

**MINUTES OF A MEETING OF THE
PLANNING COMMITTEE
HELD ON 14 JUNE 2023 FROM 7.00 PM TO 9.12 PM**

Committee Members Present

Councillors: Andrew Mickleburgh (Vice-Chair, in the Chair), Wayne Smith, Michael Firmager, Stuart Munro, Tony Skuse and Rachelle Shepherd-DuBey

Committee Members in Attendance Virtually

Councillor David Cornish

Councillors Present and Speaking

Councillors: Pauline Jorgensen

Officers Present

Gordon Adam, Principal Highways Development Control Officer
Brian Conlon, Operational Lead - Development Management
Lyndsay Jennings, Senior Solicitor
Callum Wernham, Democratic & Electoral Services Specialist

Case Officers Present

Connie Davis
Benjamin Hindle
Marcus Watts

1. ELECTION OF CHAIR

Rachelle Shepherd-DuBey proposed that David Cornish be elected Chair for the 2023/24 municipal year. This was seconded by Alistair Neal.

RESOLVED That David Cornish be elected Chair for the 2023/24 municipal year.

2. APPOINTMENT OF VICE-CHAIR

Alistair Neal proposed that Andrew Mickleburgh be appointed Vice-Chair for the 2023/24 municipal year. This was seconded by Rachelle Shepherd-DuBey.

RESOLVED That Andrew Mickleburgh be appointed Vice-Chair for the 2023/24 municipal year.

3. APOLOGIES

An apology for absence was submitted from Councillor Bill Soane.

Councillor David Cornish attended the meeting virtually, meaning he could participate in the debate but not vote.

4. MINUTES OF PREVIOUS MEETING

The Minutes of the meeting of the Committee held on 10 May 2023 were confirmed as a correct record and signed by the Vice-Chair in the Chair.

5. DECLARATION OF INTEREST

Alistair Neal declared a personal interest in Item 7, application number 221797, "Crockers", Rushey Way, on the grounds that the application site was situated within his Ward and he was a Member of the Earley Town Council Planning Committee which had

discussed this application. Alistair stated that that he would consider all information and representations before forming a view, and approached the meeting with an open mind.

6. APPLICATIONS TO BE DEFERRED AND WITHDRAWN ITEMS

No applications were recommended for deferral, or withdrawn.

7. APPLICATION NO.221797 - "CROCKERS", RUSHEY WAY, EARLEY

Proposal: Outline application with all matters reserved for the proposed erection of 9 no. dwellings following demolition of the existing dwelling.

Applicant: Mrs C Burrows

The Committee considered a report about this application, set out in agenda pages 15 to 60.

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

- Clarity regarding existing trees and landscape features on site;
- Clarity regarding that many matters of objection were in relation to reserved matters.

Caroline Smith, Earley Town Council, spoke in objection to the application. Caroline thanked the Committee for undertaking a site visit as requested at the previous meeting, which allowed the Committee to better understand the context of the site including highways issues, traffic, access, trees and landscaping, and the amenity of existing residents. Caroline stated that the Earley Town Council Planning Committee had recommended refusal of this application as per the comments set out within the Committee's agenda pack. Caroline stated that the Borough needed the right homes in the right places, however that was not the case for this application. Caroline commented that as this application was only indicative, it could result in nine 3-storey properties as a worst case scenario. Caroline added that she could not see evidence of each of the concerns raised by the Highways department being fully addressed. Caroline noted that Wokingham Borough Council's (WBC's) drainage department had raised a concern in relation to surface water drainage, and questioned how the guidance within the NPPF would be followed to avoid flooding at numbers 23 and 25 Beauchief Close. Caroline raised concern that there was no information provided as to how the seven TPO trees would be protected, whilst the officer report noted that it was very likely that one or more would have to be felled to facilitate the development. Caroline questioned how biodiversity would be improved or even maintained when sixty-percent of the site would be built over. Caroline noted that affordable homes in the right locations needed to be developed within the Borough, however this site was not appropriate. If approved, Caroline asked that the Committee set very firm conditions that needed to be met under reserved matters, in particular a limit of nine dwellings.

Sandra Shaw, resident, spoke in objection to the application. Sandra thanked the Committee for undertaking a site visit. Sandra commented that the site was not a major development location, as it was a major development location in the 1980s and was now fully developed without the necessary infrastructure to sustain further development. Sandra stated that residents understood the nature of outline and reserved matters applications, however they could only be expected to comment on what they could see. Sandra added that some Members had previously felt it unfortunate that this was an

outline application, as it would approve the principle of development in the absence of detail. Sandra stated that there was a deep sense of concern regarding access to the site, and questioned why a minor reduction to the number of dwellings would make a 5m wide access acceptable. Sandra felt that the applicant should be required to show an indicative layout whereby TPO trees would be retained. Sandra stated that there were no three-storey dwellings surrounding the site, meaning any such properties would be out of character with the surrounding area. Sandra was of the opinion that demolishing the existing property and failing to protect the hedgerow would go against measures to protect and enhance biodiversity whilst being contrary to WBC's declaration of a climate emergency. Sandra asked that the application be refused.

Daniel Thompson, agent, spoke in support of the application. Daniel stated that this was an outline application which required a site location plan, site block plan and a proposed site plan. Daniel added that the level of detail required for such applications was kept deliberately small to allow the applicant to establish the principle of development, leaving all other matters to be determined at the reserved matters stage. Despite this, Daniel stated that a design and access document, supplementary comments and clarifications, indications of impacted TPO trees and indication of biodiversity net gain measures had been provided. Daniel added that a two for one replacement of trees would be provided. Daniel stated that between 2 and 3 affordable units would be provided in line with WBC's policy requirements, contrary to the NPPF requirements. Daniel added that an outline application was a perfectly legitimate application, and prejudice of whether such applications were liked or preferable should not form part of the decision making process. Daniel stated that this application was about establishing a baseline and a maximum number of houses, and the applicant had worked closely with officers to achieve a site which would deliver a maximum of nine homes which provided affordable housing and addressed highways matters to the level required for an outline application. Daniel urged the Committee to approve the application.

Pauline Jorgensen, Ward Member, spoke in objection to the application. Pauline stated that there were a number of serious concerns in relation to this application. Pauline commented that the proposed access would not meet highways standards, whilst being narrow with no pavement would make it very difficult for refuse vehicles or emergency vehicles to access the site. Pauline raised concerns over the loss of TPO trees, which was required for the access to the site to be widened. Pauline stated that Rushey Way was not a quiet residential, road, and it was essential that visibility splays were correctly implemented. Pauline felt that the site was cramped, with three gardens failing to meet standards, and questioned how having one larger garden plot negated other plots being below standard. Pauline stated that it was essential that existing properties were not overlooked by the proposed development. Pauline asked that the application be refused, as the site was cramped, had unsuitable access which did not adhere to highways standards, would result in the loss of mature TPO trees, and would deliver nine houses too many for the area.

Rachelle Shepherd-DuBey sought clarity regarding the affordable housing contribution and the status of WBC's five-year housing land supply. Benjamin Hindle, case officer, stated that there was nothing in place to secure an affordable housing contribution, whilst the NPPF only required a contribution for developments of 10 units and above. Benjamin confirmed that WBC could not demonstrate a five-year housing land supply, and eight dwellings was significant enough to tilt the balance of this application.

Michael Firmager questioned how the application demonstrated that it would not be overbearing or detrimental to the surrounding area. Benjamin Hindle confirmed that scale, layout and design were issues to be considered at the reserved matters stage.

Wayne Smith queried whether a 35 percent contribution towards affordable housing would be required for this application. Benjamin Hindle stated that recent appeal decisions had shown that Inspectors felt that policy CP6 was out of date, and the NPPF had to take precedence in such situations which did not require a contribution for developments of under 10 properties. Benjamin added that it was a risk-based exercise for the Committee to consider requiring affordable housing for this application.

Wayne Smith sought clarity as to whether some trees would need to be felled to enable access to be developed. Benjamin Hindle confirmed that whilst this was likely the case, detail would be provided at the reserved matters stage should the outline application be approved. Wayne sought clarity as to why the proposed access offset was acceptable when it contravened WBC policy. Gordon Adam, Principal Highway Development Control Officer, stated that this access would be a private access whilst existing access should be viewed 'in the round'. Gordon added that access could not be moved due to the nature of the site, and officers were of the opinion that access would be acceptable subject to conditions and further detail at the reserved matters stage. Gordon stated that the pavement part of the access would likely be adopted, whilst the road was likely to remain unadopted.

Andrew Mickleburgh queried why a 30m junction offset was usually required. Gordon Adam stated that such an offset was to minimise the interaction between traffic between one minor junction and another. Andrew Mickleburgh queried whether there was any guidance as to when the requirement for a 30m offset should apply. Gordon Adam stated that officers assessed each application 'in the round' against a range of factors. This site was for a maximum of 9 dwellings which would equate to approximately 5 vehicle trips in the peak hour compared to much higher trip rates on Rushey Way and Tiptree Close. Gordon stated that this access would not represent a junction, but instead just access to a minor development site.

Rachelle Shepherd-DuBey queried how a refuse vehicle might access the site. Gordon Adam stated that this would be dealt with at the reserved matters stage, however should a refuse lorry be unable to access the site then a bin collection store could be included near the access to the site.

Wayne Smith sought clarity on the definition of the site and land. Benjamin Hindle confirmed that the site comprised of previously developed land within a major development location.

There was some discussion regarding affordable housing contribution. At this point of the meeting, Daniel Thompson, agent, stated that his understanding from an email conversation with the previous case officer was for 2 of the front facing units to Rushey Way to be delivered as affordable housing units.

Wayne Smith queried where waste would be stored and collected as his understanding from other sites was that refuse vehicles would not use unadopted roads due to insurance liabilities. Benjamin Hindle stated that refuse vehicles should be able to use unadopted roads, and cited such instances at other sites in the Borough.

Michael Firmager raised concern over the potential of a communal bin store being accessed by a refuse lorry on the main road, which could take a considerable amount of time leading to highway safety concerns.

Andrew Mickleburgh queried how details and plans would be developed to address issues raised by residents and Members should the outline application be approved. Benjamin Hindle confirmed that the applicant would work with officers, and any future reserved matters application could be considered by the Planning Committee. Benjamin added that a further consultation would be carried out for any future reserved matters application.

It was noted that there was considerable interest in this application returning to the Committee should it progress to the reserved matters stage. Given this, Benjamin Hindle confirmed that the case officer for the reserved matters stage would be instructed to send details of the final proposal to the Committee to allow it to be called in and considered.

Brian Conlon, Operational Lead – Development Management, provided clarity with regards to affordable housing contributions. Brian stated that the original application was for 10 units, which would have required affordable housing. The scheme was subsequently amended to a maximum of nine units, which fell below the national requirement for affordable housing contributions whilst local policies still required such a contribution. Recent appeal decisions for developments of five to ten units had left WBC unable to successfully argue that such schemes should be refused on the basis of lack of affordable housing contribution. A viability assessment had not been carried out for this site, and for officers to insist on affordable housing contributions would require officers to be prepared to defend a refusal based on a lack of affordable housing provision. Brian added that whilst the agent had declared intent to deliver two affordable units, the viability assessment could show that it was not viable to provide any such contribution. Brian confirmed that the application was acceptable to officers in the absence of affordable housing contributions.

Andrew Mickleburgh queried whether the Committee could require provision of affordable housing, subject to viability. Brian Conlon stated that the Committee was at liberty to amend the recommendation. Brian added that any such requirement would be subject to legal agreement and viability.

Wayne Smith was of the opinion that the Committee had been placed in a difficult position whereby they were being asked to approve the principle of development for a site where he could identify a range of issues, such as access and landscaping. Wayne felt that the only option left open to the Committee was to scrutinise any future reserved matters application thoroughly.

Andrew Mickleburgh commented that he had found the site visit extraordinarily useful to help understand the context of the site and its surroundings. Andrew added that nothing he had seen, considered or heard had led him to believe that it was impossible for the site to accommodate nine homes. Andrew added that the site was located within a sustainable area, and noted that any reserved matters application would be considered in detail by the Committee.

Andrew Mickleburgh proposed that the application be approved in line with the officer recommendation, subject to provision of affordable housing secured via S106 agreement subject to viability, with the detailed wording of the S106 agreement to be agreed in conjunction with the Chair and Vice-Chair. This was seconded by Tony Skuse.

RESOLVED That application number 221797 be approved, subject to conditions and informatives as set out in agenda pages 46 to 50, and subject to provision of affordable housing secured via S106 agreement subject to viability, with the detailed wording of the s106 agreement to be agreed in conjunction with the Chair and Vice-Chair.

8. APPLICATION NO.203617 - RIVERSIDE PARK, WOOSEHILL, WOKINGHAM

Proposal: Full application for proposed works to reconnect a 340 metre length of historic river channel of the Emm Brook through Riverside Park, to bypass the existing weir. With associated excavation, silt removal/storage and landscaping works, plus the erection of 2 no. 8 metre x 3.5 metre wooden bridges to maintain existing access for pedestrians and maintenance vehicles, following removal of an existing piped culvert.

Applicant: South East Rivers Trust

The Committee considered a report about this application, set out in agenda pages 61 to 362.

The Committee were advised that there were no updates contained within the Supplementary Planning Agenda.

Nick Hale, applicant, spoke in support of the application. Nick stated that a huge amount of work had gone into this application, with a range of local groups being involved. Nick added that the Rivers Trust was an independent organisation, and the South East Rivers Trust was responsible for a wide range of river catchments. Nick stated that there were opportunities for engagement and education sessions as a result of the proposal. Nick stated that the applicant had delivered a number of successful projects within the South East. Nick cited a successful project carried out on the Charvil Meadows, and noted issues related to the Loddon catchment included low flows.

Michael Firmager stated that he had enjoyed reading the agenda paperwork, and sought confirmation that the proposed works would not make any flooding issues worse. Benjamin Hindle, case officer, stated that the Environment Agency no longer had any objections with the scheme, whilst the second channel would lead to improvements in terms of flood risk management.

Michael Firmager queried whether there would be any protections for existing animals within the pond. Benjamin Hindle stated that the Council's ecology officer had considered the application in detail and had raised no objections. In addition, the applicant was committed to ensuring minimal impacts on existing species, including delivering elements of the scheme out of season if required.

Rachelle Shepherd-DuBey queried whether the foul sewer system would be modified as a result of the proposals. Benjamin Hindle stated that Thames Water had been consulted on this matter, and they had resolved to add a connecting section to the existing pipeline.

Andrew Mickleburgh thanked officers for the very comprehensive report. Andrew welcomed the close working relationship between the applicant, external agencies, volunteer organisations and the wider community.

Rachelle Shepherd-DuBey proposed an additional informative, requesting that the applicant consider installing a commemorative plaque on the site to recognise the history

of the original diversion to facilitate the operation of a mill. This was seconded by Tony Skuse, carried, and added to the list of informatives.

Wayne Smith proposed that the application be approved in line with the officer recommendation and additional informative in relation to the request for the installation of a commemorative plaque as resolved by the Committee. This was seconded by Tony Skuse.

RESOLVED That application number 203617 be approved, subject to conditions and informatives as set out in agenda pages 82 to 87, and additional informative requesting that the applicant consider installing a commemorative plaque on the site to recognise the history of the original diversion to facilitate the operation of a mill, as resolved by the Committee.

9. APPLICATION NO.230743 - LIBRARY PARADE, WOODLEY

Proposal: Full application for the proposed creation of a mixed use building consisting of the retention of the existing 3 no. retail stores at ground floor level and the addition of 14 no. apartments on new first, second and third floor levels, including the erection of three and four storey rear extensions with associated car parking, cycle and bin stores, following partial demolition of the existing building.

Applicant: Mr Hardeep Hans

The Committee considered a report about this application, set out in agenda pages 363 to 410.

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

- Clarification that the two accessible units were located on the first and second floors;
- Clarification that all 10 car parking spaces were intended to have facilities for electric vehicle charging;
- Clarification that overall 21 cycle stands would be available for residents and retail stores combined.

Bruce Chappell, resident, submitted a statement in objection to the application. In his absence, the statement was read out by the Vice-Chair in the Chair. Bruce stated that he owned and lived with his daughter in one of the flats above the Lidl building which was directly opposite Library Parade.

Bruce stated that he continued to voice his opposition to this development on the grounds of encroachment of his privacy. Bruce noted that the developer had made an attempt to negate the encroachment of privacy to his windows and patio doors, which were bedrooms and a lounge, but this had not taken into consideration his privacy when it came to the use of the balcony. Bruce stated that this was his only outdoor space and was used often, and was one of the reasons for purchasing the flat. The balcony was just under 2 metres in depth and as a consequence when in use was within 10 metres away from the windows on the proposed development. Bruce added that he exercised, socialised, sunbathed, and hung up laundry on the balcony, which would be in clear view of the proposed development. Bruce felt it was inadequate to draw a straight line of sight from one window to another, as it was not a good way of ascertaining privacy and boundaries. Bruce stated

that people did not simply look straight ahead. Bruce commented that should the lines be drawn from all of the proposed windows to his balcony railing, it would clearly detail the issue of developing too close to an existing building. Bruce stated that he would be able to look down and see into various rooms of the proposed develop and vice versa. Bruce commented that outdoor space was so important to health and well-being, and he hoped that the Council would protect his privacy so he could continue to enjoy this space.

Joseph Baum, on behalf of the applicant, spoke in support of the application. Joseph stated that the applicant had truly listened to the community after the Committee had refused the previous application based on concerns relating to overlooking. Joseph stated that the proposal in front of the Committee responded to these concerns by reducing the number of units from 16 to 14, with two units from the top floor being removed whilst no top floor units would face Sandford Court. Joseph stated that separation distances between the existing and proposed building of between 15m and 15.2m exceeded Wokingham Borough Council's (WBC's) guidelines. Joseph added that privacy screens would be included on both balconies, which was in keeping with similar balconies within the Sandford Court development. Joseph commented that the application would make use of an existing brownfield site within a sustainable town centre location, reducing the need to deliver homes in less sustainable locations. Joseph stated that the application promoted sustainable travel and would deliver energy efficient homes which could achieve over a 65 percent reduction in CO₂ emissions. Joseph added that the development would retain the existing retail units whilst delivering 14 much needed one and two bedroom homes, including two wheelchair accessible units. Joseph concluded by stating that the application would also deliver £166k of affordable housing contributions, and urged the Committee to approve the application.

Tony Skuse commented his appreciation that the applicant had taken into consideration previous concerns and had made improvements to the proposed scheme. Tony was of the opinion that it would not be unreasonable to live in such an arrangement within a built up urban environment. Tony queried whether there would be sufficient parking for workers of the retail units. Connie Davis, case officer, stated that the site would deliver 10 parking space, with 5 for the retail units and 5 for the residential units inclusive of 2 allocated spaces for the two disabled residential units. Connie added that the rest of the development was car free, which was deemed acceptable by officers given the sustainable town centre location.

Stuart Munro queried how much parking provision was available to the retail units via existing arrangements. Connie Davis stated that the current parking arrangements were not formalised, and there were up to 18 vehicles parked at any one time. At present there were no parking bays, and the proposed development would introduce a formalised arrangement to parking and was deemed acceptable.

Wayne Smith queried how an affordable housing contribution of £166k equated to 2.8 units. Connie Davis stated that this calculation was carried out by the affordable housing team, whilst a payment was preferable when less than 4 affordable units were to be delivered as fewer units were less attractive to registered housing providers.

Wayne Smith commented that the Committee needed a more thorough oversight as to how such calculations were carried out. Brian Conlon, Operational Lead – Development Management, stated that the Local Plan allowed for on site provision or an offsite commuted sum. Brian added that the contribution amount was not based on the market price of a unit, but a percentage value of an affordable unit. Brian added that the

calculations went into much greater detail. Brian clarified that it was unlikely that a registered housing provider would be attracted to manage 3 units at one site as they preferred greater numbers of units on larger development sites. Wayne Smith was of the opinion that this was a very sustainable site for affordable housing provision.

Andrew Mickleburgh commented that this was a good example of an applicant and WBC working together to address concerns which had led to an earlier refusal.

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

RESOLVED That application number 230743 be approved, subject to conditions and informatives as set out in agenda pages 385 to 391.

10. APPLICATION NO.230283 - OAK APPLES, OAKLANDS LANE, CROWTHORNE, RG45 6JX

Proposal: Full application for the proposed erection of 6 no. dwellings with associated landscaping, parking and means of access following the demolition of the existing dwelling.

Applicant: Palatine Homes

The Committee considered a report about this application, set out in agenda pages 411 to 444.

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

- Summarised comments from the Council's Ecology Officer;
- Additional conditions 20 and 21;
- Amendment to Informative 1.

Stuart Shafran, resident, spoke in objection to the application. Stuart stated that the site was classified as designated woodland, with a woodland TPO covering the entire site. Despite these protections, Stuart stated that the community was faced with yet another unpopular and inappropriate development proposal. Stuart stated that access to the proposed site was via a single lane byway next to a school, where there had been a history of near misses. Stuart added that the proposed development site was located directly opposite a school, whilst noise and dust as a result of the development would cause a significant impact to pupils. Stuart stated that there was no management plan in place to mitigate against construction impacts. Stuart stated that the biodiversity net gain statement within the ecology report was only valid where the remaining woodland was retained and managed properly, and was of the opinion that the woodland management plan could not possibly be applied to private gardens. Stuart cited Government guidelines that stated biodiversity offsetting should only be used as a last resort in exceptional circumstances. Stuart stated that parking for residents and visitors of this properties would be problematic, with only three spaces being provided for a 4-bedroom house, and no provision for visitors, leading to cars being parked on the byway leading to yet further safety issues. Stuart stated that the last ecological survey was carried out many years ago, whilst there was no highways safety report associated with the application. Stuart was of

the opinion that the previous application should not have been approved, whilst an additional two dwellings would compound issues. Stuart felt that what was required was an alternative scheme, delivering one or at most two houses whilst retaining the existing woodland.

Steven Brown, agent, spoke in support of the application. Steven stated that for a site of this size, within development limits, it had a disproportionately long planning history which would be concluded via grant of planning permission. Steven stated that the applicant would bring six much needed family homes in a verdant setting, which respected the character of the area. Steven added that the application would include root protection measures, ecological buffers, and would respect the amenity of neighbouring property and visual amenity enjoyed along Oaklands Lane. Steven stated that the proposal for six dwellings would make more efficient use of the site via provision of smaller dwellings with lower ridge heights. Steven added that the applicant was a privately owned development company focussed on delivering high quality and bespoke schemes such as this. Stephen noted that the applicant now owned the site and were eager implement the scheme if granted planning permission. Steven stated that the scheme represented a collaborative approach, with no technical objections from any statutory consultees, whilst this was the exact type of scheme encouraged by policies. Steven commented that concerns regarding vehicular traffic had been comprehensively addressed within the officer report, whilst the application would deliver an affordable housing contribution and elective vehicle charging, whilst retaining the existing boundary trees and ecological buffers.

Andrew Mickleburgh noted the additional comments from the Council's ecology officer and associated conditions and amended informative as set out within the supplementary planning agenda. Andrew noted that the principle of development had already been established.

Alistair Neal sought clarity as to whether the original scheme had been called into Committee. Marcus Watts, case officer, confirmed that the original decision had been made via the officer scheme of delegation.

Wayne Smith queried how many trees would be lost within the woodland protection area to facilitate the development. Marcus Watts stated that every tree on site was covered by a TPO, whilst only three trees which were dead or in decaying health were to be removed. Marcus added that the number of trees to be planted would exceed the trees felled.

Andrew Mickleburgh proposed that the application be approved in line with the officer recommendation and additional conditions and amended informatives as set out within the supplementary planning agenda. This was seconded by Alistair Neal.

RESOLVED That application number 230283 be approved, subject to conditions and informatives as set out in agenda pages 429 to 435, additional conditions 20 and 21 and amended informative 1 as set out within the supplementary planning agenda.