



Appeal Decision

Hearing held on 23 July 2024

Site visit made on 23 July 2024

by A J Sutton BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th of September

Appeal Ref: APP/X0360/W/23/3336000

Oak Dale, Lower Wokingham Road, Crowthorne, Wokingham RG45 6BX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Simeon Batov, Crowthorne Care Limited against the decision of Wokingham Borough Council.
 - The application Ref 223256 is dated 28 October 2022.
 - The development proposed is described as 'Demolition of the existing house and erection of a care home development with en-suite wet rooms in a single block on three levels (use class C2) with associated communal facilities, access, parking and landscaping works.'
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing house and erection of a care home development with en-suite wet rooms in a single block on three levels (use class C2) with associated communal facilities, access, parking and landscaping works, at Oak Dale, Lower Wokingham Road, Crowthorne, Wokingham RG45 6BX, in accordance with application Ref 223256, dated 28 October 2022, the details submitted with the application and the schedule of conditions appended to this formal decision.

Procedural Matters

2. Attention has been drawn to an emerging plan and topic papers prepared in support of that process. This plan has not progressed beyond the Regulation 18 Stage. It is therefore at the early stage of preparation. As such, while policies of the plan that may be relevant to this proposal have been identified, there are likely to be matters that need resolving. This emerging plan attracts limited weight for this reason.
3. The Finchampstead Neighbourhood Development Plan 2022 -2038 (Neighbourhood Plan) has been made since the Council's decision on this proposal. The main parties have identified the policies of the Neighbourhood Plan that they consider relevant in this case.
4. Drawings showing a revised red line boundary have been submitted in this appeal. In the first instance, the revised boundary line is a minor change at the rear boundary of the appeal site. No significant change is proposed in respect of the proposed development and associated landscaping. Therefore, this revision would not result in a substantially different scheme or a fundamental change of the original proposal.

5. Secondly, on this matter, although these drawings did not form the basis of the Council's decisions, the Council has had an opportunity to comment on this matter. Also, the drawings were made available on the Council's website during this appeal process and discussed at the hearing event. Consequently, I find that accepting the revised drawings in this decision would not prejudice any interested parties in this appeal process.
6. The appeal property is within the zone of influence of the Thames Basin Heaths Special Protection Area (SPA). This designation affects the heathland areas that provide habitats for three rare bird species. Evidence indicates that this habitat is vulnerable to the effects of new development and urbanisation, particularly from recreational activity.
7. The main parties were informed at the hearing of my intention to consult Natural England on this issue. The parties also had an opportunity in this appeal process to comment on this and on Natural England's advice. This matter is dealt with later in this decision.
8. The Council's reasons for refusal originally included the absence of a legal agreement to address employment skill contributions. However, during the appeal process the parties worked towards finalising an agreement, and as such this reason for refusal fell away at the hearing. A Planning Obligation was submitted shortly following the hearing, which I will address in due course.

Main Issues

9. The main issues are:
 - Whether the principle of the proposal at this location is acceptable having regard to the spatial vision of the development plan;
 - The effect of the proposal on the character and appearance of the area, having particular regard for local landscape features and setting; and
 - The effect of the proposal on the integrity of the Thames Basin Heaths SPA.

Reason

Location

10. The spatial vision of the Wokingham Borough Core Strategy (Core Strategy) states that development will be concentrated in towns and villages. This vision is based, amongst other matters, on an Assessment of the Hierarchy of Settlements which applied sustainability objectives and divides the borough's settlements into three categories.
11. In respect of these divisions and managing growth in them in the Plan period, Policy CP9 of the Core Strategy guides the scale and location of development, requiring development reflects the existing or proposed levels of facilities and services at locations, together with their accessibility. This Policy identifies Crowthorne as a mid-tier settlement, and a modest development location, where proposals within development limits will be acceptable.
12. Policy CC02 of the Wokingham Borough Adopted Managing Development Delivery Local Plan Document (Local Plan) states planning permission for proposals at the edge of settlements will only be granted where they can demonstrate that the development is within development limits.

13. The appellant highlights that the property immediately adjoins Crowthorne's settlement boundary. This may be so, but the Council's Policies Map shows that, for purposes of the current development plan's spatial strategy, the site is outside the development limits. Accordingly, the proposal at this location would be at odds with Policy CP9 and Policy CC02.
14. The appeal property is a residential dwelling and would result in development of an existing private residential garden. Policy D3 of the Neighbourhood Plan provides support for such proposals, subject to satisfying stated criteria. However, this Policy requires that such development is within a development location reflective of the development limits defined on the Council's Policies Map. For this reason, Policy D3 is not relevant in this case.
15. Policy AHD1 of the Neighbourhood Plan also seeks development in development limits. However, this policy has some flexibility, as it goes on to state that proposals outside the development locations will only be supported where they accord with national and borough policies.
16. Policy CP 11 of the Core Strategy deals with proposals outside development limits (including countryside) and as such is the locational policy most relevant to this proposal. This Policy seeks to protect the separate identity of settlements and maintain the quality of the environment, stating proposals outside development limits will not normally be permitted except where specific criteria is satisfied.
17. With regards these criteria, this proposal would provide an open market residential care home such that it would be a business enterprise. However, I find no compelling evidence that this use would significantly contribute to a diverse and sustainable rural enterprise. While the proposal would be in a countryside location for the purposes of the development plan policies as already outlined, this location does not appear to be a requirement for the use proposed in this case. Moreover, while future residents may appreciate a rural setting, no substantive evidence has been advanced that this use would particularly promote the enjoyment of the countryside.
18. The proposal would result in the demolition of the existing dwelling and a change in use of the site, and in this regard, it would not qualify as either a residential extension or a replacement dwelling. Even if I accept that the proposal would be a replacement dwelling, while 'inappropriate increase' is not defined in the supporting text of the Policy, the Borough's Design Guide advises that in respect of replacement dwellings, a 50% increase in volume for a 1 storey development is acceptable. This development would result in an increase in footprint, height and volume, significantly in excess of 100% and would appear to be an inappropriate increase for the terms of this guidance on this matter.
19. It is asserted that the care home would be an 'essential community facility' (ECF) and would qualify as an exception set out in Policy CP11. The Policy does not define ECFs, nor is it defined in the supporting text of this Policy or the Glossary of the development plan. In respect of this matter, I am directed to Paragraph 4.17 of the Core Strategy.
20. This is supporting text of Policy CP2 which seeks inclusive communities and to ensure this outcome (including the provision of community facilities) to meet long term needs, planning permission will be granted for proposals that

address the requirements of, amongst other matters, an ageing population, particularly in terms of housing, health and wellbeing.

21. Paragraph 4.17 clarifies that community facilities include development for health, community facilities, education, play and leisure or culture, libraries, village/community halls and religious buildings and burial sites. I note this is not a closed list, but this does not explicitly clarify that a care home is an ECF for the purposes of the development plan.
22. A stated aim of the Core Strategy is its consistency with other Borough Strategies including Community Care Service. This Service seeks health, wellbeing and the dignity of older people and to facilitate their inclusion in all levels of community life. At Paragraph 2.35 of the Core Strategy, it is stated that neighbourhoods will be important in providing facilities accessible for older people and which encourage the inclusion of all members of the community. It is highlighted that these will contribute to the prevention of ill health.
23. Following this the Core Strategy has a separate sub heading titled Housing (including specialist housing), where it is identified, in respect of older people, that delivering more choices in the housing and care available to them, is a priority. Paragraph 2.40 goes on to say that the requirements for this change to the pattern of specialist housing for older people are set out in the Wokingham's Older People's Housing Strategy.
24. In light of the above, it is clear that the development plan distinguishes between the provision of specialist housing and community facilities, and policies of the plan deal with these matters separately.
25. The proposal is for a care home that is specially designed for older people and those with dementia. The development would therefore provide specialist housing. Although this would undoubtedly support the health of future occupants and would be embedded near to an existing community, the development would add to the mix of housing, and in this regard would be distinctly different from a community facility in the terms of the development plan.
26. The appellant has submitted an alternative site search to address the other requirements in this criterion of Policy CP11. However, for the reasons set out above, I find this proposal would not be an 'essential community facility' for the purposes of Policy CP11 and therefore it is not necessary to consider that evidence further in the context of this issue.
27. As already referenced, one of the overarching intents of Policy CP11 is to protect the separate identity of settlements. This aim is also echoed in Policies D2 and GS1 of the Neighbourhood Plan. In this regard the development would not extend beyond the existing residential boundary. Moreover, while the appeal property is outside the development limits, it is surrounded by other dwellings with the wider area largely contained by the road network of Lower Wokingham Road, Hollybush Ride and other Rides. On this basis development at the property would not lead to a harmful coalescence of settlements and would not unacceptably reduce the physical and visual separation of settlements.
28. I will consider whether the proposal would maintain the environment in the following section. That aside while the development would not harmfully impact

on the identity of settlements, it would not accord with the spatial strategy of the development plan for the reasons outlined.

29. With regards this matter, I find that the principle of the proposal at this location would be unacceptable, having regard to the spatial vision of the development plan. In this respect, I find conflict with Policies CP9 and CP11 of the Core Strategy and CC02 of the Local Plan.

Character and Appearance

30. The appeal property comprises a modestly sized, one and a half storey, detached dwelling in an expansive plot. Structures at the site are largely limited to the dwelling and a few outbuildings such that the plot is dominated by the residential garden. The topography of the plot gently slopes down to the rear and this garden is strongly characterised by sizeable, mature trees and vegetation. The plot is substantially screened by deep vegetation along most of its boundary, with the only significant break in this green boundary being at the access onto the highway.
31. The property is bounded on three sides by large dwellings in equally large verdant plots that are also dominated by mature trees. The deep woodland pockets at property boundaries in the immediate vicinity of the appeal site appear to interconnect and built forms are well spaced and limited.
32. The appeal property is in the Finchampstead Forested and Settled Sands landscape character area. Trees dominate this area, contributing to a high sense of enclosure in this semi-rural landscape. The locally valued attributes of interconnected woodlands, evident at the property's boundary are not only visually attractive but are also important natural corridors, forming part of the Green Route defined in the current development plan. As such the quality of the landscape in this immediate setting appears good and the large residential garden of the appeal site contributes to this.
33. The above natural features frame a relatively low density of dwellings along this part of Lower Wokingham Road and as such the pattern of development is much looser than properties on the eastern side of the road. While these features contribute to a naturalist sense of place, and the site is deemed to be rural in terms of the development plan's spatial strategy, this spacious pattern of mature, residential development has a loose, yet distinct suburban quality that is common in edge of settlement locations such as this.
34. In the wider area, the woodland network provides pleasant routes for walking and recreation. However, while the pockets of woodland and forestry are noted for creating separation between settlements, this is not so noticeable in the vicinity of the appeal property, where the built form in this area is principally contained by the intercepting roads of Lower Wokingham Road and Hollybush Ride.
35. Oak Dale fronts a relatively straight stretch of carriageway. Distinctive long straight roads that, historically, are 'Rides' emanating from the Royal Forest of Windsor, remain a strong landscape feature of the wider area, particularly the splendid vista that can be seen along nearby Wellingtonia Avenue.
36. Lower Wokingham Road is in the most part a straight road, but it angles near the junctions with Nine Mile Ride and Hollybush Ride, as short distance from the appeal site, and this is shown on historic maps dating to the early 19th

Century. That said, the positive 'Ride' characteristics of Lower Wokingham Road are noted in the Neighbourhood Plan. The mature verdant appearance of the appeal site in the street scene positively contributes to these locally important landscape characteristics.

Effect on the Site's Character

37. The proposal would replace the existing dwelling with a sizeable care home. While much larger than surrounding domestic scale properties, the proposed design of the building is traditional both in forms and materials, such that its appearance would be generally in keeping with the suburban post war architectural style that characterises this area.
38. The care home would be three storeys in an area where dwellings are generally no more than two storeys in height. Policy D1 of the Neighbourhood Plan seeks building heights that reflect the character of the parish, stating development of three storey housing will generally only be supported in Strategic Development Locations and regeneration areas. However, the supporting text of this Policy clarifies that there may be circumstances elsewhere, where well-designed three storey houses may be appropriate.
39. In this case, even at three storeys, the development would appear relatively low profile when set against the existing tall trees at the boundary of the property. As such the new built form would be readily absorbed in this immediate setting and would not harmfully dominate the prevailing verdant character in respect of height. With these features, along with a locally sympathetic architectural style the development would generally accord with the objectives of this Policy.
40. The built form would cover a significant part of the site which is currently garden space. The resultant coverage of the appeal site with buildings, along with parking for 29 vehicles, would be at variant with the coverage of development at neighbouring plots. However, over 50 % of the appeal plot would be retained as garden and landscaping. In this sense, the development would not be cramped, and this spaciousness would protect against strident urbanisation of the site.
41. That said, the 60 bedroomed building is considered to equate to 32 residential units, as such the development introduces a different grain of development that would be a significant increase in plot density than the single dwellings that characterise the surrounding area. While the plot could comfortably accommodate a building of this size, with space remaining, the coverage of the site and density of development would be at odds with the prevailing built-up coverage of plots in this immediate setting, and the existing scale of the sizeable residential garden would be diminished.
42. It is asserted that the proposed building would have the appearance of student accommodation and the commercial nature of the development has also been drawn to my attention. However, as already outlined the appearance of the building would not be at odds with the architectural style of existing dwellings in the area. Moreover, the layout and proposed landscaping would help distinguish the development as a care home as opposed to an apartment block or indeed a general business premises.

43. Also, while the care home would be operated as a business it would be a home to future residents, and it seems to me that a residential area can be an appropriate location for a care home. Indeed, as already outlined, policies of the development plan seek integration of such accommodation in residential development.
44. Nevertheless, the development would result in an increased number of residents living at the site. Also, the particular needs of future occupants of the proposed accommodation would likely alter the level of activity at the property with the coming and going of staff and visitors. This change in activity would significantly change the existing singular residential use of the property and in turn the existing character of the site.
45. As a larger building with a more intensive level of use than existing, there would be an increase of lighting at the site. Poorly designed lighting can have a negative effect on the character of an area, particularly in rural settings where light emissions tend to be lower than urban areas. However, the appellant is willing to accept a condition which would control lighting. There is no compelling evidence that a suitable lighting scheme could not be agreed and implemented to avoid harmful light spill. I am therefore content that the development would be made acceptable with regards this matter.
46. While I find the proposal could be made acceptable in respect of lighting, the change in use and the extent of development covering the site would alter the existing character of the site. In turn, the quality of the environment within the site would not be maintained due to this development.

Effect on the Character of the Wider Area

47. As previously indicated, the "Ride" characteristics of Lower Wokingham Road is acknowledged in the Neighbourhood Plan. The supporting text of this Plan clarifies the characteristics of this local feature, which include layout, with housing set back from the carriageway and boundaries being of trees and hedges. The Council's Landscape Character Assessment and Topic Papers identify harms to valued Rides and pressure on this local landscape feature which include frontage development, the use of close board fencing, tree losses, suburbanised with kerbs, lighting, signage and roundabouts.
48. The care home would be set back from the road with the drive and parking area at the front of the property. In this regard the proposed layout would generally reflect the rhythm of existing plots and layouts that characterise 'Rides' in the area.
49. The appellant's Arboricultural Impact Assessment and Method Statement indicates there are 80 individual trees, 7 tree groups, and 1 woodland at the appeal property. The removal of 11 individual and 2 groups of trees is proposed, and as such, much of the existing tree coverage at the site would be retained.
50. The tree survey states that the trees to be removed are of low to moderate quality and value and that a couple of these trees require removal for safety reasons. The Assessment goes on to outline details to protect retained trees during the construction phase. It also states that replacement tree planting would be included in the new landscaping scheme to mitigate tree removal.

51. The Council is concerned that there would be insufficient depth of trees at the boundaries to maintain the area's character and asserts that the proposed intensity of use in the site would lead to pressure to reduce trees. However, while noting that the increased coverage of development would limit the space for replacement trees, in my opinion, the Landscape General Arrangement Plan shows a proposed landscape scheme dominated by trees.
52. There would be a wide depth of relatively undeveloped land in the front and southern quadrants of the site as well as space for vegetation at the rear and to a lesser extent at the north boundary. Also, through condition, the landscaping scheme could ensure tree species suitable for this use. On this basis I am content that there would be sufficient space to safely retain trees for the lifetime of the development.
53. The built form and car park would be close to the northern boundary, and this is the boundary where the depth of vegetation is already thinner in sections than vegetation at other boundaries of the appeal site. There would be some intervisibility at these sections of the boundary between the development and the neighbouring Pine Drive.
54. With a good depth of vegetation retained at the front northern quadrant of the site as already indicated, views of this north side elevation would be largely limited to Pine Drive, and from the access road to West Heath House. While this side elevation would be uncommonly larger than surrounding dwellings, the proposed mix of the hips and gable roofing would visually break the bulk of the mass at this aspect, such that it would have a distinct suburban quality not at odds with existing surrounding residential development.
55. Also, while there would be limited space at some sections of the northern boundary of the site, some green features are proposed, and this would help the proposed building to visually integrate with the sylvan character of the area. The visual impact of the building would be moderated by these factors, but the expansion of built form would be evident from this aspect, in glimpsed views.
56. Concern has also been raised about the visual change at the rear of the property. The proposed building would be largely three storeys at this elevation and the built form would be brought closer to this boundary than is currently the case. However, there is a broad belt of trees at this shared boundary, a considerable section of which is covered by a Tree Preservation Order. The belt of trees would largely enclose the development at the rear such it would not harmfully encroach into the prevailing verdant character of this immediate setting.
57. The existing access at the site has a double set of brick piers with metal gates. This simple residential feature is flanked by vegetation, and as such it has a relatively neutral effect on the character of the area.
58. The width of this access would need to be increased to allow for two way traffic. There are concerns that this would open the site and the building and parking area would be clearly visible. The Landscape General Arrangement plan shows green landscaping along the drive and flanking the access and as already stated the building would be set back in the site. As such the expanded access would only provide glimpsed views of the built form. Also, the section of the front elevation, aligning with the access, would be generally limited to two

storeys, with an appearance not dissimilar to a large dwelling, and in this regard would be sympathetic to surrounding built forms.

59. Moreover, the access layout on the submitted plans show a simple opening similar in width to other existing openings which I saw intermittently along this stretch of the road. Also, as an alteration of an existing access the development would not significantly increase the number of openings along this road, and there is no indication, on the submitted plans, of significant signage associated with the proposed care home.
60. As previously referenced, the front of the site, around the access, would be relatively free of development, with a good depth at the front of the proposed building, such that there would be plenty of space for landscaping around the access and driveway. This landscaping would soften the appearance of the parking area, thereby minimising the adverse visual impacts of this uncommon feature when it is viewed from the street scene. This would ensure that any negative change to the environmental quality of the plot is localised and only discernible when in the immediate vicinity of the site.
61. The front boundary of the appeal site is part bounded by a panelled fence and as highlighted by the Council this appears a somewhat detracting feature in the street scene. It is suggested that this fence could be replaced with vegetation. This enhancement could be achieved regardless of this development, but nonetheless I am satisfied that this could be secured by condition in this case. This small enhancement along with a sensitively designed access would go some way to protecting the appeal property's existing contribution to valued landscape features in this area.
62. Given the above factors, I am generally satisfied that the development could retain sufficient trees in the site that would continue to contribute positively to the existing sylvan character of the area and the defined Green Route. In this regard I find the proposal would accord with Policy CC03 of the Local Plan and Policy IRS6 of the Neighbourhood Plan which collectively seek to protect green infrastructure, trees and landscape. Also, regarding trees, the existing verdant character of this locally important 'Ride' would be maintained and protected.
63. With the retained woodland at the boundary connecting with neighbouring woodland there would be a good degree of containment of development in the plot. In this respect, the existing character of the wider area would remain largely intact and the visual impact of the larger built form on the surrounding landscape would be limited.
64. Also, although the built form coverage would increase, this development would be significantly enclosed in the site by vegetation. Being set back from the road and with significant garden space retained, the development would be sensitive to the pattern of development at the edge of this settlement.
65. Enclosed in this way and surrounded by existing development, the proposal would not encroach into land that has not already been developed for residential use in this fringe location. Nor, with the features outlined, would the development harmfully contribute to a coalescence of settlements. In this manner, the proposal would generally accord with the Council's Design Guide regarding advice for development at the edges of settlements and its interrelationship with the countryside.

66. In considering the degree of screening afforded by the trees, I agree with the Council's and other Inspectors' observation that screening should not be an excuse to permit poor development. However, the resultant enclosure of development in this case would be largely in keeping with the locally prevailing enclosed character of development in this area. I also find, intrinsically, that the design proposed would not be poor for the reasons outlined and would work towards minimising the visual disruption of some variant features of the development in this setting. In turn this factor would moderate the harmful effect on the positive characteristics of the surrounding landscape.
67. That said, the appellant's Landscape and Visual Assessment (LVA) states that the development would be visible from the road and that the built form would represent a reduction in the quality of the present environment at the site. And, while I accept that the trees and vegetation would filter the views significantly, nevertheless the existing character of the site would be harmed in the manner described above.
68. Also, in terms of the effects of proposed changes outside of the site, the Council has suggested a condition which would involve development in the carriageway of Lower Wokingham Road. In particular a pedestrian refuge island is sought. While visibility on the road fronting the appeal site is good, and vehicles are limited to relatively slow speeds, the road has a significant flow of traffic, and this impedes pedestrians when crossing the relatively wide road. The proposal would significantly increase the use of this site, and consistent with other development plan policies the Council seeks to improve pedestrian access and promote modes of transport other than the use of cars for new development.
69. Given the existing road conditions and the nature of the development, it is reasonable and necessary to secure this feature to make this development acceptable in planning terms. Also, although this would require a Grampian style condition, given it is a matter requested by the Highway Authority, there is certainty that this could be delivered in this case.
70. This condition would introduce structures onto this stretch of the road which are potentially not in keeping with the uncluttered positive character of 'Rides'. While the introduction of a pedestrian refuge, and associated road signage, would be a relatively small change, and the visual harm with be limited and localised, it would nonetheless fail to retain the existing condition, character and features that contribute to the landscape. In this particular manner the proposal would conflict with the requirements of Policy TB21 of the Local Plan.
71. In respect of character and appearance, the parties have drawn attention to several appeal decisions that have similarities in respect of location and/or the nature of development. The proposals subject to those other appeals include care homes, housing development and caravans, all of which have slightly different circumstances and are not directly comparable for this reason; those appeals attract limited weight accordingly. In my findings I have had regard to matters raised in those appeals. However, my judgement in this appeal focuses on the particular local context and the individual merits of this proposal.

Conclusion on this Issue

72. In summary on this matter, the proposal would introduce locally uncommon features, particularly in respect of the coverage of built form and to a lesser extent the nature of the use in the site. However, the suburban quality of the proposed design with the deep verdant boundaries would reduce the degree of variation such that the harm to the character would be limited to the immediate setting. The development would also result in works to the road, that would fail to retain an existing characteristic that contributes to the locally valued landscape. The resultant visual effects would be limited and localised such that the harms would be at the lower end of the spectrum, but harm would arise.
73. In light of the above, I find that the proposal would result in some harm to the character and appearance of the area, having particular regard for local landscape features and setting. In this respect, the proposal would not accord with Policies CP1 and CP3 of the Core Strategy and Policies TB06 and TB21 of the Local Plan. These Policies collectively, require proposals to make a positive contribution to the character of the area in terms of, amongst other matters, the relationship of the existing built form and a layout which integrates with the surrounding area with regard to the built up coverage of each plot. These Policies also seek high quality of the environment and state that proposals have no detrimental impact upon landscape.

Thames Basin Heaths SPA

74. The Thames Basin Heaths SPA is a composite site that is located across a number of counties. It encompasses all or parts of several Sites of Special Scientific Interest. Habitats include open heathlands, scrub and woodlands which were once almost continuous, but are now fragmented by roads, urban development and farmland.
75. Together with the nearby Ashdown Forest and Wealden Heaths SPAs, the Thames Basin Heaths form part of a complex of heathlands in southern England that support important breeding bird populations. The site supports a number of birds of lowland heathland, especially nightjar and woodlark, both of which nest on the ground, often at the woodland/heathland edge, and Dartford warbler which nests in gorse.
76. As ground dwelling birds, these qualifying features of the Thames Basin Heaths SPA are particularly sensitive to disturbance from recreational activity and predation from pets. Evidence has found that recreational pressure threatens the conservation objectives of the SPA which is to ensure that the integrity of the site is maintained or restored as appropriate and that the site contributes to achieving the aims of the Wild Birds Directive.
77. As the Competent Authority in this case, in accordance with duties set out in the Conservation of Habitats and Species Regulations 2017 (the Regulations), I have to be content that this proposal would not result in likely significant adverse effects (LSAE) on the integrity of this protected habitat. Regulation 63(1) requires a Competent Authority to make an Appropriate Assessment of the implications of any plan or project potentially affecting a site with regard to that site's conservation objectives.

78. The main parties concluded that LSAE could be ruled out as the proposal is for a C2 use and no staff accommodation is proposed.
79. In regard to this matter, Policy CP8 of the Core Strategy states that development likely to have significant effects on the Thames Basin Heaths SPA will be required to demonstrate that adequate measures to avoid and mitigate any potential adverse effects are delivered.
80. The supporting text of this Policy states '*Having regard to NE [Natural England's] visitor survey, SEP Policy NRM6 and the Delivery Framework ...the authority concludes that residential proposals involving increases of one or more net additional dwelling within 5km of the SPA will need to be assessed for whether there is likely to be significant impacts*'. Paragraph 4.49 clarifies that ... '*-dwellings and other residential development (including staff accommodation) will need to provide avoidance mitigation measures where amongst other matters, the proposal involves one or more net additional residential unit and is within 5KM of the SPA.*'
81. Also, the Delivery Framework advises on the types of development where avoidance measures should be sought, and this includes proposals for 1 or more net new units of staff residential accommodation falling within Use Class C1 and C2. A footnote to this goes on to advise that the principal impact on the SPA being dealt with in this Delivery Framework is that resulting from recreational pressure and urbanisation impacts associated with residential development (e.g. cat predation), and it is recommended that C2 uses are assessed on a case-by-case basis.
82. The proposal would replace the existing individual house with a care home for 60 residents. It is indicated that this equates to a net increase at the site of 32 residential units.
83. Natural England was consulted on this matter following the hearing event and in summary advised, consistent with the Delivery Framework, of the need to ensure that there would be no net increase in recreation in the area. Specifically, it is concerned about the certainty regarding further occupants' mobility levels and independent living, keeping of pets, parking and live-in staff and family members.
84. With regards this matter, Natural England drew attention to an appeal decision.¹ This decision related to a different borough and protected habitat. However, that protected habitat supports the same qualifying species of the Thames Basin Heaths SPA. Moreover, the development was similar to the size and type proposed in this case. That decision is relevant to this appeal in these regards.
85. The Inspector in that decision concluded it was necessary to attach conditions to ensure that the development did not add to recreational pressure in the zone of influence of that protected habitat. The appellant, in the case before me, states that those conditions are onerous and would not satisfy the test for conditions.
86. It is asserted that this development would not make provision for live-in staff accommodation, nor would it be designed to allow future residents to live independently. This is reflected in the layout in the submitted plans. However,

¹ Ref: APP/R3650/W/16/3150558

the description of development does not exclude living accommodation for either staff or family members of future residents.

87. The proposed layout plans show that the development could accommodate in excess of 60 bedrooms with extra space, particularly at the eastern wing that could include additional residential accommodation. While the intent of the appellant is to operate the development as described in the submitted evidence, I find no certainty before me that the building would not be altered during the lifetime of the development to allow for ancillary accommodation for staff or residents' family members to live in the building, or for future occupants to keep dogs and cats. Without this certainty I am not confident that recreational pressures from either staff and or family members, accommodated at the home in future, or that harm arising from the significant increase in the type of pets specified at the appeal property, would not adversely impact on the integrity of the protected habitat in the long term, alone or in combination with other development in the area.
88. Accordingly, a condition limiting the living accommodation to those requiring care at the home is reasonable and necessary and should be imposed to ensure that the development would not add to recreational pressure in the SPA's zone of influence.
89. Also, while I see nothing preventing existing residents of the appeal property keeping pets, it is reasonable to conclude that the number of pets are likely to be limited given that this is a single family dwelling. However, this proposal would considerably increase the number of residential units and therefore the scope for keeping pets would also significantly increase. In light of that potential outcome and given the identified harmful impact that cats and dogs can have on this protected habitat, it is reasonable and necessary to attach a condition that would prevent occupants of the care home keeping this type of pet, with the exception of assisted living dogs.
90. As planning permission would be required for the development to be use in a different class, I find a condition ensuring the use class of the development unnecessary. Also, it seems to me that a condition that seeks to define mobility and limit the occupants of the care home on this basis would be difficult to enforce and may unreasonably exclude individuals in need of care home accommodation in the borough. In any event, while visitors may take residents out for recreational trips in the wider area, as an older person requiring residential care, it is fair to assume that these trips would be short and limited such that they would not involve harmful intrusion into the heathland habitats. These conditions are unlikely to satisfy the test set out in Regulations or provisions of the Framework for these reasons.
91. In summary on this issue, I am content that the development would not result in significant adverse effects on the qualifying species and overall integrity of the Thames Basin Heaths SPA, subject to the imposition of conditions that limit the living accommodation of the care home to future residents requiring care and that prevent the keeping of cats and dogs at the property. With these conditions, the proposal would accord with Policy CP8 of the Core Strategy which guides this issue and the Habitat Regulations.

Other Matters

Employment Skills and Planning Obligation

92. Policy TB12 of the Local Plan, requires planning applications for all major development (both commercial and residential) in Wokingham Borough to submit an employment skills plan (ESP). The Council is committed to encouraging both the training and use of local labour in the construction phase of major developments.
93. The supporting text of the Policy clarifies the Council will produce additional guidance which sets further detail on the scale and type of contribution expected from development and states S106 agreements or planning conditions to incorporate the Employment Skills Plan may be used.
94. The Employment Skills Plan Guidance for Developers indicates that an in lieu financial contribution in place of delivering an employment skills plan is acceptable and will be agreed before planning permission is given as part of a S106 agreement.
95. As a major development Policy TB12 is relevant to the proposal. The appellant has submitted a legal agreement which commits the appellant to submit an ESP or to pay an in lieu financial contribution. Given the policy basis and guidance, a planning obligation addressing this matter in this case is necessary to make the development acceptable in planning terms.
96. The first schedule of the legal agreement commits the appellant and their successors to an in-lieu Employment Skills Contribution (ESC) of £15,000.00 (index linked) towards the promotion of employment opportunities in the borough or an ESP that would be subject to the approval of the Council. The agreement also includes contributions towards monitoring fees of £512.00.
97. The ESC, reflective of the contribution indicated by the Council, is calculated using the overall value of developing the site and the CITB benchmark tables. This approach is outlined in the Council's guidance on this matter. Moreover, this financial contribution and ESP are directly related to the development proposed and fairly and reasonably relates, in scale and kind, to the proposal. In these regards the planning obligation would comply with Regulations and satisfy the test set out in national guidance.
98. A dated and signed planning obligation between the Council and appellant, pursuant with S106 of the Town and Country Planning Act 1990, was submitted following the hearing. This legal agreement references the appeal site and the appropriate application reference. It also obligates those with a title to land (and their successors) to the matters outlined above. On this basis, the planning obligation appears legally sound.
99. Consequently, I find that the proposal would comply with the requirements of Policy TB12 of the Local Plan with regards this matter.

Contribution to General Practitioner Services and Affordable Housing

100. It has been suggested that the development could include affordable housing on the site to help mitigate the problems in care staff recruitment and retention. However, no convincing evidence has been advanced to consider this

matter in detail, and in any event, I find no particular local policy support for such a requirement.

101. The appellant is willing to ensure some of the care home rooms are affordable. However, I find nothing before to indicate that a planning obligation for this would satisfy the tests set out in the Framework and relevant Regulations.
102. The evidence suggests contribution to GP services in the area should be sought. It is reasonable to conclude that the demand on the local GP services would increase given the nature of the development and the needs of its future residents. However, as already indicated, this is a modest development, such that this increase in demand on this local service would be modest. Also, very limited information is submitted to ascertain current GP services capacity and whether this is an issue in the area. In any event, I find nothing before me that such a contribution could be secured or that it would satisfy the Framework's test or Regulations on this matter.

Matters Raised by Other Interested Parties

Highways, Access, Parking and Air Quality

103. Local residents are concerned that the proposal would have an unacceptable impact on highway safety in the area and traffic flows particularly during peak times. Relevant to this, the Framework states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety.
104. While the proposal would generate a significantly greater number of vehicle movements than the existing use, this is a modest development, and any increase would be modest in light of the traffic flows already apparent in the area. Moreover, the site has access onto a straight stretch of carriageway. Even with the slight rise in the ground I saw that visibility from the access is good such that vehicles can safely access and exit the site without undue conflict arising with other road users. Also, I find no compelling evidence that a modest increase in traffic from the site would have an unacceptable impact on the local traffic flows. Nor has evidence been advanced that would substantiate the assertion that the proposal would have an unacceptable impact on air quality from such a modest increase in vehicles.
105. The proposal would provide space for visitors, staff and additional parking for emergency vehicles on site. Also, there would be adequate space within the site for vehicles to manoeuvre safely. As such, I find no evidence that the development would result in an unsafe pattern of parking outside the site.
106. There would be traffic, which could include large vehicles, during the construction phase. However, this would be for a temporary period and conditions could be used to ensure that this would not impact unacceptably on the local highway.
107. It is asserted that pavements in the area would be unsuitable to accommodate the future residents of the care home and that the carriageway surface is poor and unsuitable for cycling. However, the carriageway appears in a reasonable condition for cycling and in any event, it is part of the public highway and therefore maintained by the local highway authority.

108. In respect of future residents, I saw that the pavements close to the site are of a reasonable width and relatively flat such that at least in the immediate vicinity of the care home, wheelchairs and mobility scooters could be used. Also, this development would offer a reasonable outside space for residents' use within the site.
109. There is also concern about the suitability of pavements for access to bus stops and the train station. However, I saw that there is reasonable pedestrian access in both directions from the site, and subject to the pedestrian refuge island being provided, I find that the development would be safe in this respect at this location. In light of the above, I find the development would be acceptable in highways terms.
110. Also, while there is limited services in this edge of settlement location, the railway station and bus stops would be a reasonable walking distance for future staff or visitors, and this would be a potential alternative to using the car at least for part of the day. The proposal would accord with the requirements of Core Strategy Policy CP6 in this regard.

Living Conditions of Local Residents

111. Local Residents have concerns about potential harmful effects of the proposal on their living conditions in respect of outlook and privacy. The built form would be closer to the rear boundary than currently but there would be an extensive belt of woodland at this shared boundary. There would also be significant mature vegetation maintained at the site's southern boundary. Moreover, there would be a distance of several metres between the proposed building and the existing dwellings to the rear and south. With these strong green shared boundaries and a good degree of separation, the development would not appear an overbearing addition to the occupants of those existing neighbouring properties, and the level of privacy that they currently enjoy would not be harmfully eroded.
112. The screening would not be as extensive in some sections of the northern boundary, and the neighbouring dwelling at this side is closer to the shared boundary than the two existing dwellings indicated above. However, windows on the northern elevation of the proposed building, closest to this shared boundary would be limited in number. Also, while less than other parts of the site, there would still be some space for green features at this boundary. Moreover, in addition to this vegetation, the proposed building would be separated from the neighbouring property of Pine Drive by an access road belonging to the dwelling at the rear of the site.
113. As such, with reasonable screening at all shared boundaries and a good degree of separation between the proposed building and existing dwellings, the development would not appear oppressive. Nor would the development significantly alter the level of privacy that residents at the neighbouring properties currently enjoy for this reason.
114. The level of activity would increase at the site. However, this would be residential accommodation for older persons. Although future residents would likely require care day and night, such accommodation would generally be expected to be peaceful. This aside, a noise assessment is required by condition to ensure the design of the building minimises unacceptable noise resulting from the operation of the care home. Such assessment could identify

mitigation in the fabric of the building to ensure noise would be controlled and limited to an acceptable level.

115. Concern is raised about noise arising from vehicle movements in the development, particularly emergency vehicles and cars arriving at night. However, as properties near the site are also close to the road, residents of those dwellings already experience traffic noise, such that any modest increase in the noise of traffic using the site would not harmfully disturb.
116. Also, as already indicated, a condition would ensure that a suitable lighting scheme is installed. In addition to protecting character and biodiversity in the area, this would protect neighbouring residents from unacceptable light emissions. In light of the above factors, I find that the living conditions of neighbouring residents, would not be unacceptably harmed by this development, having regard to outlook, privacy, light and noise.

Biodiversity and on-site ecology

117. There is concern that the development would adversely affect biodiversity in the area, including Great Crested Newts. However, the proposal is supported by an Ecological Impact Assessment which takes account of amphibians. This Assessment concludes that the site has a low ecological value, with moderate to high value surrounding the plot. Also, the Assessment concludes that the development of the site would have a negligible ecological impact subject to mitigation and enhancement. This can be achieved by conditions. The Council is satisfied with this evidence and on the above basis, I find nothing before me which leads me to challenge this.

Flood Risk

118. It is asserted that part of the site floods. However, the proposal is supported by a drainage study and mitigation is proposed which would include finished floor levels, and a drainage layout to include a pumping system to drain surface water to the public sewer. The Council's drainage officer has also advised that provision should be made for emergency storage capacity, and I see that there would be space in the site for such measures. A suitable drainage arrangement is a matter which can be secured by condition, and I am satisfied based on the evidence before me that the development could be made acceptable in respect of this matter.

Other Concerns and Issues

119. Other interested parties contend that the site should not be considered as previously developed. However, as outlined the appeal property is outside the development limits and therefore is not land in a built-up area and is previously developed land as defined in the Glossary of the Framework.
120. Concerns are raised that visitors to the care home would enter neighbouring properties by mistake. However, no compelling evidence has been presented that this would occur, such that this attracts extremely limited weight, and it is not a basis to resist the scheme.
121. There is also concern that if permitted the building would be extended and that it would set a precedent for other similar development in the area. Planning permission would be required for a significant extension to a development. Moreover, each proposal should be considered on its own merits

and development acceptable at this location should not be used as a justification for harmful development elsewhere.

122. Other matters have been raised relating to where the appellant lives and the management of Barchester Homes. However, these are not matters within the scope of the planning system and this appeal process. They have not altered my findings accordingly.

Need for Older People Accommodation

123. Policy CP 2 of the Core Strategy requires development to contribute to the provision of sustainable and inclusive communities to meet long term needs, and states permission will be granted for proposals that address the requirements of, amongst other matters, an ageing population. This aim is carried through in Policy TB09 of the Local Plan which indicates an in principle support of proposals for accommodation to provide for peoples' needs over a lifetime, which includes, extra care homes, dementia extra care units, enhanced sheltered schemes and proposals that allow the elderly and those with disabilities to remain in their own homes or purpose built accommodation.
124. In this respect the current development plan generally reflects the provisions of the Framework that the needs of groups with specific housing requirements are addressed and also the Planning Practice Guidance (PPG), which says strategic policy-making authorities will need to determine the needs of people who will be approaching or reaching retirement over the plan period, as well as the existing population of older people.
125. The proposal would provide a residential care home capable of providing a high level of care, that could support future residents with dementia. There is dispute between the main parties as to the extent of need for this type of accommodation in the borough.
126. In this regard, the Council draws attention to the updated Local Housing Need Assessment. The Council contends that residential placements is not increasing in the area, and asserts, in respect of projected need for care homes in the borough, that Standard Methods produce results that are unfeasibly high. It is highlighted that local demographic factors permit residents to stay in their homes longer in this borough, and that this preference for individuals to remain in their homes in older age mitigates the identified need for care home spaces in the borough.
127. In respect of existing residential care home provision, Appendix 7 of the Council's appeal statement shows, in March 2024, that from 22 locations there was a combined availability of 114 beds vacant in the borough. This Appendix was updated during the appeal process and showed, in July 2024, the locations increased to 23 while the number of vacant beds decreased slightly to 103. In any event, while lower than the 90% occupancy rate prior to the pandemic, the most up to date data indicates that the occupancy rate is only just short of that figure, being at 88% in July of this year.
128. This aside, the Council's evidence indicates, for the period 2021-2040, there would be a need for an additional 464 care home bedspaces in the borough. The Council advances, in light of the above available capacity, local factors and trends, that caution is required when planning for accommodation for older people. It is contended that demand for care home services has fluctuated in

the borough. However, while the evidence for the past four years shows some fluctuation over this period, it does not show a significant decline in the demand for residential and nursing home care placements over the period March 2022 to June 2024.

129. National guidance indicates there may be exceptional circumstances, including the particular demographic characteristics of an area, which justify an alternative approach to assessing housing need. Also, the Council draws my attention to the recently approved care home provision in the borough. Be this as it may, even if I accept the Council's criticisms about the appellant's planning need assessment, the evidence advanced in this case shows that there will be a total need of 1062 care beds in 2035; this equates to a shortfall in bedspaces of 158 over the current available beds in existing care homes in the borough.
130. Moreover, while there may be a local preference for people to receive care in their own homes, I find no compelling evidence that this would be a reasonable and practicable option for all older people in the borough. Indeed, as clarified in the Framework's Glossary, housing for older people can encompass a diverse range of need. Reflective of this, even adopting the Council's conservative assumptions of population growth and taking account of local factors, evidence shows, assuming a 95% occupancy rate, that there will be the need for a new large care home around 2026, 2030 and 2034 in the borough.
131. Crowthorne and the appeal property are close to the administrative boundary of the borough, and concerns are raised that there would be no certainty that provision at the appeal property would address the borough's need. This may be so, but this would likely be the case for residential care homes in neighbouring Council areas and need could extend across boundaries such that this would not be a justification for failing to address the identified need for this type of accommodation in Wokingham borough. In any event, this does not change the factor that there is a current local need and identified future need for residential care home provision in the borough.
132. This proposal would contribute to the local need for residential care home accommodation. As a 60 bedroom care home, the development would significantly work towards addressing this local need and would in turn support the aims of Policy CP2 of the Core Strategy and Policy TB09 of the Local Plan.

Housing Land Supply

133. There is some discrepancy in the main parties' calculations of the Council's housing land supply (HLS). However, the resultant difference amounts to 0.1 year and it was agreed at the hearing that the parties are roughly in agreement on the level of shortfall in the borough.
134. The Council highlights the borough's performance against the most recently published Housing Delivery Test and suggests that this should be a counter factor when considering any shortfall. Be this as it may, the Council is currently unable to demonstrate an appropriate housing land supply, and even if the higher figure of 3.2 years is accepted, this amounts to a significant shortfall over the 4 years supply required in this administrative area.
135. Also, even if I agree that the shortfall in HLS may in part be accounted for from the higher than planned rate of delivery in the past, the various appeal

decisions indicate that the borough's HLS has been in decline in recent years.² Moreover, while not disputing the conclusions drawn by the Inspector on the Lodge Road appeal decision in respect of the development plan's accordance with paragraph 60 of the Framework, there is no cap on much needed residential development.

136. In any event, given the identified shortfall in the borough, paragraph 11 d) is triggered. This requires, amongst other matters, where the policies which are most important for determining the application are out-of-date, granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. Related to this matter, as the recently made Neighbourhood Plan does not contain allocations to meet its identified housing requirement, the provisions in paragraph 14 of the Framework are not applicable in this case.
137. Planning law requires that applications be determined in accordance with the development plan, unless material considerations indicate otherwise. Both parties have submitted evidence as to whether policies of the development plan are out of date. However, there is a shortfall in the HLS, and it is not necessary for me to consider the views of the parties regarding which policies may or may not be out of date.
138. Also, as cautioned in other appeal decisions in this area, although evidence may point to development plan policies being out of date this does not always follow that those policies should not hold weight. Relevant to this matter, appendices of the Framework clarifies that due weight should be given to [existing policies], according to their degree of consistency with the Framework (the closer the policies in the plan to the policies of the Framework, the greater the weight that may be given).

Weighting Benefits and Adverse Impacts

139. The proposal would result in a net gain of residential units, and this would positively contribute to the Government's objective to significantly boost the supply of much needed homes in this area. Moreover, catering for older people, this development would address an identified local housing need for different groups in the community. This amounts to considerable benefit, and in turn I attach considerable weight to these benefits in this appeal.
140. As a windfall site the development could be built relatively quickly. There would be economic benefit through the construction phase. The development would result in employment opportunity. The Council states that this would not be unique to this scheme. Be this as it may, the evidence advanced indicates that there would be 48 direct jobs created. While some of these would be part-time positions, this is still not an inconsequential contribution to local employment opportunities.
141. Also, there is the benefit of the contribution towards employment skills which is secured by the completed legal agreement. It may be argued that this simply complies with development plan policies, but I find that overall, this proposal would make a significant contribution to the local economy for the

² Appeal Refs: APP/X0360/W/21/3275086, PP/X0360/W/21/3276169, APP/X0360/W/22/3297645 and APP/X0360/W/22/3309202

reasons stated. In turn the proposal would largely accord with the economic objectives of the Framework, such that this benefit attracts significant weight.

142. This expansive plot currently hosts a modestly sized single dwelling. This proposal, with a significant net gain in residential units, would be an efficient use of a site which is defined as previously developed land in terms of the Glossary of the Framework. These are matters which are supported in the Framework and given the scale of the development attract moderate weight in this case.
143. The proposal is supported by an energy statement indicating the development would incorporate energy efficiencies. The Council highlighted that further information would be required to demonstrate compliance with Policy ES1 of the Neighbourhood Plan but is content that this could be addressed by condition. No compelling evidence has been advanced to dispute this and I am satisfied that this benefit could be secured in this manner. This would also be the case for proposed biodiversity enhancement.
144. A landscaping scheme would ensure a suitable planting scheme is agreed and maintained at the site. This could, by condition, also include the replacement of the board fence at the front boundary. However, I find nothing before me preventing these particular benefits being dependent on this development. Also, this benefit is somewhat countered by the localised harm to the appearance of the area.
145. In summary, on the above environmental matters, securing low carbon development and biodiversity net gains would amount to moderate benefits given the scale of the development. These matters have support in the Framework, which seeks the transition to a low carbon future and to conserve the natural environment. There would be additional small benefits at most from the landscaping features outlined. Overall, these environmental benefits weigh moderately in favour of this development.
146. I have found that there would not be significant harm to neighbouring residents' living conditions with regards outlook, privacy, lighting and noise, subject to conditions. However, this should be an expectation of any development, and this is a neutral factor accordingly.
147. While the appeal site is outside the development limits, it is adjacent to the edge of Crowthorne. The settlement has a railway station that is around 15 minutes walking distance of the appeal site. There are also some bus services operated in the wider area, and I saw a reasonably wide pavement for pedestrian access. In addition, a travel plan, to be secured by condition, would promote sustainable transportation options. These factors weigh in favour of the proposal.
148. However, given the edge of settlement location, it is reasonable to conclude that future staff and visitors would generally use cars to access the site, and this tempers the weight this matter attracts. Balancing the above factors, the location of the site and its relative accessibility would be of small benefit.
149. The social, economic and environmental benefits outlined above, which when combined would be considerable, weighs against the localised harm to the character of the area. Weighing in the balance on this, I find the harm to the character of the area would be at the lower end of the spectrum. The resulting

harm to the site relates principally to the changing coverage of development being at odds with surrounding development.

150. Moreover, it has been demonstrated in this case that there has been thought in the proposed layout and effective landscaping is proposed to ensure the development would be visually attractive. Also, as already highlighted, significant aspects of the built form have been designed to be sympathetic to the prevailing architectural character. In these respects, I find the development to be well designed and would be generally consistent with the Framework.
151. I have found a slight harm in respect of locally valued landscape, and conflict with Policy CP3 of the Core Strategy and Policy TB21 of the Local Plan in this regard. However, while the general principles set out in Policy CP3 are largely in keeping with measures for achieving well-designed places, this Policy also requires that proposals have no detrimental impact upon important landscapes. This criterion fails to align with Paragraph 180 b) of the Framework which states decisions should contribute to and enhance the natural and local environment by, amongst of matters, recognising the intrinsic character and beauty of the countryside.
152. Local Plan Policy TB21 requires proposals retain the condition, character and features that contribute to the landscape. In this respect the Policy is more strident than provisions of the Framework that state decisions should ensure that developments, amongst other matters, are sympathetic to local character including the landscape setting. This Policy is not wholly consistent with provisions of the Framework in this respect. Accordingly, the weight these identified harms to the local landscape and the conflict with these current local Policies attracts, whilst significant, is reduced due to this inconsistency.
153. These benefits also weigh against the harm of the identified conflict with the spatial vision of the current development plan. While the proposed building would be larger than the existing dwelling it replaces, limited to just one plot, the development would be a relatively medium size, such that the harm to the local spatial strategy would be modest. Moreover, this modest harm is tempered by the factor of the site being reasonably accessible previously developed land and consistent with provisions for the Framework with regards these matters.
154. While I attach significant weight to these harms and the conflict with local policy, I find for the reasons stated above, these modest adverse impacts of granting planning permission would not significantly and demonstrably outweigh the considerable benefits identified in this case, when assessed against the policies of the Framework taken as a whole.
155. The Council has drawn attention to the Johnson Drive Appeal, where the Inspector highlighted the certainty, consistency and public confidence provided by settlement boundaries. While I do not dispute these factors, the existing shortfall in housing land supply and the need for this type of accommodation in the borough would suggest that the requirement for growth in settlement boundaries of the current development plan may benefit from review.
156. While this matter is likely to be addressed in the emerging local plan, that is at a relatively early stage of preparation. Even if a rapid timescale is applied, it will be a significant time before that plan is adopted and it will be prepared in

the context of the urgent need for more housing as attested by recent Written Ministerial Statements. The weight that the spatial vision of the current development plan attracts is countered by this factor in this case.

157. I have also had regard for the Inspector's planning balance for the proposed care home scheme near Sonning Golf Club. That care home had 80 rooms and would have been significantly larger than the proposal before me. Moreover, in that case, in addition to harm to the character of the area, the development was found to be unacceptable in terms of climate change matters. Also, while that site is in the same borough, it is nonetheless in an area with a different character such that the site circumstances are not directly comparable. My findings are not altered by these appeal decisions for the reasons stated.

Conditions

158. In addition to the statutory time period, accordance with approved plans is necessary for certainty and to protect the character of the area. The Council requests submission of building material samples prior to commencement. However, the Design and Access Statement states the use of Red Multi Brick and Red Clay Tiles. While there is no clear justification for the submission of details for this reason, a condition ensuring the building is constructed with these external surfaces is necessary for certainty of appearance.
159. Only indicative drainage details have been submitted and this is a matter which needs to be agreed prior to development commencing to avoid increasing flood risk. The Tree survey and assessment include plans to protect trees during construction. However, there are some matters, in particular details about root protection of trees close to but outside of the site as well as trees close to the temporary haulage road and the proposed access road. Given the extent of the site's redevelopment and the importance of trees, agreeing these details, prior to development, is necessary to protect the environment. This also applies to the protection of existing on-site ecology for similar reasons.
160. It is necessary to establish the existing noise baseline and other factors that may influence potential noise mitigation. There is a clear justification for this condition at this stage.
161. Given the scope of works and the nature of the site and its location, I find it reasonable and justified to agree a programme for archaeological work prior to development.
162. It is also reasonable and necessary to agree a construction management plan prior to the commencement of works. This is justified given the nature of the redevelopment and the character of the site and adjacent road. The suggested conditions, including environmental protection, communication plan and construction hours, have been consolidated to avoid unnecessary duplication.
163. Landscaping indicative details need to be finally agreed prior to development to ensure environmental benefits are delivered and in the interest of character. A scheme would cover a large portion of the site, so it is necessary and justified to agree this prior to development. Boundary treatments, limited to the edge of the site, can be agreed prior to occupation. A landscape management plan is necessary and can also be agreed prior to occupation to

ensure the appearance of the site is protected for the long term. It is also necessary to ensure trees are retained at the site for this reason.

164. Approval of highway improvement works, which includes a pedestrian refuge island, are outside the appeal site and therefore not within the control of the appellant. However, as indicated previously there is a certainty that this would be delivered as this is at the request of the highway authority. While I find this necessary and reasonable to ensure sustainable transport modes, no clear justification has been advanced to require this prior to development. In my judgement it is reasonable to agreed and implement this prior to the first use of the care home.
165. The Council proposes a condition addressing contamination. However, this is an existing garden, and no clear justification has been advanced for this matter to be addressed prior to the commencement of development. It is reasonable given the nature of the site that this is a matter to be monitored during the development.
166. Access improvements are necessary in the interest of highways safety. I have consolidated the three conditions suggested. A condition for an updated travel plan is necessary work towards achieving sustainable transport objectives and this has support in local and national policy. Also, on-site parking (including emergency vehicles) and cycling provision will be required in the interest of highway safety and working towards sustainable transport objectives. A delivery servicing plan for the operation of the care home is necessary and reasonable for highways safety and to protect the living conditions of neighbouring residents.
167. Approval of kitchen extract fan details are also necessary in the interest of neighbours' living conditions. This applies as well to details of bin storage, and this is also necessary to protect the appearance of the site. Moreover, a lighting scheme is necessary in the interest of the environment and the living conditions of neighbours.
168. There are references to energy efficiencies in this submission and there is local and national policy support for low carbon development. While it is reasonable to agree these details before the building progresses above base course, I find no justification that this matter would have to be finalised prior to any development at the site. Conditions requiring installation of photovoltaics and BREEAM assessment are necessary for certainty that low carbon benefits would be delivered.
169. A walking strategy is suggested but this is a matter which could be addressed in the travel plan. Also, the suggested condition indicates upgrade to the pedestrian route. However, beyond the off-site works outlined above, given the scale of this development and the reasonable nature of the pedestrian access that already exists this is not reasonable or necessary. I have not attached this condition for this reason.
170. A condition is not necessary for matters required by regimes separate of the planning system. Even though there may be support for these matters in the development plan, I have not attached conditions relating to bat licences and electrical vehicle charge point for this reason.

171. Conditions preventing staff and family member living accommodation and the keeping of dogs and cats are necessary and reasonable to ensure the development would not have a likely significant adverse effect on the SPA. Conditions regarding residents' mobility and limiting the use class of the development are unnecessary for the reasons already outlined in the Thames Basin Heaths SPA section above.

Conclusion

172. In light of the above, I conclude on balance, material considerations exist in this case to outweigh the identified modest harm to the borough's spatial strategy and localised harm to character and landscape in the immediate area, and the resultant conflicts with the Development Plan in respect of these matters. A decision other than in accordance with the Development Plan is justified in this case and therefore the appeal should be allowed.

A J Sutton

INSPECTOR

List of Participants

For the Council

Miss C Davis	Principal Planning Officer
Mr C Hannington	Team Manager – Trees and Landscape (joined via Teams) Remotely
Mr B Davis	Senior Planning Policy Officer
Mr I Church	Local Plan Manager
Ms Jenny Lamprell	Head of Service, Strategic Commissioning, Adult Services

For the Appellant

Mr David Hardy	Partner at CMS Llp;
Mr Chris Devitt,	Associate at CMS Llp
Mr Thomas Grantham Wright	Director Bea Landscape
Mr Ben Garlick	Director Architect, Harris Irwin Architects
Mr Andrew Dowell	Associate Planner, Third Revolution Projects
Ms Liz Alexander	Planning Director, Third Revolution Projects
Ms Jessamy Venables	Director, Carterwood
Mr Julian Burgess	Land Buyer Barchester Healthcare

Interested Parties

Councillor Peter Harper	
Mrs Pointon Local Resident	
Mr Draffin Local Resident	
Mr Neil Davis Davis Planning Ltd	Representing Local Residents
Mr John-Paul Friend LVIA Ltd	Representing Local Residents

Documents Submitted Following the Hearing

By the Appellant:

APP1: Email – Appellant’s written approval to impose pre-commencement conditions (24 July 2024)

APP2: Email – Signed legal agreement (24 July 2024)

APP3: Email – Copy of requested Drawing Re C21060-ATP-DR-TP-012 General Arrangement of Proposed Site Access (26 July 2024)

APP4: Email – Appellant’s response to the Written Ministerial Statement (7 August 2024)

APP5: Email – Appellant’s response to Natural England’s advice (15 August 2024)

By the Council:

LPA1: Email – Council’s response to the Written Ministerial Statement (6 July 2024)

LPA2: Email – Council’s response to Natural England’s Advice (14 August 2024)

By Natural England:

NE1: Email – Natural England’s consultation response (7 August 2024)

Planning Inspector:

PINS1: Email – Consultation with Natural England regarding likely significant adverse effects on the Thames Basin Heaths Special Protection Area (25 July 2024)

PINS2: Email – Main parties invited to comment on Written Ministerial Statement (31 July 2024)

Appendix

Schedule of Conditions:

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 3210-HIA-01-XX-DR-A 0101 P4 - Location Plan
 - 3210-HIA-01-XX-DR-A-0103 Rev P2 - Proposed Wider Site Plan
 - 3210-HIA-01-XX-DR-A-0102 Rev P5 - Proposed Site Plan
 - 3210-HIA-01-XX-DR-A- 0302 P1- Proposed Elevations – North & West
 - 3210-HIA-01-XX-DR-A-0301 P1 Proposed Elevations – South & East
 - 3210-HIA-01-XX-DR-A-0201 P3 Proposed Ground Floor Plan
 - 3210-HIA-01-XX-DR-A- 0211 P3 Proposed First Floor Plan
 - 3210-HIA-01-XX-DR-A 0221 P4 - Proposed Second Floor Plan
 - 3210-HIA-01-XX-DR-A -0401 P1 - Site Sections
 - 3210-HIA-01-XX-DR-A 0231 P2 - Proposed Roof Plan
 - 3210-HIA-01-XX-DR-A-0231 P3 Proposed Roof Plan (showing PV Array)
 - C21060-ATP-DR-TP-012 General Arrangement of Proposed Site Access
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall accord with those specified in the submitted Design and Access Statement September 2022, and shall be retained as such thereafter.
- 4) Prior to the commencement of development hereby permitted, a drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved drainage scheme and the approved drainage system scheme shall be provided on the site prior to the first occupation of the development, hereby permitted. The approved drainage system scheme shall then be retained for the lifetime of the development.
- 5) Prior to commencement of development an updated Arboricultural Method Statement and Scheme of Works for the protection of retained trees, shrubs and hedges growing on or adjacent to the site shall be submitted to and approved in writing by the local planning authority. No development shall take place except in accordance with the approved method statement and scheme of works.

No operations shall commence on site (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening or any other operation involving use of motorised vehicles or construction machinery) until the tree protection works required by the Approved Scheme are in place on site.

No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within an area designated as being fenced off or otherwise protected in the approved Arboricultural Method Statement and Scheme of Works.

The fencing or other works which are part of the approved Arboricultural Method Statement and Scheme of Works shall not be moved or removed, temporarily or otherwise, until all works including external works have been completed and all equipment, machinery and surplus materials removed from the site.

- 6) Prior to the commencement of development, a plan for the provision of ecological permeability and species enhancements on the site shall be submitted and approved in writing by the local authority. The plan shall be implemented in accordance with the approved details during the construction phase of the development and the mitigation measures of the approved plans shall be retained thereafter.
- 7) Prior to the commencement of the development, a detailed scheme of soft and hard landscaping, together with a timetable for its implementation and maintenance, shall be submitted and approved in writing by the local planning authority. All hard and soft landscaping works shall be carried out and maintained in accordance with the approved scheme in line with the approved timetable.
- 8) Prior to the commencement of the development, a written scheme of archaeological investigation shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved written scheme.
- 9) Prior to the commencement of the development, a noise impact assessment together with a timetable for its implementation, shall be submitted to and approved in writing by the local planning authority.

The assessment should be suitable to inform the design of the development hereby permitted and will need to address noise impact in terms of:

- i) Existing noise sources and how they may affect the amenity of the occupiers of the site once construction is complete, this is to take into consideration the character of the site and the nearby roads etc, and the impact on the amenity of nearby noise sensitive receptors as a result of the new development, both internal and external spaces, taking into consideration any mechanical noise arising from the use of the proposed development including, but not limited to, kitchen extractor fans.
- ii) The impact on nearby noise sensitive receptors during the construction phase, to include vehicle movement and plant and machinery being used, as well as construction noise and any mitigation measures.
- iii) Details of good design to protect occupiers of the proposed development from noise from existing noise sources, glazing and ventilation of the proposed properties will need to be designed to meet acceptable internal and external noise levels.

The noise assessment should identify a scheme of recommended works, or such other steps as may be necessary to minimise the effects of noise on nearby receptors and on future occupants of the development.

The approved noise scheme resulting from the assessment shall be implemented according to the approved timetable, and approved measures, other than those addressing the construction phase shall be retained thereafter.

- 10) Prior to the commencement of development, a Construction Management Plan (CMP) shall be submitted to and approved in writing by the local planning authority. The CMP shall deal with the treatment of any environmentally sensitive areas, detailing the works to be carried out showing how the environment will be protected during the works.

The CMP shall comprise following elements:

- i) the parking of vehicles of site operatives and visitors,
- ii) approach to deliveries, loading and unloading of plant and materials,
- iii) storage of plant and materials used in constructing the development,
- iv) wheel washing facilities,
- v) measures to control the emission of dust and dirt during construction,
- vi) a scheme for recycling/disposing of waste resulting from demolition and construction works,
- vii) Construction working hours; and
- viii) A construction communication plan.

The approved CMP shall be adhered to throughout the construction period of the development hereby permitted.

- 11) Any land contamination that is found during the course of construction of the development hereby permitted shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development or relevant phase of development is resumed or continued.
- 12) The development hereby permitted shall not progress beyond base course level until a report demonstrating whether it is practicable and viable to provide carbon neutral accommodation is submitted to the local planning authority. Where it cannot be demonstrated that carbon neutrality could be achieved in the development, measures to bring the development closer to this target shall be submitted to and approved in writing by the local planning authority before the development progresses beyond base course level. The development shall be constructed in accordance with the approved targets and maintained as such thereafter.
- 13) Prior to first occupation of the development hereby permitted, a landscape management plan, including amongst other matters, long term design objectives, approach to maintaining the approved soft and hard landscaping scheme, management responsibilities, timescales and maintenance schedules for all landscape areas and the approach and timescales for replacement

planting, shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be implemented in accordance with the approved details.

- 14) Prior to the first occupation of the development hereby permitted, details of boundary treatment scheme shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the first occupation of the development and shall be retained thereafter.
- 15) Prior to the first occupation of the development hereby permitted, a pedestrian refuge island and widening/realigning of a section of the A321 shall be implemented in accordance with the details that have first been submitted and approved in writing by the local planning authority.
- 16) Prior to first occupation of the development hereby permitted, a copy of a Final BREEAM Certificate in accordance with the BREEAM Sustainability Standard following a post-construction stage review carried out by a licensed assessor, demonstrating that the development has attained a 'Very Good' rating, shall be submitted to and approved in writing by the local planning authority.
- 17) Prior to the first occupation of the development hereby permitted, the photovoltaic array of minimum delivery capacity 92kWp, as stated in the energy statement by Hoyle Dean dated 30 September 2022 and shown in approved drawing ref Proposed Roof Plan 3210-HIA-01-XX-DRA-0231 P3, shall be installed in accordance with this approved plan and details and retained thereafter.
- 18) Prior to the first occupation of the development the vehicular access from the highway will be increased to a width of at least 4.8 metres and constructed with visibility splays and details shown on the approved drawing Ref General Arrangement of Proposed Access C21060-ATP-DR-TP-012.

This vehicular access shall be surfaced with permeable and bonded materials across the entire width of the access road for the first 10m from the highway.

The land within the approved visibility splays shall be cleared of any obstruction exceeding 0.6 metres in height and maintained clear of any obstruction exceeding 0.6 metres in height at all times.

The access to the development shall be retained according to these details thereafter.

- 19) Prior to the first occupation of the development hereby permitted, the on-site vehicle parking spaces shall be constructed in accordance with the approved drawing Ref Proposed Site Plan 3210-HIA-01-XX-DR-A-0102 Rev P5. The vehicle parking spaces shall be permanently maintained and remain available for the parking of vehicles thereafter.
- 20) Prior to the first occupation of the development hereby permitted, details of secure and covered bicycle storage/ parking facilities for the staff and visitors of the development shall be submitted to and approved in writing by the local planning authority. The cycle storage/ parking facility shall be implemented in accordance with the approved details before the first occupation of the development hereby permitted and retained thereafter for the purpose intended.

- 21) Prior to first occupation of the development hereby permitted, details of fume extraction, mechanical ventilation and filtration equipment shall be submitted to and approved in writing by the local planning authority. The equipment shall be installed prior to the first occupation of the building in accordance with the approved details and thereafter retained, operated and maintained in its approved form and in accordance with the manufacturer's recommendations.
- 22) Prior to the first occupation of the development hereby permitted, a lighting scheme shall be submitted to and approved in writing by the local planning authority. The lighting scheme shall be implemented in accordance with the approved details prior to the first occupation of the development and shall be retained thereafter in the approved form.
- 23) Prior to the first occupation of the development hereby permitted, a Travel Plan shall be submitted to and approved in writing by the local planning authority, together with a timetable for its implementation. The Travel Plan shall be based on the principles set out in the Framework Travel Plan reference C21060/TP01 dated October 2022 and shall include modal targets to achieve its objectives and a timetable for their achievement. The Travel Plan shall be implemented in accordance with the approved timetable and details and implemented thereafter.
- 24) Prior to the first occupation of the development hereby permitted, a delivery servicing plan shall be submitted to and approved in writing by local planning authority. The delivery service plan shall be implemented in accordance with the approved details on the first occupation of the development and implemented in the approved form thereafter.
- 25) Prior to the first occupation of the development hereby permitted, details of bin storage area/ facilities shall be submitted to and approved in writing by the local planning authority. The bin storage area and facilities shall be constructed in accordance with the approved details prior to the first occupation of the development and retain for the intended use thereafter.
- 26) No retained tree, shown on the tree retention/protection and removal plan in the Arboricultural Impact Assessment dated 30 September 2022 shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans. If within a period of five years from the date of the planting of any tree, that tree, or any tree planted in replacement for it as part of the approved development, is removed, uprooted or destroyed or dies, another tree of the same species and size as that originally planted shall be planted at the same place in the next planting season.
- 27) The care home hereby permitted shall not contain any flats for use by the care home staff, care home residents' family members or any other persons.
- 28) With the exception of assisted living dogs, no cats and dogs shall be kept in the care home hereby permitted.

End Schedule.