

**MINUTES OF A MEETING OF THE
PLANNING COMMITTEE
HELD ON 11 JANUARY 2023 FROM 7.10 PM TO 10.48 PM**

Committee Members Present

Councillors: Rachelle Shepherd-DuBey (Chair), Andrew Mickleburgh (Vice-Chair), David Cornish, John Kaiser, Rebecca Margetts, Alistair Neal and Wayne Smith

Councillors Present and Speaking

Councillors: Andy Croy, Norman Jorgensen, Sarah Kerr, Charles Margetts and Mike Smith

Officers Present

Kamran Akhter, Principal Highways Development Management Officer
Brian Conlon, Operational Lead – Development Management
Lyndsay Jennings, Senior Solicitor
Callum Wernham, Democratic & Electoral Services Specialist

Case Officers Present

Helen Maynard
Kieran Neumann
Simon Taylor (Consultant)
Marcus Watts
Cameron Young

64. APOLOGIES

Apologies for absence were submitted from Councillors Chris Bowring and Stephen Conway.

65. MINUTES OF PREVIOUS MEETING

The Minutes of the meeting of the Committee held on 14 December 2022 were confirmed as a correct record and signed by the Chair.

66. DECLARATION OF INTEREST

Al Neal declared a prejudicial interest in agenda item 70, on the grounds that he had helped residents with a number of applications relating to this site prior to being elected as a Borough Councillor or being appointed to this Committee. Al added that he would leave the room for the entirety of this item.

Al Neal declared a personal interest in agenda item 71, on the grounds that he had been on the Earley Town Council Planning Committee for a number of years where applications relating to this site had been considered. Al added that he had never had direct contact with residents about this, and did not attend the Earley Town Council meeting last night when this application was considered. Al stated that he came to this meeting with an open mind and would consider all evidence prior to making a judgement.

Al Neal declared a personal interest in agenda item 72, on the grounds that he received communications from the WATCH Wokingham Group who had made representations regarding this item. Al added that he had only advised the group on the procedures of the Planning Committee, and stated that he came to this meeting with an open mind and would consider all evidence prior to making a judgement.

David Cornish declared a personal interest in agenda item 73, on the grounds that he had listed this item as a Ward Member both on the request of local residents and Finchampstead Parish Council, whilst there were also aspects of the application which he felt were appropriate to be considered by the Committee. David added that he came to this meeting with an open mind and would consider all evidence prior to making a judgement.

67. APPLICATIONS TO BE DEFERRED AND WITHDRAWN ITEMS

No applications were recommended for deferral, or withdrawn.

68. APPLICATION NO.222138 - 6 JOHNSON DRIVE, FINCHAMPSTEAD, WOKINGHAM

Proposal: Householder application for proposed single storey detached outbuilding with roof lantern to the eastern boundary (Retrospective).

Applicant: Mr and Mrs Brant

The Committee considered a report about this application, set out in agenda pages 21 to 38.

The Committee were advised that updates contained within the Supplementary Planning Agenda included an additional condition in relation to obscure glazing.

Charles Margetts, Ward Member, spoke in objection to the application. Charles stated that whilst members were supposed to judge applications on an individual basis, it was important to understand previous applications and the history of the site. Charles stated that there had been 10 certificates for change of use on this site since 1997, 8 refused planning applications, 7 applications for housing including a number taken to appeal, and 20 enforcement cases since 1998. Charles added that commercial waste had been dumped on the site for 25 years, whilst green waste had also been dumped and burned. Charles stated that over 200 scrap cars had been stored on the site recently, whilst residents had shown videos of people accessing the site to strip parts from the scrap cars. Charles felt that this information would help the Committee to understand the history of the site, and noted that it was in the countryside and outside of the settlement boundary and 2010 Local Plan. Charles added that the site was also outside of the settlement boundary within the Draft Local Plan Update, and was not included in the Finchampstead Neighbourhood Development Plan. Due to past behaviours, Charles felt that trust had completely broken down between residents and the applicant, and raised concerns that further buildings could be placed on the site in future without planning permission. Charles felt that the application should be refused, to make it clear that planning policies were there for a reason and should be adhered to.

Andrew Mickleburgh stated that he appreciated the strength of feeling raised by Charles Margetts on behalf of local residents. Andrew commented that history of enforcement was not a material planning consideration. Andrew queried what weight was applied to the Finchampstead Neighbourhood Plan, and suggested a possible amendment to conditions to require a blind to the rooflight to stop upward light spillage to protect roosting bats.

John Kaiser queried whether this application was submitted as a result of negotiations following the enforcement case, and sought officer comment as to what an Inspector's view might be if this application was refused and taken to appeal by the applicant. Cameron Young, case officer, confirmed that the application had been submitted following engagement with the enforcement process. Brian Conlon, Operational Lead –

Development Management, stated that Council's should act proportionally with regards to planning controls, and planning applications should be entertained where there was the possibility of approval being granted. Brian added that if the application was refused there was the chance that the applicant could appeal the decision, and should that appeal be allowed Wokingham Borough Council (WBC) could have less control over conditions and informatives. Brian stated that such applications should look to regularise use where possible, via a proportional approach.

David Cornish welcomed the comment within the Supplementary Planning Agenda that the Finchampstead Neighbourhood Plan now carried moderate weight. David added that whilst he agreed with the sentiment of Charles Margetts' speech, the Parish Council had not objected to this application, and similar applications had been approved within Finchampstead. As such, David felt that a consistent approach needed to be applied to this application as had been applied to other similar applications.

Wayne Smith commented that he sympathised with the comments raised by Charles Margetts, however he felt that this application mostly fell under permitted development. Wayne queried if an additional condition could be added, stating that the development was not a separate dwelling and was ancillary to the main use of the property.

In response to requests for officer comment on the two potential amended or additional conditions, Brian Conlon stated that the proposed condition relating to the development being ancillary to the existing property was reasonable and met the planning tests. With regards to the proposed amendment to conditions to require a blind to be fitted on the roof light, Brian advised that the internal fixtures of the building did not constitute development and such a condition would not meet the planning tests.

Wayne Smith proposed an additional condition, stating that the development was not a separate dwelling and was ancillary to the main use of the property. This was seconded by David Cornish, carried, and added to the list of conditions.

John Kaiser was of the opinion that the national planning and enforcement rules left the Committee with little option but to approve such applications.

Andrew Mickleburgh proposed that the application be approved as per the officer recommendation, including the additional condition contained within the Supplementary Planning Agenda and the additional condition as resolved by the Committee. This was seconded by David Cornish.

RESOLVED That application number 222138 be approved, subject to conditions and informatives as set out in agenda pages 32, additional condition contained within the Supplementary Planning Agenda relating to obscure glazing, and additional condition relating to the development being ancillary to the main use of the property as resolved by the Committee.

69. APPLICATION NO.223592 - LAND TO REAR OF 6 JOHNSON DRIVE, FINCHAMPSTEAD

Proposal: Full application for the erection of 5no. dwellings with double garages following removal/demolition of the existing outbuildings.

Applicant: Mr Patrick Bancroft

The Committee considered a report about this application, set out in agenda pages 39 to 114.

The Committee were advised that updates contained within the Supplementary Planning Agenda included:

- Clarification that moderate weight was applied to the Finchampstead Neighbourhood Plan, which was now at the examination stage;
- Clarification that the application was still acceptable when applying the tilted balance irrespective of tempering due to housing over delivery;
- Clarification that 13 resident submissions had now been received;
- Officer responses to issues raised by resident submissions;
- An amendment to condition 4;
- An amendment to condition 18;
- Additional condition 27 in relation to archaeological work.

Roger Marshallsay, Finchampstead Parish Council, spoke in objection to the application. Roger stated that the Parish Council objected to this application, and were supportive of comments and concerns raised by Councillor Charles Margetts. Roger stated that the main concerns he would raise were that the application was not in accordance with the Finchampstead Neighbourhood Plan and was not situated in a sustainable location. Roger stated that the Supplementary Planning Agenda made comment that moderate weight should now apply to the Finchampstead Neighbourhood Plan. Roger stated that policy ADH1 in the Finchampstead Neighbourhood Plan set out criteria where development was allowed outside of the development limits, however none of the criteria were met by this application. Roger stated that an appeal relating to a previous application on the site for 25 houses resulted in the Planning Inspector commenting that they were not convinced that the site was set in a location which would encourage the use of sustainable transport methods to reduce the need for vehicular use. Roger stated that the application was contrary to policies CP1 and CP6, and asked that the application be refused.

Patrick Bancroft, applicant, spoke in support of the application. Patrick stated that the developer had been building houses in the area for 30 years, and had worked closely with officers to make sure that the application was policy compliant. Patrick noted that the officer report was satisfied that the scheme was policy compliant, and stated that a 10m landscape and wildlife buffer would be in place around the outside of the site to ensure that all trees and wildlife were protected. Patrick stated that the application met parking standards, and had sufficient turning space for emergency and refuse vehicles. Patrick added that the properties would be spread out and would therefore not present issues of overlooking. Patrick commented that the site already had existing lawful brownfield use permissions, which would be permanently removed should this application be approved. Patrick stated that the site could only be glimpsed at from outside of the development, whilst the application would contribute to housing numbers as the Council could not currently demonstrate a five-year housing land supply. Patrick stated that there were no planning grounds to refuse the application, and asked that the Committee approve the application.

Charles Margetts, Ward Member, spoke in support of the application. Charles stated that the application was outside of the settlement boundary, and a previous Planning Inspector stated that the site was unsustainable. Charles felt that the contribution of 5 houses to the five-year housing land supply was not significant. Charles outlined the process for this application from his perspective, with enforcement ending in October 2022 as a verbal

agreement had been reached for a planning application, whilst a senior planning officer in November 2022 had informed him that an application was imminent and would be difficult to defend due to a lack of a draft Local Plan. Charles stated that he was advised by officers that 51 residents had been written to as part of the consultation, and of the 18 he had spoken to not one had received a letter. Officers had agreed to extend the consultation until 9 January, however this still left 33 local people who may not be aware that this application was being considered. Charles stated that he had asked that this application be delayed and considered at the February Committee and was refused. Charles asked the Committee to defer the application to allow time for residents to be able to negotiate and discuss planning conditions with officers to come to a place where they might be able to accept such a scheme. Charles stated that residents did not agree with the behaviour of the applicant whilst also having concerns with the process being followed by the Council with regards to this application. With great reluctance, residents did not oppose this application as they were realistic about the lack of a Local Plan Update and the lack of a five-year housing land supply. Charles stated that residents had submitted a list of planning conditions to officers on Monday, on which officers had engaged positively, however due to the application being considered only two days later there was not enough time to thoroughly work these through. Charles stated that residents expected all conditions to be strictly adhered to and enforced, especially due to the history of the site.

David Cornish clarified that he did not know the applicant. David stated that the report made clear that the only difference between this application and the previously refused application was the reduction in houses and the lack of a five-year housing land supply. David stated that the NPPF section 2 paragraph 14 stated that there was a tilt back against the tilted balance due to the moderate weight of the Finchampstead Neighbourhood Plan, and asked officers to investigate this fully. David sought the opinions of other members with regards to the request by Charles Margetts' for a deferral.

Rebecca Margetts stated that this was development in the countryside, and raised concerns about residents not being notified. Rebecca sought clarity that residents had been notified. Simon Taylor, case officer (Consultant), stated that he had checked and confirmed that 51 residents had been notified. The statement of community involvement required adjoining landowners to be notified, which would include properties in Tomlinson Drive and the applicant's own property. The notification for this site had been sent to 51 properties, primarily due to the history of the site and the community interest. 15 submissions had been received, and residents were aware of the application and consultation had occurred in line with the statement of community involvement. Letters had left the Council, and whether they had been received was not a matter that the Council could comment on further. Simon added that the consultation deadline had been extended further, and the officer view was that the Council had gone further than the requirements set out by the statement of community involvement.

John Kaiser queried the significance of 5 houses being contributed to the five-year housing land supply. Simon Taylor stated that the tilted balance requirement of the NPPF was engaged regardless of the number of houses given the lack of a five-year housing land supply.

Wayne Smith sought clarity as to the reason why this application needed to be taken to the January Committee given concerns over consultation with residents and outstanding suggestions for conditions from residents. Simon Taylor stated that the application was required to be decided upon within the eight week time frame, otherwise the applicant would have the right to appeal on the grounds of non-determination. In addition, there was

the convenience of bringing this application to Committee alongside the previous application, agenda item 68, whilst the outcome of this application could help resolve the high court challenge in relation to car and builders storage use.

Wayne Smith queried if the site was considered brownfield site. Simon Taylor stated that the majority of the site was considered greenfield, as only five to ten percent of the site contained existing structures.

Andrew Mickleburgh noted the reduction of homes and inclusion of a wildlife corridor compared to the previously refused application, whilst the sustainability of the site had not changed. Andrew queried to what extent the moderate weight placed on the Finchampstead Neighbourhood Plan might impact the application of tilted balance. Simon Taylor stated that whilst he had commented that the plan now attracted moderate weight at the examination stage, the planning policy team still indicated that the plan attracted limited weight at this stage.

Andrew Mickleburgh queried the potential risks of a deferral. Brian Conlon, Operational Lead – Development Management, stated that significant feedback had been received from residents following an extension to the consultation until 9 January 2023, which took into account an unprecedented postal period. Brian added that the Council had fulfilled their obligations in terms of consultation and engagement, and to defer the application could risk an appeal and would not result in material changes to the officer report. Brian confirmed that the 8-week determination period would conclude on 25 January 2023.

Rebecca Margetts commented that other applications had been deferred with similar risks of non-determination related appeals.

John Kaiser queried if the Council would offer a defence if an appeal was lodged on the grounds of non-determination. Brian Conlon confirmed that for any such appeal where the application was due for consideration by the Committee, a report would be taken to Planning Committee to understand if the Committee wished for officers to defend an appeal.

In response to queries regarding a possible deferral, Lyndsay Jennings, Senior Solicitor, provided the Committee with advice. Lyndsay stated that publicity and notification requirements had been satisfied with regards to this application, and there was a risk of an appeal being lodged on the grounds of non-determination should this application be deferred.

Al Neal proposed that the application be deferred, to allow time for additional consultation to be undertaken with residents. This was seconded by Rebecca Margetts.

RESOLVED That application number 223592 be deferred, to allow time for additional consultation to be undertaken with residents.

70. APPLICATION NO.222963 - 72 SUTCLIFFE AVENUE, EARLEY, RG6 7JN
Al Neal declared a prejudicial interest regarding this application and left the room for its duration.

Proposal: (Part-retrospective) Householder application for the proposed insertion of a dormer window into the existing loft conversion and roof alterations.

Applicant: Mr and Mrs Khangura

The Committee considered a report about this application, set out in agenda pages 115 to 144.

The Committee were advised that updates contained within the Supplementary Planning Agenda included clarification regarding the inclusion of the statement, “dormer windows should generally be positioned within the main roof...”, within the Borough Design Guide.

Heather Paxton, agent, spoke in support of the application. Heather stated that planning permission was received for this site in October 2020 for the proposed alterations and extensions, including the conversion of the loft with two Velux windows in the front and rear roof slopes. Heather added that the applicant believed that the further addition of a dormer window during the construction phase would be covered under permitted development, and as such went ahead with its construction. During the construction process, a number of complaints had been raised resulting in enforcement cases which had all been dealt with and addressed in a timely manner. Heather stated that the applicant had been fully compliant throughout this process, however these issues had drawn out the construction time by approximately 6 months. A retrospective planning application was submitted for the dormer and was subsequently refused due to its design. Heather stated that this application sought to rectify the dormer design and allow it to conform with local planning policy and the Borough Design Guide. Heather commented that there was an error in the construction of the roof to the new two-storey side extension, which was now proposed to be reconstructed to further obscure the view of the dormer to make it more subservient to the existing dwelling. Heather was of the opinion that there had been general animosity towards the applicant throughout the construction process, and asked that the application be considered based on the information provided rather than how the construction had previously taken place.

Mike Smith, Ward Member, spoke in objection to the application. Mike stated that the application did not comply with policies CP1 or CP3 of the Core Strategy, whilst it did not meet R23 of the Borough Design Guide or the design guidance. Mike added that the dormer was unlawfully built, and this was the third attempt to regularise it following enforcement action. Mike stated that the plot was highly prominent and elevated, and the dormer was clearly visible from 120m down the adjacent road. Mike noted that the approved roof lights were not installed as per the approved plans to the rear of the property, and were instead installed on the street facing elevation. Mike stated that it was incorrectly stated that the application sought to reinstate the taller hipped roof form of the side extension, as this was never built properly in the first instance. Mike added that the 6.5m width of the dormer was proposed to be modified on only one side by between 150mm and 200mm, with nothing else proposed to reduce the scale of the dormer. Mike stated that twenty-percent of the garden belonging to the property to the rear was now visible, which represented a clear loss of amenity. Mike was of the opinion that moving one wall between 150mm to 200mm would not make it subservient to the original dwelling, and felt that the previous refusal reasons still applied, which stated that the contrived design, flat roof and elevated prominent corner position was out of keeping with the host dwelling.

Norman Jorgensen, Ward Member, spoke in objection to the application. Norman stated that the amended proposal was still out of character with the surrounding area, and would be a very dominant structure within the street scene. Norman felt that the proposed changes were very minor and that the original reasons for refusal should still apply. Norman added that the development overlooked a large number of properties whilst being

overbearing, and was of the opinion that this was not the type of development that should be granted approval.

Andrew Mickleburgh stated that he shared many concerns raised by local Ward Members, however most of the works relating to this application had been granted approval through previous applications and could not be considered. Andrew stated that if this application was approved then the applicant would be compelled to implement the approved scheme which would hopefully draw this process to an end. Andrew commented that he strongly disapproved with the approach taken with this application, and hoped that the applicant would appreciate that the correct procedure needed to be followed in the first instance.

John Kaiser was of the opinion that the national planning rules were wrong as officers were obliged to engage with applicants within enforcement processes to seek remediation via the submission of a planning application, leaving Planning Committee's with no choice but to approve such applications where the scheme was recommended for approval.

David Cornish sought clarity that the only amendment that would now make the scheme acceptable was the movement of a wall of the dormer by 200mm. Kieran Neumann, case officer, stated that whilst this change constituted a very small reduction in the width of the dormer it achieved compliance with the Borough Design Guide.

Wayne Smith queried if a certificate of lawfulness would be granted if it was applied for now. Kieran Neumann clarified that the side extension was constructed first, and roof space exceeded 50m³ when combined with the dormer which was why it was refused, and as such a certificate of lawfulness would not be granted if applied for now.

Andrew Mickleburgh proposed that the application be approved in line with the officer recommendation. This was seconded by Rachelle Shepherd-DuBey.

RESOLVED That application number 222963 be approved, subject to conditions and informative as set out in agenda page 122.

71. APPLICATION NO.222170 - 17 BYRON ROAD, EARLEY, RG6 1EP

Proposal: Householder application for the proposed erection of a single storey front/side extension, a two storey side and part two storey, part single storey rear extension with 1 no. dormer window, rear patio and changes to fenestration following demolition of existing detached garage. (Retrospective)

Applicant: Mr Manprit Vig

The Committee considered a report about this application, set out in agenda pages 145 to 182.

The Committee were advised that updates contained within the Supplementary Planning Agenda included:

- Additional changes to the originally approved scheme which were not referenced within the report;
- Clarification that the case officer would verbally update the Committee regarding comments from Earley Town Council;
- Officer responses to additional objections and concerns received after publication of the report.

Kieran Neumann, case officer, confirmed that comments received following Earley Town Council's most recent Planning Committee largely mirrored comments made on 5 October 2022.

Tim Marsh, ACER Residents' Association, spoke in objection to the application. Tim stated that ACER were objecting on grounds of inappropriate mass, built form, materials and character of the area. Tim added that the application was detrimental to the amenity of adjacent land users. Tim felt that the application was contrary to CP3, and was being considered as a retrospective due to the development exceeding the constraints of previously approved plans. Tim commented on some of the counterpoints made by officers within the Supplementary Planning Agenda in response to resident comments. Tim felt that non-matching bricks would not weather and blend over time as bricks were designed to retain their appearance. Tim was of the opinion that the neighbouring resident's kitchen could be seen through the dormer which created a privacy issue. Tim stated that the protrusion of a 3m high wall which extended almost 1m cast a sun shadow over the rear terrace of number 19, which produced a loss of amenity. The 45 degree diagram supplied showed ambient light levels rather than direct sunlight, which was the key issue for number 19 due to the direction of sun travel which came from number 17. Tim questioned why the noise from fans was not a planning issue, when for other applications noise was a consideration, for example delivery vehicles. Tim stated that the dormer was applied for under permitted development, which if now null and void would have to be considered against Wokingham Borough Council (WBC) standards. Tim added that there were precedents for such dormers being refused by WBC which distorted the roof lines, including one in Byron Road. Tim quoted comments made by a planning officer for one such refusal which described a similar dormer as bulky and intrusive which would detract from the established character of the area. Tim asked that the application be judged against CP3 and be refused.

Manprit Vig, applicant, spoke in support of the application. Manprit stated that he had worked as a Civil Servant for over 20 years, and he and his family were hard workers and law-abiding citizens. Manprit stated that he always intended to follow the correct rules and procedures for this application, and apologised for the minor mistakes which had occurred. Manprit added that he was at the mercy of the architect and builders during the construction process, and they had begun this project to facilitate their elderly parents to live with them as they did not want to burden WBC social care. Manprit stated that the extra space would also offer up the future opportunity to provide foster care. Manprit commented that he had carried out everything that was requested of him in regards to making the build lawful, whilst the structure currently standing was in accordance with the originally granted permission. Manprit felt that the planning officer had been tough but fair, and requested that the application be approved.

Andy Croy, Ward Member, spoke in objection to the application. Andy stated that he had visited number 19 to understand the context of the site, as there had been a history of the submitted plans not reflecting the actual built form. Andy recommended that the application be deferred to allow the Committee to undertake a site visit. Andy stated that the living area of number 19 was primarily impacted by the proposed extension in addition to the sun deck of number 19 which now sat in shade.

Andrew Mickleburgh felt that it would be very difficult to precisely say which part of the development was causing adverse impacts, and it would be difficult for anyone to separate out the impacts on number 19 of the component parts of the various changes to planning

applications. Andrew felt that a site visit would be unlikely to assist in this regard, and as such felt unable to support a deferral.

Wayne Smith commented that he could not remember a time where so many retrospective planning applications were considered by the Committee, which created additional work and costs for the Council. Wayne sympathised with the applicant as they were reliant on the builders and architect to carry out the work. Wayne was of the opinion that the applicant was attempting to replicate the works previously carried out to the neighbouring property, and as such the application in front of the Committee was looking at the departure from the original application and the inception of a dormer window. Wayne felt that he could not support deferral for a site visit.

Al Neal stated that he had taken on board all of the comments made by public speakers, and was of the opinion that the roof form at the front of the property was completely out of keeping with the character of the area.

John Kaiser commented that the Planning Committee did not 'rubber stamp' planning applications, and instead had to use their judgement when considering if applications met planning policies and guidance. John Kaiser sought clarity regarding the Parish Councils comments that planning rules were not applied to previous applications, and queried if this application would resolve the breach in conditions. Kieran Neumann stated that the main issue was the lack of a measurement on the two-storey rear extension, which was clearly shown on the plan. Kieran stated that he had visited the site three times, including twice with an enforcement officer, and felt that this proposal was acceptable.

David Cornish commented that whilst the aesthetic of proposal was not one he would commission, this was not a planning consideration and as such he was minded to support the application.

David Cornish proposed that the application be approved in line with the officer recommendation. This was seconded by Andrew Mickleburgh.

RESOLVED That application number 222170 be approved, subject to conditions and informatives as set out in agenda page 155.

72. APPLICATION NO.223493 - TAN HOUSE FOOTBRIDGE, WOKINGHAM

Proposal: Application for Prior Approval under Part 18, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 for the erection of a single span footbridge following demolition of 2 existing footbridges.

Applicant: Network Rail

The Committee considered a report about this application, set out in agenda pages 183 to 200.

The Committee were advised that updates contained within the Supplementary Planning Agenda included:

- A summary of supplementary information provided by Network Rail, seeking to address some of the third-party concerns raised through the consultation which were not material planning considerations in this instance;

- Additional informatives 9, 10 and 11 following a consultation response from Environmental Health.

Imogen Shepherd-DuBey, Wokingham Town Council, spoke in objection to the application. Imogen stated that Wokingham Town Council owned the land to the south of the railway line at this point, whilst the right of way footpath leading to the bridge was surrounded by allotments leading on to housing which created a convenient walking route to town for residents living south of the railway. Imogen felt that the applicant should have asked the Town Council for some additional land during the planning process, and the Town Council had even spoken with the allotment owners who would potentially be most affected. Imogen stated that the Town Council would have most likely have relinquished the required land if it had resulted in an accessible bridge fit for the twenty-first century. Imogen added that this bridge was a popular graffiti location, of which the Town Council were responsible for cleaning, and the proposed material consisted of perforated steel which was an extremely difficult material to remove graffiti from, which would impact the visual amenity of this location. Imogen stated that there was concern that the existing bridge would be demolished without a timeline or plan for rerouting the traffic that used it. Imogen stated that Network Rail had its own inclusive design standards, whilst there was very clear statutory legislation that required employers and service providers to take positive actions to overcome and minimise the disadvantage from a protected characteristic. Imogen felt that it was unclear why the design only had stairs, as it excluded less able, disabled and pram users from using the bridge. Should the design have been accessible, it would also have met the needs of users of other modes of transport including cyclists. Imogen stated that as this application was a prior approval application, many of the normal planning considerations did not apply, however the design and external appearance of the proposal were relevant considerations, including if the proposal would injure the amenity of the neighbourhood and was reasonably capable of modification. Imogen was of the opinion that the bridge could be modified to suit the needs of the neighbourhood, via the change of materials from perforated steel and the inclusion of ramps.

Alex Cran, resident and Chair of the Wokingham Active Travel Community Hub (WATCH), spoke in objection to the application. Alex stated that over 30,000 residents of the Borough lived to the south of the railway line, whilst access into the Town Centre from the south were limited to going under the bridge on the Finchampstead Road and using the level crossing at the railway station, both of which utilised extremely congested roads and did not link directly to the main leisure areas of the town centre. Alex felt that the Tan House crossing was the perfect location for an accessible crossing which linked to the main leisure areas of the town centre, however the current design would stop this being a viable transit link for all but the most fit and able. Alex asked that Wokingham Borough Council (WBC) work with Network Rail to incorporate a design including wide ramps which were suitable for anybody with frailty or limited mobility to traverse safely and easily. Alex felt it incomprehensible that when so much effort was rightfully put into equalities, something as discriminatory as the design of this bridge could be pushed through against the will of the community.

Natalie Wilson, resident, spoke in objection to the application. Natalie stated that she lived south of the railway line, travelled actively, was the mum to a two year old, had a disabling medical condition and had a brain injury. Natalie stated that she travelled to the town centre every day for work, and her only options were via major thoroughfares which were congested and polluted and made her feel unsafe as a vulnerable road user. Natalie felt that the redesign of the Tan House bridge was the opportunity to provide an accessible

route to and from the town centre, however this design would not achieve this ambition. Natalie questioned how the bridge (which would be the only opportunity for a traffic free route) could be designed to only be useable by able bodied people without young children. Natalie felt that the inclusion of a wheel channel would not increase accessibility for the vast majority of less abled people, who would have to continue to use the existing 0.7 mile diversion. Natalie questioned why users with protected characteristics were being discriminated against, and asked that the design be amended and made right at the first attempt.

Nick Donoghue, agent, spoke in support of the application. Nick stated that the proposal sought to replace the existing two step footbridges with a single span footbridge which would continue to provide access over the railway for the next 120 years. Nick added that whilst part 18 of the general permitted development order would allow the structure to be replaced like-for-like with the existing structure, Network rail were keen to deliver a bridge that offered some significant benefits. Nick stated that the bridge would offer improved accessibility by significantly reducing the number of steps, providing non-slip and tactile flooring, and via provision of a wheel channel to improve access for cyclists. Nick added that safety would be improved via the provision of anti-theft and vandalism measures and improved lighting. Nick stated that whilst it had not been possible to deliver a fully accessible bridge at this time, due to the constraints of the site, the bridge had been designed to install ramps should this be feasible in the future. Nick stated that this form of prior approval application could only consider siting and design, whilst this location still offered the most direct and convenient route for the public right of way. In terms of design, Nick considered that the modern single span bridge would be a significant improvement on the existing temporary scaffold bridge and the dilapidated concrete bridge which was approaching the end of its operational life. Nick stated that the proposal would not injure the amenity of the neighbourhood, as it would not represent a worsening of the exiting arrangement. Nick urged the Committee to support the application.

Sarah Kerr, Ward Member, commented on the application. Sarah stated that this was a prior approval application and as such many of her concerns regarding design were not able to be considered by the Committee. Sarah added that she was pleased to see the informatives included in the report pack, and urged the Committee to include them, strengthen them further and condition them if possible. Sarah stated her disappointment that the applicant was quoting Victorian legislation, with little to no reference of subsequent legislation including the Disability Discrimination Act and the Climate Change Act. Sarah quoted Network Rail's website, whereby they commented that new footbridges over the railway could introduce safer rights of way and open up routes to more people, especially when designed for maximum accessibility. Sarah commented that she had seen modelling which had included full ramped access, and felt that the lack of ramps was discriminatory and forced a number of residents to take longer and more dangerous routes into town. Sarah felt that it was not acceptable to state that accessible modifications could be made at a later date, as this access was required now, and a retrospective approach would not take into account embedded carbon. Sarah stated that a memorandum of understanding was entered into with WBC and Network Rail to implement solutions, however whilst WBC was awaiting costings the application before the Committee was submitted, despite repeated attempts from WBC to work on this issue in partnership. Sarah asked that Network Rail work with WBC to improve the accessibility of this design and to live up to the public promises made with regards to climate responsibility and social performance. Sarah requested that the Committee used their powers of applying conditions and informatives to require Network Rail to deliver a modern and fully accessible bridge.

Rachelle Shepherd-DuBey queried why the applicant could not implement a fully accessible bridge, or lift system, which the applicant was delivering at their new and redeveloped railway stations.

John Kaiser queried what the Committee could decide with regards to this application, and sought clarity on the implications of any such decisions. Marcus Watts, case officer, stated that the Committee could firstly approve the application as per the officer recommendation, secondly the Committee could add in additional informatives including asking the applicant to provide additional details with regards to materials due to be used, and thirdly the Committee could refuse the application which carried significant risks (including submission of an appeal with the potential of costs being awarded) and had been attempted by other Local Authorities. John Kaiser commented that the proposal was intended to be in place for 120 years, and would not provide for the amenity of the local area should it not include an accessible design. Lyndsay Jennings, Senior Solicitor, advised this was a prior approval application and therefore permission was in place, and this application was a condition of that permission. It was restrictive on what may be refused or conditioned. Lyndsay added that any refusal would potentially go to appeal or any other challenge Network Rail felt appropriate for the circumstances. The legislation was as it was, and WBC had to work within that scope as an Authority. Brian Conlon, Operational Lead – Development Management, stated that ordinarily the Planning Committee would not consider prior approval applications, and this was an exceptional situation. Brian added that permission had already been granted subject to WBC considering the location and design of the proposal. Although other matters were relevant, they were not covered by the prescriptive legislation which would require a change at the national level.

Andrew Mickleburgh stated his full agreement with the issues raised relating to this application, but noted that this prior approval application severely constrained the considerations that could be given to this proposal. Andrew believed that there was the potential for far greater discussion between the applicant, WBC and the Town Council in relation to the design of the bridge to make it fully accessible for the next century, and asked that the agent help facilitate this going forwards. Andrew asked that the minutes reflect the Committee's deep concerns regarding this project including the lack of accessibility, and asked that any decision to approve the application include all informatives suggested by officers and any others as resolved by the Committee. Andrew proposed that the Executive Member for Planning communicate this information as quickly and persuasively as possible to Network Rail, with a view to open up meaningful dialogue and a satisfactory way forward on this matter.

David Cornish stated that this was not an issue exclusive to Wokingham, and York City Council had refused permission for an inaccessible bridge based on the Equalities Act. David added that another Local Authority had successfully refused an application for a bridge without a ramp, though they were supported by their Local MP and the Prime Minister. David stated that Oxford City Council refused an application for two unsuitable bridges, which although overturned at appeal, led the Council to refuse Network Rail access to a third bridge until a suitable solution was found for all three. David stated that there was ample advice in the National Policy Statement for National Networks, including that all plans should reduce community severance, of which Network Rail controlled all crossing of the railway line south of the railway line into the town centre. David stated that Government legislation directed operators to identify structures where the network acted as a barrier to cycling and walking. David stated that the Committee did have a choice to make with this application, and proposed that the application to be deferred to allow WBC

to continue to engage with the applicant to accommodate a solution to the issues identified. Marcus Watts stated that this prior approval application had a strict deadline of 17 January 2023 for determination, and the applicant would have consent to deliver the proposal if a determination was not made by this date. Brian Conlon stated that this was one of the reasons that prior approval applications were not ordinarily considered by the Committee, as the risk of deferral presented issues.

John Kaiser stated that he would be minded to refuse the application, as it did not meet the amenity of Borough residents. Lyndsay Jennings stated that refusing the application based on the design injuring the amenity of the neighbourhood could be a possible reason for refusal. Brian Conlon advised that any refusal needed to be justified and was up to the Committee to specify how the replacement bridge, when compared to what was already there, was more harmful. Detail would need to be provided as to what would be defended should the application be refused and subsequently be appealed. In relation to the suggested refusal on the basis that the application did not meet the requirements of the Equality Act, Lyndsay Jennings advised that would not be in line with the Order. Reference to lack of compliance with the Equalities Act was not advised as this was not a consideration for prior approval applications, and would be potentially subject to strong legal challenge, similar to the Oxford case. Lyndsay Jennings commented that officers would have serious concerns if this particular reason for refusal was put forward in this matter.

John Kaiser felt that unless the Committee gave a very definite sign to the applicant that they were incredibly displeased with the application due to its lack of accessible design, it was unlikely that changes would be made.

Wayne Smith stated that senior members and officers at WBC should have been engaging in these conversations with the applicant already. Wayne added that he agreed that the Committee needed to send a clear message, and commented that it would be most cost effective for the applicant to deliver ramps when constructing the structure rather than retrofitting them at a later date.

John Kaiser suggested the refusal of the application, as the design and external appearance of the bridge would injure the amenity of the neighbourhood. Lyndsay Jennings confirmed this to be a reasonable wording for refusal. Lyndsay reminded the Committee that including anything outside of what the order allowed for would potentially invite an application for costs in an appeal situation or further challenge.

Brian Conlon stated that there was the ability to request an extension of time for prior approval applications with the applicant, which was normally made in writing. Brian stated that if a verbal agreement could be reached with the applicant on the evening, to be followed up in writing, then members could potentially defer the item if they felt that additional time would allow for discussions between WBC and the applicant to progress to a point where the Committee could make a more informed decision.

The Committee sought the agreement of the agent (acting on behalf of the applicant), to extend the deadline for determination of this application until 10 February 2023. Nick Donoghue confirmed that this was acceptable.

John Kaiser proposed that the application be deferred until the Planning Committee on 7 February 2023, to allow for discussions between WBC and the applicant to progress to a

point where the Committee could make a more informed decision. This was seconded by Rachelle Shepherd-Dubey.

RESOLVED That application number 223493 be deferred until the Planning Committee on 7 February 2023, to allow for discussions between WBC and the applicant to progress to a point where the Committee could make a more informed decision.

73. APPLICATION NO.223021 - LAND WEST OF TWIN OAKS, LONGWATER LANE

Proposal: Full application for the proposed change of use from equestrian to mixed use, comprising equestrian and 1 no. caravan pitch including a day room for Gypsy and Traveller residential use (Retrospective)

Applicant: Mr Gabby Lee

The Committee considered a report about this application, set out in agenda pages 201 to 230.

The Committee were advised that updates contained within the Supplementary Planning Agenda included clarity regarding personal permissions and how this site differed from the decision of the Inspector at "Twin Oaks" to the west of the site.

At this stage of the meeting, Rachelle Shepherd-DuBey proposed that the meeting be extended by up to 30 minutes to a finishing time no later than 11pm. This was seconded by Andrew Mickleburgh, put to a vote, and subsequently carried.

Roger Marshallsay, Finchampstead Parish Council, spoke in objection to the application. Roger stated that the proposal was not in accordance with the Finchampstead Neighbourhood Plan which was now at the examination stage. Roger commented that he had heard conflicting reports (on the evening) of the weight given to the Neighbourhood Plan, and was working on the comment given within the Supplementary Planning Agenda for a previous application whereby the plan was awarded moderate weight. Roger felt it unfortunate that the officer report commented that the Neighbourhood Plan had limited weight, and was not referred to at all subsequently, which Roger felt indicated that the Neighbourhood Plan had been disregarded. Roger stated that section 18 of the officer report noted that additional supply of gypsy and traveller pitches was supported (even when a five year supply of pitches was available) where it provided a safeguard for future supply and was established in previously developed land. Roger felt that in section 18 of the report and subsequent sections made no reference to the Neighbourhood Plan which attracted moderate weight, and was of the opinion that this application was invalid on this basis.

Roland Cundy, resident, spoke in objection to the application. Roland was of the opinion that the site was unsustainable, whilst CP6, CP9 and CP11 set out the core strategies with regards to access to local retail, leisure, medical facilities and the promotion of sustainable transport. Roland added that the local shop, post office and petrol station in the village had been closed for two years, with no other facilities available. Roland stated that CP1 clause 11 required developments to demonstrate how they supported opportunities for reducing the need to travel by private car, which this development failed to demonstrate. Roland felt that more sustainable gypsy and traveller pitches could be found in the extra provision of pitches at land to the rear of 166 Nine Mile Ride, which was why this site was supported for expansion. Roland was of the opinion that this proposal was a form of creeping development, where a stable was previously allowed to be developed which now

constituted existing built form on the land. Roland stated that the site was accessed by a public footpath leading to a popular footpath and was crossed on both sides by other public rights of way, which could create conflict with walkers whilst potentially causing further damage to the surface with additional vehicle movements. Roland stated the footpath had no footway, with walkers having to step aside to let vehicles pass. Roland added that various works to the footpath had raised the level, to the extent that a lake now formed at the bottom end of Longwater Lane causing walkers to trespass on neighbouring property to access the footpath. Roland was of the opinion that the further addition of a gypsy and traveller pitch would further spoil the countryside and reduce the rural appearance of the area.

Emily Temple, agent, spoke in support of the application. Emily stated that the application sought a change of use from existing equestrian use to a mixed use development for caravan pitch and equestrian, which was required by the applicant who was local to the area who had been evicted from a different site due to overcrowding. Emily added that the application site comprised of previously developed land, whilst the site was between two neighbouring sites which featured caravan uses. Emily was of the opinion that the site would not encroach further into the countryside than the existing envelope formed by neighbouring sites. Emily stated that the site had been identified in local appeal decisions as being suitably sustainable in terms of its proximity to amenities and facilities. Emily added that a previous Inspector's decision and the Council's Highway's Officer had found the proposal had no adverse impact in terms of highways or pedestrian safety. Emily stated that the applicant had instructed a solicitor to secure the S106 agreement to provide SANG mitigation for this development, whilst the site was subject to a management plan for grazing to the rear. Emily added that the approval of this application would supply a settled base for the applicant, who were local to the area and were currently homeless. The proposal would allow the family to remain with their local GP, facilitate the children to continue to attend their current school, and would contribute to the Council's long term gypsy and traveller pitch supply. Emily noted that the Finchampstead Neighbourhood Plan referenced the expansion of existing gypsy and traveller sites, however it was silent on the provision of new sites. Emily asked that the application be approved.

David Cornish stated that he had called in this application on the request of the Parish Council and local residents. David was of the opinion that the Finchampstead Neighbourhood Plan should carry significant weight now it had progressed to the examination stage. David was sympathetic to the need and local circumstances of the applicant, however felt that there were alternative and more sustainable locations available in the locality. David was of the opinion that a personal permission would be appropriate for the site, and he would have little objection if such a permission was applied. David noted that officers were stating that the Local Plan Update currently carried limited weight, whilst he was advised by officers within the Strategic Planning Team that the Local Plan Update was still the currently consulted plan, which did not include this site. David felt that approving the application as set out would force the Committee to ignore many policies of the Council, the emerging Neighbourhood Plan, the concerns of the Parish Council and residents. David felt that the pragmatic approach to avoid enforcement was not sufficient reason to undermine the rules based system that existed.

Al Neal was of the opinion that the application represented modest development, and stated that he was minded to approve the application.

Andrew Mickleburgh stated that he had been minded to approve this application, however the arguments made in objection had raised issues of significant consequences. Andrew stated his sympathy for the applicant's situation.

Rebecca Margetts stated that there were issues with the site with regards to access via a mud track and the unsustainable location. Rebecca added that the site could only be accessed via vehicle, whilst flooding was already an issue for the area. Rebecca was of the opinion that the application would have a detrimental impact on the local environment, countryside and out of settlement boundary.

John Kaiser stated that officers were required to engage with applicants to try and find solutions to resolve enforcement cases. John added that this application was as a result of the officer's professional judgement. Helen Maynard, case officer, stated that the application was not as a result of an enforcement investigation and was instead submitted by the applicant. Helen added that the application had been lodged as the applicant had found themselves homeless and had moved on to the site.

Wayne Smith stated that whilst he did not know the specifics of the applicant's circumstances, it was a common occurrence for sites to be operated by particular people which could cause friction with some families, leading to evictions.

David Cornish stated that if the Committee were minded to approve the application, condition of a personal permission for the applicant's family could be appropriate. Brian Conlon, Operational Lead – Development Management, stated that the application had been deemed acceptable to facilitate a gypsy and traveller caravan pitch for any family, and as such application of a condition for personal permission would not meet the planning tests for reasonableness. The Committee sought verbal confirmation from the agent as to whether the inclusion of personal permission would be acceptable. Emily Temple, agent, confirmed that this would be acceptable for the applicant.

David Cornish proposed that an additional condition be added, requiring the proposal to be subject to personal permission of the applicant's family. This was seconded by John Kaiser, carried, and added to the list of conditions.

David Cornish proposed that the application be approved in line with the officer recommendation, subject to legal agreement, and subject to the additional condition in relation to personal permission as resolved by the Committee. This was seconded by John Kaiser.

RESOLVED That application number 223021 be approved, subject to conditions and informatives as set out in agenda pages 219 to 221, additional condition in relation to personal permission as resolved by the Committee, and subject to legal agreement.

74. APPLICATION NO.223108 - TEMPLECOMBE, WARGRAVE ROAD, REMENHAM, RG9 3HU

Proposal: Full application for the proposed erection of 1 no. dwelling, amendments to the internal access road, erection of a detached covered car port and associated landscaping following demolition of existing dwelling and pool house.

Applicant: Atlantic Swiss Agency LLP

The Committee considered a report about this application, set out in agenda pages 231 to 282.

The Committee were advised that updates contained within the Supplementary Planning Agenda included:

- Amended condition 2 to make correct reference to updated plans;
- Officer responses to a letter received from Berkshire Gardens Trust which followed up on their objections;
- Note that the Council's Landscape Officer had raised an outstanding objection, responded to in point 1 of the report;
- Amendment to condition 12.

Simon Taylor, case officer (consultant), advised the Committee of an additional suggested condition number 18 in relation to excavated soil.

Alan Gunne-Jones, agent, spoke in support of the application. Alan stated that this application had been subject of a lengthy pre-application process which commenced during March 2021, and had been subject to two rounds of discussions with officers and external consultees. Alan stated that the proposal had been amended in response to these discussions, whilst officer recommendations had resulted in elevation changes and the removal of the bin storage area and pool house. Alan felt that the fact that the application was supported by English Heritage, and was recommended for approval, was testament to the pre-application, consultation and engagement processes. Alan stated that assessments had been undertaken including landscape and visual impact, archeology, heritage and trees, which demonstrated that all such considerations had been addressed. Alan stated that the woodland management plan, conservation management strategy and construction environmental management plan would continue to be progressed. Alan stated that the applicant's commitment to these strategies was paramount, and they were committed to maintain the collaborative approach with officers and partner organisations. Alan asked that the application be approved.

David Cornish proposed that the application be approved in line with the officer recommendation, including amended conditions 2 and 12 as set out within the Supplementary Planning Agenda, and the additional condition number 18 with regards to excavated soil as verbally suggested by the case officer. This was seconded by Andrew Mickleburgh.

RESOLVED That application number 223108 be approved, subject to conditions and informatives as set out in agenda pages 257 to 264, amended conditions 2 and 12 as set out within the Supplementary Planning Agenda, and additional condition number 18 with regards to excavated soil as verbally suggested by the case officer, and subject to legal agreement.