APPLICATION NO:

F/2002/8165

LOCATION:

Ardwell House Ardwell Close, Crowthorne .

APPLICANT:

Brookworth Dvts Ltd C/O Robin Bradbeer Ltd

PROPOSAL:

Proposed erection of 18 flats and demolition of existing dwellings.

EARLIEST DATE FOR DECISION: **09/01/2003**

APPLICATION WILL HAVE EXPIRED ON:
03/02/2003

CASE OFFICER: **Kerrin Lithgow**

File 1 of 2.

WOKINGHAM DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACTS

Notification of Refusal of Permission

Brookworth Developments Ltd
C/O Robin Bradbeer Ltd
Steepways Farm
Nether Lypiatt
Stroud
Glos
GL6 7LS

Application Number: F/2002/8165

Parish: **WOKINGHAM WITHOUT**

Location: **Ardwell House, Ardwell Close, Crowthorne.**

Proposal: **Proposed erection of 18 flats and demolition of existing dwellings.**

The Wokingham District Council in pursuance of their powers under the above Acts and Regulations hereby **Refuse Permission** for carrying out the above development in accordance with the application and the accompanying plans submitted to the Council, the reason for which is specified hereunder.

Reasons

1. The proposed development would generate additional traffic onto Ravenswood Avenue, a private un-made road which also lacks street lighting and footway provision and this would adversely affect the safety of road users as a whole. Whilst the applicant has submitted details of proposed works to be carried out to Ravenswood Avenue, it has not been established that these plans are deliverable. Accordingly it is considered that the proposal is contrary to policy LD5 of the Berkshire Structure Plan and policies WT7, WT8 and WT9 of the Wokingham District Local Plan (as proposed to be modified).

Informatives

1. You are advised, in compliance with The Town and Country Planning (General Development Procedure) (England) (Amendment) Order 2000, that the following policies and/or proposals in the development plan are relevant to this decision:

Berkshire Structure Plan Policies LD5, LD6, H5, H9, EN1, EN3, T2, T3, T6 and T7.

South East Area Local Plan Policies SH1, SH8, SBE1, SBE2, SBE8, ST3, ST5, ST8, SPS1, SPS2 and SPS3.

Deposit Draft Wokingham District Local Plan Policies WOS2, WOS3, WOS4, WH1, WH3A, WH6, WH6A, WBE1, WBE11, WT2, WT6, WT7, WIC16 and WIC17.

T. G Watson

Trevor Watson
Development Control Manager
Date: 13/06/2003

Notice checked by: _____

If this notice grants permission to proceed with the proposal the applicant is reminded that it relates to planning permission only, and does not constitute approval under any other legislation including Building Regulations.

Development Control Ref No:	Received	Parish
F/2002/8165	09/12/2002	Finchampstead

Applicant: Brookworth Developments Ltd
Location: Ardwell House, Ardwell Close, Crowthorne
Proposal: Demolition of existing building and erection of 18 x 2 bedroom apartments

FOR CONSIDERATION BY: Development Control Committee
REPORT PREPARED BY: Head of Planning and Transportation and Kerrin Lithgow

SUMMARY:

Proposal

The proposal is to demolish the existing building, accommodating three residential units, and erect a replacement building incorporating 18 two bedroom flats. This application is identical to the previous application considered by committee last year (application F/2002/6270), with the exception that the applicant has been in discussions with Council's access and movement officers to determine the works which need undertaken to Ravenswood Avenue.

The proposed building would be between 37.1m and 34.2m long, (excluding bay windows) and between 21.8m and 18.8m deep. Height from the relevant ground levels varies. It would be about 9.8m high in the centre, 8.8m high at the southern wing and a maximum of 8.4m high at the northern wing, as measured to ridge levels of the roof.

The applicants' consultants have explained that the design theme is that of a classical large house set in landscaped grounds. They also explain that the building has been designed and sited so as to retain important trees and minimise potential overlooking and loss of privacy. The development would make more efficient use of land within the built-up area in a sustainable location, and provide 2 bedroom dwellings, as encouraged by the Council's policies.

RECOMMENDATION: GRANT PLANNING PERMISSION : Subject to completion of a Section 106 Agreement and conditions.

Background Papers

Held by: Planning Reception
Division: Development Control
Dept: Environmental Services

Contact No: 0118 974 6428/ 6429
E Mail: development.control@wokingham.gov.uk

NB: All reports seek to identify environmental, community safety and equal opportunities implications. Consultation with residents and organisations which has or is about to take place, will also be reported.

BACKGROUND

1 HISTORY

The building on this 0.56 ha. site is divided into 3 houses. They are two storeys but No. 1 has single dormers at the front and rear. The land slopes downwards to the west and north. The ground floors of the existing building are at normal ground level at the front (east elevation), but have raised terraced gardens at the immediate rear which drop downwards, via steps, to the west. There are trees on the site, which are subject to a Tree Preservation Order (TPO).

Application No. 33559 for the erection of 6 detached houses (and demolition of the existing building) was refused permission on 3rd August 1989 and the subsequent appeal dismissed on grounds of effect on trees. There is an extant permission No. F/2002/3761 granted on 15th June 2001 for a two storey side extension to No. 3 Ardwell House.

Application Number F/2002/6270, which was an identical application in terms of the building form, was recommended for approval by the planning officer and refused at committee on the 23rd of October 2002 due to the following reason:

1. *The proposed development would generate additional traffic onto Ravenswood Avenue, a private un-made road which also lacks street lighting and footway provision and this would adversely affect the safety of road users as a whole. Accordingly it is considered that the proposal is contrary to Policy LD5 of the Berkshire Structure Plan and Policies WT7, WT8 and WT9 of the Wokingham District Local Plan (Deposit Draft).*

The application was subsequently appealed, and will be considered at an informal hearing on the 17th of June.

2 CONSULTATION

Finchampstead Parish Council: Objection on the grounds that the proposed dwellings represents an overdevelopment of the site and would be established too close to the busy junction of Nash Grove Lane with Barkham Ride (comments attached)

Crowthorne Parish Council: Recommend refusal (comments attached).

Wokingham Without Parish Council: Object (comments attached – have also written with regard to the Ravenswood Avenue proposals which are attached also).

Access and Movement : No objection to the scheme, provided that a grampian condition is implemented to ensure that the improvement works to Ravenswood Avenue are undertaken and adequate soakaways are installed.

Environmental Health Officer : No objection subject to standard hours of construction work condition.

English Nature: No objections.

Policy: No policy objections to the principle of the development provided that the proposal complies with policies WOS3, WBE1, WH1A, WH6A; WT7 and WH7.

Council's Ecologist: The building has already been surveyed for bats. Unlikely to be any present, therefore no objection.

Thames Water: No objection to the application.

Landscape and Trees: No objection subject to conditions covering tree protection and landscaping.

Drainage: No objections subject to conditions.

Bracknell Forest Borough Council : No objection in principle to the proposal, subject to the Highways Officer being satisfied that the increase in traffic on Ravenswood Avenue is acceptable.

Environment Agency: No objection in principle to the development provided that conditions are imposed regarding soakaways and surface water control measures.

68 signature petition: Copy of grounds of petition attached.

Letters of objection from 35 persons on the following grounds:

- Increase in congestion and safety problems. Ravenswood Avenue is unadopted and has no pavements. Vulnerable pedestrians walk along here, including residents of care home and Ravenswood Village. Road is in a poor state of repair, is unsuitable for extra traffic including construction vehicles and cars swerve to avoid potholes. Conflict with cars parking at Dukes Ride end for shops and railway station.
- Access to the site is inadequate.
- Inadequate parking proposed - likely to result in on-street parking.
- Unnecessary demolition of a well-established Victorian building of character. Proposal will result in further erosion of architectural diversity in Crowthorne. Design out of character with mainly Edwardian properties in Ravenswood Avenue.
- Overdevelopment of the site out of character. The proposed density will be much higher than surroundings. No variety of size of dwellings.
- Loss of privacy and outlook. Proposed building will be large and overbearing and proposed windows will cause unacceptable overlooking. Rotation of building compared with existing will increase overlooking (to No. 12 etc. Ardwell Close).
- Proposed car parking will cause unacceptable disturbance to neighbouring properties through noise and fumes.
- Loss of trees and wildlife habitat.
- If allowed, developers should resurface Ravenswood Avenue and install street lighting and drainage (up to Ardwell Close).
- If allowed would set a precedent for other older houses in Ravenswood Avenue to be redeveloped.
- Foul and storm water drainage systems will be inadequate for increased load. Spring underneath and regular flooding of adjacent gardens to north-west due to run-off.
- Proposed access would cause unacceptable noise, disturbance and loss of trees and bushes to the rear of No. 27 Ravenswood Avenue.
- This application, in combination with the others in the area, represents excessive redevelopment.
- Procedural concerns regarding the lack of consultation on the Brookworth plans for Ravenswood Avenue.

Applicant Consultation: Consultation by Brookworth Developments was also carried out on the proposed improvements to Ravenswood Avenue. Some of the responses from local residents were also forwarded to the Council for consideration. Thirteen letters were received, with concerns relating to:

- Surface water drainage
- The speed humps and lighting causing visual pollution/urbanisation of the area
- Question as to maintenance of the improvements
- The surface dressing not being adequate and not lasting for a long length of time.
- One objection to the development was withdrawn on the basis of the proposed improvements by the applicant.

Any additional consultations received up to the date of the committee will be reported within the members update.

3. Appraisal –
Main issues:

A. Principle of proposed development, including density and housing mix. (Berkshire Structure Plan Policies H5 and H9; South East Area Local Plan Policies SH1 and SH8; Wokingham District Local Plan Policies WOS2, WOS3, WH3A and WH6; and PPG3).

B. Effect on character and appearance of the area, including trees and hedging. (Berkshire Structure Plan Policies H5 and EN1; South East Area Local Plan Policies SBE2 and SBE8; Wokingham District Local Plan Policies WH1, WBE1, WH6A and WBE11).

C. Effect on neighbouring residential properties. (South East Area Local Plan Policy SBE2; Wokingham District Local Plan Policy WBE1).

D. Access and movement. (Berkshire Structure Plan Policy LD5, T2, T3, T6, T7; South East Area Local Plan Policy ST3, ST5, ST8; Wokingham District Local Plan Policy WT2, WT6, WT7).

E. Services and infrastructure. (Berkshire Structure Plan Policy LD6; South East Area Local Plan Policy SPS1; Wokingham District Local Plan Policy WOS4).

F. Flooding issues. (Berkshire Structure Plan Policy EN3; South East Area Local Plan Policies SPS2 and SPS3; Wokingham District Local Plan Policy WIC16, WIC17; and PPG25.

G. Concerns of the Parish Councils and local residents.

A. <u>Principle of residential development, including density and housing mix</u>
As the application site is within the settlement boundary, the principle of redevelopment of it is acceptable. The proposal would provide 15 additional dwellings in a relatively sustainable location.

Density
The density would be 32 dwellings per hectare which is satisfactory under PPG3 and the Council's density policy which require a minimum density of 30 dwellings per hectare.
Housing mix
The proposal is for all 2 bedroom dwellings which is encouraged by Policy WH6. (Two of the proposed flats would also have a study, but even if these are counted as third bedrooms, the housing size mix would still be favourable under the policy).

B. Effect on the character and appearance of the area
The following comments from the planning officer within the previous committee report pertain to this application also:

'Whilst the existing building has character, as it is not a Listed Building, it is considered that no objection should be made to its demolition. The revised plans show that at the front the proposed building would be about 9.8m high at the central section, dropping to 8.8m at the southern end and a maximum of 8.4m high at the northern end (as measured from ground level to the ridge of the roof). Whilst the maximum height would be about 0.6m lower than that of the existing building, the proposed building would be significantly larger and more massive in appearance. However, as the site is fairly self-contained and already of a different size and scale to its surroundings, it is considered that the size, scale and architectural style of the building would not be out of keeping. The important trees on the site would be retained.'

The situation has not changed from the previous application, which was not refused on matters relating to the character and appearance of the building.

C. Effect on neighbouring properties
The following assessment was contained within the initial committee report. This situation has also not changed:

'Nos. 27-31 Ravenswood Avenue : (No. 27 Ravenswood Avenue has a two storey side extension on its south side). The revised plans show that there would now be only 3 dormer windows (to living rooms) on the second floor elevation instead of 9. No. 27 Ravenswood Avenue would be about 48m from the proposed building and No. 29 would be about 53m and obliquely to No. 31 about 55m and there are some trees in between. The access directly behind No. 27 would now be to the electricity sub-station only and would be gated off. It is therefore considered that the revised design and access would have an acceptable effect on Nos. 27, 29 and 31 Ravenswood Avenue in terms of potential overlooking, effect on outlook and disturbance.

Nos. 2 and 3 Ardwell Close : The revised plans show that the proposed building would be about 27m from the front of No. 2 (with proposed ground floor bay window about 25.4m away), and about 34m from No. 3. On the first floor there would be only an obscure glazed kitchen window and 4 rooflights in the second floor south elevation. There would also be some trees between. It is therefore

considered that the effect on the outlook and privacy of Nos. 2 and 3 would be acceptable. The main access would now be where the existing main access is opposite No. 2, and would be about 18m from the front elevation of No. 2 which has a front garden about 9m long. Whilst there would be an increase in vehicle movements and car lights, it is considered that the front of No.2 is far enough away from the access point for the effects to be acceptable.

Nos. 11 and 12 Ardwell Close : Nos. 11 and 12 are bungalows. There is a significant drop in levels between the application site and Nos. 11 and 12. The latest revised plans show that the ground floor slab level of the main part of the proposed building would be about 2.4m higher than the ground level of the north side boundary of the site. (The latter varies along the boundary but is taken to be about 73.1 OD.) However, the revised plans show the slab level of the northern wing now lowered so that the difference would be reduced to about 1.4m. The revised plans also show there would be only an obscure glazed kitchen window on the first floor and 4 rooflights on the second floor of the north elevation. The lounge window of No. 12 is in its front elevation and looks southwards over its own private garden up to the boundary. This is the same for No. 11, except that the driveway to No. 12 crosses its frontage. The north side of the proposed building would be about 44.5m from the front elevation of No. 12 (reducing to about 44m at the proposed ground floor bay window). Whilst there would be a degree of overlooking from the ground floor windows due to the difference in levels, this has been significantly reduced by the revised plans showing reducing the level of the building at this northern end. Given the distance away and the hedging and tree between, it is considered that the degree of overlooking of No. 12 would now not be unacceptable.

The proposed building would be 18.8m wide at its northern end, opposite the front of No. 12 and at a higher level. The estimated differences in actual height from the boundary with No. 12 are as follows: 7.2m to eaves level at nearest north end elevation (44.5m from front of No. 12), 9.9m to ridge level of front end of northern wing (50m from front of No. 12). (These figures are based on taking the boundary level to be 73.1 OD.) Even though the northern wing has been reduced in height, given the level differences and depth of the building it would have a significant effect on the outlook from No. 12 compared with that of the existing building. However, in view of the distance away (about 44.5m), it is considered that the effect would not be unacceptably overbearing.

No. 11 Ardwell House would not be directly opposite the proposed building and No. 10 would look only obliquely towards it. Therefore the effect on their outlook is considered acceptable. The windows in the ground floor side elevation would be at least 40m from the front of No. 11 and be to some extent off-set. The effect on No. 11 is therefore considered acceptable.

The proposed car park at the side of the building would have 20 spaces and the access would slope down towards it. The car park would be between 2m and 7m from the boundary with No. 12, and at least 27m from the nearest corner of No. 12. However, there is a substantial hedge and 2 trees between which would help to screen cars and their lights. The effect of the proposed car park on Nos. 11 and 12 is therefore considered acceptable.

The windows in the rear elevation would be at least 55m away from No. 10 and look obliquely. The remaining dwellings in Ardwell Close would be far enough away with trees between for their relationship with the proposed building to be satisfactory.

D. Access and Movement

Members may recall that at the previous committee of the 23rd of October 2002 the application was refused on the grounds of the additional traffic on Ravenswood Avenue, and the effect on the safety of the road users.

The applicant has since been undertaking discussions with Council's Access and Movement Officer, and has provided a plan for preliminary consideration, which is not a formal part of the planning application, and which is considered 'permitted development through Part 9 of the General Permitted Development Order 1995. As such these plans have not been subject to formal consultation, although Brookworth Developments have undertaken their own consultation. Copies of some of the responses to Brookworth Developments were sent to the Council for information purposes, and the results of this are outlined in the 'Consultation' section above.

The plan proposes various improvements to Ravenswood Avenue: to repair pot holes, provide a footway, upgrade street lighting, surface dress the carriageway, and produce speed humps. A plan of the proposed road improvements will be provided at Committee for information purposes.

The access and movement officer has advised that, provided that the proposed works can be undertaken (pursuant to a Grampian condition), and provided that details will be provided showing how the soakaways will work, there are no further concerns from council's access and movement officers.

Legal advice has been obtained with regard to the ability to carry out works to Ravenswood Avenue. Provided that the works to be carried out are solely within the ownership of Fieldgain Limited (the owners of the land – in receivership) and that the applicants are reasonably satisfied that the work can be undertaken, a grampian condition for these permitted developments could be applied.

A grampian condition has therefore been included within the list of recommended conditions.

E. Services and Infrastructure

The following contributions have been requested and agreed:

- Education : £6,694.38
- Recreation community facilities: £12,810 (comprising £4,500 for improvements to play facilities at California Country Park and £7,500 to upgrade community facilities at the Finchampstead Memorial Hall. Also £810 for library book stock).
- Highways : As detailed above.

These provisions and contributions are considered acceptable and should be secured by a Section 106 Agreement and conditions.

F. Flooding issues
The application site does not contain any land shown on plans supplied by the Environment Agency as being liable to flooding.

G. Concerns of the Parish Council and local residents
These have been noted and addressed above. The Environment Agency has recommended a condition to cover surface water drainage.

5. **Conclusion** - The proposal would provide 15 additional smaller dwellings on a site within the settlement which is in a relatively sustainable location and at an acceptable density. The proposed access, parking and contributions are considered acceptable. The proposed highways works which would be required through condition are deemed to overcome the previous reasons for refusal. The proposed development is therefore considered acceptable.

6. **Recommendation** - GRANT planning permission subject to completion of a Section 106 Agreement as set out in section 4E above and to the following conditions:

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
Reason: In pursuance of Section 91(1) of the Town and Country Planning Act 1990.

2. Before the building operations hereby permitted are commenced, samples and details of the proposed external materials shall be submitted to and approved in writing by the Local Planning Authority and no external materials shall be used other than those approved.
Reason: To ensure that the external appearance of the building is satisfactory.

3. The development shall not commence until details of all boundary treatment(s) has been 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 or phased as agreed in writing by the Local Planning Authority. The approved scheme shall be maintained in perpetuity.
Reason: To safeguard the visual amenities of neighbouring properties and the locality.

4. Notwithstanding the provisions of the Town and Country Planning, (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no additional windows or similar openings shall be constructed in the first or second floors or above in any elevations of the building hereby permitted except for any which may be shown on the approved drawing(s).
Reason: To safeguard the residential amenities of the occupiers of neighbouring properties.

5. The first floor kitchen windows in the north and south side elevations of the development hereby permitted shall not at any time be glazed other than with obscured glass.
Reason: To safeguard the residential amenities of the occupiers of neighbouring properties.

6. Works related to the construction of the development hereby granted, including works of demolition or preparation prior to building operations, shall not take place other than between the hours of 8 am and 7 pm Monday to Friday and 8 am to 1.30 pm Saturdays and at no time on Sundays or Bank or National Holidays.
Reason: To protect the occupiers of neighbouring properties from noise and disturbance outside the permitted hours during the construction period.

7. The development hereby approved shall be constructed in accordance with the slab levels shown on the approved drawings.
Reason: In order to ensure a satisfactory form of development relative to surrounding buildings and landscape.

8. No part of any building(s) hereby permitted shall be occupied or used until the vehicle parking and turning space herein approved has been provided. The vehicle parking and turning space shall be permanently maintained and used for no other purposes.
Reason: To ensure a satisfactory form of development and to avoid adverse impact on the public highway in the interests of highway safety.

9. No restrictions shall be made at any time on the use of the car parking spaces shown on the approved plan(s) by occupiers of, or visitors to, any of the buildings hereby permitted.
Reason: To reduce the likelihood of roadside parking, and to maintain the Local Planning Authority's car parking standards in the interests of highway safety and amenity.

10. No building shall be occupied until space for parking bicycles has been provided in accordance with the approved drawing(s)/details(s).
Reason: In order to ensure bicycle parking facilities are provided and encourage use of sustainable modes of travel.

11. Before any other part of the development hereby permitted is commenced, the proposed vehicular access shall be formed and provided with visibility splays shown on drawing No. 01/083/011D. The land within the 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.
Reason: In the interests of highway safety and convenience.

12. Prior to commencing work on site, provision shall be made to accommodate all site operatives, visitors and construction vehicles loading, off-loading, parking and turning within the site during the construction period, in accordance with details to be submitted to and agreed in writing by the Local Planning Authority. The provision should be maintained and used at all times.

Reason: To prevent queuing and parking off site, in the interests of highway safety and convenience.

13. Precautions shall be taken for the duration of the construction period to prevent the deposit of mud and similar debris (including blown litter) on the adjacent public highways, in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.
Reason: In the interests of highway safety and convenience.

15. No building shall be occupied until the access has been constructed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of highway safety and convenience.

16. None of the dwellings shall be occupied until space has been provided within the curtilage for vehicles to turn so that they may enter and leave the site in a forward gear and this space shall thereafter be maintained at all times for this purpose.
Reason: In the interests of highway safety and convenience.

17. Details of the works proposed to Ravenswood Avenue shall be submitted to and approved in writing by the Planning Authority prior to any development of the site. The works to Ravenswood Avenue are to be completed prior to the first occupation of the site.
Reason: In the interests of highway safety and convenience.

18. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development; the approved landscaping scheme (with the exception of planting, seeding and turfing) shall be implemented prior to the occupation of any of the building(s) hereby approved and retained.
Reason: In the interests of visual amenity.

19. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the landscaping die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
Reason: In the interests of visual amenity.

20. No trees, hedgerows or shrubs within the curtilage of the site, except those shown on the approved plan(s) or otherwise clearly indicated in the approved details as being removed, shall be felled, lopped or pruned, nor shall any roots be removed or pruned without the prior consent of the Local Planning Authority during development and for a period of five years after completion of the development hereby approved. The branch structure and trunks of the trees to

be retained and their root systems shall be protected from any damage during site works, in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Any trees, hedgerows or shrubs removed or which die or become dangerous, damaged or diseased before the end of a period of five years after completion of the development hereby approved shall be replaced with new trees, hedging or shrub species (of such size species and in such number and position as maybe agreed in writing), before the end of the first available planting season (1st November to 31st March) following their loss or removal.
Reason: The existing trees/hedgerows/shrubs represent an important public visual amenity in the area.

21. Development shall not begin until surface water sewerage works have been carried out in accordance with details submitted to and approved by the Local Planning Authority.
Reason: In order to ensure satisfactory provision is made.

22. Details of surface water balancing works together with details of the stage of the development at which the works will be brought into use are to be submitted and approved by the Local Planning Authority prior to commencement.
Reason: In order to ensure satisfactory provision is made.

23. None of the dwellings shall be occupied until foul sewerage works have been provided to serve the development hereby permitted, in accordance with details to be submitted to and approved by the Local Planning Authority.
Reason: In order to ensure satisfactory provision is made.

24. Details of land drainage works together with details of the stage of the development at which the works will be brought into use are to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any development on the site. The works shall be constructed and implemented in accordance with these details.
Reason: In order to ensure satisfactory provision is made.

25. No soakaways shall be constructed such that they penetrate the water table, and they shall not in any event exceed 3 metres in depth below existing ground level.
Reason: To prevent pollution of groundwater.

Informatives:

1. The approved plans comprise the following:

Location plan	No.	01/083/010
Planning Layout		01/083/011D
Road plan		01/083/011D
Ground floor plan		01/083/012B
First floor plan		01/083/013B
Second floor plan		01/083/014C
Front elevation		01/083/015D
Rear elevation		01/083/016C
North side elevation		01/083/017D
South side elevation		01/083/018C
Extract of Site Survey		01/083/021

2. You are advised, in compliance with *The Town and Country Planning (General Development Procedure) (England) (Amendment) Order 2000*, that the following policies and/or proposals in the development plan are relevant to this decision:

   Berkshire Structure Plan Policies LD5, LD6, H5, H9, EN1, EN3, T2, T3, T6, T7.
   South East Area Local Plan Policies SH1, SH8, SBE1, SBE2, SBE8, ST3, ST5, ST8, SPS1, SPS2, SPS3.
   Wokingham District Local Plan Policies WOS2, WOS3, WOS4, WH1, WH3A, WH6, WH6A, WBE1, WBE11, WT2, WT6, WT7, WIC16, WIC17

CROWTHORNE PARISH COUNCIL

PARISH OFFICE: MORGAN CENTRE, WELLINGTON ROAD, CROWTHORNE, BERKSHIRE RG45 7LD
TELEPHONE / FACSIMILE: 01844 771251
E-mail: parishcouncil@crowthorne.fsworld.co.uk
CLERK TO THE COUNCIL
Mrs C.V. James

PLANNING SERVICES	HPT 64989
POL	TLS
DC KL	ENF
APP	
CS	
15 JAN 2003	
COPIES TO	

15 January 2003

Kerrin Lithgow
Development Control Officer
Wokingham Unitary
Environmental Services
PO Box 157
Shute End
Wokingham
Berkshire
RG40 1WR

Dear Madam

APPLICATION F/2002/8165
ARDWELL HOUSE, ARDWELL CLOSE

Crowthorne Parish Council recommend refusal of this application for the reasons given in their letter dated 8th May 2002, copy attached.

Yours faithfully,

Claire James
Clerk to the Council

CROWTHORNE PARISH COUNCIL

PARISH OFFICE: MORGAN CENTRE, WELLINGTON ROAD, CROWTHORNE, BERKSHIRE RG45 7LD
TELEPHONE / FACSIMILE: 01344 771251
E-mail: parishcouncil@crowthorne.fsworld.co.uk

CLERK TO THE COUNCIL
Mrs C.V. James

8th May 2002

Mr W D Munday
Head of Development Control & Building Control
Bracknell Forest Borough Council
Times Square
Market Street
Bracknell
Berks
RG12 1JD

Dear Mr Munday,

APPLICATION NUMBER: F/2002/6270 - ARDWELL HOUSE, ARDWELL CLOSE, CROWTHORNE - DEMOLITION OF ARDWELL HOUSE AND ITS REPLACEMENT WITH 18 APARTMENTS

The above development was brought to the Parish Council Planning Committee's attention by a concerned local resident. Following discussion I was asked to pass on their view that it should be refused for the following reasons:-

- Increased hazard to motorists and pedestrians by traffic entering and exiting Ravenswood Avenue.
- Increased traffic on an unadopted road which is already in a bad state of repair.
- The fact that the road already carries a lot of traffic to and from the East Berkshire Golf Club and a certain amount to Ravenswood Village.
- The hazard to disabled residents of Ravenswood Village and their carers who regularly use this road as a footpath.
- The congestion caused by cars parking at the entrance of Ravenswood Avenue/Dukes Ride by people visiting the local shops and cars parked all day by train users.

We are copying this letter to Wokingham District Council and would be grateful for your comments.

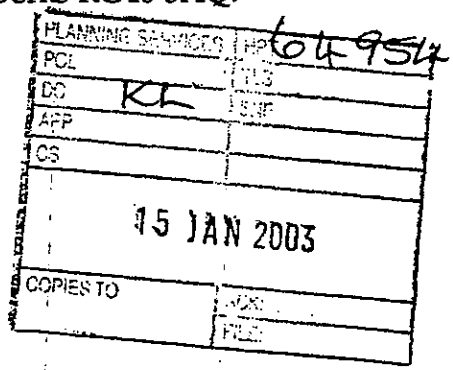
Yours sincerely,

Claire James
Clerk to the Council

copy to: Wokingham District Council
Wokingham Without Parish Council
Finchampstead Parish Council

WOKINGHAM WITHOUT PARISH COUNCIL

The Clerk, The Lodge
Pinewood Centre
Old Wokingham Road, Wokingham, Berks RG40 3AQ.
Tel: Crowthorne (01344) 771425
Fax: (01344) 762283
email wwpc.gov@btinternet.com



03 January 2003

Kerrin Lithgow
Wokingham District Council
Environmental Services Dept.
Planning Services
P.O.Box 157
Shute End
WOKINGHAM
RG40 1WR

Dear Kerrin,

Re Planning Application F/2002/8165

I have been asked to respond to your consultation invitation as follows.

This Council can discern very little difference between this application and the previous one numbered F/2002/6270, to which it objected and supported the various arguments against the development from local residents, - access along a poor unadopted road used by disabled people, increased traffic nuisance to neighbouring property and at Dukes Ride junc., inadequate parking etc.

On the new application, the comments made previously would still seem to apply, and the Council support the representations made by neighbours whose objections can be similarly summarised, but in particular include:-
i) the one 'feed' road to Ardwell Close is unadopted and of poor quality, and as well as being used by disabled from Ravenswood, is also used by residents of an old people's home in the road and is not subject, they allege, to traffic or parking controls, and will be not local authority maintained even if a temporary improvement is carried out to facilitate the permission.
ii) whilst some of the previous objections have been addressed they have only been subject of an undertaking to discuss the issues with no undertaking to actually remedy the problems arising.
(iii) there are only 1.5 vehicle parking spaces to be provided for the flats and any surplus would be competing for space on the Close and Ravenswood Avenue which are already overloaded with parked vehicles and contribute to the hazard at the Avenue's junction with Dukes Ride.

Development Control Ref No:	Received	Parish
F/2002/8154	17.12.2002	Winnersh

Applicant: Linden Homes (SE) Ltd.
Location: Land adjacent to Winnersh Primary School and 41 Watmore Lane, Winnersh
Proposal: Demolition of 41 Watmore Lane, provision of access and erection of 19 dwellings.

FOR CONSIDERATION BY: DEVELOPMENT CONTROL COMMITTEE

REPORT PREPARED BY: Head of Planning & Transportation and Basia Polnik

SUMMARY:

Proposal -
Full application for demolition of 41 Watmore Lane, provision of access and erection of 19 dwellings on part of the open space to the rear. Site area is 0.64ha. The proposal as originally submitted was a duplicate of F/2002/7310 and F/2002/7311.

RECOMMENDATION: **GRANT PERMISSION** subject to conditions and S106 agreement.

Background Papers

Held by: Planning Reception
Division: Development Control
Dept: Environmental Services

Contact No: 0118 974 6428/ 6429
E Mail: development.control@wokingham.gov.uk

NB: All reports seek to identify environmental, community safety and equal opportunities implications. Consultation with residents and organisations which has or is about to take place, will also be reported.

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FROM: Kerrin Lithgow

DATE: 17 December 2002

W.W.P.C.
19 DEC 2002
RECEIVED

WOKINGHAM WITHOUT PARISH CONSULTATION SHEET

Application Number: F/2002/8165

Proposal: Proposed erection of 18 flats and demolition of existing dwellings..

Site Address: Ardwell House, Ardwell Close, Crowthorne, .

Applicant: Brookworth Dvts Ltd C/O Robin Bradbeer Ltd.

13 JAN 2003

Your observations are required in respect of this application by ~~09/01/2003~~ .

The Parish Council reiterates the objections raised in respect of the previous application for this development, namely that the increase in traffic that the proposed development would generate would contribute to the degeneration of Ravenswood Avenue, an adopted road already in a bad state of repair and used heavily for access to East Berks Golf Course and Ravenswood Village. Limited parking provision at the site will add to the congestion already experienced in Ravenswood Avenue and Ardwell Close. The Parish Council also considers the proposed development to be out of character and over bearing to the existing street scene, by virtue of the fact that the size of the proposed apartments exceeds the current "footprint" of the existing house.

SIGNED: C.S.C. DATE: 10 JAN 2003

Clerk To Wokingham Without Parish Council Parish/Town Council.

(iv) the existing environment will have to absorb the extra noise and strain on other services of a total of perhaps 36 to 54 additional residents from this development alone, not forgetting other currently proposed developments in the immediate vicinity.
(v) notwithstanding claims to the contrary by the applicants, it is claimed that the existing surface water drainage causes limited flooding further down the Close, this will be exacerbated by the additional surface area covered by building and car parking space, and it is feared will cause more frequent and sever local flooding. It is claimed that WD's own engineer has stated that more provision will be necessary.
(vi) the foul drainage provision is barely sufficient to cope with existing dwellings, and allegedly depends on a pump on the nearby golf course which is designed to cope with only eight dwellings, but the developers propose discharge into these limited existing facilities.

This Council urge the WDC not to rescind its original decision on the proposal and to reject this one also.

Yours sincerely,

John Grant
Clerk to the Council.

FROM: Kerrin Lithgow

DATE: 17 December 2002

W.W.P.C.
19 DEC 2002
RECEIVED

WOKINGHAM WITHOUT PARISH CONSULTATION SHEET

Application Number: F/2002/8165

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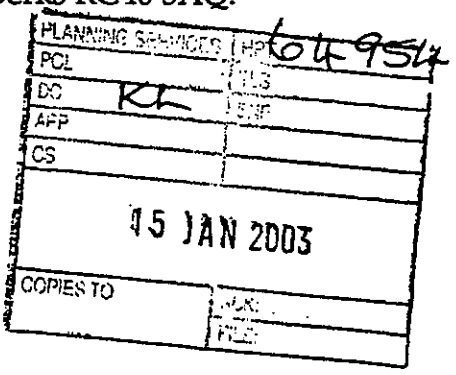
Yours sincerely,

John Grant
Clerk to the Council.

WOKINGHAM WITHOUT PARISH COUNCIL

The Clerk, The Lodge
Pinewood Centre
Old Wokingham Road, Wokingham, Berks RG40 3AQ.
Tel: Crowthorne (01344) 771425
Fax: (01344) 762283
email wwpc.gov@btinternet.com



03 January 2003

Kerrin Lithgow
Wokingham District Council
Environmental Services Dept.
Planning Services
P.O.Box 157
Shute End
WOKINGHAM
RG40 1WR

Dear Kerrin,

Re Planning Application F/2002/8165

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On the new application, the comments made previously would still seem to apply, and the Council support the representations made by neighbours whose objections can be similarly summarised, but in particular include:-
i) the one 'feed' road to Ardwell Close is unadopted and of poor quality, and as well as being used by disabled from Ravenswood, is also used by residents of an old people's home in the road and is not subject, they allege, to traffic or parking controls, and will be not local authority maintained even if a temporary improvement is carried out to facilitate the permission.
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CROWTHORNE PARISH COUNCIL

PARISH OFFICE: MORGAN CENTRE, WELLINGTON ROAD, CROWTHORNE, BERKSHIRE RG45 7LD
TELEPHONE / FACSIMILE: 01344 771251
E-mail: parishcouncil@crowthorne.fsworld.co.uk

CLERK TO THE COUNCIL
Mrs C.V. James

8th May 2002

Mr W D Munday
Head of Development Control & Building Control
Bracknell Forest Borough Council
Times Square
Market Street
Bracknell
Berks
RG12 1JD

Dear Mr Munday,

APPLICATION NUMBER: F/2002/6270 - ARDWELL HOUSE, ARDWELL CLOSE, CROWTHORNE - DEMOLITION OF ARDWELL HOUSE AND ITS REPLACEMENT WITH 18 APARTMENTS

The above development was brought to the Parish Council Planning Committee's attention by a concerned local resident. Following discussion I was asked to pass on their view that it should be refused for the following reasons:-

- Increased hazard to motorists and pedestrians by traffic entering and exiting Ravenswood Avenue.
- Increased traffic on an unadopted road which is already in a bad state of repair.
- The fact that the road already carries a lot of traffic to and from the East Berkshire Golf Club and a certain amount to Ravenswood Village.
- The hazard to disabled residents of Ravenswood Village and their carers who regularly use this road as a footpath.
- The congestion caused by cars parking at the entrance of Ravenswood Avenue/Dukes Ride by people visiting the local shops and cars parked all day by train users.

We are copying this letter to Wokingham District Council and would be grateful for your comments.

Yours sincerely,

Claire James
Clerk to the Council

copy to: Wokingham District Council
Wokingham Without Parish Council
Finchampstead Parish Council

CROWTHORNE PARISH COUNCIL

PARISH OFFICE: MORGAN CENTRE, WELLINGTON ROAD, CROWTHORNE, BERKSHIRE RG45 7LD
TELEPHONE / FACSIMILE: 01844 771251
E-mail: parishcouncil@crowthorne.fsworld.co.uk

CLERK TO THE COUNCIL
Mrs C.V. James

PLANNING SERVICES	HPT 6k989
POL	TLS
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APP	
CS	
15 JAN 2003	
COPIES TO	

15 January 2003

Kerrin Lithgow
Development Control Officer
Wokingham Unitary
Environmental Services
PO Box 157
Shute End
Wokingham
Berkshire
RG40 1WR

Dear Madam

APPLICATION F/2002/8165
ARDWELL HOUSE, ARDWELL CLOSE

Crowthorne Parish Council recommend refusal of this application for the reasons given in their letter dated 8th May 2002, copy attached.

Yours faithfully,

Claire James
Clerk to the Council

Development Control Ref No:	Received	Parish
F/2002/8154	17.12.2002	Winnersh

Applicant: Linden Homes (SE) Ltd.
Location: Land adjacent to Winnersh Primary School and 41 Watmore Lane, Winnersh
Proposal: Demolition of 41 Watmore Lane, provision of access and erection of 19 dwellings.

FOR CONSIDERATION BY: DEVELOPMENT CONTROL COMMITTEE

REPORT PREPARED BY: Head of Planning & Transportation and Basia Polnik

SUMMARY:

Proposal -
Full application for demolition of 41 Watmore Lane, provision of access and erection of 19 dwellings on part of the open space to the rear. Site area is 0.64ha. The proposal as originally submitted was a duplicate of F/2002/7310 and F/2002/7311.

RECOMMENDATION: **GRANT PERMISSION** subject to conditions and S106 agreement.

Background Papers

Held by: Planning Reception
Division: Development Control
Dept: Environmental Services

Contact No: 0118 974 6428/ 6429
E Mail: development.control@wokingham.gov.uk

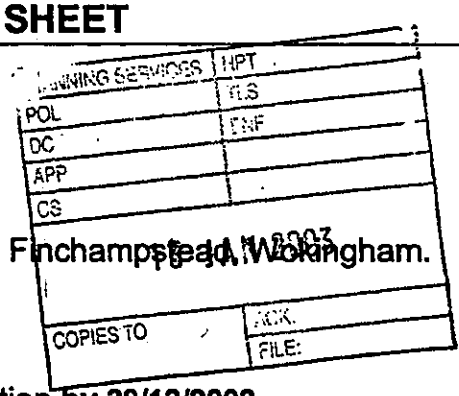
NB: All reports seek to identify environmental, community safety and equal opportunities implications. Consultation with residents and organisations which has or is about to take place, will also be reported.

FROM: Kerrin Lithgow

DATE: 05 December 2002

DELEGATED

FINCHAMPSTEAD PARISH CONSULTATION SHEET



Application Number: F/2002/8098

Proposal: Proposed erection of one dwelling..

Site Address: Land Rear Of 97 & 97b, Barkham Ride, Finchampstead, Wokingham.

Applicant: K B And Sons Ltd C/O Robin Bradbeer Ltd.

Your observations are required in respect of this application **by 29/12/2002** .

Objection on the grounds that the proposed dwelling is overdevelopment of the site and would be established too close to the busy junction of Nash Grove Lane with Barkham Ride.

SIGNED: C.S. Cl DATE: 10 JAN 2003

Clerk To Finchampstead Parish/Town Council.

Development Control Ref No:	Received	Parish
F/2002/8165	09/12/2002	Finchampstead

Applicant: Brookworth Developments Ltd
Location: Ardwell House, Ardwell Close, Crowthorne
Proposal: Demolition of existing building and erection of 18 x 2 bedroom apartments

FOR CONSIDERATION BY: Development Control Committee
REPORT PREPARED BY: Head of Planning and Transportation and Kerrin Lithgow

SUMMARY:

Proposal

The proposal is to demolish the existing building, accommodating three residential units, and erect a replacement building incorporating 18 two bedroom flats. This application is identical to the previous application considered by committee last year (application F/2002/6270), with the exception that the applicant has been in discussions with Council's access and movement officers to determine the works which need undertaken to Ravenswood Avenue.

The proposed building would be between 37.1m and 34.2m long, (excluding bay windows) and between 21.8m and 18.8m deep. Height from the relevant ground levels varies. It would be about 9.8m high in the centre, 8.8m high at the southern wing and a maximum of 8.4m high at the northern wing, as measured to ridge levels of the roof.

The applicants' consultants have explained that the design theme is that of a classical large house set in landscaped grounds. They also explain that the building has been designed and sited so as to retain important trees and minimise potential overlooking and loss of privacy. The development would make more efficient use of land within the built-up area in a sustainable location, and provide 2 bedroom dwellings, as encouraged by the Council's policies.

RECOMMENDATION: GRANT PLANNING PERMISSION : Subject to completion of a Section 106 Agreement and conditions.

Background Papers

Held by: Planning Reception
Division: Development Control
Dept: Environmental Services

Contact No: 0118 974 6428/ 6429
E Mail: development.control@wokingham.gov.uk

NB: All reports seek to identify environmental, community safety and equal opportunities implications. Consultation with residents and organisations which has or is about to take place, will also be reported.

BACKGROUND

1 HISTORY

The building on this 0.56 ha. site is divided into 3 houses. They are two storeys but No. 1 has single dormers at the front and rear. The land slopes downwards to the west and north. The ground floors of the existing building are at normal ground level at the front (east elevation), but have raised terraced gardens at the immediate rear which drop downwards, via steps, to the west. There are trees on the site, which are subject to a Tree Preservation Order (TPO).

Application No. 33559 for the erection of 6 detached houses (and demolition of the existing building) was refused permission on 3rd August 1989 and the subsequent appeal dismissed on grounds of effect on trees. There is an extant permission No. F/2002/3761 granted on 15th June 2001 for a two storey side extension to No. 3 Ardwell House.

Application Number F/2002/6270, which was an identical application in terms of the building form, was recommended for approval by the planning officer and refused at committee on the 23rd of October 2002 due to the following reason:

1. *The proposed development would generate additional traffic onto Ravenswood Avenue, a private un-made road which also lacks street lighting and footway provision and this would adversely affect the safety of road users as a whole. Accordingly it is considered that the proposal is contrary to Policy LD5 of the Berkshire Structure Plan and Policies WT7, WT8 and WT9 of the Wokingham District Local Plan (Deposit Draft).*

The application was subsequently appealed, and will be considered at an informal hearing on the 17th of June.

2 CONSULTATION

Finchampstead Parish Council: Objection on the grounds that the proposed dwellings represents an overdevelopment of the site and would be established too close to the busy junction of Nash Grove Lane with Barkham Ride (comments attached)

Crowthorne Parish Council: Recommend refusal (comments attached).

Wokingham Without Parish Council: Object (comments attached – have also written with regard to the Ravenswood Avenue proposals which are attached also).

Access and Movement : No objection to the scheme, provided that a grampian condition is implemented to ensure that the improvement works to Ravenswood Avenue are undertaken and adequate soakaways are installed.

Environmental Health Officer : No objection subject to standard hours of construction work condition.

English Nature: No objections.

Policy: No policy objections to the principle of the development provided that the proposal complies with policies WOS3, WBE1, WH1A, WH6A, WT7 and WH7.

Council's Ecologist: The building has already been surveyed for bats. Unlikely to be any present, therefore no objection.

Thames Water: No objection to the application.

Landscape and Trees: No objection subject to conditions covering tree protection and landscaping.

Drainage: No objections subject to conditions.

Bracknell Forest Borough Council : No objection in principle to the proposal, subject to the Highways Officer being satisfied that the increase in traffic on Ravenswood Avenue is acceptable.

Environment Agency: No objection in principle to the development provided that conditions are imposed regarding soakaways and surface water control measures.

68 signature petition: Copy of grounds of petition attached.

Letters of objection from 35 persons on the following grounds:

- Increase in congestion and safety problems. Ravenswood Avenue is unadopted and has no pavements. Vulnerable pedestrians walk along here, including residents of care home and Ravenswood Village. Road is in a poor state of repair, is unsuitable for extra traffic including construction vehicles and cars swerve to avoid potholes. Conflict with cars parking at Dukes Ride end for shops and railway station.
- Access to the site is inadequate.
- Inadequate parking proposed - likely to result in on-street parking.
- Unnecessary demolition of a well-established Victorian building of character. Proposal will result in further erosion of architectural diversity in Crowthorne. Design out of character with mainly Edwardian properties in Ravenswood Avenue.
- Overdevelopment of the site out of character. The proposed density will be much higher than surroundings. No variety of size of dwellings.
- Loss of privacy and outlook. Proposed building will be large and overbearing and proposed windows will cause unacceptable overlooking. Rotation of building compared with existing will increase overlooking (to No. 12 etc. Ardwell Close).
- Proposed car parking will cause unacceptable disturbance to neighbouring properties through noise and fumes.
- Loss of trees and wildlife habitat.
- If allowed, developers should resurface Ravenswood Avenue and install street lighting and drainage (up to Ardwell Close).
- If allowed would set a precedent for other older houses in Ravenswood Avenue to be redeveloped.
- Foul and storm water drainage systems will be inadequate for increased load. Spring underneath and regular flooding of adjacent gardens to north-west due to run-off.
- Proposed access would cause unacceptable noise, disturbance and loss of trees and bushes to the rear of No. 27 Ravenswood Avenue.
- This application, in combination with the others in the area, represents excessive redevelopment.
- Procedural concerns regarding the lack of consultation on the Brookworth plans for Ravenswood Avenue.

Applicant Consultation: Consultation by Brookworth Developments was also carried out on the proposed improvements to Ravenswood Avenue. Some of the responses from local residents were also forwarded to the Council for consideration. Thirteen letters were received, with concerns relating to:

- Surface water drainage
- The speed humps and lighting causing visual pollution/urbanisation of the area
- Question as to maintenance of the improvements
- The surface dressing not being adequate and not lasting for a long length of time.
- One objection to the development was withdrawn on the basis of the proposed improvements by the applicant.

Any additional consultations received up to the date of the committee will be reported within the members update.

3. Appraisal –
Main issues:

A. Principle of proposed development, including density and housing mix. (Berkshire Structure Plan Policies H5 and H9; South East Area Local Plan Policies SH1 and SH8; Wokingham District Local Plan Policies WOS2, WOS3, WH3A and WH6; and PPG3).

B. Effect on character and appearance of the area, including trees and hedging. (Berkshire Structure Plan Policies H5 and EN1; South East Area Local Plan Policies SBE2 and SBE8; Wokingham District Local Plan Policies WH1, WBE1, WH6A and WBE11).

C. Effect on neighbouring residential properties. (South East Area Local Plan Policy SBE2; Wokingham District Local Plan Policy WBE1).

D. Access and movement. (Berkshire Structure Plan Policy LD5, T2, T3, T6, T7; South East Area Local Plan Policy ST3, ST5, ST8; Wokingham District Local Plan Policy WT2, WT6, WT7).

E. Services and infrastructure. (Berkshire Structure Plan Policy LD6; South East Area Local Plan Policy SPS1; Wokingham District Local Plan Policy WOS4).

F. Flooding issues. (Berkshire Structure Plan Policy EN3; South East Area Local Plan Policies SPS2 and SPS3; Wokingham District Local Plan Policy WIC16, WIC17; and PPG25.

G. Concerns of the Parish Councils and local residents.

A. <u>Principle of residential development, including density and housing mix</u>
As the application site is within the settlement boundary, the principle of redevelopment of it is acceptable. The proposal would provide 15 additional dwellings in a relatively sustainable location.

Density
The density would be 32 dwellings per hectare which is satisfactory under PPG3 and the Council's density policy which require a minimum density of 30 dwellings per hectare.
Housing mix
The proposal is for all 2 bedroom dwellings which is encouraged by Policy WH6. (Two of the proposed flats would also have a study, but even if these are counted as third bedrooms, the housing size mix would still be favourable under the policy).

B. Effect on the character and appearance of the area
The following comments from the planning officer within the previous committee report pertain to this application also:

'Whilst the existing building has character, as it is not a Listed Building, it is considered that no objection should be made to its demolition. The revised plans show that at the front the proposed building would be about 9.8m high at the central section, dropping to 8.8m at the southern end and a maximum of 8.4m high at the northern end (as measured from ground level to the ridge of the roof). Whilst the maximum height would be about 0.6m lower than that of the existing building, the proposed building would be significantly larger and more massive in appearance. However, as the site is fairly self-contained and already of a different size and scale to its surroundings, it is considered that the size, scale and architectural style of the building would not be out of keeping. The important trees on the site would be retained.'

The situation has not changed from the previous application, which was not refused on matters relating to the character and appearance of the building.

C. Effect on neighbouring properties
The following assessment was contained within the initial committee report. This situation has also not changed:

'Nos. 27-31 Ravenswood Avenue : (No. 27 Ravenswood Avenue has a two storey side extension on its south side). The revised plans show that there would now be only 3 dormer windows (to living rooms) on the second floor elevation instead of 9. No. 27 Ravenswood Avenue would be about 48m from the proposed building and No. 29 would be about 53m and obliquely to No. 31 about 55m and there are some trees in between. The access directly behind No. 27 would now be to the electricity sub-station only and would be gated off. It is therefore considered that the revised design and access would have an acceptable effect on Nos. 27, 29 and 31 Ravenswood Avenue in terms of potential overlooking, effect on outlook and disturbance.

Nos. 2 and 3 Ardwell Close : The revised plans show that the proposed building would be about 27m from the front of No. 2 (with proposed ground floor bay window about 25.4m away), and about 34m from No. 3. On the first floor there would be only an obscure glazed kitchen window and 4 rooflights in the second floor south elevation. There would also be some trees between. It is therefore

considered that the effect on the outlook and privacy of Nos. 2 and 3 would be acceptable. The main access would now be where the existing main access is opposite No. 2, and would be about 18m from the front elevation of No. 2 which has a front garden about 9m long. Whilst there would be an increase in vehicle movements and car lights, it is considered that the front of No.2 is far enough away from the access point for the effects to be acceptable.

Nos. 11 and 12 Ardwell Close : Nos. 11 and 12 are bungalows. There is a significant drop in levels between the application site and Nos. 11 and 12. The latest revised plans show that the ground floor slab level of the main part of the proposed building would be about 2.4m higher than the ground level of the north side boundary of the site. (The latter varies along the boundary but is taken to be about 73.1 OD.) However, the revised plans show the slab level of the northern wing now lowered so that the difference would be reduced to about 1.4m. The revised plans also show there would be only an obscure glazed kitchen window on the first floor and 4 rooflights on the second floor of the north elevation. The lounge window of No. 12 is in its front elevation and looks southwards over its own private garden up to the boundary. This is the same for No. 11, except that the driveway to No. 12 crosses its frontage. The north side of the proposed building would be about 44.5m from the front elevation of No. 12 (reducing to about 44m at the proposed ground floor bay window). Whilst there would be a degree of overlooking from the ground floor windows due to the difference in levels, this has been significantly reduced by the revised plans showing reducing the level of the building at this northern end. Given the distance away and the hedging and tree between, it is considered that the degree of overlooking of No. 12 would now not be unacceptable.

The proposed building would be 18.8m wide at its northern end, opposite the front of No. 12 and at a higher level. The estimated differences in actual height from the boundary with No. 12 are as follows: 7.2m to eaves level at nearest north end elevation (44.5m from front of No. 12), 9.9m to ridge level of front end of northern wing (50m from front of No. 12). (These figures are based on taking the boundary level to be 73.1 OD.) Even though the northern wing has been reduced in height, given the level differences and depth of the building it would have a significant effect on the outlook from No. 12 compared with that of the existing building. However, in view of the distance away (about 44.5m), it is considered that the effect would not be unacceptably overbearing.

No. 11 Ardwell House would not be directly opposite the proposed building and No. 10 would look only obliquely towards it. Therefore the effect on their outlook is considered acceptable. The windows in the ground floor side elevation would be at least 40m from the front of No. 11 and be to some extent off-set. The effect on No. 11 is therefore considered acceptable.

The proposed car park at the side of the building would have 20 spaces and the access would slope down towards it. The car park would be between 2m and 7m from the boundary with No. 12, and at least 27m from the nearest corner of No. 12. However, there is a substantial hedge and 2 trees between which would help to screen cars and their lights. The effect of the proposed car park on Nos. 11 and 12 is therefore considered acceptable.

The windows in the rear elevation would be at least 55m away from No. 10 and look obliquely. The remaining dwellings in Ardwell Close would be far enough away with trees between for their relationship with the proposed building to be satisfactory.

D. Access and Movement

Members may recall that at the previous committee of the 23rd of October 2002 the application was refused on the grounds of the additional traffic on Ravenswood Avenue, and the effect on the safety of the road users.

The applicant has since been undertaking discussions with Council's Access and Movement Officer, and has provided a plan for preliminary consideration, which is not a formal part of the planning application, and which is considered 'permitted development through Part 9 of the General Permitted Development Order 1995. As such these plans have not been subject to formal consultation, although Brookworth Developments have undertaken their own consultation. Copies of some of the responses to Brookworth Developments were sent to the Council for information purposes, and the results of this are outlined in the 'Consultation' section above.

The plan proposes various improvements to Ravenswood Avenue: to repair pot holes, provide a footway, upgrade street lighting, surface dress the carriageway, and produce speed humps. A plan of the proposed road improvements will be provided at Committee for information purposes.

The access and movement officer has advised that, provided that the proposed works can be undertaken (pursuant to a Grampian condition), and provided that details will be provided showing how the soakaways will work, there are no further concerns from council's access and movement officers.

Legal advice has been obtained with regard to the ability to carry out works to Ravenswood Avenue. Provided that the works to be carried out are solely within the ownership of Fieldgain Limited (the owners of the land – in receivership) and that the applicants are reasonably satisfied that the work can be undertaken, a grampian condition for these permitted developments could be applied.

A grampian condition has therefore been included within the list of recommended conditions.

E. Services and Infrastructure

The following contributions have been requested and agreed:

- Education : £6,694.38
- Recreation community facilities: £12,810 (comprising £4,500 for improvements to play facilities at California Country Park and £7,500 to upgrade community facilities at the Finchampstead Memorial Hall. Also £810 for library book stock).
- Highways : As detailed above.

These provisions and contributions are considered acceptable and should be secured by a Section 106 Agreement and conditions.

F. Flooding issues
The application site does not contain any land shown on plans supplied by the Environment Agency as being liable to flooding.

G. Concerns of the Parish Council and local residents
These have been noted and addressed above. The Environment Agency has recommended a condition to cover surface water drainage.

5. **Conclusion** - The proposal would provide 15 additional smaller dwellings on a site within the settlement which is in a relatively sustainable location and at an acceptable density. The proposed access, parking and contributions are considered acceptable. The proposed highways works which would be required through condition are deemed to overcome the previous reasons for refusal. The proposed development is therefore considered acceptable.

6. **Recommendation** - GRANT planning permission subject to completion of a Section 106 Agreement as set out in section 4E above and to the following conditions:

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
Reason: In pursuance of Section 91(1) of the Town and Country Planning Act 1990.

2. Before the building operations hereby permitted are commenced, samples and details of the proposed external materials shall be submitted to and approved in writing by the Local Planning Authority and no external materials shall be used other than those approved.
Reason: To ensure that the external appearance of the building is satisfactory.

3. The development shall not commence until details of all boundary treatment(s) has been 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 or phased as agreed in writing by the Local Planning Authority. The approved scheme shall be maintained in perpetuity.
Reason: To safeguard the visual amenities of neighbouring properties and the locality.

4. Notwithstanding the provisions of the Town and Country Planning, (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no additional windows or similar openings shall be constructed in the first or second floors or above in any elevations of the building hereby permitted except for any which may be shown on the approved drawing(s).
Reason: To safeguard the residential amenities of the occupiers of neighbouring properties.

5. The first floor kitchen windows in the north and south side elevations of the development hereby permitted shall not at any time be glazed other than with obscured glass.
Reason: To safeguard the residential amenities of the occupiers of neighbouring properties.

6. Works related to the construction of the development hereby granted, including works of demolition or preparation prior to building operations, shall not take place other than between the hours of 8 am and 7 pm Monday to Friday and 8 am to 1.30 pm Saturdays and at no time on Sundays or Bank or National Holidays.
Reason: To protect the occupiers of neighbouring properties from noise and disturbance outside the permitted hours during the construction period.

7. The development hereby approved shall be constructed in accordance with the slab levels shown on the approved drawings.
Reason: In order to ensure a satisfactory form of development relative to surrounding buildings and landscape.

8. No part of any building(s) hereby permitted shall be occupied or used until the vehicle parking and turning space herein approved has been provided. The vehicle parking and turning space shall be permanently maintained and used for no other purposes.
Reason: To ensure a satisfactory form of development and to avoid adverse impact on the public highway in the interests of highway safety.

9. No restrictions shall be made at any time on the use of the car parking spaces shown on the approved plan(s) by occupiers of, or visitors to, any of the buildings hereby permitted.
Reason: To reduce the likelihood of roadside parking, and to maintain the Local Planning Authority's car parking standards in the interests of highway safety and amenity.

10. No building shall be occupied until space for parking bicycles has been provided in accordance with the approved drawing(s)/details(s).
Reason: In order to ensure bicycle parking facilities are provided and encourage use of sustainable modes of travel.

11. Before any other part of the development hereby permitted is commenced, the proposed vehicular access shall be formed and provided with visibility splays shown on drawing No. 01/083/011D. The land within the 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.
Reason: In the interests of highway safety and convenience.

12. Prior to commencing work on site, provision shall be made to accommodate all site operatives, visitors and construction vehicles loading, off-loading, parking and turning within the site during the construction period, in accordance with details to be submitted to and agreed in writing by the Local Planning Authority. The provision should be maintained and used at all times.

Reason: To prevent queuing and parking off site, in the interests of highway safety and convenience.

13. Precautions shall be taken for the duration of the construction period to prevent the deposit of mud and similar debris (including blown litter) on the adjacent public highways, in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.
Reason: In the interests of highway safety and convenience.

15. No building shall be occupied until the access has been constructed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of highway safety and convenience.

16. None of the dwellings shall be occupied until space has been provided within the curtilage for vehicles to turn so that they may enter and leave the site in a forward gear and this space shall thereafter be maintained at all times for this purpose.
Reason: In the interests of highway safety and convenience.

17. Details of the works proposed to Ravenswood Avenue shall be submitted to and approved in writing by the Planning Authority prior to any development of the site. The works to Ravenswood Avenue are to be completed prior to the first occupation of the site.
Reason: In the interests of highway safety and convenience.

18. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development; the approved landscaping scheme (with the exception of planting, seeding and turfing) shall be implemented prior to the occupation of any of the building(s) hereby approved and retained.
Reason: In the interests of visual amenity.

19. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the landscaping die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
Reason: In the interests of visual amenity.

20. No trees, hedgerows or shrubs within the curtilage of the site, except those shown on the approved plan(s) or otherwise clearly indicated in the approved details as being removed, shall be felled, lopped or pruned, nor shall any roots be removed or pruned without the prior consent of the Local Planning Authority during development and for a period of five years after completion of the development hereby approved. The branch structure and trunks of the trees to

be retained and their root systems shall be protected from any damage during site works, in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Any trees, hedgerows or shrubs removed or which die or become dangerous, damaged or diseased before the end of a period of five years after completion of the development hereby approved shall be replaced with new trees, hedging or shrub species (of such size species and in such number and position as maybe agreed in writing), before the end of the first available planting season (1st November to 31st March) following their loss or removal.
Reason: The existing trees/hedgerows/shrubs represent an important public visual amenity in the area.

21. Development shall not begin until surface water sewerage works have been carried out in accordance with details submitted to and approved by the Local Planning Authority.
Reason: In order to ensure satisfactory provision is made.

22. Details of surface water balancing works together with details of the stage of the development at which the works will be brought into use are to be submitted and approved by the Local Planning Authority prior to commencement.
Reason: In order to ensure satisfactory provision is made.

23. None of the dwellings shall be occupied until foul sewerage works have been provided to serve the development hereby permitted, in accordance with details to be submitted to and approved by the Local Planning Authority.
Reason: In order to ensure satisfactory provision is made.

24. Details of land drainage works together with details of the stage of the development at which the works will be brought into use are to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any development on the site. The works shall be constructed and implemented in accordance with these details.
Reason: In order to ensure satisfactory provision is made.

25. No soakaways shall be constructed such that they penetrate the water table, and they shall not in any event exceed 3 metres in depth below existing ground level.
Reason: To prevent pollution of groundwater.

Informatives:

1. The approved plans comprise the following:

Location plan	No.	01/083/010
Planning Layout		01/083/011D
Road plan		01/083/011D
Ground floor plan		01/083/012B
First floor plan		01/083/013B
Second floor plan		01/083/014C
Front elevation		01/083/015D
Rear elevation		01/083/016C
North side elevation		01/083/017D
South side elevation		01/083/018C
Extract of Site Survey		01/083/021

2. You are advised, in compliance with *The Town and Country Planning (General Development Procedure) (England) (Amendment) Order 2000*, that the following policies and/or proposals in the development plan are relevant to this decision:

Berkshire Structure Plan Policies LD5, LD6, H5, H9, EN1, EN3, T2, T3, T6, T7.
South East Area Local Plan Policies SH1, SH8, SBE1, SBE2, SBE8, ST3, ST5, ST8, SPS1, SPS2, SPS3.
Wokingham District Local Plan Policies WOS2, WOS3, WOS4, WH1, WH3A, WH6, WH6A, WBE1, WBE11, WT2, WT6, WT7, WIC16, WIC17

ii) that the proposal for the terraced block to the front of the site, was out of character with the area and out of character with the existing dwellings in the area;

iii) there would be a resultant increased car use caused by a lack of facilities and amenities in the area and

iv) the proposal was for a sizeable development in a Category B Settlement where only limited in-fill was permitted. The development would not be able to make satisfactory provision for adequate services, amenities and infrastructure requirements and would consequently have an unacceptable adverse impact on the amenities of the area.

2) That Officers be authorised to negotiate services and infrastructure contributions in view of the impending appeal.

8. APPLICATION NO: 2002/8165, DEMOLITION OF EXISTING BUILDING AND ERECTION OF 18 X 2 BEDROOM APARTMENTS, ARDWELL HOUSE, ARDWELL CLOSE, CROWTHORNE, FOR BROOKWORTH DEVELOPMENTS LTD

The Committee considered a report about this application set out on Agenda pages 151 to 179.

Officers informed Members that since the production of the report, 14 further letters of objection had been received from local residents. In addition a petition of objection had been received, signed by 8 people.

In addition the applicant had advised officers that they were fully satisfied (on the strength of leading Counsel's Opinion) that the works proposed to Ravenswood Avenue could be undertaken. It should also be noted that Fieldgain Ltd was a dissolved company whose interests were now vested in the Crown. The works intended were fully contained within the rights of way which applied to the application site and these works would also occur within the existing road/footway.

The Committee was provided with details of additional information received from Bracknell Forest which stated that they had been advised that the works to be undertaken to the road constituted development requiring Planning Approval under Class A Part 9 Schedule 2 of the GPDO regarding repairs to adopted streets. This is contrary to legal advice sought from the Council's advisers.

Members were also informed that page 179 of the report contained an attachment which was incorrect and referred to a separate planning application. The Access and Movement Officer advised that the Grampian Condition (Condition 17) should be amended as follows, should permission be granted:-

"No development shall commence until the road improvements proposed for Ravenswood Avenue as illustrated on drawings numbered TSP/BRO/P1032/01 Revision A have been completed in accordance with full engineering details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and convenience.

A further informative to supplement this condition should be added as follows, if permission is granted:-

The details required pursuant to condition 14 shall include:

- Footway construction in Ravenswood Avenue;
- Repairs/surface treatment to Ravenswood Avenue
- Soakaways
- Street lighting

Finally, the conditions contained within the Agenda had been numbered wrongly – there was no condition 14 and the subsequent conditions should be re-numbered accordingly.

Mrs L Newcombe, a representative from Finchampstead Parish Council attended the meeting and spoke against the proposal.

Dr Collins, a local resident, attended the meeting and spoke against the proposal.

The Chairman of the Committee read out correspondence from Mrs M Long, the local Member, who objected to the proposal.

Members discussed the application and felt that the proposal would generate additional traffic onto Ravenswood Avenue, which would adversely affect the safety of road users as a whole.

RESOLVED: That Application No: 2002/8165 be refused on the grounds that the proposal would generate additional traffic onto Ravenswood Avenue, which would adversely affect the safety of road users as a whole.

9. APPLICATION NO: 2002/8154, DEMOLITION OF 41 WATMORE LANE, PROVISION OF ACCESS AND ERECTION OF 19 DWELLINGS – LAND ADJACENT TO WINNERSH PRIMARY SCHOOL AND 41 WATMORE LANE, WINNERSH FOR LINDEN HOMES (SE) LTD

The Committee considered a report about this application set out on Agenda pages 180 to 259.

Officers reported to Members that the appeal relating to Application No: 2002/8206 had now been withdrawn. The outstanding appeals were against applications 2002/7309 and 2002/7311. The applicant would be appending the additional information relating to the construction of the road to these appeals. Therefore confirmation was required from this Committee that the information submitted, provided sufficient details to overcome the previous reason for refusal and that any remaining detailed matters could be dealt with by condition. This was the view of the original appeal Inspector.

As an objection had been received from Sport England to this application and should Members resolve to grant planning permission, in accordance with Circular 9/98 Town & Country Planning (Playing Fields) (England) Direction 1998, the application would need to be referred to the Government Office for the South East.

The Committee was informed that additional comments had been received from Winnersh Parish Council in respect of revised plans showing a change in house type for plots 1, 2, 3, 12 & 13. The Parish Council reiterated its previous comments on this application. In order to ensure adequate on-site supervision it was also recommended that the following sentence be added to Condition 6 after the first sentence: 'This should include details of how works will be supervised during construction.'

Mr Harry, a representative from Winnersh Parish Council attended the meeting and spoke against the proposal.

Mr J Grimson, a local resident, attended the meeting and spoke against the proposal.

Mr D Dunlop, Agent for the applicant, attended the meeting and spoke in support of the proposal.

David Ball, Mrs P Bray and Mrs E Siggery, the local Members attended the meeting, and each spoke against the proposal.

Discussion took place on the impact an access road would have on the oak tree

WORK SHEET FOR : Kerrin Lithgow

Application Number : F/2002/8165

Applicant : Brookworth Dvts Ltd C/O Robin Bradbeer Ltd.

Location : Ardwell House, Ardwell Close, Crowthorne, .
Proposal : Proposed erection of 18 flats and demolition of existing dwellings.

Site Notice Displayed ? : YES [ ] NO [ ] DATE [ ]

Date of Neighbour Notifications : .....

Date of Site Visit : .....

Date Registered : 09/12/2002

Earliest Date for Decision : 09/01/2003

Latest Consultation Date/Site Notice Expiry Date : 09/01/2003

This application will have expired on: 03/02/2003. You need to make a decision 1 day prior to this date for this application to count as determined in less than 8 weeks.

Consultation Responses :

As per committee report.

Planning Issues :

As per committee report.

Application Number: F/2002/8165

Appraisal :

As per committee report.

Recomendation : Approval: ☐ **Refusal:** ☐
(tick appropriate box)

The proposed development would generate additional traffic onto Ravenswood Avenue, a private un-made road which also lacks street lighting and footway provision and this would adversely affect the safety of road users as a whole. Accordingly it is considered that the proposal is contrary to Policy LO5 of the Berkshire Structure Plan and Policies WT7, WT8 and WT9 of the Wokingham District Local Plan (Deposit Draft).

Whilst the applicant has submitted details of proposed works to be carried out to Ravenswood Avenue, it has not been established that these plans are deliverable.

Application Number F/2002/8165
Conditions/Reasons for Refusal

No	Std Con	Std Reas	Non Std Conditions / Reasons for Refusal

Informative for approvals
N16 See Com. Report.
LODDON AREA LOCAL PLAN POLICIES:
SOUTH-EAST AREA LOCAL PLAN POLICIES:
WOKINGHAM DISTRICT LOCAL PLAN POLICIES:
GREEN BELT LOCAL PLAN POLICIES:
BERKSHIRE STRUCTURE PLAN POLICIES:
MINERALS LOCAL PLAN POLICIES:

RECOMMENDATION AND CONDITIONS/REASONS AGREED: D.C. Committee
(Development Control Manager)

If any of the consultee's have requested a copy of the decision notice please list them below;

Date: 21 MAY 2003.

Tel: (0118) 974 6441 (Direct Line)
Fax: (0118) 974 6484
Date: 19 May, 2003
My ref: F/2002/8165
Your ref: DC/6/3

Environmental Services Department
Planning Services
P.O. Box 157
Shute End, Wokingham
Berkshire RG40 1WR
Tel: (0118) 974 6000
Fax: (0118) 974 6484
Minicom No: (0118) 974 6991
DX: 33506 – Wokingham

Ms Marcia Head
Senior Planning Officer
Bracknell Forest Borough Council
Time Square
Market Street
Bracknell
Berkshire
RG12 1JD

Dear Ms Head

RE: ARDWELL HOUSE, ARDWELL CLOSE, WOKINGHAM
PROPOSED ERECTION OF 18 FLATS AND DEMOLITION OF EXISTING DWELLINGS.

As you may recall, there is a current application for this site on which you were consulted in January.

Your comments (received 16th January 2003) confirmed that BFBC has no objection, subject to the Highways Officer being satisfied that the increase in traffic on Ravenswood Avenue being acceptable.

The applicant has, outside of the planning application, put forward a scheme for the improvement of Ravenswood Avenue, a private road. These details I have included within the committee report, to be considered at Council's Development Control Committee this Wednesday night. I have attached this for your information.

I wonder if you could perhaps provide me with any comments you may have on the intended works to Ravenswood Avenue? Whilst the works do not constitute a part of the application, we are requiring a Grampian Condition ensuring the works are carried out. However some of these works fall within BFBC, so I need some written advice from yourselves as to the likelihood of these works being acceptable to your Highways Officers. I do apologise for the lateness of this letter, but it has been something raised by our Highways Officers as needing your comment prior to committee, if possible.

Should you have any questions regarding the above matters please do not hesitate to telephone me.

Yours sincerely

KERRIN LITHGOW
Principal Planner – South Area Team

Kerrin Lithgow

From: Steve Auton
Sent: 09 May 2003 12:32
To: Kerrin Lithgow
Subject: Ardwell House, Ardwell Close

Kerrin

The following highway conditions are requested to be included in your report :-

A Grampian condition 'Details of the works proposed to Ravenswood Avenue shall be submitted to and approved in writing by the Planning Authority prior to any development of the site. The works to Ravenswood Avenue are to be completed prior to the first occupation on the site'.

- C 122 (R 122)
- C 123 (R 123)
- C 124 (R 124)
- C 126 insert 01/083/011D (R126)
- C 128 (R128)
- C 129 (R129)
- C 130 (R130)
- C 133 (R1333)
- C 137 (R137)

STEVE AUTON
SEN.ASST.ENG.
0118 974 6322

MEMORANDUM

From Steve Auton

File Planning :- Wokingham W/O(P16)

To Kerrin Lithgow

P.A.:- F/2002/8165

DEVELOPMENT AT ARDWELL CLOSE, CROWTHORNE

Further to Keith Rogers' memo. dated 3rd April 2003 regarding aspects of the original proposals for highway works (allied to the proposed development at Ardwell House) I can now make further comment.

A letter and new plan was received in this office on 25th April indicating further proposals for Ravenswood Avenue, a copy was also sent to Bracknell Forest B.C. This new plan shows the footway, lighting and speed control measures as previously (which I now believe they can legally construct) along with a system of highway drainage.

The highway drainage is by means of soakaways attached to each of the 6no. road gullies. Soakage tests have not been carried out to discover the effectiveness of the proposals but I believe the adjacent houses are drained in this manner.

The developer, by copy of his letter dated 23rd April, has indicated that he will fully fund all the works, including surfacing as previously discussed. As such I think a Grampian condition should implemented to cover all the highway works with the proviso that soakage tests be undertaken to prove their effectiveness prior to construction works being undertaken SHOULD the permission be granted.

S N. AUTON

Your Ref:
Our Ref: DB/SW/Brookworth/ArdwellHouse/P1032/04

Date: 23rd April 2003

Mr Steve Aulton
Wokingham Unitary Authority
PO BOX 153
Wokingham
Berkshire
RG40 1WL

68486
PLAN
PC
DC KL
AE?
CS
25 APR 2003
COPIES TO

Dear Steve

Ardwell House, Ardwell Close, Crowthorne, Ravenswood Avenue Improvements

I refer to Keith Roger's internal memo of the 3rd April 2003 addressed to Kerrin Lithgow, where he raised a number of issues related to the above proposed improvements.

I will not directly comment upon all the bullet points raised, suffice it to say that my Client is willing to fully fund the works and that he has taken legal advice and is within his rights to undertake the works. The other bullet points relate to Planning issues which I understand, will be discussed between Kerrin Lithgow and Robin Bradbeer.

With regard to the issues related to the provision of road humps and the lack of positive drainage, I would comment as follows; -

Road Humps

My Client has already undertaken limited consultation by sending an A3 plan of the proposals to all the residents fronting Ravenswood Avenue and Ardwell Close, together with East Berks Golf Club and Ravenswood Village. This plan has been sent to the local Parish Councillors for their information. To the best of our knowledge, there have been no adverse comment to the proposed road humps. My Client offered to fund the installation of the road humps in order to alleviate the concerns of some local residents about excessive traffic speed in Ravenswood Avenue. We believe that vertical traffic calming would be the best option. Horizontal traffic calming would not be practical in this location, due to the number of driveways and the low traffic volumes. However, the need for separate consultation under the Road Humps Regulations 1999 can easily be conditioned in the near future and the local residents can decide whether they want traffic calming or not.

The Stilwell Partnership LLP
Safety, Traffic & Highway Engineering Consultants
Midas House, 37 Invincible Road, Farnborough
Hampshire GU14 7QU
Telephone: 01276 700 400 Fax: 01276 700 401
e-mail: info@stilwell-llp.co.uk www.stilwell-llp.co.uk
LLP Registered Partnership No. OC302453. Incorporating Stilwellbell.

Members: Eur Ing Nick J. Stilwell BSc CEng MICE MIHT MAIRSO
David Brooke MIHT, Adriano B. Cappella MIHIE, Phillip D. Herring I Eng FIHIE

Associates: Eur Ing Roger R. Ball BSc CEng FICE, Philip C. Sheppard BSc (Hons) MSc CEng MICE
Roger D. Jones Msc CPhys MInstP FIOA, David J. Nicholson MCIPD MIPR

Drainage

To provide / fund a positive drainage system for Ravenswood Avenue, in our opinion, is unreasonable and unjustifiable. There is no outfall within reasonable distance of the site, for the discharge of surface water. The only method of disposal would be by way of soakaways. We are reasonably confident that this would be a practical option, as all the surface water for the existing local properties discharges into soakaways. Therefore, we have shown on the Plan, 6 no. soakaways and 6 no. road gullies to drain the western side of Ravenswood Avenue. At this time, we cannot provide calculations for the soakaways as the costs for the soil investigation at this stage would be prohibitive.

We have to be careful that the local residents / Highway Authority are not extending the "shopping list" to what would be considered as unreasonable. It has always been agreed that this small development didn't have material impact upon Ravenswood Avenue and this was confirmed by your Authority, recommending that the application be granted planning permission. Therefore, with a limited budget, we have restricted the proposals to the most effective and to bring the most benefit, namely;

- Repairing pot holes
- Providing a footway
- Upgrading the street lighting
- Surface dressing the carriageway
- Producing road humps

If you require any further information, please do not hesitate to contact me.

Yours sincerely

David Brooke
Partner

CC. Gavin Rowley — Brookworth
Kerrin Lithgow — Wokingham Unitary Authority
Robin Bradbeer — Robin Bradbeer Ltd

Encl.

Kerrin Lithgow

From: Trevor Watson
Sent: 09 April 2003 14:06
To: 'Robin Bradbeer'
Cc: Kerrin Lithgow
Subject: RE: Ardwell House Ardwell Close Crowthorne F/2002/8165

Thank you for you e mail and apologies for not getting back to you earlier. I was out of the office all day yesterday and have Committee tonight so I am afraid that that has to take priority over everything else.

Your client spoke to me this morning and I explained the position to him. He indicated that he would speak with yourself and pass the details of our discussions on.

Trevor Watson
Development Control Manager
Planning & Transportation Services
Wokingham District Council
Direct Line: (0118) 974 6487
Fax: (0118) 974 6484
Email: Trevor.Watson@wokingham.gov.uk
www.wokingham.gov.uk

-----Original Message-----
From: Robin Bradbeer [SMTP:R.Bradbeer@btopenworld.com]
Sent: 06 April, 2003 10:08 PM
To: Kerrin.lithgow@wokingham.gov.uk
Cc: Trevor.Watson@wokingham.gov.uk
Subject: Ardwell House Ardwell Close Crowthorne F/2002/8165

Thank you for forwarding, following our telephone conversation on Friday afternoon, a copy of the internal memo from Keith Rogers dated 3 April.

My Client would be extremely disappointed and concerned if the comments in this memo were held to warrant further delay in determining this application by not presenting it to Committee on 23 April. The memo raises a number of concerns which I deal with under three headings.

1. Further to my telephone conversations with both Mary Severin and yourself last week it is clear that the Council agrees that the proposed highway improvements can properly be required by a Grampian condition. The memo from Mr Rogers appears to be at odds with that view which I find intriguing since this was the very solution suggested by the Highways department in the previous application.

2. In response to the questions raised Mr Rogers the applicant does indeed intend to fully fund the proposed works and has the legal rights to carry out those works.

3. Finally, Mr Rogers queries the efficacy of the proposed speed humps and raises concern regarding the surface water run-off implications of the proposed kerbing on the west side of the road. It is unfortunate that Mr Rogers has not come forward with these technical queries sooner than this, particularly as he was sent a preliminary concept plan for the works as long ago as 21 January. The applicants Highway consultants have been briefed on Mr Rogers memo and will be contacting Mr Auton on Monday 7 April in Mr Rogers absence, to discuss alternative technical details relating to these matters. My suggestion to you is that a Grampian condition requiring the applicant to submit further details to be approved in writing by the Council would be an entirely appropriate way for Mr Rogers concerns to be handled at Committee on 23 April. However I am confident that alternative technical details can be agreed with the Highway Officers before then.

In view of the forthcoming Hearing in mid June I am sure that there will be a desire to determine this revised application as soon as possible. I should be grateful if you could let me know whether you will be taking the application to Committee on 23 April on the basis of these comments and suggestions.

Robin Bradbeer

Kerrin Lithgow

From: Robin Bradbeer [R.Bradbeer@btopenworld.com]
Sent: 06 April 2003 22:08
To: Kerrin.lithgow@wokingham.gov.uk
Cc: Trevor.Watson@wokingham.gov.uk
Subject: Ardwell House Ardwell Close Crowthorne F/2002/8165

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Robin Bradbeer

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Kerrin Lithgow
Senior Planning Officer
Environmental Services
Wokingham District Council

Tel: 0118 974 6441
Wk Mobile: 07714 226 771
kerrin.lithgow@wokingham.gov.uk

facsimile transmittal

To: Robin Bradbeer Fax: 01453 889103

From: Kerrin Lithgow Date: 04/04/03

Re: Pages: 2 (incl.)

CC:

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WOKINGHAM DISTRICT COUNCIL

ENVIRONMENTAL SERVICES DEPARTMENT
ENGINEERING SERVICES

MEMORANDUM

FROM: Keith Rogers

MY REF: KR/8165

YOUR REF:

TO: Kerrin Lithgow - Planning

DATE: 03/04/03

PLANNING APPLICATION NO. F/2002/8165.
PROPOSED DEMOLTION OF EXISTING DWELLINGS AND ERECTION OF 18 FLATS ON LAND AT ARDWELL HOUSE, ARDWELL CLOSE, CROWTHORNE.

FURTHER COMMENTS

The applicant has submitted a plan (Stilwell Partnership drawing numbered TSP/BRO/P1032/01) showing proposed road improvements for Ravenswood Avenue from its junction with Ardwell Close to its junction with Dukes Ride in Crowthorne, Bracknell. The works comprise the provision of a 1.8 metres wide footway along the westernside of Ravenswood Avenue (from Ardwell Close to Dukes Ride), the installation of 4 road humps with associated signage, 9 street lighting columns (8 in Ravenswood Avenue & 1 in Ardwell Close) and the repair and surface dressing of the road surface throughout the length of the proposed improvement.

There are a number of outstanding issues which need to be clarified and/or addressed with regard to any such works and these are outlined as follows:

- The improvement works should be included in the planning application site area and appropriate notices served on landowners (or where unknown notice giving in the press and possibly on-site).
- As part of the proposed works fall outside this Council's control, separate planning consent will be required from Bracknell Forest Borough Council (the local planning and highway authority for that section of Ravenswood Avenue from Bembridge Court to Dukes Ride).
- It is unclear as to whether or not the developer intends to fully fund and implement these works.
- It is unclear as to whether or not the developer can legally carry out such works.

While the submission of the proposed improvements works is the appellant's attempt to overcome the objection raised with regard to Planning Application No. F/2002/6270 by this Council's Development Control Committee at its meeting held on 23 October 2002 this gives rise a further issue concerning surface water drainage.

In the event of the developer being in a position to fully fund and legally carry out these works, it does appear that the concerns with regard to the unmade surface, lack of street lighting and footway provision could be addressed. However, while the provision of road humps (which require separate consultation under the Road Hump Regulations 1999) would control vehicle speeds I am not convinced that such measures would be of public benefit. If speeding traffic is perceived to be a problem as a result of the improvement works then this should be addressed by horizontal as opposed to vertical solutions.

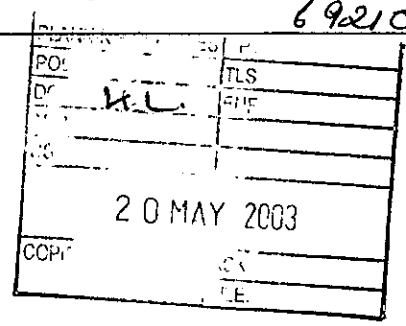
Turning now to the additional concern with regard to surface water drainage. The creation of a kerbline on the west side of the Ravenswood Avenue carriageway would result in surface water run-off problems. Without a positive drainage system the scheme is likely to result in ponding in Dukes Ride, Ravenswood Avenue as well as individual driveways.

Keith Rogers
Team Leader (Highway Development Control)

FINCHAMPSTEAD PARISH COUNCIL

PARISH OFFICE, MEMORIAL HALL, THE VILLAGE,
FINCHAMPSTEAD, BERKS RG40 4JU
THE CLERK: MRS CHERRY COLE
TELEPHONE: 0118 - 9328256
FAX NO. 0118 - 9730515
E MAIL ADDRESS – finchpc@breathe.com

69210



16 May 2003

F A O Kerrin Lithgow

Development Control
Planning
Environmental Services
P O Box 153
Shute End
Wokingham
Berks
RG40 1WL

Dear Kerrin,

DEVELOPMENT CONTROL COMMITTEE MEETING – WEDNESDAY 21 MAY 2003. APP NO.F/2002/8165 – ARDWELL HOUSE, ARDWELL CLOSE, CROWTHORNE. BROOKWORTH DEVELOPMENTS

I refer to the above application which is to be considered at your next Development Control meeting on Wednesday next. Firstly I would like to rectify a misunderstanding in that you have registered objections from Wokingham Without Parish Council when in fact those objections are from Finchampstead Parish Council. This confusion arose because the application details were first sent to Wokingham Without for their consideration. Realising that this application was actually in respect of a property in the Finchampstead Parish, they forwarded the paper work to me. Regrettably, I used the Wokingham Without consultation sheet for my Council's objections. I would be grateful if you could make this clear when the application is considered. (A copy of these objections is enclosed)

Noting that this application places an emphasis on the developer's proposals for road resurfacing and footpath renovation on Ravenswood Avenue, please be aware that the Parish Council supports local residents' views on the inadequacy and unacceptability of these proposals.

Yours sincerely

C. S. Cole

Cherry Cole
The Clerk

FROM: Kerrin Lithgow

DATE: 17 December 2002

W.W.P.C.

19 DEC 2002

RECEIVED

FINCHAMPSTEAD

~~WOKINGHAM WITHOUT~~ PARISH CONSULTATION SHEET

Application Number: F/2002/8165

Proposal: Proposed erection of 18 flats and demolition of existing dwellings..

Site Address: Ardwell House, Ardwell Close, Crowthorne, .

Applicant: Brookworth Dvts Ltd C/O Robin Bradbeer Ltd.

Your observations are required in respect of this application **by 09/01/2003** .

The Parish Council reiterates the objections raised in respect of the previous application for this development, namely that the increase in traffic that the proposed development would generate would contribute to the degeneration of Ravenswood Avenue, an adopted road already in a bad state of repair and used heavily for access to East Berks Golf Course and Ravenswood Village. Limited parking provision at the site will add to the congestion already experienced in Ravenswood Avenue and Ardwell Close. The Parish Council also considers the proposed development to be out of character and over bearing to the existing street scene, by virtue of the fact that the size of the proposed apartments exceeds the current "footprint" of the existing house.

SIGNED: C.S. DATE: 10 JAN 2003

Clerk To ~~Wokingham Without~~ Parish Council Parish/Town Council.

FINCHAMPSTEAD

Kerrin Lithgow

From: Marcia Head [marcia.head@Bracknell-Forest.gov.uk]
Sent: 20 May 2003 09:52
To: kerrin.lithgow@wokingham.gov.uk
Subject: RE: Ardwell House F/2002/8165

Dear Kerrin
Thank you for your e-mail. I have read Class A of Part 9 of Schedule 2 of the GPDO regarding repairs to unadopted streets and I consider that a number of the measures detailed in para D of the report do not fall within these provisions and require planning permission. As such a planning application made to BFBC would be required for the works within this Borough. As Mr Trotter (BFBC Highway Officer) advised Mr Keith Rogers at the end of February, a number of these measures are not acceptable. Marcia Head.
>>> Kerrin Lithgow <kerrin.lithgow@wokingham.gov.uk> 19/05/03 16:29:46 >>>

Marcia - can you please see attached?

Again apologies for the lateness of all this - but if you have any comments please let me know.

Thanks,
Kerrin

<<ArdwellClose.8165.doc>> <<8165 - ArdwellHouse(KL).doc>>

-----Original Message-----
From: Marcia Head [SMTP:marcia.head@Bracknell-Forest.gov.uk]
Sent: 09 January 2003 13:44
To: Kerrin.Lithgow@wokingham.gov.uk
Subject: Ardwell House F/2002/8165

Thank you for the consultation on the above application. Would you please let me know:
1) Have any neighbours within BFBC been notified?
2) Has Crowthorne Parish Council been notified?
3) Whether the application will be a delegated or Committee decision and if there is a likely date.
Thank you and if you would like to phone me my number is 01344 351135 (mornings only).

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Kerrin Lithgow

From: Robin Bradbeer [R.Bradbeer@btopenworld.com]
Sent: 19 May 2003 17:52
To: Kerrin.lithgow@wokingham.gov.uk
Cc: trevor.watson@wokingham.gov.uk
Subject: Ardwell House

Dear Ms Lithgow

With reference to the Committee Report I offer the following observations for your consideration prior to the Committee meeting:

1. Section 2 Consultations: The reported comment by Finchampstead PC appears to refer to a different site in the vicinity of Nash Grove Lane/ Barkham Ride.

2. Section 3D Access and Movement: (5th paragraph).

The applicant is fully satisfied (on the strength of leading Counsel's Opinion), that the works proposed can be undertaken. For the avoidance of doubt it should be noted that Fieldgain Ltd is a dissolved company whose interests are now vested in the Crown. The material point is that the works are fully contained within the rights of way that apply to the application site and these works will also occur within the existing road/footway.

3. Condition No. 17: In the interest of improved precision, and having regard to the contents of Mr Auton's letter of 8 May 2003 to the applicant's Highway Consultants, I suggest rewording along the following lines

"None of the dwellings shall be occupied until the works proposed to Ravenswood Avenue as shown on drawing No. P1032/01A have been completed and the results of soakaway tests have been submitted to and approved in writing by the LPA".

Robin Bradbeer

Kerrin Lithgow

From: Steve Auton
Sent: 16 May 2003 12:58
To: Kerrin Lithgow
Cc: Keith Rogers
Subject: FW: Ardwell House, Ardwell Close

Kerrin

Here are some minor amendments which I would be pleased if you could incorporate into your members update :-

The revised Grampian condition should be worded as 'No development shall commence until the road improvements proposed for Ravenswood Avenue as illustrated on drawing no. TSP/BRO/P1032/01 Revision A have been completed in accordance with full engineering details to be submitted to and approved in writing by the LPA.'

Informative - Details shall include :-
footway construction in Ravenswood Avenue
repairs/surface treatment to Ravenswood Avenue
soakaways
street lighting

ta

Steve

STEVE AUTON
SEN.ASST.ENG.
0118 974 6322

-----Original Message-----
From: Steve Auton
Sent: 09 May 2003 12:32
To: Kerrin Lithgow
Subject: Ardwell House, Ardwell Close

Kerrin

The following highway conditions are requested to be included in your report :-

A Grampian condition 'Details of the works proposed to Ravenswood Avenue shall be submitted to and approved in writing by the Planning Authority prior to any development of the site. The works to Ravenswood Avenue are to be completed prior to the first occupation on the site'.

- C 122 (R 122)
- C 123 (R 123)
- C 124 (R 124)
- C 126 insert 01/083/011D (R126)
- C 128 (R128)
- C 129 (R129)
- C 130 (R130)
- C 133 (R133)
- C 137 (R137)

STEVE AUTON
SEN.ASST.ENG.
0118 974 6322

Kerrin Lithgow

From: Trevor Watson
Sent: 13 May 2003 12:53
To: Kerrin Lithgow
Subject: FW: Ardwell House F/2002/8165

For info. I have now spoken to Mr Bradbeer and confirmed that from an officer perspective we are treating the proposal as a revision to the refusal with a view to overcoming the Highway reason for refusal and that all other issues remain the same.

Trev

-----Original Message-----
From: Robin Bradbeer [SMTP:R.Bradbeer@btopenworld.com]
Sent: 09 May, 2003 4:23 PM
To: trevor.watson@wokingham.gov.uk
Subject: Fw: Ardwell House F/2002/8165

Dear Mr Watson

I refer to our telephone conversation earlier this afternoon concerning the matters raised in Kerrin Lithgow's recent email (copy attached). By way of response I would ask that you take into account the following points when considering the application with Kerrin Lithgow.

1. This revised application follows refusal F/2002/6270. The refusal reason was on highway grounds alone. The purpose of this revised proposal is to attempt to resolve the Council's highway objections outside the arena of the forthcoming hearing.
2. The concurrent appeal required statements to be submitted by 6 Jan 2003. Non-provision of affordable housing did not form part of the Council's case, notwithstanding the resolutions of the Special Executive on 4 Dec. 2002.
3. In consideration of the facts in this particular case the request for affordable housing provision is considered unreasonable since it is inconsistent with the Council's position at the forthcoming hearing. In addition the introduction of this request 5 months after the application was submitted on 6 Dec. 2002 is considered unreasonable.
4. The application confirmed the applicant's preparedness to contribute through a s106 agreement previously agreed sums including an education element. Bearing in mind that the Case Officer has had 5 months during which to consult the education department it is both highly unsatisfactory and unreasonable to suggest at this stage renegotiations of the education sum.

I shall be pleased to have your response on this matter at your earliest convenience.

Yours sincerely

Robin Bradbeer

----- Original Message -----
From: Kerrin Lithgow <mailto:kerrin.lithgow@wokingham.gov.uk>
To: 'Robin Bradbeer' <mailto:r.bradbeer@btopenworld.com>
Sent: Thursday, May 08, 2003 4:07 PM
Subject: RE: Ardwell House

Mr Bradbeer,

In reply to your last email, I believe that Trevor Watson informed you that the application would be discussed at this mornings agenda planning. Following this mornings meeting, the application will be going forward to the 21st of May committee for consideration. .

There is one particular issue which has come to light in writing this report, and this is with regards to the contributions required. As you may be aware, the affordable housing requirements under the Wokingham District Plan have changed considerably, and have now resulted in this application requiring a 26% proportion of affordable housing (transferred to an R.S.L. at 90% of T.C.I and built to Housing Corporation development standards). This came into effect on the 4th of December 2002. In order to ascertain the kind of affordable housing required etc I would suggest that you contact Sarah Hollamby in our Housing department. I do apologise for the late notice of this matter, but unfortunately my attention has been somewhat diverted by the highways issues!

In addition to this, the education figures may well have also changed. I am seeking clarification from our education department on this matter and will advise as soon as possible as to the figure so that this may be resolved (or not) prior to committee. At present I have been supplied with two conflicting figures and naturally I need confirmation of the correct amount.

Should you have any questions on the above please do not hesitate to contact me. Please note that we are having a 'report writing week' next week and therefore I will not be available by telephone. I will however be contactable by email.

Regards,

Kerrin Lithgow

-----Original Message-----
From: Robin Bradbeer [SMTP:R.Bradbeer@btopenworld.com]
Sent: 06 May 2003 12:34
To: Kerrin.lithgow@wokingham.gov.uk
Cc: trevor.watson@wokingham.gov.uk
Subject: Ardwell House

In view of looming deadlines are you able to confirm please that this application is on the agenda for the Committee meeting on 21 May?

Robin Bradbeer

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Date: 13 May 2003

Your Ref:

My Ref: **Kerrin Lithgow - F/2002/8165**

Brookworth Dvts Ltd
C/O Robin Bradbeer Ltd
Steepways Farm
Nether Lypiatt
Stroud
Glos
GL6 7LS

WOKINGHAM UNITARY
Environmental Services Department
Planning Services
Aiming for Excellence
P.O. Box 157
Shute End, Wokingham
Berkshire RG40 1WR
Tel: (0118) 974 6000
Fax: (0118) 974 6484
Minicom No: (0118) 974 6991
DX: 33506 – Wokingham

Dear Sir/Madam

Application Number: F/2002/8165

Site Address: Ardwell House, Ardwell Close, Crowthorne, .

Proposal: Proposed erection of 18 flats and demolition of existing dwellings..

Your application is to be determined at the Development Control Sub-Committee meeting on the 21/05/03 and will start at 7.00pm. The application has been recommended for approval and you can see a copy of the committee report at the Environmental Services Department, Council Offices, Shute End, Wokingham, or at your local library.

You may attend the Committee meeting and speak if you wish. A leaflet explaining the process is enclosed.

IF YOU WISH TO ARRANGE TO SPEAK contact Kevin Jacob in the Policy & Members' Services Section on (0118) 974 6058 no later than 5.00pm on the last working day (Tuesday) prior to the meeting.

IF YOU WISH TO DISCUSS THE APPLICATION contact the Development Control Section on (0118) 974 6446 or (0118) 974 6453 quoting the application number at the head of this letter and ask for the case officer dealing with the proposal.

Yours faithfully,

Anna Cronin

Head of Planning & Transportation

Kerri'n

Mark Morn has asked if you could reply to this direct please (with a copy to Cllr Long)

Thanks

Paula

15/5/03

WOKINGHAM DISTRICT COUNCIL

Shute End, Wokingham
Berkshire RG40 1BN
Tel: (0118) 974 6000

With Compliments

Kerrin

Mark Moan - could someone respond to this which came in to Cllr Muriel Lag

'The Oaks'
30 Ravenswood Ave.,
Crowthorne,
Berkshire,
RG45 6AY.

Date:-07/05//03
Ref:- anp2187

The Chairman
Wokingham Unitary
PO Box 157, Shute End,
WOKINGHAM,
BERKS RG10 1WR

Ref:- Application No F/2002/8165
Proposed erection of 18 flats and demolition of existing building

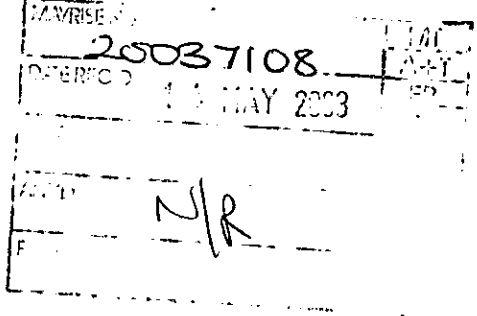
Dear Sir,

I have recently had considerable correspondence with Kerrin Lithgow and Trevor Watson re the above application. The replies have been unsatisfactory, and it has come to the point where I feel I must inform you. If you look into the case you will find that I am very unhappy in that procedures have not been followed and the interests of residents do not appear to be taken seriously. The lack of a clear response from the team is of concern, and makes it impossible for me to make any meaningful comments upon the very significant amendments proposed by 'the developer' to Application F/2002/8165. Your council has not, as far as I know, accepted the amendments and informed the residents of the amendments in order that the residents can view the detail in the usual way and make constructive comment. Thus far the residents have only had a letter from the developer stating what he intends to do, this letter is meaningless without the acknowledgement that Wokingham Unitary have received it and are willing to accept it as an amendment to the application. The actual amendment directly addresses the problem which resulted in the original application being turned down, it is therefore extremely important to residents, and should also be to Wokingham Unitary.

Yours Sincerely

Andrew N Peers
B.Sc.Eng. C.Eng. M.I.Mech.E

ADman



Tel: 0118 974 6315 (Direct Line)
Fax: 0118 974 6313
Email: mark.moon@wokingham.gov.uk
Date: 9th May 2003
My ref: MM/pb/Des Letter - 20036440

WOKINGHAM UNITARY
Aiming for Excellence

Director of Environmental Services
Environmental Services Department
P.O. Box 153
Shute End, Wokingham
Berkshire RG40 1WL
Tel: (0118) 974 6000
Minicom No: (0118) 977 8909
DX: 33506 – Wokingham

Mr JR Tamsitt
Fairways
7 Ardwell Close
Crowthorne
Berks RG45 6BA

Dear Mr Tamsitt

PA F/2002/8165 ARDWELL HOUSE, ARDWELL CLOSE, CROWTHORNE

I refer to your letter of 23rd April 2003 and note the contents. I am sorry to read of your continuing concerns over this issue. However, as you acknowledge, Kerrin Lithgow, the planner responsible for dealing with this particular application, did attempt to contact you after your letter of 6th March 2003. I apologise that you found that contact to be unacceptable, but my understanding is that Miss Lithgow did explain the situation to your wife, and assumed the matter to be dealt with.

Your principal concern, in your letter of 6th March 2003, appears to be that Brookworths are negotiating with our engineers over elements of the application about which you have not been formally consulted by the local planning authority. When Miss Lithgow telephoned your wife she explained that the developer's proposals for Ravenswood Avenue do not form part of the planning application. Therefore Wokingham District Council, as local planning authority, was not consulting on them (the consultation was between the developer and residents, at the developer's initiative) and will not be consulting on them in its role as planning authority.

In general we are not in a position to respond to detailed comments that are made about planning applications, and this is pointed out in the letter which is sent notifying the residents of the proposed application, and inviting their comments on it. The precise wording is "please note that due to the volume of planning applications we are currently dealing with it is not possible for case officers to respond to individual questions raised in letters of comment". I can assure you that there is no intention to "brush issues under the carpet". Indeed, this is normal practice in planning authorities. All comments and objections are summarised in the committee report regarding a particular application or, in the case where a committee is not involved in a decision, the internal report is signed off by a Senior Officer.

With regard to the specific issues that you are concerned about, they all appear to relate to the developers proposal for the enhancement of Ravenswood Avenue. Ravenswood Avenue is a private street, but additionally has a public footpath (no. 37 Finchampstead) running over its surface. The developer is not proposing to raise the standard of construction to a level where it could be adopted, and they are not offering it for adoption.

Cont/.

As a private street the issue of the proposed enhancement works, therefore, rests between the owner of the street and the developer. In this particular instance the developer has an express legal right of way along Ravenswood Avenue and is therefore entitled to enhance the surface. Any dispute as to the nature or extent of the proposed works is a matter for the owner of the street and the developer to resolve without intervention by this authority unless it was of the opinion that the proposed works would interfere with the public right of way, previously referred to.

The issue of future responsibility for maintenance is undoubtedly one which you should raise, and resolve, with the developer before he undertakes any construction works. From the authority's point of view the road will continue to be a private street and have a public right of way running over its surface. We will continue to ensure that no encroachment occurs and it is possible that the road may be made up to an adoptable standard at some point in the future, although there would be contribution sought from each frontager in the event that the Council resolved to make up Ravenswood Avenue.

I understand that these are issues of concern to you as a local resident, however, while I am sympathetic to the issues that you raise they are not reasons for planning permission to be refused. The application will be considered at a future Development Control Committee meeting and residents, local Members etc are able to speak to that meeting in accordance with certain rules that are laid down. For your information I enclose a copy of the rules for Speaking at Committee so that you make your own comment to Committee, if you feel that is appropriate.

I can confirm that the application will be considered in accordance with all of the appropriate policies, and that a full report will be available at the Development Control Committee meeting.

I hope that this letter is of use in answering your queries.

Yours sincerely,

Mark Moon
Director of Environmental Services (Acting)

Cc: Andy Roberts, Acting Chief Executive
Cllr M Long, Cllr G Cockroft, Cllr A Ross, Cllr R Stanton
Anna Cronin, Head of Planning & Transportation
Trevor Watson, Development Control Manager
Kerrin Lithgow, Principal Planning Officer

Encs/.

Kerrin Lithgow

From: Mary Severin
Sent: 04 April 2003 13:40
To: Kerrin Lithgow
Cc: Colin Lawley; Keith Rogers; Catherine Woodward
Subject: Ardwell Close/Ravenswood Road

Kerrin,

I am writing this so that Colin is up to date on where we are during my absence.

So, to confirm what we discussed this morning, Keith has some concerns about the design of the proposed road works because of the drainage and road humps. You mentioned that the drawing showing the road works is not part of the application. We could, in theory have a widely worded grampian condition saying that the road works are to be agreed between the council and the applicant BUT after speaking to Rupert, we didn't think this was a good idea in this case, because rather obviously (with hindsight!) we have reason to believe we WONT agree the road works. Better instead to get the design problems sorted out, the applicant then should submit another drawing and then in the wording of the condition we say that the road works should be carried out in accordance with this drawing (quoting a drawing number)

I hope that is clear but I am here, (only until 4pm though) if not.

Mary

Mary Severin
Solicitor
Legal Services
Direct Dial: 0118 974 6539
Fax: 0118 974 6542
Mary.severin@wokingham.gov.uk
www.wokingham.gov.uk

Kerrin Lithgow

From: Mary Severin
Sent: 04 April 2003 09:37
To: Kerrin Lithgow
Cc: Colin Lawley; Keith Rogers
Subject: Ardwell Close

Kerrin,

I am writing to confirm our telephone conversation with regard to your memo of 3rd April.

There is no reason why we shouldn't have a grampian condition for works carried out on a private road, provided that the applicants confirm that they can reasonably undertake the work (which they have done). They have a private right of way for all purposes over the road, and they are correct when they say that, in law, they can upgrade that private right of way. There may be other private land law issues with other users of the right of way but that is a matter for them.

I hope that answers your query, but Colin has been briefed if not! I am back at work on 22nd April (just in time for committee).

Keith, I have asked Rupert to given an Opinion on other highways issues with regard to Ravenswood Road, working with Catherine, and will let you know when I have heard from him.

Mary

Mary Severin
Solicitor
Legal Services
Direct Dial: 0118 974 6539
Fax: 0118 974 6542
Mary.severin@wokingham.gov.uk
www.wokingham.gov.uk

WOKINGHAM DISTRICT COUNCIL

FAX sheet

To: Mr Angus Ross

From: Mary Severin, Legal Services, Wokingham District Council

Fax No: 0207 269 8811

Date: 21st May 2003

Subject: Ardwell House and Grampian Conditions

Total number of pages (inc. cover)

Angus,

Summarised below is the legal background to the Grampian condition for this application. I am aware that a letter from one of the residents, P. A. Webster, has raised some issues about our ability to impose a Grampian condition on this site.

A Grampian condition is simply a condition which is phrased negatively, that is, asking for an applicant to do something before development can be commenced. It is not correct to say that 'a Grampian condition is intended to be used where vehicular or pedestrian access is not currently possible' (see para. 6 of P A Webster's letter. A Grampian condition could be used in those circumstances, but the sentence doesn't represent a correct definition).

Circular 11/95 (the Conditions Circular) gives guidance on the imposition of negative conditions. At para. 40 it states: It is the policy of the Secretaries of State that such a condition should only be imposed on a planning permission if there are at least reasonable prospects of the action in question being performed within the time-limit imposed by the permission'.

We have had a letter from the applicant's agents saying they have 'the opinion of Leading Counsel' that they would have a (private) right in law to carry out the proposed works to Ravenswood Road. In addition, in response to our concerns about the ownership of the land on which the works are to be carried out, the applicant's agent has confirmed that 'the works proposed to be undertaken..will not infringe on the private property of owners along the road'.

The planning authority should not look further that the assurances from the applicant that the negative (Grampian) condition can be complied with – to do so would involve looking into private property rights and boundaries. If it is found that the applicant is wrong then he will not be able to build the road, and will not be able to commence development. This is exactly what the Grampian condition was designed for.

Please do not hesitate to call me if you had any more concerns about this.

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- Civic Offices, Shute End, Wokingham, Berkshire RG40 1WH
- Tel: 0118 9746000
- Fax: 0118 9746542

	equipped play area, maintenance of these	provided within Phase II. Off-site area is as per page 53 of the agenda.

Site Address: 45-49 Old Bath Road, Charvil
Application No: F/2002/7913 and F/2002/7460, Pages 79-150.

Application **F/2002/7913** has been deferred for one cycle. This is due to an administrative error with the notification of objectors that the application was due to be considered by the Committee at this meeting.

An appeal against non-determination of application **F/2002/7460** has been lodged. The Committee is requested to:
(a) Agree the revised recommendation that, had the appeal against non-determination not been lodged at the Planning Inspectorate, the application would have been refused planning permission for the reasons set out on pages 90-91 of the agenda.
(b) Authorise Officers to negotiate services and infrastructure contributions.
(c) Authorise Officers to inform the Planning Inspectorate and the appellants of the above resolutions.

Site Address: Ardwell House, Ardwell Close, Crowthorne
Application No: F/2002/8165, Pages 151-179.

Neighbours Letters
Further letters have been received from the following 12 neighbours:

10 Ardwell Close
11 Ardwell Close
12 Ardwell Close
23 Ravenswood Avenue
27 Ravenswood Avenue
30 Ravenswood Avenue
Edgeworth House, 33 Ravenswood Avenue
Silverley House, 40 Ravenswood Avenue
Ravenswood Village
Manor Court, Ravenswood Avenue
Rookwood, Devils Highway
Ms Shirley Mather

The letters are with regards to the following:

- The letters of objection should also refer to seepage – and its consequent contribution to surface water - as being a key concern;
- Work to be carried out on Ravenswood Avenue should be completed prior to the development being commenced;

- Who will be responsible for the maintenance of the improvements to Ravenswood Avenue in future?
- Confirmation from Ravenswood Village that their key concerns regarding the additional traffic and consequent deterioration of Ravenswood Avenue; the additional hazards on Ravenswood Avenue; additional deterioration of pot holes which are difficult to negotiate for persons in wheelchairs. Unless Ravenswood Avenue is adopted Ravenswood Village would not like to see the development proceed;
- Resurfacing Ravenswood Avenue will have no effect on long-term safety issues that the number of cars create;
- Non-resident parking at Dukes Avenue will not be resolved through these plans by Brookworth Developments;
- Already a soft verge to Ravenswood Avenue and this currently proves inadequate as a soakaway. Situation can only be solved with positive drainage, which the proposal does not provide;
- Current condition of the road will return within five years;
- Concern about the possibility of using the appropriateness of using a grampian condition (this concern is being addressed through council's legal advisers);
- Work to be undertaken to Ravenswood Avenue should be carried out prior to any development on the site;
- The Section 106 contributions proposed do not relate to the area. Contributions should be renegotiated in the interests of Ardwell Close;
- Ravenswood Avenue works to be carried out have not been formally consulted on.
- Effect on privacy to number 3 Ravenswood Avenue;
- Light pollution and its effect on numbers 11 and 12 Ardwell Close;
- Possible effect on numbers 11 and 12, through overbearing/overlooking. Hedge along the boundary is to be removed, as it falls on number twelve's side. A well built brick wall is requested along this boundary;
- Condition 3: should include a wall or closed fencing to at least 2.5 metres high on boundary of 11 and 12 Ardwell Close;
- Condition 6: Further condition should be put on ensuring that deliveries and removal of debris should be included in the time restriction;
- Condition 13: Should be extended to include mud and debris in local residents property;
- One complaint also about the processing of the application, in particular lack of response to letters and lack of information about the development.

A petition has also been received, signed by eight persons. The statement declares:

'Ravenswood Avenue is a private road which is, and will continue to be, unadopted by the Local Authority.

We will not give our permission to Brookworth Developments to construct a footway, nor to install street lighting on the private land, in front of our houses, which we own, and upon which the existing public footpath lies'.

Additional Information from the applicant

The applicant has advised that they are fully satisfied (on the strength of leading Counsel's Opinion) that the works proposed to Ravenswood Avenue can be undertaken. It should also be noted that Fieldgain Ltd is a dissolved company whose interests are now vested in

the Crown. The works intended are fully contained within the rights of way which apply to the application site and these works will also occur within the existing road/footway.

Additional information received from Bracknell Forest Borough Council
Bracknell Forest have advised that they consider that the works to be undertaken to the road constitutes development requiring Planning Approval under Class A Part 9 Schedule 2 of the GPDO regarding repairs to adopted streets. This is contrary to legal advice sought from council's advisers.

Attachments
The attachment at page 179 is incorrect and refers to a separate planning application. The comments from Finchampstead Parish Council can only be assumed to be as per the previous application, in which the Council objected on the grounds that *'the increase in traffic would contribute to the degeneration of Ravenswood Avenue, an unadopted Road already in a bad state of repair and heavily used for access to East Berkshire Golf Course and Ravenswood Village. Limited parking at the site will add to the congestion already experienced in Ravenswood Avenue and Ardwell Close. The Parish Council also considers the proposed development to be out of character and over bearing to the existing street scene by virtue of the fact that the size of the proposed apartments greatly exceeds the current footprint of the existing house'.* (Comments received 13th May 2002 for application F/2002/6270).

Conditions
The Access and Movement Officer has advised that the Grampian Condition (Condition 17) should be amended as follows:

No development shall commence until the road improvements proposed for Ravenswood Avenue as illustrated on drawings numbered TSP/BRO/P1032/01 Revision A have been completed in accordance with full engineering details to be submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of highway safety and convenience.

A further informative to supplement this condition should be added as follows:

3. *The details required pursuant to condition 14 shall include:*
   - *Footway construction in Ravenswood Avenue;*
   - *Repairs/surface treatment to Ravenswood Avenue*
   - *Soakaways*
   - *Street lighting*

Condition 14
The conditions have been numbered wrong – there is no condition 14 and the subsequent conditions should be numbered correctly.

Site Address: Land adj Winnersh Primary School and 41 Watmore Lane
Application No:F/2002/8154 Pages 180 - 260.

The appeal relating to O/2002/8206 has now been withdrawn. A copy of the minutes from Development Control Committee on the 9th April 2003, when this application was considered, are attached for information. The outstanding appeals are against applications F/2002/7309 and F/2002/7311. The applicant will be appending the additional information relating to the construction of the road to these appeals. Therefore confirmation is required from this Committee that the information submitted provides sufficient details to overcome the previous reason for refusal and that any remaining detailed matters are dealt with by condition. This was the view of the original appeal Inspector.

As an objection has been received from Sport England to this application should Members resolve to grant planning permission, in accordance with Circular 9/98 Town & Country Planning (Playing Fields) (England) Direction 1998, the application would need to be referred GOSE.

Additional comments have been received from Winnersh Parish Council in respect of revised plan showing change in house type for plots 1, 2, 3, 12 & 13. The Parish Council reiterate previous comments on this application.

In order to ensure adequate on-site supervision it is recommended that the following sentence be added to condition 6 after the first sentence:

'This should include details of how works will be supervised during construction.'

Site Address: Castle House Research Centre, Willow Drive, Twyford.
Application No: F/2003/8399, Pages 279-286.

The applicant has written accepting the service, amenity and infrastructure contributions as set out on page 266 of the agenda.

Site Address: The Bird In Hand Public House
Application No: F/2003/8652, Pages 309-319.

The Access and Movement comments on page 311 should be deleted and the following inserted:
The existing car park provided to the front of the premises is considered adequate to accommodate any extra vehicles as a result of the proposed development.

Site Address: 84 Malone Road, Woodley
Application No:F/2003/9013, Pages 326 - 331.

Page 327, section A refers to a conservatory twice, these should both read extension.

Page 328, in the conclusion also refers to a conservatory, and this should also read extension.

Development Control Ref No:	Received	Parish
F/2002/8165	09/12/2002	Finchampstead

Applicant: Brookworth Developments Ltd
Location: Ardwell House, Ardwell Close, Crowthorne
Proposal: Demolition of existing building and erection of 18 x 2 bedroom apartments

FOR CONSIDERATION BY: Development Control Committee
REPORT PREPARED BY: Head of Planning and Transportation and Kerrin Lithgow

SUMMARY:

Proposal

The proposal is to demolish the existing building, accommodating three residential units, and erect a replacement building incorporating 18 two bedroom flats. This application is identical to the previous application considered by committee last year (application F/2002/6270), with the exception that the applicant has been in discussions with Council's access and movement officers to determine the works which need undertaken to Ravenswood Avenue.

The proposed building would be between 37.1m and 34.2m long, (excluding bay windows) and between 21.8m and 18.8m deep. Height from the relevant ground levels varies. It would be about 9.8m high in the centre, 8.8m high at the southern wing and a maximum of 8.4m high at the northern wing, as measured to ridge levels of the roof.

The applicants' consultants have explained that the design theme is that of a classical large house set in landscaped grounds. They also explain that the building has been designed and sited so as to retain important trees and minimise potential overlooking and loss of privacy. The development would make more efficient use of land within the built-up area in a sustainable location, and provide 2 bedroom dwellings, as encouraged by the Council's policies.

RECOMMENDATION: GRANT PLANNING PERMISSION : Subject to completion of a Section 106 Agreement and conditions.

Background Papers

Held by: Planning Reception
Division: Development Control
Dept: Environmental Services

Contact No: 0118 974 6428/ 6429
E Mail: development.control@wokingham.gov.uk

NB: All reports seek to identify environmental, community safety and equal opportunities implications. Consultation with residents and organisations which has or is about to take place, will also be reported.

BACKGROUND

1 HISTORY

The building on this 0.56 ha. site is divided into 3 houses. They are two storeys but No. 1 has single dormers at the front and rear. The land slopes downwards to the west and north. The ground floors of the existing building are at normal ground level at the front (east elevation), but have raised terraced gardens at the immediate rear which drop downwards, via steps, to the west. There are trees on the site, which are subject to a Tree Preservation Order (TPO).

Application No. 33559 for the erection of 6 detached houses (and demolition of the existing building) was refused permission on 3rd August 1989 and the subsequent appeal dismissed on grounds of effect on trees. There is an extant permission No. F/2002/3761 granted on 15th June 2001 for a two storey side extension to No. 3 Ardwell House.

Application Number F/2002/6270, which was an identical application in terms of the building form, was recommended for approval by the planning officer and refused at committee on the 23rd of October 2002 due to the following reason:

1. *The proposed development would generate additional traffic onto Ravenswood Avenue, a private un-made road which also lacks street lighting and footway provision and this would adversely affect the safety of road users as a whole. Accordingly it is considered that the proposal is contrary to Policy LD5 of the Berkshire Structure Plan and Policies WT7, WT8 and WT9 of the Wokingham District Local Plan (Deposit Draft).*

The application was subsequently appealed, and will be considered at an informal hearing on the 17th of June.

2 CONSULTATION

Finchampstead Parish Council: Objection on the grounds that the proposed dwellings represents an overdevelopment of the site and would be established too close to the busy junction of Nash Grove Lane with Barkham Ride (comments attached)

Crowthorne Parish Council: Recommend refusal (comments attached).

Wokingham Without Parish Council: Object (comments attached – have also written with regard to the Ravenswood Avenue proposals which are attached also).

Access and Movement : No objection to the scheme, provided that a grampian condition is implemented to ensure that the improvement works to Ravenswood Avenue are undertaken and adequate soakaways are installed.

Environmental Health Officer : No objection subject to standard hours of construction work condition.

English Nature: No objections.

Policy: No policy objections to the principle of the development provided that the proposal complies with policies WOS3, WBE1, WH1A, WH6A, WT7 and WH7.

Council's Ecologist: The building has already been surveyed for bats. Unlikely to be any present, therefore no objection.

Thames Water: No objection to the application.

Landscape and Trees: No objection subject to conditions covering tree protection and landscaping.

Drainage: No objections subject to conditions.

Bracknell Forest Borough Council : No objection in principle to the proposal, subject to the Highways Officer being satisfied that the increase in traffic on Ravenswood Avenue is acceptable.

Environment Agency: No objection in principle to the development provided that conditions are imposed regarding soakaways and surface water control measures.

68 signature petition: Copy of grounds of petition attached.

Letters of objection from 35 persons on the following grounds:

- Increase in congestion and safety problems. Ravenswood Avenue is unadopted and has no pavements. Vulnerable pedestrians walk along here, including residents of care home and Ravenswood Village. Road is in a poor state of repair, is unsuitable for extra traffic including construction vehicles and cars swerve to avoid potholes. Conflict with cars parking at Dukes Ride end for shops and railway station.
- Access to the site is inadequate.
- Inadequate parking proposed - likely to result in on-street parking.
- Unnecessary demolition of a well-established Victorian building of character. Proposal will result in further erosion of architectural diversity in Crowthorne. Design out of character with mainly Edwardian properties in Ravenswood Avenue.
- Overdevelopment of the site out of character. The proposed density will be much higher than surroundings. No variety of size of dwellings.
- Loss of privacy and outlook. Proposed building will be large and overbearing and proposed windows will cause unacceptable overlooking. Rotation of building compared with existing will increase overlooking (to No. 12 etc. Ardwell Close).
- Proposed car parking will cause unacceptable disturbance to neighbouring properties through noise and fumes.
- Loss of trees and wildlife habitat.
- If allowed, developers should resurface Ravenswood Avenue and install street lighting and drainage (up to Ardwell Close).
- If allowed would set a precedent for other older houses in Ravenswood Avenue to be redeveloped.
- Foul and storm water drainage systems will be inadequate for increased load. Spring underneath and regular flooding of adjacent gardens to north-west due to run-off.
- Proposed access would cause unacceptable noise, disturbance and loss of trees and bushes to the rear of No. 27 Ravenswood Avenue.
- This application, in combination with the others in the area, represents excessive redevelopment.
- Procedural concerns regarding the lack of consultation on the Brookworth plans for Ravenswood Avenue.

Applicant Consultation: Consultation by Brookworth Developments was also carried out on the proposed improvements to Ravenswood Avenue. Some of the responses from local residents were also forwarded to the Council for consideration. Thirteen letters were received, with concerns relating to:

- Surface water drainage
- The speed humps and lighting causing visual pollution/urbanisation of the area
- Question as to maintenance of the improvements
- The surface dressing not being adequate and not lasting for a long length of time.
- One objection to the development was withdrawn on the basis of the proposed improvements by the applicant.

Any additional consultations received up to the date of the committee will be reported within the members update.

3. Appraisal –
Main issues:

A. Principle of proposed development, including density and housing mix. (Berkshire Structure Plan Policies H5 and H9; South East Area Local Plan Policies SH1 and SH8; Wokingham District Local Plan Policies WOS2, WOS3, WH3A and WH6; and PPG3).

B. Effect on character and appearance of the area, including trees and hedging. (Berkshire Structure Plan Policies H5 and EN1; South East Area Local Plan Policies SBE2 and SBE8; Wokingham District Local Plan Policies WH1, WBE1, WH6A and WBE11).

C. Effect on neighbouring residential properties. (South East Area Local Plan Policy SBE2; Wokingham District Local Plan Policy WBE1).

D. Access and movement. (Berkshire Structure Plan Policy LD5, T2, T3, T6, T7; South East Area Local Plan Policy ST3, ST5, ST8; Wokingham District Local Plan Policy WT2, WT6, WT7).

E. Services and infrastructure. (Berkshire Structure Plan Policy LD6; South East Area Local Plan Policy SPS1; Wokingham District Local Plan Policy WOS4).

F. Flooding issues. (Berkshire Structure Plan Policy EN3; South East Area Local Plan Policies SPS2 and SPS3; Wokingham District Local Plan Policy WIC16, WIC17; and PPG25.

G. Concerns of the Parish Councils and local residents.

A. <u>Principle of residential development, including density and housing mix</u>
As the application site is within the settlement boundary, the principle of redevelopment of it is acceptable. The proposal would provide 15 additional dwellings in a relatively sustainable location.

Density
The density would be 32 dwellings per hectare which is satisfactory under PPG3 and the Council's density policy which require a minimum density of 30 dwellings per hectare.
Housing mix
The proposal is for all 2 bedroom dwellings which is encouraged by Policy WH6. (Two of the proposed flats would also have a study, but even if these are counted as third bedrooms, the housing size mix would still be favourable under the policy).

B. Effect on the character and appearance of the area
The following comments from the planning officer within the previous committee report pertain to this application also:

'Whilst the existing building has character, as it is not a Listed Building, it is considered that no objection should be made to its demolition. The revised plans show that at the front the proposed building would be about 9.8m high at the central section, dropping to 8.8m at the southern end and a maximum of 8.4m high at the northern end (as measured from ground level to the ridge of the roof). Whilst the maximum height would be about 0.6m lower than that of the existing building, the proposed building would be significantly larger and more massive in appearance. However, as the site is fairly self-contained and already of a different size and scale to its surroundings, it is considered that the size, scale and architectural style of the building would not be out of keeping. The important trees on the site would be retained.'

The situation has not changed from the previous application, which was not refused on matters relating to the character and appearance of the building.

C. Effect on neighbouring properties
The following assessment was contained within the initial committee report. This situation has also not changed:

'Nos. 27-31 Ravenswood Avenue : (No. 27 Ravenswood Avenue has a two storey side extension on its south side). The revised plans show that there would now be only 3 dormer windows (to living rooms) on the second floor elevation instead of 9. No. 27 Ravenswood Avenue would be about 48m from the proposed building and No. 29 would be about 53m and obliquely to No. 31 about 55m and there are some trees in between. The access directly behind No. 27 would now be to the electricity sub-station only and would be gated off. It is therefore considered that the revised design and access would have an acceptable effect on Nos. 27, 29 and 31 Ravenswood Avenue in terms of potential overlooking, effect on outlook and disturbance.

Nos. 2 and 3 Ardwell Close : The revised plans show that the proposed building would be about 27m from the front of No. 2 (with proposed ground floor bay window about 25.4m away), and about 34m from No. 3. On the first floor there would be only an obscure glazed kitchen window and 4 rooflights in the second floor south elevation. There would also be some trees between. It is therefore

considered that the effect on the outlook and privacy of Nos. 2 and 3 would be acceptable. The main access would now be where the existing main access is opposite No. 2, and would be about 18m from the front elevation of No. 2 which has a front garden about 9m long. Whilst there would be an increase in vehicle movements and car lights, it is considered that the front of No.2 is far enough away from the access point for the effects to be acceptable.

Nos. 11 and 12 Ardwell Close : Nos. 11 and 12 are bungalows. There is a significant drop in levels between the application site and Nos. 11 and 12. The latest revised plans show that the ground floor slab level of the main part of the proposed building would be about 2.4m higher than the ground level of the north side boundary of the site. (The latter varies along the boundary but is taken to be about 73.1 OD.) However, the revised plans show the slab level of the northern wing now lowered so that the difference would be reduced to about 1.4m. The revised plans also show there would be only an obscure glazed kitchen window on the first floor and 4 rooflights on the second floor of the north elevation. The lounge window of No. 12 is in its front elevation and looks southwards over its own private garden up to the boundary. This is the same for No. 11, except that the driveway to No. 12 crosses its frontage. The north side of the proposed building would be about 44.5m from the front elevation of No. 12 (reducing to about 44m at the proposed ground floor bay window). Whilst there would be a degree of overlooking from the ground floor windows due to the difference in levels, this has been significantly reduced by the revised plans showing reducing the level of the building at this northern end. Given the distance away and the hedging and tree between, it is considered that the degree of overlooking of No. 12 would now not be unacceptable.

The proposed building would be 18.8m wide at its northern end, opposite the front of No. 12 and at a higher level. The estimated differences in actual height from the boundary with No. 12 are as follows: 7.2m to eaves level at nearest north end elevation (44.5m from front of No. 12), 9.9m to ridge level of front end of northern wing (50m from front of No. 12). (These figures are based on taking the boundary level to be 73.1 OD.) Even though the northern wing has been reduced in height, given the level differences and depth of the building it would have a significant effect on the outlook from No. 12 compared with that of the existing building. However, in view of the distance away (about 44.5m), it is considered that the effect would not be unacceptably overbearing.

No. 11 Ardwell House would not be directly opposite the proposed building and No. 10 would look only obliquely towards it. Therefore the effect on their outlook is considered acceptable. The windows in the ground floor side elevation would be at least 40m from the front of No. 11 and be to some extent off-set. The effect on No. 11 is therefore considered acceptable.

The proposed car park at the side of the building would have 20 spaces and the access would slope down towards it. The car park would be between 2m and 7m from the boundary with No. 12, and at least 27m from the nearest corner of No. 12. However, there is a substantial hedge and 2 trees between which would help to screen cars and their lights. The effect of the proposed car park on Nos. 11 and 12 is therefore considered acceptable.

The windows in the rear elevation would be at least 55m away from No. 10 and look obliquely. The remaining dwellings in Ardwell Close would be far enough away with trees between for their relationship with the proposed building to be satisfactory.

D. Access and Movement

Members may recall that at the previous committee of the 23rd of October 2002 the application was refused on the grounds of the additional traffic on Ravenswood Avenue, and the effect on the safety of the road users.

The applicant has since been undertaking discussions with Council's Access and Movement Officer, and has provided a plan for preliminary consideration, which is not a formal part of the planning application, and which is considered 'permitted development through Part 9 of the General Permitted Development Order 1995. As such these plans have not been subject to formal consultation, although Brookworth Developments have undertaken their own consultation. Copies of some of the responses to Brookworth Developments were sent to the Council for information purposes, and the results of this are outlined in the 'Consultation' section above.

The plan proposes various improvements to Ravenswood Avenue: to repair pot holes, provide a footway, upgrade street lighting, surface dress the carriageway, and produce speed humps. A plan of the proposed road improvements will be provided at Committee for information purposes.

The access and movement officer has advised that, provided that the proposed works can be undertaken (pursuant to a Grampian condition), and provided that details will be provided showing how the soakaways will work, there are no further concerns from council's access and movement officers.

Legal advice has been obtained with regard to the ability to carry out works to Ravenswood Avenue. Provided that the works to be carried out are solely within the ownership of Fieldgain Limited (the owners of the land – in receivership) and that the applicants are reasonably satisfied that the work can be undertaken, a grampian condition for these permitted developments could be applied.

A grampian condition has therefore been included within the list of recommended conditions.

E. Services and Infrastructure

The following contributions have been requested and agreed:

- Education : £6,694.38
- Recreation community facilities: £12,810 (comprising £4,500 for improvements to play facilities at California Country Park and £7,500 to upgrade community facilities at the Finchampstead Memorial Hall. Also £810 for library book stock).
- Highways : As detailed above.

These provisions and contributions are considered acceptable and should be secured by a Section 106 Agreement and conditions.

F. Flooding issues
The application site does not contain any land shown on plans supplied by the Environment Agency as being liable to flooding.

G. Concerns of the Parish Council and local residents
These have been noted and addressed above. The Environment Agency has recommended a condition to cover surface water drainage.

5. **Conclusion** - The proposal would provide 15 additional smaller dwellings on a site within the settlement which is in a relatively sustainable location and at an acceptable density. The proposed access, parking and contributions are considered acceptable. The proposed highways works which would be required through condition are deemed to overcome the previous reasons for refusal. The proposed development is therefore considered acceptable.

6. **Recommendation** - GRANT planning permission subject to completion of a Section 106 Agreement as set out in section 4E above and to the following conditions:

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
Reason: In pursuance of Section 91(1) of the Town and Country Planning Act 1990.

2. Before the building operations hereby permitted are commenced, samples and details of the proposed external materials shall be submitted to and approved in writing by the Local Planning Authority and no external materials shall be used other than those approved.
Reason: To ensure that the external appearance of the building is satisfactory.

3. The development shall not commence until details of all boundary treatment(s) has been 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 or phased as agreed in writing by the Local Planning Authority. The approved scheme shall be maintained in perpetuity.
Reason: To safeguard the visual amenities of neighbouring properties and the locality.

4. Notwithstanding the provisions of the Town and Country Planning, (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no additional windows or similar openings shall be constructed in the first or second floors or above in any elevations of the building hereby permitted except for any which may be shown on the approved drawing(s).
Reason: To safeguard the residential amenities of the occupiers of neighbouring properties.

5. The first floor kitchen windows in the north and south side elevations of the development hereby permitted shall not at any time be glazed other than with obscured glass.
Reason: To safeguard the residential amenities of the occupiers of neighbouring properties.

6. Works related to the construction of the development hereby granted, including works of demolition or preparation prior to building operations, shall not take place other than between the hours of 8 am and 7 pm Monday to Friday and 8 am to 1.30 pm Saturdays and at no time on Sundays or Bank or National Holidays.
Reason: To protect the occupiers of neighbouring properties from noise and disturbance outside the permitted hours during the construction period.

7. The development hereby approved shall be constructed in accordance with the slab levels shown on the approved drawings.
Reason: In order to ensure a satisfactory form of development relative to surrounding buildings and landscape.

8. No part of any building(s) hereby permitted shall be occupied or used until the vehicle parking and turning space herein approved has been provided. The vehicle parking and turning space shall be permanently maintained and used for no other purposes.
Reason: To ensure a satisfactory form of development and to avoid adverse impact on the public highway in the interests of highway safety.

9. No restrictions shall be made at any time on the use of the car parking spaces shown on the approved plan(s) by occupiers of, or visitors to, any of the buildings hereby permitted.
Reason: To reduce the likelihood of roadside parking, and to maintain the Local Planning Authority's car parking standards in the interests of highway safety and amenity.

10. No building shall be occupied until space for parking bicycles has been provided in accordance with the approved drawing(s)/details(s).
Reason: In order to ensure bicycle parking facilities are provided and encourage use of sustainable modes of travel.

11. Before any other part of the development hereby permitted is commenced, the proposed vehicular access shall be formed and provided with visibility splays shown on drawing No. 01/083/011D. The land within the 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.
Reason: In the interests of highway safety and convenience.

12. Prior to commencing work on site, provision shall be made to accommodate all site operatives, visitors and construction vehicles loading, off-loading, parking and turning within the site during the construction period, in accordance with details to be submitted to and agreed in writing by the Local Planning Authority. The provision should be maintained and used at all times.

Reason: To prevent queuing and parking off site, in the interests of highway safety and convenience.

13. Precautions shall be taken for the duration of the construction period to prevent the deposit of mud and similar debris (including blown litter) on the adjacent public highways, in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.
Reason: In the interests of highway safety and convenience.

15. No building shall be occupied until the access has been constructed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of highway safety and convenience.

16. None of the dwellings shall be occupied until space has been provided within the curtilage for vehicles to turn so that they may enter and leave the site in a forward gear and this space shall thereafter be maintained at all times for this purpose.
Reason: In the interests of highway safety and convenience.

17. Details of the works proposed to Ravenswood Avenue shall be submitted to and approved in writing by the Planning Authority prior to any development of the site. The works to Ravenswood Avenue are to be completed prior to the first occupation of the site.
Reason: In the interests of highway safety and convenience.

18. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development; the approved landscaping scheme (with the exception of planting, seeding and turfing) shall be implemented prior to the occupation of any of the building(s) hereby approved and retained.
Reason: In the interests of visual amenity.

19. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the landscaping die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
Reason: In the interests of visual amenity.

20. No trees, hedgerows or shrubs within the curtilage of the site, except those shown on the approved plan(s) or otherwise clearly indicated in the approved details as being removed, shall be felled, lopped or pruned, nor shall any roots be removed or pruned without the prior consent of the Local Planning Authority during development and for a period of five years after completion of the development hereby approved. The branch structure and trunks of the trees to

be retained and their root systems shall be protected from any damage during site works, in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Any trees, hedgerows or shrubs removed or which die or become dangerous, damaged or diseased before the end of a period of five years after completion of the development hereby approved shall be replaced with new trees, hedging or shrub species (of such size species and in such number and position as maybe agreed in writing), before the end of the first available planting season (1st November to 31st March) following their loss or removal.
Reason: The existing trees/hedgerows/shrubs represent an important public visual amenity in the area.

21. Development shall not begin until surface water sewerage works have been carried out in accordance with details submitted to and approved by the Local Planning Authority.
Reason: In order to ensure satisfactory provision is made.

22. Details of surface water balancing works together with details of the stage of the development at which the works will be brought into use are to be submitted and approved by the Local Planning Authority prior to commencement.
Reason: In order to ensure satisfactory provision is made.

23. None of the dwellings shall be occupied until foul sewerage works have been provided to serve the development hereby permitted, in accordance with details to be submitted to and approved by the Local Planning Authority.
Reason: In order to ensure satisfactory provision is made.

24. Details of land drainage works together with details of the stage of the development at which the works will be brought into use are to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any development on the site. The works shall be constructed and implemented in accordance with these details.
Reason: In order to ensure satisfactory provision is made.

25. No soakaways shall be constructed such that they penetrate the water table, and they shall not in any event exceed 3 metres in depth below existing ground level.
Reason: To prevent pollution of groundwater.

Informatives:

1. The approved plans comprise the following:

Location plan	No.	01/083/010
Planning Layout		01/083/011D
Road plan		01/083/011D
Ground floor plan		01/083/012B
First floor plan		01/083/013B
Second floor plan		01/083/014C
Front elevation		01/083/015D
Rear elevation		01/083/016C
North side elevation		01/083/017D
South side elevation		01/083/018C
Extract of Site Survey		01/083/021

2. You are advised, in compliance with *The Town and Country Planning (General Development Procedure) (England) (Amendment) Order 2000*, that the following policies and/or proposals in the development plan are relevant to this decision:

   Berkshire Structure Plan Policies LD5, LD6, H5, H9, EN1, EN3, T2, T3, T6, T7.
   South East Area Local Plan Policies SH1, SH8, SBE1, SBE2, SBE8, ST3, ST5, ST8, SPS1, SPS2, SPS3.
   Wokingham District Local Plan Policies WOS2, WOS3, WOS4, WH1, WH3A, WH6, WH6A, WBE1, WBE11, WT2, WT6, WT7, WIC16, WIC17

PLANNING SERVICES	HPT
POL	TLS
DC T.J.	ENF
APP	
CS	
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	FILE:

10, Ardwell Close
Crowthorne
Berkshire
RG45 6BA
01344 771073
djandjcollins@aol.com

22 May 2003

Mr Angus Ross
Chairman, Development Control Committee
Wokingham Unitary Authority
Shute End, Wokingham
RG40 1WR

Application F/2002/8165, Ardwell House

Dear Mr Ross,

This letter is to express our sincere thanks for the objective and thorough manner in which the complexities of the application to redevelop Ardwell House were dealt with by you and your committee at last night's meeting. The contributions from Trevor Watson, in particular, provided clear and well considered insight into the consequences of the various courses of possible action.

Needless to say residents are delighted with the outcome.

However, in spite of the fact that the committee has now twice refused the application, there is no complacency on our part with regard to the outcome of the forthcoming appeal on 17 June. Indeed, we are acutely aware that Inspectors have a reputation for addressing conditions less thoroughly than local authorities, and that there is thus some risk, as Trevor wisely said (if the Inspector approved the development), that residents may end up less well protected than if the application had just been dealt with by WUA.

The Appeal, if it goes ahead, will undoubtedly be difficult and we are sure that the residents will be only too willing to support the Committee's reasons for refusal of the original application. WUA, our elected representatives and local residents must now work together and present a united front to the Inspector.

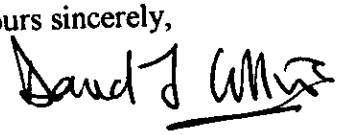
We shall be seeking advice and guidance, from those with prior experience of the Appeals process, as to how those various contributions can most effectively be made – so we hope that you will not be too disappointed to hear that you have not heard the last from us! We will need urgently to consult you and permanent officials in WUA to understand how we best integrate our contributions, and to clarify the stance which each will be taking.

I have one comment to make regarding the way yesterday evening's meeting was conducted and I hope it is helpful.

We were all surprised that the Planning Officer did not brief the DCC more thoroughly at the outset with regard to the details *and plans* that the developer had for Ravenswood Avenue. As this was the only real difference between the two applications, supposedly addressing the factors that had led to the refusal last October, it was likely to be the key area of contention for, and consideration by, the committee. If I recall correctly, the first details of what the developer was planning to do, were disclosed when comment was sought from Keith Rogers. By then, I and others had spoken, making reference to things upon which it was clear the committee had not been briefed, thus certainly undermining the effectiveness of my inputs and the context of residents' concerns. Maybe there was a good process or protocol reason for this approach by the officers, but it certainly did not allow for a logical sequence of contributions likely to facilitate a clear understanding of issues and concerns.

Some clarification of why things were handled that way would be appreciated, if only to facilitate our understanding for future reference.

Yours sincerely,



Dr D J Collins

cc Trevor Watson, Development Control Manager

Memo

To: Mary Severin

From: Kerrin Lithgow

CC:

Date: 03/04/03

Re: Ardwell House

Ardwell House, Ardwell Close, Crowthorne

Mary,

I have been in contact with Robin Bradbeer in the last day or so, and he has confirmed in writing that the work will only be carried out on Ravenswood Avenue, and that they believe they can reasonably undertake the work.

I have also received comment from Keith Rogers (see attached) which indicates again that the improvement works should be contained within the application site area. He also considers that given it is a private road, we cannot attach a grampian condition.

I need some urgent advice as to whether this work can be attached as a grampian condition (now that we have the applicants confirmation that the works will be only carried out on Ravenswood Ave and can be reasonably undertaken), or whether it needs a new application site boundary/consultation etc.

Keith has also raised several issues to do with the design of the road. I shall put the drainage/financial/speed hump matters to the applicant to see if they can alter the plans. Otherwise I shall put it to the April 23rd committee for refusal based on these unresolved matters.

Please note that in order for the application to go to committee I do need comment as soon as possible please - if you could also run this past Rupert Warren I would be most grateful.

Of note also – I spoke to a Mrs Jones regarding this application this afternoon. She mentioned some case law of relevance – *Carter Commercial Developments v. Sec State* in JPL Jan 2003. The case concerned grampian conditions and sounded of some use.

Regards,

Kerrin

Kerrin Lithgow

From: Robin Bradbeer [R.Bradbeer@btopenworld.com]
Sent: 03 April 2003 08:41
To: Kerrin.lithgow@wokingham.gov.uk
Subject: Ardwell House

In response to your email of 2 April I can confirm that the proposed works have been designed by the applicant's Safety, Traffic and Highway Engineering Consultants following a detailed survey and relevant legal enquires. Accordingly the applicant believes that the works can be reasonably carried out. I shall be in the office all morning (Thursday 3 April) and therefore do please call me if you require any further clarification. I would be grateful if you can confirm please that this application will now be presented to Committee on 23 April.

Robin Bradbeer

WOKINGHAM DISTRICT COUNCIL

ENVIRONMENTAL SERVICES DEPARTMENT
ENGINEERING SERVICES

MEMORANDUM

FROM: Keith Rogers **MY REF**: KR/8165

YOUR REF:

TO: Kerrin Lithgow - Planning **DATE**: 03/04/03

PLANNING APPLICATION NO. F/2002/8165.
PROPOSED DEMOLTION OF EXISTING DWELLINGS AND ERECTION OF 18 FLATS ON LAND AT ARDWELL HOUSE, ARDWELL CLOSE, CROWTHORNE.

FURTHER COMMENTS
The applicant has submitted a plan (Stilwell Partnership drawing numbered TSP/BRO/P1032/01) showing proposed road improvements for Ravenswood Avenue from its junction with Ardwell Close to its junction with Dukes Ride in Crowthorne, Bracknell. The works comprise the provision of a 1.8 metres wide footway along the westernside of Ravenswood Avenue (from Ardwell Close to Dukes Ride), the installation of 4 road humps with associated signage, 9 street lighting columns (8 in Ravenswood Avenue & 1 in Ardwell Close) and the repair and surface dressing of the road surface throughout the length of the proposed improvement.

There are a number of outstanding issues which need to be clarified and/or addressed with regard to any such works and these are outlined as follows:

- The improvement works should be included in the planning application site area and appropriate notices served on landowners (or where unknown notice giving in the press and possibly on-site).
- As part of the proposed works fall outside this Council's control, separate planning consent will be required from Bracknell Forest Borough Council (the local planning and highway authority for that section of Ravenswood Avenue from Bembridge Court to Dukes Ride).
- It is unclear as to whether or not the developer intends to fully fund and implement these works.
- It is unclear as to whether or not the developer can legally carry out such works.

While the submission of the proposed improvements works is the appellant's attempt to overcome the objection raised with regard to Planning Application No. F/2002/6270 by this Council's Development Control Committee at its meeting held on 23 October 2002 this gives rise a further issue concerning surface water drainage.

In the event of the developer being in a position to fully fund and legally carry out these works, it does appear that the concerns with regard to the unmade surface, lack of street lighting and footway provision could be addressed. However, while the provision of road humps (which require separate consultation under the Road Hump Regulations 1999) would control vehicle speeds I am not convinced that such measures would be of public benefit. If speeding traffic is perceived to be a problem as a result of the improvement works then this should be addressed by horizontal as opposed to vertical solutions.

Turning now to the additional concern with regard to surface water drainage. The creation of a kerbline on the west side of the Ravenswood Avenue carriageway would result in surface water run-off problems. Without a positive drainage system the scheme is likely to result in ponding in Dukes Ride, Ravenswood Avenue as well as individual driveways.

Keith Rogers
Team Leader (Highway Development Control)

Kerrin Lithgow

From: Robin Bradbeer [R.Bradbeer@btopenworld.com]
Sent: 02 April 2003 10:52
To: Kerrin.lithgow@wokingham.gov.uk
Subject: Ardwell House

In response to your email of 1 April I can confirm that the works proposed to be undertaken are to be carried out on the Rights of Way along Ravenswood Avenue only and will not infringe on the private property of owners along that road.

Robin Bradbeer

Kerrin Lithgow

From: Mary Severin
Sent: 01 April 2003 11:30
To: Kerrin Lithgow
Cc: Keith Rogers; Catherine Woodward; Steve Auton
Subject: RE: Ravenswood Road

Thanks Kerrin.

I am writing to confirm my conversation with you. I had hoped to have heard from Rupert by now, but as you know there is going to be a bit of a delay.

In order to sort out the 'grampian condition problem', please could you ask the applicants to confirm (or otherwise) whether the proposed highway works to Ravenswood road are wholly within the ownership of Fieldgain Limited AND that they reasonably believe that the work can in fact be carried out. (On the latter point, they may need to obtain permission from the liquidator for Fieldgain as landowner, despite the fact that they have a legal right of way on the land. It is up to them to sort that out) If they are able to confirm those two points, then I am happy, legally, for the grampian condition with regard to the works on that road.

If the applicants cannot confirm that the works are within Fieldgain's land, ie, are within adjoining land, then the legal position will be quite complicated. It will bring into play all the Highways advice Catherine has given us. I have asked Rupert to look into that and he is doing an opinion for us. I am hoping that it will not be strictly necessary for this particular application, but I have asked him to do it nevertheless - I don't think this problem will go away I'm afraid!

Keith, Catherine and Steve, (and Kerrin if there is still a problem with this application!) I will let you have Rupert's Opinion as soon as I receive it.

Mary

Mary Severin
Solicitor
Legal Services
Direct Dial: 0118 974 6539
Fax: 0118 974 6542
Mary.severin@wokingham.gov.uk
www.wokingham.gov.uk

-----Original Message-----
From: **Kerrin Lithgow**
Sent: 01 April 2003 10:50
To: Mary Severin
Subject: RE: Ravenswood Road

mary - just checked the file on Ardwell - there wasn't actually a letter of 3rd March - Robin Bradbeer and I just spoke on the phone that day. Only letter as such was of 26th Feb.

-----Original Message-----
From: Mary Severin
Sent: 01 April 2003 09:58
To: Kerrin Lithgow
Subject: Ravenswood Road

Hi Kerrin, I understand you are on a quiet day. I would be grateful if you could give me a all when you are able to? Many thanks,

Mary

Mary Severin
Solicitor
Legal Services
Direct Dial: 0118 974 6539
Fax: 0118 974 6542

Mary.severin@wokingham.gov.uk
www.wokingham.gov.uk

Kerrin Lithgow

From: Kerrin Lithgow
Sent: 24 March 2003 14:56
To: 'Robin Bradbeer'
Cc: gavin@brookworth.com
Subject: RE: Ardwell House F/2002/8165

Mr Bradbeer,

We are in the process of instructing counsel to assess the legal opinion you sent us (should be a meeting on this on Wednesday). Until I know the outcome of this I clearly am not in a position to take the application to committee, as it would result in the same outcome as last time, which would waste your time and mine.

Committee dates between now and june are 9th april, 23rd april and 21st may.

Regards,
Kerrin Lithgow

-----Original Message-----
From: Robin Bradbeer [SMTP:R.Bradbeer@btopenworld.com]
Sent: 24 March 2003 08:09
To: Kerrin.lithgow@wokingham.gov.uk
Cc: gavin@brookworth.com
Subject: Ardwell House F/2002/8165

I refer to my letter dated 4 March 2003 with enclosures and to our subsequent telephone discussions.

I appreciate that you are awaiting comments form Mary Severin of Legal Services before responding.

In view of the time lag and the impending Hearing I would be grateful if you could provide a response this week please and confirm which Committee meeting this application will be reported to.

Thank you

Robin Bradbeer

WOKINGHAM WITHOUT PARISH COUNCIL

The Clerk, The Lodge
Pinewood Centre
Old Wokingham Road, Wokingham, Berks RG40 3AQ.
Tel: Crowthorne (01344) 771425
Fax: (01344) 762283
email wwpc.gov@btinternet.com

FAX MESSAGE

TO: WDC Dev.Control. **ATTENTION:** Kerrin Lithgow.

FROM: John Grant. **DATE:** 11th March 2003

Re Application ref. F/2002/8165 and 6270, Ardwell House, Crowthorne.

Although this Council were consulted on these applications originally, we have had no notification from you to date about additional proposals by the developers, Brookworth Developments Ltd., to meet some of the objections. Perhaps this is because the site is actually over the border in Finchampstead? I believe Ravenswood Avenue is partly in Finch, partly in Crowthorne and partly in this Parish.

Nevertheless, Brookworth have sent us the details direct, which were considered by this Council's plans committee yesterday evening, and I was asked to write and confirm on behalf of this Council its continued opposition to the proposal. It agrees with local objectors that the proposed addition of lights, signs and road humps would be only a cosmetic improvement, as the road is unadopted, so that there would be no provision for their maintenance, and in addition there are doubts that the road is adequately structured and drained, and a belief that the speed humps would very quickly deteriorate after installation on an unstable base, with no provision for their repair.

This Council are still opposed to this development for the reasons already stated.

Regards,

John Grant.
Clerk to the Council.

Robin Bradbeer Limited

Planning & Development Consultancy

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GL6 7LS

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Planning Services
Wokingham District Council
Shute End
Wokingham
Berkshire RG40 1WR

4 March 2003
Our ref. RWB/387
Your ref. F/2002/8165

For the attention of Ms Kerrin Lithgow
Development Control

Dear Ms Lithgow

SITE : ARDWELL HOUSE ARDWELL CLOSE CROWTHORNE BERKSHIRE
PROPOSAL : DEMOLITION OF EXISTING DWELLINGS AND ERECTION OF 18 X 2 BEDROOM APARTMENTS - REVISED APPLICATION FOLLOWING REFUSAL F/2002/6270

I refer to your letter dated 26 February 2003.

When I telephoned to discuss your letter on 3 March I expressed bewilderment at your suggested course of action since the applicant's proposed works to Ravenswood Avenue follow the suggestion made by your Council that such works should be implemented by a "Grampian" condition. Off-site works covered by such a condition are not normally "red-lined". There has been no previous suggestion, in the context of either the previous application, the current appeal nor this application, that the Council resiles from its previous suggestion.

The appropriateness of a "Grampian" condition is reinforced by the opinion of Leading Counsel recently obtained on behalf of my client. The Opinion states that the site owner would have the right in law to carry out the proposed improvements to Ravenswood Avenue. I attach for your information a copy of the Opinion of Mr Michael Driscoll QC dated 26 February 2003.

Combining this legal advice with the advice recently issued by ODPM on the use of negative conditions that updates Circular 11/95 (copy attached), it is clear that in the circumstances of this case such a condition would be consistent with Government advice. The Council has not disputed this in the current appeal.

For your information the applicant has been proactive in taking steps to inform local residents and neighbours of the improved package of off-site highway measures by circulating a copy of

Registered in England Number: 3372202

the drawing together with an explanatory letter.

In the circumstances I shall be grateful if you will review your advice taking into account the foregoing.

Yours sincerely



ROBIN BRADBEER BA (Hons) MRTPI Chartered Town Planner

Enc.

COPY

26 February 2003

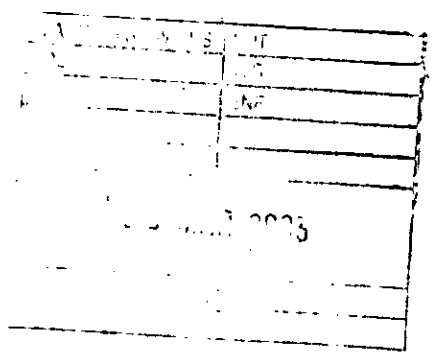
BROOKWORTH DEVELOPMENTS LIMITED

RE: LAND AT ARDWELL HOUSE, RAVENSWOOD AVENUE FINCHAMPSTEAD WOKINGHAM BERKSHIRE

OPINION

Pitmans
47 Castle Street
Reading
Berkshire
RG1 7SR

Ref: AD/SMC/BROO.ARD



BROOKWORTH DEVELOPMENTS LIMITED ("Brookworth")

RE: LAND AT ARDWELL HOUSE, RAVENSWOOD AVENUE FINCHAMPSTEAD WOKINGHAM BERKSHIRE ("the Site")

OPINION

Background

1 I am asked to advise Brookworth.

2 Brookworth is considering a development of the Site. The Site comprises land in three registered titles BK 11317 BK 12190 and BK 13941. Brookworth does not currently own the Site but it has entered into option agreements with the three registered proprietors.

3 The Site was sold off in three separate titles in 1960 and 1961. Until it was sold off it was in the common ownership of Leslie Mortis. Each transfer by Mr Mortis contained an express grant of a right of way over what is referred to as Ravenswood Avenue.

4 The right of way was expressed in the following terms

"a right of way at all times and for all purposes over Ravenswood Avenue"

5 The right of way is registered in the Property Register of each of the three registered titles.

6 The title to Ravenswood Avenue is registered under title BK224804.

7 The registered proprietor of Ravenswood Avenue is Fieldgain Limited, which acquired its title in 1986 but which is now dissolved.

8 Entry 1 in the Charges Register of the title to Ravenswood Avenue states that it is subject to rights of way.

9 Brookworth is considering a development of 18 apartments on the Site. In order to obtain planning permission Brookworth may have to accept conditions which require Ravenswood Avenue to be improved.

10 Ravenswood Avenue is a long strip of land which connects public highways, and in particular Ardwell Close and Dukes Ride. The major part of the strip is a made-up road or street. It is in a very poor state of repair. On the west side of the made-up road or street is a public footpath.

11 The proposed improvements are as follows. They affect only that stretch of Ravenswood Avenue which lies between Ardwell Close and Dukes Ride.

12 **First** it is proposed that the public footpath should be given a new tarmacadam surface. The new surface will extend across a width of about 2m but it will not extend further than the existing public footpath.

13 **Secondly** it is proposed to erect 5 new street lamps at various locations in the public footpath and 3 new street lamps at various locations on the east side of the made-up road.

14 **Thirdly** it is proposed to repair the stretch of road to which I have referred and cover it with a new tarmacadam surface.

15 **Fourthly** it is proposed to construct 4 speed bumps in the same stretch of road.

Question

16 I am asked whether the Site owner would have the right in law as the person entitled to the right of way which I have described to carry out the proposed improvements to Ravenswood Avenue

Advice

17 My advice is that the Site owner would have that right.

Reasons

18 The reasons for my advice are as follows.

19 The Site owner has a general right of way over Ravenswood Avenue. The registration of that general right of way in the Property Register of each of the registered titles confers an absolute title on the Site owner to that right of way: ss 5 and 20 of the Land Registration Act 1925

Right to repair and improve

20 A person entitled to a general right of way over land owned by another person has the following rights in respect of the way.

21 **First** I should explain what I mean by a general right of way. It is a right of way which (as here) is a right of way at all times and for all purposes. The grant of such a right of way is a grant in very wide terms and is not confined to the purpose for which the land which has the benefit of the right is used at the time of the grant: *South Eastern Railway v Cooper* [1924] 1 Ch 211.

22 **Secondly** a recent re-statement of the rights of a person entitled to a general right of way was made by Gibson LJ in *Nationwide Building Society v James Beauchamp* [2001] 3 EGLR 6, CA, in which he said the following:

> " 11. ... As I understand the authorities, the grant of a right of way is to be taken to carry with it such ancillary and incidental rights as are necessary to make the grant fully effective. This is so whether the right of way is obtained by prescription or by express grant. The law presumes this to have been the intention of the parties.
>
> 12. In *Newcomen v Coulson*[1], by an award under an Inclosure Act, allottees were given a right of way on foot and on horseback, and with their carts and carriages, and with horses, oxen and cattle, doing as little damage to the soil or the corn, the grass or the herbage, as may be. The award expressly contemplated that the allottees might "street out" the way, and, in such event, a particular width was specified. Pursuant to the award, a road of the specified width was made. The defendants, who owned part of an allotment, commenced forming a solid granite road in place of the previous cart road. The plaintiff lord of the manor sought to restrain the improvement of the road and the erection of the bridge. Malins V-C refused the application saying at p140:
>
> > "I mean [the Defendants] to have the fullest right of metalling the road and making it the best road they can to meet the circumstances."
>
> 13. This court dismissed the plaintiff's appeal. Sir George Jessel MR (with whom James LJ agreed) said at pp143-144:
>
> > "Then it was said, admitting the owner of each house to have a right of way, still the grantees have no right to enter upon the allotments over which the right of way is granted for the purpose of laying down a metalled road. Now it was conceded to be the principle of law that the grantee of a right of way has a right to enter upon the land of the grantor over which the way extends for the purpose of making the grant effective, that is, to enable him to exercise the right granted to him. **That includes not only keeping the road in repair but the right of**

[1] (1877) 5 Ch D 133.

making a road. If you grant to me over a field a right of carriage-way to my house, I may enter upon your field and make over it a carriage-way sufficient to support the ordinary traffic of a carriage-way, otherwise the grant is of no use to me, because my carriage would sink up to the naves of the wheels in a week or two of wet weather. It cannot be contended that the word "repair" in such a case is limited to making good the defects in the original soil by subsidence or washing away, it must include the right of making the road such that it can be used for the purpose for which it is granted. Therefore I think the Defendants have a right to make an effective carriage-way going, as they are going, by the shortest route, and not interfering with the land to a greater extent in width than the width of the street pointed out by the deed itself."

14. Unlike the judge, who appears to have derived from *Newcomen* the proposition that only the bare minimum could be done by the grantee of a right of way to make the way effective, I do not read the words of the Master of the Rolls as indicating some limit upon the standard of "streeting out". There is no indication that this court disapproved of what Malins V-C had said in the sentence that I have cited. The only restriction upon what could be done was the prescribing of the maximum width of the way if "streeted out".

15. In *Mills* v *Silver* [1991] Ch 271, this court considered what a prescriptive right of way entailed. Dillon LJ (with whom Parker and Stocker LJJ agreed) thought it clear that grantees of such a right of way were entitled to repair, as opposed to improve, the road. But he went on to contrast that with the position if there had been an express grant of a right of way. He said, at pp286G-287:

> **"In the second place if the first and second defendants or their predecessors had been expressly granted a right of way for all purposes with or without vehicles over the disputed track that would have entitled them not merely to repair the disputed track but to improve it to make it suitable for the accommodation of the dominant tenement even if the dominant tenement was to be used for some purpose not in contemplation at the time of the grant**: see *Newcomen* v *Coulson* .... This is founded on the presumed intention of the grant. In the simplest case, if a general right of way is granted with or without vehicles, which is to be the principal access to a house, it is permissible for the grantee to improve it by making it up as a carriageway: see for instance *Gerrard* v *Cooke* (1806) 2 Bos & Pul NR 109."

23 **Thirdly**, therefore, the law is clear. A person such as the Site Owner who has a right of way at all times and for all purposes is entitled both to repair and improve the way over which he has that right.

Limits on improvements

24 What then are the improvements which the Site Owner is entitled to make?

25 **First** it is clear that the Site Owner is not limited to only the bare minimum that could be done to make the way effective: see *Nationwide Building Society v James Beauchamp* at Para 14.

26 **Secondly** as the way is in this case shared with others the Site Owner cannot carry out any improvements which would substantially interfere with the rights of other users in an unreasonable manner: *Jelbert v Davis* [1968] 1 WLR 589 at 597E.

27 **Thirdly** it is said that the improvements must be ones which are reasonably necessary for the enjoyment of the easement granted. It is not however clearly established that this is a limitation on the right to make an improvement. There is no English decision which says that it is a limitation and Peter Gibson LJ could have adopted it in *Nationwide Building Society v James Beauchamp* but chose not to do so. I doubt if it is therefore a limitation on the right to make improvements. But if it is then the limitation requires it to be shown that the improvement is reasonably necessary for the purpose of exercising the right to use the way for all times and for all purposes effectively.

28 Applying those three tests to the improvements proposed in this case the position is as follows.

29 If the Site cannot be developed unless the proposed improvements are made to Ravenswood Avenue then it would in my view follow that they are reasonably necessary in order to enable the way to be used for the purpose of providing access to and from a development of 18 apartments. This is a "purpose" and there is no limit on the "purposes" which may be made of Ravenswood Avenue. If the improvements are not made then the way cannot be used for this "purpose", and because the grant permits the way to be used for this "purpose" so it must follow that the Site owner is entitled to make the improvements. The fact therefore that a planning permission cannot be implemented unless the improvements are made by itself, in my view, shows that the improvements are reasonably necessary in order to make the grant of the right of way for all purposes fully effective. In my opinion the proposed improvements are unlikely to give rise to a substantial interference with the rights of other users in an unreasonable manner.

30 It follows that it is not necessary in my view to look at the proposed works of improvement individually and ask: is this work reasonably necessary to make

the way usable at all times and for all purposes. The fact that the planning permission requires all the works to be carried out is sufficient.

31 But looked at individually each of the four types of proposed improvement would in my view pass the three tests which I have set out in Paragraphs 25[2] 26 and 27 above.

32 The proposed resurfacing and in part new surfacing of the public footpath with tarmacadam is both a repair and an improvement which falls squarely within the decision in *Newcomen v Coulson*. The footpath is a public right of way but that does not prevent a private right of way being granted over it, and the rights of the owner of the private right of way being enjoyed over it provided that there is no actionable interference with the public right of way.

33 It would appear that the land which forms the site of Ravenswood Avenue is not merely the made up road but the footpaths and verges on either side of that road: see the filed plan to the registered title of Ravenswood Avenue which clearly shows dotted lines for the road within the boundary of the registered title and not as forming that boundary. This is what one might expect. Owners of properties fronting onto the footpath may claim title to it but those claims are likely to fail. They would not in any event prevent the making of improvements to the public path carried out by the person entitled to a private right of way over it.

34 I do not know if this public footpath is maintainable by the highway authority. It may or may not be. Because it is a public footpath it does not necessarily follow that it is maintainable by the highway authority. The Site owner is not prevented from carrying out the proposed improvement to the public footpath if the footpath is maintainable by the highway authority. But if the footpath is maintainable by the highway authority the highway authority may authorise or appoint the Site owner as its agent or contractor to carry out the proposed improvement (and also the installation of new street lamps).

35 The proposed new street lamps can also in my view be justified as work to improve the safety and security of those using the footpath and the road. They would seem to me to satisfy the third of the three tests and I cannot see how they would interfere with the use of the road or the footpath by others entitled to use them.[3]

---

2 Paragraph 25 is not a "test" as such.

3 One of the proposed street lamps seems however to be proposed to be positioned in property belonging to a property owner and outside the boundary of Ravenswood Avenue. I refer to the most northerly of the proposed street lamps on the east side of the road. I do not at the moment see how the Site owner can claim a right to position a street lamp there.

36 The proposed resurfacing of the road falls plainly within *Newcomen v Coulson* and is justified as a repair or improvement.

37 Finally there are the proposed speed humps. Speed humps are controversial. There are statutory restrictions on and regulations as to the construction and maintenance of road humps in public highways. The road in this case does not appear to be a public highway. No-one has treated it as such.

38 The proposed speed humps can, in my view, be justified on the ground that they are reasonably necessary to ensure safe passage over the road. The third test can be met. But there may be an issue as to the second test. In other words other road users may complain that the speed humps substantially interfere with their use of the road in an unreasonable manner. I would expect such a complaint if made to fail provided that the humps comply with the generally accepted standards for humps of that kind, but I anticipate that the humps might prove to be controversial.

39 My advice however is that the construction of the humps is capable of being brought with the rights exercisable by the Site owner as ancillary to the general right of way.

Michael Driscoll

Michael Driscoll QC
9 Old Square
Lincoln's Inn

26 February 2003

OFFICE OF THE
DEPUTY PRIME MINISTER

Chief Planning Officers in England

John Stambollouian
Head of Development Control Policy
Office of the Deputy Prime Minister
4/H2 Eland House
Bressenden Place
London SW1E 5DU

Direct line: 0207 944 3940
Fax: 0207 974 5004
GTN: 3533 3940
John.Stambollouian@odpm.gsi.gov.uk

Web site: www.odpm.gov.uk

Our Ref: PDC 31/2/1

25 November 2002

Dear Colleague

CIRCULAR 11/95: USE OF NEGATIVE CONDITIONS

I am writing to draw your attention to the advice in paragraph 40 and the footnote on page 16 of the Annex of Circular 11/95 on The Use of Conditions in Planning Permissions. The advice is on conditions worded in a negative form, prohibiting development until a specified action has been taken.

Following the High Court case *Merritt v SSETR and Mendip District Council* we need to amend the advice in Circular 11/95. Until we are able to amend the Circular, please would you note the following advice when imposing negative planning conditions.

The advice in Circular 11/95 on conditions depending on other's actions (Annex paragraphs 38 and 39), says that it is unreasonable to impose a condition worded in a positive form which developers would be unable to comply with themselves, or which they could comply with only with the consent or authorisation of a third party. Similarly, conditions which require the applicant to obtain an authorisation from another body should not be imposed.

Although it would be *ultra vires* to require works which the developer has no powers to carry out, or which would need the consent or authorisation of a third party, it may be possible to achieve a similar result by a condition worded in a negative form, prohibiting development until a specified action has been taken.

The way the advice is currently worded in paragraph 40 is that such a condition should only be imposed on a planning permission **if there are at least reasonable prospects** of the action in question being performed within the time-limit imposed by the permission.

As a result of the Judgement in *Merritt*, paragraph 40 should be amended to read, "It is the policy of the Secretary of State that such a condition may be imposed on a planning permission. However, when **there are no prospects at all** of the action in question being performed within the time-limit imposed by the permission, negative conditions should not be imposed. In other words, when the interested third party has said that they have no intention of carrying out the action or allowing it to be carried out, conditions prohibiting

development until this specified action has been taken by the third party should not be imposed."

The foot note at the bottom of page 16 should be replaced with: "A policy of refusing permission where there was no reasonable prospect of planning conditions being met could be lawful, but sound planning reasons for the refusal should be given and it should be made clear that this was only a starting point for consideration of cases."

Yours sincerely,

JOHN STAMBOLLOUIAN

Kerrin Lithgow

From: Keith Rogers
Sent: 05 March 2003 12:45
To: Mary Severin; Kerrin Lithgow
Cc: Colin Lawley; Steve Auton
Subject: RE: Ardwell House and Ravenswood Ave.

I concur with this advice. Whereas the previous proposal included resurfacing works (that could be carried out under a common law right) which could have been covered by a Grampian condition (as recommended by highway officers), these are more substantial engineering works. If the developer is proposing to carry out these works as part of the development then I would have thought the area needs to be included in the application site area and notices served on affected landowners (if unknown doesn't this mean advertising in local newspaper). The Councils (WDC & BFBC) have no proposals to carry out such works. We could invoke Private Street Works code if the majority of residents were in favour (I am not convinced there are) and were prepared to pay their apportionment of the costs involved (probably not).
Keith

-----Original Message-----
From: Mary Severin
Sent: Wednesday, March 05, 2003 12:25 PM
To: Kerrin Lithgow
Cc: Keith Rogers; Colin Lawley
Subject: RE: Ardwell House and Ravenswood Ave.

Hi Kerrin,

I have just spoken to Colin about this. We can only have a grampian condition if there is a reasonable chance of it being complied with. In this case, I understand from Keith that at least one of the owners says he owns the grass verge fronting on to the road,so the developer would need his consent to carry out works. As most of Ravenswood road residents are against the proposal it is a situation where there definitely is not a reasonable chance of the grampian condition being complied with.

The road itself is owned by a company which is now in liquidation - effectively owned by an administrator appointed to manage the bankrupt company's assets.

Mary

Mary Severin
Solicitor
Legal Services
Direct Dial: 0118 974 6539
Fax: 0118 974 6542
Mary.severin@wokingham.gov.uk
www.wokingham.gov.uk

-----Original Message-----
From: **Kerrin Lithgow**
Sent: 04 March 2003 16:37
To: Mary Severin; Keith Rogers
Cc: Catherine Woodward
Subject: Ardwell House and Ravenswood Ave.

Dear all,

Further to submitting a second application for Ardwell House, the agent (Robin Bradbeer) has also submitted a plan showing proposed improvement works to Ravenswood Avenue, to be considered as part of the application.

I have since then replied to Mr Bradbeer, and told him that he would need to change the application site boundaries to include Ravenswood Ave, and notify (in accordance with the s66 certificate) all owners of that piece of land.

He considers that this isn't necessary, as the site boundaries didn't stop us from talking about Ravenswood Ave at the committee meeting and within the previous application. He considers a grampian condition tying the developer to undertake the work on Ravenswood Ave would be sufficient in this instance, as it is more than probable that the work would go ahead.

I feel a little uneasy about this, as we don't even know the owners - so its a little difficult to put a grampian condition on when we don't know the owners of Ravenswood Ave, and its not a public road for us or the developer to undertake the work. Could you perhaps advise me Mary/Keith? Have there been any similar situations like this?

Sorry if all a bit confusing - please phone if you want me to elaborate!

Kerrin Lithgow
Principal Planning Officer - South Area
Environmental Services
Wokingham District Council

Tel: *0118 974 6441*
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Fax: *0118 974 6441*
Email: *kerrin.lithgow@wokingham.gov.uk*
www.wokingham.gov.uk

Kerrin Lithgow

From: Mary Severin
Sent: 05 March 2003 12:25
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Principal Planning Officer - South Area
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Wk Mobile: *07714 226 771*
Fax: *0118 974 6441*
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www.wokingham.gov.uk

Kerrin Lithgow

From: Catherine Woodward
Sent: 07 March 2003 14:16
To: Keith Rogers; Steve Auton; Kerrin Lithgow
Subject: FW: Ardwell House and Ravenswood Ave.

Keith
Following your email to Kerrin, please see attached which were my comments to Mary in relation to the second application..
Catherine Woodward
Principal Legal Officer
Environment and Technical Team

Direct telephone 01189 746546

catherine.woodward@wokingham.gov.uk

-----Original Message-----
From: **Catherine Woodward**
Sent: Thursday, March 06, 2003 2:56 PM
To: Mary Severin
Subject: RE: Ardwell House and Ravenswood Ave.

Mary
I'm really not sure about this. Permission is automatically granted for maintenance/improvement of private streets under Part 9 of Schedule 2 GPDO 1995. But our problem may well be with ascertaining the extent of the private street. Bearing in mind that if the frontagers have maintained the grass verges adjoining the street before it became a public highway then they could claim ownership of the verges by adverse possession. Assuming that they do own the verges, and I don't know one way or the other without going into this aspect further, is the remaining carriageway of sufficient width to install lighting? As the highway is not publicly maintainable I don't think that we have the power to install a footway in any event so neither can the developer. Hope this helps, if it doesn't then try Gordons , at least you won't care!
Catherine Woodward
Principal Legal Officer
Environment and Technical Team

Direct telephone 01189 746546

catherine.woodward@wokingham.gov.uk

-----Original Message-----
From: **Kerrin Lithgow**
Sent: Tuesday, March 04, 2003 4:37 PM
To: Mary Severin; Keith Rogers
Cc: Catherine Woodward
Subject: Ardwell House and Ravenswood Ave.

Dear all,

Further to submitting a second application for Ardwell House, the agent (Robin Bradbeer) has also submitted a plan showing proposed improvement works to Ravenswood Avenue, to be considered as part of the application.

I have since then replied to Mr Bradbeer, and told him that he would need to change the application site boundaries to include Ravenswood Ave, and notify (in accordance with the s66 certificate) all owners of that piece of land.

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Sorry if all a bit confusing - please phone if you want me to elaborate!

Kerrin Lithgow
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Wk Mobile: *07714 226 771*
Fax: *0118 974 6441*
Email: *kerrin.lithgow@wokingham.gov.uk*
www.wokingham.gov.uk

ADOPTION OF ROAD WHERE OWNER UNKNOWN OR OPPOSED

A developer with an express grant of a right of way can make up a road even though he does not own it and cannot dedicate it. (See Mills-v-Silver [1991] 1 All E R 449)

Under H.A. 1980 s.228 where any street works are executed in a private street, the Highway Authority (H.A). can display notices in the street declaring the street to be a highway maintainable at the public expense, and on the expiration of one month from when the notices were first displayed, the street shall become a highway maintainable at the public expense. There is a right of objection available to the owner or the majority of the frontagers but the H.A. can apply to the Magistrates Court for the objection to be over-ruled.

Consequently, a developer relying on Mills-V-Silver can make up the road and invite the H.A. to adopt using the s.228 procedure.(Assuming that it has checked with the H.A. beforehand that the works are suitable for adoption.)

The Private Street Works Code (PSWC) can be used by the H.A. for a street to be made up even when the owners do not agree. Under section 236 the H.A. can pay the whole cost of making up the street instead of apportioning the expenses among the frontagers. Therefore a developer, faced with the situation where he wants to see the road made up but has no right to do so himself, could offer the amount needed to the H.A. so they could operate the PSWC at no expense to the frontagers.

The PSWC is concerned with the making up of a private street where it is considered by the relevant local authority that the street is deficient in one or more respects and is required to be made up to highway standards. Section 206 of the H.A.1980 enables the street works authority to include in the works to be executed under the PSWC any works which it believes to be necessary for bringing the street into conformity with other streets (not necessarily maintainable at the public expense) including the provision of surface water drainage, sewers, the provision of a footway, drainage and lighting. These works can be included even where there were no such works previously. Also the street works authority may vary the widths of the footway and carriageway.

The street works authority passes a resolution to execute works within a street or part of it. A specification is required and an estimate of the probable expenses and a provisional apportionment of how these will be divided among the frontagers will be drawn up. Notices of the proposed apportionment will be served on the affected frontagers and there is a limited of right of objection to the scheme, which are ultimately determinable by the Magistrates' Court. (See attached note re PSWC) Alternatively, the street works authority may resolve to apportion the costs of works according to benefit. The decision to apportion according to benefit rather than frontage cannot be challenged but it is open to appeal to the Minister.

When applying the degree of benefit provisions, the street works authority may bring into the apportionment premises which do not abut the street. Section 207(2)

PSWC AND PUBLIC RIGHTS OF WAY

Where a public footpath runs alongside or over a private street it will be relevant to the apportionment as to whether the footpath is maintainable at the public expense and if so it will be necessary to identify the physical extent of the path in order to ascertain which part of the street remains a private street since the costs of the works carried out upon a footpath .repairable at the public expense cannot be included in the apportionment and must be met by the H.A. See Richmond Corporation-v-Robinson [1995] 1All ER 321 where a way became trodden down and used as a footpath. The Corporation proposed to make a footway on the site of the footpath and to include the cost in the provisional apportionment. The proposal was over-ruled.

But, also see the case of Ware UDC –v- Gaunt [1960] 1 WLR 1364 where a road was laid out in 1885 by a private individual, running along a footpath repairable by the inhabitants at large. The road was thereafter used as a footway and had never been repaired by the local authority. The local authority passed a resolution to carry out works to the road and to apportion the expenses among the frontagers. The owners of the premises included in the apportionment objected and the Magistrates quashed the resolution on the basis that the road and the footpath together constituted a highway repairable at the public expense. The local authority appealed and it was held that as the land was laid out as a road there was an implied dedication under s.23 H.A. 1835 even though use was only made of it as a footpath. The following rules have followed as a consequence of these decisions:

1. If the line and width of a publicly maintainable footpath which forms part of the street are identifiable then that part must be excluded from the apportionment.
2. If the line and width are not identifiable and if the public have acquired a user over the whole width of the street, then the cost of making up the whole width falls to the local authority. Evidence would be required to show that before the street was developed (e.g. by a private builder) there was a footpath running through it.
3. If a way constructed as an occupation way becomes a footpath over which the public at large have a right to pass on foot it is nevertheless caught by section 23 HA 1835, so that the making up of the full width of the occupation way can be charged to the frontager. This rule would apply to a private carriageway over which the public may walk as of right.

Kerrin Lithgow

From: Kerrin Lithgow
Sent: 04 March 2003 16:37
To: Mary Severin; Keith Rogers
Cc: Catherine Woodward
Subject: Ardwell House and Ravenswood Ave.

Dear all,

Further to submitting a second application for Ardwell House, the agent (Robin Bradbeer) has also submitted a plan showing proposed improvement works to Ravenswood Avenue, to be considered as part of the application.

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Sorry if all a bit confusing - please phone if you want me to elaborate!

Kerrin Lithgow
Principal Planning Officer - South Area
Environmental Services
Wokingham District Council

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Wk Mobile: *07714 226 771*
Fax: *0118 974 6441*
Email: *kerrin.lithgow@wokingham.gov.uk*
www.wokingham.gov.uk

Kerrin Lithgow

From: Kerrin Lithgow
Sent: 05 March 2003 18:04
To: 'Robin Bradbeer'
Subject: RE: Ardwell House

Mr Bradbeer,

I have consulted with several different parties within council (including our legal team and highways). We are all of the opinion that the proposed works to Ravenswood Ave need to be treated as per my last letter to you - that is, with a new site boundary, and new section 66 certificate with applicable notifications to owners of Ravenswood Avenue.

This is because of the complex ownership of the road. We can only have a grampian condition if there is reasonable chance of the works actually being undertaken - in this case theres no guarantee whatsoever. At least one of the owners along Ravenswood Avenue is saying that he owns the grass verge fronting onto Ravenswood Ave, and that the developer would need his consent to carry out works. Furthermore, whereas the previous proposal included resurfacing works (that could be carried out under a common law right) which could have been covered by a Grampian Condition as recommended by highways officers, this proposal involves substantially more engineering works.

I hope that this clarifies things for you - the issues raised in my last letter therefore remain to be resolved.

Regards,
Kerrin Lithgow

-----Original Message-----
From: Robin Bradbeer [SMTP:R.Bradbeer@btopenworld.com]
Sent: 05 March 2003 17:51
To: Kerrin.lithgow@wokingham.gov.uk
Subject: Ardwell House

Further to my letter dated 4 March with enclosures I shall be grateful of you can call me back to discuss your response as soon as possible. Thank you.

Robin Bradbeer

Tel: (0118) 974 6441

Fax: (0118) 974 6484

Date: 26 February, 2003

My ref: F/2002/8165

Your ref: RWB/387

Environmental Services Department
Planning Services
P.O. Box 157
Shute End, Wokingham
Berkshire RG40 1WR
Tel: (0118) 974 6000
Fax: (0118) 974 6484
Minicom No: (0118) 974 6991
DX: 33506 – Wokingham

Mr Robin Bradbeer
Steepways Farm
Nether Lypiatt
Stroud
Gloucestershire
GL6 7LS

Dear Sir

RE: ARDWELL HOUSE, ARDWELL CLOSE, CROWTHORNE, BERKSHIRE
I refer to the above application and your letter and plans of 19th February.

I wish to advise that as the application site now includes Ravenswood Avenue, a new site plan will need to be submitted showing the revised application site. Additionally, notice will need to be served on the owners of Ravenswood Avenue. Should you not be able to serve notice, then you will need to demonstrate, as set out within the Section 66 certificate attached, that steps have been taken to contact the owners. Following completion of the above matters we will be able to proceed with the application.

You are also reminded that an application will now also need to be made with Bracknell Forest Borough Council for the portion of road improvements which fall within that Council's authority.

Should you have any queries on the above please do not hesitate to contact me.

Yours sincerely,

KERRIN LITHGOW
Principal Planner – South Area

Robin Bradbeer Limited

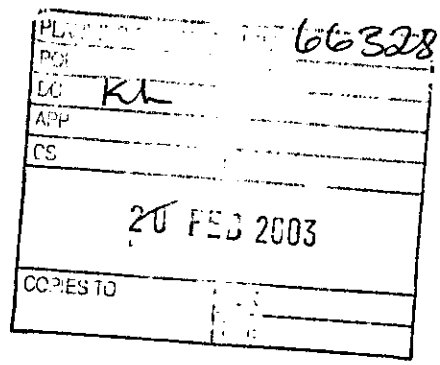
Planning & Development Consultancy

Steepways Farm
Nether Lypiatt
Stroud
Gloucestershire
GL6 7LS

Telephone
01453 889102

Fax
01453 889103

E-Mail
planning@bradbeer.co.uk



Planning Services
Wokingham District Council
Shute End
Wokingham
Berkshire RG40 1WR

19 February 2003
Our ref. RWB/387
Your ref. F/2002/8165

For the attention of Ms Kerrin Lithgow
Development Control

Dear Ms Lithgow

SITE : ARDWELL HOUSE ARDWELL CLOSE CROWTHORNE BERKSHIRE
PROPOSAL : DEMOLITION OF EXISTING DWELLINGS AND ERECTION OF 18 X 2 BEDROOM APARTMENTS - REVISED APPLICATION FOLLOWING REFUSAL F/2002/6270

Further to discussions that have taken place involving Highway Officers from both Wokingham District Council and Bracknell Forest Borough Council a package of improvement measures to Ravenswood Avenue has been prepared. The detail of those measures is shown on drawing no. TSP/BRO/P1032/01 prepared by The Stilwell Partnership, *Safety, Traffic and Highway Engineering Consultants*.

Six copies of this additional drawing are enclosed and these are intended to form part of the application.

Further to your return from leave I shall be grateful if you can inform me of your estimated timetable for determining this application.

Yours sincerely

ROBIN BRADBEER BA (Hons) MRTPI Chartered Town Planner

Enc.

c.c. Mr Gavin Rowley, Brookworth Developments Limited
Mr David Brooke The Stilwell Partnership
Mr Neil Trotter, BFBC Highways Department
Mr Keith Rogers, WDC Highways Department

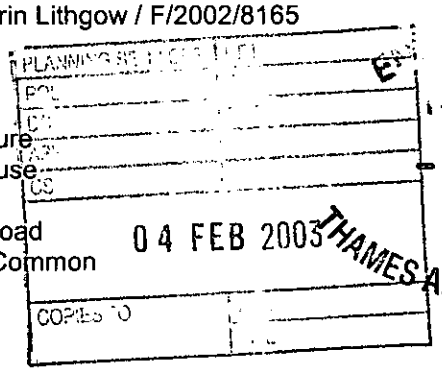
387ahc.54

Tel. 0118 974 6441

Date: 07 January 2003

Your Ref:

My Ref: Kerrin Lithgow / F/2002/8165



English Nature
Foxhold House

Thomford Road
Crookham Common
Newbury
Berks

WOKINGHAM UNITARY
Aiming for Excellence

Environmental Services Department
Planning Services
P.O. Box 157
Shute End, Wokingham
Berkshire RG40 1WR
Tel: (0118) 974 6000
Fax: (0118) 974 6484
Minicom No: (0118) 974 6991
DX: 33506 – Wokingham

PLEASE QUOTE APPLICATION NUMBER WHEN REPLYING

Dear Sir/Madam

Application Number: F/2002/8165

Site Address: Ardwell House, Ardwell Close, Crowthorne, .

Proposal: Proposed erection of 18 flats and demolition of existing dwellings..

Revised/additional plans show: Index map for photographs. Drawing no: 01/083/021.

We have received the above revised/additional plans and would be grateful to receive your observation no later than **17/01/2003**. Any comments received after this date will not be taken into account in determining the application.

Please quote reference number **F/2002/8165** in all communications and any response should be addressed to **Kerrin Lithgow** the case officer dealing with this application at the above address.

I look forward to hearing from you.

Yours faithfully,

Kerrin Lithgow

Development Control Officer

ENGLISH NATURE

Thames & Chilterns Team
Foxhold House, Crookham Common
Thatcham, Berks RG19 8EL
Tel: 01635 268881 Fax: 01635 268940

Our ref: SU 86

To: KERRIN LITHGOW

Thank you for the attached letter. English Nature does not wish to comment on this consultation.

Signed: Skin Conservation Officer: SAMANTHA KING Date: 31/1/03

65792

ENVIRONMENT AGENCY



Our Ref : SP/2002/005728-4/1
Your Ref : F/2002/8165

Date : 31 January 2003

District Planning Officer
Wokingham District Council
Council Offices
PO Box 157 Shute End
Wokingham
Berkshire
RG40 1WR

Dear Sir/Madam

PROPOSED ERECTION OF 18 X 2BEDROOM APPARTMENTS. ARDWELL HOUSE, ARDWELL CLOSE, CROWTHORNE.

Thank you for your letter dated 17th December 2002, received on 19th December 2002. Please quote the following reference in any correspondence: SU86SW/23/3. The Environment Agency has the following comments:

The Environment Agency has no objection, in principle, to the proposed development provided that the following conditions are imposed on any planning permission granted:

PLANNING CONDITIONS:

CONDITION: No soakaways shall be constructed such that they penetrate the water table, and they shall not in any event exceed 3 metres in depth below existing ground level.

REASON: To prevent pollution of groundwater.

CONDITION: Surface water source control measures shall be carried out in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority before development commences.

REASON: To prevent the increased risk of flooding and to improve water quality.

PLANNING INFORMATIVES

The following planning informatives should be attached to any planning permission granted:

Under the terms of the Water Resources Act 1991, the prior written consent of the Environment Agency is required for any discharge of sewage or trade effluent into controlled waters (e.g. watercourses and underground waters), and may be required for any discharge of

Environment Agency
Swift House, Frimley Business Park, Camberley, Surrey, GU16 7SQ, Tel no:01276 454300, Fax no:01276 454301

surface water to such controlled waters or for any discharge of sewage or trade effluent from buildings or fixed plant into or onto ground or into waters which are not controlled waters. Such consent may be withheld.
Contact Claire Murphy on 01276 454330 for further details.

ADVICE

This is a collection of general advice we send out to help applicants meet Environment Agency recommendations for surface water source control conditions. Some of this advice has been mentioned in the previous letter.

Surface Water Control / Land Drainage

In order to manage the disposal of surface water in a more sustainable manner, taking into account flood risk and other environmental factors, the Environment Agency will recommend that restrictions are imposed on the discharge of surface water from the site. Particular care must be exercised where there is an increase in the impermeable area. The developer will be required to accommodate excess water and control its release into local watercourses, whether directly or by means of the local surface water sewerage system.

There are alternatives to conventional storage for the control of surface water run-off that are favoured by the Environment Agency. These techniques not only cater for flood peak attenuation, but may also improve water quality and enhance the environment. Such systems include permeable pavements, grassed swales, infiltration trenches, ponds and wetlands. The developer is advised to discuss with the Agency how these techniques might be applied at this site.

Our general criteria are:
· The discharge from the developed site should mimic that from the existing greenfield site as far as practical. Thus in a 1 year event the discharge should be the same as for the greenfield site, and in a 10 year event, and similarly in a 100 year event. So across the range of return periods the natural greenfield runoff is simulated; and
· Storage should be provided to protect from a 1 in 100 year storm.

Where the Environment agency has asked for a planning condition for surface water control measures to be applied to a site we prefer that the information be submitted in the following format in order to check the proposals match our requirements:

1) A clearly labelled drainage layout plan (scale 1:200 / 1:500), showing pipe networks, attenuation basins, soakaways and drainage storage tanks.
2) Run-off calculations showing that the critical 1 in 100 year rainfall event is attenuated on site through a combination of infiltration, off-site discharge (to the agreed maximum) and storage.
3) For attenuation gained by infiltration, soakage test results and soakage test locations, to be submitted in accordance with BRE digest 365.
4) Calculations showing storage provided. Invert and cover levels for the system.
5) Outfall discharge control device, limiting the discharge to the natural greenfield runoff rate of between 3 and 7 l/s/ha or to the 1 in one year storm runoff.

6) If it is believed that the natural runoff is higher than this rate, then justification must be provided for this.
7) A descriptive summary of the proposed SUDS system in a covering letter. The EA require that enough information be supplied to adequately describe the proposed SUDS system and attenuation. Calculations and plans support the application.
8) If it is believed that the site is currently already developed then plan showing the existing footprint to be supplied. The EA may still require that the run-off rate be reduced to meet natural run-off conditions.
9) We recommend that the developer refers to CIRIA 522 (SUDS Design Manual for England and Wales) and CIRIA 523 (Best Practice Manual) for advice on SUDS design.
10) We suggest submitting the above information at an early stage to the Environment Agency for comment.

Environment Protection

Surface water from hard surfaced areas should discharge via deep seal trapped gullies incorporating a minimum water seal of 85mm or similar.

Roof water downpipes should be connected to the drainage system either directly, or by means of back inlet gullies provided with sealing plates instead of open gratings.

All sewage or trade effluent should be discharged to the foul sewer if available subject to the approval of Thames Water Utilities or its sewerage agent.

Conservation

Wildlife Protection
Essential tree felling, branch lopping or scrub clearance should avoid the bird nesting season (generally March to August inclusive). This avoids disturbing wild birds during a critical period and will help to prevent possible contravention of the Wildlife and Countryside Act 1981, which protects nesting wild birds and their nests.

Trees to be felled should be inspected for bats prior to felling. All species of bat in Britain and their roost's are afforded special protection under the Wildlife and Countryside Act 1981. If bats are found, English Nature must be contacted for advice.

The developer should avoid gaining access, storing materials and spoil spreading on adjacent areas of important wildlife habitat. Such areas include hedgerows; woodland pockets; patches of tall grassland and areas adjacent to waterbodies.

Landscaping
Tree and shrub removal from the site should be minimised if works proceed. Professional tree surgery should be carried out in preference to felling wherever possible so trees can be made safe and retained on site. Any retained trees must be protected during construction. Appropriate replacement planting should be provided for any vegetation lost, disturbed or degraded during works.

Wildlife Enhancement
Bird nesting and roosting sites should be built into the development through the incorporation

of ledges, crevices and holes, where possible. The incorporation of bat roosts into the design of the building should also be considered.

Natural Drainage
The development should incorporate Sustainable Urban Drainage (SUDs) utilising surface water for landscape irrigation and water features. This should include making use of permeable surfaces and other similar measures to reduce the risk of non-point source pollution or excessive surface water run-off. This might include the use of gravel surfaces in paths, parking spaces and driveways.

Household water Consumption

Household Use
Water is one of our most precious natural resources, and the Environment Agency is keen to ensure it is used wisely:
* Water use for WC flushing can represent 35% of all household use. The applicant should consider installing low (6 litres or less) or dual flush toilets.
* 10% of household water use comes through wash hand basin taps. The installation of water-efficient taps such as spray taps can reduce consumption from this source by up to a half.
* A shower uses less than half the water used for a bath. Power showers on the other hand can use as much water as a bath in just 5 minutes. Shower units using a maximum of 9 litres of water a minute should be fitted.

Domestic Appliances
If domestic appliances are to be provided in the new property, the applicant is asked to consider installing water and energy efficient models. Most products such as washing machines and dishwashers are now advertised with energy and water use information.

Gardens
As much as 30% of domestic water consumption in the summer can be used on the garden. To encourage sensible use of water in the garden, the Agency recommends installation of the following in all new property(ies):
* a water butt linked to a downpipe
* provision of a thick layer of good quality top soil
* if the garden is to be planted, use of drought-tolerant turf and plants.
* if a hose-pipe is to be provided in the new property(ies), a trigger nozzle should be fitted to prevent wastage of water.
* Low-water irrigation systems may also be appropriate provided that information on their sensible use is provided to the home-owner.

DECISION NOTICE

Would you please forward a copy of the decision notice to this office quoting our reference.

A copy of this letter has been sent to the Agent.

If you have any further queries please do not hesitate to contact me on 01276 454330, quoting the reference cited at the beginning of this letter.

Environment Agency
Swift House, Frimley Business Park, Camberley, Surrey, GU16 7SQ, Tel no:01276 454300, Fax no:01276 454301

Yours faithfully



KATE RALLS
Planning Liaison Officer

CC: Robin Bradbeer Limited

Environment Agency
Swift House, Frimley Business Park, Camberley, Surrey, GU16 7SQ, Tel no:01276 454300, Fax no:01276 454301

To Planning 27/1/03

From Highways

Planning applications Returned :-

F/2002/8165

1 Total

RJ

Date: 07 January 2003

To: Roger Johnson, Drainage

We have received Additional Plans for the following planning application:

Application Number: F/2002/8165

Location: Ardwell House, Ardwell Close, Crowthorne.,

Proposal: Proposed erection of 18 flats and demolition of existing dwellings.

Applicant: Brookworth Dvts Ltd C/O Robin Bradbeer Ltd.

Case Officer: Kerrin Lithgow

Conditions ① Development shall not begin unt surface water sewerage works have been carried out in accordance with details submitted to and approved by the District Planning Authority.
② Details of surface water balancing works togethe with details of the stage of the development at which the works will be brought into use are to be submitted to and approved in writing by the Distric Planning Authority prior to commencement
③ None of the dwellings shall be occupied until foul sewerage works have been provided to serve the development hereby permitted, in accordan with details to be submitted to and approved by the District Planning Authority. RJ 8/1/0
④ Details of Land drainage works together with details of the stage of the development at which the works will be brought into use are to be submitted to and approved in writing by the Distric Planning Authority prior to the commencement of any development on the site. The work shall be constructed and implemented in accordance with those details 24/1/03

Robin Bradbeer Limited

Planning & Development Consultancy

PLANNING SERVICES	HPT 6435
POL	TLS
DC KL	ENF
APP	
CS	
17 DEC 2002	
COPIES TO	

Steepways Farm
Nether Lypiatt
Stroud
Gloucestershire
GL6 7LS

Telephone
01453 889102

Fax
01453 889103

E-Mail
planning@bradbeer.co.uk

Planning Services
Wokingham District Council
Shute End
Wokingham
Berkshire RG40 1WR

16 December 2002
Ref. No. RWB/387

For the attention of Mr Trevor Watson
Development Control

ADDITIONAL PLAN
8165

Dear Mr Watson

SITE : ARDWELL HOUSE ARDWELL CLOSE CROWTHORNE BERKSHIRE
PROPOSAL : DEMOLITION OF EXISTING DWELLINGS AND ERECTION OF 18 X 2 BEDROOM APARTMENTS - REVISED APPLICATION FOLLOWING REFUSAL F/2002/6270

I refer to the above application which was sent to you on 6 December and which is awaiting registration.

It is come to my attention that an index map for the photographs was omitted in error from the bound report. To remedy this I enclose 6 copies of that index map.

My apologies for any inconvenience this may cause.

Yours sincerely

ROBIN BRADBEER BA (Hons) MRTPI Chartered Town Planner

Enc.

c.c. Mr Gavin Rowley, Brookworth Developments Limited

387ahc.49

Wokingham District Council
Planning Application

Town and Country Planning (General Development Procedure) Order 1995 – Notice under Article 8

AND/OR

Planning (Listed Buildings and Conservation Areas) Regulations 1990 and Planning (Listed Buildings and Conservation Areas) Act 1990

Application No: 2002/8165

Proposal:
Proposed erection of 18 flats and demolition of existing dwellings.

Location:
Ardwell House Ardwell Close Crowthorne

This application is being advertised in the Wokingham Times newspaper on the 22/01/2003 for the following reason(s);

PROPOSAL IS A MAJOR DEVELOPMENT

The application can be inspected at Wokingham District Council's offices during the following times:

PLANNING DEPARTMENT, SHUTE END, WOKINGHAM TEL (0118) 974 6428
8.30 - 5.00 Monday - Thursday & 8.30 - 4.00 Friday

WOODLEY LIBRARY HEADLEY ROAD WOODLEY (9.30am - 7.00pm Mon, Thurs & Fri. 9.30am - 5.00pm Tues, 9.30am - 1.00pm Saturday. closed all day Wednesday)

Comments should be sent in writing QUOTING THE APPLICATION NUMBER to the Case Officer Kerrin Lithgow P.O. Box 157 Council Offices, Shute End, Wokingham, Berkshire, RG40 1WR to arrive before **12/02/2003**. Written comments submitted will become available for public inspection.

In view of the very large number of planning applications and letters of comment received, it will not be possible for an individual reply to observations made. However any comments will be taken into account when the application is determined and you will be notified of the decision.

Date: 22/01/2003

POSTER PLACED ON SITE.
24.01.03

Our Ref. **16238**
Your Ref. F/2002/8165
Date. 20 January 2003

PLANNING SERVICES REF 65238
POL
DC KL
APP
CS
22 JAN 2003
COPIES TO
ACK:
FILE:

FAO Kerrin Lithgow
Wokingham District Council
DX33506
WOKINGHAM

This matter is being dealt with by -
HPINDER

Dear Sir / Madam

TOWN AND COUNTRY PLANNING ACT 1990
Residential Development (1-20)

Ardwell House, Ardwell Close
Crowthorne

I refer to your consultation received in this office on 07/01/2003

SEWERAGE

Thames Water Utilities Ltd., has no objection to the above planning application.

WATER

With regard to water supply, Thames Water Utilities Ltd., are unaffected by this development, and therefore have no comments to make.

Yours faithfully,

Admin
(For Technical Information Manager

RWE GROUP

CROWTHORNE PARISH COUNCIL

PARISH OFFICE: MORGAN CENTRE, WELLINGTON ROAD, CROWTHORNE, BERKSHIRE RG45 7LD
TELEPHONE / FACSIMILE: 01344 771251
E-mail: parishcouncil@crowthorne.fsworld.co.uk

CLERK TO THE COUNCIL
Mrs C.V. James

PLANNING SERVICES	HPT
POL	
DC	SNF
APP	
CS	
16 JAN 2003	
COPIES TO	

15 January 2003

Kerrin Lithgow
Development Control Officer
Wokingham Unitary
Environmental Services
PO Box 157
Shute End
Wokingham
Berkshire
RG40 1WR

Dear Madam

APPLICATION F/2002/8165
ARDWELL HOUSE, ARDWELL CLOSE

Crowthorne Parish Council recommend refusal of this application for the reasons given in their letter dated 8th May 2002, copy attached.

Yours faithfully,

Claire James
Clerk to the Council

CROWTHORNE PARISH COUNCIL

PARISH OFFICE: MORGAN CENTRE, WELLINGTON ROAD, CROWTHORNE, BERKSHIRE RG45 7LD
TELEPHONE / FACSIMILE: 01344 771251
E-mail: parishcouncil@crowthorne.fsworld.co.uk

CLERK TO THE COUNCIL
Mrs C.V. James

8th May 2002

Mr W D Munday
Head of Development Control & Building Control
Bracknell Forest Borough Council
Times Square
Market Street
Bracknell
Berks
RG12 1JD

Dear Mr Munday,

APPLICATION NUMBER: F/2002/6270 - ARDWELL HOUSE, ARDWELL CLOSE, CROWTHORNE - DEMOLITION OF ARDWELL HOUSE AND ITS REPLACEMENT WITH 18 APARTMENTS

The above development was brought to the Parish Council Planning Committee's attention by a concerned local resident. Following discussion I was asked to pass on their view that it should be refused for the following reasons:-

- Increased hazard to motorists and pedestrians by traffic entering and exiting Ravenswood Avenue.
- Increased traffic on an unadopted road which is already in a bad state of repair.
- The fact that the road already carries a lot of traffic to and from the East Berkshire Golf Club and a certain amount to Ravenswood Village.
- The hazard to disabled residents of Ravenswood Village and their carers who regularly use this road as a footpath.
- The congestion caused by cars parking at the entrance of Ravenswood Avenue/Dukes Ride by people visiting the local shops and cars parked all day by train users.

We are copying this letter to Wokingham District Council and would be grateful for your comments.

Yours sincerely,

Claire James
Clerk to the Council

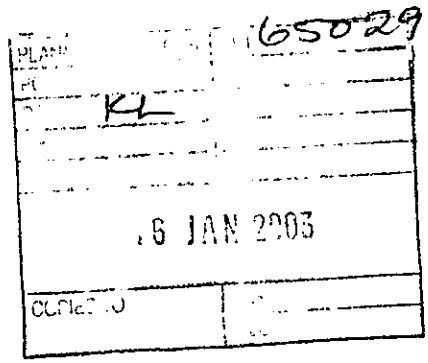
copy to: Wokingham District Council ✓
Wokingham Without Parish Council
Finchampstead Parish Council

Environment Department

Director: John Osborne MSc BSc(Hons) MCIEH
Assistant Director: Steve Loudoun MCIEH

This matter is being dealt with by: **Marcia Head, 01344 351135**

My ref: DC/6/3
Your ref: F/2002/8165



14 January 2003

Environmental Services Department
P.O. Box 157
Shute End
Wokingham
Berkshire
RG40 1WR

FAO: Kerrin Lithgow

BRACKNELL FOREST BOROUGH COUNCIL

Time Square
Market Street
Bracknell
Berkshire RG12 1JD
☎ 01344 351400
Fax 01344 351104
DX 33611 Bracknell
Minicom 01344 352045
email:
environment@bracknell-forest.gov.uk
www.bracknell-forest.gov.uk

Dear Sirs

Town and Country Planning Act 1990
Planning application number F/2002/8165
Ardwell House, Ardwell Close, Wokingham
Proposed erection of 18 flats and demolition of existing dwellings.

Thank you for your letters dated 17 December 2002 and 7 January 2003 and the enclosed plans.

I can confirm that this Authority has no objection, in principle to the proposal, subject to the Highways Officer being satisfied that the increase in traffic on Ravenswood Avenue, which I understand is a private road, is acceptable.

If you wish to discuss this matter please contact Marcia Head on 01344 351135 (mornings only).

Yours faithfully

Marcia Head

Senior Planning Officer

marcia.head@bracknell-forest.gov.uk

Beacon Council 2001-2002 Maintaining a Quality Environment

Date: 07 January 2003 08 JAN 2003

To: Landscape & Trees

We have received Additional Plans for the following planning application:

Application Number: F/2002/8165

Location: Ardwell House, Ardwell Close, Crowthorne.

Proposal: Proposed erection of 18 flats and demolition of existing dwellings.

Applicant: Brookworth Dvts Ltd C/O Robin Bradbeer Ltd.

Case Officer: Kerrin Lithgow

The new plans show the following: Index map for photographs. Drawing no: 01/083/021.

Comments are required by 17/01/2003.

Should you have any queries regarding this application please contact the case officer Kerrin Lithgow on 0118 974 6441.

No comment

Neil Etherington

16/1/03.

Robin Bradbeer Limited

Planning & Development Consultancy

PLANNING SERVICES	HPT 64351
POL	TLS
DC KL	ENF
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CS	
17 DEC 2002	
COPIES TO	

Steepways Farm
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GL6 7LS

Telephone
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Fax
01453 889103

E-Mail
planning@bradbeer.co.uk

Planning Services
Wokingham District Council
Shute End
Wokingham
Berkshire RG40 1WR

16 December 2002
Ref. No. RWB/387

For the attention of Mr Trevor Watson
Development Control

ADDITIONAL PLAN
8165

Dear Mr Watson

SITE : ARDWELL HOUSE ARDWELL CLOSE CROWTHORNE BERKSHIRE
PROPOSAL : DEMOLITION OF EXISTING DWELLINGS AND ERECTION OF 18 X 2 BEDROOM APARTMENTS - REVISED APPLICATION FOLLOWING REFUSAL F/2002/6270

I refer to the above application which was sent to you on 6 December and which is awaiting registration.

It is come to my attention that an index map for the photographs was omitted in error from the bound report. To remedy this I enclose 6 copies of that index map.

My apologies for any inconvenience this may cause.

Yours sincerely

ROBIN BRADBEER BA (Hons) MRTPI Chartered Town Planner

Enc.

c.c. Mr Gavin Rowley, Brookworth Developments Limited

387ahc.49

WOKINGHAM DISTRICT COUNCIL

ENVIRONMENTAL SERVICES DEPARTMENT
ENGINEERING SERVICES

MEMORANDUM

FROM: Keith Rogers **MY REF**: KR/8165

YOUR REF:

TO: Kerrin Lithgow - Planning **DATE**: 31/12/02

PLANNING APPLICATION NO. F/2002/8165.
PROPOSED DEMOLTION OF EXISTING DWELLINGS AND ERECTION OF 18 FLATS ON LAND AT ARDWELL HOUSE, ARDWELL CLOSE, CROWTHORNE.

There is local concern about new development proposals in this area using the unmade private street known as Ravenswood Avenue as a means of access, thereby exacerbating an unsatisfactory situation. In connection with the earlier Ardwell House proposed development (F/2002/6270) the Development Control Committee resolved at its meeting held on 23 October 2002 to refuse planning permission on highway grounds.

In paragraphs 2.10 to 2.13 of the Planning Statement, which accompanied the planning application, the applicants believe they have addressed the concerns raised by Members concerning the status of Ravenswood Avenue and also highway safety issues. However, while it appears that the applicant has taken independent legal advice in respect of the status of Ravenswood Avenue no details in this respect seem to have been submitted with this latest planning application. Also reference is made in 2.13 to the finalising of a package of measures to address safety concerns but until these have been submitted it is impossible to advise whether or not Members concerns have been satisfactorily addressed.

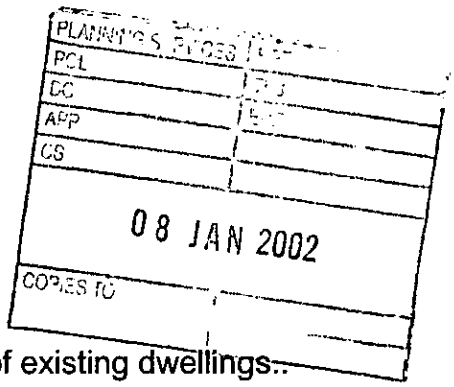
Keith Rogers
Team Leader (Highway Development Control)

~~To:~~
Drainage
Fao Roger Johnson

From: Kerrin Lithgow

Date: 17 December 2002

Application Number: F/2002/8165



Proposal: Proposed erection of 18 flats and demolition of existing dwellings.

Site Address:
Ardwell House, Ardwell Close, Crowthorne, .

Applicant:
Brookworth Dvts Ltd C/O Robin Bradbeer Ltd.

Your observations are required in respect of this application within **7 days** of the above date.

Conditions ① Development shall not begin until surface water sewerage works have been carried out in accordance with details submitted to and approved by the District Planning Authority.
② Details of surface water balancing works together with details of the stage of the development at which the works will be brought into use are to be submitted to and approved in writing by the District Planning Authority prior to commencement
③ None of the dwellings shall be occupied until foul sewerage works have been provided to serve the development hereby permitted, in accordance with details to be submitted to and approved by the District Planning Authority.
④ Details of land drainage works together with details of the stage of the development at which the works will be brought into use are to be submitted to and approved in writing by the District Planning Authority prior to the commencement of any development on the site. The works shall be constructed and implemented in accordance with those details RJ 8/1/03

1769a

WOKINGHAM DISTRICT COUNCIL
PLANNING APPLICATION

PART 1

APPLICATION FOR PERMISSION TO CARRY OUT DEVELOPMENT - TOWN AND COUNTRY PLANNING ACTS

Please answer ALL QUESTIONS in BLOCK LETTERS. If a question is not applicable, answer N/A in space. Please submit SIX copies of this form and plans to:-

THE DISTRICT PLANNING OFFICER
WOKINGHAM DISTRICT COUNCIL
PLANNING DEPARTMENT
P O Box No. 157
COUNCIL OFFICES
SHUTE END
WOKINGHAM
BERKSHIRE, RG40 1WR

FOR OFFICE USE ONLY

09 DEC 2002

08.12.2002 8.65

1.	APPLICANT'S NAME	BROOKWORTH DEVELOPMENTS LIMITED
	ADDRESS	FETCHAM PARK HOUSE LOWER ROAD FETCHAM SURREY
	POST CODE	KT22 9HD PHONE
2. If the applicant has an agent, all correspondence will be sent to the agent	AGENT'S NAME	ROBIN BRADBEER LIMITED
	ADDRESS	STEEPWAYS FARM NETHER LYPIATT STROUD GLOS.
	POST CODE	GL6 7LS PHONE 01453 889102
3. On the plans show the SITE outlined in RED Show also OTHER land in the applicant's ownership or control in BLUE.	SITE LOCATION	ARDWELL HOUSE ARDWELL CLOSE CROWTHORNE BERKSHIRE
4. WHAT IS THE APPLICATION FOR ? Give brief details and state for what purpose this site and any buildings will be used.		DEMOLITION OF EXISTING DWELLINGS AND ERECTION OF 18 X 2 BEDROOM APARTMENTS — REVISED APPLICATION FOLLOWING REFUSAL F/2002/6270
5. Give the area in hectares or part of a hectare	AREA OF SITE	0.56
6. State the applicant's interest in the land e.g. owner, prospective purchaser, lessee	OWNERSHIP	PROSPECTIVE PURCHASER
7. List all the plans and drawings submitted with the application	PLANS/DRAWINGS	REFER TO COVERING LETTER

8. DOES THE APPLICATION INVOLVE ANY OF THE FOLLOWING ?

Tick the boxes(x)

CHANGE OF USE	☐	REDEVELOPMENT	☑
ERECTION OF NEW BUILDING	—	ALTERATION or EXTENSION	☐

9. WHAT TYPE OF APPLICATION IS THIS ? Tick one box only

OUTLINE PERMISSION	☐	See question 10
FULL PERMISSION	☑	
APPROVAL OF DETAILS/RESERVED MATTERS	☐	State relevant outline permission number Also complete Question 10
TEMPORARY PERMISSION	☐	State period required
RELAXATION OF CONDITIONS	☐	State relevant application number Conditions to be relaxed

10. IF THIS IS AN OUTLINE APPLICATION OR AN APPROVAL OF RESERVED MATTERS, which details, if any, do you wish to be considered as part of this application ?

		SITING	☐
EXTERNAL APPEARANCE	☐	DESIGN	☐
MEANS OF ACCESS	☐	LANDSCAPING	☐

1769b

11. WHAT IS THE EXISTING USE OF THE LAND AND/OR BUILDING(S) e.g. residential, industrial, etc. If the site is vacant say so, and also state its previous use and when that ceased.

RESIDENTIAL

12. DOES A PUBLIC RIGHT OF WAY CROSS OR ABUT THE SITE OR THE PROPOSED ACCESS?

YES/NO

If yes, show existing route(s) and any proposed alternatives on the plans

13. ARE THERE ANY TREES ON THE SITE? IF YES, ARE ANY TO BE FELLED?

YES/NO

If yes, please show their positions, spread and species on the plans and which, if any, are to be felled.

14. STATE EXTERNAL MATERIALS TO BE USED.

REFER TO PLANS

15. HOW WILL THE SITE BE ENCLOSED? Say whether walls, fences or hedges, and give height, colour and materials. If the site is divided into plots, say how each is to be enclosed.

REFER TO PLANS

16. HOW WILL SURFACE WATER BE DISPOSED OF?

TO EXISTING SYSTEM

17. HOW WILL FOUL SEWAGE BE DISPOSED OF?

To existing system YES/NO

If no, please give details

18. WHAT ARE THE ACCESS ARRANGEMENTS?
AS EXISTING
AS PROPOSED
Give details of pedestrian and vehicular access

REFER TO PLANS

19. HAS PROVISION BEEN MADE FOR THE DISABLED? See notes for applicants

N/A

20. IF THIS PROPOSAL INVOLVES RESIDENTIAL DEVELOPMENT OR THE LOSS OF RESIDENTIAL UNITS, COMPLETE THE FOLLOWING TABLE

	No. OF DWELLINGS/HABITABLE ROOMS PROPOSED	*	TO BE RETAINED	*	TO BE LOST	*
HOUSE	/	*	/	*	3 /	*
BUNGALOW	/	*	/	*	/	
FLAT/MAISONETTE	18 /	*	/	*	/	
OTHER	/	*	/	*	/	*

* STATE No. OF HABITABLE ROOMS

21. DOES THE PROPOSAL INVOLVE ANY NON-RESIDENTIAL BUILDING OR USE?

YES/NO

If YES, complete Part 2 of the form

22. DOES THE PROPOSAL INVOLVE THE WINNING, WORKING OR PROCESSING OF MINERALS: THE DISPOSAL OF MINERAL WASTE, OR THE DEPOSIT OR PROCESSING OF REFUSE AND WASTE MATERIALS?

YES/NO

If YES, please ask for and complete Part 3 of the form

23. STATE THE FEE ENCLOSED WITH THIS APPLICATION
The current scale of fees is enclosed. If you believe a reduced fee or no fee is payable, say why.

NO FEE PAYABLE. REVISED APPLICATION BY THE SAME APPLICANT WITHIN 12 MONTHS OF REFUSAL F/2002/6270 ON 23/10/02.

I hereby apply for permission in respect of the particulars described above and in the attached plans and drawings. If planning permission is granted, the development must be carried out strictly in accordance with the approved plans. Failure to do so could result in enforcement action being taken. Permission under the Town & Country Planning Acts does not obviate the possible need to apply for Building Regulations approval.

SIGNED [signature] ON BEHALF OF BROOKWORTH DEVELOPMENTS LIMITED DATE 6 DECEMBER 2002

Before submitting the application check that it is complete, that all questions have been answered and that the site boundary and the new work are clearly edged in red on the plans. Every application must be accompanied by the appropriate certificate and fee. See "NOTES TO HELP APPLICANTS".

To:
LANDSCAPE AND TREES

From: Kerrin Lithgow

Date: 17 December 2002 19 DEC 2002

Application Number: F/2002/8165

Proposal: Proposed erection of 18 flats and demolition of existing dwellings..

Site Address:
Ardwell House, Ardwell Close, Crowthorne, .

Applicant:
Brookworth Dvts Ltd C/O Robin Bradbeer Ltd.

Your observations are required in respect of this application within **7 days** of the above date.

Please see comments on previous application.

Neil Ethering

8/1/03.

CROWTHORNE PARISH COUNCIL

PARISH OFFICE: MORGAN CENTRE, WELLINGTON ROAD, CROWTHORNE, BERKSHIRE RG45 7LD
TELEPHONE / FACSIMILE: 01344 771251
E-mail: parishcouncil@crowthorne.fsworld.co.uk

CLERK TO THE COUNCIL
Mrs C.V. James

PLANNING SERVICES	HPT 64989
POL	
DC	
APP	
CS	
15 JAN 2003	
COPIES TO	

15 January 2003

Kerrin Lithgow
Development Control Officer
Wokingham Unitary
Environmental Services
PO Box 157
Shute End
Wokingham
Berkshire
RG40 1WR

Dear Madam

APPLICATION F/2002/8165
ARDWELL HOUSE, ARDWELL CLOSE

Crowthorne Parish Council recommend refusal of this application for the reasons given in their letter dated 8th May 2002, copy attached.

Yours faithfully,

Claire James
Clerk to the Council

+441344 771251

CROWTHORNE PARISH COUNCIL

PARISH OFFICE: MORGAN CENTRE, WELLINGTON ROAD, CROWTHORNE, BERKSHIRE RG45 7LD
TELEPHONE / FACSIMILE: 01344 771251
E-mail: parishcouncil@crowthorne.fsworld.co.uk

CLERK TO THE COUNCIL
Mrs C.V. James

8th May 2002

Mr W D Munday
Head of Development Control & Building Control
Bracknell Forest Borough Council
Times Square
Market Street
Bracknell
Berks
RG12 1JD

Dear Mr Munday,

APPLICATION NUMBER: F/2002/6270 - ARDWELL HOUSE, ARDWELL CLOSE, CROWTHORNE - DEMOLITION OF ARDWELL HOUSE AND ITS REPLACEMENT WITH 18 APARTMENTS

The above development was brought to the Parish Council Planning Committee's attention by a concerned local resident. Following discussion I was asked to pass on their view that it should be refused for the following reasons:-

- Increased hazard to motorists and pedestrians by traffic entering and exiting Ravenswood Avenue.
- Increased traffic on an unadopted road which is already in a bad state of repair.
- The fact that the road already carries a lot of traffic to and from the East Berkshire Golf Club and a certain amount to Ravenswood Village.
- The hazard to disabled residents of Ravenswood Village and their carers who regularly use this road as a footpath.
- The congestion caused by cars parking at the entrance of Ravenswood Avenue/Dukes Ride by people visiting the local shops and cars parked all day by train users.

We are copying this letter to Wokingham District Council and would be grateful for your comments.

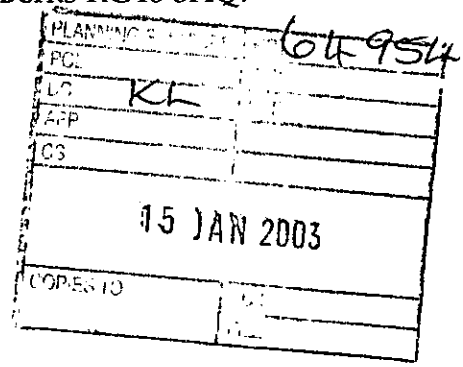
Yours sincerely,

Claire James
Clerk to the Council.

copy to: Wokingham District Council
Wokingham Without Parish Council
Finchampstead Parish Council

WOKINGHAM WITHOUT PARISH COUNCIL

The Clerk, The Lodge
Pinewood Centre
Old Wokingham Road, Wokingham, Berks RG40 3AQ.
Tel: Crowthorne (01344) 771425
Fax: (01344) 762283
email wwpc.gov@btinternet.com



03 January 2003

Kerrin Lithgow
Wokingham District Council
Environmental Services Dept.
Planning Services
P.O.Box 157
Shute End
WOKINGHAM
RG40 1WR

Dear Kerrin,

Re Planning Application F/2002/8165

I have been asked to respond to your consultation invitation as follows.

This Council can discern very little difference between this application and the previous one numbered F/2002/6270, to which it objected and supported the various arguments against the development from local residents, - access along a poor unadopted road used by disabled people, increased traffic nuisance to neighbouring property and at Dukes Ride junc., inadequate parking etc.

On the new application, the comments made previously would still seem to apply, and the Council support the representations made by neighbours whose objections can be similarly summarised, but in particular include:-
i) the one 'feed' road to Ardwell Close is unadopted and of poor quality, and as well as being used by disabled from Ravenswood, is also used by residents of an old people's home in the road and is not subject, they allege, to traffic or parking controls, and will be not local authority maintained even if a temporary improvement is carried out to facilitate the permission.
ii) whilst some of the previous objections have been addressed they have only been subject of an undertaking to discuss the issues with no undertaking to actually remedy the problems arising.
(iii) there are only 1.5 vehicle parking spaces to be provided for the flats and any surplus would be competing for space on the Close and Ravenswood Avenue which are already overloaded with parked vehicles and contribute to the hazard at the Avenue's junction with Dukes Ride.

(iv) the existing environment will have to absorb the extra noise and strain on other services of a total of perhaps 36 to 54 additional residents from this development alone, not forgetting other currently proposed developments in the immediate vicinity.
(v) notwithstanding claims to the contrary by the applicants, it is claimed that the existing surface water drainage causes limited flooding further down the Close, this will be exacerbated by the additional surface area covered by building and car parking space, and it is feared will cause more frequent and sever local flooding. It is claimed that WD's own engineer has stated that more provision will be necessary.
(vi) the foul drainage provision is barely sufficient to cope with existing dwellings, and allegedly depends on a pump on the nearby golf course which is designed to cope with only eight dwellings, but the developers propose discharge into these limited existing facilities.

This Council urge the WDC not to rescind its original decision on the proposal and to reject this one also.

Yours sincerely,

John Grant
Clerk to the Council.

FROM: Kerrin Lithgow

DATE: 17 December 2002

W.W.P.C.
19 DEC 2002
RECEIVED

WOKINGHAM WITHOUT PARISH CONSULTATION SHEET

Application Number: F/2002/8165

Proposal: Proposed erection of 18 flats and demolition of existing dwellings..

Site Address: Ardwell House, Ardwell Close, Crowthorne, .

Applicant: Brookworth Dvts Ltd C/O Robin Bradbeer Ltd.

Your observations are required in respect of this application **by 09/01/2003** .

The Parish Council reiterates the objections raised in respect of the previous application for this development, namely that the increase in traffic that the proposed development would generate would contribute to the degeneration of Ravenswood Avenue, an adopted road already in a bad state of repair and used heavily for access to East Berks Golf Course and Ravenswood Village. Limited parking provision at the site will add to the congestion already experienced in Ravenswood Avenue and Ardwell Close. The Parish Council also considers the proposed development to be out of character and over bearing to the existing street scene, by virtue of the fact that the size of the proposed apartments exceeds the current "footprint" of the existing house.

SIGNED: C.S. DATE: 10 JAN 2003

Clerk To Wokingham Without Parish Council Parish/Town Council.

PLANNING SERVICES	HPT 64947
PCI	TLS
DC KL	CNF
A	
CS	
15 JAN 2003	
COPIES TO	

Thames Water

Our Ref. **16059**
Your Ref. F/2002/8165
Date. 14 January 2003

FAO Kerrin Lithgow
Wokingham District Council
DX33506
WOKINGHAM

This matter is being dealt with by -
HPINDER

Dear Sir / Madam

TOWN AND COUNTRY PLANNING ACT 1990
Residential Development (1-20)

Ardwell House, Ardwell Close
Crowthorne

I refer to your consultation received in this office on 17/12/2002

SEWERAGE

Thames Water Utilities Ltd., has no objection to the above planning application.

WATER

With regard to water supply, Thames Water Utilities Ltd., are unaffected by this development, and therefore have no comments to make.

Yours faithfully,

Admin
(For Technical Information Manager

RWE GROUP

Date: 07 January 2003

To: Highways

We have received Additional Plans for the following planning application:

Application Number: F/2002/8165

Location: Ardwell House, Ardwell Close, Crowthorne.

Proposal: Proposed erection of 18 flats and demolition of existing dwellings.

Applicant: Brookworth Dvts Ltd C/O Robin Bradbeer Ltd.

Case Officer: Kerrin Lithgow

The new plans show the following: Index map for photographs. Drawing no: 01/083/021.

Comments are required by 17/01/2003.

Should you have any queries regarding this application please contact the case officer Kerrin Lithgow on 0118 974 6441.

No comments.

AC.

Robin Bradbeer Limited

Planning & Development Consultancy

PLANNING SERVICES	HPT 64351
POL	TLS
DC KL	ENF
APP	
CS	
17 DEC 2002	
COPIES TO	

Steepways Farm
Nether Lypiatt
Stroud
Gloucestershire
GL6 7LS

Telephone
01453 889102

Fax
01453 889103

E-Mail
planning@bradbeer.co.uk

Planning Services
Wokingham District Council
Shute End
Wokingham
Berkshire RG40 1WR

16 December 2002
Ref. No. RWB/387

For the attention of Mr Trevor Watson
Development Control

ADDITIONAL PLAN
8165

Dear Mr Watson

SITE : ARDWELL HOUSE ARDWELL CLOSE CROWTHORNE BERKSHIRE
PROPOSAL : DEMOLITION OF EXISTING DWELLINGS AND ERECTION OF 18 X 2 BEDROOM APARTMENTS - REVISED APPLICATION FOLLOWING REFUSAL F/2002/6270

I refer to the above application which was sent to you on 6 December and which is awaiting registration.

It is come to my attention that an index map for the photographs was omitted in error from the bound report. To remedy this I enclose 6 copies of that index map.

My apologies for any inconvenience this may cause.

Yours sincerely

ROBIN BRADBEER BA (Hons) MRTPI Chartered Town Planner

Enc.

c.c. Mr Gavin Rowley, Brookworth Developments Limited

387ahc.49

Kerrin Lithgow

From: Kerrin Lithgow
Sent: 07 January 2003 16:47
To: 'planning@bradbeer.co.uk'
Subject: Ardwell House, Ardwell Close

Mr Bradbeer,

I refer to your new planning applicaton for Ardwell House.

I have received comments from our highways officer, advising that as no package of measures has been put forward as was suggested would be done, they are unable to tell whether Members Concerns have been addressed.

I am away on leave/not employed by council from 20th of Jan until the 24th of Feb. I will therefore be endeavouring to write up the committee report before the 20th of Jan. Please advise if you will be submitting any further information so that I can plan for this.

Regards,

Kerrin Lithgow
Senior Planning Officer
Environmental Services
Wokingham District Council

Tel: 0118 974 6441
Wk Mobile: 07714 226 771
Fax: 0118 974 6441
Email: kerrin.lithgow@wokingham.gov.uk
www.wokingham.gov.uk

Kerrin Lithgow

From: Andy Glencross
Sent: 23 December 2002 16:21
To: Kerrin Lithgow
Subject: PA F/2002/8165 Ardwell House Ardwell Close Crowthorne

Hi Kerrin

This building as allready been surveyed for bats and I am satisfied that they are unlikley to be present.

Cheers

Andy Glencross
Countryside Officer (Biodiversity)
Wokingham District Council Countryside Service
Dinton Pastures Country Park
Davis Street
Hurst
Berkshire RG10 0TH
Tel: 0118 9342016

Date: 07 January 2003

To: Case Officer

We have received Additional Plans for the following planning application:

Application Number: F/2002/8165

Location: Ardwell House, Ardwell Close, Crowthorne.

Proposal: Proposed erection of 18 flats and demolition of existing dwellings.

Applicant: Brookworth Dvts Ltd C/O Robin Bradbeer Ltd.

Case Officer: Kerrin Lithgow

The new plans show the following: Index map for photographs. Drawing no: 01/083/021.

Comments are required by 17/01/2003.

Should you have any queries regarding this application please contact the case officer Kerrin Lithgow on 0118 974 6441.

(RING ONE)

1970

REVISED PLANS | ADDITIONAL PLANS | MINOR AMENDMENTS | ADDITIONAL / REVISED PLANS TO COMPLY WITH CONDITIONS

App No. F/2002/8165 (Planaps) / (Ludhouse) Date Rec. 17/12/02.

Location: Ardwell House, Ardwell Close, Crowthorne,

Parish ~~Finch~~ Wok. without

Applicant: Brookworth Development Ltd.

Description of attached plans Index map for photographs.

Drawing No's: 01/083/021

CONSULTEES

Copies of plans will automatically be sent to Woodley Library, Part 1 Reg., Parish Council, Ward Councillors and the Case Officer unless specified.

Please tick which of the following you wish consulted.

N. send to whoever got the photographs in the initial consultation.

OTHERS: _____ Drawing No's

_____

_____

_____

1. NK (Landscape & Trees) _____ ☐
2. NK (Env. Design) _____ ☐
3. XA (Highways) _____ ☐
4. NF (Building Control) _____ ☐
5. BC/DC Liaison _____ ☐

A full set of plans will be sent to all consultees unless particular drawing No's are specified in the spaces above.

NEIGHBOURS: _____

_____ Date for Responses 10 days.

FURTHER ACTION

Re-advertise App. ~~Y~~/ N (Delete as required)

Redate Application ~~Y~~/ N From _____

New Site Notice ~~Y~~/ N

New Description _____

CASE OFFICER KL

Consultations Sent by Admin. on 07.01.03.

Yellow - Part One Copy
Green - Officer's Copy

Robin Bradbeer Limited

Planning & Development Consultancy

PLANNING SERVICES	HPT 64351
POL	TLS
DC KL	ENF
APP	
CS	
17 DEC 2002	
COPIES TO	

Steepways Farm
Nether Lypiatt
Stroud
Gloucestershire
GL6 7LS

Telephone
01453 889102

Fax
01453 889103

E-Mail
planning@bradbeer.co.uk

Planning Services
Wokingham District Council
Shute End
Wokingham
Berkshire RG40 1WR

16 December 2002
Ref. No. RWB/387

ADDITIONAL PLAN
8165

For the attention of Mr Trevor Watson
Development Control

Dear Mr Watson

SITE : ARDWELL HOUSE ARDWELL CLOSE CROWTHORNE BERKSHIRE
PROPOSAL : DEMOLITION OF EXISTING DWELLINGS AND ERECTION OF 18 X 2 BEDROOM APARTMENTS - REVISED APPLICATION FOLLOWING REFUSAL F/2002/6270

I refer to the above application which was sent to you on 6 December and which is awaiting registration.

It is come to my attention that an index map for the photographs was omitted in error from the bound report. To remedy this I enclose 6 copies of that index map.

My apologies for any inconvenience this may cause.

Yours sincerely

ROBIN BRADBEER BA (Hons) MRTPI Chartered Town Planner

Enc.

c.c. Mr Gavin Rowley, Brookworth Developments Limited

387ahc.49

Date	31/12/02
Case Officer	Kerrin Lithgow
Location	Ardwell House, Ardwell Close, Crowthorne
Proposal	Erection of 18 flats and demolition of existing buildings
Application Number	2002/8165

N.B. The Executive on the 4 December considered recommendations to modify the Local Plan. They agreed that the plan should be modified in accordance with the proposed modifications except for the following:

1. Minor changes to wording on Chatsworth Avenue
2. Further clarification on densities in Category B settlements following discussions with GOSE
3. Amendments to the Twyford Parking Zone
4. The Dowles Green housing site is to be split into 2 sites

In Line with regulation 29 of the T & CP (Development Plan) (Engalnd) Regs 1999, the Council will consult on the proposed modifications, this is expected to start on the 29 January 2003.

The following policies (as contained in the Modified Plan) are relevant to this application:

WOS1(b): Sustainable Development
WOS2: General Development Principles
WOS3: Development Control Principles
WBE1: Design and New Development
WH1A: Housing Development – Unidentified Sites
WH3A: Housing density
WH6: Variety of Housing
WH6A: Housing Design
WH7: Affordable Housing
WT7: Road Safety

The proposal is a previously developed piece of land located within the identified settlement of Crowthorne. Therefore, development is acceptable in principle under Policies WOS1(b) and WOS2. It also complies with PPG3 (2000) which stresses the importance of concentrating additional housing on previously developed land within urban areas. The Consolidated Modified Local Plan classifies Crowthorne as a Category A settlement because it possesses a range of services, facilities and public transport opportunities that would permit residents to "*..occupy a reasonably self-contained community without the need to use a private motor car to reach those services in larger settlements*". It is in such settlements that the Council will seek new housing development.

The proposal should however, be tested against Policies WOS3, WH1A, WH6A and WBE1. It should not lead to an adverse effect on the character and appearance of the area, neither should it have a detrimental effect on the amenities of the adjoining properties.

It should have satisfactory and safe access and should have no significant detrimental impact upon the highway safety along Ardwell Close and Ravenswood Avenue (Policy WT7).

Housing Density:

The new housing density equates to 32dph (excluding the are of land covered by TPO's) this is in compliance with Policy WH3A.

Housing Mix:

Paragraph 5.17 of the WDLPDD suggests that applications should incorporate a mix of accommodation.
The table below shows to what extent this application meets the suggested mix (as proposed to be modified).

No. of beds	% (para. 5.17)	No. of proposed dwellings	%
1&2 bed	Not less than 47%	18	100
3 bed	21%		
4+ bed	Not more than 32%		

Although the proposal does not provide a mix of house types it is acceptable as there is an emphasis on 2 bed units.

Affordable Housing:

On 4 December the Executive resolved to modify the plan accordance with the proposed modifications. All applications determined after this date should comply with the modified policies. Policy WH7 (as proposed to be modified) now requires up to 26% (25% under the Deposit Draft) of all new dwellings granted consent to be affordable, where the scheme is for 15 or more dwellings or of 0.5ha or more, in settlements with a population greater than 3,000. As this revised application (following refusal of F/2002/6270) for full planning permission has been received after the Consolidated Modified Plan has been agreed by Council it should comply with Policy WH7, and make an affordable housing provision of 5 dwellings.

Conclusions:

There are no policy objections to the principle of development on this site provided that the proposal complies with policies WOS3, WBE1, WH1A, WH6A, WT7 and WH7.

Debra Hammond
Policy and Plans

Tel. 0118 974 6441

Date: 17 December 2002

Your Ref:

My Ref: Kerrin Lithgow / F/2002/8165

ENGLISH NATURE
RECEIVED
20 DEC 2002

64654

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CS	
06 JAN 2002	
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Environmental Services
Department
Planning Services
P.O. Box 157
Shute End, Wokingham
Berkshire RG40 1WR
Tel: (0118) 974 6000
Fax: (0118) 974 6484
Minicom No: (0118) 974 6991
DX: 33506 – Wokingham

English Nature
Foxhold House
Thornford Road
Crookham Common
Newbury
Berks

PLEASE QUOTE APPLICATION NUMBER WHEN REPLYING

Dear Sir/Madam

Application Number: F/2002/8165

Site Address: Ardwell House, Ardwell Close, Crowthorne, .

Proposal: Proposed erection of 18 flats and demolition of existing dwellings..

I enclose details of the above application and would be grateful to receive your observation within **21 days** of the date of this letter. I cannot guarantee that comments received after this date will be taken into account in determining the application.

Please quote reference number **F/2002/8165** in all communications and any response should be addressed to **Kerrin Lithgow** the case officer dealing with this application at the above address.

I look forward to hearing from you.

Yours faithfully,

Kerrin Lithgow

Development Control Officer

ENGLISH NATURE

Thames and Chilterns Team
Foxhold House, Crookham Common
Thatcham, Berks RG19 8EL
Tel: 01635 268881 Fax: 01635 268940

06 JAN 2002

To: Kerrin Lithgow

Our Ref: SU 86

Thank you for the attached letter. English Nature does not wish to comment on this consultation.

Signed: Skinz

Conservation Officer: SAMANTHA KING **Date:** 3/01/03

WOKINGHAM WITHOUT PARISH COUNCIL

The Clerk, The Lodge
Pinewood Centre
Old Wokingham Road, Wokingham, Berks RG40 3AQ.
Tel: Crowthorne (01344) 771425
Fax: (01344) 762283
email wwpc.gov@btinternet.com

PLANNING SERVICES	HPT
PCL	TLS
	ENF
CC	

19 DEC 2002

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	FILE

FAX MESSAGE

TO: WDC Development Control. **DATE:** 19 December 2002.

FROM: John Grant. **ATTENTION** Kerrin Lithgow.

Re **F/2002/8165 - Ardwell House**

Deadline for comments 9th January.

The next meeting of this Council's plans committee is not until the evening Monday 13th and I will fax any comments on Tuesday 14th.

Please can you let me know if this is not acceptable?

Regards and thanks,

John Grant.
Clerk to the Council.

Kerrin Lithgow

From: John Mullaney
Sent: 20 December 2002 11:11
To: Kerrin Lithgow
Subject: "Ardwell House", Ardwell Close, CROWTHORNE, Berkshire F/2002/8165

I have no objections to this application but would recommend that standard planning condition C070 regarding hours of construction is attached should planning consent be granted.

John Mullaney
Senior Environmental Health Officer
Environmental Protection and Housing
Wokingham District Council
Tel. 0118 974 6766
Fax. 0118 974 6401
john.mullaney@wokingham.gov.uk
www.wokingham.gov.uk

Application Number: F/2002/8165

Case Officer : KL

Valid Date : 9.12.02

Map No : 108

Site Area : 0.56

Received Date: 09/12/2002

Level : Committee Item - No Date Set

Description : Proposed erection of 18 flats and demolition of existing dwellings.

Location : Ardwell House, Ardwell Close, Crowthorne, .

Parish : WT **Ward :** ~~WOK~~ FINCHAMPSTEAD South - 17.12.02 TB.

Applicant : Brookworth Dvts Ltd C/O Robin Bradbeer Ltd.

Fee Required: £0 **Fee Received: £0** resubmission fee paid on 6270.

Additional: ..... or Refund: .....

Enforcement Section to be notified ☐ (tick if required)

Additional information required for validation;

REASON	NOTES	DATE REQ	DATE RECD
LOCATION PLANS			
BLOCK PLANS			
FORMS UNSIGNED			
S.66 MISSING/INCORRECT/ UNSIGNED			
ELEVATION PLANS			
FLOOR PLANS			
NO SCALE OR SCALE IS IMPERIAL			
ENCROACHMENT LETTER REQUIRED			
OTHER			

Is the site in a Conservation Area: ☐ Yes ☐ No If "Yes" which one _____

Is the site a Listed Building: ☐ Yes ☐ No

Is a Statutory Advertisement required: ☑ Yes ☐ No major dev.

INTERNAL CONSULTATIONS 17·12·02

Building Control

Heritage (Harold Sanders)

Landscape } with copy of Arboricultural Implication Study

Trees

Environmental Health ✓

Housing ✓

Leisure & Cultural Services = Wendy Smith, Chris Hamilton, Gerard Kerslake

Public Rights of Way Officer — Dave Hooper

Property

Policy & Plans ✓

Joint Strategic Planning Unit

Archaeological Officer (BABTIE)

Education ✓

Social Services

Highways ✓

Dinton Pastures ✓

Drainage ✓

Access officer ✓

EXTERNAL CONSULTATIONS

Adjacent DPA: Bracknell Forest ✓

Adjacent Parish: Crowthorne PC (in Bracknell) ✓ Wokingham without P.C. ✓

SEB re Substation ✓

British Gas — Morgan Centre, Wellington Road, Crowthorne RG45 7LD.

Oil pipeline

Transco

Environment Agency ✓

Railtrack

Police Arch Officer ✓

Thames Water ✓

Royal Berks Fire + Rescue ✓

HERITAGE BODIES

Victorian Society
The Georgian Group
Ancient Monuments Society
Council for British Arch
RCHME
NRPB (Telecommunications)
Sport England
Society for Proct' of Ancient Bldgs
English Heritage
English Nature ✓ re proposed Special Protection Area (within 2km buffer zone)

OTHERS

.....

.....

.....

.....

.....

.....

NEIGHBOURS

.....

S/N + see map

.....

+ all addresses inside red line

.....

+ all people who sent letters of representation for /6270 (see attached list)

No new pre-apps

WOKINGHAM UNITARY
Aiming for Excellence

Applicationo	Name & Address
F/2002/6270	Joyce Metcalfe 35 Ravenswood Aven CROWTHORNE Berkshire RG45 6AX
F/2002/6270	Carol and Geoff Baldry 27 Ravenswood Avenue CROWTHORNE Berkshire RG45 6AX
F/2002/6270	Shirley Mather Geoffrey Mather Wynbrook 18 Ravenswood Avenue CROWTHORNE Berkshire RG45 6AY
F/2002/6270	Dr P Williams 11 Ravenswood Avenue CROWTHORNE Berkshire RG45 6AX
F/2002/6270	Mrs S J Griggs Edgeworth House 33 Ravenswood Avenue CROWTHORNE Berkshire RG11 6AX
F/2002/6270	R A Allday 3 Ardwell Close CROWTHORNE Berkshire RG45 6BA
F/2002/6270	Dr D J Collins Mrs J M Collins 10 Ardwell Close CROWTHORNE Berkshire RG45 6BA
F/2002/6270	Mrs M Doreen Hawson 9 Ardwell Close CROWTHORNE RG45 6BA

Committee letters sent 25/09/02

Organisation_Name	Building_Name	address1	Postcode
	26A	26ARAVENSWOOD AVENUECROWTHORNE	RG45 6AY
	THE OAKS	THE OAKSRAVENSWOOD AVENUECROWTHORNE	RG45 6AY
		23HEATHERDENE AVENUECROWTHORNE	RG45 6AA
		25RAVENSWOOD AVENUECROWTHORNE	RG45 6AX
		26RAVENSWOOD AVENUECROWTHORNE	RG45 6AY
		22RAVENSWOOD AVENUECROWTHORNE	RG45 6AY
	ARDWELL LODGE	ARDWELL LODGEARDWELL CLOSECROWTHORNE	RG45 6BA
		27RAVENSWOOD AVENUECROWTHORNE	RG45 6AX
		29RAVENSWOOD AVENUECROWTHORNE	RG45 6AX
		31RAVENSWOOD AVENUECROWTHORNE	RG45 6AX
		33RAVENSWOOD AVENUECROWTHORNE	RG45 6AX
		35RAVENSWOOD AVENUECROWTHORNE	RG45 6AX
		38RAVENSWOOD AVENUECROWTHORNE	RG45 6AY
		40RAVENSWOOD AVENUECROWTHORNE	RG45 6AY
		10ARDWELL CLOSECROWTHORNE	RG45 6BA
		11ARDWELL CLOSECROWTHORNE	RG45 6BA
		12ARDWELL CLOSECROWTHORNE	RG45 6BA
		2ARDWELL CLOSECROWTHORNE	RG45 6BA
		3ARDWELL CLOSECROWTHORNE	RG45 6BA
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	ARDWELL HOUSE	ARDWELL HOUSEARDWELL CLOSECROWTHORNE	RG45 6BA
		36RAVENSWOOD AVENUECROWTHORNE	RG45 6AY
		37RAVENSWOOD AVENUECROWTHORNE	RG45 6AX
		32RAVENSWOOD AVENUECROWTHORNE	RG45 6AY
		1ARDWELL CLOSECROWTHORNE	RG45 6BA
		22HEATHERDENE AVENUECROWTHORNE	RG45 6AA
		20HEATHERDENE AVENUECROWTHORNE	RG45 6AA
		19RAVENSWOOD AVENUECROWTHORNE	RG45 6AX
LAND AT			
	23A	23ARAVENSWOOD AVENUECROWTHORNE	RG45 6AX

Received by Wokingham District Council

Application No: F/2002/8165

Proposal:
Proposed erection of 18 flats and demolition of existing dwellings.

Location:
Ardwell House, Ardwell Close, Crowthorne, .

The application is available for inspection at Wokingham District Council's offices during the following times:

PLANNING DEPARTMENT, SHUTE END, WOKINGHAM TEL (0118) 974 6428
8.30 - 5.00 Monday - Thursday & 8.30 - 4.00 Friday

WOODLEY LIBRARY HEADLEY ROAD WOODLEY 9.30am - 7.00pm Mon, Thurs & Fri. 9.30am - 5.00pm Tues, 9.30am - 1.00pm Saturday and 1.00pm - 4.00pm Sunday. Library closed all day Wednesday. If you intend to view this application at Woodley Library please allow 4 days from the date of this letter for delivery of plans and remember to quote application number F/2002/8165 to enable the library staff to locate the correct information.

Comments should be sent in writing QUOTING THE APPLICATION NUMBER to the Case Officer Kerrin Lithgow P.O. Box 157 Council Offices, Shute End, Wokingham Berkshire, RG40 1WR to arrive on or before 09/01/2003. Written comments submitted will become available for public inspection.

In view of the very large number of planning applications and letters of comment received, it will not be possible for an individual reply to be issued to observations made. However any comments will be taken into account when the application is determined and you will be notified of the decision.

Trevor Watson
Development Control Manager

17 December 2002

09 DEC 2002 01:05

Robin Bradbeer Limited

Planning & Development Consultancy

Steepways Farm
Nether Lypiatt
Stroud
Gloucestershire
GL6 7LS

Telephone
01453 889102

Fax
01453 889103

E-Mail
planning@bradbeer.co.uk

Planning Services
Wokingham District Council
Shute End
Wokingham
Berkshire RG40 1WR

09 DEC 2002

6 December 2002
Ref. No. RWB/387

For the attention of Mr Trevor Watson
Development Control

Dear Mr Watson

SITE : ARDWELL HOUSE ARDWELL CLOSE CROWTHORNE BERKSHIRE
PROPOSAL : DEMOLITION OF EXISTING DWELLINGS AND ERECTION OF 18 X 2 BEDROOM APARTMENTS - REVISED APPLICATION FOLLOWING REFUSAL F/2002/6270

I enclose the following documentation comprising a full application for this development proposal:

- Completed Certificate of Ownership and Agricultural Holdings Certificate.
- 6 bound reports incorporating the submitted drawings and plans together with photographs and Planning Statement
- 2 copies of the Arboricultural Implication Study and Tree Protection Strategy prepared by Honey Tree Specialists

The submitted drawings are the same as those upon which the Council determined F/2002/6270 which is now at appeal. This revised application seeks to address the concerns expressed by Members relating to highway safety issues upon which permission was refused. The Planning Statement which forms part of this application records the fact that the applicant has since obtained legal advice regarding the status of Ravenwood Avenue which indicates that the applicant is entitled to carry out repairs and improvements provided that the road is not widened. Accordingly, the applicant intends to hold discussions with the Highway Officer, in the context of this application, to agree a suitable package of measures which address highway safety issues. It is envisaged that agreed works, consistent with both the legal framework and the criteria set out in Circular 11/95, would be covered by an appropriate "Grampian" condition.

Registered in England Number: 3372202

I would welcome discussion with you as may be necessary regarding this proposal.

Yours sincerely

ROBIN BRADBEER BA (Hons) MRTPI Chartered Town Planner

Enc.

c.c. Mr Gavin Rowley, Brookworth Developments Limited

1769a

WOKINGHAM DISTRICT COUNCIL
PLANNING APPLICATION

PART 1

APPLICATION FOR PERMISSION TO CARRY OUT DEVELOPMENT - TOWN AND COUNTRY PLANNING ACTS

Please answer ALL QUESTIONS in BLOCK LETTERS. If a question is not applicable, answer N/A in space. Please submit SIX copies of this form and plans to:-

THE DISTRICT PLANNING OFFICER
WOKINGHAM DISTRICT COUNCIL
PLANNING DEPARTMENT
P O Box No. 157
COUNCIL OFFICES
SHUTE END
WOKINGHAM
BERKSHIRE, RG40 1WR

FOR OFFICE USE ONLY

09 DEC 2002

08.65

1.	APPLICANT'S NAME	BROOKWORTH DEVELOPMENTS LIMITED
	ADDRESS	FETCHAM PARK HOUSE LOWER ROAD FETCHAM SURREY
	POST CODE	KT22 9HD PHONE
2. If the applicant has an agent, all correspondence will be sent to the agent	AGENT'S NAME	ROBIN BRADBEER LIMITED
	ADDRESS	STEEPWAYS FARM NETHER LYPIATT STROUD GLOS.
	POST CODE	GL6 7LS PHONE 01453 889102
3. On the plans show the SITE outlined in RED Show also OTHER land in the applicant's ownership or control in BLUE.	SITE LOCATION	ARDWELL HOUSE ARDWELL CLOSE CROWTHORNE BERKSHIRE
4. WHAT IS THE APPLICATION FOR ? Give brief details and state for what purpose this site and any buildings will be used.		DEMOLITION OF EXISTING DWELLINGS AND ERECTION OF 18 X 2 BEDROOM APARTMENTS — REVISED APPLICATION FOLLOWING REFUSAL F/2002/6270
5. Give the area in hectares or part of a hectare	AREA OF SITE	0.56
6. State the applicant's interest in the land e.g. owner, prospective purchaser, lessee	OWNERSHIP	PROSPECTIVE PURCHASER
7. List all the plans and drawings submitted with the application	PLANS/DRAWINGS	REFER TO COVERING LETTER

8. DOES THE APPLICATION INVOLVE ANY OF THE FOLLOWING ?

Tick the boxes(x)

CHANGE OF USE	☐	REDEVELOPMENT	☑
ERECTION OF NEW BUILDING	☐	ALTERATION or EXTENSION	☐

9. WHAT TYPE OF APPLICATION IS THIS ? Tick one box only

OUTLINE PERMISSION	☐	See question 10
FULL PERMISSION	☑	
APPROVAL OF DETAILS/RESERVED MATTERS	☐	State relevant outline permission number Also complete Question 10
TEMPORARY PERMISSION	☐	State period required
RELAXATION OF CONDITIONS	☐	State relevant application number Conditions to be relaxed

10. IF THIS IS AN OUTLINE APPLICATION OR AN APPROVAL OF RESERVED MATTERS, which details, if any, do you wish to be considered as part of this application ?

SITING
EXTERNAL APPEARANCE
DESIGN
MEANS OF ACCESS
LANDSCAPING

11. WHAT IS THE EXISTING USE OF THE LAND AND/OR BUILDING(S) e.g. residential, industrial, etc. If the site is vacant say so, and also state its previous use and when that ceased.

RESIDENTIAL

12. DOES A PUBLIC RIGHT OF WAY CROSS OR ABUT THE SITE OR THE PROPOSED ACCESS?

YES/NO

If yes, show existing route(s) and any proposed alternatives on the plans

13. ARE THERE ANY TREES ON THE SITE? IF YES, ARE ANY TO BE FELLED?

YES/NO

If yes, please show their positions, spread and species on the plans and which, if any, are to be felled.

14. STATE EXTERNAL MATERIALS TO BE USED.

REFER TO PLANS

15. HOW WILL THE SITE BE ENCLOSED? Say whether walls, fences or hedges, and give height, colour and materials. If the site is divided into plots, say how each is to be enclosed.

REFER TO PLANS

16. HOW WILL SURFACE WATER BE DISPOSED OF?

TO EXISTING SYSTEM

17. HOW WILL FOUL SEWAGE BE DISPOSED OF?

To existing system YES/NO

If no, please give details

18. WHAT ARE THE ACCESS ARRANGEMENTS?
AS EXISTING
AS PROPOSED
Give details of pedestrian and vehicular access

REFER TO PLANS

19. HAS PROVISION BEEN MADE FOR THE DISABLED? See notes for applicants

N/A

20. IF THIS PROPOSAL INVOLVES RESIDENTIAL DEVELOPMENT OR THE LOSS OF RESIDENTIAL UNITS, COMPLETE THE FOLLOWING TABLE

	No. OF DWELLINGS/HABITABLE ROOMS PROPOSED	*	TO BE RETAINED	*	TO BE LOST	*
HOUSE	/	*	/	*	3 /	*
BUNGALOW	/	*	/	*	/	*
FLAT/MAISONETTE	18 /	*	/	*	/	*
OTHER	/	*	/	*	/	*

* STATE No. OF HABITABLE ROOMS

21. DOES THE PROPOSAL INVOLVE ANY NON-RESIDENTIAL BUILDING OR USE?

YES/NO

If YES, complete Part 2 of the form

22. DOES THE PROPOSAL INVOLVE THE WINNING, WORKING OR PROCESSING OF MINERALS: THE DISPOSAL OF MINERAL WASTE, OR THE DEPOSIT OR PROCESSING OF REFUSE AND WASTE MATERIALS?

YES/NO

If YES, please ask for and complete Part 3 of the form

23. STATE THE FEE ENCLOSED WITH THIS APPLICATION The current scale of fees is enclosed. If you believe a reduced fee or no fee is payable, say why.

NO FEE PAYABLE. REVISED APPLICATION BY THE SAME APPLICANT WITHIN 12 MONTHS OF REFUSAL F/2002/6270 ON 23/10/02.

I hereby apply for permission in respect of the particulars described above and in the attached plans and drawings. If planning permission is granted, the development must be carried out strictly in accordance with the approved plans. Failure to do so could result in enforcement action being taken. Permission under the Town & Country Planning Acts does not obviate the possible need to apply for Building Regulations approval.

SIGNED [signature] ON BEHALF OF BROOKWORTH DEVELOPMENTS LIMITED DATE 6 DECEMBER 2002

Before submitting the application check that it is complete, that all questions have been answered and that the site boundary and the new work are clearly edged in red on the plans. Every application must be accompanied by the appropriate certificate and fee. See "NOTES TO HELP APPLICANTS".

1753/a

SECTION 66 CERTIFICATE

Application No.

09.DEC.2002 8165

Please fill in both Certificate A, B, C or D and the Agricultural Holdings Certificate. Delete sections not relevant.

CERTIFICATE A

09 DEC 2002

I certify that:

at the beginning of the period of 21 days ending with the date of the accompanying application nobody, except the applicant, was the owner of (a) of any part of the land to which the application relates.

(a) "Owner" means a person having a freehold interest or leasehold interest the unexpired term of which is not less than 7 years.

OR

CERTIFICATE B

I certify that:

I have/The applicant has* given the required notice to everyone else who, at the beginning of the period of 21 days ending with the date of the accompanying application was the owner (a) of any part of the land to which the application relates, as listed below.

Owner's(a) name	Address at which notice was served	Date on which notice was served
REFER TO ATTACHED SCHEDULE		6 DECEMBER 2002

+ See Note (a) to Certificate A

OR

CERTIFICATE C

I certify that

- I/The applicant* cannot issued a certificate in accordance with either paragraph (a) or paragraph (b) of Section 66(1) of the Act in respect of the accompanying application.

- I have/The applicant has* given the required notice to the persons specified below, being persons who at the beginning of the period of 21 days ending with the date of the application were owners (a) of any part of the land to which the application relates.

Owner's(a) name	Address at which notice was served	Date on which notice was served

(b) Insert description of steps taken.

- I have/The applicant has* taken all reasonable steps open to me/him/her* to find out the names and addresses of the other owners (a) of the land, or of a part of it, but have/has* been unable to do so. These steps were as follows:

(b) .....

.....

(c) Name of local newspaper circulating in the area where the land is situated.

- Notice of the application as attached to this Certificate, has been published in the (c) .....

(d) Date of publication (which must be not earlier than the beginning of the period of 21 days ending with the date of the application).

on (d) .....

1789/b

CERTIFICATE D

I certify that

● I/The applicant cannot issue a certificate in accordance with paragraph (a) of Section 66 of the Act in respect of the accompanying application.

OR

● I/The applicant have/has taken all reasonable steps open to me/him/her to find out the names and addresses of everyone else who, at the beginning of the period of 21 days beginning with the date of application was the owner (a) of any part of the land to which the application relates, but have/has been unable to do so. These steps were as follows:

(b) .....

.....

(b) Insert description of steps taken

● Notice of the application as attached to this Certificate, has been published in the (c) .....

on (d) .....

(c) Insert name of local newspaper circulating in the area where the land is situated.

(d) Insert date of publication (which must not be earlier than the beginning of the period of 21 days ending with the date of the application).

ALL APPLICANTS MUST COMPLETE THIS SECTION

Agricultural Holdings Certificate

One or other section must be crossed through as not applicable.

If any of the site is part of an area of land which is let or there is an agreement to let the land for agricultural purposes to a tenant, it may be an agricultural holding. Further advice may be obtained from the Department.

If the applicant is the sole agricultural tenant he or she must delete the first alternative and insert "not applicable" as the information required by the second alternative.

● None of the land to which the application relates is, or is part of, an agricultural holding.

OR

● I have/The applicant has given the required notice to every person other than my/him/herself who, at the beginning of the period of 21 days ending with the date of the application, was a tenant of an agricultural holding on all or part of the land to which the application relates, as follows:

Tenant's name	Address at which notice was served	Date on which notice was served

Signed .....

On behalf of BROOKWORTH DEVELOPMENTS LIMITED

Date 6 DECEMBER 2002

TOWN AND COUNTRY PLANNING ACT, 1990
TOWN & COUNTRY PLANNING GENERAL DEVELOPMENT ORDER 1988
Certificate under Section 66

SCHEDULE SHOWING PERSONS NOTIFIED UNDER CERTIFICATE B

OWNER'S NAME	ADDRESS AT WHICH NOTICE WAS SERVED	DATE ON WHICH NOTICE WAS SERVED
Mr & Mrs Millie	1 Ardwell House Ardwell Close Crowthorne Berkshire RG45 6BA	06/12/02
Mr & Mrs Burns	2 Ardwell House Ardwell Close Crowthorne Berkshire RG45 6BA	06/12/02
Mr & Mrs Sleet	3 Ardwell House Ardwell Close Crowthorne Berkshire RG45 6 BA	06/12/02

(1) ARDWELL HOUSE
ADDRESS Ardwell Close 06012 PARISH Finchampstead

PLOT No.
BUILDER ORD. SHEET No. SU. 8264 (10

Plan No.	Applicant		Description of Development	Date of Decision	Decision
8264/35	Mrs C R Rathbone		Rep. Refn conversion to form 3 flats	9.12.35	N/A C/A
1/60	Mr L R Morris			9.2.60	APP APP
PD/167/60	"		Foul sewers	10.5.60	APP N/A
O/75/67	Major A.T. Davies		Det bungalow on land	2.3.67	N/A Ref
PD. 492/60	for J.A East		Garage	13.11.60	APP N/A
13081	MR H. PINNINGTON		Ext. Lg to KITCHEN (2)	5-6 FO	N/A C/A
BR13229	"		"	16.2.60	APP N/A
30118	MR. C. SILLS	O/L	OLD HOUSE	14.4.88	REF
33559 APPEAL	HARLEY HOMES		READY.	3.8.89	REF
37187	ARNOLD BURNS	2	PORCH/CLOAKRM. 1ST FLOOR EXTNS	21.3.91	C/A
CLA 10363	"	"	" " "	10.6.91	APP
42051	MR. B. HOWARD	1	CONSERVATORY	13.1.94	C/A

DATE OF COMPLETION
MINISTRY DECISION 33559 - APPEAL DISMISSED - 22.5.90.
SPECIAL ORDERS TPO 474/89 TPO 530/90
DRAINAGE
091074

1933
(2) ARDWELL HOUSE
ADDRESS ARDWELL CLOSE PARISH FINCHAMPST.

PLOT No. ORD. SHEET No. SU.8264 (10S)
BUILDER

Plan No.	Applicant		Description of Development	Date of Decision	Decision
44805	MR & MRS HOWARD	1	REPL. GARAGE & STORE	20.9.95	C/A
95/60896/F					
FP95/3588	A	1	REPL. GARAGE	15.05.95	APP REF
F/2000/2774	3 Mr. & Mrs. Sleet		Withdrawn	02.04.01	
F/2001/3761	No3 Mr & Mrs Sleet		2/Strext & garage	15.06.01	C/A
F/2002/6270	Brookworth Devs.		Demolish bldg & erect 18x2 bed. apartments	23.10.02	REF
F/2002/8165	"		Erect 18 flats & demolish existing dwellings		

MINISTRY DECISION
SPECIAL ORDERS

09 DEC 2002 3165

ARBORICULTURAL IMPLICATION STUDY AND TREE PROTECTION STRATEGY

Ardwell House
Ardwell Close
Crowthorne
Berkshire

Produced For:	Brookworth Developments Ltd
Prepared By:	Michael Honey Dip.Arb.(RFS), F.Arbor.A. BA Hons
Reference:	MPH4660
Date:	05.08.02

Recycled Paper

Prepared for: Brookworth Developments Ltd

Site Address: Ardwell House, Ardwell Close, Crowthorne, Berkshire

Report Prepared By: Michael Honey

Date: 5th August 2002

▪ Instructions

Further to your recent instructions we have pleasure in submitting the following report.

▪ Background

The report concerns the above site which consists of a large residential building currently split into 3 properties and enclosed by extensive gardens.

The site is subject to a development proposal which consists of the demolition of the existing house and the construction of a large multiple residential building as outlined in the planning layout schedule 2 of the appendix and which outlines those trees to be removed and those trees to be retained.

▪ Scope of Report

a) The following report assesses all the trees on site in terms of their health and safety, amenity value and future potential. The trees were numbered, tagged, and plotted on the drawing schedule 2 of the appendix. The schedule of trees is included in schedule 1 of the appendix.
The scope of this report is to assess the development proposal for this site with respect to its implication upon existing trees. The report determines which trees should be retained and which should be removed. All interfaces between the development and the trees, their root zones and their crowns are assessed and discussed.

Recycled Paper

b) Preferential protective distances for the trees to be retained graded B and above are also listed within the tree schedule and with reference to BS5837 "Trees in Relation to Construction" Table 1.
c) The quality and future growth potential of the trees likely to be affected by the development are assessed.
d) The report details those protective measures that will be necessary for the successful protection of retained trees during the construction process.
e) Guidance is given with respect to the implementation of protective procedures and measures in relation to specific site sensitive trees and general site organisation and construction logistics.
f) The use of a Tree Protection Method Statement is described as a potential tool to assist the successful logistical implementation of tree protective measures during the construction process. The general principles involved in the formation of a method statement and its contents are outlined. A draft summary of Method Statement is included as schedule 6 of the appendix and for further discussion between relevant parties.
g) A further schedule 6 of the appendix is provided for any necessary tree works to retained trees to further ensure reasonable co-existence between retention trees and proposed development.

▪ Site Description

Ardwell House is a large residential building currently split into 3 separate properties and surrounded by an extensive garden. Ardwell Close is located within the residential area of Crowthorne and is occupied by detached residential properties set within their own gardens. The area has an established tree population that creates a partially wooded character to the location.

The garden of Ardwell House has a mature tree population including small woodland groups of mature Pine, Birch and Oak located predominantly to the boundaries. These trees collectively contribute to the partially wooded character of the area and many of them are subject to Tree Preservation Orders. The Tree Preservation Order schedule is included in schedule 3 of the appendix. The plot is largely level with the ground falling away slightly to the northern side of the garden.

▪ Design Proposal and Tree Retention

Trees of Value to be Retained

The design proposal has been carefully formulated to ensure that all trees of value graded B and above can be retained within the development.

Trees of Value to be Removed

Only a small number of trees will require removal to facilitate development and that includes the group of three Birch close to the rear of the existing property which are subject to Tree Preservation Orders (TPO numbers 22, 23 and 24 and numbered T635 to T637 in our tree schedule). It was agreed with Wokingham District Council's Tree Officer at a site meeting on 5th February 2002, that these trees graded C to B/C are now of poor form and potential, as a result of heavy past pruning, and their removal will not be of detriment to the local landscape. Similarly, it was agreed with the tree officer that the Lawson cypress to the front of the property (TPO no. 32 and T660 of our report and graded B/C) is of limited amenity value and this tree will also be removed to facilitate construction of the driveway and parking spaces. In addition a small number of Birch and Oak to the Ardwell Close boundary will need to be removed to facilitate construction of a new pavement including T667, T668 and T669. Removal of these smaller trees will not have any significant impact upon the integrity of the remaining woodland group behind.

Trees of Value to be Retained with Protective Measures

A small number of trees of amenity value graded B and above will require driveway and hardstanding construction that will encroach marginally upon the trees preferred protective distances.

This includes the Scots Pine T652, the Oak T654, Scots Pine T655 and the Scots Pine group T661. Widening of the existing driveway entrance will also encroach upon the protective areas of the Pine T601 Western Hemlock, T671 and Beech T672.

In addition construction of the cycle store will encroach upon the protective areas of the Oak T654 and Scots Pine T655.

Protective measures have therefore been outlined in the following tree protection strategy to ensure the safe retention of all these trees.

- **Protection of Trees During Construction**

General Principles

Existing trees can be easily damaged directly through root severance and inadvertently through soil compaction which disrupts the soil structure causing asphyxiation of roots and subsequent root dysfunction. Spillage of toxic materials can also cause root death. Protection for selected trees for retention is essential to

ensure their lasting effect on the proposed scheme which will include a proportion of the tree/soil zone.

It is equally important therefore to ensure the protection of trees both above and below ground. Guidance is provided in British Standard 5837 "Trees in Relation to Construction" as to the protection of existing trees before, during and after development.

Additionally, guidance is given specifically with respect to driveways in the publication "Driveways Close to Trees" produced by the Arboricultural Advisory and Information Service.

Trenching close to trees can have a serious detrimental effect on tree physiology and stability. It will be necessary to consider alternatives to open trenching near trees in order to avoid damage. Guidance is given in the National Joint Utilities Group publication "Guidance for the Planning Installation and Maintenance of Utility Services in Proximity to Trees".

Protective Distances and Fencing

With reference to BS5837 table 1, guidance for the minimum protective distances for those trees of amenity value has been included within the tree schedule.

These protective distances could be included on a separate drawing as part of the tree protection plan. The protective distances where possible and appropriate should be enforced by the use of robust protective fencing as outlined in BS5837 Chapter 8.

In this instance we would recommend that fencing 1.2 metres high consisting of scaffolding supporting chestnut fencing is specified (fig. 4 BS5837 schedule 4 of the appendix) for general protective areas. This general protective fencing when not applied to individual trees closer to the development could be used to seal off the majority of the garden and its important trees from the construction area.

Where construction processes are required to within the minimum protective distances fencing 2.4 metres high should be used consisting of a scaffold framework supporting man made boards (fig. 5 schedule 4). Protective areas should be identified by high visibility tapes bearing the inscription "Tree Retention Area Keep Out".

Demolition

Demolition should be undertaken with great care in order not to damage retained trees. All demolition materials to be demolished into existing footprint area and moved to designated storage area. No demolition material should be stored within protective areas of retained trees. These access routes are to include the existing driveway entrances. Excavation of old foundations should be restricted to their existing depths and no greater. Materials to be removed from site by designated access routes.

Any excavated area within the protected root area should be back filled with inert granular material mixed with top soil.

Tree Protection and Utilities

The location and siting of all utilities should if possible be outside of the minimum protective distances as enforced on site. Where utilities need to encroach upon these areas thrust bore excavation techniques should be considered. Alternatively all trenches should be carefully dug by hand retaining all roots over 25 millimetres in diameter and back filling with inert granular material mixed with top soil. All utilities should follow the existing service routes to avoid Tree Protection Areas.

Tree Protection and Storage of Materials

All materials for construction purposes should be carefully stored outside of the enforced tree protection areas. All toxic substances such as oils, bitumens and residues from concrete mixing should be retained by effective catchment areas.

Landscaping Works

All landscaping should avoid soil regrading and disturbance within the tree protective areas.

- **Specific Tree Retention and Protection**

Access Drive and Construction and Site Access

Access routes for construction traffic should follow the existing entrance driveways and hardstanding. Protective fencing of the more robust form should first be erected to the driveway edges before demolition and construction begins.

Domestic Drive way Construction

The proposed domestic driveways and car parking will be located marginally within normal protective distances and areas for trees T652, T654, T655 and T661.

Limited potential may exist therefore for root damage and dysfunction to these trees through soil compaction. Any excavation for driveway construction could also result in root severence with serious consequences for tree health and stability. The majority of tree roots exist in the top 60 centimetres of soil. Any excavation therefore can be detrimental in this respect.

Particular engineering solutions should be applied therefore to alleviate the possible consequences of driveway construction and use within the identified protective distances at least.

The more robust form of protective fencing should first be erected (2.4 metre high scaffolding supporting man made boards) at a distance of to within one metre of the driveway edge and to the relevant protective distances of each individual tree as listed in schedule 1 of the appendix.

Driveway construction for residential used should employ no dig construction techniques as outlined by AAIS APNI 'Driveways Close to Trees' to ensure that root severence is kept to a minimum, soil is not compacted and oxygen is able to diffuse into the soil beneath the surface (see schedule 5 of the appendix).

Structural engineers Wyatt Carruthers and Jebb have further developed the No dig roadway principles outlined by AAIS APNI. WCJ's formula has been created to allow driveway construction with the minimum of excavation and soil compaction while ensuring secure edge retention.

This is achieved by the use of the geo textile fabric tensar to encapsulate nc fines aggregate in the formation of a mattress system of sub base. Edge retention is incorporated internally within the mattress system and with the use of key form edge profiles. The mattress sub base is therefore able to sit relatively proud of the soil surface, with the minimum of soil excavation and dissipating loading to avoid soil compaction.

A detail method statement of the WCJ system is included in schedule 5 of the appendix.

Recycled Paper

The final driveway surface should preferably gravel. Blocks dry bedded and unsealed could also be used, however some distortion of this surface may occur over time requiring future remedial repairs.

In addition upgrading and widening of the existing western access driveway to form the main access route for the finished development will result in the extension of the driveway width marginally to within the protective areas of the Pine T601 the Western Hemlock T671 and the Beech T672 located to the front woodland area. Some exploratory investigation of the soil profile within the area of the driveway extension would be advised to determine the potential for significant root damage from traditional construction techniques. If necessary the same a no dig construction technique outlined above should also be employed to facilitate driveway widening while ensuring the safe retention of these specimens.

Cycle Store Construction

The design proposal includes the construction of a cycle store within the preferred protective areas of the Oak T654 and Scots Pine T655.

If traditional foundation design and construction methods are employed excavation to depths will be required along the foundation line that may sever a significant proportion of the trees root system particularly if foundations are excavated mechanically.

Damage to tree roots could be reduced by designing foundations in a way that avoids continuous trench foundations and permits roots to continue to radiate out from the tree. A pile and beam foundation would be suitable for this purpose.

A trench should at first be hand excavated to a depth of approximately one metre retaining all roots over 25 millimetres in diameter. The trench will act as an exploratory measure to assess the location of roots in order to determine the exact position of both pad and beams to minimise damage. Following the determination of roots and pad and beam positions the trench should be backfilled with inert granular material mixed with top soil.

It would be preferable that the beams are seated at or just below ground level to avoid root disturbance along their lengths. The pads should be placed as carefully as possible in relation to the roots exposed by exploratory excavation, to ensure that root severance is kept to a minimum and confined if practical to roots less than 25 millimetres in diameter. Any roots that are encountered during the excavation for and construction of the beams should be cut cleanly with a

handsaw or secateurs or suitable pruning tools. The excavation areas should be backfilled with inert granular material mixed with top soil.

The base or floor of the cycle store should also be constructed to avoid excavation of this area.

A structural engineer should be consulted with respect to foundation design and construction techniques.

Protection From Construction Processes

Construction of the cycle store will require construction process and possibly scaffolding within the minimum protective distance of the trees t654 and T655. The more robust form of protective fencing specified (2.4 metre high scaffolding supporting boarding) should first be erected approximately 1 metre from the proposed line of foundations to facilitate the construction process. Ground between the protective fencing and building should be protected by geotextile fabrics beneath boarding as depicted by fig. 6 of BS5837.

Other Trees

All other trees on site to be retained should be adequately protected by the enforced protective measures outlined and no further special requirements will be needed. Protective fencing when not applied to the individual protective areas of trees closer to the development could be used to effectively seal off the majority of the garden and its important trees from the development area. This general protective area should be outlined upon the plan before demolition and construction begins.

New Planting

The approximate location of the planting of new trees has also been indicated on the design layout this to include a mix of deciduous and evergreen trees to enrich existing screening to the site. This could include English Oak (Quercus robur), Holm Oak (Quercus ilex) and understorey Holly (Ilex aquifolium).

- **Tree Protection Method Statement**

Before construction works begin and in order to ensure that all the above protective measures are enforced a Method Statement should be devised

outlining a logical framework and a reasonable sequence of events and supervisory procedures.

The tree protection method statement should include a drawing depicting all individual and general tree protective distances. The drawing should also depict all areas designated for the storage of materials including catchment areas for toxic fluids, and general access routes for utilities and services.

All protective fencing should be specified in detail for each tree and area.

Detailed specification for special operations should be outlined and agreed including hardstanding and access driveway construction, particularly in relation to site sensitive trees.

The tree protection method statement should also include a schedule of the sequence of events to ensure all protective measures are adhered to, the proposed draft format of which is outlined in schedule 6 of the appendix. All relevant construction and development personnel should be informed with respect to the method statement and the schedule should be made available to them.

Site supervision to ensure that protective measures are employed and protective distances are strictly enforced should be carried out by both site agent and designated arboriculturalists as outlined in schedule 6. This to also include regular visits by the arboriculturalists during construction and a final visit on completion. A reporting procedure should also be implemented and agreed.

This protective method statement scheme can be endorsed by planning conditions, agreement or obligations as any appropriate arrangement between the developer and planning authority. Further discussion between these relevant parties might therefore be necessary in order to finalise this document.

- **Summary**

Ardwell House is a larger property surrounded by relatively extensive grounds that contain a substantial and mature tree population predominantly located in groups to the boundaries. These trees are of amenity value to the landscape and contribute to the partially wooded character of this residential area.

The proposal is for the construction of a multiple residential property which will be located largely at the position of the existing building. The development will

therefore allow for the retention of all the trees of amenity value around the site and which collectively are of significant amenity value to the locality.

A small number of trees will need to be removed to facilitate development. It has however been agreed with the tree officer that those trees of former TPO status to be removed are of poor form and limited amenity value and their removal will not be of any significant detriment to the locality.

Driveway construction, hardstanding construction and the construction of a cycle store will encroach marginally on the protective areas of a small number of trees of amenity value. Providing the protective measures outlined within the Tree Protection Strategy are carefully implemented however these trees can be successfully incorporated within the development.

This proposal will therefore have little impact upon the local landscape and its partially wooded character.

Michael Honey
HONEY TREE SPECIALISTS

Recycled Paper

APPENDIX

Schedule 1	Tree Schedule
Schedule 2	Planning Outline
Schedule 3	TPO Schedule
Schedule 4	Protective Fencing
Schedule 5	No Dig Driveway Construction
Schedule 6	Method Statement

Recycled Paper

SCHEDULE 1

Recycled Paper

TREE SURVEY SCHEDULE SHEET

Site: Ardwell House, Ardwell Close, Crowthorne

SURVEYOR: Michael Honey

Date: 12.04.02

Ref: MPH4660

Tree No	English Name	Height (m)	DBH (cms)	Crown Spread (m)	Vigour	Age Range	FGP	BS Cat.	Prot. Zone	Comments
601	Scots Pine	14	38	4	N	YM	M/H	B	4.5m	Good tree of good form and potential and of prominence to road
602	Scots Pine	15	48	4	N	YM	M/H	B	4.5m	Good tree of good form and potential and of prominence to road
603	Birch	16	42	5	N	M	M	B/C		Reasonable specimen of moderate twin stem form and prominence to road
604	Pair of Sycamore	5	12	3	N	M	M	C		Unremarkable shrubby pair
605	Spruce	16	34	4	N	M	M	B	4m	Good prominent tree to road with slightly one sided crown
606	Pine	15	39	4	N	M	M	B	4m	Reasonable specimen slight lean and one sided crown suggesting possible past instability
607	Leyland cypress pair	16	35 & 20	3	N	YM	H	C		Inappropriate trees one sided and suppressed by adjacent and better woodland group high growth potential
608	Scots Pine	20	56	3	N	M	M/L	B	6m	Good member of prominent woodland group
609	Woodland Oak group	15	20 - 60	4 - 6	N	M	M	B/C		Suppressed understorey trees of moderate form but important as part of prominent woodland group
610	Pine	20	64	5	N	M	M/L	B	6m	Prominent member of important woodland group. Twin stem with tight union at base and point of structural weakness
611	Oak	15	40	6	N	M	M	B/C		Suppressed unbalanced tree but of importance as member of group

Notes:

① Height describes the height of the tree from ground level.

② DBH is the diameter of the trunk at 1.5m from ground level.

③ The crown spread refers to the radius from the trunk centre and is expressed as an average of NSEW aspect. Notes are made when necessary.

④ Vigour is described as Normal, or Low and refers to the general condition of the tree.

⑤ Age range is represented as Y-young, YM-youthfully mature, M-mature, OM-over mature.

⑥ Future Growth Potential describes the tree's potential to increase in size and is categorised as Low, Medium or High.

⑦ BS Category refers to BS 5837 where A category is most desirable and D category is least desirable (remove).
Colours:- A=GREEN B=BLUE C=BROWN D=RED

⑧ BS5837 Protection zone related to distance from trunk centre to protective fence (reduction by one third on one side only BS5837 para 7.5.5)

TREE SURVEY SCHEDULE SHEET

Site: Ardwell House, Ardwell Close, Crowthorne

SURVEYOR: Michael Honey

Date: 12.04.02

Ref: MPH4660

Tree No	English Name	Height (m)	DBH (cms)	Crown Spread (m)	Vigour	Age Range	FGP	BS Cat	Prot. Zone	Comments
612	Pine	20	57	3	N	M	M/L	B	6m	Good prominent member of woodland group
613	Scots Pine	18	44	3	N	M	M/L	B/C		Suppressed tree of moderate form but member of important group
614	Oak	15	64	7	N	M	M	B		Suppressed unbalanced crown but prominent tree and member of important woodland group
615	Leyland cypress screen	12	15 - 20	3	N	YM	H	B/C		Unmanaged hedge line of high growth potential but of some value as boundary screening. Future management advised
616	Birch	17	28	3	N	M	M	B	4m	Good specimen
617	Birch	17	42	3	N	M	M	B/C		Reasonable specimen of natural leaning form
618	Goat Willow group	9	Multi	3	N	YM	M	C		Self sown unremarkable trees
619	Oak pair	larger 16	larger 37	5	N	YM	M/H	B/C		Reasonable specimen of moderate form and growth potential
620	Oak	16	35	5	N/L	YM	M	C		Tree of moderate vigour suggesting possible decline. Significant decay to stem
621	Oak	10	18	3	N	Y	H	C		One sided youthful specimen of moderate form
622	Birch	16	26	3	N	M	M	B/C		Member of group , moderate form and basal wound

Notes:

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TREE SURVEY SCHEDULE SHEET

Site: Ardwell House, Ardwell Close, Crowthorne

SURVEYOR: Michael Honey

Date: 12.04.02

Ref: MPH4660

Tree No	English Name	Height (m)	DBH (cms)	Crown Spread (m)	Vigour	Age Range	FGP	BS Cat.	Prot. Zone	Comments
623	Scots Pine	18	38	2	N	M	M	B/C		Prominent tree but tight form union of principle spars at 7m, point of structural weakness
624	Birch group	17	25 - 27	4	N	M	M	B	4m	Prominent multi stem grouping
625	Birch pair	18	35	5	N	M	M	B	4m	Pair of some prominence to locality, evidence of internal decay to stem of tree closer to shed
626	Birch	18	Twin Av. 35	4	N	M	M	B	4m	Prominent tree of value to locality despite twin stem form
627	Birch	19	43	4	N	M	M	B	6m	Good specimen
628	Goat Willow	6	Multi	3	N	M	M	C		Insignificant shrubby tree
630	Scots Pine	18	42	3	N	YM	M	B	4.5m	Good specimen
631	Scots Pine	15	42	4	N	Y/M	M	B/C		Untidy suppressed multi stem form
632	Beech	10	12	2	N	Y	H	C		Suppressed specimen
633	Lawson cypress	18	38	3	N	M	M	B/C		Large prominent specimen
634	Linear group of Lawson and Leyland cypress	12 - 14	15 - 20	3	N	YM	H	C		Unmanaged boundary screen of value only within this context

Notes:

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TREE SURVEY SCHEDULE SHEET

Site: Ardwell House, Ardwell Close, Crowthorne **SURVEYOR: Michael Honey**

Date: 12.04.02 **Ref: MPH4660**

Tree No	English Name	Height (m)	DBH (cms)	Crown Spread (m)	Vigour	Age Range	FGP	BS Cat	Prot Zone	Comments
635	Birch	17	31	5	N/L	M	M	B/C		Leaning suppressed tree slightly sparse crown
636	Birch	17	42	7	N	M	M	C		Old topping or storm damaged wound to main central leader significantly decayed rendering structurally weak upper crown and risk of future principle limb failure
637	Birch	17	40	6	N	M	M	C		Old topping or storm damaged wound to main central leader significantly decayed rendering structurally weak upper crown and risk of future principle limb failure
638	Birch pair	17	25 & 28	3	N	M	M	B	4m	Good pair of some prominence
639	Western Hemlock	17	33	4	N	M	M	B	4m	Good specimen
640	Lawson cypress	15	Multi	23	N	M	M	B/C		Reasonable one sided conifer
641	Spruce	18	4	35	N	M	M	B	4m	Good specimen despite suppression by adajcent trees
642	Beech	18	47	6	N	M	M/H	B/C		Prominent tree but tight fork at 1.5m. Serious structural weakness and limits trees safe future potential
643	Oak	16	41	6	N	YM	M/H	B	4.5m	Good prominent tree
644	Spruce	17	27	3	N	YM	M/H	B/C		Reasonable specimen

Notes:

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TREE SURVEY SCHEDULE SHEET

Site: Ardwell House, Ardwell Close, Crowthorne

SURVEYOR: Michael Honey

Date: 12.04.02

Ref: MPH4660

Tree No	English Name	Height (m)	DBH (cms)	Crown Spread (m)	Vigour	Age Range	FGP	BS Cat.	Prot. Zone	Comments
645	Oak	14	25	3	N	Y	H	B/C		Reasonable specimen of future potential
646	Goat Willow	10	20	4	N	M	M	C		Unremarkable specimen
647	Birch	16	33	2	L	OM	L	C/D		Tree in state of terminal decline, future removal should be considered
648	Birch	17	28 & 30	3	N	M	M	B/C	4m	Reasonable pair of trees of some value to within grounds
649	Beech	16	43	6	N	YM	H	B	4.5m	Good boundary tree despite tight union of principle stems at 2m and point of potential future structural weakness
650	Goat Willow	14	39	4	N	M/OM	L	B/C		Reasonable prominent specimen
651	Crack Willow	13	30	3	N	YM	M/H	B/C		Reasonable specimen of moderate form with poor multi stem union at 1m
652	Scots Pine	20	75	6	N	Y/OM	L	A/B	6m	Good large tree of status to local landscape
653	Beech	19	Twin stem larger 56	7	N	M	M/L	B/C		Large tree but moderate form with tight union of principle spars and secondary limb presenting potential structural weakness. Wounding and abnormalities to buttress roots. Monitor
654	Oak	17	52	6	N	M	M	B	6m	Good member of small group of mature trees

Notes:

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TREE SURVEY SCHEDULE SHEET

Site: Ardwell House, Ardwell Close, Crowthorne **SURVEYOR: Michael Honey**

Date: 12.04.02 **Ref: MPH4660**

Tree No	English Name	Height (m)	DBH (cms)	Crown Spread (m)	Vigour	Age Range	FGP	BS Cat	Prot. Zone	Comments
655	Scots Pine	20	66	5	N	M	M/L	B	6m	Good member of small group of mature trees
656	Scots Pine	20	50	3	N	M	M/L	B	6m	Tall drawn member of prominent woodland group
657	Oak	12	25	3	N	Y	H	C		Poor suppressed specimen
658	Scots Pine	22	56	3	N	M	M/L	B	6m	Tall drawn member of prominent woodland group
659	Scots Pine	18	35	2	N	M	M/L	B/C		Tight union of principle spars at 9m point of potential structural weakness
660	Ornamental Lawson cypress	16	Twin larger 33	2	N	M	M/L	B/C		Unremarkable ornamental tree
661	Group of 3 Scots Pine	20	50 - 55	5	N	M	M/L	A/B	6m	Good group of trees of status to landscape
662	Small woodland group of Oaks	16	25 - 35	3 - 5	N	YM	H	B	4m	Grouping of trees of collective value to landscape
663	Group of ornamental Lawson cypress	12 - 14	10 - 20	2	N/L	M	L	C/D		Poor drawn trees of moderate form and vigour
664	Pair of Holly	9	12	2	N	M	M/L	C		Unremarkable ornamental trees
665	Oak	17	43	3	N/L	YM	M/H	B/C		Slightly sparse crown

Notes:

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TREE SURVEY SCHEDULE SHEET

Site: Ardwell House, Ardwell Close, Crowthorne

SURVEYOR: Michael Honey

Date: 12.04.02

Ref: MPH4660

Tree No	English Name	Height (m)	DBH (cms)	Crown Spread (m)	Vigour	Age Range	FGP	BS Cat.	Prot. Zone	Comments
666	Woodland group of Oaks	16 - 17	20 - 38	3 - 5	N	YM	H	B	4.5m	Woodland group of collective importance to landscape
667	Group of Birch to woodland edge	13 - 15	15 - 20	3	N	YM	M	B/C		Generally untidy suppressed trees of poor leaning form. One better more upright specimen
668	Oak	15	30	3	N	YM	M/H	B	4.5m	Good youthful tree
669	Oak group	13 - 15	20 - 25	3	N	YM	M/H	B/C		Reasonable youthful group
670	Beech	15	25	3	N	Y	H	B/C		Reasonable youthful member of prominent woodland group
671	Western Hemlock	19	42	4	N	M	M/L	B	6m	Good prominent member of woodland group
672	Beech	15	34	4	N	YM	M/H	B	4m	Youthful member of woodland group. Tight union of principle spars potential future weakness
673	Oak	16	52	7	N/L	M	M	B	6m	Good prominent tree slightly sparse outer crown

Notes:

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② DBH is the diameter of the trunk at 1.5m from ground level.

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SCHEDULE 2

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SCHEDULE 3

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FIRST SCHEDULE

TREES SPECIFIED INDIVIDUALLY
(encircled in black on the map)

No. on Map	Description	Situation
T1	Scots Pine (Pinus sylvestris))	
T2	Scots Pine (Pinus Sylvestris))	
T3	Silver Birch (Betula pendula))	
T4	Norway Spruce (picea abies))	
T5	Scots Pine (Pinus sylvestris))	
T6	Scots Pine (Pinus sylvestris))	
T7	Oak (Quercus robur))	
T8	Scots Pine (Pinus sylvestris)	
T9	Oak (Quercus robur))	
T10	Scots Pine (Pinus sylvestris)	WITHIN THE
T11	Silver Birch (Betula pendula))	GROUNDS OF
T12	Silver Birch (Betula pendula))	ARDWELL HOUSE
T13	Silver Birch (Betula pendula))	ARDWELL CLOSE,
T14	Oak (Quercus robur))	FINCHAMPSTEAD
T15	Silver Birch (Betula pendula))	
T16	Silver Birch (Betula pendula))	
T17	Silver Birch (Betula pendula))	
T18	Silver Birch (Betula pendula))	

No. on Map	Description	Situation
T19	Scots Pine (Pinus sylvestris))	
T20	Silver Birch (Betula pendula))	
T21	Lawson Cypress (Chaemaecyparis lawsoniana))	
T22	Silver Birch (Betula pendula))	
T23	Silver Birch (Betula pendula))	
T24	Silver Birch (Betula pendula))	
T25	Silver Birch (Betula pendula))	
T26	Western Hemlock (Tsuga heterophylla))	
T27	Norway Spruce (Picea abies))	WITHIN THE
T28	Oak (Quercus robur))	GROUNDS OF
T29	Oak (Quercus robur))	ARDWELL HOUSE,
T30	Norway Spruce (Picea abies))	ARDWELL CLOSE.
T31	Beech (Fagus sylvatica))	FINCHAMPSTEAD
T32	Lawson Cypress (Chaemaecyparis lawsoniana))	
T33	Oak (Quercus robur))	

TREES SPECIFIED BY REFERENCE TO AN AREA
(within a dotted black line on the map)

No. on Map	Description	Situation
A1	An area of trees containing the following species:-)	
	Oak (Quercus robur))	WITHIN THE GROUNDS OF ARDWELL HOUSE, ARDWELL CLOSE, FINCHAMPSTEAD.
	Beech (Fagus sylvatica))	
	Silver Birch (Betula pendula))	
	False Cypress (Chaemaecyparis species))	
	Holly (Ilex aquifolium))	

GROUPS OF TREES
(within a broken black line on the map)

No. on Map	Description	Situation
G1	7 x Silver Birch (Betula pendula)) 1 x Pine (Pinus sylvestris))	
G2	3 x Silver Birch (Betula pendula))	GROUNDS OF
G3	2 x Oak (Quercus robur))	ARDWELL HOUSE,
	5 x Scots Pine (Pinus sylvestris))	ARDWELL CLOSE,
	1 x Beech (Fagus sylvatica))	FINCHAMPSTEAD.
	1 x Silver Birch (Betula pendula))	
G4	3 x Scots Pine (Pinus sylvestris))	
	1 x Oak (Quercus robur))	

WOODLANDS
within a continuous black line on the map

No. on Map	Description	Situation
	N O N E	

SCHEDULE 4

Recycled Paper

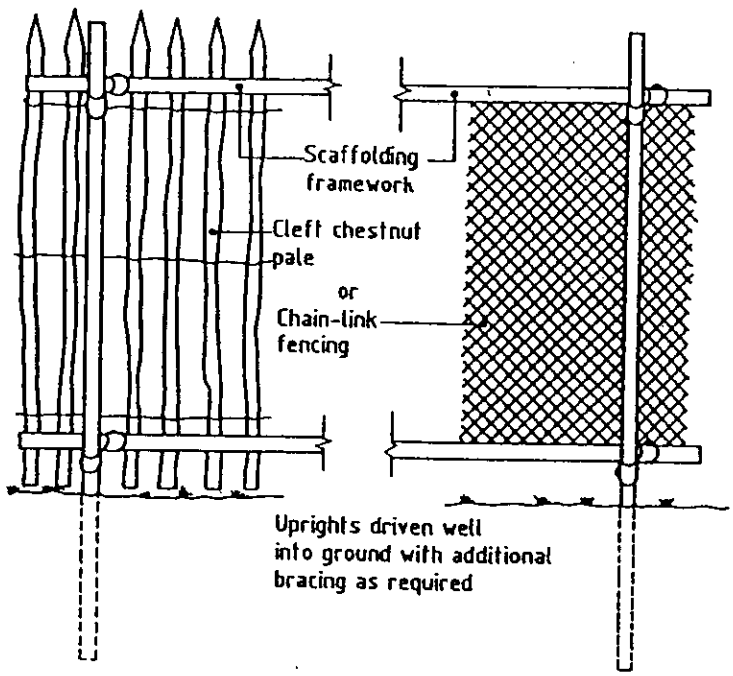


Figure 4. Protective fencing on scaffolding framework

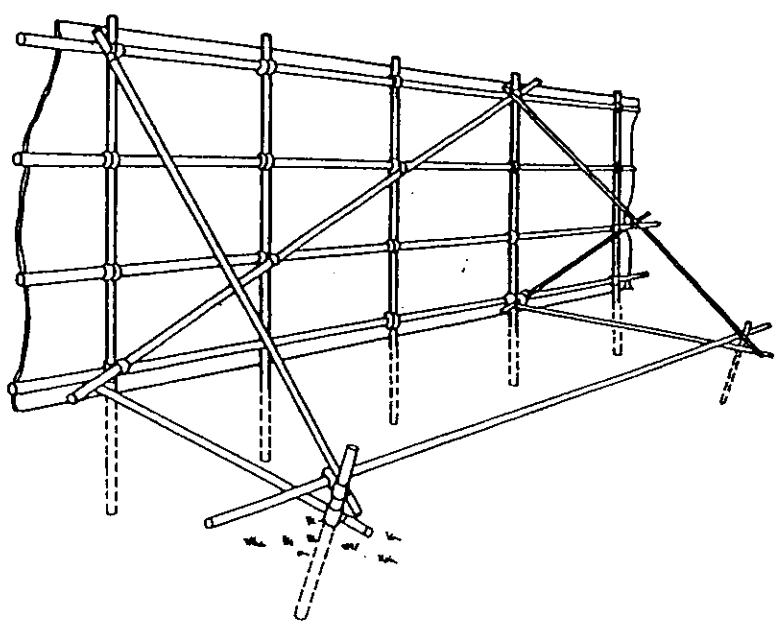


Figure 5. Protective fencing for special conditions

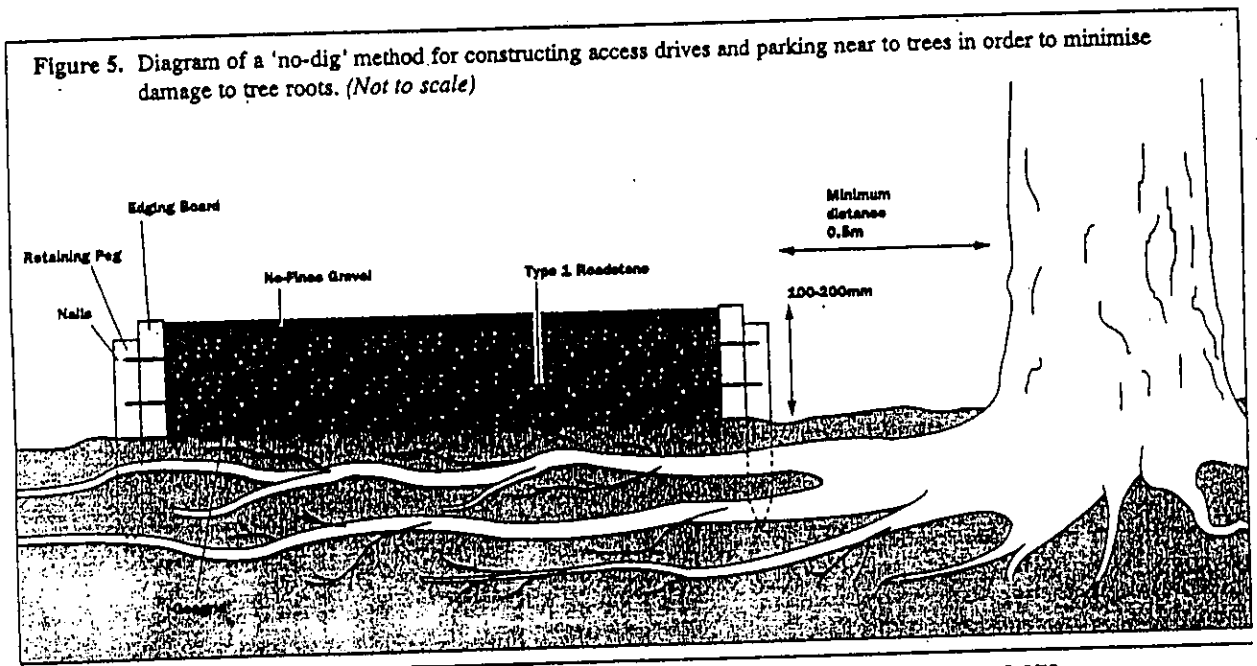
SCHEDULE 5

Recycled Paper

No Dig Driveway Construction (with reference to AAIS APN1)

- Construction should ideally be undertaken between May and October when the ground is driest and least prone to compaction, and in dry weather:
- Kill ground vegetation using a translocated herbicide such as glyphosate. Gather up the dead organic material – this will prevent the build-up of anaerobic conditions beneath the construction which might otherwise occur as vegetation begins to decompose.
- Remove major protrusions such as rocks and tree or shrub stumps (stumps should be ground out rather than excavated to minimise soil disturbance).
- Fill major hollows with sharp sand.
- Lay the geogrid directly onto the soil over the whole of the driveway/parking area.
- Construct edging with feathered brick paviours. Peg geotextile layer and geoweb into the ground. Some limited excavation to form the driveway edges may be required if the driveway is to be used by heavier construction traffic.
- Cover the geogrid with a minimum of 100 mm of aggregate. This should not be tipped straight onto the geogrid, but should be placed at one end and then pushed onto the grid so that machinery moves on the spread sub-base, not directly on the geogrid and not on the ground either side of it.
- Compact the sub-base to ensure binding with the geogrid and to minimise future rutting.
- Place the final surface. In the main it is likely that this will consist of gravel or tarmacadam, although paving slabs and brick paviours may be acceptable provided they are dry bedded on the sub-base and the joints are not sealed with grout, to allow for infiltration of water and gaseous diffusion.

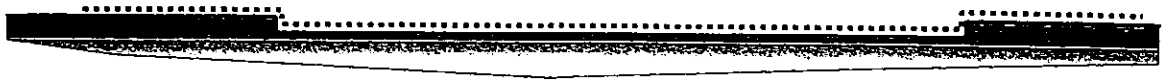
Figure 5. Diagram of a 'no-dig' method for constructing access drives and parking near to trees in order to minimise damage to tree roots. *(Not to scale)*



* For example, Tensar SS30, manufactured by Netlon Ltd, New Wellington Street, Blackburn, BB2 4PJ, UK.

† Care must be taken to select a herbicide which does not damage the roots of desirable vegetation that may be in the treated area. Always read the product label before use.

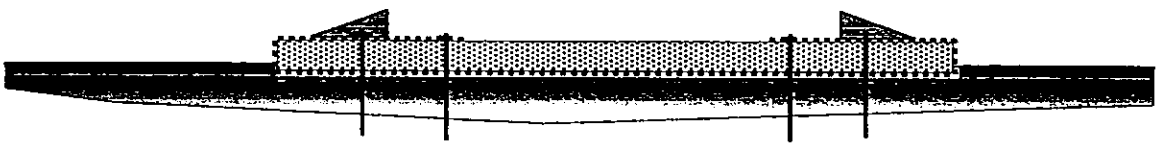
No Dig Roads



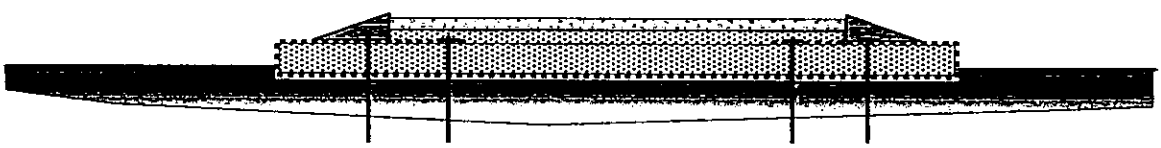
1 *Take off turf and excavate not more than 50mm from top ground level*
Width of excavation should be greater than the carriageway width by approx 500mm either side
Lay Tensar SS30 Fabric with a fee edge approx 1500mm



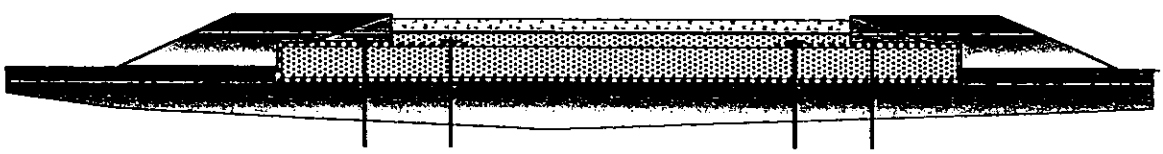
2 *Place MOT Type 1 fill to a depth of 150mm and fold back Tensar Fabric as shownto form a "mattress"*
Peg down the fabric through the "mattress to retain shape
Light rolling or tamping at this stage will aid compaction



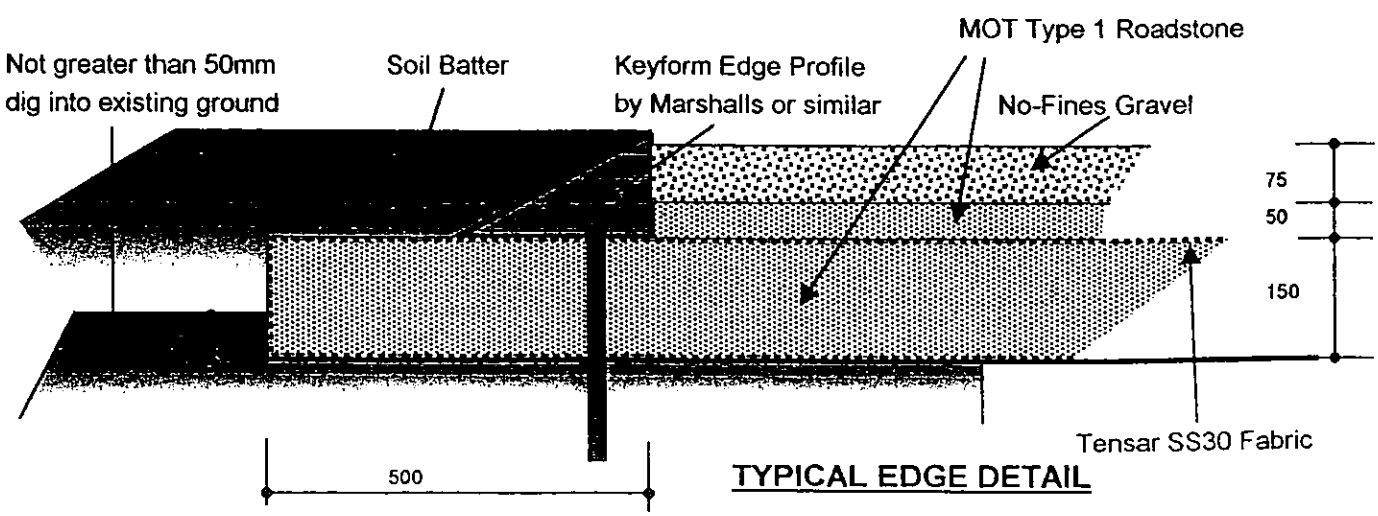
3 *Fix Keyform Edge Profiles by Marshall (or similar) and peg down through mattress*



4 *Additional layer 50mm thick of MOT Type 1*
Lay 75mm of No Fines Gravel as running surface



5 *Add soil batter to sides to complete acceptable appearance*



TYPICAL EDGE DETAIL

SCHEDULE 6

Recycled Paper

SUMMARY TREE PROTECTION METHOD STATEMENT FOR DEVELOPMENT SITE

SITE: *Ardwell House, Ardwell Close, Crowthorne* ***CLIENT:*** *Brookworth Developments Ltd*

DATE: *15.04.02* ***REF No:*** *MPH4660*

STAGE IN DEVELOPMENT	TASK	SUPERVISED BY:	(SIGNATURE)	DATE
(1) Before hand over to construction and demolition company	• Identify trees for retention and protection • Erect protective fencing and signs • Erect specific fencing where appropriate • Erect protective fencing to site access driveway	Appointed Arborist		
(2) Before hand over to construction and demolition company	• Inform relevant personnel	Appointed Arborist/Site Agent		
(3) Before hand over to construction and demolition company	• Designate and identify storage areas • Identify positioning of site huts and their services. • Identify positions of demolition machinery.	Appointed Arborist and Site Agent		
(4) Before hand over to construction and demolition company	• Specification for access road, hardstanding and domestic driveway construction.	Geotechnical Engineer Appointed Arborist and Site Agent Consultant Engineer		

SUMMARY TREE PROTECTION METHOD STATEMENT FOR DEVELOPMENT SITE

SITE: *Ardwell House, Ardwell Close, Crowthorne* ***CLIENT:*** *Brookworth Developments Ltd*

DATE: *15.04.02* ***REF No:*** *MPH4660*

STAGE IN DEVELOPMENT	TASK	SUPERVISED BY:	(SIGNATURE)	DATE
(5) Before and during initial land preparation process	• Specification for utility or services installation. • Identify utility and service routes. • Install and provide access for services where appropriate.	Appointed Arborist and Site Agent		
(6) Before house development process commences	• Specification for further investigation to determine method of access driveway widening. • Position any site huts.	Appointed Site Agent and Arborist to be in attendance.		
(7) Ongoing throughout demolition and development process	• Monitor tree protection/condition • Monitor land use • Monitor storage areas • Monitor access route condition	Appointed Arborist		

Procedure for reporting	• Frequency of visits • Issue of instructions (from supervisor to appropriate personnel)	To be agreed To be agreed

THE FOLLOWING SCANNED IMAGES ARE DOCUMENTS OF BAD QUALITY OR ARE PHOTOCOPIES.



FOR THIS REASON THEY MAY APPEAR UNREADABLE ON SCREEN

Ardwell House, Ardwell Close, Crowthorne

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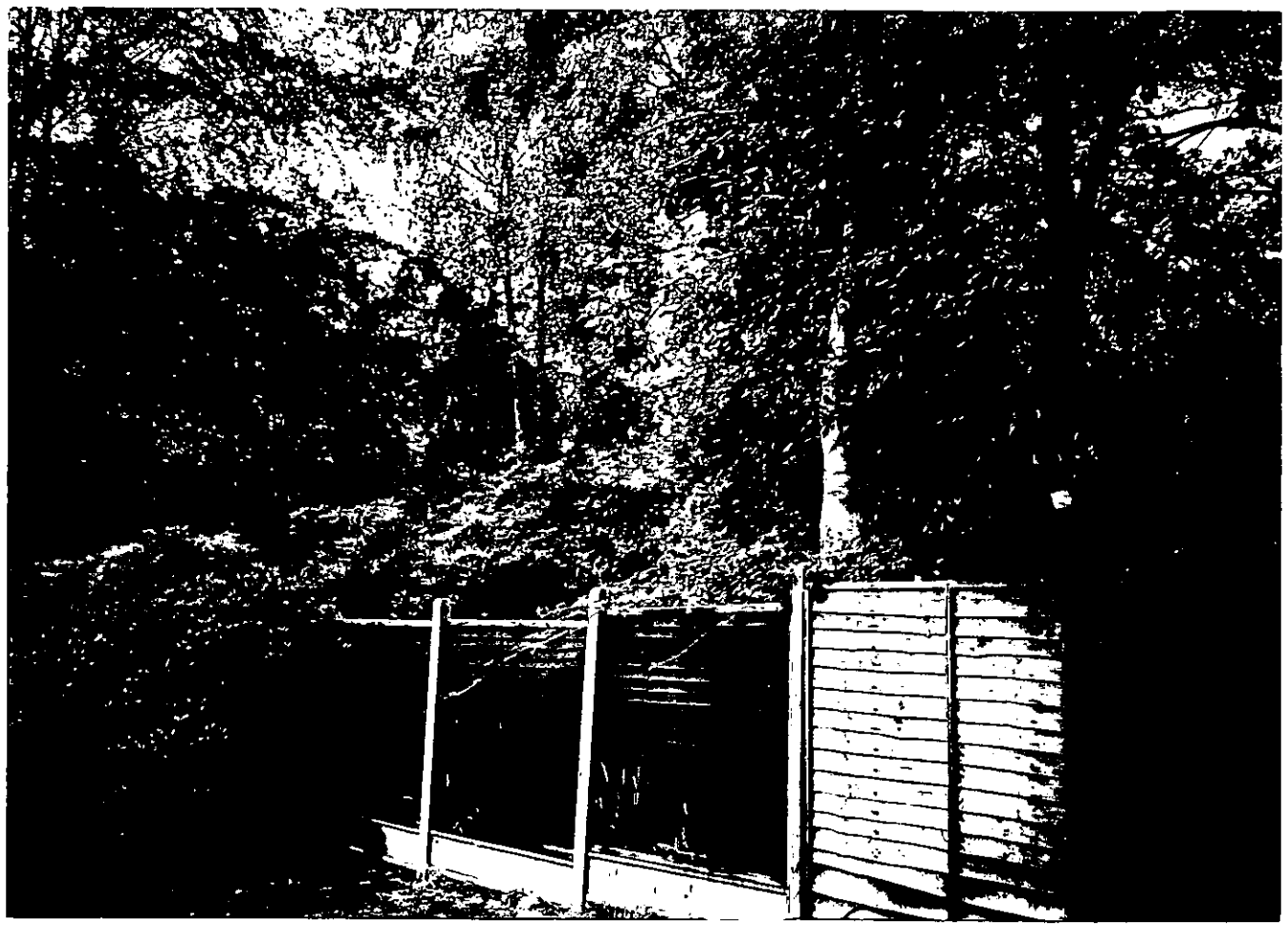

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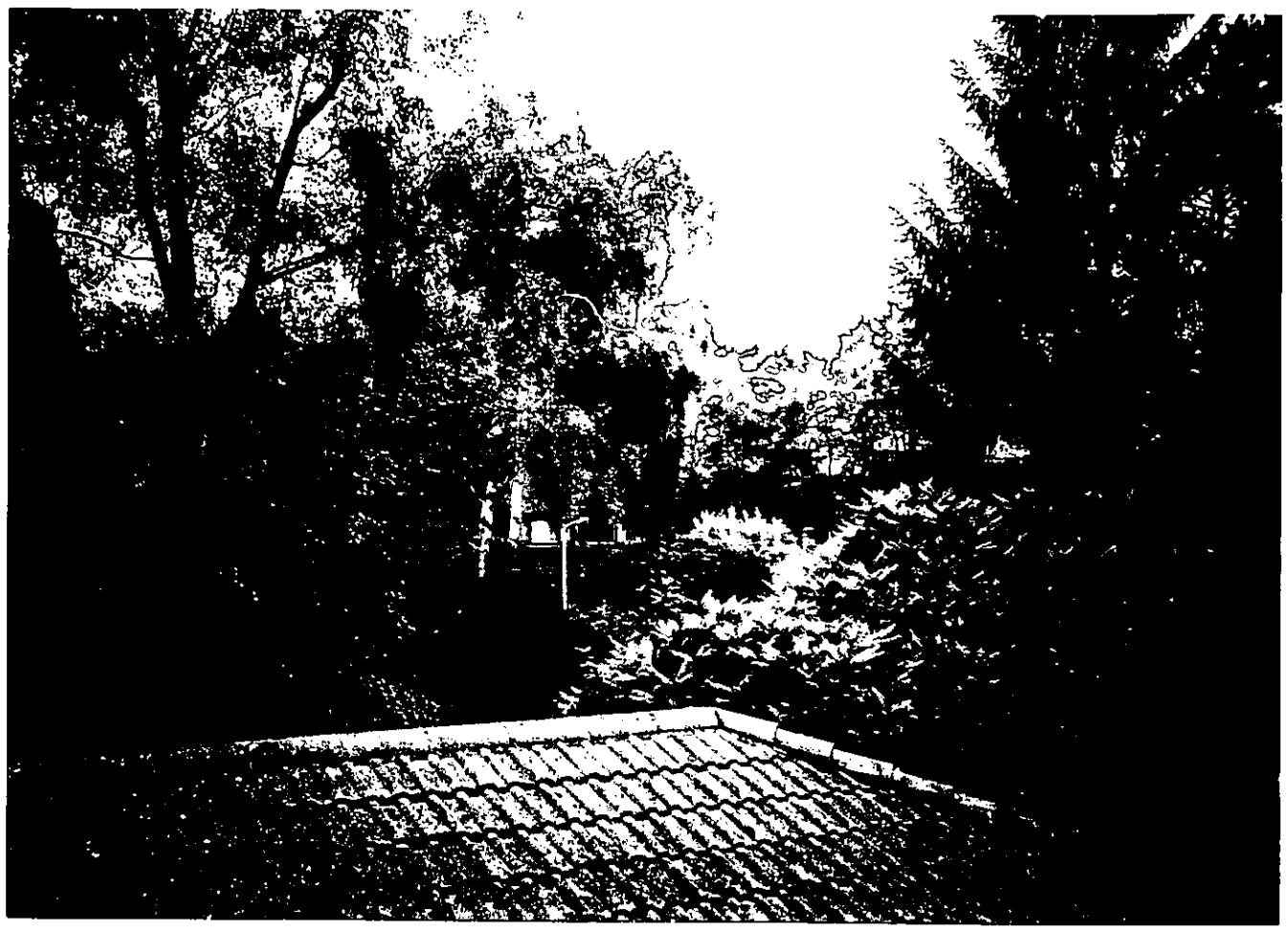

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right of way. Accordingly it is confirmed that there is a right to carry out repairs and improvements to Ravenswood Avenue provided that the road is not widened.

2.12 The applicant is prepared to address the concerns raised by Members regarding highway safety issues in Ravenswood Avenue by undertaking appropriate works within the scope of the legal framework as described above and in accordance with the criteria relating to planning conditions set out in Circular 11/95. It is proposed that these works would be enforced by a "grampian" condition based upon a variation to draft condition 20 previously suggested by the Highway Officer which appeared in the Planning Officer's report on 2002/6270/F.

2.13 The applicant has commissioned a full survey of Ravenswood Avenue and will be finalising a package of measures to address safety issues and discussing the detail of those measures with the Highway Officer. It is anticipated that a detailed schedule of proposed works will be shown on a drawing to which the proposed "grampian" condition should refer.

2.14 Further to discussion with the Council in relation to application 2002/6270/F the applicant would be prepared to enter into an agreement under s.106 relating to the following contribution sums:

Education	£ 6,694.38
Recreation and Community facilities	£12,810.00

3.0 PLANNING POLICY CONTEXT

3.1 The planning policy context for considering this proposal is set out in the following sources:

(i) National Guidance

(ii) Development Plan

(iii) Emerging Plan

(iv) Supplementary Planning Guidance

(i) National Guidance

3.2 PPG3 (March 2000) sets out the Government's commitment to promoting more sustainable patterns of development. This will be achieved in a variety of ways to include concentrating most additional housing development within urban areas and making more efficient use of land by maximising the re-use of previously developed land. Development which makes inefficient use of land is to be avoided and LPA should encourage housing development which makes more efficient use of land (between 30-50 dph).

(ii) Development Plan

3.3 There are two components:

(a) Berkshire Structure Plan (August 1997)

(b) South East Area local Plan (April 1994)

The relevant policies to be considered are as follows:

(a) Berkshire Structure Plan

LD1 Sustainable development

LD6 Provision of infrastructure; services and amenities

H4 Assessment of development proposals

H5 Development within settlements and redevelopment/change of use

H6 Development proposals involving loss of housing

(b) South East Area Local Plan

STV1 Identified settlements

SH1 Housing development on unidentified sites

SH8 Variety of housing

SBE1 Design of new development

SBE8 Landscaping of new development

(iii) Emerging Plan

3.4 The relevant policies to be considered in the emerging Wokingham District Local Plan (deposit draft) and Inspector's Report are as follows:

Statement on "Housing Density"

WOS1 Sustainable development

WOS2 General development principles

WOS4 Service, amenity and infrastructure requirements for new development

WBE1 Development in its local context

WBE2 Improving on the local context

WBE10 Landscape & planting

WBE11 Protection of trees and woodland

WH1 Housing development - unidentified sites

WH3 Existing residential uses

WH6 Variety of housing

Supplementary Planning Guidance

3.5 Planning Guideline A9: Provision of services and amenity infrastructure related to new development in Wokingham District.

4.0 SUMMARY

4.1 This redevelopment proposal in a highly sustainable location within this identified (category A)[2] settlement makes more efficient use of the site consistent with PPG3 guidance and in accord with the following policies:

BSP : LD1; H4; H5; H6

SEALP : STV1; SH1

WDLP : Statement on density; WOS1; WOS2; WH1; WH3

4.2 The provision of 2-bedroom apartments in this location will beneficially increase the choice and variety of housing available in the locality consistent with PPG3 guidance and in accord with the following policies:

SEALP : SH8

WDLP : WH6

4.3 The scale and design of the proposed development makes a positive contribution to its setting and the character of the area consistent with PPG3 guidance and in accord with the following policies:

SEALP : SBE1

WDLP : WBE1; WBE2

4.4 The proposal is accompanied by a detailed tree survey and ensures the conservation and management of the important tree cover on the site in accord with the following policies:

SEALP : SBE8

WDLP : WBE10; WBE11

4.5 The applicant is prepared to enter into discussions with the LPA concerning appropriate services and amenity infrastructure contributions consistent with Circular 1/97 advice and in accord with the following policies and SPG:

BSP : LD6

WDLP : WOS4

SPG : Planning Guideline A9

4.6 This proposal fully accords with the development plan and with relevant national guidance and supplementary local planning guidance. In the absence of any contrary material considerations there is no planning justification to withhold permission subject to the imposition of appropriate planning conditions and an appropriate legal agreement regarding a services and amenity infrastructure contribution.

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Our ref. : RWB/387
1 December 2002

[2] Local Plan Inquiry Inspector's Report paragraph 1.32

PLANNING STATEMENT

ARDWELL HOUSE

ARDWELL CLOSE CROWTHORNE BERKSHIRE

DEMOLITION OF EXISTING DWELLINGS AND ERECTION OF 18 X 2 BEDROOM APARTMENTS

1.0 SITE AND SURROUNDINGS

1.1 Ardwell House is located within the settlement of Pinewood/Crowthorne which has an estimated population of approximately 9,500 persons[1].

1.2 Ardwell Close is a residential cul-de-sac leading off the west side of Ravenswood Avenue about 250m to the north of its junction with Dukes Ride.

1.3 Dukes Ride is situated on a public transport route which benefits from bus services at least hourly during daytime Mondays to Saturdays (regular and commuter services X7, X37 to London; service 193 to Reading - Camberley).

1.4 Crowthorne main line railway station is located at the western end of Dukes Ride within a distance of 400m from the site.

1.5 Ardwell House is a large Edwardian property which formerly occupied considerably more extensive grounds. During the 1960's the property was sub-divided to form 3 dwellings and part of the grounds were developed by the construction of housing in Ardwell Close.

1.6 The housing development in Ardwell Close comprises detached houses and bungalows set within large plots and built at a net residential density of approximately 6 dph.

1.7 The site is characterised by extensive tree coverage, particularly around the site boundaries, and is the subject of a TPO.

1.8 There is a marked slope across the site towards the north. Existing built development is located in the north east quadrant of the site upon a made up plateau.

1.9 There are two existing means of access onto Ardwell Close along the southern boundary of the property.

1.10 The existing property is not a building listed as being of special architectural or historic importance.

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[1] Source: Joint Strategic Planning Unit - verbal advice issued 26/03/02

2.0 PROPOSED DEVELOPMENT

2.1 The proposed development is comprehensive and encompasses replacement of the existing subdivided property by a purpose designed building accommodating 18 x 2 bedroom apartments, rationalisation of access arrangements and management of the preserved trees.

2.2 The proposal represents a net residential density of 32 dph on this 0.56 ha site.

2.3 The new building will be located in a similar position to Ardwell House but rotated slightly in an anti-clockwise direction to optimise design considerations relating to privacy trees and aspect.

2.4 The development will be served by the existing principal site access with visibility splay improvements in accordance with the requirements of the Highway Officer. The existing secondary site access located adjacent to the eastern corner of the site will be closed for general vehicular use and retained solely for access to the sub-station.

2.5 Car parking spaces are provided to the east and north sides of the building well away from adjoining property. 27 parking spaces are provided representing a ratio of 1:5 spaces per unit. This standard is considered appropriate having regard to the proximity of the site to public transport services and relevant national guidance expressed in PPG3 and PPG13.

2.6 The scale of the proposal is 2½ storeys which is similar to Ardwell House. The increased massing of the proposal is readily absorbed by the scale of the site and its heavily landscaped character.

2.7 The design of the proposal is dealt with more particularly in the Design Statement prepared by Architectus. The design theme is that of a Classical large house set within landscaped grounds. It is considered that the design will produce a high quality development which will enhance the visual interest and architectural quality of the area.

2.8 The design has paid careful attention to avoiding any adverse amenity impact upon surrounding dwellings. Notwithstanding the generous separating distances which apply the fenestration on the elevation nearest to surrounding properties (south) has been designed to minimise potential overlooking/loss of privacy.

2.9 The proposal involves limited removal of some less important trees and shrub growth to accommodate the building and improved access. Those matters have been discussed and agreed with the Tree Officer and are detailed in the Tree Report prepared by Honey Tree Specialists.

2.10 Further to refusal 2002/6270/F, contrary to Officer advice, the applicant has now addressed the concerns expressed by Members relating to highway safety issues in Ravenswood Avenue and obtained clarification of the legal status of that highway.

2.11 As regards the legal status of Ravenswood Avenue the applicant has sought legal advice which confirms that the owner of Ravenswood Avenue is unknown. The advice confirms that each of the properties in Ardwell House has the benefit of a right of way over Ravenswood Avenue. There is a long established authority where there is an express grant of right of way for all purposes with vehicle that the owner of the property entitled to the right of way is entitled not merely to repair the right of way but to improve it to make it suitable for the purposes of the property. This is the case even if the purpose of the proposed use is different from that at the time of the grant of the