

COMMITTEE REPORT

BY THE DIRECTOR FOR ECONOMIC GROWTH AND NEIGHBOURHOOD SERVICES
READING BOROUGH COUNCIL
PLANNING APPLICATIONS COMMITTEE: 2nd February 2022

Ward: Caversham

App No.: 210544/FUL

Address: Land adjacent to The Moorings, Mill Green, Caversham, Reading

Proposal: Vehicular access with permeable surface on land south of Mill Green to provide access to The Moorings

Applicant: Ivan Carter

Deadline: 1st September 2021 and an extension of time has been agreed to 19th January 2022

RECOMMENDATION:

REFUSE:

Reasons:

1. The proposed new vehicular access is considered to be unacceptable in principle as it will lead to harmful impacts in terms of urbanisation of this green lane, an adverse effect on wildlife habitat along this designated Green Link, unclear impacts on landscaping/trees, drainage and flooding and an overall harmful visual effect on the natural character of this area of the Thames environs. These concerns are not outweighed by any planning benefits arising from providing the new access. For these reasons the application is contrary to policies CC7 (Design and the Public Realm); EN12 (Biodiversity and the Green Network); EN13 (Major Landscape Features and Areas of Outstanding Natural Beauty); EN14 (Trees, Hedges and Woodlands); and EN18 (Flooding and Drainage).
2. The works proposed would have an adverse effect on road safety and the flow of traffic. Further, the construction design with a standard flush edging adjacent to the existing footpath is also likely to result in conflict between vehicles and pedestrians, with vehicles over-running the footway to pass each other. The proposal would fail to provide for suitable pedestrian and highway safety, contrary to with Policy TR3 (Access, Traffic and Highway Related Matters) of the Reading Borough Local Plan (2019).

Informatives to include:

1. Refused Plans
2. Positive and proactive requirement
3. If approving, separate permission/consent required for repositioning of telegraph pole and lamp-post
4. Planning enforcement informative

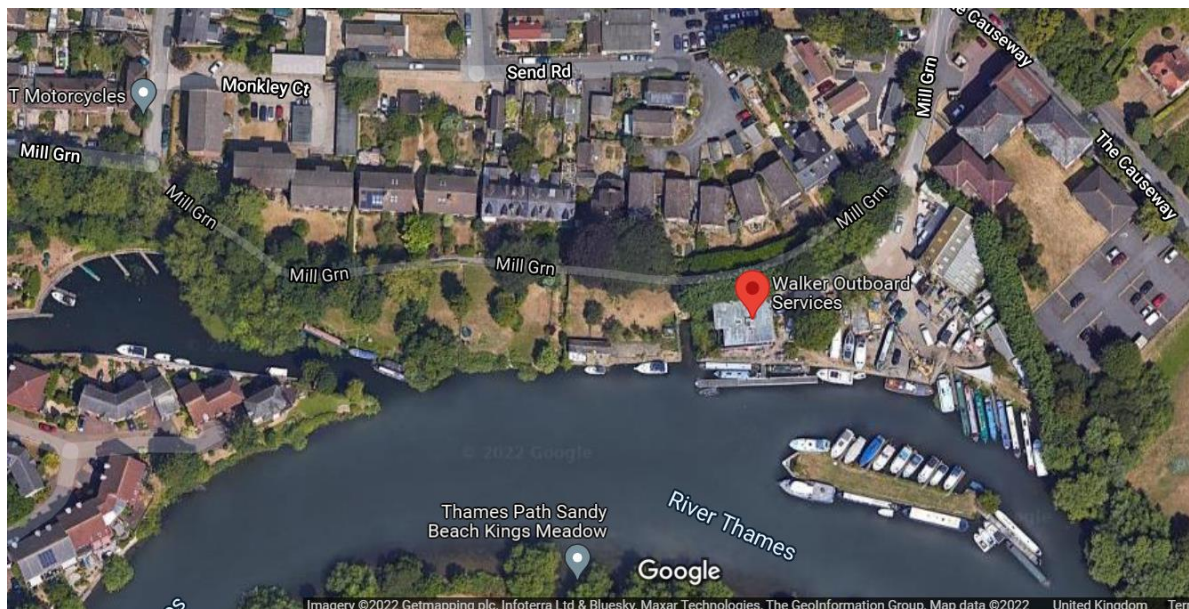
1. INTRODUCTION

- 1.1 The application site is a long, thin strip of land some 0.1 hectares in area, to the south of a footpath from Mill Green as highlighted in red on the Site

Location Plan. The proposal site is to the edge of an existing footpath and runs for approximately 70 metres.

- 1.2 The footpath at Mill Green runs from the end of Piggotts Road in the west, providing pedestrian only-access to the fronts of houses at Mill Green (vehicular access is provided from the north/rear from Send Road) and then continues eastwards where it eventually reaches a lane accessed from The Causeway, which is the road leading to the Deans Farm development. At present, therefore, 'Mill Green' is predominantly a public footpath only, with limited vehicular access presently provided at its western and eastern extremities only. At its eastern end, the lane at Mill Green provides vehicular access to a commercial boat yard at 55 Mill Green.
- 1.3 The status of the footpath at Mill Green is that it is not a footpath on the 'Definitive Map'. It is however, a pedestrian public right of way and Adopted (maintained by the Council) and therefore Public Highway.

Aerial image from GoogleEarth



- 1.4 The plan below shows the extent of Adopted Highway and the extent of verge land to the south of part of the footpath currently maintained by the Council (in mauve). The plan below that is the Local Plan Proposals Map extract, indicating biodiversity/green link and Major Landscape Feature designations.



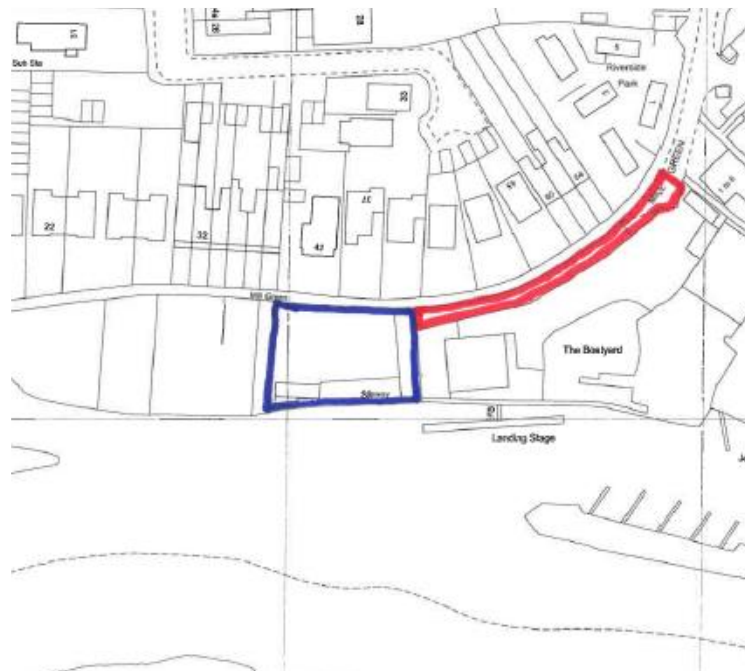
1.5 To the north side of Mill Green, the footpath provides pedestrian-only access to Nos. 22-64 (not consecutive nos.) Mill Green and 37 Send Road. The character of the footpath is presently therefore a semi-rural green lane, which passes near the Thames, gaining pedestrian residential access on one side and pedestrian access to leisure plots on the other. To the south side of Mill Green, the footpath allows pedestrian-only access to the following:

- Thames-side land to the west of the application site. These plots appear to be gardens of the houses on the north side of the footpath which extend across the footpath and abut the Thames.
- “Mill Green Boathouse” (the blue land). This land is approximately 900 sq.m. in area and the proposal would provide improved access to this land. This land is relatively flat, has a dilapidated boathouse towards its southwestern side near the Thames and has Thames-side mooring access

including a wet-dock and access slip-way northwards towards the Mill Green footpath.

- To the east: “55 Mill Green” (site to the immediate east of the blue land and south of the application land). This is a commercial boatyard, providing marine services and moorings letting and has its own landing stage on the Thames.
- 1.6 The application site itself is presently a sloping area with a slight ditch which may sometimes contain water in times of heavy rainfall, running alongside the existing public footpath. The application site does not include the site ‘The Moorings’, which is in the applicant’s ownership and control and is shown by the blue area on the plan below. As will be made clear at various points in this report, the function of and access to this site is considered to be a key consideration to the assessment of this application for planning permission.

Site Location Plan



2. PROPOSAL

- 2.1 Full planning permission is sought to accommodate motorised vehicular access from The Moorings up to Mill Green and this would be achieved, in effect, by a ‘widening’ of the existing footpath. A planning application is necessary, as there is significant re-levelling and re-grading of land in order to achieve a suitable accessway for vehicles and this constitutes ‘engineering operations’ under the Planning Acts and is therefore ‘development’. The proposed improved access road would extend from the end of Mill Green to an existing set of double gates at the north-eastern boundary of The Moorings. The proposal involves significant re-levelling of the site which is currently a drainage ditch. The track would be constructed with permeable loose limestone gravel. Stone-filled gabions (square wire boxes filled with rocks) are proposed to be installed along the boundary with The Boatyard to function as a retaining wall to support the change in levels proposed. The construction details have been amended

following concerns from consultees and amended plans submitted. At the time of writing, however, there is inconsistency in the submitted material, however, it is considered appropriate and necessary to bring this application for the Committee's consideration at this time, because as the report below explains, the various issues raised by this application are considered to be irreconcilable.

- 2.2 The applicant advises that the proposed access would be used by the applicant's private car and the frequency of visits are estimated to be no more than 6 times a month during Spring and Summer i.e. 72 trips each year to enable the applicant to access his motorboat.
- 2.3 The application refers to the 're-instatement' of an existing vehicular access and information has been submitted to evidence this. However, officers did not consider that the information submitted clearly demonstrates that a vehicular access has ever existed in the past as there are levels at the site where the drainage ditch is located. There are double gates into The Moorings site, but officers do not consider this is evidence in itself that a vehicular access has ever existed. For this reason, officers requested the description of development be amended to ensure that there was no assumption prior to the application being determined that a vehicular access existed previously. The description of development was therefore amended to "vehicular access with permeable surface on land south of Mill Green to provide access to The Moorings".
- 2.4 The application has been called in to Planning Applications Committee by Councillor Barnett-Ward, Councillor Davies and Councillor Sokale following extensive neighbour concerns received.

3. SUBMITTED PLANS AND DOCUMENTS:

- 3.1 The applicant submitted the following information, received on 9th April 2021:
Planning Application and Flood Risk Assessment
Location Plan

The applicant submitted the following information, received on 27th May 2021:
Ecological Appraisal

The applicant submitted the following information, received on 21st June 2021:

Drawing No: 101 Rev A - Existing Site Plan
Drawing No: 102 Rev A - Existing Site Plan
Drawing No: 103 Rev A - Existing Site Plan
Drawing No: 104 Rev A - Proposed Site Plan
Drawing No: 105 Rev A - Existing Section
Drawing No: 106 Rev A - Proposed Section
Arboricultural Report: Arboricultural Impact Assessment and Arboricultural Method Statement

The applicant submitted the following information, received on 7th July 2021:

Drawing No: TPP/MGBHCB/010 A - Tree Protection Plan

The applicant submitted the following information, received on 12th October 2021:

Technical Note on Highways and Transport Matters

The applicant submitted the following information, received on 27th September 2021:

Flood Risk Addendum Report

The applicant submitted the following amended plans and information, received on 1st November 2021:

Drawing No: 101 Rev C - Existing Site Plan

Drawing No: 102 Rev C - Existing Site Plan

Drawing No: 103 Rev C - Existing Site Plan

Drawing No: 104 Rev C - Proposed Site Plan

Drawing No: 105 Rev C - Existing Section

Drawing No: 106 Rev C - Proposed Section

Arboricultural Response

The applicant submitted the following information, received on 20th December 2021:

Drawing No: FP/MGBHCB/01 B - Footpath Plan

Covering Letter from David Clarke Chartered Landscape Architect and Consultant Arboriculturalist Limited

4. PLANNING HISTORY

10/00275/PREAPP (alternative/later reference 100544) - Pre-application advice for proposed demolition of existing shed and erection of log cabin. Erection of new boathouse. Replacement of existing fence with new 1.8m high fence. Observations sent 06/08/2010. This letter indicates that the lawful use of land at the time was unclear; no comment was made on the developer's access concerns; and notwithstanding, a replacement boathouse of a similar scale was likely to be considered favourably.

171996/OUT - Outline application for the demolition of existing storage building, wet dock and slipway and erection of two detached dwellings. Withdrawn 05/01/2018. No decision was issued on this planning application, however, the recommendation, had a decision been made, is likely to have been of refusal of permission. As can be seen from the planning history above, there is no clear indication of the lawful use of the blue land. The blue land then either has a 'nil use' in planning terms or at best, a low-level private, probably infrequent leisure plot use only.

5. CONSULTATIONS

5.1 Statutory

Environment Agency

At the time of writing, an updated response from the EA is required. The below sets out the EA's responses to date.

Original comments

The proposed development is located in Flood Zone 3b, as shown in Reading Borough Council's Strategic Flood Risk Assessment (PBA, 2017), and is shown by hydraulic modelling to flood to a level of approximately 36.83m

AOD during a 5% (1 in 20) Annual Exceedance Probability (AEP) event. The development is considered as flood risk vulnerability classification 'Water Compatible' falling under the description of 'Docks, Marinas and Wharves', to Table 2 in the Flood Risk and Coastal Change section of the Planning Practice Guidance to the National Planning Policy Framework, being an access road to moorings. The development is only appropriate if the Flood Risk Assessment demonstrates that it is designed and constructed to:

- Result in no net loss of floodplain storage;
- Not impede water flows and not increase flood risk elsewhere.

Drawing 106 Revision A accompanying the application, shows a typical section through the proposed works. This demonstrates that the proposals will alter ground levels and therefore have a potential impact on flood storage and flood conveyance. The proposed levels for the access road shown on the typical section are substantially lower (being 36.0m AOD) than those indicated on the Proposed Site Plan of the proposals shown on Drawing 104 Revision A (greater than 36.5mAOD). The proposal drawings are therefore inconsistent.

The Flood Risk Assessment (FRA) accompanying the application does not provide sufficient detail of existing or proposed ground levels or analyse the effects of the proposals on floodplain storage or flood conveyance.

The proposed fencing will form a barrier to the movement of flood water within the floodplain.

In the absence of an acceptable Flood Risk Assessment (FRA) we object to this application and recommend that planning permission is refused.

Reasons

The submitted FRA does not comply with paragraph 167 of the National Planning Policy Framework (NPPF) and the requirements for site-specific flood risk assessments, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance. The FRA does not therefore adequately assess the development's flood risks. In particular, the FRA fails to:

- detail the existing ground levels at the site in sufficient detail (spot levels within the site shown on drawings 101 and 102 are sparse and do not provide sufficient coverage);
- detail the proposed ground levels at the site in a consistent manner or in sufficient detail to allow the effects on flood storage and flood conveyance to be properly assessed in the FRA;
- detail acceptable fence details for the development (see advice below);
- demonstrate that there is no loss of floodplain storage volume or adverse effects on flood conveyance as a result of the development.

This objection is also supported by local plan policy EN18 of the Reading Borough Local Plan. Adopted November 2019.

To overcome our objection, the applicant should submit a revised FRA which addresses the points highlighted above. If this cannot be achieved, we are likely to maintain our objection. Please consult us on any revised FRA and we will respond within 21 days of receiving it.

The applicant should provide detailed topographic surveys showing the existing site levels and detailed drawings showing the levels of the proposed development. Site levels need to be stated in relation to the Ordnance Datum (the height above average sea level). You may be able to find Ordnance Datum information from the Ordnance Survey. If not, you'll need to get a land survey carried out by a qualified surveyor.

The revised FRA should demonstrate, by consideration of the existing and proposed levels and any mitigation measures proposed (such as level for level floodplain compensation storage), that the proposed development does not result in a loss of floodplain storage (see advice below).

Permeable fencing should be proposed (see advice below) or details of why this is not required provided.

Guidance on how to prepare a flood risk assessment can be found at <https://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications>

Advice to applicant

Topographic Survey/Ground Levels

A topographic survey of the existing site should be presented in the FRA. Site levels need to be stated in relation to the Ordnance Datum (the height above average sea level) to allow direct comparison with the modelled flood levels. You may be able to find Ordnance Datum information from the Ordnance Survey. If not, you'll need to get a land survey carried out by a qualified surveyor. Proposed ground levels should also be detailed in the FRA for comparison with the topographic survey.

Level for Level Floodplain Compensation Storage

Level for level compensation is the matching of volumes lost from the floodplain due to increases in built footprint or raised ground levels, with new floodplain volume by reducing ground levels elsewhere. Analysis should be presented in the FRA as a table showing the volumes lost to the development in 100mm increments of level and the volumes gained by the mitigation proposed in the same level increments. It should be demonstrated that there is no loss of floodplain volume in any increment of level, and preferably a net gain (see attached diagram).

Fencing Design

Walls and fences can have a significant impact on the flow and storage of flood water, especially if they are constructed across a flood flow route. This can lead to higher levels of flood water on the upstream side of the fence or wall which will potentially increase the flood risk to nearby areas. Therefore walls and fences should be permeable to flood water.

We recommend the use of post and rail fencing, hit and miss fencing (vertical slats fixed alternately on each side of horizontal posts) or hedging. If a solid wall is proposed there must be openings below the 1% annual probability (1 in 100) flood level with an appropriate allowance for climate change to allow the movement of flood water. The openings should be at least 1 metre wide by the depth of flooding and there should be one opening in every 5-metre length of wall.

Notes to local planning authority

If the Local Authority are minded to grant permission against our recommendation, we request the Local Authority reconsult us for further representation. Please note we may have comments and conditions in other areas of remit following re-consultation.

In accordance with the Planning Practice Guidance (Reference ID: 7-043-20140306), please notify us by email within 2 weeks of a decision being made or application withdrawn. Please provide us with a URL of the decision notice, or an electronic copy of the decision notice or outcome.

EA Updated comments following submission of Flood Risk Addendum Report

In commenting on this proposed development in terms of fluvial flood risk we have considered the following additional documents submitted:

- Flood Risk Addendum report to address EA comments in respect to proposed works at The Moorings, Mill Green, Caversham, Reading, RG4 8EX, Prepared by Dr Robin Saunders CEng, Innervision Design Ltd, September 2021.

In addition to the original FRA:

- Section 4 of the Document entitled: Planning Application and Flood Risk Assessment, DLA Planning, April 2021.

Environment Agency position

We are able to remove our objection on fluvial flood risk grounds subject to the following condition being imposed on any planning permission granted. Without this condition, the proposed development on this site poses an unacceptable risk to the environment and we would wish to object to this application.

Condition

The development shall be carried out in accordance with the Flood Risk Assessment (FRA) (Section 4 of the Document entitled: Planning Application and Flood Risk Assessment, DLA Planning, April 2021) and the Flood Risk Addendum (Flood Risk Addendum report To address EA comments in respect to proposed works at The Moorings, Mill Green, Caversham, Reading, RG4 8EX, Prepared by Dr Robin Saunders CEng, Innervision Design Ltd, September 2021) and the following mitigation measures these detail:

The proposed road and associated works shall be constructed in accordance with the following details:

- Such that proposed levels are as assumed in Appendix C, Section 3.3 and Table 1 of the Flood Risk Addendum.
- A floodplain compensation storage area (referred to as the CSV area in the Flood Risk Addendum) shall be constructed in accordance with Drawing C12 of Appendix C of the Flood Risk Addendum.
- Any fencing shall be open weave fencing as detailed in Section 4.3 of the Flood Risk Addendum.

These mitigation measures shall be fully implemented before the development comes into use. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reasons: So as not to increase flooding elsewhere by ensuring that floodplain storage and flow conveyance are maintained.

This condition is supported by paragraph 167 of the National Planning Policy Framework (NPPF). This condition is also supported by local plan policy EN18 of the Reading Borough Local Plan. Adopted November 2019.

Advice to LPA and applicant

Flood compensation are outside of red line boundary

We note the applicant proposes a floodplain compensation storage area. This lies outside the red line application boundary but falls within the blue line boundary (that showing the area controlled by the applicant).

Informative

(advice supplied re: Environmental Permits)

5.2 Non-statutory

RBC Development Control Transport

Despite amended plans having been received, the Highway Authority is not satisfied with the proposal and currently objects. Detailed comments received are as follows:

Original comments

The proposed development consists of providing a vehicular access with permeable surface on land south of Mill Green which currently accommodates a historic drainage ditch to provide access to The Moorings. It is evident from photographic evidence attached that the area in question has not been a vehicular access to the site and that the ditch was in use for flood storage and drainage purposes.

The proposed road is to be a single track approximately 2.3m wide which would only be sufficient to accommodate single flow vehicle movement and would not be sufficient to accommodate larger vehicles that the site would likely generate. No information is provided on the use of the site in question and therefore any access must be designed to accommodate two-way traffic flow including those by larger vehicles. In addition given that physical features will be bound both sides of the carriageway additional width would be required, as such any access would need to be a minimum of 5.5m in width.

I refer to Department for Transport document Manual for Streets which states the following in relation to road and street design:

7.2.1 The design of new streets or the improvement of existing ones should take into account the functions of the street, and the type, density and character of the development.

7.2.2 Carriageway widths should be appropriate for the particular context and uses of the street. Key factors to take into account include:

- the volume of vehicular traffic and pedestrian activity;
- the traffic composition;

- the demarcation, if any, between carriageway and footway (e.g. kerb, street furniture or trees and planting);
- whether parking is to take place in the carriageway and, if so, its distribution, arrangement, the frequency of occupation, and the likely level of parking enforcement (if any);
- the design speed (recommended to be 20 mph or less in residential areas);
- the curvature of the street (bends require greater width to accommodate the swept path of larger vehicles); and
- any intention to include one-way streets, or short stretches of single lane working in two-way streets.

In lightly-trafficked streets, carriageways may be narrowed over short lengths to a single lane as a traffic-calming feature. In such single lane working sections of street, to prevent parking, the width between constraining vertical features such as bollards should be no more than 3.5m. In particular circumstances this may be reduced to a minimum value of 2.75m, which will still allow for occasional large vehicles (Fig. 7.1). However, widths between 2.75m and 3.25m should be avoided in most cases, since they could result in drivers trying to squeeze past cyclists.

Although this development would provide an access to a single site the design concepts specified above still apply as any access must be able to accommodate the level of vehicle movement associated with that use.

None of the information submitted to accommodate this application confirm that a sufficient turning area will be provided that would allow vehicles to travel to and from the site in a forward gear. The non-provision of a turning area will result in vehicles having to reverse approximately 100m to a turning head on Mill Green.

No visibility splays have been provided where the proposed route would meet the tarmacked section of Mill Green adjacent to the adjacent yard access. Given that visibility splays would need to be located on adjacent land and would not be on the Public Highway or land in the applicant's ownership it is evident that the development cannot provide suitable visibility splays essential for a new vehicle access.

The design of the access is not in accordance with the appropriate design standards that will result in conflict between vehicles and as such is not acceptable to the Highway Authority.

The proposed access road is unsuitable, due to its substandard width and lack of a dedicated turning facility, to accommodate the traffic which would be generated by the proposed development. This would have an adverse effect on road safety and the flow of traffic, in conflict with Local Plan Policy TR3.

The application site does not have sufficient highway frontage to provide a suitable road access with adequate sight lines. As a result the proposal would be in conflict with Local Plan Policy TR3.

The proposed access road removes a drainage ditch detrimentally impacting flood storage capacity and as a result is in conflict with Local Plan Policy EN18.

Updated comments following additional information and revised plans

The proposed development consists of providing a vehicular access with permeable surface on land south of Mill Green which currently accommodates a historic drainage ditch to provide access to The Moorings. It is evident from photographic evidence attached that the area in question has not been a vehicular access to the site and that the ditch was in use for flood storage and drainage purposes. No definitive evidence has been provided that a previous vehicular access existed and therefore it cannot be stated that this is a reinstatement of a previous access especially given the levels and that a lamp column and telegraph pole exist within the land creating an obstruction.

It has been stated within the Technical Note that 'the width of the access road will vary from 2.9m to 4.8m, as shown on plan 21170/001 at Appendix 1 consistently in excess of the minimum width of 2.75m for a private drive as prescribed in Manual for Streets (MfS)'. However, the drawing referred to is only illustrating the width between the two boundaries and is not illustrating what width would actually be retained once the proposed vehicular access is created, i.e no retaining structures have been illustrated and the drawing itself also illustrates the retention of the ditch. I would stress that this is contrary to drawing 106 Rev C submitted by the applicant that illustrates the proposed road to be a single track approximately 2.3m wide, the location of this width is identified on drawing 104 Rev C albeit that this drawing does not specify the extent to which this reduced width would extend. However, the below image would expect this to be a relatively extensive distance of reduced width given the level differences identified.



As a result, the Highway Authority cannot accept that the proposed width would be in excess of the minimum 2.75m specified within Manual for Streets as the submitted drawings do not fully illustrate the detailed layout of the proposed access.

I would also advise that a revised Drawing No: FP/MGBHCB/01 B (attached) has also been submitted that illustrates a revised construction detail to that previously submitted, which provides further confusion as to what is actually being proposed.

Irrespective of the above, Drawing No: FP/MGBHCB/01 B and Drawing 104 Rev C in particular at the western extremity of the proposed access road the road surface would be separated from the existing footway by a standard flush edging. This would also be unacceptable to the Highway Authority as this is likely to result in conflict between vehicles and pedestrians. It has been claimed that the route will be used solely by the applicant for the purpose of visiting / using the motorboat to be moored at the site and that usage of the access road will be infrequent and no more than twice a week (2 arrival trips + 2 departure trips). However, the use of the site is not party to this application and the applicant has provided no evidence to confirm the existing use of the land in question, therefore the road must be assessed on its own merits and therefore it must be designed to accommodate two-way traffic flows. In addition to this I reference the FRA submitted alongside the application, this states at Paragraph 2.2.2 that the commercial use of the boatyard has not been abandoned, this therefore identifies that the proposed access would generate a greater use than specified. As a result the proposed reduced width cannot be supported and a vertical separation would be required between the proposed access and the footway to ensure that vehicles do not overrun the footway so as to pass another vehicle.

As previously stated given that physical features will be bound both sides of the carriageway additional width would be required, as such any access would need to be a minimum of 5.5m in width.

The submitted drawings illustrate that a sufficient turning area will be provided with the Moorings land which is within the blue line which is accepted by the Highway Authority.

Visibility splays have been illustrated which the principle is accepted however the Technical Note states that resurfacing, give-way markings and vehicle priority would allow for suitable visibility. However, the submitted drawings do not illustrate the said works, these must therefore be fully illustrated on revised plans to demonstrate what is to be proposed.

Irrespective of the revised comments above the design of the access is still not in accordance with the appropriate design standards that will result in conflict between vehicles and as such is not acceptable to the Highway Authority.

Given the above the Highway Authority object to the proposal on the following grounds.

The proposed access road is unsuitable, due to its substandard width, to accommodate the traffic which would be generated by the proposed development. This would have an adverse effect on road safety and the flow of traffic, in conflict with Local Plan Policy TR3.

SUDS Manager

The Council as Lead Local Flood Authority notes that the proposal will result in the removal of an historic ditch that provides flood storage capacity during flood events. The proposal includes the provision of a permeable surface. Whilst this is not of itself (at the time of writing) clearly demonstrating an issue in terms of percolation, the SUDS Manager is content that this could be ameliorated within the blue land at The Moorings (as indicated in the amended FRA), which is also under the applicant's control.

Natural Environment (Tree Officer)

Latest comments 21/1/22:

Looking at Proposed Site plan 104 C and Proposed Section 106 the assumption was when looking at the section plan that gabions would only be placed within the sump and nowhere else which would be acceptable in tree terms as there would be no excavation into the existing ground (roots are likely to be present under the sump). However, I note that whilst reference to these gabions is made on the Site plan, it does not show the extent of these hence we do not know for sure that they are not proposed outside the sump - it would be an assumption. Without a revised site plan, there isn't that clarity hence impact on trees (offsite, on the boundary) is unclear as we don't have the confirmation that excavation for gabions outside the sump, i.e. into the existing ground level, is not proposed. In conclusion that if determining at this time, agree that this matter should be included as a reasoning for a refusal of permission.

Previous comments set out below for information.

Original comments

This application seeks approval of the 'reinstatement of access' to The Moorings along a strip of unregistered land. I assume, in the first instance, that you have addressed the land ownership issue and have considered the description of development, i.e. whether access ever existed in order to be 'reinstated'.

Another factor that requires consideration is the practicality of implementing the consent (if given) in terms of avoiding impact on the adjacent footpath. It is difficult to see how working space will not be required on this footpath and it would be reasonable to seek clarification from the applicant (if not already done) as to how they foresee working space being confined only to the footprint of the access.

With reference to the Arboricultural Report dated June 2021 (incorporating Tree Survey, AIA & AMS) and associated Tree Protection Plan TPP/MGBHCB/010 A, I have the following comments:

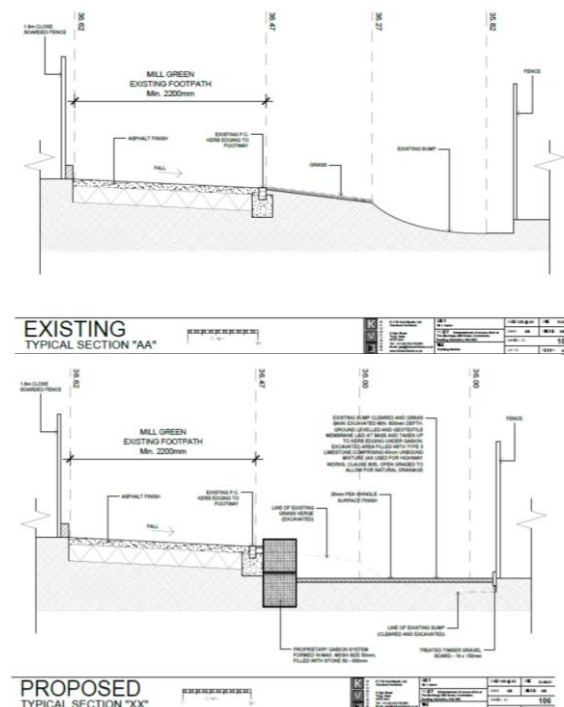
I note that whilst all the trees surveyed are off-site, the majority are directly adjacent to the proposed access 'reinstatement' hence are potentially affected. I note that one Willow is proposed for removal for arboricultural reasons and that some suggestions are made within the report about other trees within The Boatyard land. As indicated, these are matter for that owner to decide but I would hope that they take account of

the report in order that they are meeting their 'duty of care' with regards to ensuring their trees do not pose an unacceptable risk to people or property.

In relation to tree works required to implement the development, this appears (as it relates to the above ground parts of the trees) to be confined to crown lifting over the access route for clearance. This can be done under common law rights but as recommended in the report should be done to good arboricultural standards.

The main concern with the proposal will be the potential impact on the roots of the adjacent trees from the construction of the access, which includes filling in the sump and some ground level changes.

Plans submitted state (in relation to the sump along the access): **AREA GRADED / LEVELLED, SUMP CLEARED AND BACKFILLED WITH SUITABLE PERMEABLE TYPE 3 MATERIAL. FINISHED SURFACE IN 20mm PEA SHINGLE.** Existing and proposed sections are provided as follows:



It can be seen that the works include 'clearing and excavating' the line of the existing stump (whatever that entails), building up the ground levels within the sump closest to the boundary and excavating the grass verge to bring the ground level down, along with installation of edging gabion.

It can be seen from the TPP that the RPAs of trees Willow A, Ash B, Ash C, Hawthorn and H1 Cypress screen extend across the sump and beyond. Any roots present in ground to be excavated will therefore be removed. In addition, the arb report (par 6.23 & 12.5) states: 'A geo-textile membrane will be laid to add strength to the sub-base surface and protect the underlying soil profile'. I am not clear how a geotextile membrane will add any strength? It is a membrane that will act to avoid mixing of the infill stone and soil beneath and should allow water through (as long as the infill has no fines within it) but it won't prevent compaction of the ground

hence provide 'strength' to prevent this. 12.5 of the report confirms that compaction will take place anyway prior to infilling which should be avoided within RPAs.

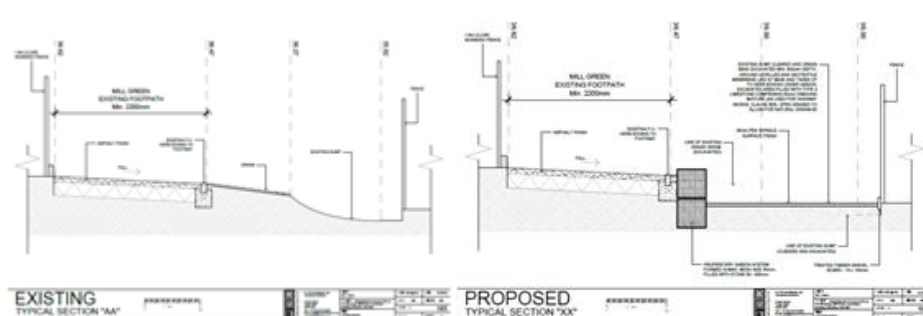
The arb report itself is quite long and repetitive and I am left with a lack of clarity of the root impact of the development and how this is to be mitigated. The RPAs are shown on the TPP, the proposed works affects these hence have the potential to detrimentally affect the root systems. I don't know what the surfacing within the boatyard is but the rooting area within the proposed access route (as it is soft) for H1, adjacent to the building itself, will be very important given the building is likely to have prevented rooting in that direction. Where there is hard surfacing adjacent /around other trees at The boatyard, the soft zone within the proposed access route will also be an important rooting environment for them.

Putting aside any concerns about the loss of this soft strip itself, which I assume will be dealt with by others in terms of ecology and flood management, I am not satisfied that it has been demonstrated that the adjacent trees within The Boatyard would not be detrimentally affected by works within their RPAs. As such clarification is sought and if not received (to a satisfactory level), I would suggest that impact on trees would be a reasonable reason for refusal. As you are aware, we adopted a new Tree Strategy in March this year which compliments Policy EN14 and responds to the Council's Climate Emergency Declaration. As such, the clear demonstration of safe retention of trees is of importance for any development.

Updated comments following additional information and amended plans

With reference to my memos of 25 August and 11 November 2021 and to the latest arboricultural submissions, received 20/12/21, consisting of a letter from the arboricultural consultant (to the agent) dated 17/12/21 and Footpath Plan FP/MGBH CB/01 B, I have the following comments:

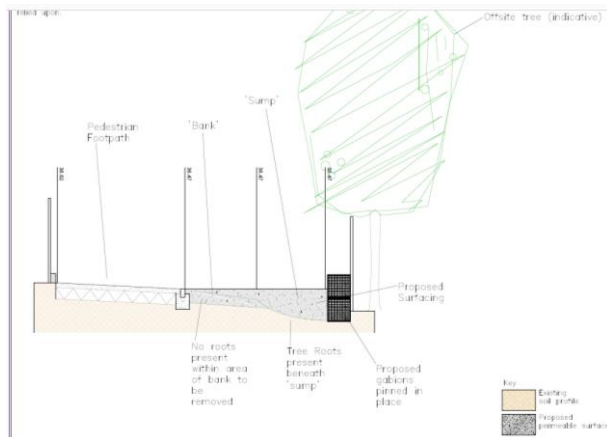
As you are aware, my memo of 25 August expressed concern over the proposed ground works, as shown on the plans submitted:



In addition, there was a lack of clarity in the Arboricultural Report dated June 2021 (incorporating Tree Survey, AIA & AMS) and associated Tree Protection Plan TPP/MGBHCB/010 A to demonstrate that retained (off-site) trees would not be harmed.

The letter from the arboricultural consultant (to the agent) dated 17/12/21 seeks to clarify the proposed works and how roots will not be harmed and provides a new section plan (below), which appears consistent with

Proposed Section Plan 106 C, submitted 1/11/21 (my comments of 11/11/21 focused on the arboricultural response also received on 1/11/21 rather than the plans provided).



The ground works, as shown on the immediately above extract and explained in the arboricultural letter, confirm that excavation of the bank is required but that there are ‘no roots present’ in that area - I am not clear how this has been established with the TPP showing the RPAs extending to include this bank and 6.18 of the submitted AIA/AMS stating: *‘The exact distribution of roots could only be confirmed by undertaking further site investigations such as trial trenches’*. There also remains the question of compaction of the ground during infill of the stump (the ground beneath this containing roots). I am still unclear how this is to be avoided.

The arboricultural letter also states:

‘There is a proposed excavation of 250-300 mm within part of the rooting area of an offsite hedge (H1) as part of the reinstated access. The Tree Officer has expressed concern on the potential impact on the hedge. To avoid any damage to the roots here a reinforced mesh could be laid instead of excavating. This could be a medium grade 11 mm thick mesh which would be pinned in place and would reinforce the underlying soil profile, protect roots and be suitable for the proposed occasional vehicular use of the access’.

I am not clear what this ‘mesh’ is as no information has been provided but employing a method and specification that avoid excavation would be welcomed.

Generally, I am satisfied with the proposals now in relation to trees, however a revised AMS is required and should ideally be submitted prior to a decision in order to avoid a pre-commencement condition. This should be as succinct as possible and in addition to relevant information included in the current AMS should be amended to refer to the latest proposals (plans), provide the clarity included within the arboricultural letter of 17/12/21, clarify how compaction will be avoided and detail the works with H1 (referred to above). Hopefully this will not be too onerous.

RBC Environmental Protection

No objections to the proposal.

Ecology

There was (or used to be) a ditch running down the side of the path. As such, the proposals arguably do not comply with Policy EN12 in that they do not maintain, protect, consolidate, extend or enhance the green network, or contribute to the consolidation of the network. The proposals will also not result in a net gain for biodiversity as is required by that policy.

5.3 Publicity

Notification letters were sent to: Mill Green: 22-42 (e), 55 (all) and 60-64 (e), Mill Green: Riverside Park 1, 2 and Send Road: 37-45 (o).

91 letters of objection have been received. Some of the responses received contain personal statements and are not relevant to the consideration of this planning application. The planning-related objections that are considered material planning considerations are summarised as:

1. Queries the land ownership of the application site itself; ***Officer comment: see section at the end of the officer Appraisal below***
2. There has never been a vehicular access and to refer to it as a “reinstatement” is not accurate;
3. The need for such an access is not clear;
4. Concerns over the future use of the site if the proposed access is approved; ***Officer comment: concern noted, but whilst the current use of the land/land it is accessing is a material planning consideration, this application must be considered on its merits and future proposals cannot be considered.***
5. The area is a Major Landscape Feature and policy states planning permission will not be granted for any development that would detract from the character or appearance of areas designated as such;
6. The application states a personal use but also a previous commercial use, queries if a change of use is involved;
7. Existing issues with cars and parking;
8. Various street furniture will need relocating i.e. fire hydrant, lamppost and telegraph pole; ***Officer comment: these matters are noted, but are not material planning considerations of themselves.***
9. Unsuitable location alongside a well-used footpath;
10. Road safety and interference with vehicles accessing Better Boating;
11. Safety issues for pedestrians and cyclists and at night if the lamppost is removed;
12. The area is a flood risk and the proposed works will only add to this;
13. The drainage ditch is a vital part of the flood defences for Mill Green/Send Road and the proposal would increase the flood risk to neighbouring properties;
14. Filling in the drainage ditch would mean the footpath would flood for longer periods and stop people using it for longer;
15. The gabion wall will be unsightly in an area that is naturally attractive and look out of place;
16. The gabion wall is dangerous and there is a significant drop and an obvious trip hazard;
17. Removal of the grass verge and embankment will have a negative effect on the local environment and biodiversity;
18. Detrimental effect on residents and wildlife by changing the character of the footpath;

19. Impact on neighbouring properties in terms of noise and disturbance and also access for some properties where access is only from the footpath;
20. Mill Green is an important wildlife corridor;
21. Impact on the trees and their roots adjacent to the flood ditch and within inches of the proposed works;
22. Long term impact of having a private/commercial access on the neighbourhood and the long term purpose of the development is not clear; ***Officer comment: see comment above regarding future uses/proposals***
23. The Council has declared a climate emergency, this must not be empty words; ***Officer comment: the nature of this objection point is unclear, so cannot respond***
24. Do the fencing and metals gates that have been installed require planning permission? ***Officer comment: means of enclosure, including gates of upto two metres in height are permitted development***
25. Will the site be reinstated to how it was before it was cleared?

6. RELEVANT PLANNING POLICY AND GUIDANCE

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Material considerations include relevant policies in the National Planning Policy Framework (NPPF) which states at Paragraph 11 “Plans and decisions should apply a presumption in favour of sustainable development”.
- 6.2 The development plan for this Local Planning Authority is the Reading Borough Local Plan (November 2019). The relevant policies are:

National Planning Policy Framework
National Planning Policy Guidance

CC1: Presumption in Favour of Sustainable Development
CC7: Design and the Public Realm
CC8: Safeguarding Amenity
EN12: Biodiversity and the Green Network
EN13: Major Landscape Features and Areas of Outstanding Natural Beauty
EN14: Trees, Hedges and Woodland
EN18: Flooding and Drainage
TR3: Access, Traffic and Highway-Related Matters

Supplementary planning documents/guidance
Revised Parking Standards and Design SPD (Oct 2011)
Tree Strategy (2021)

7. APPRAISAL

The main matters to be considered are:

- (i) Summary of the proposal
- (ii) The character of the site and applicable planning policy
- (iii) Impacts of the proposal on the character and sensitivities of the site
- (iv) Highway safety

(i) Summary of the proposal

- 7.1 The proposed development is for a new vehicular access but the site which it is intended to serve (the blue land of The Moorings) is not part of this planning application, although the applicant is the owner and controller of The Moorings site itself. As alluded to in the Planning History section above, the lawful planning use of The Moorings site is not established therefore any assumptions offered in the application as to the purpose of the proposed vehicular access or the 'necessary' construction standards or even the need for it (when weighed against any other factors) needs to be treated with caution.
- 7.2 The proposal largely consists of the regrading of land for a significant length of the footpath environs (for a length of some 70 metres or so). In doing so, the existing ditch (a watercourse) would effectively be removed and replaced with a permeable track. Gabions would be required to use as retaining structures. Landscaping/trees would need to adjust to the proposals. There are other on-site physical obstructions (lampposts, etc). which would need to be re-positioned, but these are not relevant planning considerations.
- 7.3 The rest of this report considers the sensitivities and policy protections relevant to the site and the proposed development to determine if the principle of the proposed development is acceptable in its own right and given the technical requirements of consultees.

(ii) The character of the site and applicable planning policy

- 7.4 As described above, the application site itself involves a narrow strip of land running along the south of a public footpath. This is currently a pleasant tarmacked pedestrian pathway with the appearance of a landscaped lane, running near to the Thames with the gardens of residential houses on one side and glimpses towards the Thames on the other. Towards the western end of the footpath, the outlook towards the Thames opens out, as the continuation of house gardens run across the footpath and down to the river with lawned garden areas and Willow trees.
- 7.5 This is considered to be a sensitive environment in a number of respects and offers a relatively unusual environment in a built-up urban area such as Reading. It is a predominantly natural, but also a pedestrian space, with greenery and a shallow ditch which sometimes floods. It is the principal approach to private houses and also a pleasant cut-through for people passing through. Streetlighting is present, but given the tree cover around, light-spillage is low. The main considerations and sensitivities are considered to be as follows:
- 7.6 Due to the proximity of the Thames, the site and environs form part of the Major Landscape Feature protected by Policy EN13. The application site contributes to this by its generally low-level of development, greenery and openness. The general impact on the character of the area is also to be considered (Policy CC7).
- 7.7 Trees form a significant part of the character of this pedestrian route and the impact of the proposal on trees needs to be clear and demonstrated to be suitable (Policy EN14 applies).

- 7.8 The ditch, landscaping and trees combined with the proximity to the river mean that this area is attractive for wildlife and accordingly, this is a designated Green Link and an Area of Biodiversity Interest in the Local Plan (Policy EN12 applies).
- 7.9 The site is within Flood Zone 3b and involves engineering operations which would alter flood storage capacity in the flood plain so it needs to be established if this is suitable and necessary development in the floodplain (Policy EN18 applies).
- 7.10 The proposal involves works adjacent to a present footpath to create a vehicle access alongside. The proposal needs to be clear on its intent, the necessary design standard and to be clear in terms of its impacts in terms of pedestrian and vehicle safety (Policy TR3).

(iii) Impacts of the proposal on the character and sensitivities of the site

- 7.11 As set out above there are considered to be various related character and environmental impact concerns.

Design impacts on the character of the area

- 7.12 The present path and sloping verge then ditch in this area would be replaced by a path, and then a wide gravel trackway, then gabion retaining structure which together would create a 'hardsurface area' of some 6m in width over the 70m length. The gabions at one stage were proposed in the middle of the development, the later plans appear to show the gabions on the southern edge now, towards The Moorings. Gabion walls are often used near water/coastal areas and in order to operate as permeable, retaining structures. But these are effectively engineering solutions and are considered to be quite a change in character to this area. The cages can degrade over time and loose rocks can become exposed, posing a security risk in this relatively secluded area (trips hazards, people throwing rocks, etc.) This long strip of gabions, plus the engineered change in levels will result in an unnecessary change from a more natural character, to more of an 'urbanisation' of the area, with no obvious need or benefits to the proposal being expressed, contrary to policies CC7 and EN17, which seek to protect the natural appearance of this area.

Wildlife habitat

- 7.13 The filling in of the ditch would be harmful due to the ditch's contribution to the site as a green link, effectively severing it and leading to a diminution of its function as a wildlife habitat/corridor. This is contrary to the aims of the EN12 policy protection and the need for applications to achieve net gains in terms of biodiversity. This should form a contributory reason for refusal of the application.

Trees and landscaping

- 7.14 Policy EN14 of Reading Borough Local Plan states "*individual trees, groups of trees, hedges and woodlands will be protected from damage or removal where they are of importance. New development shall make provision for tree retention.....to maintain and enhance the character and appearance of the area in which a site is located, to provide for biodiversity and to contribute to measures to reduce carbon and adapt to*

climate change. Measures must be in place to ensure that these trees are adequately maintained”.

- 7.15 The main concerns relate to the potential impact on the roots of the adjacent trees at The Boatyard at 55 Mill Lane from the construction of the access which includes filling in the sump and some ground level changes. The applicant has produced various pieces of information to indicate that there would be no harm to trees however, as the site plan does not confirm the precise location of the gabions, this cannot be relied on to confirm if the proposed development would be acceptable in terms of tree impacts.
- 7.16 The uncertainties in terms of width of construction and location of the route/trackway/gabions etc. means that impact on existing trees in terms of impacts on root systems are not certain/clear and it will be potentially harmful to them. This has negative impacts in terms of both their amenity value and in a habitat sense.

Flooding

- 7.17 Policy EN18 of the Reading Borough Local Plan states *“where development in areas at risk of flooding is necessary, it will not reduce the capacity of the flood plain to store floodwater, impede the flow of floodwater or in any way increase the risks to life and property arising from flooding. Wherever possible, development should be designed to reduce flood risk, both on and off-site”*. Paragraph 159 of the NPPF also states *“the development should be made safe for its lifetime without increasing flood risk elsewhere”*.
- 7.18 Removal of the ditch is considered to be unnecessarily harmful in relation to flooding. The application site is within Flood Zone 3b. Being an access road to river moorings, the Environment Agency advises that the development should be considered as under the vulnerability classification of ‘water compatible’ development, but this falls under the description of ‘Docks, Marinas and Wharves’. The EA therefore considers that this is an acceptable form of development in principle, providing that there is no net loss of floodplain storage and that water flows are not impeded or that it causes an increase in flood risk elsewhere.
- 7.19 Officers do not entirely agree that this is water compatible development, the application itself being presented with no clear purpose, although it is a minor development. The applicant’s FRA had been updated to show that compensatory flood storage was possible, and that this would be undertaken within the blue land and not the red land. This is behind large gates and the throughflow of water would not occur in the same place. It is not known if there are any obstructions or other land conditions which would prevent this from taking place. At the time of writing, the final views of the Environment Agency (in relation to the latest set of plans) are not known but if there is a further response in time for your meeting, this will be reported. Overall, your officers are not satisfied that this development is suitable in technical flooding terms. The Update Report will discuss this matter further and it may form a further reason for refusal of the application.

Impact on neighbour amenity

- 7.20 Officers note objectors' concerns with regard to noise and disturbance and increased comings and goings from The Moorings site as a result of the proposal. Whilst the existing use of The Moorings site is not clear, given the relationship with the properties which access onto the Mill Green footpath, there is nothing within this particular application to conclude that there would be material harm caused to the occupants of these properties due to the proposed new access and it is considered that Policy CC8 (Safeguarding Amenity) is complied with.

Summary

- 7.21 In summary, the proposed new vehicular access would cause a number of harmful environmental impacts which have not been justified in terms of the intended use of the destination site. This conflict with a number of Local Plan policies forms the first reason for refusal.

iv) Highway safety

- 7.22 Policy TR3 (Access, Traffic and Highway-Related Matters) of the Reading Borough Local Plan states *"in determining proposals involving a new or altered access onto the transport network.....consideration will be given to the effect on safety, congestion and the environment....Development will only be permitted where:- i) accesses and works to the highway comply with the adopted standards of the Transport Authority....."*.
- 7.23 The Highway Authority originally raised a number of concerns with the proposal namely the width of the proposed road; the non-provision of a turning area; suitable visibility splays not provided; and the design of the access is not in accordance with the appropriate design standards that will result in conflict between vehicles. The applicant has submitted amended plans to attempt to overcome these concerns.
- 7.24 In terms of pedestrian safety, the gabions - if in the centre of the track/footpath join with a vertical change as required by RBC Transport Strategy - would result in a sheer drop and therefore this would introduce a significant and unnecessary safety hazard for pedestrians (particularly those who are visually impaired) adjacent to the Public Highway.
- 7.25 As can be seen from the Highway Authority's response above, the 'correct' build standard of this trackway is not clear. There are issues in terms of width required. To achieve the correct design standard for the purposes that the application submission suggests (ie. to serve what is considered by the applicant to be an extant commercial use), two-way traffic is proposed and there is insufficient width for this. Were this proposal to be allowed and this use to be accessed, the risk would be passing vehicles overrunning the footway to pass each other, resulting in unnecessary and unacceptable danger to pedestrians.
- 7.26 Again, on the basis of the applicant's assumption of an extant commercial use (and acknowledging the commercial boatyard use at No. 55) visibilities and safety features would be needed to control the way that traffic emerging from The Moorings would join the footway. This would involve signage and road markings which would urbanise the appearance of this area (see discussion below). The Highway Authority considers the width of the trackway, space between gabions and pedestrian visibility is all substandard, given the assumed purpose of the works. This is of concern,

given that as advised above, the physical environmental impacts of the proposal could in fact be worse than shown, if the proposal was implemented in an attempt to achieve those standards.

- 7.27 In summary, the harm in transport terms is considered to be to pedestrian safety and secondly to highway safety. This forms the second reason for refusal, for failing to demonstrate compliance with adopted local plan Policy TR3, which seeks to maintain highway safety.

Other Matters

Land Ownership

- 7.28 Concerns have been raised by objectors that the applicant does not own the land to which the application relates. However, the grant of planning permission does not affect owners' rights and the applicant cannot carry out any works without the consent of the landowner. The applicant has followed the correct procedure required when a landowner is unknown. In the first instance and prior to a planning application being submitted, the applicant published an Article 13 Notice in the local Press (the Reading Chronicle) and completed Certificate D of the planning application form in order to attempt to advertise the proposal to the owner of the land. An alleged owner has made representations to the Local Planning Authority and the Council's Planning Solicitor advises that reasonable steps have been taken to identify the owner such that determination of the application should proceed in the normal way. Any attempt to develop the subject land without the landowner's consent would be a Civil dispute and outside the Local Planning Authority's remit for determining applications.

Existing lamp column and telegraph pole

- 7.29 Had the application been acceptable the lamp column and telegraph pole would have to be relocated and it would be for the applicant to arrange this subject to the statutory undertaker's /operator's agreement.

Other works already undertaken on and around the site

- 7.30 The Local Planning Authority is aware of various aspects of works - some of which relate to the application now being applied for - which have already taken place. This will be for Planning Enforcement to consider, pending the outcome of this planning application, which should be considered on its individual planning merits.

Community Infrastructure Levy (CIL)

- 7.31 The proposal is not liable for CIL.

Equalities Impact

- 7.32 When determining an application for planning permission the Council is required to have regard to its obligations under the Equality Act 2010. There is no indication or evidence (including from consultation on the application) that the protected groups as identified by the Act have or will have different needs, experiences, issues and priorities in relation to this planning application. Therefore, in terms of the key equalities protected

characteristics it is considered there would be no significant adverse impacts as a result of the proposed development.

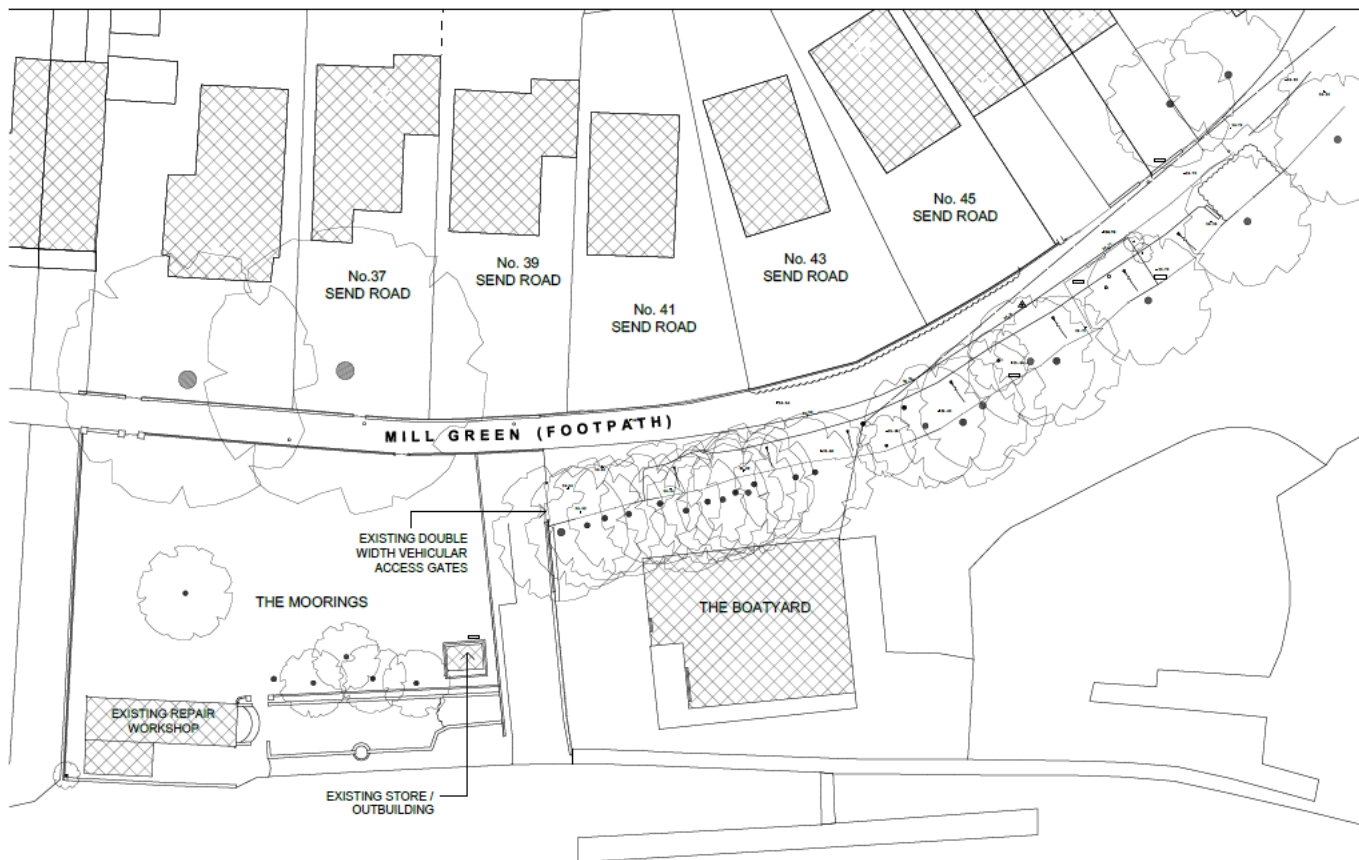
8 CONCLUSION

- 8.1 The proposed new vehicular access has been considered based on relevant planning policies, Environment Agency and highways advice and the conclusion reached is that, in the absence of any clear intentions for the future use of the destination site there are no obvious planning benefits to the application proposal which would outweigh the shortcomings identified. The principle of installing a new vehicular in this location is not supported but even if it was the highways concerns raised are significant enough to warrant refusal.
- 8.2 At the time of writing, it is unclear if the proposal would attract a further reason for refusal on flooding grounds. This aspect and any other clarifications and corrections which may be required will be set out in an Update Report.
- 8.3 On the basis of the above identified issues, the application is recommended for refusal.

Case Officer: Claire Ringwood







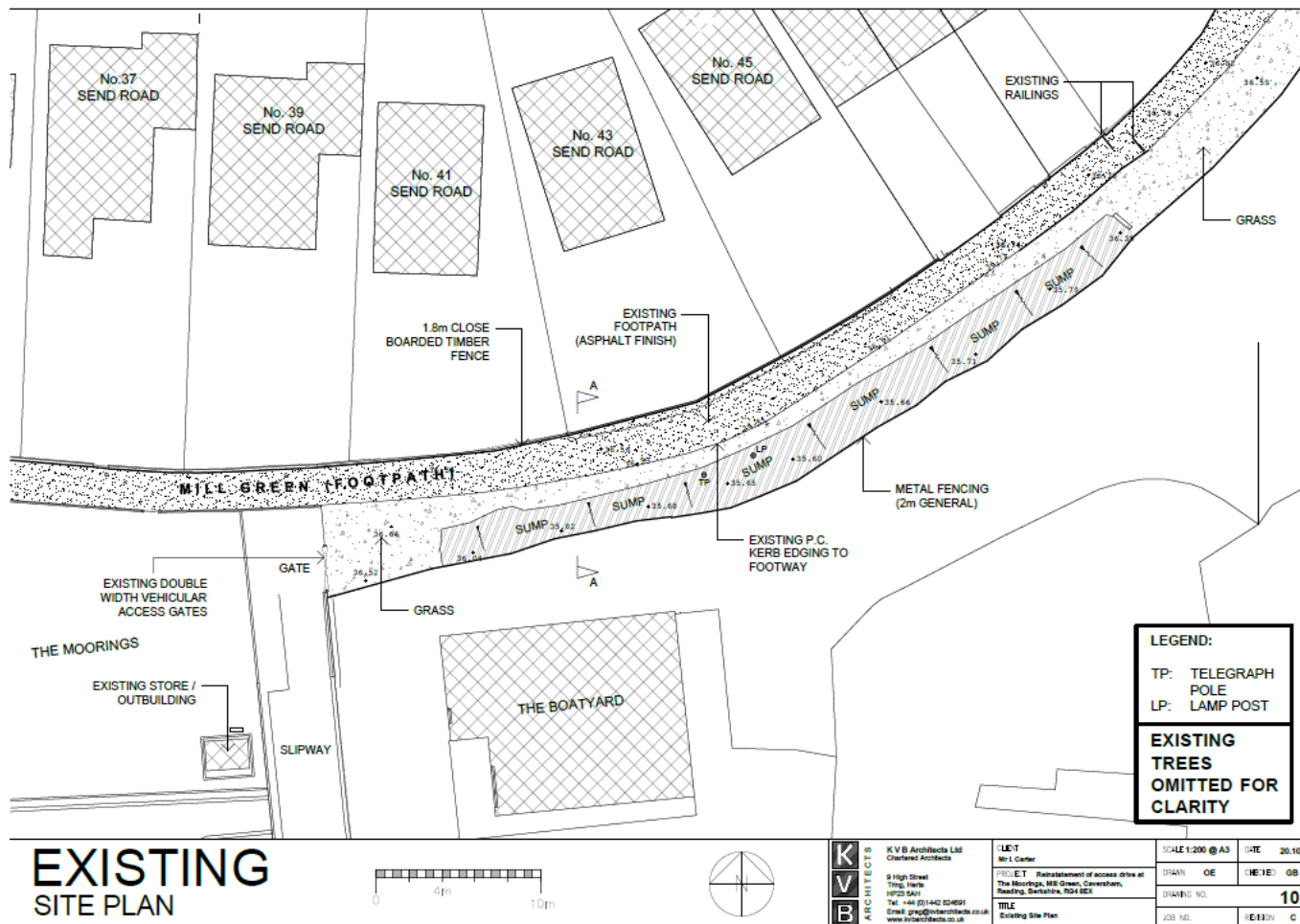
EXISTING SITE PLAN

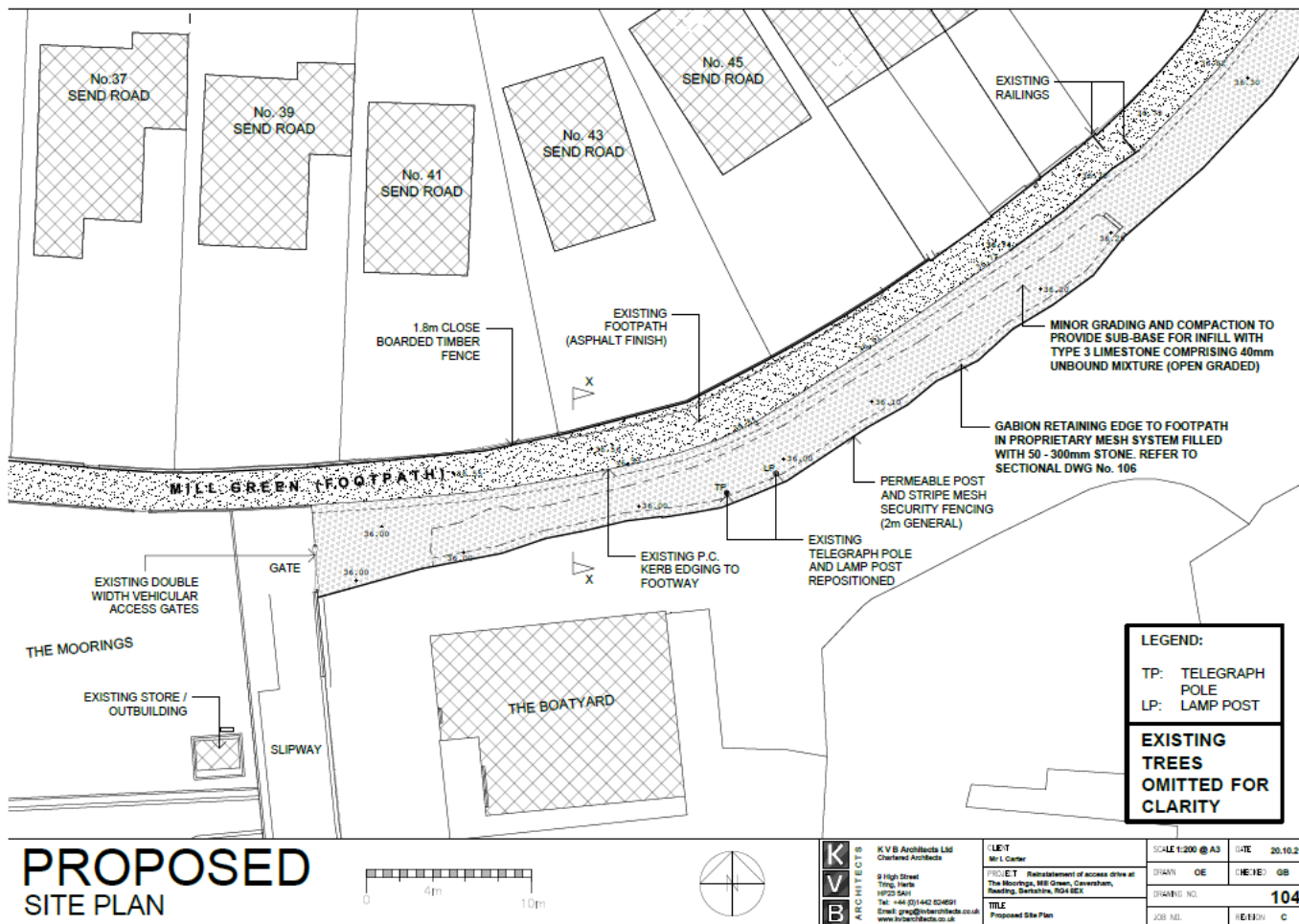


KVB ARCHITECTS Ltd
Chartered Architects
9 High Street
1st fl., North
WPC2 5AH
Tel: +44 (0)1442 524891
Email: info@kvbarchitects.co.uk
www.kvbarchitects.co.uk

CLIENT
Mr L Carter
PROJECT Reinstatement of access drive at
The Moorings, Mill Green, Claverham,
Reading, Berkshire, RG4 8EX
TITLE
Existing Site Plan

SCALE 1:250 @ A3	DATE 20.10.21
DRAWN OE	CHECKED GB
DRAWING NO.	101
JOB NO.	REK30 C







KVB

K V B Architects Ltd
Chartered Architects
9 High Street
Ting, Harle
HP23 5AH
Tel: +44 (0)1462 824891
Email: greg@kvbarchitects.co.uk
www.kvbarchitects.co.uk

CLIENT
Mr. L. Carter

PROJECT Reinstatement of access to
The Moorings, Mill Green, Caversham,
Reading, Berkshire, RG4 6EX

TITLE	Existing Section
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SCALE 1:20 @ A3

DATE	20.10.21
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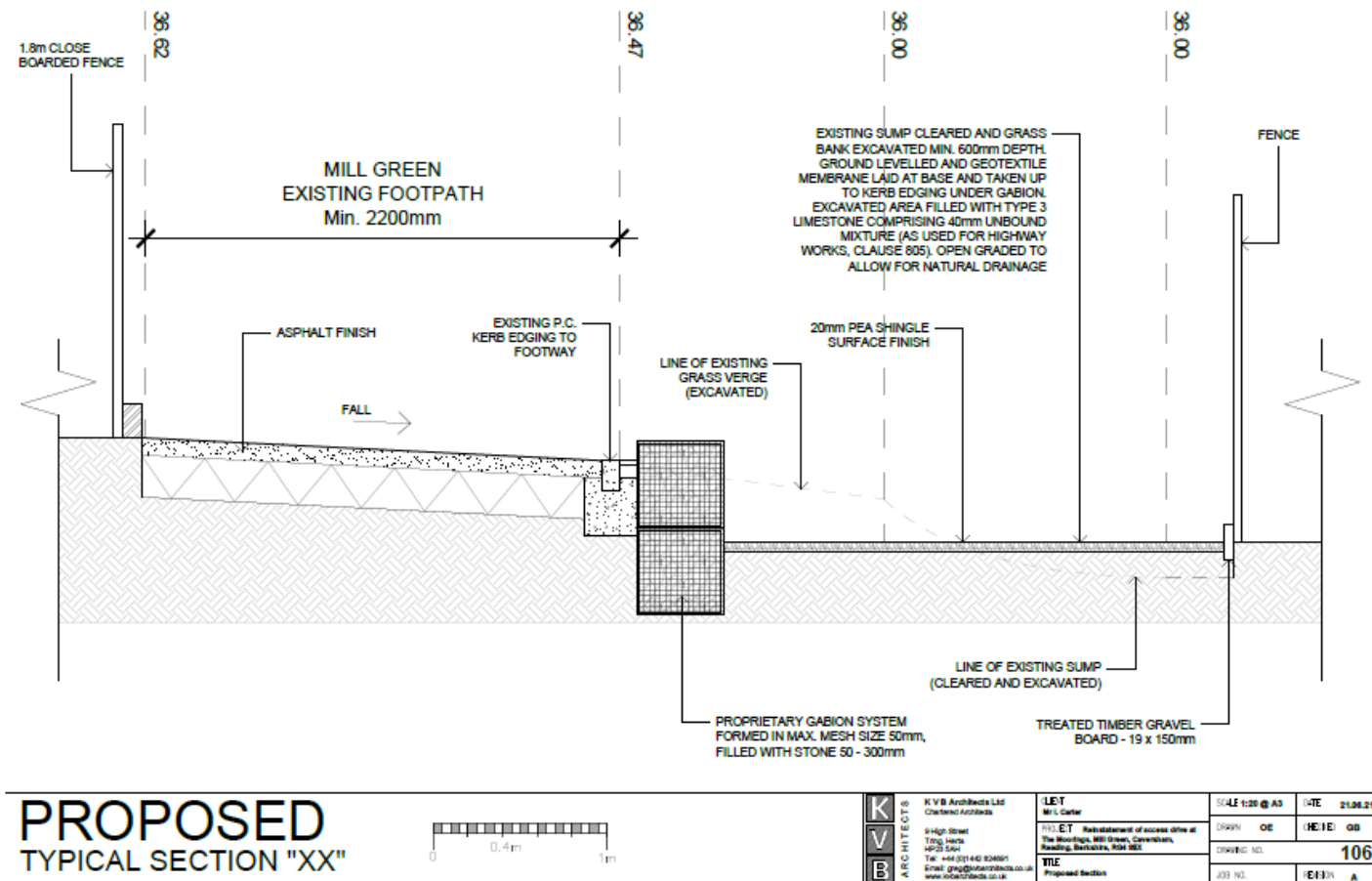
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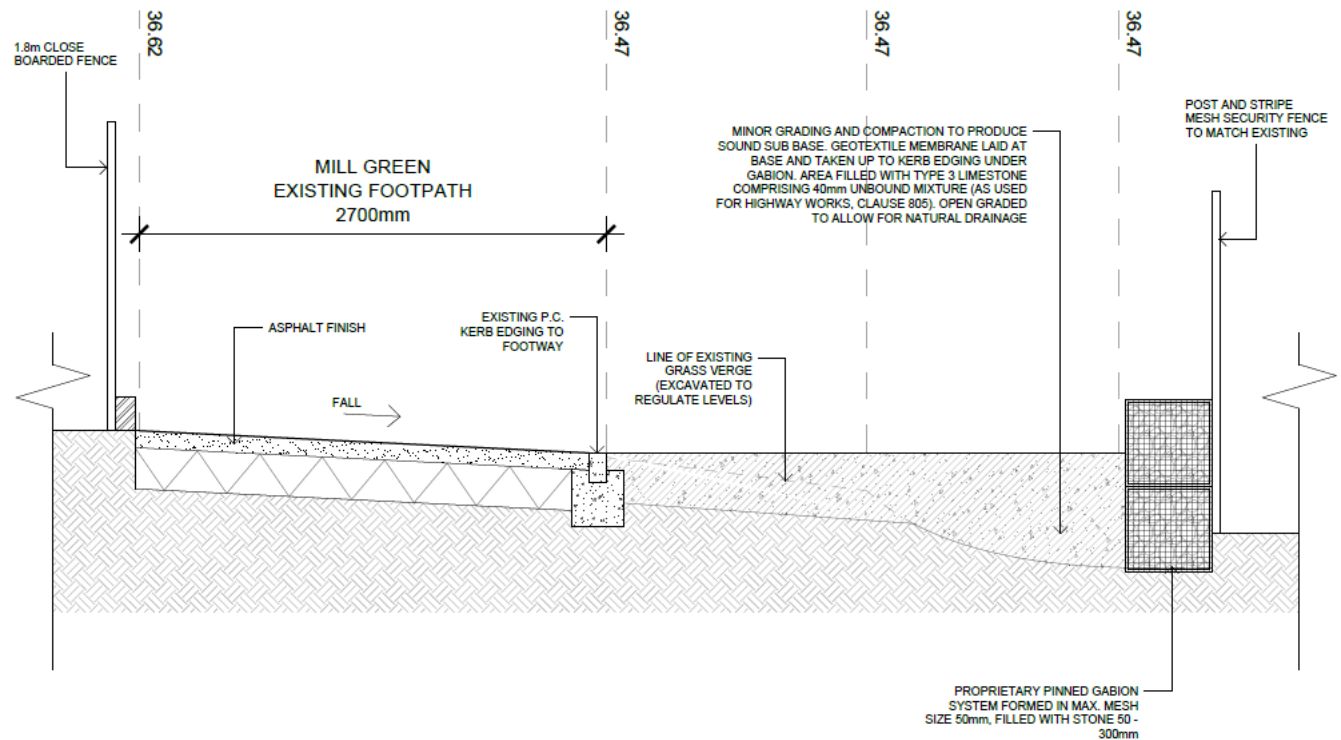
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JOB NO. _____

ION C



Proposal as originally proposed



PROPOSED TYPICAL SECTION "XX"



KVB Architects Ltd
Chartered Architects
9 High Street
Trop, Harle
HP22 5AH
Tel: +44 (0)1442 824691
Email: greg@kvbarchitects.co.uk
www.kvbarchitects.co.uk

FILED
Mr L. Carter
PROJECT: Reinstatement of access drive at
The Moorings, Mill Green, Caversham,
Reading, Berkshire, RG4 5EX
TITLE: Proposed Section

SCALE 1:20 @ A3	DATE 20.10.21
DRAWN OE	CHECKED GB
DRAWING NO. 106	
JOB NO.	REVISION C

Proposal as amended