



Appeal Decision

Site visit made on 27 March 2024

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 April 2024

Appeal Ref: APP/X0360/W/23/3326717

Lawrence Centre, Oaklands Park, WOKINGHAM, RG41 2FE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Thomas Lawrence & Sons (Bracknell) Limited against the decision of Wokingham Borough Council.
 - The application Ref is 222513.
 - The development proposed is the erection of 3no. general industrial units (Use Class B2) and associated changes to the existing parking spaces.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 3no. General industrial units (Use Class B2) and associated changes to the existing parking spaces, at Lawrence Centre, Oaklands Park, WOKINGHAM, RG41 2FE, in accordance with the terms of the application, Ref 222513, and the plans submitted with it, as amended, subject to the conditions set out in the attached Schedule.

Preliminary matters

2. At my site visit I visited the houses of 93 and 95 Blagrove Drive at the request of the occupiers and considered the development proposed from the rear gardens of these properties.
3. During the time when the application was considered by the Council amended plans of the height and width of the units were submitted to the Council. I have considered these plans – (Drawing No. P-1686/03B) for the appeal. The amendment staggers the height of the proposed units so that the end unit would be 6.27m to the ridge as opposed to the height of the existing units of 7.95m. The eaves height would also be lower to 4.2m and the end wall of the building would be set one metre off the party boundary.

Main Issue

4. The main issue is the effect of the development proposed on the living conditions of the occupiers of adjacent residential properties in Blagrove Drive.

Reasons

Background

5. The appeal site comprises a terrace of business units situated on a large business/industrial park. The units, generally of two storey height, are located on one side of a cul-de-sac access road with parking on the other side and at

the end of the road there is a T shaped turning area with a belt of landscaping along the southern and western boundaries of the site. To the west of this area lie the rear gardens of two storey houses which front Blagrove Drive.

6. It is proposed to remove the turning area and associated parking area and erect three industrial units, two on the side of the existing terrace and one on the opposite side of the access road.

Policy context

7. The site lies in the Molly Millars Lane Core Employment Area as defined in the Council's Core Strategy. Policy CP15 applies which indicates that within this employment area new industrial and commercial development, including the expansion and or intensification of existing employment uses, will generally be permitted.
8. Policy CP3 concerns general principles for development and sets out 10 criteria for proposals to meet to obtain planning permission. Part (a) is relevant to this appeal and it indicates that such factors as the height, built form and layout of a proposal must be appropriate to an area and produce a high quality design without detriment to the amenities of adjoining land users and their quality of life.

Effect on living conditions

9. The reason for refusal refers to the overbearing effect on No's 91 and 93 Blagrove Drive but I have also taken account of the relationship with the other properties in this street which lie close to the appeal site. These properties have slightly angled gardens which back on to the party boundary with the appeal site.
10. In relation to the new unit proposed on the northern end of the appeal site the closest residential property would be No.91. This has a north-south aspect and so the presence of the proposed unit here would not have a material effect on the main aspect of this property.
11. In terms of No's 91-97 the Council advises that the separation distance between the new flank wall proposed and the rear of the houses ranges from between 14.5m to 16.5m. This exceeds the recommended 'back to flank' separation distance of 12m for two storey properties set out in the Council's Borough Design Guide SPD. Moreover, some Councils use a 45° splay measured from the horizon of any habitable windows as an indication of whether any development would have an overbearing effect on the outlook from rear facing windows and the proposed units are well within this general guide and would not exceed it.
12. In addition to the physical separation distance I noted at my visit that the proposed additional units would be seen against the backdrop of the end of the existing terrace of units. The eaves height proposed would be above the fence of the party boundary but the additional visual impact of the proposed building would not be materially imposing on the residential environment of the houses. There are shrubs and occasional mature trees along these gardens which would help screen the presence of the flank wall and eaves. There are no windows proposed on the flank elevation and so there would be no direct overlooking.

13. The Committee minutes indicate that the Members were also concerned about the new units causing a loss of light and overshadowing of the houses but it appeared to me at the visit that early morning sunshine would be restricted by the scale and height of the existing business units on the appeal site and neighbouring land. As the houses are to the west of the proposed additional units this orientation means that there would not be an overshadowing effect from late morning onwards.
14. On the evidence put to me and my observations on site I find that the proposed industrial units would not have a location or height that would have an overbearing effect on the living conditions of the occupiers of the properties in Blagrove Drive and the proposal does not conflict with the general requirements of policy CP3.

Other matters

15. Some residents raise concerns about the proposal causing a loss of wildlife but there is no substantive evidence before me to show that this would be the case or that it would harm protected species. Residents are also raise objections about the noise that building work may generate but this can be reasonably moderated through a Construction Management Plan as the Council recommends. The need for further employment development at the moment is also questioned but the site lies in a designated employment area and there is a presumption in the development plan that reasonable new building works will be permitted here.

Planning balance

16. On the main issue I have found that the proposed business units would not have an overbearing effect either visually or physically on the living conditions of the occupiers of adjacent houses in Blagrove Drive and the proposal accords with Policy CP3. This has to be balanced with other considerations and in particular the objections put forward by local residents and the Council's Planning Committee Members. However, I conclude that the accord with the development plan when considered as a whole is not outweighed by any other considerations and therefore the appeal should be allowed.

Conditions

17. The Council recommends 12 conditions be imposed which I will consider under the same numbering. In addition to the condition regulating the commencement of the development (No.1) it is necessary to impose condition No.2 specifying the plans that are approved and that the development should be undertaken in accordance with them.
18. In the interest of the appearance of the area condition No.3 is necessary to ensure that the new units match the existing ones. I will also impose condition No.6 to ensure that the development is subject to replacement landscaping to maintain the appearance of the area.
19. As the site lies close to housing condition No.4 is reasonable and necessary to minimize noise that may emanate from the use and also impose No.5 in respect of the agreement and implementation of a Construction Management Plan. For similar reasons to avoid disturbance, the new premises should be subject to a restriction on hours of work as per condition No.7.

20. For highway aspects I agree that conditions No's 8, 9 and 10 are reasonable and necessary to ensure adequate parking is available for the use and to encourage a range of sustainable transport solutions, however it has not been demonstrated that a Delivery and Servicing Plan is necessary over and above the parking provision and I will not impose condition No.11.
21. Finally, it is reasonable and necessary to impose condition No.12 to ensure adequate parking provision for the development permitted and to reduce the need for first floor windows which may result in overlooking of neighbouring properties.

Conclusion

22. For the reasons given above the appeal should be allowed.

David Murray

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) This permission is in respect of the submitted application plans and drawings numbered P-1586/06 (Location Plan); and Design and Access Statement for Planning by CSK Architects received by the local planning authority on 16/08/2022; Preliminary Bat Roost Assessment by Arbtech dated 26/09/2022 and Bat Emergence and Re-entry Surveys dated 26/09/2022 received by the local planning authority on 20/10/2022; drawings numbered P-1686/01 C (Site/Ground Floor Plan Existing & Proposed); P-1686/03 B (Site Elevations Proposed); Letter from Boyer dated 8 March 2023; and Design and Access Statement for Planning Rev A dated 07.03.2023 by CSK Architects received by the local planning authority on 14/03/2023.
- 3) The development shall be carried out in accordance with the approved details unless other minor variations are agreed in writing after the date of this permission and before implementation with the Local Planning Authority.
- 4) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall be of a similar appearance to those used in the existing building unless other minor variations are agreed in writing after the date of this permission and before implementation with the Local Planning Authority.
- 5) Before the development hereby permitted commences a scheme shall be submitted to and approved in writing by the local planning authority which specifies the provisions to be made for the control of noise emanating from all plant, machinery and equipment installed or operated in connection with the carrying out of this permission and the approved scheme shall be fully implemented prior to the occupation of the building(s).
- 6) Prior to the commencement of the development hereby permitted, including any works or demolition, a Construction Management Plan is to be submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period and shall provide for:
 - a) The parking of vehicles of site operatives and visitors
 - b) Loading and unloading of plant and materials
 - c) Storage of plant and materials used in constructing the development
 - d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - e) Wheel washing facilities
 - f) Measures to control the emission of dust and dirt during construction
 - g) A scheme for recycling/disposing of waste resulting from demolition and construction works
- 7) Prior to the commencement of the development, there shall be submitted to and approved in writing by the local planning authority a

- scheme of landscaping, which shall specify species, planting sizes, spacing and numbers of trees/shrubs to be planted, and any existing trees or shrubs to be retained. Planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the occupation of the building(s).
- 8) Any trees or plants which, within a period of 5 years from the date of the planting (or within a period of 5 years of the occupation of the buildings in the case of retained trees and shrubs) die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size.
 - 9) No work relating to the construction of the development hereby approved, including works of demolition or preparation prior to building operations, shall take place other than between the hours of 08:00 and 18:00 Monday to Friday and 08:00 to 13:00 Saturdays and at no time on Sundays or Bank or National Holidays.
 - 10) No part of any building(s) hereby permitted shall be occupied or used until the vehicle parking and turning space has been provided in accordance with the approved plans. The vehicle parking and turning space shall be retained and maintained in accordance with the approved details and the parking space shall remain available for the parking of vehicles at all times and the turning space shall not be used for any other purpose other than vehicle turning.
 - 11) Prior to the first occupation of the development hereby permitted, details of secure and covered bicycle storage/ parking facilities shall be submitted to and approved in writing by the local planning authority. The cycle storage/ parking shall be implemented in accordance with such details as may be approved before occupation of the development hereby permitted, and shall be permanently retained in the approved form for the parking of bicycles and used for no other purpose.
 - 12) Prior to first occupation, details of electric vehicle charging within the car park shall be submitted to the Council for written approval. The details as approved shall be installed prior to first occupation, and shall be maintained thereafter, unless otherwise agreed in writing with the Council.
 - 13) No additional floorspace including mezzanine floors shall be constructed within the development hereby permitted without prior written permission of the Local Planning Authority.

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