

**MINUTES OF A VIRTUAL MEETING OF THE
PLANNING COMMITTEE
HELD ON 9 SEPTEMBER 2020 FROM 7.00 PM TO 9.45 PM**

Committee Members Present

Councillors: Simon Weeks, Chris Bowring (Vice-Chairman, in the Chair), Gary Cowan, Carl Doran, Abdul Loyes, Andrew Mickleburgh, Malcolm Richards, Angus Ross and Rachelle Shepherd-DuBey

Officers Present

Chris Hannington, Trees and Landscape Manager
Roger Johnson, Senior Assistant Engineer - Highways
Mary Severin, Borough Solicitor
Justin Turvey, Operational Manager – Development Management
Callum Wernham, Democratic & Electoral Services Specialist

Case Officers Present

Senjuti Manna
Baldeep Pulahi
Simon Taylor
Graham Vaughan

19. APOLOGIES

Apologies for absence were submitted from Stephen Conway and Pauline Jorgensen.

20. MINUTES OF PREVIOUS MEETING

The Minutes of the meeting of the Committee held on 12 August 2020 were confirmed as a correct record and would be signed by the Chairman at a later date, subject to the following minor amendments.

Agenda page 7: “Malcolm sought clarification regarding the hours which lighting be operational on the site, and queried whether a **refreshment** machine could be located on site.”

Agenda page 17: “Malcolm Richards queried whether **different** proposed layouts of the pitches...”

Agenda page 17: “Justin Turvey stated that the nearby Dittons residential properties were **a mix of houses including some terraced...**”

MEMBERS' UPDATE

There are a number of references to the Members' Update within these minutes. The Members' Update was circulated to all present at the meeting, and published on the WBC website. A copy is attached.

21. DECLARATION OF INTEREST

Simon Weeks declared a prejudicial interest relating to agenda item 23, on the grounds that he had spoken against the application at the last meeting. Simon added that he would take no part in the discussion or voting on this item, however he would address the Committee as Ward Member under the public speaking arrangements.

Simon Weeks declared a prejudicial interest in agenda item 24, on the grounds that he had worked with the applicant on the delivery of affordable housing in the area. Simon added that he would take no part in the discussion or voting on this item, however he would address the Committee as Ward Member under the public speaking arrangements.

Rachelle Shepherd-DuBey stated that she had not attended the site visit associated with agenda item 23, and in line with best practice she would take no part in the discussion or voting on this item.

22. APPLICATIONS TO BE DEFERRED AND WITHDRAWN ITEMS

No applications were recommended for deferral, or withdrawn.

23. APPLICATION NO.201143 - LAND ADJACENT TO 166 NINE MILE RIDE, FINCHAMPSTEAD

Simon weeks declared a prejudicial interest in this item and took no part in the discussion nor vote.

Rachelle Shepherd-DuBey took no part in the discussion nor vote on this item in line with best practice regarding participation at site visits.

Proposal: Full planning application for the proposed addition of four pitches to an existing four pitch caravan park for gypsy and travellers, plus reconfiguration of existing site.

Applicant: Mr D Reed

The Committee received and reviewed a report about this application, set out in agenda pages 19 to 46.

The Committee were advised that the Members' Update included clarification that Member concerns were related to movement of vehicles referred to the movement of caravans within the site, for example the 'pinch point' between pitches 5, 6 and 8, and was not related to the traffic generated by use of the site.

Simon Weeks, Ward Member, spoke in objection to the application. Simon stated that there were originally 11 local resident objections and an objection from Wokingham Borough Council (WBC) with regards to this application. Simon added that WBC had an approximate 11 year Gypsy and Traveller land supply, and there was therefore no current unmet need within the Borough in this regard. Simon stated that at the Planning Committee last month, the primary concern from Members appeared to be the proximity of the mobile homes to the nearby Dittons residential properties. Simon stated that whilst improvements had been made to the proposed siting of the mobile homes to the Dittons, it was unclear whether objectors had been informed of this. Simon stated that he reiterated his concerns raised at the last meeting in addition to the consultation responses with regards to his concerns with this application.

Carl Doran commented that the improvement of the proposed siting of the mobile homes was welcome, however there was still some concern, as he would not want the mobile homes too close to the residential properties but equally not too far away as amenity space would then become a concern.

Angus Ross queried whether having an 11 year Gypsy and Traveller land supply would be a suitable reason for refusal, and asked how enforceable the positioning of the mobile

homes on the site would be if approved. Graham Vaughan, case officer, stated that harm needed to be shown in planning terms to constitute a reason for refusal. Justin Turvey, Operational Manager – Development Management, stated that in general not having a land supply was a reason to approve an application, however the reverse situation was not the case. With regards to how enforceable the siting of the mobile homes was, Graham Vaughan stated that the caravans themselves could move within the site, however pitches 5, 6, and 7 were conditioned to not be situated within five metres of the boundary. Graham added that officers could go to the site and measure distance to the boundary, and therefore this was enforceable.

Gary Cowan queried whether this application was in conflict to policy CP10, queried whether the nearby Rooks Nest SANG had capacity to accommodate this site, and queried whether conditions could be added regarding on-site cycle storage and electric charging points. Graham Vaughan stated that although this application conflicted with part of policy CP10, it accorded with policy TB10 of the MDD, and greater weight was placed on the latter policy. Graham stated that Rooks Nest SANG had capacity, and added that the applicant was willing to enter a legal agreement to secure the upkeep and maintenance of the SANG, with the legal agreement to be dealt with after the conclusion of the Committee meeting if approved. Graham stated that cycle storage was in line with WBC policy, however electric vehicle charging was an emerging policy. On a development of this type, neither condition would be sought for at this stage.

Graham Vaughan clarified that Condition 12 now needed to be amended to read the correct plan revision.

RESOLVED That application number 201143 be approved, subject to conditions and informatives as set out in agenda pages 19 to 22, amended Condition 12 as updated on by the case officer, and subject to legal agreement.

24. APPLICATION NO.201566 - LAND ADJACENT TO WYSE HILL LODGE, THE VILLAGE, FINCHAMPSTEAD RG40 4JR

Simon weeks declared a prejudicial interest in this item and took no part in the discussion nor vote.

Proposal: Full application for the proposed erection of four x 1 no. bedroom flats with associated bin/cycle store, access, parking and amenity space

Applicant: Wokingham Area Housing Society

The Committee received and reviewed a report about this application, set out in agenda pages 47 to 92.

The Committee were advised that the Members' Update included:

- Clarification that the summary report on agenda page 50 incorrectly suggested that the submission received from Wyse Hill Farm was in support of the application, and whilst the submission was reviewed, its contents were inadvertently omitted from the officer report. The points raised and officer comment was included within the update;
- Comment that the Council's Drainage Officer has since reviewed the submitted Flood Risk Assessment and raised objection on the grounds that the applicant had made an assumption for the infiltration rate, which was considered to be unacceptable.

Jim Bailey, Agent, spoke in support of the application. Jim stated that the applicant was a local charitable trust which provided affordable housing for Wokingham residents. Jim added that the proposals provided four affordable rent houses for locals on gifted land, and there was a proven need for affordable units in the area. Jim stated that the applicant was disappointed to see a recommendation of refusal for this application due to the location of a mature tree on site. Jim added that other sites with similar specimens had been managed successfully using appropriate construction methods. Jim stated that veteran classification of trees were carried out by volunteers, and the applicant had no desire to damage the mature tree on site, and instead wished to work to protect the specimen and improve its wellbeing. Jim added that the amenity space provided should be sufficient, especially in the context of the surrounding green land and proximity to the Finchampstead memorial hall. Jim stated that the applicant was happy to enter a legal agreement regarding provision of affordable housing, and added that a no dig construction condition could also be added to protect the tree specimen. Jim concluded by commenting that the application would provide affordable housing and employment during a time of recession.

Simon Weeks, Ward Member, spoke in support of the application. Simon stated that the Wokingham Area Housing Society already provided affordable housing for a number of local residents in the local area, and the land for this application was donated by a local family for affordable housing for local residents. Simon added that there was an established need for affordable housing in the area, and the proposal was supported by Wokingham Borough Council's (WBC's) affordable housing team. Simon stated that the applicant's tree expert with 50 years' experience disagreed with the classification of the specimen tree as 'veteran', as did the Inspector of a recent appeal decision who deemed a veteran tree to be of 4.7m girth or greater and include signs of decay or damage. Simon added that the subject tree had a girth of 3.5m, and did not show signs of decay or damage. Simon stated that the damage as suggested by WBC officers was unquantified potential damage, and only a small protection of the root protection area would be covered by the proposed parking. Simon concluded by stating that the proposal would provide much needed local affordable housing, and the proposal was located in close proximity to the Finchampstead memorial park and was situated within a green setting.

Chris Hannington, Trees and Landscape Manager, stated that the specimen tree was a veteran tree, and the Inspector in Finchampstead was misled and incorrect. Chris added that he had confirmed with the editor of the Ancient and Veteran Tree Management Guidance, Dr David Lonsdale, that 3.7m girth was the correct measurement for a veteran tree. Chris added that the tree appeared on the Ancient Tree Inventory, and was in his opinion clearly a veteran tree.

Rachelle Shepherd-DuBey queried why lack of affordable housing was given as a reason for the recommended refusal. Simon Taylor, case officer, stated that this was a formality as Wokingham Borough Council (WBC) did not enter into legal agreements where the recommendation was to refuse, as this was costly.

Gary Cowan commented that affordable housing would be a huge benefit to the local community, and stated that if a tree was of significant characteristic then it was worth protecting. Gary added that he would support mitigating measures relating to construction in order to protect the welfare of the tree. Simon Taylor stated that there was a dispute on where the root protection area was situated. Simon added that the applicant was proposing a 'no-dig' construction solution, however the harm to the tree was deemed to be so significant regardless of this solution that officers had recommended refusal.

Chris Hannington commented that the applicant's arborist had stated his opinion that the root protection area passed under the road and across a ditch. However, WBC officers were of the opinion that the root protection area was offset to the south by the road and ditch and therefore lied further to the south to accommodate for the road. Chris added that the applicant's root protection area was marked as a rectangle and did not comply with standards as the area should be clearly marked as a circle as this was the way roots tended to grow. Chris stated that the default position in the standard was that no structure should be located in the root protection area and it defined 'structure' to include paths and carriageways so a parking area is a 'structure'. Chris stated that in his opinion harm would be caused by the proposed application. Chris added that a buffer area of fifteen times the diameter of the tree at 1.5m above ground level, which equated to 18.7m, should also be included as per Planning Policy Guidance. This area would include part of the building and the development would therefore cause damage to the tree and its value. Chris stated that mitigation measures were possible, however the development would still go against government guidance and the NPPF as there were no compensational strategy or wholly acceptable reason such as a national infrastructure project to depart from policy. Chris added that British standards dictated that no construction should take place within a root protection area as a minimum in order to protect any tree. Chris stated that the NPPF noted that veteran trees were irreplaceable, and that penetration of water that permeated through the soil was essential for trees in order to provide nutrients and permeation of oxygen was also essential. Chris added that the proposal did not allow for a buffer zone as required in Planning Policy Guidance.

Andrew Mickleburgh queried whether a form of grasscrete paving would be present with the proposed parking area to allow for some water to permeate the soil, sought clarification regarding the boundary relationship between the proposed development site and Wyse Hill Farm, queried whether there were any other criteria for a rural exception site apart from the need to adjoin an existing settlement boundary and demonstrating a genuine need for affordable housing in the locality, sought clarification as to why the site was discounted within the Local Plan Update, and queried what the potential practical problems were for the site and surrounding properties should issues regarding the infiltration rate be realised. Chris Hannington clarified that there were permeable paving solutions, however these could not be used where a building was to be built, and the parking, bridge and some of the proposed building fell within the British Standards area. Simon Taylor clarified that the application site did not immediately adjoin the boundary of Wyse Hill Farm. Simon added that a rural exception site primarily focussed on the site adjoining an existing settlement, and the demonstration of the localised need via a sequential test and through a housing needs survey, which this site met. Simon stated that this site formed a small portion of a much wider site that was excluded from the Local Plan Update. Therefore, the site was considered using a sequential test but excluded as the overall site was larger than what was required. Simon stated that infiltration tests had not been carried out at present, and the drainage officer had requested additional information, however it was felt that pre-commencement requirements could resolve this concern.

Malcolm Richards commented that a form of gravelling or grasscrete could potentially be used on the driveway or parking areas to allow water permeation. Malcolm added that there was a need for more affordable housing in this area, and this small development appeared to create potential harm to a tree rather than definitive harm. Chris Hannington stated that in his opinion there would be harm caused to the tree, and any gravelling or grasscrete would only assist in water permeation where the ground levels were suitable and not where a building was proposed. Chris reiterated that the root protection area was

more situated towards the south of the road as the tree would have grown its roots to mitigate for the road area.

Angus Ross commented that many of the issues had changed since the report was compiled, and had only been clarified on the evening by the Trees and Landscape Manager. Angus added that he could not support the application as it stood on the evening, however it was a good principal and it was the responsibility of the applicant to come forward and show that harm would not be caused to the tree specimen.

Chris Bowring queried whether the tree could cause damage to the new building if approved. Chris Hannington stated that oak trees were typically a thirsty species, and foundations would need to be appropriately constructed to ensure that no damage could be caused.

Chris Hannington commented that the proposed development would not cause an issue to the tree if the built form was located further away, and ground penetrating radar surveys were carried out to show where the roots were situated, ensuring that they were not underneath any proposed structures (as defined in the British Standard)

Abdul Loyes sought clarification that the British Standard buffer zone would overlap with the proposed building. Chris Hannington confirmed that there would be some overlap, and therefore harm would be caused to the tree under current proposals.

Carl Doran queried what form of affordable housing would be provided, queried what form of affordable housing was asked for via the housing needs survey, and sought clarification as to why parking was now acceptable after being made unallocated. Simon Taylor stated that the properties would be affordable rent in perpetuity, and there was a need for four one-bedroom units in the area. Simon added that the lower height and footprint of the proposals fitted better within the area, and parking was now policy compliant as in theory the spaces would not be made unavailable as they were not assigned and had different trip generation rates.

Carl Doran sought clarification that the proposed building work would cause deterioration of the tree. Chris Hannington confirmed that in his opinion the tree would deteriorate in condition should the proposals go ahead. Chris added that under policy the onus was on the applicant to demonstrate that harm would not be caused to the tree.

Rachelle Shepherd-Dubey was of the opinion that affordable housing was a priority in most cases, and added that permeable paving could help mitigate any harm to the tree. Chris Hannington reiterated that the root protection area was partly situated under the proposed building, whereby permeable paving would not be a solution. In addition Chris Hannington pointed out that as well as the British Standard minimum root protection area there was a need to have a buffer zone as required by the Planning Policy Guidance and that this should not include garden space.

Chris Bowring proposed that the application be deferred to allow for the applicant to carry out further investigative work in relation to the protected tree. This was seconded by Angus Ross.

RESOLVED That application number 201566 be deferred, to allow for the applicant to carry out further investigative work in relation to the protected tree.

25. APPLICATION NO.201345 - LAND AT FISHPONDS ROAD, WOKINGHAM, RG41 2QJ

Proposal: Full application for the proposed erection of a building consisting of 1no. Self-storage facility (Use Class B8) and 2no. industrial units (Use Classes B1, B2 and B8) with associated hardstanding and soft landscaping, following demolition of existing Units 718 and 720 Millars Business Park.

Applicant: IPIF

The Committee received and reviewed a report about this application, set out in agenda pages 93 to 128.

The Committee were advised that the Members' Update included:

- Correction that existing units 720-21 at Molly Millars Business park were proposed to be demolished;
- Correction to paragraph 12 of the officer report, which should refer to a 10.5m ridge height and not a haunch height;
- Revised plans relating to Condition 2;
- Amended conditions 5, 7, 8, 9, 10, 11, and 26.

Rob Hemsall, on behalf of the applicant, spoke in support of the application. Rob stated that the existing site was occupied by two industrial units comparable in size to the proposed new two units. Rob added that the existing units were in need of serious repair, and the new units would be a considerable improvement. Rob stated that a 4m wide landscaping strip would be provided at the frontage of the units to increase the number of trees on site. Rob added that the proposal complied with policy CP15 as it provided additional class B floor space in addition to providing economic growth. Rob stated that the proposals were set in an existing industrial estate, and would set a benchmark for the level of quality design expected within the area. Rob added that the proposals constituted were a sustainable development, including the provision of 70kw of photovoltaic array, LED intelligent lighting, and four electric vehicle charging points. Rob concluded by stating that the proposed development would amount to a regeneration of a gateway site to the industrial estate, providing direct job creation and enhanced landscaping and visual appearance, whilst conforming to parking standards and providing a 35% reduction in carbon emissions.

Angus Ross queried whether site usage would now be classified as class E. Justin Turvey, Operational Manager – Development Management, stated that as this application had been received prior to September it would be considered under the old classification structure, however going forward it would indeed be a class E usage.

Andrew Mickleburgh queried the separation distance with the adjacent care home facility, and sought clarification regarding the 24 hour storage facility's parking arrangements. Baldeep Pulahi, case officer, stated that the separation distance between the proposed units and the care home facility was 6.7m at the narrowest point, and 12.1m at the widest point. The 24 hour facility was only for certain specific users, meaning any late trips would be infrequent. Justin Turvey commented that there were no special separation distance regulations related to care home facilities.

Simon Weeks queried why the Committee had to consider the old use class for this application, when the Committee had previously been advised that an application must

conform to current policy standards. Justin Turvey clarified that current policy had to be applied to planning applications, however use classes were applied as at the time of the application being submitted.

Gary Cowan queried whether the levels of out of hour's noise had been fully assessed. Baldeep Pulahi stated that a noise assessment had been submitted and the environmental health officer was satisfied that no adverse harm would be caused as a result of this application.

Rachelle Shepherd-DuBey proposed an informative, stating that the Committee anticipated that additional landscaping and additional tree planting would be carried out on the unit frontage. This was agreed by the Committee, and added to the list of informatives.

Malcolm Richards queried whether any windows were proposed to face the care home. Malcolm commented that he was pleased to see employment staying within the area. Baldeep Pulahi confirmed there were no windows proposed to face the care home within the submitted plans.

RESOLVED That application number 201345 be approved, subject to conditions and informatives as set out in agenda pages 94 to 104, revised condition 2 as set out in the Members' Update, revised conditions 5, 7, 8, 9, 10, 11, and 26 as set out in the Members' Update, additional informative regarding Members expectations regarding landscaping and tree planting as agreed by the Committee, and subject to legal agreement.

26. APPLICATION NO.201370 - 20 PITTS LANE, EARLEY, WOKINGHAM, RG6 1BT

Proposal: Outline application for the erection of 1 no. dwelling (Use Class C3) with access, layout and scale to be determined.

Applicant: Mr David Parsons

The Committee received and reviewed a report about this application, set out in agenda pages 129 to 158.

The Committee were advised that there were no Members' Updates.

Andrew Beard, agent, spoke in support of the application. Andrew stated that there was a previous application for two houses on this site, which was withdrawn in order to bring forward the current proposals which were in keeping with the character of the area, in line with policies and constituted a sustainable development. Andrew added that the proposals retained the frontage landscaping and would remove the untidy gap currently in place. Andrew stated that the proposals would not impact on the amenity lines of adjacent properties, and provided 3 car parking spaces which was fully compliant with policy. Andrew stated that there was existing planning permission for a hall to the rear of the property, where the car parking spaces would be located, and added that the house and the hall could coexist. Andrew stated that in his opinion, there were no grounds to refuse the application.

Tim Marsh, on behalf of ACER Residents' Association, spoke in objection to the application. Tim stated that the application was for a class 3 dwelling, with four bedrooms and a reasonable expectation of four cars, however only three parking spaces were provided. Tim stated that one third of the mass on number 20 Pitts lane was in front of the prevailing building line, and therefore this two storey building would protrude out and be

very noticeable especially at the bend in the road. Tim added that the location problem was further compounded via the relationship with number 18, as the centre line for number 18 was set behind the rear wall of number 20 and would dominate the garden, and the owner of number 18 had complained that this would result in a loss of light for his garden. Tim stated that a possible solution would be to align the front of number 20 with the road, and adopt sloping hip-bend rooves, which would both maintain the building line and reduce the dominance of number 18 by number 20. Tim was of the opinion that the proposals were not satisfactory in their current form, and the Borough Design Guide stated that development should respond appropriately to the existing character and identity of the area and relate well to neighbours. Tim concluded by stating that the application did not fit in with its surroundings, and should be refused.

Shirley Boyt, Ward Member, provided a statement in objection to the application which was read out by the Vice Chairman in the Chair. Shirley stated that the existing dwellings in Pitts Lane were set back from the road, creating an open environment. Shirley added that although a building line may not exist, there was a convention which should be followed. Shirley was of the opinion that the proposed dwelling would dominate the street scene, particularly when approaching from the east. Shirley stated that the gable-ended roof end on the proposed dwelling would add to the overbearing effect on the street scene and for the residents of number 18 Pitts Lane. Shirley stated that her main concern related to the parking arrangements, as only three spaces were proposed when potentially six car owners could live in the property. Shirley added that there was no proposed visitor parking, and in the absence of an alternative visitors would park on grass verges resulting in irreparable damage to the verges as seen in other areas. Shirley requested that the Committee sought a condition requiring the owner to assume responsibility for parking, either on the access road or the car park of the rear hall.

Carl Doran sought clarification that the provision of three car parking spaces was policy compliant, queried whether there was a parking policy for HMOs in Wokingham Borough Council's (WBC) standards, and queried whether the permission granted for additional parking at the hall to the rear of the property was required to be implemented in order to provide the three car parking spaces for the proposed property. Senjuti Manna confirmed that the proposals were for a four bedroom family home, and the provision of three car parking spaces was compliant for this application. Senjuti added that the application had to be determined based on the proposals submitted. Senjuti stated that the three parking spaces would be provided, regardless of whether the permission for additional spaces for the hall at the rear were implemented. Roger Johnson, Senior Assistant Engineer (Highways), confirmed that three parking spaces were policy compliant for a four bedroom dwelling, and it was likely that any visitor parking could be accommodated adjacent to the house rather than along the road.

Carl Doran queried whether the property had a large garden and large amenity space. Senjuti Manna confirmed that the rear garden was policy compliant, and the front garden had a feeling of openness and did not have a policy associated with it. Senjuti added that the openness of the area would not be affected by the proposal.

Andrew Mickleburgh sought confirmation as to which C3 categories was being applied, queried what the relationship was between the house and the church in legal terms, asked for confirmation that the hedge at the front of the proposed property would be retained and the development would not reduce the depth of the grass verge, and asked for clarification with regards to whether the proposal was in keeping with the street scene given the proposed front garden was much smaller than those of existing properties. Senjuti Manna

stated that the proposal had been considered as a single family dwelling consisting of four bedrooms. Senjuti added that the proposed house and the hall were under separate ownership, meaning that the parking at the rear would still be provided regardless of whether the church allowed additional parking at the rear. In addition, the property had a 5m wide front access road which could provide additional parking if required. Senjuti confirmed that a landscaping condition was already included to protect the hedge at the front, and the applicant had confirmed that the hedge would be retained. It was acknowledged that the front garden was not as large as seen at neighbouring properties, however due to the large grass verge at the front of the property the overall feeling of openness would be retained.

Gary Cowan commented that as the proposal was policy compliant in terms of parking, it was difficult to argue this particular issue. Gary added that HMO parking should be looked at in future. Gary stated that the proposal was slightly at odds with the street scene, but on balance he was minded to vote to approve the application.

RESOLVED That application number 201370 be approved, subject to conditions and informatives as set out in agenda pages 130 to 135.