



Appeal Decision

Hearing held on 2 and 3 May 2023

Site visit made on 2 May 2023

by Timothy C King BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd August 2023

Appeal Ref: APP/X0360/W/22/3313232

Land adjacent to Sonning Golf Club, Sonning, Berks RG4 6DJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Savista Developments Ltd against the decision of Wokingham Borough Council.
 - The application Ref 214173, dated 17 December 2021, was refused by notice dated 30 June 2022.
 - The development proposed is described as '*Development of a specialist dementia residential care home (Use Class C2), creation of new pedestrian, cycle and vehicular access, landscaping, and other associated infrastructure works.*'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. From the original six reasons for refusal on the Council's decision notice those relating to biodiversity and the living conditions of neighbouring occupiers have been withdrawn, and the requested Employment Skills Plan would be secured by the s106 Agreement between Halmark Care Homes (Sonning) Ltd and Wokingham Borough Council.
3. Having assessed the case I agree with this approach.
4. Both parties provided me with previous appeal decisions in an attempt to add weight to their respective cases. I have had regard to the various issues involved in these, some of which relate to those arising from the current appeal. However, as each scheme has its own individual circumstances and particular factors, direct parallels are not easily drawn. Apart then from the Pound Lane decision which I refer to later, due to it similarly involving intended excavation works for the provision of a basement, I have determined the current appeal on the basis of the planning merits and impacts that would arise.
5. The appeal site benefits from an outline planning permission granted on appeal in 2018 for a proposed development involving the erection of 13 dwellings positioned around a cul-de-sac created into the site. A lawful development certificate issued by the Council in February 2023 confirms that the Reserved Matters have been approved and initial works, presumably preparatory, had commenced on the scheme. Details relating to a number of conditions imposed

have also been approved. Accordingly, as an extant permission, this represents a material consideration in the determination of the current appeal.

Main Issues

6. Given the Council's revised stance the main issues are:

- 1) Having regard to the proposed building's size and design, its effect on the character and appearance of the immediate area, and also with regard to wider landscape character and the proposed loss of trees; and
- 2) Whether the proposal would materially conflict with national and local climate change objectives.

Reasons

Character and appearance

The proposed building and its context

7. The appeal site gives the appearance of a short-grassed open field. Once part of the Sonning golf-club course the site no longer appears to be in any functional use. Save for its northern boundary, beyond which is open countryside, the land is screened by hedgerows and, to the south, established tree cover. Indeed, a woodland tree preservation order (TPO) covers a number of trees which extend up to the boundary with Pound Lane and Duffield Road. An expanse of car park, facilitating the golf club lies immediately to the east whilst no 101 Pound Lane, a residential property, sits beyond the site's western boundary.
8. Apart from the nearby club-house – which has the appearance of an extensive, elongated, brick-built complex, fronted by a substantial area of hardstanding - the general character of the area is semi-rural, but with a number of sizeable, low density two-storey houses, set within large plots. Both Pound Lane and Duffield Road are significantly bounded by mature trees which contribute towards the character of the immediate area.
9. The appeal proposal involves a large, cross-shaped building to function as a Class C2 Residential Institution. It is referred to by the appellant as a specialist building type for delivering world class dementia care. With ground, first and second floors, the building would accommodate 80 bedrooms.
10. In promoting the scheme the appellant also considers that the building, constructed as a single entity, would achieve a high-quality operational layout. Having considered the plot as an appropriate size for such a development it is said that, to operate efficiently and functionally, short routes of circulation would be provided for effective accessibility, and be compartmented into operationally linked household living arrangements. In terms of design the elevational plans show the building to be articulated to some degree with gable features and with its height contained due to the second floor being set within a deep roof-space.
11. In the above regard I have taken note of the letter received from Dr Martin Quirke of the University of Stirling, who has endorsed and praised the proposed scheme saying that the building would set high standards of dementia accessible design including several excellent examples of the application of research evidenced demential principles.

12. The appeal scheme also includes a 4m high basement car park below the footprint of the building which would largely remove the necessity for hardstanding to facilitate external car parking. The basement would also accommodate staff facilities, a kitchen, laundry room and store.
13. The Council considers that the development would result in urbanisation and excessive encroachment that will have a detrimental impact on the character and appearance of the area. Although beyond the 'development limits', as defined in the development plan, this factor is somewhat negated due to the planning permission granted for the 13 unit housing scheme, and which effectively serves as a fallback position for the site.
14. The appellant makes the point that, due to the existing tree screening, the development would not be readily viewed from Pound Lane, when approaching its junction with Duffield Road. From my site visit observations I would largely agree with this assertion. I am perhaps less convinced by the point made that, due to the proposed building being set into the site, only limited views of the development would be possible from Duffield Road. Here, I would consider that the building's impact is being somewhat underplayed, but this should also be balanced against the scheme for 13 dwellings which enjoys an extant permission.
15. The proposed dwellings and their curtilages in the fallback scheme would be scattered throughout the site, thereby breaking up the built form, and there has been some dispute between the main parties as to whether the relative vehicular accesses proposed would be of different width – the Council considers that the opening facilitating the scheme at appeal would be wider – but given the proximity of the clubhouse, I am not of the view that the proposed care home building need be in stark contrast to the immediate character of the area. Further, its impact, where visible from outside the site, would be softened by screening and landscaping, an appreciable asset which the clubhouse cannot benefit from. That said, the intention to mask a building through screening can be a double-edged sword.
16. The visual aspect is not the only factor involved in the assessment as to the proposed building's acceptability in its contextual setting. The expanse of the built form, given the intended 80 bedrooms is, to my mind, the primary consideration. The appellant would consider the scheme to represent an effective use of space, and also makes the point that including the sizeable basement area was driven by the intention to minimise the hard-surfacing around the building. Accordingly, I must acknowledge that this has allowed for the attractive garden areas proposed to be incorporated which enhances the development. Further, as mentioned, the Council has decided to withdraw its objection to the development's effect on neighbouring occupiers, thereby accepting that any such impact would not be significant.
17. In essence, the extent of the site, and its roughly regular shape, has allowed, on paper at least, for the intended layout to be seen as one enabling a workable scheme, consistent with the building's function. Nonetheless, a balance has to be struck between standards and an expected design led approach, with the physical impact of the building itself being an important consideration. Given the intended concentration of built form and, as a consequence, the building's heavy massing, I must also consider whether there

is a likelihood that the size of the building would have marked implications for the wider landscape.

Loss of trees, and effect on landscape

18. The Council indicates that the scheme has not demonstrated that existing trees would be protected or retained and, as such, the proposal has not responded to the character of the surrounding landscape. I can understand the Council's concerns in this regard as their witness said no clear Tree Survey Plan or schedule of the existing vegetation coverage on the site had been provided. .
19. The Wokingham Landscape Character Assessment locates the appeal site in area J4 'Woodley- Earley Settled and Farmed Clay' which concludes that the relevant landscape components are of low to moderate sensitivity. This is not inconsistent with the Landscape and Visual Impact Appraisal (LVIA) produced by the appellant which assessed the appeal site as having a low landscape value.
20. Nonetheless, the Council's landscape strategy is to conserve and enhance the integration of the urban edge and enhance the sense of place through careful design including siting, massing and scale. It also indicates that one of the key issues affecting the area's character is the dense wooded screening to plots in Pound Lane and at nearby West Drive, and that one of the key issues affecting the character in terms of development is the continued expansion and infill within existing settlements leading to loss of features such as trees and woodland.
21. Wokingham Design Guide (WDG) serves to promote high quality design which, amongst other things, is not over dominant in its setting, and both respects, and is sympathetic to, the character and quality of the area. This is consistent with the advice in paragraph 130 of the National Planning Policy Framework (the Framework) and is a key aspect of sustainable development.
22. From the evidence at the Hearing there appears to have been some lack of understanding as to the extent of tree removal, and also the methodology for protection. Perhaps the submission should have addressed this matter in greater detail. However, I note that the appellant has provided an Arboricultural Impact Report along with a Tree Protection Plan which indicates where, within the site, removal of trees would be required. Descriptions of the specimens to be removed are also given.
23. It was put to me that there would be no loss of those trees protected by the woodland TPO, other than that necessary to allow for the vehicular access to be created and, wherever possible, existing trees would be retained. Also, in any areas of the site where new driveways would cross existing root protection areas hand dug excavation would be employed. The appellant also made the point that, as part of the proposed landscaping, approximately 100 new trees would be planted.
24. The Council's main concern appears to be the protected trees that would need to be removed for the access provision. However, this roughly replicates the degree of tree removal required for the permitted housing scheme on the site. As mentioned, there is some dispute as to whether the care home's access would be greater in width but this appears to be marginal and I would not reasonably consider it to have any additional impact of particular significance.

25. To summarise, on this main issue, I am satisfied that the degree of tree loss necessary to develop the site as intended, given the fallback position, would not be particularly appreciable. However, whilst I must commend the overall scheme's external gardens and its associated tree and shrub planting, I am not convinced that the care home building itself, due to its substantial size and massing, would respect the character and quality of the area so as to satisfactorily integrate into its setting.
26. Each development proposal should, of course, be assessed on its own merits and/or impacts and I do not intend to draw a comparison with the 13 dwelling fallback scheme due to the different nature of the development involved. However, the approved layout does provide for a break in the built form, guarding against undue imposition and prominence and having better regard to the prevailing local character.
27. I was told at the Hearing that the 80 bed accommodation was necessary to make the scheme viable, although I do find it difficult to believe that the scheme would be so financially critical. Further, the prominent neighbouring clubhouse does itself provide a significant point of reference and, on this basis, a building of reduced size, with improved design articulation to break up its massing, might overcome the character and appearance objection and satisfy the objectives and requirements of the WDG and the national design guide.
28. I conclude that the proposed building would be harmful to the character and appearance of the area. I have found that not all the policies cited by the Council on this main issue are relevant, but the proposed building would be in conflict with the aims of policies CP1 and CP3 of the the Council's Core Strategy (CS) and also relevant advice within paragraph 130 of the Framework.

Climate change

29. In March 2023 the Council's decision to refuse outline planning permission for a 4 storey, 70-bed care home at nos 101 and 101A Pound Lane, a piece of land which adjoins the current appeal site, was upheld following an unsuccessful appeal (*APP/X0360/W/22/3308965*). The scheme also proposed a substantial basement excavation, and the resultant carbon emissions was one of the reasons cited by the Inspector in his decision to dismiss the appeal. A total number of 574 vehicular movements – modest compared to those estimated for the current scheme – were estimated. The Inspector took a precautionary approach and concluded that carbon emissions would be unnecessarily released from the development without mitigation.
30. Basements, certainly to the size proposed as part of the current scheme, are significant undertaking and engineering operation. However, it would seem from the appeal papers that the consequences and implications of such were not properly explored at the application stage which explains why, at the Hearing, there was still significant distance between the main parties as to the amount of material to be excavated, any on-site treatment and, if so, a description as to the processes involved, details of the preferred heavy vehicles needed and the number of trips necessary to and from the two identified quarries identified by the appellant.
31. To illustrate, at the application stage, a Sustainability Statement prepared by specialist consultants, dated December 2021, was submitted alongside the application, which provided little information as to resultant emissions arising

from the proposed excavation. The Statement, though, made the narrower conclusion that, based on assessment results and good practice techniques, air quality is not considered a constraint to planning consent for the proposed development.

32. In December 2022 the Council published a Climate Change Interim Policy Position Statement (CCIPPS) which defines the Council's position on climate emergency response as it relates to, and is material to, the planning process. It indicates that climate change adaptation and mitigation is one of the key pillars of sustainable development. The CCIPPS gives an expectation that development proposals play their part and go beyond current requirements to be more closely aligned with emerging local and national policy.
33. Although adopted local planning policies do not address the carbon emissions issue directly the aims of CS policies CP1 and CP3 are clear. Further, the Council's Supplementary Planning Document 'Sustainable Design and Construction' (SPD) says that the Council will require all development proposals to contribute towards reducing emissions to land, water and air during the construction process. This is consistent with the advice in paragraph 154(b) of the Framework which says that new development should be planned in ways that can help to reduce greenhouse gas emissions.
34. In terms of figures the Council comments that the minimum figure of 1,250 additional lorry trips to remove the excavated earth cited in the relevant reason for refusal on the decision notice was based on the estimations from the details originally put forward. This would amount to significant greenhouse gas emissions.
35. However, during the appeal process a Technical Note (TN) on the Basement Excavation, dated December 2022, was prepared by specialist consultants. This indicated that the true figure of excavated material to be removed would be 4,891 m³, although a figure of 6,653 m³ was also quoted by the appellant. The Council then commented that the volume of material excavated would be larger than the volume of subtracted ground area due to the bulking of excavated material as, once excavated, the material is aerated, whereas in the ground it is compacted. The Council estimated a 'bulking factor' of 1.15 due to the underlying clay; with this multiplier, equating to 5,256 m³. As a result, and assuming a standard 12m³ tipper truck, it estimated some 937 two-way trips would be necessary from the excavation alone.
36. There are further significant points of contention between the parties. First, the Council disputes the TN's claim that a Euro 6 type 8 wheel tipper truck with a capacity of 57 m³ can be assumed rather than the 12 m³ vehicle capacity assumed by the Council. Second, it also questions the appellant's claim that excavated sand and gravel could be debulked on site by the use of a plate compactor or vibrating roller, prior to transportation. Indicating instead that the excavated material would re-bulk when lifted onto the transport vehicle, the Council considers that the transportation of excavated material in a compacted state would not be feasible. Also, the Council highlights that for heavy vehicles to reach either of the potential delivery locations highlighted (quarries at Playhatch Hill and Hampstead Hill) they would need to pass over Sonning Bridge which, with a weight limit of 7.5 tonnes, would not be suitable for HGVs carrying excavated earth. Therefore, rather than distances of some 3 km, a much longer route via the centre of Reading would be required.

37. On a separate matter the appellant has indicated the expectation that approximately 1762m³ of excavated material would be retained on -site for landscaping and construction purposes, mainly for use by the golf-club. However, the Council makes the point that with the golf-club land under separate ownership a s106 Agreement would be necessary to legally enforce its involvement in the process.
38. From what I have seen the information as to the proposed basement excavation has been provided in a piecemeal fashion, and also rather late in the process. Certainly, it appears that the implications of this aspect of the development was given little consideration at the application stage. I would have expected that this should have been an integral part of what should have been a design led project from the outset. Instead, due to the absence of what should have been an Excavated Materials Assessment setting out a firm methodology, it has given rise to the current situation where figures and processes put forward are still sources of considerable contention between the parties. It is clear that any negotiation on the various factors involved has been minimal, if at all. Indeed, from the lengthy evidence given by both sides at the Hearing on this issue, even if I was minded to allow the appeal the matter of excavation could not be realistically left to the discharge of a necessary planning condition. It is too integral to the scheme for such an approach, and there being so much uncertainty and dispute.
39. For example, it was apparent that the welcome use of electric vehicles to transport the excavated material away from the site had been something of an afterthought. Yet, despite the advantages of using such vehicles rather than employing rigid diesel HGVs, it was unclear as to whether this was seen as a feasible solution in terms of amelioration.
40. Finally, although an estimation was made that transporting the excavated material from the site would take between 4 and 5 weeks, no firm details were advanced as to the frequency and duration of the trips, apart from that they would be limited to the period between 9am and 4pm, on weekdays. That aside, I was not made aware of any related restrictions that would likely be imposed by the Environment Agency due to the processes involved.
41. In the absence of compelling evidence to suggest otherwise I must therefore conclude that the proposal would materially conflict with national and local climate change objectives, and would also run contrary to the objectives of the Council's SPD, CS policies CP1 and CP3, policies CC01 and CC04 of the Council's Managing Development Development Delivery Local Plan, and relevant advice within paragraph 154 of the Framework.

Other Considerations

Five Year Housing Land Supply

42. The Council accepts that it cannot currently demonstrate a five year housing land supply, and the appellant makes the point that its housing policies are out-of-date. Paragraph 11(d) of the framework says that, in such circumstances, development proposals should be approved unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

43. Sustainable development underlies the Framework and my findings regarding the second main issue, given the uncertainty as to the environmental impacts arising from the scheme, could potentially fly in the face of the Framework's objectives. This is a matter of significance and the appellant has not satisfactorily demonstrated otherwise.

Need

44. I have had regard to the objectives of the Council's 'Adult Social Care Strategy, 2020-2025'. I have also noted the contents of the letter from Knight Frank, dated 12 December 2022 which, in reiterating Dr Quirke's points, comments that dementia care is becoming ever more prevalent, and yet, within a 30 minute drive-time catchment area, only 50% of care-home beds cater specifically for patients with dementia.
45. The Council, for its part, says that it has an over-supply of care homes as, out of 904 beds in 23 care homes across the borough, only 729 were filled at the date of the Hearing. It was indicated that people would rather remain in their own homes and, by 2035, only an additional three care-homes, or 215 beds, will be needed in the borough.
46. On this matter it seemed clear that the Council had concentrated on general need rather than the specialist dementia need, and I am inclined to lean more towards the appellant's claims in this regard.

Planning Balance

47. There is no doubt that the care-home building could cater well for the needs of its residents with the modern facilities and attractive gardens to be provided. However, whilst the internal floorspace and external grounds would enable the residents' well-being, this does not necessarily mean that the building as a physical entity in itself would integrate well in its surroundings. A particular concern of mine in this instance is the extent of the building's footprint and, with reference to the built form construction, the scale and massing.
48. Relating to the above I found it telling that, at the Hearing, it was pointed out to me that, on the experience of other such schemes, the appeal site's size here would allow for a home of comparable size. However, this takes no account of the particular circumstances involved, the immediate local character, and also the intended setting. Accordingly, there cannot realistically be any 'one size fits all' principle that would confirm acceptability. Further, in terms of the building's holistic design, the form follows function, function follows form ethos does not need to stifle physical articulation and innovation.
49. In the above connection I find that the appellant's case made too great a point on the availability of land to screen the development. This, of course, does not justify the acceptability of the building itself which, in line with the National Design Guide, should sell itself on its own attributes.
50. On this basis I have concluded that the building is too large and imposing for the contextual setting. This, of course, is not to say that a care-home building with, amongst other things, a reduction in size, would not be acceptable. There is no 'in principle' objection to such and, in this connection, I have cited the considerable scale of the neighbouring golf-club building. Further, I note that a 4-storey building was proposed at the adjoining Pound Lane site and, although the scheme was unsuccessfully appealed – the Inspector taking issue

with what appears to have been an elaborately designed building – this should not preclude future negotiations regarding the appeal site, should they occur.

51. Paradoxically, the intention to limit the amount of hardstanding around the building for parking etc with an intended substantial basement has given rise to problems with justifiable planning concerns regarding the considerable excavation process, the transport of materials therefrom, and the need for mitigating the resulting carbon emissions. On this issue, in particular, it appeared that the appellant's case in support of this operation was only put together late in the day, so much so that the two main parties' witnesses on such were largely at odds. Given the degree of contradictory evidence here the uncertainty was such that the issue was incapable of resolution at the Hearing.
52. Accordingly, with this in mind, there was nothing compelling to suggest that the scheme, as presented, could be considered as a sustainable form of development, and I conclude that the proposal is contrary to the development plan as a whole and is in conflict with underlying principles of the Framework.

Conclusion

53. To summarise I have found harm on both main issues, and what would appear to be a local need for such specialist care-homes, plus the modern facilities that would be incorporated in this scheme, do not override my stated concerns.
54. For the above reasons, and having had regard to all matters raised, I conclude that the appeal should be dismissed.

Timothy C King

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Neil Cameron (Counsel) KC
Jason Williams (SOL) – Instructed by Morgan La Roche

Ian Blacker – Director, Tetra Tech Planning
Julie McLaughlin – Tetra Tech
James Artingstall – Tetra Tech
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Liz Bryant – Director, Bryant Landscape Planning
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Robert Stott – Senior Analyst, Healthcare, Knight Frank
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FOR THE LOCAL PLANNING AUTHORITY:

Anne Williams (Counsel)
Douglas Scott

Senjuti Manna – Wokingham BC
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INTERESTED PARTIES

Trevor Fisher (Sonning Parish Council)
Jane Ashton
Richard Hitchcock (Westbourne Parish Council)
Rhodri Crandon