining both eaves and gabled frontages to provide memorable places and definition to lanes and spaces. A combination of traditional and contemporary detailing, references to local features will add to architectural interest throughout the site".* (§60)
- 6.24 Therefore no changes have been made to the appearance and scale of the Proposed Development, compared to the previous RM application.

Layout

- 6.25 The layout of the Proposed Development did not form part of the Inspectors reasons for dismissing the appeal.
- 6.26 The Inspector acknowledged that 26 dwellings could be accommodated successfully in the layout proposed, in a way which retains the woodland character setting of the site (except as seen from Oak Manor, which is being addressed with retaining the cypress trees):

"While the appeal site is only part of the allocated site it is inevitable that any housing development on it would result in change to its character and appearance. Other than in relation to Oak Manor, the effect would largely be contained to the interior of the site, with only a limited impact beyond it due to the extent of retained trees within the site." (§15)

"Whilst the proposed development would be visible from the lane, it would be seen as a background presence in the context of the nearer houses and with some screening provided by the retained trees. This would be a change from the current character, but given the urban setting of the wider area this would not amount to harm to its character." (§18)

"...the development would retain enough of that woodland character that it would not otherwise be harmful to the character and appearance of the area." (§19)

- 6.27 Regarding garden sizes and separation distances, the Inspector for the Reserved Matters appeal concluded that the relationship between the proposed dwellings and neighbouring houses was appropriate due to the garden sizes meeting local standards and achieving appropriate back-to-back distances, as well as due to the presence of landscape buffering between the built development (§28-30).
- 6.28 Therefore no changes have been made to the appearance and scale of the Proposed Development, compared to the previous RM application.

Landscaping

- 6.29 The overarching landscape vision for the site is to create a high-quality external realm, providing an attractive and appropriate setting to the proposed development, which contributes to overall landscape structure and ensures a quality green infrastructure is incorporated and retained and enhanced from the existing.

- 6.30 R14 of the Borough Design Guide SPD requires well-designed hard and soft landscaping that complements housing. The Inspector for the Reserved Matters appeal decision (reference APP/X0360/W/24/3352010) stated that:

"The removal of the Lawson cypress trees from the boundary would result in there being little visual separation between the garden to Oak Manor and the houses on plots 6, 7 and 8 of the appeal proposal." (§25)

and

"A hedgerow would be planted along the shared boundary. This would be comprised of specimens of up to 1 metre in height. I am mindful that **the proposed species could grow over time to provide meaningful screening. However, this would take several years, during which the neighbouring occupiers would experience both overlooking and the perception of being overlooked.** Given that little or no overlooking occurs at the present time due to the mature trees and orientation of neighbouring properties, this **would result in unacceptable harm to their living conditions.**" (§26)

- 6.31 The landscape vision has been revised in order to improve the relationship and setting of the proposed development, with the surrounding built environment (particularly in relation to Oak Manor and to address the comments from the Inspector above).

- 6.32 Through discussions with the owners of Oak Manor, consideration has been given to the proposed boundary treatments on the eastern side of the Site to ensure that they are sensitive to the woodland character of the surrounding area. The proposed boundary now includes Acer campestre set behind the proposed 1.8m close boarded fence which grows up to a height of 8-12m and will add further depth to the reinforced boundary.

- 6.33 The DAS summarises the design response as follows:

"The updates to the landscaping scheme are designed to significantly reinforce the boundary between proposed plot 6 – 10 and the existing neighbouring dwelling 'Oak Manor'. Primarily this has been achieved through the retention of the cypress trees located along this boundary, trees that were previously shown for removal in the former application."

In summary, a proposed 1.8m high close boarded fence ensures no overlooking between gardens. To provide as robust a boundary as

possible, and in addition to garden depths of 11 – 16m, the proposal continues to include a 3m buffer strip - protected from alteration by homeowners through the provision of a 1.5m high paddock style fence including mesh. The buffer strip includes maintenance access and a 2m wide hedge with species chosen to achieve an additional boundary feature of up to 3m in height. One species within the mix is a tree 'Acer Campestre'. This tree is intended to be located throughout the hedge bank, but will be specifically planted in the gaps between the existing trees where it is anticipated that the specimens will thrive and create a continuous visual boundary at first floor level."

- 6.34 In this way, the accompanying DAS has demonstrated how the proposed landscaping associated with the Proposed Development is now acceptable, which now includes the retention of cypress trees and supplementary planting along the eastern boundary.
- 6.35 **Amenity and Living Conditions:** CS Policy CP3 at criterion a) states that planning permission will be granted for proposals that are of an appropriate scale of activity, mass, layout, built form, height, materials and character to the area together with a high-quality of design without detriment to the amenities of adjoining land users including open spaces or occupiers and their quality of life.
- 6.36 The Borough Design Guide SPD 2012 builds on CS Policy CP3 with some specific design guidance, including recommended minimum separation distances and garden sizes at Chapter 4.
- 6.37 The Inspector on the Reserved Matters appeal (reference APP/X0360/W/24/3352010) confirmed the following in relation to the impact on amenity and living conditions:

"the relationship of the houses to the woodland would be acceptable." (§32)

and

"The proposed development would provide acceptable living conditions for future occupiers. Its effect on the living conditions of most neighbouring occupiers would be limited and would not result in undue harm to them. However, it would cause direct overlooking of Oak Manor, and as a result its occupiers would experience an unacceptable loss of privacy. It would therefore conflict with policy CP3 of the Wokingham Borough Core Strategy 2010 (the Core Strategy)." (§34)

- 6.38 Through discussions with the owners of Oak Manor, the proposed scheme has been revised (as set out above and in Figure 7 below) in order to address these concerns and make the scheme acceptable in planning terms. This includes the revised strategy to retain all Lawson Cypress, erecting a replacement 1.8m high close boarded fence on the boundary with Oak Manor and enhancing the existing buffer through additional planting to strengthen the buffer between the Site and Oak Manor to ensure that the Proposed Development has acceptable impacts in terms of overlooking and loss of privacy.



Figure 7: Revised boundary treatment adjacent to Oak Manor

- 6.39 The revisions to the scheme made during the course of the dismissed Reserved Matters appeal (set out in paragraph 3.10 and 3.11 of this Planning Statement, including the removal of walk on balconies to Plots 6-10) to address the LPA's comments in regards to overlooking have also been incorporated into this revised scheme.
- 6.40 In summary, the revised scheme has been designed to address the issues raised at the Reserved Matters appeal and achieve an acceptable relationship on neighbouring amenity, in compliance with CS Policy CP3 (a), MDD Policy TB06 (2b, d and e) and the Borough Design Guide SPD.
- 6.41 **Arboriculture:** Policy CC03 of the MDD Local Plan aims to protect green infrastructure networks, retain existing trees, and establish appropriate landscaping. Policy IRS6 of the FNP also seeks to retain existing trees in the Parish.
- 6.42 The Inspector for the dismissed Reserved Matters appeal stated that:

"My colleague further found [referring to the Outline appeal decision] that **a significant loss of trees from the site was an inevitable consequence of its allocation** for housing development. I also agree with this point." (§10)

- 6.43 The isolated point relating to arboriculture raised related to the proposed removal of Lawson Cypress trees.
- 6.44 SJA Trees have undertaken an Arboricultural implications Report (AiR) in support of the Reserved Matters application, and the revised scheme now includes the retention of all 18 Lawson Cypress trees along the eastern boundary. Additional tree planting is also proposed in this to strengthen the existing buffer (as shown on Figure 8 below).

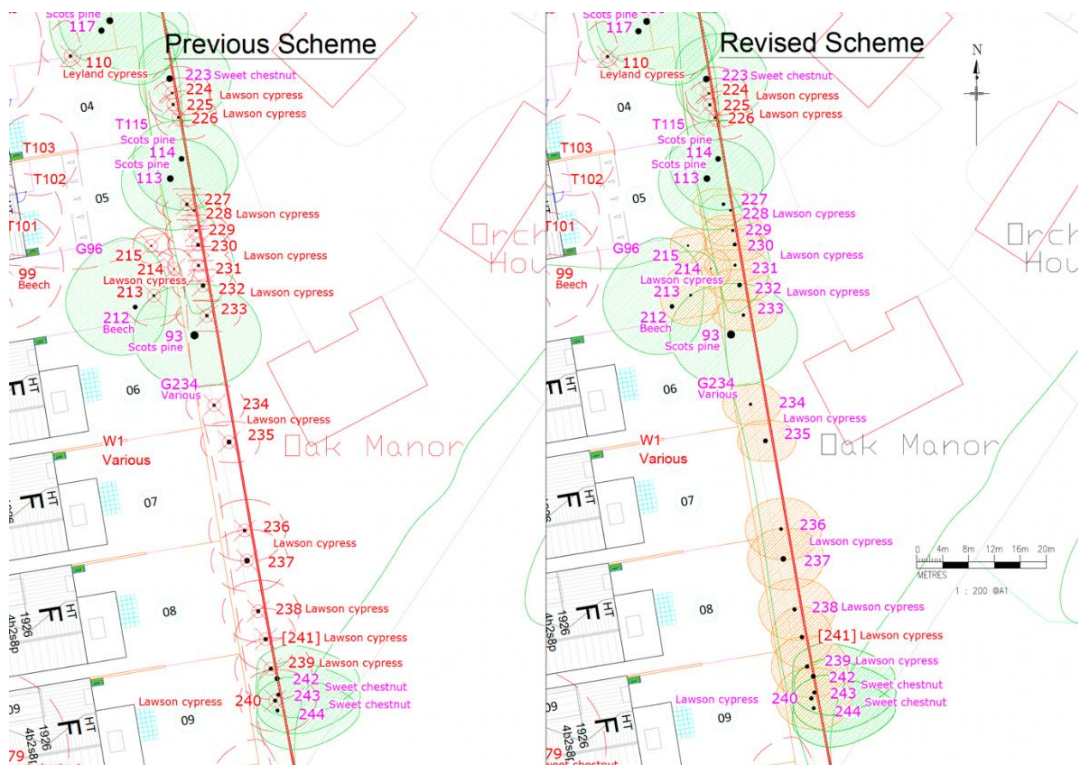


Figure 8: Comparison of proposed boundary treatments with the dismissed Reserved Matters scheme

- 6.45 When balancing the issues, the Inspector gave greater weight to the instantaneous screening benefits of the retaining the cypress trees compared to the benefits of their replacement with more native species. The Inspector at paragraph 13 refers to the removal of the Lawson Cypress trees as being 'contrary to the established woodland character' and causing a 'loss of the enclosed character which was recognised in the decision to grant outline planning permission'.

- 6.46 In summary, the supporting documents demonstrate how the retention of existing trees has informed the design evolution of the scheme and the retention and enhancement of more trees along the eastern boundary is considered to be an improvement over the previous Reserved Matters application.
- 6.47 **Transport and Access:** Icení Projects have prepared an updated Transport Statement. For the avoidance of doubt, this includes acceptable swept paths of the extended roadway to the entrance of the woodland to the front of Plot 10 (revised during the appeal stage to provide a more legible entrance to the woodland). All other aspects of the scheme are unchanged, compared to the proposals which raised no objection from the Highways Officer.

7. Conclusion

7.1 This Statement is produced to support a Reserved Matters application for the following development:

"Reserved Matters application for 26 dwellings and associated infrastructure, landscaping and demolition of existing dwellings (to consider appearance, landscaping, layout and scale)".

7.2 This Reserved Matters application follows on from the Outline planning application (ref: 211889) which was granted by the Planning Inspectorate via appeal (ref: APP/X0360/W/22/3295631) in December 2022. A Reserved Matters application (ref. 232298) for the Site was dismissed at appeal (ref. APP/X0360/W/24/3352010) on 21 February 2025.

7.3 In relation to the Reserved Matters appeal (ref. APP/X0360/W/24/3352010), the Inspector's decision agreed with the Appellant's position on the vast majority of points. The appeal was dismissed on the sole issue of the treatment of the boundary with Oak Manor (and specifically the loss of Lawson cypress trees along the eastern boundary). This led to harms identified on neighbours and the character of the area. The Inspector refers to the removal of the Lawson Cypress trees as being 'contrary to the established woodland character' and causing a 'loss of the enclosed character which was recognised in the decision to grant outline planning permission' (§13 of the appeal decision) as well as causing 'overlooking of Oak Manor' (§25 and 34).

7.4 The revised scheme submitted with this application addresses these concerns by:

- Retaining all of 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).
- Proposing a 1.8m close boarded fence along the boundary with Oak Manor (to replace existing post and rail fence).
- 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.

- 7.5 By making these revisions, the new Reserved Matters scheme would fully address the issues raised by the Inspector, related to character and neighbour impact, which are rooted in the removal of the cypress trees.
- 7.6 This RM resubmission also makes minor alterations to the proposed boundary treatments along the southern and western boundaries (unrelated to the Inspectors decision). These changes have been made to further enhance the aesthetics of the Proposed Development.
- 7.7 This RM resubmission should therefore be found acceptable and approved without delay.

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Appendix 1

Appeal Decision

Inquiry held on 2-12 August 2022

Accompanied site visit made on 4 August 2022

by Matthew Nunn BA BPL LLB LLM BCL MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th December 2022

Ref: APP/X0360/W/22/3295631

Land at and to the rear of 240 Nine Mile Ride, Finchampstead

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period on an application for outline planning permission.
 - The appeal is made by Kingacre Estates Ltd against Wokingham Borough Council.
 - The application Ref: 211889 was dated 27 May 2021
 - The development was originally described as 'outline planning permission with all matters reserved other than principal means of access from the existing highway of Nine Mile Ride for up to 32 dwellings, and associated infrastructure, landscaping and demolition of existing dwellings'.
-

Decision

1. The appeal is allowed and planning permission granted for an outline application with all matters reserved other than principal means of access from the existing highway for up to 32 dwellings, and associated infrastructure, landscaping and demolition of existing dwellings on land at and to the rear of 240 Nine Mile Ride, Finchampstead, in accordance with the terms of the application, Ref: 211899, dated 27 May 2021, subject to the conditions set out in the attached Schedule.

Preliminary Matters

2. The application is made in outline with all matters except access reserved for subsequent determination. An Illustrative Master Plan¹ accompanied the application to show how the site might be developed, but this is indicative only. In addition to my accompanied site visit, I made a number of unaccompanied visits to the site and its surroundings before, during and after the Inquiry.
3. The Council failed to determine the application within the appropriate timescale. In the absence of a refusal notice, there was a discussion about the likely main issues at the Case Management Conference. The Council had originally set out five putative grounds in its Statement of Case², but these were not detailed or specific³. Further clarification was provided in a note

¹ Drawing AAL-21-113-P01

² Paragraph 1.1

³ It is accepted that the Statement of Case expands on these grounds in subsequent paragraphs

dated 15 June 2022⁴. The putative grounds in essence cited: (1) poor design, quantum and density of development and the relationship with the wider housing allocation; (2) the impact on trees, woodland and vegetation; (3) the impact on biodiversity and ecology; (4) concerns over the highway access arrangement.

4. The Council has confirmed, in respect of the fourth putative ground, that its concerns relate to a poor public realm, specifically what it regards as a long and narrow pedestrian footpath, segregated from the main vehicular access. However, no specific case on highway safety is advanced. In terms of the third ground, the Council states that sufficient information has now been provided to show there would not be an adverse effect on individual species, and any loss of habitat and biodiversity can be compensated for off-site. Nonetheless, the Council still considers the impact on Priority Habitat can be avoided and objects on this basis.
5. Other matters that would constitute reasons for refusal in the absence of a planning obligation included: (i) the effect on the Thames Basin Heaths Special Protection Area (SPA) without mitigation; (ii) the absence of an employment skills plan or financial contribution; (iii) the lack of a Travel Plan or a financial contribution to the 'My Journey' initiative; (iv) the lack of a mechanism for the long-term maintenance and management of highways and communal areas.
6. After some delay, a series of counterpart planning obligations have now been completed with the Council, dated 23 November 2022⁵. As a consequence, the putative refusal reasons identified above in Paragraph 5 have been withdrawn by the Council. I deal with the planning obligations in the body of my decision.
7. The lack of provision of affordable housing was also a putative refusal ground. However, this has fallen away as the parties both agreed its provision would not be viable.

Main Issues

8. In the light of the above, the main issues are:
 - i. the effect of the proposal on the character and appearance of the area, including the landscape;
 - ii. the impact on trees, woodland and vegetation;
 - iii. the effect of the proposal on biodiversity and ecology; and
 - iv. the acceptability of access arrangements to the site.

Reasons

Planning Policy Context

9. The relevant legislation⁶ requires that the appeal be determined in accordance with the statutory development plan unless material considerations indicate otherwise. The statutory development plan comprises the Wokingham Borough

⁴ CD 6.9

⁵ ID 24

⁶ Section 38(6) of the Planning and Compulsory Purchase Act 2004

Core Strategy ('the CS') adopted in 2010, the Managing Development Delivery Plan ('the MDD'), adopted in 2014; and 'saved' Policy NRM6 of the South East Plan relating to the Thames Basin Heath SPA.

10. The Council's remaining putative reasons for refusal cite the following CS Policies: CP1 (sustainable development), CP2 (inclusive communities), CP3 (general principles of development), CP6 (managing travel demand), and CP7 (biodiversity). The following MDD Policies are also cited: CC01 (presumption in favour of sustainable development), CC03 (green infrastructure, trees and landscaping), TB06 (development of private residential gardens), TB21 (landscape character), TB23 (biodiversity and development), SAL03 (allocated reserve housing sites).
11. The National Planning Policy Framework ('the Framework') sets out the Government's planning policies and is a material consideration in planning decisions. It is not disputed that the Council is unable to demonstrate a deliverable five-year supply of housing, as required by the Framework. The Council is prepared to accept that the deliverable supply of housing, plus a 5% buffer, is likely to be marginally less than 5 years⁷. In these circumstances, Paragraph 11(d) is clear that policies which are 'most important for determining the application' are rendered out of date⁸. The policies relied on in the Council's putative reasons for refusal must self-evidently fall within that category, and so must be considered out of date. Importantly, however, the Framework does not change the statutory status of the development plan for decision making, and the fact that policies are deemed out of date does not mean they should carry no weight or be disregarded.
12. The Framework is also clear at Paragraph 11(d)(ii) that in the absence of a five-year supply of housing, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
13. Of critical importance in this case 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). Although that Policy states that no dwelling completions should occur before April 2026, the Council has already resolved to release all 'reserve sites' to boost housing supply⁹. Further guidance on the development of the site is provided at Appendix 12 of the MDD¹⁰. Therefore, and very importantly for this appeal, the principle of residential development has already been established on the site.

Emerging Policy

14. Work has started on a Local Plan Update (LPU) but this is still at an early stage. The draft LPU does not propose carrying forward the allocation, although the Council has not sought to object to the principle of housing on this basis. In any event, there is considerable uncertainty regarding the updated LPU's final

⁷ Paragraph 8, Housing Statement of Common Ground

⁸ By reference to footnote 8

⁹ Decision of Council's Executive in July 2017

¹⁰ Although a capacity of 70 units is cited in this Appendix, this is confirmed by the Council to be incorrect; see Paragraph 4.8 of Mr Croucher's Proof

format. In these circumstances, and in accordance with the Framework¹¹, I consider little weight can be given to the LPU at this time. Finchampstead Parish Council are in the process of producing a Neighbourhood Plan, but this is in draft form, having recently been subject to consultation. However, it has yet to be formally examined, and is subject to change. Again, in accordance with the Framework, I consider this document attracts little weight at this time.

Character and Appearance, including Landscape

15. The appeal site comprises a broadly oblong area of land to the south of Nine Mile Ride. It forms the central portion of an irregularly shaped wider housing allocation that extends to the east and west. The site includes two substantial detached properties (Nos 238 & 240) set on generous plots that are positioned behind the frontage residential development along Nine Mile Ride. Two separate accesses serving these existing properties pass between the dwellings fronting the road and also form part of the site. To the south, also included in the appeal site, behind the two dwellings is an extensive area of woodland covered by a TPO. This comprises primarily deciduous species including chestnut, oak, birch, but also Scots Pine. This woodland area extends southwards to Wick Hill Lane, marking the southern boundary of the site.
16. Nine Mile Ride is a long avenue, one of the historic linear rides formed through the previous Royal Forest. There is housing both sides of the road in the vicinity of the appeal site. The houses vary in style and design, comprising predominantly detached dwellings, although some are semi-detached. Most are set back from the road, with substantial front gardens, attractively landscaped with hedges and shrubs. Overall, the locality has an attractive verdant appearance because of the presence of many mature trees, both within the residential plots and lining the road. The main part of the appeal site is not directly visible from the road, as it is set behind the existing residential frontage development, although some of the trees within it are visible from the road, forming an attractive backdrop.
17. The appeal scheme proposes the demolition of the two dwellings (Nos 238 & 240) set behind the frontage housing and the removal of a substantial section of the woodland (around 0.53 hectares) covered by a TPO and its replacement with up to 32 houses. The area to be developed with housing would essentially comprise the central wedge of the larger plan allocation. The main vehicular access would be provided by what is currently the tree-lined driveway to No 238, with a separate access for pedestrians and cyclists via the current paved driveway to No 240.
18. The Council's objections relate to the scale and quantum of development, and the implication for trees. It argues that because of the quantum of development proposed on the site, there is no reasonable prospect to 'design out' the cramped character of scheme at reserved matters stage. In particular, the Council objects to how much development is proposed on an area comprising less than half of the allocated site: namely up to 32 dwellings against around 40 dwellings for the whole housing allocation.

¹¹ Paragraph 48

19. Importantly, Policy SAL03 does not prescribe parts of the allocated site where development may or may not take place. The only real guidance regarding the allocation relates to the landscaping along the southern boundary, requiring any removal of it to be justified having regard to its role in contributing to the character of the area¹². There is nothing within either Policy SAL03 or Appendix 12 that directs development to certain areas, or precludes it from others. There is no basis for stating parts of the allocation are simply undevelopable as that position was not established within Policy SAL03 or the Appendix at plan making stage. Although the Council highlights that the number of units envisaged in the MDD allocation is lower than its original notional capacity because of the constraints within it¹³, I consider Policy SAL03 effectively establishes the acceptability of the principle of development across the allocation.
20. The Council says the density of development on part of the allocation would be at odds with the surrounding area and would create a backland 'self-contained mini housing estate' at odds with the general development in the area¹⁴. However, the character of the wider area is mixed, with the presence of higher density cul-de-sac and backland type developments. The appellant has identified densities as ranging from 11 dwellings per hectare (dph) up to 30 dph to the west of Finchampstead Road. The Design and Access Statement cites the appeal scheme as comprising 26 dwellings per hectare (dph)¹⁵ and the appellant considers the nearby 'Bankside', a cul-de-sac, at 27 dph as the relevant comparator¹⁶.
21. There was much debate about the appropriate comparator in terms of housing densities. It seems to me that 'average densities' in an area will vary widely depending on how individual areas are defined – what housing is included or excluded. This can distort any comparison. I do not consider that density, of itself, to be necessarily a good indicator of whether a scheme blends into its surroundings or not. At 26 dph, it is certainly higher than the immediate area. 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.
22. In terms of the landscape, at a national level, the appeal site lies within NCA Profile 129: Thames Basin Heath. Within the Wokingham Borough Landscape Character Assessment (2019), the appeal site falls primarily within Landscape Character Area (LCA) M1: Finchampstead Forested and Settled Sands¹⁷. This is identified as having a densely wooded context which creates a strong sense of enclosure, with low density settlement arranged along linear historic rides or within the settlements of Finchampstead or Crowthorne. Parts of this particular landscape designation are regarded by the Council as being 'valued landscapes' in terms of the Framework¹⁸ although the appeal site itself is not defined as

¹² Appendix 12, Criteria f

¹³ The site was originally identified as potentially accommodating 120 units and the SHLAA identified it as having the potential to deliver 84 units.

¹⁴ Ms Crafer's Proof, Paragraph 4.1.5

¹⁵ CD 4.9, Page 23

¹⁶ Planning Statement, Page 18, CD 4.8

¹⁷ A small part of the southernmost part of the site, comprising entirely woodland, falls within 'N2: Finchampstead Pastoral Sandy Lowland'

¹⁸ Paragraph 174

- such. The appeal site is not covered by any landscape designations that specifically restrict development.
23. Whatever character 'label' is attached, the character of the site and surroundings is clear from site inspection. From my own observations, it is clear that the gardens of the two dwellings are attractively landscaped and contain mature trees, covered by TPOs, and ornamental shrubs. The gardens have a secluded character with dense woodland beyond. That said, the site's character is affected to an extent by adjacent development: in particular, Nine Mile Ride is a straight, relatively busy road, with housing on both sides. Road infrastructure and noise from passing traffic provides an urbanising influence.
24. 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.
25. The appellant has assessed the landscape effect¹⁹ on the appeal site itself as 'moderate major' but this is inevitable where new housing is proposed. The appellant states the effects on the immediate setting are assessed as 'minor adverse' to 'negligible adverse'. No wider landscape effects are predicted because of the relatively small scale of the development and high degree of enclosure. I agree with those assessments: the effects beyond the site boundary are very limited, apart from the changes required to upgrade existing accesses from Nine Mile Ride.
26. Drawing all these matters together, in terms of character and appearance, I consider that the appeal scheme would have a very localised impact on the character of the area. It would have negligible effects on the wider landscape because of the site's self-contained nature. The proposal would certainly result in the loss of attractive landscaped gardens, with associated trees and shrubs and an area of woodland, and the new housing would undoubtedly create a more suburban appearance. To that extent, there would be some conflict with Policy CC03 of the MDD which requires development, amongst other things, to protect and retain existing trees hedges and landscape features. There would also be a degree of conflict with Policy TB21 of the MDD which requires proposals to retain or enhance the condition, character and features that contribute to the landscape.
27. On the other hand, and importantly, the principle of development has already been accepted as part of the reserve allocation created by Policy SAL03. 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. This would ensure compliance with Policy CP1 of the CS which amongst other things requires development to maintain or enhance the high

¹⁹ Landscape and Visual Appraisal, EDP, May 2021 & March 2022 (CD 4.12 & CD 5.8) and Mr Chard's Proof

quality of the environment; and Policy CP3 of the CS which requires proposals to be of an appropriate scale of activity, mass, layout, built form and height, with a high quality of design.

28. Whilst the Council cites a conflict with Policy TB06 of the MDD in its putative reasons for refusal relating to development of residential gardens, the principle of development has been established through the allocation. However, I see no reason why, through careful consideration of the reserved matters, the scheme should not comply with the individual criteria of that policy, including making a positive contribution to the character of the area, and integrating with its surroundings.

Effect on trees, woodland and vegetation

29. The appeal site is subject of two separate Tree Preservation Orders (TPOs). The first covers the woodland in the southern portion of the site²⁰. The second includes trees around the borders of the dwellings at No 238 & 240, as well as trees in the existing tree-lined access to No 238²¹. A wooded area to the west, but outside the appeal site is also covered by a TPO²². The scheme would result in the loss of protected woodland (around 0.53 ha) as well as protected groups of trees (at least 85 individual trees²³). Trees would be removed along the eastern, western and northern boundaries, along with the main vehicular access to Nine Mile Ride. The submitted Arboricultural Impact Assessment (AIA) identifies existing trees at the appeal site, including which trees are to be removed.
30. The most publicly visible impact from Nine Mile Ride would be along the main vehicular access to the proposed dwellings. At present the access provides an attractive sylvan avenue to the house beyond. On a sunny day the dappled shade cast by these trees is pleasing. The scheme will require all trees along the eastern side of the access to be removed, along with certain identified trees along the western side. The Council has raised concerns that further trees may also need to be removed following the proposed amended access arrangement²⁴. Even if that is not the case, the loss of trees identified in the AIA along the proposed access will significantly reduce the density of trees and diminish its attractive wooded appearance. On the other hand, these are mainly transient and incidental views from Nine Mile Ride and are largely incidental, and do not provide an intrinsically important component of the character of the locality. Furthermore, the unchallenged highway evidence of the appellant is that direct access from Nine Mile Ride is preferable as compared with an access off Wick Hill Lane or Heath Ride. As a result, it seems to me some tree loss is inevitable.
31. There was a debate at the Inquiry regarding the quality and value of the trees identified for removal. The Council's witness felt that not all the trees had been fairly categorised, with a concern that some had deliberately been downgraded to 'Category C' to facilitate the development. The appellant strongly disputed this and highlighted that the Council's witness was not a qualified arboricultural

²⁰ TPO: 683/1994

²¹ TPO: 1800/2021

²² TPO: 479/1989

²³ Mr Croucher's Proof, Paragraph 5.48

²⁴ As shown in 'Rev F' of Access Plan 70070533-SK-006. The Arboricultural Impact Assessment preceded the amended access arrangement

consultant. There is clearly a difference in opinion between the appellant and Council on trees as evidenced by the decision of the Council to make a TPO on trees within the gardens of Nos 238 and 240 Nine Mile Ride. This was because the Council considered the trees made an important contribution in terms of providing a verdant backdrop in views from public locations. Ultimately, it seems to me that categorising trees is a matter of professional judgement about which reasonable people may disagree. From my own observations on site, it is clear that many good quality trees will be lost, with a consequent harmful effect on the character of the locality.

32. That said, and crucially, the Council was aware of the allocation's constraints, including the presence of trees, and likely environmental impacts of development when it designated the site as an allocation. It seems to me that a significant loss of trees to facilitate development is an inevitable consequence of the allocation. The requisite quantum of development for this allocation ('around 40 dwellings') simply cannot be brought forward without a material impact on trees and the landscape.
33. I acknowledge there may be different ways of developing the site and the Council has suggested alternatives. The Council has, for the purposes of this appeal, identified 'developable areas' within the larger allocation²⁵. However, even this approach would result in the loss of trees. Moreover, I am not convinced of the practicability of developing the allocation in this way, especially in terms of accessing the site. The reality is no other alternative larger scale proposals have come forward, notwithstanding the allocation having been released five years ago. In any event, I am concerned with the merits of the current planning application. Importantly, as mentioned above, there is nothing within Policy SAL03 or Appendix 12 that prescribes where development may or may not take place. Both are silent on this matter. The development plan has already, in effect, established the principle of housing development across the allocation, with the consequent loss of trees.
34. To sum up, there would clearly be a conflict with Policy CC03 of the MDD which requires, amongst other things, the protection and retention of existing trees, hedges and other landscape features. It would also conflict with Policy TB21 of the MDD which requires proposals to retain or enhance the condition, character and features that contribute to the landscape. The conflict with these policies must be considered in the overall planning balance, including with Policy SAL03 which allocates the site for housing.

Effect on Biodiversity and Ecology

35. The Council's ecologist was initially concerned there was insufficient information regarding the impact on dormice, bats, breeding birds and reptiles. However, as the appeal progressed, further information regarding protected species was provided by the appellant. In the light of this, the Council is satisfied that there would not be an adverse impact on individual species.
36. 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

²⁵ Mr Croucher's Proof, Paragraph 5.6 and Figure 2

would be provided off-site in the form of an 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.

37. What remains at issue for the Council is focussed more narrowly on the concept of the 'mitigation hierarchy': namely the concept of 'avoidance' of significant harm, followed by 'mitigation', and as a last resort, 'compensation', a principle the Council argues is reflected in Policy CP7 of the CS. The Council's says that this principle has not been complied with since there would be a loss of 'Habitat of Principal Importance'²⁶ which it argues could have been avoided if the site allocation were to be developed differently. The Council argues that the removal of priority habitat is not necessary to deliver housing in accordance with SAL03.
38. Despite identification as a 'Priority Habitat', the appellant's ecologist states that the woodland is of low biodiversity value²⁷. Ancient woodland indicators are largely absent (an indicator for woodland botanical value) with non-native invasive species and 'garden escapes' being frequently present. The evidence is that without intervention, the prospects of developing notable biodiversity interest are limited, even in the medium term. The lack of any ongoing management is leading to a continued decline in woodland quality. The heavy shade will continue to exclude woodland flora and fauna. These findings were not countered by any substantive ecological evidence from the Council. The scheme would secure an ecologically led management regime, to improve the biodiversity of the woodland with an outline of the proposed prescriptions set out within the Landscape and Woodland Management Plan. This would be secured through the planning obligations.
39. Policy CP7 relating to biodiversity requires that development will only be permitted if it has been clearly demonstrated that the need for the proposal outweighs the need to safeguard the site's nature conservation importance, and that no alternative site resulting in less or no harm is available that will meet the need. In my judgement, that initial assessment and balance was effectively struck through the site allocation process, and it follows that some woodland loss is inevitable as a consequence. The final part of Policy CP7 (i) and (ii) can be satisfied by mitigation or appropriate compensation. As previously mentioned, the proposal would secure a Woodland Management Plan for its future maintenance and enhancement, as well as appropriate compensation measures to offset any loss of woodland. Taking all these matters into account, I am therefore satisfied that overall there would be no conflict with Policy CP7.

Highway and Access

40. Following the provision of further information, the Council was satisfied that the design of the main access is safe for vehicles, meaning highway safety concerns have been addressed. However, at the Inquiry, the Council made clear this was predicated on the main access being used solely for vehicles and the second access for pedestrians. The Council highlights the scheme was

²⁶ As defined by the Natural England and Rural Communities Act 2006

²⁷ Proof of Dr Lee, Page 15

presented on this basis in the Design and Access Statement²⁸ as well as in other submissions including the Transport Statement²⁹. The appellant, by contrast, says it was always intended that the main access would be a 'shared surface' additional to the pedestrian access, and this is shown on various drawings. Although the Council acknowledges the WSP access drawing shows 'shared space' on the Rev F³⁰ drawing, it argues the junction markings are inconsistent with it being laid out as such.

41. There is clearly a difference of opinion on this matter. Whatever the position, the Council has nonetheless confirmed it does not seek to raise a highway objection on this basis. I agree with the Council that if the main vehicular access is to be shared, it is very important that a Road Safety Audit (RSA) is undertaken to ensure it can provide safe access for pedestrians. The Council considers that this could be dealt with by a condition, and I concur with that view. In terms of the junction markings, it seems to me these are largely detailed technical matters that can be clarified in due course, following the RSA, and are not a reason for the appeal to fail.
42. The Council's other concern is that the separate pedestrian access would result in a poor public realm. It is argued that it is a long and narrow route, poorly overlooked, with limited passive surveillance. The Council mentions that Manual for Streets states that pedestrians and cyclists should usually be accommodated on streets, rather than being segregated from motor traffic³¹. Thames Valley Police (Crime Prevention) has also raised concerns about poor surveillance and potential issues arising in terms of lighting the access and the impact on the existing adjacent properties either side.
43. Whilst the access is reasonably long, I note that the width at around 3 metres exceeds the minimum of 2 metres that was requested by the Council's Highway Officer³². It also exceeds the requirement within 'Manual for Streets' which states that 'in lightly used streets (such as those for a purely residential function) the minimum unobstructed width for pedestrians should generally be 2m'³³. From my site visit, I noted the access is overlooked by adjacent residential properties on either side providing surveillance, and it is straight with no hidden spots. Appropriate lighting could be installed along the route, avoiding obtrusive glare to adjoining properties. This could be secured by a condition.
44. Overall, whilst a segregated pedestrian access is perhaps not the best solution, I note that they have been used elsewhere within the borough³⁴. On balance, I consider that an objection on the basis of a poor public realm cannot be sustained and is not a reason for the appeal to fail. This is especially so if it is intended that this pedestrian access is to be ancillary to the main access, which would be a 'shared surface', subject to a satisfactory RSA. Accordingly, I am satisfied the proposal would not conflict with Policy CP6 of the CS.

²⁸ Design & Access Statement, Page 14, CD 4.9

²⁹ Transport Statement (May 2021), Paragraph 3.3.6, CD 4.16

³⁰ WSP Drawing 70070553-SK-006 Rev F, Transport Technical Note 1, CD 7.1

³¹ Paragraph 4.2.4

³² Attached at Appendix A of Transport Technical Note 1, CD 7.1

³³ Paragraph 6.3.22

³⁴ Examples provided in Appellant's Highway Rebuttal Proof

Special Protection Area

45. The appeal site is within a 5km 'Zone of Influence' for the Thames Basin Heath SPA and comprises development that would involve the provision of 'one or more' dwellings. The relevant Regulations³⁵ require that if development is likely to have a significant effect on internationally important features of a European Site (either alone or in combination with other plans or projects), it is necessary to conduct an Appropriate Assessment, having regard to the site's Conservation Objectives, and having regard to advice from Natural England. Development can only proceed if it can be ascertained that the proposal would not adversely affect the integrity of the European Site.
46. The conservation objectives of the SPA are to ensure that the integrity of the site is maintained or restored, and to ensure that the site contributes to achieving the aims of the Wild Birds Directive. These objectives are achieved by maintaining and restoring the extent, habitats, and population of the qualifying features, namely populations of European Nightjar, Woodlark and Dartford warbler.
47. In this instance, mitigation is proposed through the planning obligations in the form of a Strategic Access Management and Monitoring Contribution (SAMM). This would be used for on-site SPA access measures and monitoring. A Suitable Alternative Natural Greenspace (SANG) contribution would also be secured by the obligation. This is the standard strategic approach agreed by Natural England and the Council, and is reflected in Paragraph 4.49 of the CS, the supporting text of Policy CP8 (Thames Basin Heaths SPA), and SAL05 of the MDD (Avoidance Measures for the Thames Basin Heaths SPA) which allocates a number of sites as SAMMs.
48. Natural England³⁶ has advised it raises no objections to the scheme subject to the above mitigation. In the light of Natural England's advice, I am satisfied the measures proposed above would address recreational disturbance to the Thames Basin Heaths SPA. In carrying out an Appropriate Assessment, I am satisfied that the evidence before me demonstrates that sufficient mitigation would be provided such that the development would not adversely affect the integrity of the SPA, including its qualifying features, nor would its conservation objectives be undermined. Therefore, there would be no conflict with Policy CP8 of the CS.

Other Matters

49. Objectors have raised concerns regarding the effect of the scheme on residential properties, especially those adjacent to and facing the proposed pedestrian and vehicular accesses, in terms of noise and disturbance. Other concerns relate to overlooking and loss of privacy at adjacent properties. The Council has not raised any objections on these grounds³⁷. After careful consideration, and acknowledging the local environment would change, I see no reason to take a different view from the Council. Concerns have also been raised regarding the overburdening of local services, including medical and

³⁵ The Habitats Regulations 2017

³⁶ Email from Marc Turner dated 8 August 2022, ID15

³⁷ Council's Statement of Case, CD 6.2, Paragraph 7.1

educational facilities. The Council has not objected on this basis, and I again see no reason to take a contrary view.

Planning Obligations

50. The appellant and Council have now executed a series of counterpart planning obligations, dated 23 November 2022. These are identical in all respects except that each is signed by different parties. I reluctantly agreed to accept counterpart obligations as the only practical option in this instance as it was proving difficult for all the necessary parties to sign the same document resulting in long delays. The Council has confirmed that it is satisfied that the obligations in their current form are acceptable³⁸. The Council has also confirmed that while the deed may be executed in counterparts, each shall be deemed to be an original (or duplicate original), but all of them taken together constitute one and the same agreement³⁹.
51. The obligations include provisions relating to ongoing maintenance and management of the estate roads within the development, the open space and the woodland area, as well as the establishment of a management company on terms agreed with the Council. They also include provisions for providing off-site 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 contributions in respect of the SPA. There are also Council's covenants to ensure the monies are used for the specified purpose.
52. I have no reason to believe that the formulae and charges used to calculate the various contributions are other than soundly based and the obligations are justified. I am satisfied that the provisions of the obligations are necessary to make the development acceptable in planning terms, that they directly relate to the development, and fairly and reasonably relate in scale and kind to the development, thereby meeting the relevant tests in the Framework⁴⁰ and the Community Infrastructure Levy Regulations⁴¹. I have taken the planning obligations into account in my deliberations.

Overall Conclusions and Planning Balance

53. The relevant legislation requires that the appeal be determined in accordance with the statutory development plan unless material considerations indicate otherwise. In this instance, the appeal proposal conflicts with certain policies of the development plan but complies with others. It would cause some limited harm to the landscape and would result in the loss of a significant number of trees, many of good quality, as well as an area of woodland. In these respects, there would be clear conflict with Policies CC03 and TB21 of the MDD.
54. On the other hand, and very importantly, the proposal would comply with Policy SAL03 of the MDD which specifically allocates the site for housing. This policy is an important mechanism for delivering the overall vision, aims and objectives of the CS. This policy enshrines the principle that certain sites are

³⁸ Note from Council's solicitor dated 24 November 2022, ID21

³⁹ ID 25

⁴⁰ Paragraph 57

⁴¹ Regulation 122

allocated for residential development and should only be used for that purpose. It is imperative that these sites are delivered to achieve the necessary provision of housing across the district.

55. As previously mentioned, in situations where Councils are unable to demonstrate a five year supply of housing, Paragraph 11 of the Framework states that the most important policies for determining the application are deemed out of date. However, even where policies are rendered out of date, they remain potentially relevant and they should not be disregarded. In this case, given their general congruence with the Framework, I find the cited policies continue to carry weight in the planning balance. The Framework also explains that an absence of a five year housing supply means permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
56. In this case, the additional housing would be a very weighty benefit for the area, by introducing much needed housing for local people: some 32 new units are proposed. It would boost the supply of housing in accordance with the Framework in an area where there is an ongoing housing shortfall. It would create additional choice and competition in the housing market. It would create investment in the locality and increase spending in local shops. It would create jobs and investment during the construction phase, albeit for a temporary period. It would deliver a housing allocation specifically identified within the development plan, thus fulfilling the Government's aim that the planning system should be genuinely plan-led⁴².
57. Whilst the development would result in the loss of attractive landscaped gardens and a significant number of trees, including an area of woodland, the site is physically well contained, and largely hidden from public view. There is the potential for biodiversity enhancement through careful management of the retained woodland area. Indeed, the evidence indicates that the proposal would result in improvements to biodiversity with a net gain of in excess of 10%, exceeding policy requirements.
58. Careful assessment of the detailed reserved matters can ensure that the dwellings are of a high quality, of an appropriate design and scale, and that they employ a varied and attractive palette of materials. This would ensure compliance with Policy CP1(1) of the CS which requires development to maintain and enhance the high quality of the environment, and CP3(a) of the CS requiring an appropriate scale of activity, mass, layout, built form, height, materials, and a high quality design. I am satisfied that the planning obligations accord with the Framework and the relevant regulations, and I have taken them into account in my deliberations. I have carefully considered the serious concerns voiced by local residents, but these do not alter my overall findings.
59. To sum up, the proposal would accord with the allocation within the development plan as envisaged by Policy SAL03. This policy specifically proposes residential development of 'around 40 dwellings' for the whole allocation. This scheme would deliver 32 dwellings on part of the allocation,

⁴² Paragraph 15 of the Framework

well within that capacity. Given that the proposal complies with the strategic approach of the development plan in terms of delivering dwellings on an identified site for housing, and notwithstanding some conflict with certain policies, I consider the proposal would comply with the development plan taken as a whole. In these circumstances, the Framework is clear that development should be approved without delay⁴³. Even if that is not the case, and the proposal is considered to conflict with the development plan, I find that in applying the so called 'tilted balance', the adverse impacts of the development would not significantly and demonstrably outweigh the benefits⁴⁴. On either basis, I conclude that the appeal should be allowed.

Conditions

60. An agreed schedule of suggested conditions was provided and discussed at the Inquiry. Commencement conditions are necessary to comply with the relevant legislation (1, 2, 3). A condition requiring compliance with the submitted plans is necessary for certainty and the avoidance of doubt (4). Conditions requiring full details of the specification and implementation of the accesses from Nine Mile Ride to the site are necessary in the interests of highway and pedestrian safety, including the provision of visibility splays, (5, 6, 7). A condition requiring a Stage 1 Road Safety Audit in relation to Plan Ref 70070533-SK-006 Rev F is necessary for the same reasons (8). A condition requiring a Construction Method Statement is necessary to minimise disturbance to local residents and ensure highway safety (9).
61. Although there are no records to indicate the land may be contaminated, I note the comments of the Environmental Health Officer (EHO) that the site is close to an old gravel pit. Therefore, as a precautionary measure, and in line with the EHO's advice, a contamination condition is imposed (10). A condition is necessary to ensure adequate drainage of the scheme and to prevent flooding (11). In line with Berkshire Archaeology's advice, a condition requiring an archaeological evaluation be undertaken is imposed, given the unknown archaeological potential of the site (12).
62. Conditions relating to tree protection and retention are necessary to ensure high quality landscaping and to protect the biodiversity of the site (13, 14). A condition requiring a scheme to maintain the ecological permeability of the site is necessary to enhance biodiversity (15). A Construction Environmental Management Plan is required to minimise disruption to biodiversity and the environment (16).
63. A number of the conditions relate to pre-commencement activities. In each case, the requirement of the condition is fundamental to make the scheme acceptable in planning terms. Subject to the imposition of these conditions, I conclude that the appeal should be allowed.

Matthew Nunn

INSPECTOR

⁴³ Paragraph 11(c) of the Framework

⁴⁴ Paragraph 11(d) of the Framework

Schedule of Conditions

- 1) Details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for the approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Site Location Plan: AAL-21-113-P03
 - Parameter Plan: AAL-21-113-P02 Rev A
 - Site Access Plan: 70070533-SK-006 Rev F
- 5) No building shall be occupied until both accesses from Nine Mile Ride have been constructed in accordance with the details hereby approved.
- 6) Prior to the commencement of development, full details of the construction of the approved accesses from Nine Mile Ride, including levels, widths, construction materials, depths of construction, surface water drainage, boundary treatment, landscaping and lighting shall be submitted to and approved in writing by the local planning authority. The details shall be implemented as approved.
- 7) The approved visibility splays shown on Plan Ref 70070533-SK-006 Rev F shall be implemented prior to first occupation of the dwellings and retained and kept clear of any obstruction above a height of 0.6 metres.
- 8) No development shall take place until a Stage 1 Road Safety Audit on Plan 70070533-SK-006 Rev F in accordance with the Design Manual for Roads and Bridges has been carried out to the satisfaction of the local planning authority. The agreed details and any recommendations made for road safety reasons shall be financed and implemented by the developer prior to the occupation of the first dwelling on the site.
- 9) No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the demolition and construction period. The statement shall include details of the following:
 - i. Construction of a suitable works access;
 - ii. The parking of vehicles of site operatives and visitors;
 - iii. The loading and unloading of plant and materials;
 - iv. The storage of plant and materials used in constructing the development;

- v. Measures to prevent mud from vehicles leaving the site during construction;
 - vi. Measures to control the emission of noise, dust and dirt during construction;
 - vii. A scheme for recycling / disposing of waste resulting from demolition and construction works;
 - viii. Hours of construction;
 - ix. Hours of delivery of plant and materials to the site;
 - x. The routes to be used to access the development site;
 - xi. Site construction office, site compound and ancillary facility buildings.
- 10) No development shall take place until an assessment of the risks posed by any contamination has been submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner in accordance with British Standard BS 10175: Investigation of Potentially Contaminated Sites – Code of Practice and the Environment Agency’s Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on site, whether or not it originates on the site.
- No development shall commence where (following the risk assessment) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme for such land has been submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion, the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The remediation shall be carried out in accordance with the approved remediation scheme and upon completion a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority before any dwelling is first occupied.
- 11) No dwelling shall be occupied until surface drainage works which serve that dwelling have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. An assessment of the potential for disposing of surface water by means of a sustainable drainage system shall be carried out and the results of the assessment submitted to the local planning authority. The drainage system should be based on sustainable drainage principles if the assessment shows this is practicable.
- 12) No development shall take place until the appellant or their agents or successors in title have secured the implementation of a programme of archaeological work (which may comprise more than one phase of work)

in accordance with a written scheme of investigation, which has been previously submitted to and approved by the local planning authority. The development shall take place in accordance with the approved scheme.

- 13) No development shall take place until an Arboricultural Method Statement has been submitted to and approved in writing by the local planning authority. This shall include details of existing trees and hedges to be retained in the submitted Arboricultural Impact Assessment in line with British Standard BS 5837:2012 and shall include details of:
 - i. Any proposed topping or lopping of any retained tree within or adjacent to the site;
 - ii. Any proposed alterations to ground levels within the Root Protection Area or Crown Spread (whichever is the greater) of any retained tree, within or adjacent to the site;
 - iii. The specification and position of fencing and of any other measures required for the protection of any retained tree before or during the course of development. The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved details before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any area of protective fencing nor shall any excavation be made or ground levels altered without the written consent of the local planning authority.
- 14) No trees, shrubs or hedges within the site which are shown as being retained on the submitted plan Ref DPA-9071.01 Rev D shall be felled, pruned or removed without the prior consent of the local planning authority. Any trees, shrubs or hedges removed without consent, or that die, are damaged or become seriously diseased within 5 years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of a similar size and species, unless the local planning authority agrees to any variation.
- 15) No development shall take place until a detailed scheme to maintain the ecological permeability of the site (especially with regards to reptiles, amphibians and hedgehogs) and to provide species enhancements through the provision of bat and bird boxes at a minimum ratio of one per dwelling shall be submitted to and approved in writing by the local planning authority. The enhancement measures specified within the scheme shall be implemented in accordance with a timetable agreed in writing with the local planning authority.
- 16) No development shall take place (including demolition, ground works, and vegetation clearance) until a Construction Environmental Management Plan (CEMP): Biodiversity has been submitted to and approved in writing by the local planning authority. The CEMP: Biodiversity shall include details of the following:
 - i. Risk assessment of potentially damaging construction activities;

- ii. Practical measures to avoid or reduce impacts during construction (these may be provided as a set of method statements);
- iii. The location and timing of sensitive works to avoid harm to biodiversity features;
- iv. The times during construction when specialist ecologists need to be present on site to oversee works;
- v. Responsible persons and lines of communication;
- vi. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- vii. Use of protective fences, exclusion barriers and warning signs.

The approved CEMP: Biodiversity shall be implemented in accordance with the approved details and adhered to throughout the construction period.

APPEARANCES

FOR THE COUNCIL:

Jacqueline Lean	of Council, instructed by Wokingham Borough Council
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She called

Brigitte Crafer	Landscape & trees
Mark Croucher	Planning

FOR THE APPELLANT:

Heather Sargent	of Counsel, instructed by Nexus Planning
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She called

Matthew Chard	Landscape & visual matters
Roger Tustain	Nexus Planning

The following also participated in the Inquiry Round Table Sessions:

Phil Courtney	Director, Kingacre Estates Ltd
David Dixon	Highways (appellant)
Colin Lee	Ecology (appellant)
Joseph Kent	Design (appellant)
Mykena Mortimer-Davies	Senior Planner (appellant)
David Partridge	Trees (appellant)
Robert Waite	Solicitor - Planning obligation (appellant)
Lyndsay Jennings	Solicitor – Planning obligation (Council)
Duncan Fisher	Ecology (Council)
Gordon Adam	Highways (Council)

INTERESTED PERSONS

Rebecca Margetts	Councillor
Charles Margetts	Councillor
Mark Porch	Local resident

Roger Marshallsay	Parish Councillor
David Fenton	Local resident
Ian Haywood	Local resident
James Melville	Local resident
Tom Davies	Local resident
Jonathan Edwards	Local resident
David Atkinson	Local resident
Elizabeth Ince	Local resident

DOCUMENTS SUBMITTED AT THE INQUIRY

1. Opening Statement on behalf of the Appellant
2. Opening Statement on behalf of the Council
3. Statement of Councillor Rebecca Margetts
4. Statement of Councillor Charles Margetts
5. Statement of Mark Porch
6. Photographs submitted by Roger Black
7. Submission from Finchampstead Parish Council
8. Submission from David Fenton (via email sent to Mr Croucher)
9. Photographs from Elizabeth Ince
10. Walking route for site visit
11. Appeal decision APP/X0360/W/16/3155455 (Barkham Road, Wokingham)
12. Draft Planning Obligation (dated 2 August 2022)
13. Draft Conditions Schedule for discussion including consultation responses from: Berkshire Archaeology and Council's Environmental Health Officer
14. Updated response from Natural England (email dated 8 August 2022)
15. Site plans for appeal APP/X0360/W/19/3238048 (Land North of Nine Mile Ride)
16. Submission from Councillor Peter Harper
17. Updated planning obligation, received 11 August 2022
18. Updated planning conditions
19. Closing Statement on behalf of the Council
20. Closing Statement on behalf of the Appellant

DOCUMENTS SUBMITTED FOLLOWING THE CLOSE OF THE INQUIRY

21. Email from appellant regarding the planning obligation enclosing letter dated 2 November 2022 from Nexus Planning with legal advice from Gateley Legal
22. Email response from Council dated 7 November 2022
23. Note to Inspector regarding planning obligation from Lyndsay Jennings, Wokingham Borough Council, received 25 November 2022
24. Certified copies of the counterpart planning obligations, dated 23 November 2022
25. Email from Council dated 25 November 2022 confirming that the obligation, whilst executed in counterparts, is deemed to constitute one and the same agreement

Appendix 2

Outline Planning Consent

As discussed in Chapter 3 of this Planning Statement, this Reserved Matters application follows the Outline planning permission which was allowed at appeal on 13th December 2022.

The appendix provides the full background to the outline scheme.

The Description of Development for the Outline scheme was as following:

“Outline planning application with all matters reserved other than principal means of access from the existing highway of Nine Mile Ride for up to 32 dwellings, and associated infrastructure, landscaping and demolition of existing dwellings”.



Fig 1: Outline parameter plan

Documents Supporting the Outline Application

The following documents were submitted in support of the Outline planning application:

- Planning application form (including ownership certificates),
- Site Location Plan (drwg no. AAL-21-113-P03),
- Land Use Parameter Plan (drwg no. AAL-21-113-P02),
- Site Access Plan (drwg no. 70070533-SK-006-Rev C).
- Illustrative masterplan (drwg no. AAL-21-113-P01),
- Wider Allocation plan (drwg no. AAL-21-113-P06),
- Block Plan (drwg no. AAL-21-113-P04),
- Planning Statement and heads of terms,



Fig 2: Indicative layout at outline stage

- Design and Access Statement,
- Statement of Community Involvement,
- Ecological Appraisal,
- Landscape and Visual Appraisal,
- Landscape and Woodland Management Plan,
- Flood Risk Assessment,
- Arboricultural Impact Assessment,
- Transport Statement,
- CIL forms,
- Cover letter.

Key Findings from Outline Appeal Decision

A copy of the appeal decision is included in **Appendix 1**. Due to viability, the appeal decision at paragraph 7 confirmed a nil affordable housing contribution.

Of relevance to this appeal/key findings are the following which have been taken from the Inspectors report (APP/X0360/W/22/3295631). ET Planning emphasis has been added in underline where relevant:

'20. The Council says the density of development on part of the allocation would be at odds with the surrounding area and would create a backland 'self-contained mini housing estate' at odds with the general development in the area' ¹⁴. However, the character of the wider area is mixed, with the presence of higher density cul-de-sac and backland type developments. The appellant has identified densities as ranging from 11 dwellings per hectare (dph) up to 30 dph to the west of Finchampstead Road. The Design and Access Statement cites the appeal scheme as comprising 26 dwellings per hectare (dph)¹⁵ and the appellant considers the nearby Bankside', a cul-de-sac, at 27 dph as the relevant comparator¹⁶.

'24. 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.

'25. The appellant has assessed the landscape effect on the appeal site itself as 'moderate major' but this is inevitable where new housing is proposed. The appellant states the effects on the immediate setting are assessed as 'minor adverse' to 'negligible adverse'. No wider landscape effects are predicted because of the relatively small scale of the development and high degree of enclosure. I agree with those assessments: the effects beyond the site boundary are very limited, apart from the changes required to upgrade existing accesses from Nine Mile Ride.

'26. Drawing all these matters together, in terms of character and appearance, I consider that the appeal scheme would have a very localised impact on the character of the area. It would have negligible

effects on the wider landscape because of the site's self-contained nature. The proposal would certainly result in the loss of attractive landscaped gardens, with associated trees and shrubs and an area of woodland, and the new housing would undoubtedly create a more suburban appearance. To that extent, there would be some conflict with Policy CC03 of the MDD which requires development, amongst other things, to protect and retain existing trees hedges and landscape features. There would also be a degree of conflict with Policy TB21 of the MDD which requires proposals to retain or enhance the condition, character and features that contribute to the landscape.'

'27. On the other hand, and importantly, the principle of development has already been accepted as part of the reserve allocation created by Policy SAL03. 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. This would ensure compliance with Policy CP1 of the CS which amongst other things requires development to maintain or enhance the high quality of the environment; and Policy CP3 of the CS which requires proposals to be of an appropriate scale of activity, mass, layout, built form and height, with a high quality of design.'

'29. The appeal site is subject of two separate Tree Preservation Orders (TPOs). The first covers the woodland in the southern portion of the site²⁰. The second includes trees around the borders of the dwellings at No 238 & 240, as well as trees in the existing tree-lined access to No 238²¹. A wooded area to the west, but outside the appeal site is also covered by a TPO²². The scheme would result in the loss of protected woodland (around 0.53 ha) as well as protected groups of trees (at least 85 individual trees²³). Trees would be removed along the eastern, western and northern boundaries, along with the main vehicular access to Nine Mile Ride. The submitted Arboricultural Impact Assessment (AIA) identifies existing trees at the appeal site, including which trees are to be removed.'

33. I acknowledge there may be different ways of developing the site and the Council has suggested alternatives. The Council has, for the purposes of this appeal, identified 'developable areas' within the larger allocation. However, even this approach would result in the loss of trees. Moreover, I am not convinced of the practicability of developing the allocation in this way, especially in terms of accessing the site. The reality is no other alternative larger scale proposals have come forward, notwithstanding the allocation having been released five years ago. In any event, I am concerned with the merits of the current planning application. Importantly, as mentioned above, there is nothing within Policy SAL03 or Appendix 12 that prescribes where development may or may not take place. Both are silent on this matter. The development plan has already, in effect, established the

principle of housing development across the allocation, with the consequent loss of trees.

34. To sum up, there would clearly be a conflict with Policy CC03 of the MDD which requires, amongst other things, the protection and retention of existing trees, hedges and other landscape features. It would also conflict with Policy TB21 of the MDD which requires proposals to retain or enhance the condition, character and features that contribute to the landscape. The conflict with these policies must be considered in the overall planning balance, including with Policy SAL03 which allocates the site for housing.

39. Policy CP7 relating to biodiversity requires that development will only be permitted if it has been clearly demonstrated that the need for the proposal outweighs the need to safeguard the site's nature conservation importance, and that no alternative site resulting in less or no harm is available that will meet the need. In my judgement, that initial assessment and balance was effectively struck through the site allocation process, and it follows that some woodland loss is inevitable as a consequence. The final part of Policy CP7 (i) and (ii) can be satisfied by mitigation or appropriate compensation. As previously mentioned, the proposal would secure a Woodland Management Plan for its future maintenance and enhancement, as well as appropriate compensation measures to offset any loss of woodland. Taking all these matters into account, I am therefore satisfied that overall there would be no conflict with Policy CP7.

40. Following the provision of further information, the Council was satisfied that the design of the main access is safe for vehicles, meaning highway safety concerns have been addressed. However, at the Inquiry, the Council made clear this was predicated on the main access being used solely for vehicles and the second access for pedestrians. The Council highlights the scheme was presented on this basis in the Design and Access Statement²⁸ as well as in other submissions including the Transport Statement²⁹. The appellant, by contrast, says it was always intended that the main access would be a 'shared surface' additional to the pedestrian access, and this is shown on various drawings. Although the Council acknowledges the WSP access drawing shows 'shared space' on the Rev F³⁰ drawing, it argues the junction markings are inconsistent with it being laid out as such.

44. Overall, whilst a segregated pedestrian access is perhaps not the best solution, I note that they have been used elsewhere within the borough³⁴. On balance, I consider that an objection on the basis of a poor public realm cannot be sustained and is not a reason for the appeal to fail. This is especially so if it is intended that this pedestrian access is to be ancillary to the main access, which would be a 'shared surface', subject to a satisfactory RSA. Accordingly, I am satisfied the proposal would not conflict with Policy CP6 of the CS.

57. Whilst the development would result in the loss of attractive landscaped gardens and a significant number of trees, including an area of woodland, the site is physically well contained, and largely hidden from public view. There is the potential for biodiversity enhancement through careful management of the retained woodland area. Indeed, the evidence indicates that the proposal would result in improvements to biodiversity with a net gain of in excess of 10%, exceeding policy requirements.

59. To sum up, the proposal would accord with the allocation within the development plan as envisaged by Policy SAL03. This policy specifically proposes residential development of 'around 40 dwellings' for the whole allocation. This scheme would deliver 32 dwellings on part of the allocation well within that capacity. Given that the proposal complies with the strategic approach of the development plan in terms of delivering dwellings on an identified site for housing, and notwithstanding some conflict with certain policies, I consider the proposal would comply with the development plan taken as a whole. In these circumstances, the Framework is clear that development should be approved without delay⁴³. Even if that is not the case, and the proposal is considered to conflict with the development plan, I find that in applying the so called 'tilted balance', the adverse impacts of the development would not significantly and demonstrably outweigh the benefits⁴⁴. On either basis, I conclude that the appeal should be allowed.

To summarise, the key findings from the appeal decision were:

- The site itself has limited visibility and would only have a localised impact on the character of the area. The surrounding area comprises of a mix of densities.
- The proposed development would result in the loss of trees and landscaped gardens, which conflicts with certain policies. However, the principle of development on the site has already been accepted, and the proposed design could blend in with the existing locality.
- The site is subject to Tree Preservation Orders, but there is no practical alternative for development that would not result in tree loss.
- Overall, the proposal would comply with the development plan and the benefits of the development outweigh the adverse impacts, so the appeal should be allowed.

Conditions on the Outline Consent

16 conditions were included within the appeal decision which granted outline planning permission. These conditions have been summarised below:

- 1) The reserved matters (appearance, landscaping, layout, scale) must be approved by the local planning authority before any development takes place.
- 2) Application for the approval of the reserved matters must be made within three years of the date of permission.
- 3) Development must begin within two years of the approval of the last reserved matters.
- 4) The development must be carried out according to the approved plans.
- 5) Occupancy of buildings is not allowed until both accesses from Nine Mile Ride have been constructed.
- 6) Detailed plans for the construction of the approved accesses must be submitted and approved by the local planning authority before development begins.
- 7) The visibility splays shown on the approved plan must be implemented and kept clear of obstructions above 0.6 meters before any dwellings are occupied.
- 8) A Stage 1 Road Safety Audit must be carried out and any recommendations for road safety must be implemented before the first dwelling is occupied.
- 9) A Construction Method Statement must be submitted and approved by the local planning authority before development begins.
- 10) A risk assessment of contamination must be carried out by a qualified practitioner and approved by the local planning authority. If contamination is found, a detailed remediation scheme must be submitted and implemented before any dwellings are occupied.
- 11) Surface drainage works for each dwelling must be implemented according to approved plans. The drainage system should be based on sustainable drainage principles if the assessment shows this is practicable.

12) A programme of archaeological work must be implemented according to an approved scheme.

13) An Arboricultural Method Statement must be submitted and approved by the local planning authority. It must include details of tree retention, tree alterations, and protective measures during development.

14) Trees, shrubs, and hedges that are shown to be retained on the plan cannot be felled, pruned, or removed without consent. If they are removed or damaged within five years, they must be replaced.

15) A scheme to maintain ecological permeability and provide species enhancements must be submitted and approved. Bat and bird boxes must be provided at a minimum ratio of one per dwelling.

16) A Construction Environmental Management Plan (CEMP): Biodiversity must be submitted and approved.

The Outline conditions cover a range of topic areas including:

- Access design and highway safety;
- Construction method;
- Contamination;
- Drainage;
- Archaeology;
- Arboriculture;
- Ecology;
- CEMP.

The Outline s106 covers a range of topic areas including:

- Employment Skills Contribution
- Employment Skills Plan
- Travel Plan/ My journey contribution
- Off-site habitat creation

- Woodland Management Plan
- Open Space and Management Plan
- Rooks Nest Wood SANGS contribution
- SPA Access Management and Monitoring Contribution
- Monitoring Fee

Again, this Reserved Matters application does not seek duplication on matters already secured as part of the Outline consent, as listed above in respect of the legal agreement.

Appendix 3

DELEGATED OFFICER REPORT



WOKINGHAM
BOROUGH COUNCIL

Application Number:	232298
Site Address:	Land to the rear of 240, Nine Mile Ride, Finchampstead
Expiry Date:	Extended to 21 June 2024
Site Visit Date:	15 February 2024
Proposal: 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.	

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
Joint Minerals and Waste Plan (JMWP)	DM1 - Sustainable Development DM2 - Climate Change – Mitigation and Adaptation DM3 - Protection of Habitats and Species DM4 - Protection of Designated Landscape DM5 - Protection of the Countryside DM6 - Green Belt DM7 - Conserving the Historic Environment DM8 - Restoration of Minerals and Waste Developments DM9 - Protecting Health, Safety and Amenity DM10 - Flood Risk DM11 - Water Resources DM12 - Sustainable Transport Movements DM13 - High Quality Design of Minerals and Waste Development DM14 - Ancillary development DM15 - Site History
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

CONSULTATION RESPONSES

Internal

WBC Property Services – No comments received
 WBC Sports Development (Places and Neighbourhoods) – No comments received
 WBC Environmental Health – No objection subject to conditions
 WBC Drainage – Request further information prior to determination
 WBC Highways – No objection subject to condition
 WBC Growth & Delivery (Planning Policy) – No comments received
 WBC Education (School Place Planning) – No comments received
 WBC Economic Prosperity & Place (Community Infrastructure) – Request further information prior to determination
 WBC Green Infrastructure – Request further information prior to determination
 WBC Landscape and Trees – Recommend Refusal
 WBC Ecology – Request further information prior to determination
 WBC Public Rights Of Way – No comments received
 WBC Cleaner and Greener – Advisory comment received
 WBC Sustainability Officer – No objection subject to conditions

External

Ramblers Association – No comments received
 National Grid – No comments received
 Natural England – No objection subject to appropriate mitigation being secured
 Open Spaces Society – No comments received
 South East Water – No comments received
 Southern Gas Networks – Advisory comment received
 SSE Power Distribution – Advisory comment received
 Thames Water Utilities Ltd – No comments received
 Berks, Bucks & Oxon Wildlife Trust – No comments received
 Royal Berkshire Fire & Rescue – No comments received
 Crime Prevention Design Advisor – No comments received

REPRESENTATIONS	
Finchampstead Parish Council	• Object to proposal • Car parking is inadequate for this development and nearby parking is restricted as it leads straight onto a major road. • The access is inadequate - likely to cause congestion at peak times. • Safety concerns that pedestrians will use the roadway access rather than the footway on the right. • Potential noise pollution from the air source heat pumps. • Fencing enclosing the site is inappropriate. • Tree protection area needs to be addressed appropriately and monitored
Ward Member(s)	<u>Comments from Councillor Charles Margett</u> – at the time of writing on 7 November 2023 no call-in request made for the application to be determined at Planning Committee. No listing requests for Committee Call in have been made following the reconsultation periods undertaken in February and April 2024.
Neighbours	<u>Principle of Development</u> • Excessive backland development • Density of development is not in keeping with surrounding area • The development seems too big for the location it is being squeezed into. • No public transport alternatives <u>Character of Area</u> • Development of this scale does not fit in with the semi-rural look of existing area. • The high-density housing in the plans is out of keeping with the character of the area. • The high number of dwellings is unacceptable within this small section of land within the site. • Difference in ground levels - The ground level on the application site is already significantly higher (in excess of approximately 1m in places) than the ground level of our adjoining property (240a NMR) so the introduction of the proposed access to be installed above existing soil level will heighten this even further. This will worsen the impact in terms of overlooking, loss of privacy, increased noise, and pollution. • Poorly designed • Cramped.

	<u>Highways</u> • Single access is inadequate to deal with no. of cars for the development • The access proposed at 240 Nine Mile Ride is very difficult for cars, pedestrians & cyclists. Not suitable for a housing development of this scale. • Traffic survey is not true reflection as it was undertaken during Covid. • Lack of parking for proposed houses. • Lack of visitor parking for the development – parking on neighbouring streets will get worse. • Increase in traffic due to single access in and out of development. • Visibility concerns of development. • Traffic congestion/ huge volume of traffic. • No attempts have been made to address the traffic issue of such a large build onto a highly congested road. • Access is poor <u>Drainage</u> • Drainage solutions are inadequate • Mains water supply an issue – will worsen during construction • Development will add to existing flooding issues in the area. <u>Landscape and Trees</u> • Clearance of TPO trees to accommodate development needs to be considered • Development does not protect green spaces • Any mature trees bounding existing properties should retained to provide screening and privacy. <u>Neighbour Amenity</u> • Overlooking - Type F properties have balconies on first floor and an elevated position over the three properties recently built at the back of Karalinga. They will look directly into the back gardens and windows of these properties. • Overlooking – access is close to existing properties less than 1m. These properties will be overlooked. • Overlooking concerns from woodland towards properties along Wicks Hill due to lack of an effective
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	boundary between the development and private gardens compromising security and privacy for residents of the lane. • Boundary fence does not cover Tubney or Silverwood. This leaves access to these properties and access to Wick Hill lane. The proposed fence needs to go down to at least the corner of the plot and secure access to Tubney and Silverwood in Wick Hill Lane. • Lack of privacy for neighbouring properties. • Privacy concerns - footpath would run along the entire side of neighbouring property and garden, and the development would be at the back of their garden (240b NMR). • The proposed footpath to run between 240b, 242 and 242a Nine Mile Ride will add noise and intrude on the privacy of the surrounding houses. Any lighting that is introduced to the footpath will negatively impact the existing residents. <u>Ecology</u> • Loss of woodland • Loss of wildlife habitat • No mitigation measures shown to protect existing wildlife habitat • [REDACTED] • Further surveys are required. <u>General</u> • Application should be refused • Lack of boundary treatment to existing properties across Wick Hill • Trespassing concerns to properties which border the woodland (Wick Hill). • Wick Hill woods is privately owner – boundary treatment does not take this into account. • Concerns on proximity of development to mains water supply. • Inadequate infrastructure for significant number of houses. • The quantity of external heat pumps for powering the homes and all the EV charging points, will certainly require additional electrical infrastructure/substation power.
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	• No new substation to deal with additional EV and air source measures • Development plans do not show reference to already approved and newly built houses which directly back onto the land. • No provision of Social housing • Increase in pollution and noise.
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APPRAISAL

Background History:

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).

Site Description:

The application site forms part of a wider local plan 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.

Proposal Description:

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 proposal is for 26 dwellinghouses comprising :

- 5 x 2-bedroom houses
- 10 x 3-bedroom houses
- 11 x 4-bedroom houses.

The below table provides a breakdown of floorspace, height and number of bedrooms for each of the proposed House Type.

House Type	Height (Maximum ridge metres)	Floor Area (m2)	Number of Bedrooms
A	10	84m2	2 bed 4 persons
B	9.4	123m2	3 bed 6 persons
C	9	109m2	3 bed 5 persons
D	9.2	140m2	3 bed 6 persons
E	10	170m2	4 bed 8 persons
F	9.4	179m2	4 bed 8 persons

The proposal will provide 69no. car parking spaces, (53 allocated and 11 non-allocated) and 37no. cycle spaces.

- 1 allocated space for House Type A, a 2-bedroom (4 no. habitable room) dwelling. Provision of 5 no. spaces and a further 2 no. unallocated spaces;
- 2 allocated spaces for House Type B, a 3-bedroom (5 no. habitable room) dwelling. Provision of 8 no. spaces.
- 2 allocated spaces for House Type C, a 3-bedroom (5 no. habitable room) dwelling. Provision of 2 no. spaces.
- 2 allocated spaces for House Type D, a 3-bedroom (6 no. habitable room) dwelling. Provision of 10 no. spaces and a further 1 no. unallocated space;
- 3 allocated spaces for House Type E, a 4-bedroom (7 no. habitable room) dwelling. Provision of 18 no. spaces and a further 1 no. unallocated space;
- 2 allocated spaces and a single integrated garage for House Type F, a 4-bedroom (8 no. habitable room) dwelling. Provision of 18 no. spaces and a further 2 no. unallocated spaces.

Consultation

The proposal has been subject to two formal reconsultation periods following discussions with the applicant and internal consultees. A reconsultation was carried out on 29 February 2024, with a subsequent reconsultation carried out on 15 April 2024. Neighbours and the Parish Council were consulted on both reconsultation

periods.

N.B A further consultation was carried out to the properties Willow Cottage, Orchard House and Oak House, Heath Ride on 28 May 2024. This was because they were not originally consulted, and the applicant did not include the properties on submitted plans until the latest amendments. Officer site visits confirmed the properties neighboured the site.

Planning Committee Constitution

Section 8 of the Regulatory and Other Committees Constitution states at Paragraph 8.1.1 The Planning Committee will determine planning applications where the recommendation is to be as follows:

Approval of new full and outline applications for new dwellings falling into the ‘major’ category defined by Government with the exception of 1) minerals or waste proposals (see ‘e’ below For clarification, “full and outline applications” excludes variation (S73 and 73A) and reserved matters applications and, excludes applications where the number of dwellings is 9 or less but the site area is greater than 1 hectare.).

In this case, whilst the application falls into the Major Category it is a Reserved Matter application and does not require to be presented at Planning Committee in line with the Constitution and scheme of delegation unless called-in by a Ward Member. No call-in request has been made.

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.

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.

The principle of development including means of access for residential development for up to 32 dwellings on this site has 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. In this case trees will be removed to accommodate the proposal however the Council's Landscape Officer does not agree there would be appropriate landscape mitigation to compensate this loss, therefore the proposal is contrary to Policy IRS6.

Density:

Policy CP5 of the Core Strategy and Policy TB05 of the MDD requires an appropriate dwelling density and R10 of the Borough Design Guide seeks to ensure that the development achieves an appropriate density in relation to local character.

Neighbour objections have been received on the density of the development.

It is acknowledged, that the Inspector at Paragraph 21 of the Appeal decision stated *'There was much debate about the appropriate comparator in terms of housing densities. It seems to me that 'average densities' in an area will vary widely depending on how individual areas are defined – what housing is included or excluded. This can distort any comparison. I do not consider that density, of itself, to be necessarily a good indicator of whether a scheme blends into its surroundings or not. At 26 dph (dwellings per hectare), it is certainly higher than the immediate area. 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 current proposal is for 26 dwellinghouses, a reduction in the number of dwellings following the appeal decision which was for up to 32 dwellinghouses. As it has been recognised within the Appeal Decision that the proposed density is appropriate within the site (subject to design), no objection is raised on this aspect.

Character 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.

Paragraph 21 of the Appeal Decision states..... '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' [officer emphasis].

Paragraph 24 of Appeal Decision states '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'.

Paragraph 27 of the Appeal Decision states... '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 [officer emphasis], and that the palette of materials and design of the buildings could blend with those of the existing locality'.

The proposed layout has been influenced by the existing retained tree boundaries, approved access at the Outline application stage and the parameters of the application site. It is acknowledged that following the Outline Approval, the number of dwellings proposed has been reduced from 32 to 26.

The layout would introduce a new set of building lines and would be arranged with the main street running north to south through the development. The proposed dwellinghouses have been arranged on a grid layout grouping house types either served by the main spine road or in courtyards/ clusters. The proposal will include planting/soft landscaping within the layout including an area of Public Open Space adjacent to Plot 26.

The development site is approximately 70 metres away from Nine Mile Ride, whilst there would be limited views of the proposed dwellings from Nine Mile Ride, this could be worsened during the winter months due to the loss of trees and vegetation and exacerbated by the scale/ heights and siting of the dwellings due to the topography of the site.

It is considered there would be limited views of the development from the restricted byway Wickhill Lane.

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, due to the topography of the site there are concerns on how these dwellings would appear within the site.

There are concerns on the layout of the development in terms of surveillance and inter-visibility. There are public areas within the site which would need to be well lit to ensure safety of future occupants. In the event of an approval lighting schemes can be secured via a planning condition. The layout as submitted has not taken into consideration the position of footpaths, with some leading to the back of houses and side walls of houses, where there is a risk of disturbance to future occupiers. In addition, the proposed layout of the courtyard area would allow persons to go through such areas and past gardens to access the woodland. There does not appear to be adequately proposed measures to protect the amenity to the proposed dwellinghouses. The proposal introduces permeability allowing access to and from

the public realm, but it does not segregate which results in inviting the public to pass through private areas. Whereas incidental landscaped areas although should not be publicly accessible would attract crime because of the choice of boundary treatments to the rear of properties adjacent to the woodland. The small incidental buffers (approximately 3-5m at edges close to the woodland) would become attractive to crime.

The layout represents little integration with the Woodland setting given there should be public access to the Woodland. The scheme essentially does not invite future occupiers into the woodland. In addition, there would be public access into the Woodland, therefore people who do not live in the site will be able to access areas outside of the proposed dwellinghouses which has the potential to invite crime onto the site. In addition, there is a lack of natural surveillance around the public access into the woodland and it would not be secured by the proposed boundary treatments.

The boundary treatments would include a mixture of timber post and rail fences, close boarded fences, brick walls and railings. However, there is a lack of integration with the existing neighbouring boundaries in terms of boundary treatments with concerns relating to security. There would be a post wire and mesh fence off Plot 13 at the boundary with the property known as Tubney at Wicks Hill Lane, however this proposed fence would not extend along the whole boundary of this property. The submitted Boundary Treatment Plan indicates there would be no treatment along Silverwood on Wicks Hill Lane whilst this property already borders the existing woodland, the Outline permission and the legal agreement does make it clear there will be public access into the Woodland. This does raise concerns on security for the occupiers of Silverwood and their use of the private external spaces.

There would be post wire and mesh fencing along Plots 1-10 however there is also proposed tree removal at this boundary which would provide no screening between the proposed dwellings and the existing dwellings outside of this boundary along Heath Ride.

The vehicular access into the site is currently tree lined on both sides and to facilitate the new access all the trees on the east side of the current driveway will be lost, and several on the west side. No mitigation planting is proposed to the dwellings either side of the access particularly no. 240a Nine Mile Ride. There is also the question of the pedestrian access which goes past the open frontage of no. 242 Nine Mile Ride. There is no space for landscaping sufficient to mitigate the impact of the development of these dwellings.

The sole pedestrian access to Nine Mile Ride would be a narrow and long footpath between the sides of existing houses. The space would be poorly overlooked with no natural surveillance.

The intervisibility between existing dwellings close to the site boundaries and the proposed dwellings will be heightened in the winter when there are no leaves on the trees, which will prompt the use of high close board fencing to reinforce privacy which is at odds with the woodland character of the site and its periphery.

There are a small number of trees proposed within a verge along the front of Plots 1-

10. There are only two new trees to the front of Plots 22-25 and trees in very small front gardens of Plots 17-21. The lack of landscaping in the internal areas of the scheme highlights a disharmony with the surrounding settlement pattern and the site surroundings. themselves. In addition, the layout would be dominated by hard surfaced parking spaces to the front of the dwellings and parked vehicles.

The proposed dwellings will predominately be two-storey in scale, it is acknowledged within the Appeal Decision the Inspector did not indicate what would be an acceptable height under the Reserved Matters. The proposed dwellings would have heights ranging between 9 metres to 10 metres. House Type A would have a maximum ridge height of 10 metres, given its position within the layout it will dominate the streetscape within the site. It is recognised that the site slopes at the position where House Type A and E would sit, with the two-tier gardens on slopes, this relationship does not sit well within the layout.

There is a significant drop in height of 8m from south to north across the site which results in a 4m level change between Plots 17-21 and Plots 14-16 which will cause overlooking and dominance from the larger properties to the south. There is no space to place mitigation planting between these plots.

The largest houses (House Type F) would be positioned towards the back of the site along the eastern boundary at the highest point and would include balconies/ roof terraces. The views across the site from House Type F would be onto House Type A and E where the public open space would be hidden from view compromising the outlook from House Type F because the central part of the site would be dominated by tall dwellings.

Appearance and Design

Regarding roof design, a variety of roof pitches are proposed to ensure the form and massing of building is appropriate to the site. The pitches of principal roofs range from 40° to 50° while secondary roofs tend to be shallower to ensure they appear subservient to the main roof.

The proposed dwellings will use traditional building forms – combining both eaves and gabled frontages to provide memorable places and definition to lanes and spaces. 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. However, where dwellings are tall and thin town houses (10m), these are inappropriate for the area.

Policy CC03 of the MDD Local Plan aims to protect green infrastructure networks, promote linkages between public open space and the countryside, retain existing trees and establish appropriate landscaping and Policy TB21 requires consideration of the landscape character.

The woodland on the site is protected by Tree Preservation Order TPO-0683- 1994 and was sealed in 1996. Many of the trees on the northern part of the site are protected by Tree Preservation Order TPO-1800-2021.

Nine Mile Ride is a Designated Green Route, which is defined in the MDD Local Plan as *'roads into settlements that are lined with trees and other vegetation which make a significant contribution to character and environment of the area and contribute to the Borough's network of wildlife corridor.'*

The site is located in the Wokingham Borough Landscape Character Assessment (LCA) Area M1 'Finchampstead Forested and Settled Sands' and this is a high-quality landscape with strong character. The landscape strategy is to *conserve and strengthen* existing character. The area is described as: *'An elevated plateau characterised by its densely wooded context, which creates a strong sense of enclosure. The woodland is varied with semi-natural areas and forestry plantation interspersed with heathland. Low density settlement is arranged along linear rides or in the settlements of Finchampstead (north).'*

The Parameter Plan, an approved plan from the appeal, shows the developable area of the site with most internal trees scooped out leaving boundary trees and the southern half of the existing woodland. A couple of trees on the eastern boundary that project further into the site will be retained. However, it is acknowledged the Parameter Plan/appeal did not account for three new dwellings to the east side of the development which have been constructed since the appeal. These are known as Willow Cottage, Oak Manor and Orchard House. Removing the northern half of the site's woodland to facilitate housing will significantly reduce the character and density of the screening that is currently provided.

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. The eastern buffer varies in width between 3.3 metres and 3.5 metres however this is too narrow to plant new trees and hedges as well as providing access for maintenance. In addition, no new planting is proposed to the buffers/boundaries to enhance the existing woodland which acts as a visual and physical barrier to the neighbouring dwellings to the south and southeast, southwest boundaries.

The removal of the trees in the centre of the site and the layout of dwellings proposed does not provide enough space to plant new trees or create sufficient incidental landscaping within the site. The failure to do this enhances the urban character of the development which is at odds with the surrounding landscape character and pattern of the settlement. Expanding on this point as raised above, the site (including the surrounding area) is located in the Wokingham Borough Landscape Character Assessment (LCA) Area M1 'Finchampstead Forested and Settled Sands', which

shows these areas as retaining a forest character. Nine Mile Ride historically was used as 'rides' or hunting routes through the through Windsor Forest which covered a huge area of land and like the New Forest. It is acknowledged the forest has been parcelled into individual plots historically for rural industries, and then for housing. These plots were principally along the main rides, with the forest character being largely retained albeit to a lesser extent. The site is typical of this process however the proposed development does not put the existing character into context into the development. It is acknowledged designated Countryside lies adjacent to the southern site boundary and to the west which follows the boundary of Restricted Byway FINC 25 however this edge of rural character has not been taken into consideration.

Overall, there is no high quality public open space, and no significant incidental landscaping that could help to integrate visually the proposals with the surrounding trees and buffers and to soften the impact of development which is at odds with the existing settlement character. The proposals will not maintain the high quality of the landscape.

The proposal does little to integrate into the woodland setting which is a feature of Nine Mile Ride and Heath Ride. It does not sensitively utilise the site potential for soft landscaped areas and favours hard landscaping instead. The siting and scale of the proposed dwellings does little to minimise the harm to the character of the area. The design of the layout introduces the need for forced surveillance rather than natural and although recognised that the woodland is part of the character and setting for the site the layout does not integrate it and permeability appears to be an afterthought.

Conclusion

For the reasons outlined above, the proposed scheme is considered not to reflect the local character and does not integrate well with the existing woodland character including public access into the woodland itself. The house types and the heights of some would have a detrimental impact on the character and appearance of the wider context including the landscape character. The proposed layout lacks natural surveillance and opens the site up to anti-social behaviour. As such the proposal is contrary to Policies, CP1, CP3 of the Core Strategy, policies CC03(d) and (e) and TB21 of the MDD Local Plan 2014 and the recommendations contained in the Borough Design Guide SPD 2012. This forms a Reason for Refusal.

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 Council's most up-to-date Local Housing Needs Assessment (November 2023) shows a marked shift in identified market housing need towards larger units.

No of beds	1 bed	2 bed	3 bed	4+ bed	Total
Dwellings required	515 4.7 %	1399 12.9%	5041 46.5%	3890 35.9%	10840 100%

The intent of Council's policies is to provide a mix of accommodation to cater for the

varied needs of the community and to ensure that it is provided where it is needed. 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:

Internal 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 or 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.

The rear of plots 12 and 13 (House Type E), would have natural light restricted by trees as the majority are still being retained

In regard to plots 22-24 (House Type B), these would have west facing gardens and will be affected by shadowing of trees.

Regarding Plot 26, the trees will be maintained at the rear boundary, taking into account the northern orientation natural light will be impacted.

External amenity

R16 of the SPD requires a minimum depth of 11m for rear gardens and a 1m setback from the site boundary to allow access thereto.

Plots 1 -5, 9 and 10 comply with the minimum 11 metre requirement for external amenity space. Plots 11 – 26 fall short of the minimum 11 metre depth requirement however this reduction is de-minimis, with the plots achieving an external amenity depth between 10.6 – 10.9 metres. This still provides an acceptable level of amenity space for future occupants and would not reasonably warrant a reason for refusal on the proposal.

However, the gardens (Plots 22-26) which back onto retained trees will be overshadowed at particular times of the day. This is an undesirable outcome of the layout of the proposed development.

Neighbouring Amenity:

Policy CP3 of the Core Strategy aims to protect 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.

There is a drop in height of 8 metres from south to north across the site which results in a 4 metres level change between Plots 17-21 and Plots 14-16 which is likely to result in overlooking and dominance from the larger properties to the south.

Plots 1, 2, 3 and 5 would include first floor side windows which would serve

bathrooms and in the event of an approval a suitably worded condition could be imposed setting out the need for obscure glazing. In addition, Plot 1 will also include a first-floor side window to a bedroom however this is not the principal window to the bedroom. Plot 4 will not include first floor side windows.

Plots 6-10 would include first floor side windows; these would serve bathrooms including en-suites. In the event of an approval these are to be obscurely glazed which can be secured via condition.

Plots 11-16 would include first floor side windows; these would serve bathrooms including en-suites.

Plots 17 and 21 would include first floor side windows to a bedroom, however this is not the principal window to the bedroom. Plots 18, 19 and 20 will not include first floor side windows.

Plots 25 would include first floor windows to a bedroom; however, this is not the principal window to the bedroom. Plots 22, 23 and 24 will not include first floor side windows.

Plot 26 would include first floor windows to a bedroom however this is not the principal window to the bedroom.

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, and whilst there would be a degree of overlooking this would be no more than expected within a housing development.

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 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

Neighbour objections have been received stating that there would be an overlooking impact from Plots 1-10, in particular Plots 6-10 which are House Type F that will include balconies/ roof terraces on the rear elevation.

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 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. The separation distances taken from the rear of the balcony 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.

Whilst the separation distances from the rear wall and rear of the balcony of Plots 6 and 7 meet the recommended 12 metre separation distance, it is acknowledged that plots 6-10 (House Type F) will slope down into the site but will be built on land higher than the three houses adjacent on Heath Ride. The three houses Willow Cottage, Orchard House and Oak Manor are built on lower ground and the rear of Oak Manor's side/ rear garden slopes up towards the woodland. However, the rear of plots 6-10 will be visible. Given this, it is considered there would be an overlooking impact from the rear balconies into the private garden area of Oak Manor which would affect the privacy of the occupiers and the rear gardens of plots 6-10 would also be visible at ground level. This will be exacerbated in the Winter by the proposed tree removal, and compounded by the choice of boundary treatments. As such this consideration forms a Reason for Refusal.

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 the balcony 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.

Sunlight and Daylight

R18 of the Borough Design Guide SPD aims to protect sunlight and daylight to existing properties, with no material impact on levels of daylight in the habitable rooms of adjoining properties.

No loss of light to the habitable rooms is anticipated between the proposed plots due to the satisfactory internal separation distances.

Properties along Nine Mile

No loss of light is anticipated to the habitable rooms and spaces to the neighbouring properties along Nine Mile Ride.

Properties along Heath Ride

No loss of light is anticipated to the habitable rooms and spaces to the neighbouring properties along Heath Ride.

Properties along Wicks Hill.

No loss of light is anticipated to the habitable rooms and spaces to the neighbouring properties along Wicks Hill.

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.

Noise

Policy CC06 and Appendix 1 of the MDD Local Plan requires that development protects noise sensitive receptors from noise impact.

The submitted plans indicate Plot 26 immediately adjoins the Public Open Space. This is an undesirable relationship within the layout and would mean disturbance to Plot 26 through noise and access to the Open Space and would result in an additional material loss to residential amenity due to its proximity.

In regard to boundary treatments, Plot 26 would have a 1.8m timber closed boarded fence at the rear boundary and a 1.8 metre brick wall at the side where the plot would adjoin the Public Open Space.

It is acknowledged the woodland is also publicly accessible. There will inevitably be a degree of noise disturbance, and this leads back to the Council's concerns regarding surveillance and the scheme's layout. The timings of public access can usually be controlled by the imposition of a suitably worded planning condition. However, in this case a condition would be unenforceable and unreasonable to impose and realistically would not be managed in the long term. Mitigation could be provided for those properties which will border the woodland e.g., noise insulation, double glazing however, controlling access is an issue.

Overall, as raised above there does not appear to be adequately proposed measures to protect the amenity to the proposed dwellinghouses. The proposal introduces permeability allowing access to and from the public realm, but it does not segregate which results in inviting the public to pass through private areas.

Highway Access and Parking Provision:

Access

P3 of the Borough Design Guide SPD notes that parking spaces should be safe and convenient, close to the dwelling and sited to minimise impact upon safety.

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 appeal decision.

It is acknowledged under the appeal decision the access drawing 70070533-SK-006-Ref F was approved. This differs from the design that has been submitted however no overriding objections are raised by the Council's Highways Officer.

It is proposed that 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. This distance has been measured and is around 20m, this length is around 50% of what is stated on the plan and will need to be confirmed. 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. Overall, no objections are raised on this aspect by the Council's Highways Officer.

There would be at least 6 metres behind the spaces to allow for safe manoeuvring, furthermore all parking spaces in front of the garages are set back 0.5 metres from

the garage doors to allow access into the garage. 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.

The Council's Highways Officer required a Parking Management Plan as part of the submission however, this can be secured via a planning condition.

Electric Vehicle Charging

In accordance with Building Regulations Approved Document S, all new dwellings are required to be provided a minimum of 1 x EVC point. Each dwelling will have an EV charging point which is acceptable to the Council's Highways Officer.

Cycle Parking

Policy CC07 and Appendix 2 of the MDD Local Plan stipulates minimum cycle parking standards and Policies P2 and P3 of the Borough Design Guide SPD ensure that it is conveniently located, secure and undercover and provided where it is compatible in the streetscene.

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. In the event of an approval such details can be 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 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

Swept paths of a large car, fire tender and refuse vehicle have been submitted using acceptable vehicle dimensions, thus no objections are raised by the Council's Highways Officer on this aspect.

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 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 Council's Drainage Officer has commented that Drawing no. NMR-WSP-XX-XX-SK-D-05 shows concept surface water drainage strategy but no BRE265 test results have been submitted. It is acknowledged that the Outline Permission required surface drainage works to be secured via condition and is controlled by Condition 11.

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 an 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.

The Council's Green Infrastructure Officer has commented the open space can be delivered as a multifunctional greenspace taking account the surroundings, full planting specification, lighting and equipment. Final design details of the Public Open Space can be secured via a planning condition.

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 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 submitted plans indicate that there will not be vertical change between the green space managed by the management company and the woodland to the south of the residential parcel. The Council's Ecology Officer raises no objections on this aspect on ecological grounds.

The submitted revision of the Boundary Treatments plan (ref: 230122 L 02 02 revision E) shows the location where Hedgehog highway points will be installed.

The submitted Management Plan and Public Open Space (ref: 230122 L 02 08 revision C) shows areas of public open space that will be maintained. These areas of public open space provide suitable connecting routes for ecological permeability.

The Council's Ecology Officer has commented this is sufficient to maintain ecological permeability between key receptor sites for protected species and species of principal importance. However, this does not override the concerns raised on the layout design as outlined in the *Character and Area* Section of the Report.

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, the Council's Ecology Officer is satisfied 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 proposal seeks to maximise the performance of the building fabric which would help reduce heating bills and improve energy efficiency.

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.

Neighbour objections have been raised on the level of sound output from the ASHP units. Whilst no screening is proposed for the pumps, the specified model is quoted as having a sound output in the range 51-60 dB at a distance of three metres, making it one of the quieter products on the market. The use of ASHP to supply domestic hot water and space heating are feasible. The Council's Environmental Health Officer has commented a Noise Assessment is to be submitted to assess impact of noise from the ASHP. This can be secured via condition in the event of an approval.

The proposed thermal performance of building elements is within the legal limits set in Part L of the Building regulations.

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.

Overall, the level of operational energy displacement through the use of on-site renewable and carbon technologies is a particular benefit of the scheme. Thus, no objections are raised subject to condition securing domestic water consumption and on-site renewables.

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.

Whilst the Council's Waste Team have provided advisory comments as above, 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:

The Council's Environmental Health Officer has commented, 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.

Air Quality:

The Council's Environmental Health Officer has recommended an Air Quality

condition to be imposed in the event of an approval due to the scale of the development.

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.

Sustainable Development:

Paragraph 11 of the NPPF, outlines the presumption in favour of sustainable development. The three overarching objectives to achieving sustainable development are defined within the NPPF as: economic, social, and environmental.

The economic role of the NPPF requires proposals to contribute to building a strong, responsive, and competitive economy. The social role requires planning to support strong, vibrant, and healthy communities and states that it should create a high quality-built environment. The environmental role states that the natural built and historic environment should be protected and enhanced and should mitigate and adapt to climate change. It is therefore necessary as part of any application for the LPA to consider carefully to what degree this proposal would meet the sustainable development goals of the NPPF in terms of its economic, social, and environmental roles.

Economic role – The construction of 26no. dwellinghouses would result in economic output in terms of direct and indirect job creation arising from the erection of the dwellinghouses. There would be some indirect benefit arising from the payment of Council tax and other spending but overall, the weight applied is limited.

Social role – It is recognised the proposal will deliver 26no. houses and contribute the Council's Housing Land supply. There would be some social benefit arising from the housing itself with appropriate mitigation in the form of a financial obligation secured by the legal agreement due to the location within the Thames Basin Heath SPA. However, the proposal will result in amenity issues to the future occupiers due to restriction of natural light to rear of Plots 12 and 13 due to retention of large trees. In addition, the rear gardens of Plots 22-26 would be shadowed due to the retention of trees. There would be an overlooking impact from Plots 6 and 7 upon the property at Oak Manor Heath Ride due to the inclusion of rear balconies and changes in ground levels. Also, elements of the layout are poorly designed in addressing public and private realms.

Environmental role – The Council is satisfied that biodiversity net gains will be

achieved on site, in addition the woodland management has been secured via the legal agreement. However, the removal of all the trees in the centre of the site and the layout of dwellings proposed does not provide enough space to plant new trees or create sufficient incidental landscaping within the site. This enhances the urban character of the development which is at odds with the surrounding landscape character and pattern of the settlement.

Planning Balance:

It is acknowledged that the appeal decision confirmed the principle of residential development for up to 32 dwellings, with access and parameters plan agreed. The outline consent included a legal agreement with the obligations addressed earlier in the report.

It is acknowledged that the number of dwellinghouses has reduced from 32 dwellings to 26. However, the proposal as submitted results in a poorly designed layout which does not respect the woodland setting, with parts of the development dominant within the layout due to the scale of some of the House Types proposed. The scale of some of the House Types would be at odds with the surrounding character. In addition, the layout would lack natural surveillance which would cause disturbance to future occupiers and raise concerns of security for the houses and the public access into the woodland.

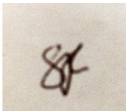
The proposal would result in the loss of trees, whilst this was accepted within the Appeal decision for the Outline Application, the proposal does represent a lack of integration with woodland which has not been addressed. The proposal lacks sufficient landscaping buffers within the layout with no new planting boundaries to enhance the existing woodland. Overall, there is no significant incidental landscaping that helps to integrate the proposals with the surrounding trees/buffer and to soften the impact of the development.

The proposal as submitted does not outweigh the harm outlined within the main body of the report over the benefit of delivering houses.

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 as Recommendation is for Refusal
Recommendation:	Refuse
Date:	18 June 2024
Earliest date for decision:	11 June 2024

Recommendation agreed by: (Authorised Officer)	
Date:	20.6.24

Appendix 4



Appeal Decision

Hearing held on 28 January 2025

Site visit made on 29 January 2025

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 February 2025

Appeal Ref: APP/X0360/W/24/3352010

Land at and to the rear of 238 & 240 Nine Mile Ride, Finchampstead, RG40 3QD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
- The appeal is made by Elivia Homes against the decision of Wokingham Borough Council.
- The application Ref 232298 sought approval of details pursuant to condition No 1 of a planning permission Ref 211889, granted on 13 December 2022.
- The application was refused by notice dated 20 June 2024.
- The development proposed is described as "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."
- The details for which approval is sought are: Appearance, landscaping, layout and scale.

Decision

1. The appeal is dismissed

Preliminary Matters

2. Amended plans were submitted with the appeal to address the council's concerns regarding outlook from balconies by removing them from the houses on plots 6-10 in the south-east corner of the site, by adding lines of sight from windows between plots 17-21 and 14-16 to show the potential for overlooking between these plots, as well as widening the walkway into the woodland in front of plot 10. These plans were consulted on, and interested parties were also given the opportunity to comment on them during the Hearing. The changes are modest, and interested parties are not prejudiced by my including these amended plans as part of my determination of this appeal.
3. The appeal site is part of an allocated housing site, and benefits from outline planning permission for up to 32 dwellings. The appeal proposal is for 26 houses, with the 2 existing houses on the site to be demolished, for a net gain of 24 houses on the site.
4. Following a discussion of conditions during the Hearing I asked for the appellant to confirm in writing that they agreed to the imposition of pre-commencement conditions. The Hearing was formally closed once this confirmation was received.

Main Issues

5. The main issues are:

- The effect of the proposed development on the character and appearance of the area, including whether the proposed landscaping would result in a development compatible with its woodland setting; and,
- The effect on the living conditions of neighbouring occupiers with particular regard to overlooking and outlook, and whether it would provide acceptable living conditions for future occupiers.

Reasons

Character and appearance

6. The appeal site lies to the rear of houses on Nine Mile Ride, a historic hunting ride through the previous Royal Forest. The historic woodland character of the area is evident in the presence of mature trees along Nine Mile Ride and both on and as a backdrop to the appeal site and surrounding houses. The contribution made by these trees is recognised in the Wokingham Borough Landscape Character Assessment 2019 (the Assessment). Within the Assessment the site is recognised as falling within a landscape character area identified as containing large expanses of mixed woodland containing mature trees which are important ecological habitats and provide a sense of place and history. The Assessment also notes the distinctive pattern of interconnected woodland and forestry, and distinctive long straight historic roads following the route of rides.
7. This stretch of Nine Mile Ride is characterised by linear ribbon development, with houses of individual character or in small groups of no more than three of the same design. Houses along this stretch are generally detached, of one or two storeys in height, and sited on generously sized plots. They are typically sited close to the street, but there is some variance in the immediate vicinity of the appeal site in particular.
8. The existing houses at 238 and 240 are set back from the street behind neighbouring houses, and due to the topography of the site are set at a higher ground level than the properties in front of them. Due to the extent of setback, the intervening houses and the presence of mature trees within the appeal site the existing houses are not prominent in the street scene despite their higher ground level.
9. The appeal site rises upwards away from Nine Mile Ride, with a level difference of several metres from the end of the vehicle access to the houses proposed to be built furthest from it. These houses would include the tallest of the proposed houses, from house type E.
10. The appeal proposal would involve the construction of 26 houses and the removal of a substantial volume of established trees, many of which are the subject of Tree Preservation Orders. This would inevitably affect the character of the site in the surrounding area. However, this was recognised in the grant of the outline planning permission¹, where my colleague found that the site is very well contained with heavily restricted views into and across it. Even

¹ Planning Inspectorate ref: APP/X0360/W/22/3295631 dated 13 December 2022

allowing for the extent of proposed tree removal, I agree generally with my colleague on this point. My colleague further found that a significant loss of trees from the site was an inevitable consequence of its allocation for housing development. I also agree with this point.

11. 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.
12. 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.
13. 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.
14. 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.
15. Elsewhere, the screening provided by the retained trees and proposed landscaping would be more effective. While the appeal site is only part of the allocated site it is inevitable that any housing development on it would result in change to its character and appearance. Other than in relation to Oak Manor, the effect would largely be contained to the interior of the site, with only a limited impact beyond it due to the extent of retained trees within the site. As part of the proposed development the retained woodland on the site

would have been the subject of a 10 year management plan intended to improve its overall quality and value.

16. Views of the development from Nine Mile Ride would be limited principally to along the proposed accesses. Such views would be distant, given the depth of the accesses, and from elsewhere on Nine Mile Ride the proposed houses would be seen as a backdrop to the existing houses, as well as in the context of the retained and proposed trees and landscaping. In this context the change would not be harmful to the character and appearance of the area.
17. Houses would be placed along the full length of the eastern boundary of the developed part of the appeal site, backing onto houses on Heath Ride. That lane slopes upwards from Nine Mile Ride at a much gentler gradient from the appeal site. The houses backing onto the appeal site are set back from the lane with an increasing difference in levels from the lane along its length. These houses therefore are seen against the backdrop of the trees on the appeal site. Whilst the proposed development would be visible from the lane, it would be seen as a background presence in the context of the nearer houses and with some screening provided by the retained trees. This would be a change from the current character, but given the urban setting of the wider area this would not amount to harm to its character.
18. Wick Hill Lane curves around two sides of the appeal site, and at its closest runs along the southernmost boundary of the site along the retained woodland. That retained woodland would provide screening for the development, but some of the proposed houses would be visible from other angles along the lane, including from close to Silverwood and Tubney. The houses on plots 11-16 due to their size and proximity to those houses would be visible from the lane. However, they would be seen as a backdrop to Silverwood and Tubney, and there would be screening from the intervening woodland to the rear of the houses and the retained trees on the appeal site. While this would result in a change to the character of Wick Hill Lane, this change would be modest in scale, and so would not be harmful.
19. 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.
20. The appeal proposal would involve laying hardstanding throughout the site to provide access to the houses. This is an inevitable consequence of a development of this scale and would be somewhat countered by the proposed soft landscaping. While it would result in a significant change to the internal character of the site, the degree of enclosure would mean that this would not affect the character of the wider area.

21. The development would include areas of public open space. Other than the retained woodland, the largest of these would be next to the vehicle access and would be visible from many of the houses in the north of the site. While not large in itself it would be well landscaped and would provide an attractive focal point in this part of the site. The landscaped path along part of the west boundary would also provide an area of public open space and a connection to the retained woodland. Although somewhat marginalised by its location, this would also make it a quieter area removed from the main areas of vehicle movement and hard landscaping.
22. Elsewhere, there would be smaller green breaks to the sides of the semi-detached pair of houses on plots 4 and 5. These would be modestly sized areas of limited value but would make some additional contribution to the overall character of the development. The maintenance strips, while not open to public use, would also generally secure soft landscaped areas around much of the perimeter of the development.
23. Overall, therefore, the appeal proposal would be harmful to the character and appearance of the area, as perceived from Oak Manor. It would consequently conflict with policies CP1 and CP3 of the Core Strategy and CC01 of the Managing Development Delivery Local Plan 2014 (the Local Plan). These policies require, amongst other things, that development maintain or enhance the high quality of the environment.
24. The development would otherwise, considering that the principle of development has been established, be acceptable in terms of integrating into its woodland setting. It would therefore accord overall with policies CC03 and TB21 of the Local Plan and Policy IRS6 of the Finchampstead Neighbourhood Plan 2023. These policies seek, amongst other things, for development to retain the condition, character and features that contribute to the landscape and seek to retain mature or important trees, groups of trees or woodland on site.

Living conditions

25. The removal of the Lawson cypress trees from the boundary would result in there being little visual separation between the garden to Oak Manor and the houses on plots 6, 7 and 8 of the appeal proposal. The separation distance between the houses would accord with the council's guidance. However, at present the garden to Oak Manor is effectively entirely private with little or no direct overlooking from any neighbouring property.
26. A hedgerow would be planted along the shared boundary. This would be comprised of specimens of up to 1 metre in height. I am mindful that the proposed species could grow over time to provide meaningful screening. However, this would take several years, during which the neighbouring occupiers would experience both overlooking and the perception of being overlooked. Given that little or no overlooking occurs at the present time due to the mature trees and orientation of neighbouring properties, this would result in unacceptable harm to their living conditions. I have considered whether this could be addressed through planning conditions. However, as detailed above I do not consider that this would be reasonable.
27. The proposed houses would be set back from the shared boundary in line with council guidance on separation distances. Oak Manor has no windows in the

elevation facing towards the appeal site. While the houses on the appeal site would be visible from Oak Manor, the separation distance and presence of existing houses in the area means that the development would not result in unacceptable harm to the outlook from that property.

28. Willow Cottage also shares a boundary with the appeal site. However, there would be greater retention of existing trees along this section of the boundary. The screening provided would limit intervisibility between Willow Cottage and its garden and those houses proposed for plots 4 and 5. The relationship would be acceptable overall in terms of the impact on the existing occupiers' living conditions.
29. Other existing properties, including Tubney, Silverwood and Orchard House, would be sufficiently distant or well screened by retained vegetation that no undue harm from overlooking would result from the proposed houses.
30. The detached houses on plots 14-16 and the terraced houses on plots 17-21 would be oriented back-to-back. The houses on plots 14-16 would be several metres higher due to the change in levels within the site. The higher houses would be prominent in the rear outlook from the terraced houses. However, the separation distance between the rear elevations accords with the council's guidance and the shared rear boundary treatments would prevent undue overlooking of the lower houses and gardens. On balance, the relationship would be acceptable in terms of outlook and privacy.
31. The development layout would include circulation space around the houses. The courtyards for vehicle manoeuvring would connect to the footpath that would run along the western boundary and into the retained woodland. This would encourage residents to use the woodland for recreation alongside their own gardens and the areas of public open space within the development.
32. The retained woodland would be accessible to anyone from within the development, but not from the public right of way along Wick Hill Lane. This would limit its use by non-residents, and therefore also any risk of crime or anti-social behaviour arising from the woodland being accessible. Overall, the relationship of the houses to the woodland would be acceptable.
33. The development would increase the volume of pedestrian and vehicle traffic along the accesses, which at present each serve a single house. This would inevitably result in an increase in noise perceived by the neighbouring occupiers. However, such disturbance would be transient, and these houses face onto Nine Mile Ride which is a well-used road, albeit that each is set back from it. Nonetheless, any additional noise or disturbance arising from the increased levels of traffic would be relatively modest. It would not result in unacceptable harm to the neighbouring occupiers' living conditions, even taking account of the removal of the existing trees next to 240a.
34. The proposed development would provide acceptable living conditions for future occupiers. Its effect on the living conditions of most neighbouring occupiers would be limited and would not result in undue harm to them. However, it would cause direct overlooking of Oak Manor, and as a result its occupiers would experience an unacceptable loss of privacy. It would therefore conflict with policy CP3 of the Wokingham Borough Core Strategy 2010 (the Core Strategy). This policy requires, amongst other things, that development

be of a layout and built form without detriment to the amenities of adjoining occupiers.

Other Matters

35. Submissions from interested parties make clear that neighbouring occupiers were uncertain about various elements of the development. These included the distance between existing and proposed houses, and the extent of tree removal at the site. This is regrettable, and better engagement with these parties before and during the application and appeal could have addressed these concerns.

Conclusion

36. The principle of residential development on this site has already been established as acceptable. The appeal proposal involves a lower density than approved in outline.
37. However, the prominence of the nearest houses as seen from Oak Manor would be out of keeping with the woodland character of the site. Furthermore, the detailed development would cause unacceptable harm to the living conditions of neighbouring occupiers through overlooking and loss of privacy.
38. The appeal proposal therefore conflicts with the development plan, and there are no material considerations to indicate a decision other than in accordance with it. Accordingly, the appeal is dismissed.

M Chalk

INSPECTOR

Appearances

For the appellant

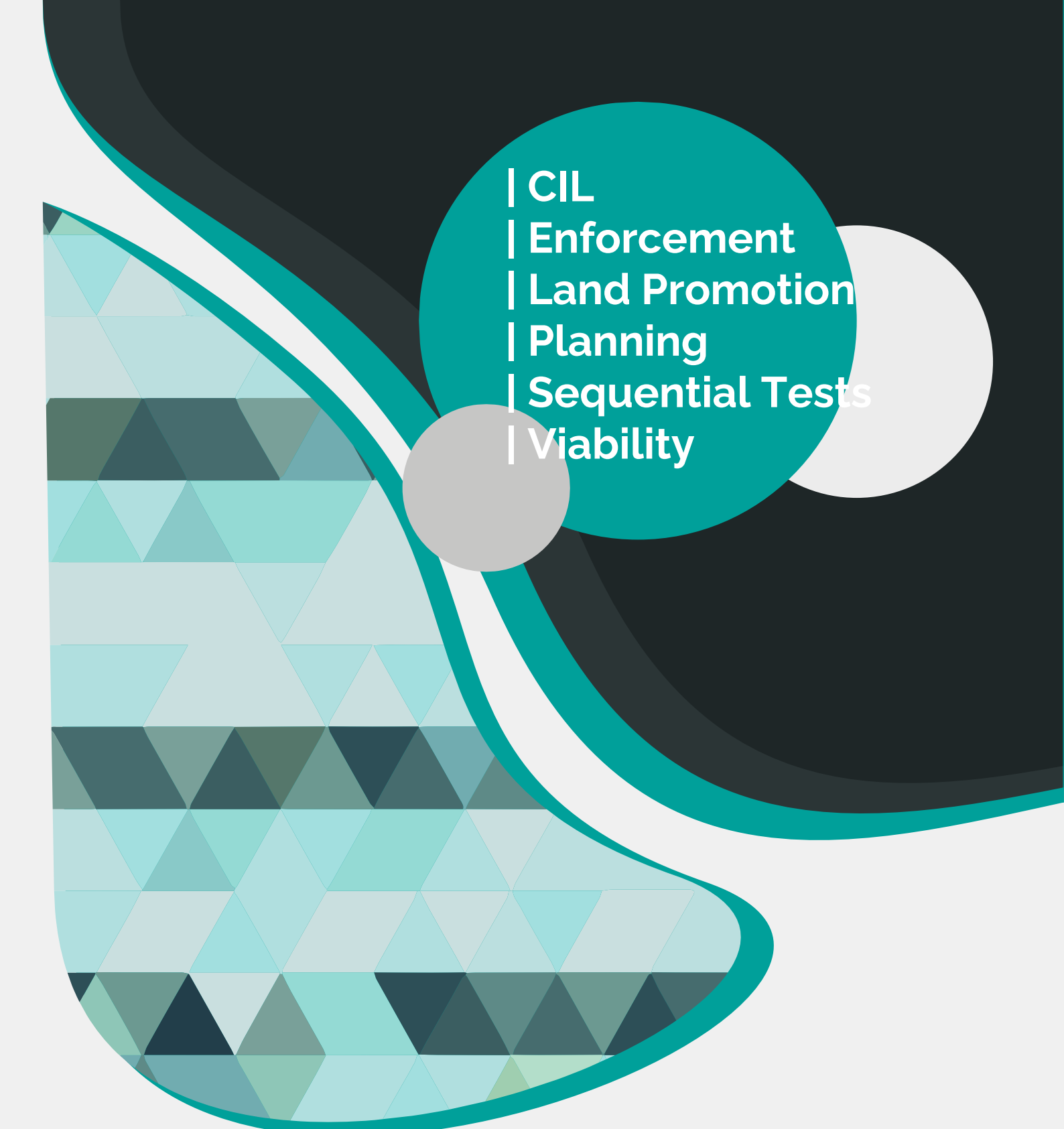
Zack Symons	Barrister
David Wetherill BA (Hons) MSc MRTPI	Planning witness
Colin Pullan BA (Hons) DipUD	Design witness
Neil Furber BSc (Dual Hons) PGDip CMLI	Landscape witness

For the council

Sarah Castle MRTPI	Planning Enforcement Team Manager
Bridget Crafer CMLI	Landscape architect

Interested parties

Matt Dymant	Resident
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| CIL
| Enforcement
| Land Promotion
| Planning
| Sequential Tests
| Viability

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