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MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD ON 30 MARCH 2016 FROM 7.00 PM TO 9.30 PM

Committee Members Present

Councillors: Simon Weeks (Chairman), Tim Holton (Vice-Chairman), Chris Bowring, John Kaiser, Bob Pitts, Malcolm Richards, Rachelle Shepherd-DuBey, Chris Singleton and Wayne Smith

Other Councillors Present

Councillors: Mark Ashwell, Prue Bray, Philip Mirfin and Angus Ross

Officers Present

Mark Cupit, Head of SDL Delivery
Chris Easton, Service Manager, Highways Development Management
Mary Severin, Borough Solicitor
Colm Ó Caomhánaigh, Democratic Services Officer

Case Officers Present

Emy Circuit

110. APOLOGIES

There were no apologies for absence.

111. MINUTES OF PREVIOUS MEETING

The Minutes of the meeting of the Committee held on 2 March 2016 were confirmed as a correct record and signed by the Chairman.

MEMBERS' UPDATE

There are a number of references to the Members' Update within these minutes. The Members' Update was circulated to all present prior to the meeting. A copy is attached.

112. DECLARATION OF INTEREST

Rachelle Shepherd-DuBey stated that, while as a member of the Liberal Democrat party she had in the past expressed sympathetic support for an alternative scheme for Elms Field, she had an open mind about the application and intended only making a final decision once she had heard all the representations on this scheme.

113. APPLICATIONS TO BE DEFERRED AND WITHDRAWN ITEMS

No applications had been recommended for deferral, or withdrawn.

114. APPLICATION NO. 153125 - LAND BETWEEN WELLINGTON ROAD & SHUTE END (ELMS FIELD AND PADDOCKS CAR PARK) WOKINGHAM

Proposal: Full application for the erection of mixed use development for Town Centre uses comprising A1 shops including a food store, A2 Financial and Professional Services, A3 Cafes and Restaurants, A4 Drinking Establishments, A5 Hot Food Takeaways; Cinema (D2); 95-bed hotel (C1); 126 C3 residential units; re-configured town park; new and re-configured public car parking and partial closure of Elms Road (south) and provision of a new road to link Wellington Road and Shute End, as part of the regeneration of Wokingham Town Centre.

Applicant: Wokingham Borough Council & Wilson Bowden Developments

The Committee received and reviewed a report about this application, set out in Agenda pages 11 to 138.

The Committee was advised that the Members' Update included:

- corrections and clarifications to the report;
- additional information regarding an Average Daylight Factor Test;
- additional consultation responses on fire and rescue and crime prevention;
- additional representations; and
- revised and additional conditions and additional informatives.

It was noted that Members had visited the site on Wednesday 23 April 2016.

Mark Cupit, Head of SDL Delivery, outlined the history of the town centre regeneration and the principles behind it. He described the current proposal as the final piece of the first wave. The Planning Officer summarised the report on the application and displayed computer-generated pictures of how the development will look.

Imogen Shepherd-DuBey and Andrew Waters, representing Wokingham Town Council, spoke to application. They welcomed the regeneration plan but expressed concerns about road safety, tree loss, overbearing building heights, loss of green space, the absence of affordable housing in the proposal and possible unacceptable uses of the cinema.

Marc Maynard and Peter Humphreys spoke in objection to the application on behalf of local residents and other interested parties. They raised the issues of building heights, effects on the character of the area, the fact that the great majority of representations received were in opposition to the plan, the continuous loss of green space over the last 50 years and doubts about the proposed anchor tenants.

Bernie Pich, Stan Hetherington and Councillor Mark Ashwell spoke in favour of the application. They emphasised that the plan was in line with Council policy, there had been widespread consultation, the development was needed to provide for sustainable growth, it would greatly improve Elms Field and the concern that further procrastination would lead to a loss of confidence.

Philip Mirfin, Local Ward Member, spoke in favour of the application on his own behalf and on behalf of Bob Wyatt, also a Local Ward Member, who was unable to attend due to illness. He stated that local people were asking for a greater choice of shops and entertainment in the town centre. He believed that the development was needed to reverse recent decline, create jobs and bring money in.

Responding to the issues raised, the Planning Officer stated that mature trees would be lost due to their proximity to the road. The arboricultural advice was that they could not be retained or have some roots cut, as suggested, without them becoming unstable and creating a danger to the highway. The plans contained new planting to mitigate the losses.

Regarding the provision of affordable housing in the scheme, an independent consultant had examined the proposal and confirmed that it would not be viable if required to include affordable housing. This is the normal procedure followed.

Addressing concerns about the cinema use, the Planning Officer stated that this would also be a matter for licensing and that condition 30 required details of the acoustic design to be submitted.

There were two main issues with regard to building height, according to the Planning Officer, the character of the area and the effect on adjoining properties. She described the measures taken to reduce the effects such as top floors being set back and the use of obscure glazing for rear windows

On the issues of traffic and parking, Chris Easton, Service Manager, Highways Development Management, stated that the road would have a 20mph design speed and there would be 1,895 parking spaces when all related development was completed compared with 1,836 now. These figures did not include the privately operated station car park which is about to be expanded.

Members viewed images showing the shadowing in the development at different parts of the day which was also a matter of concern.

The Planning Officer clarified that the only five storey building in the development was part of the hotel at the corner of Denmark Street. She had examined the overlook issues with regard to No.s 9 and 14 Albert Road from various angles and found the design to be acceptable.

Members asked how much of Elms Field was to be lost under the proposal and if the park had been cited as suitable green space for other new developments. Officers calculated the loss of area at 38 per cent and, while it may have been cited as suitable green space for historic applications, the loss was being compensated for in this application.

Members expressed concern about the pedestrian crossing to Carnival Pool both in terms of pedestrian safety and the effect on the high volume of traffic. Chris Easton stated the overall scheme will contain improvements for pedestrians and that new traffic lights can detect flows and adjust the timing accordingly.

Asked about pillars shown in the application drawings that might restrict visibility of pedestrians, Chris Easton said that such problems would be dealt with at the detailed design stage and that full Road Safety Audits would be required prior to implementation.

RESOLVED: That application No. 153125 be approved, subject to

- i) No new substantive planning issues being raised during the remainder of the consultation period which ends on 6 April 2016;
- ii) Contributions to mitigate the impact of the development in terms of sport and the Thames Basin Heaths Special Protection Area in accordance with paragraphs 31, 188 and 201 of this report and the Executive resolution on 28 January 2016 ; and
- iii) the conditions set out on Agenda pages 13 to 37 with conditions 2,3,7,12 and 17 amended, additional conditions 56 to 60 and additional informatives 10 and 11 as set out in the Members' Update.

115. APPLICATION NO. 160523 - LAND AT ELMS ROAD, WOKINGHAM

Proposal: Application for change of use from outdoor sports area to a temporary car park with 96 parking spaces plus temporary lighting. Formation of a vehicular access linking to the Paddocks car park.

Applicant: Wokingham Borough Council

The Committee received and reviewed a report about this application, set out in Agenda pages 139 to 152.

The Committee was advised that the Members' Update included an additional representation and an amendment to condition 4.

Peter Humphreys spoke in objection to the application and questioned why the Council was spending money providing this parking when there were many spare spaces around the town centre.

Members asked if it was necessary to include a condition to restore the site to its former use given the other application approved at this meeting. The Planning Officer explained that it could not be assumed that the other application would be passed or that it will be built.

Members expressed concern that if the basketball nets were left in situ that it would not be feasible to enforce the time limits on playing basketball. It was agreed to add an informative to recommend using portable nets.

Members also asked if lighting in the car park would be switched off at night. It was agreed to add a condition that lighting should be turned off between midnight and 6am.

RESOLVED: That application No. 160523 be approved, subject to the conditions set out on Agenda page 140 with condition 4 amended as set out in the Members' Update, an additional condition to restrict lighting to the hours of 6am to midnight and an additional informative regarding the basketball hoops, to be agreed by the Head of SDL Delivery.

116. PRE COMMITTEE SITE VISITS

There were no proposals for pre-committee site visits.

MEMBERS' UPDATE

Planning Committee – 30 March 2016

Site Address: Land between Wellington Road & Shute End (Elms Field and Paddocks Car Park), Wokingham.

Application No: 153125, Pages 11-138.

Corrections & clarification

Report header on page 11 of the agenda: the application site falls within Emmbrook and Wescott Wards, not Evendons. Due to the wider implications for the application Ward Members for the four Wokingham Wards – Emmbrook, Wescott, Evendons and Norreys – were all notified of the application.

Part ii) of the **recommendation** on page 13 should refer to paragraph 31 rather than 32 and 28 January.

Paragraph 95 has not been updated to reflect revisions during the course of the application. It refers to an en suite bathroom and secondary bedroom window in the top floor of plots 73-76; as revised there would only be a bathroom window in the rear with a skylight in the flank providing a secondary light source in the bedroom.

The shading on the **site wide layout drawings** BNY-SA-20-0001-B00 - BNY-SA-20-5001-B00 suggests the proposed garages and garden stores would be being three-storey but the detailed drawings of these structures confirm them to be single-storey. Also the layout has not been updated reflect amendments (replacement of four garages with garden stores). While these drawings are useful in understanding the proposal as a whole they duplicate information shown on other drawings and, for avoidance of doubt should be deleted from the list of approved drawings under Condition 2. Also the new planting shown adjacent to Ellison Way is indicative and will be refined by Condition 12.)

Additional information

Paragraph 103 of the report mentioned that an additional **Average Daylight Factor (ADF) test** was being carried out; this has now been received and confirms that on the opposite side of Denmark would still receive adequate daylight with the proposed development in place.

Additional consultation responses

Royal Berkshire Fire and Rescue: at present there are no available public mains in the area and provision should be made for suitable emergency water supplies (*Officer Note: see Condition 58 below*). Review of the layout for fire safety provisions is the responsibility of the Building Regulations Department or Approved Inspector.

Crime Prevention Design Advisor: no objection subject to conditions to design out crime.

Additional representations on the revised plans (Block A and house types, B, B variant and C)

Two further representations have been received on the revised plans, in addition to those already reported in the agenda, including one from Great Langborough Residents' Association. In summary:

- The limited extent of the changes is disappointing given the level of comment on the application.
- The minor changes to the residences on the western side of the park do not address concerns regarding the height of development. The proposed amendments have not improved or made worse the impact on 9 Albert Road and the original objections on the basis of overbearing, overlooking and loss of light are reiterated. The ridgeline of Block A has been increased/moved closer; the amended residential blocks are overbearing and oppressive; the revised plots 11 and 12 still do not comply with the Council's 22 metre minimum back-to-back separation distance and large windows will exacerbate overlooking (*Officer Note: the assessment in paragraphs 74-82 of the agenda is of the revised plans*)
- 0.8 metre separation between the garage for plot 14 and boundary will not be sufficient for access
- The ridge height of plot 11 (as revised) fails the BRE 25th test and there has been no BRE Daylight and Sunlight assessment (*Officer Note: the BRE guidance sets out sequence of three tests: the 25th rule of thumb – as set out in the Borough Design Guide – is the first and if it fails you move on to a more technical vertical skylight component (VSC) test. The ES includes a VSC for the whole development and this informed the assessment in the committee report; see paragraph 103*)
- The proposed boundary treatments would require felling of boundary trees within the garden of 9 Albert Road (*Officer note: condition 12 provides an opportunity to review the treatment of this section of the boundary*).
- The revisions do not address the impact of increased traffic at the Langborough Road junction/pedestrian safety on Wellington Road and Denmark Street, noise especially along Denmark Street, how deliveries will be managed or the lack of financial information to support the lack of affordable housing. (*Officer Note: these issues are considered in the report*)

Other additional representations

To additional consultation responses have been received. They do not raise any new planning issues but one reinforces that the Planning Committee should be made aware of the stipulations of the DCLG regarding loss of open space and a comprehensive justification be made available. (*Officer Note: The Town and Country Planning Act 1990 requires planning applications to be determined in accordance with the provisions of the development plan (i.e. the Wokingham Borough Core Strategy and Managing Development Delivery Local Plan), so far as material to the*

application, and to any other material considerations. National Planning Policy is a material consideration but would only override development plan policy where the two are not consistent and national policy is more up-to-date. In this case the two are consistent and the matter has been assessed in the report; the fifth paragraph under the "loss of public open space" heading on page 46 and paragraphs 26-38.)

Revised and additional conditions

Approved Drawings

2. Delete the site wide layout drawings BNY-SA-20-0001-B00 - BNY-SA-20-5001-B00 from the list of approved drawings for the reasons explained under "corrections and clarification"

Approved uses

3. i) the ground-floor commercial units hereby approved for **class A** uses shall be used only for purposes within classes A1 shops including a food store, A2 Financial and Professional Services, A3 Cafes and Restaurants, A4 Drinking Establishments, A5 Hot Food;

Green infrastructure

12. i) h) Gates, bollards or other means of controlling access required to manage access to and servicing of the site as required by **Condition 17**;

Obscure glazing

7. Before any phase the development hereby permitted is commenced, a scheme identifying areas of clear and obscure glazing, together with details of the obscure glazing in that phase, shall be submitted to and approved in writing by the Local Planning Authority. ~~and~~ Work shall be carried out in accordance with the approved details **and shall be permanently so-retained**.

Access and Servicing

17. No part of the development hereby permitted shall be occupied until a Servicing Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Servicing Management Plan shall include details of both physical and management measures for controlling deliveries in order to avoid disturbance to residents within and near to the development and conflict between delivery/service vehicles and other users of the site. In any case no deliveries shall be taken in or dispatched from the dedicated hotel and food store service yard outside the hours of 06:00-00:00 Monday to Saturdays and 08:00-19:00 on Sundays ~~and at no time on Bank or Public holidays~~; and ~~no servicing shall take place~~ **deliveries shall be taken in or dispatched from** elsewhere on the site outside the hours of 07:00-10:00 Monday to Saturday and at no time on Sundays, Bank or Public Holidays.

Restrictions on insertion of additional windows

56. Notwithstanding the provisions of the Town and Country Planning, (General Permitted Development) (England) Order 2015 (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 floor level or above in the western elevation of plots 11-22 and 38-43 or the northern elevation of plots 73-76 of the development hereby permitted except for any which may be shown on the approved drawing(s).

Reason: to safeguard the residential amenities of neighbouring properties.

Relevant policy: Core Strategy policy CP3.

Detailed roof design

57. Before construction of Block A, plots 11-14, Block B and Block C commences details of the construction of the edge of flat sections of the roof shall be submitted to and approved in writing by the Local Planning Authority and works shall be carried out in accordance with the approved details.

Reason: in the interests of visual amenity

Relevant Policies: Core Strategy policies CP1 and CP3.

Emergency water supplies

58. Prior to first occupation of any phase of development fire hydrants, or other suitable emergency water supplies, shall be provided in accordance with a scheme including details of their location, specification and a programme for their provision which has first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that an adequate level of infrastructure is provided.

Relevant Policies: Wokingham Borough Core Strategy Policy CP4.

Town centre car parking

59. The commercial development within classes A1-A5, Class D2 cinema and Class C1 hotel hereby permitted shall not be occupied until the car park approved under planning permission O/2015/1056 is available for use or alternative provision has been made in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

Reason: to ensure appropriate parking provision.

Relevant Policies: Core Strategy policies CP1, CP3, CP6, CP14; Managing Development Delivery Local Plan policy CC06; and the Wokingham Town Centre Masterplan SPD.

60. No development shall commence until details of measures to achieve:
- i) Safer Parking;
 - ii) 'Secured by Design' Commercial; and
 - iii) 'Secured by Design' Residential

accreditation have been submitted to and approved in writing by the Local Planning Authority and development shall be in accordance with the approved details.

Reason: To ensure that opportunities to design out crime and/or the fear of crime and to promote community safety are taken.

Relevant Policies: Core Strategy CP1 and NPPF Part 7, Sect 58; 'Requiring good Design' and Part 8, Sect 69 'Promoting Healthy Communities'.

Additional informative

10. Ward Members and Wokingham Town Centre will be consulted on the Construction Environmental Management Plan to comply with Condition 16.
11. The details to comply with Condition 12 should include service yard access gates to minimum physical security requirements of Secured by Design (LPS1175 SR2) and be electronic access controlled with a self-closing mechanism.

Site Address: Land at Elms Road, Wokingham
Application No: 160523, Pages 139-152.

Additional representations

The officer report was prepared prior to the expiration of the 28 day statutory consultation period for the application (ending 25/03/2016). One additional neighbour representation has since been received, in addition to those already reported in the agenda:

"I object to this planning application because of:

The loss of amenity to the area caused by the felling of trees (they have already been felled which looks like predetermination of a planning application).

The loss of amenity due to the hard surface area allocated to parking being unavailable for residents' recreational use.

The loss of amenity due to the vicinity of the car park to Elms Field, a green space area used by residents for recreation.

The noise, disturbance and smell created by the vicinity of the car park to Elms Field used for recreation.

The loss of the amenity referred to above is for a short term cause, four months,

but the concrete ramp and possible ongoing use of the car park and loss of trees has a long term impact on amenity”

[Officer note: issues of neighbour amenity / impact on local character and temporary loss of a sports facility are addressed in the body of officer report. Planning permission is not required for the removal of the four trees, which were not considered to be high quality specimens or subject to any Tree Preservation Order. The Environmental Health officer has not raised any concern in respect to odour. The proposed hardstanding access linking to the Paddocks Car Park is not considered to result in significant harm to amenity].

Amendment to condition 4

Paragraph 17 of the officer report notes that the existing basketball hoops will be relocated within the site and will continue to be available for use at weekends when the car park is not accessible to vehicles. In order to discourage use of the basketball hoops on weekdays when the car park will be operational, it is proposed that condition 4 be amended as follows:

4. Prior to the use of the site as a car park, works to improve denotation of the one-way system within the Paddocks car park shall be completed **[ADD: “and signage denoting permitted hours of use for the basketball hoops installed”]** in accordance with details to be first agreed with the Local Planning Authority.

Reason: To provide for a safe and functional access to the site. Relevant policy: Core Strategy Policies CP1, CP3; MDD policy CC07

Pre-emptive site visits

None
