

**MINUTES OF A MEETING OF THE
PLANNING COMMITTEE
HELD ON 8 SEPTEMBER 2021 FROM 7.00 PM TO 10.57 PM**

Committee Members Present

Councillors: Chris Bowring (Chairman), Sam Akhtar, Stephen Conway, Carl Doran, Pauline Jorgensen, Rebecca Margetts, Andrew Mickleburgh and Rachelle Shepherd-DuBey

Councillors in Attendance

Councillors: Gary Cowan

Councillors Present and Speaking

Councillors: Shirley Boyt, Paul Fishwick and Gregor Murray

Officers Present

Connor Corrigan, Service Manager - Planning and Delivery
Chris Easton, Head of Transport, Drainage and Compliance
Lyndsay Jennings, Senior Solicitor
Justin Turvey, Operational Manager - Development Management
Callum Wernham, Democratic & Electoral Services Specialist

Case Officers Present

Natalie Jarman
Sophie Morris
Baldeep Pulahi
Simon Taylor

31. APOLOGIES

Apologies for absence were submitted from Angus Ross and Bill Soane.

Gary Cowan attended the meeting virtually, and was therefore marked as in attendance, and was not able to propose, second, or vote on items.

32. MINUTES OF PREVIOUS MEETING

The Minutes of the meeting of the Committee held on 11 August 2021 were confirmed as a correct record and signed by the Chairman.

33. DECLARATION OF INTEREST

Andrew Mickleburgh declared a personal interest in agenda item 38, on the grounds that he had sat on the Earley Town Council meeting which had considered this application. Andrew stated that he came into this meeting with an open mind, and would consider all presentations and representations prior to coming to a conclusion.

34. APPLICATIONS TO BE DEFERRED AND WITHDRAWN ITEMS

No applications were recommended for deferral, or withdrawn.

35. APPLICATION NO.211772 - LAND AT WINNERSH FARM, WOODWARD CLOSE, WINNERSH

Proposal: Full application for the construction of a new 150 place Special Educational Needs school with associated access, parking and landscaping.

Applicant: Reds 10 (on behalf of the Department for Education)

The Committee received and reviewed a report about this application, set out in agenda pages 21 to 70.

The Committee were advised that updates contained within the supplementary planning agenda included:

- Minor amendment to the wording of condition 1;
- Insertion of a list of drawings to be approved for condition 2;
- Replacement condition 19;
- Additional informative relating to fire regulations.

Matthew Garvey, agent, spoke in support of the application. Matthew stated that this application would meet the acute need of special education needs (SEND) provision within the Borough. Currently, many SEND pupils were transported outside of the Borough, and this application would help to meet this demand within the Borough. Matthew added that a full consultation had been undertaken, officer advice had been taken on board, and the DFE who were a funder of the project felt that the site was suitable. Matthew stated that a number of alternative site options had been discounted as they were considered unsuitable, and air quality and noise levels were considered acceptable for such a SEND school environment. Matthew added that key trees would be retained across the site, and acceptable levels of car parking spaces would be provided as part of the application. Matthew concluded by stating that the building would be net carbon neutral, in part due to the inclusion of photovoltaic panels and heat pumps.

Sal Thirlway, on behalf of Wokingham Borough Council (WBC), spoke in support of the application. Sal stated that this application would complement the existing SEND provision in the Borough of Chiltern Way Academy and Addington School. Sal added that this application would assist in providing a broad range of SEND provision within the Borough. Children being transported out of the Borough was not ideal, and allowing children to attend a school within the Borough would allow the children to be better prepared due to less travel time to and from school. Sal concluded by stating that this application would make positive impacts in terms of SEND resourcing strategy.

Paul Fishwick, Ward Member, commented on the application. Paul stated that the nature of this type of school would generate additional motor traffic, especially during the AM peak. This additional traffic would affect the single and only access junction of Woodward Close with the A329, which already queued at that time. Paul was of the opinion that the traffic modelling appeared to miss the western arm of Woodward Close, showing a zero traffic generation. Paul added that the proposed application would make the traffic situation worse than the traffic modelling suggested. Paul stated that the traffic modelling without the proposed application showed that new King Street Lane junction with Hatch Farm Way, Winnersh Relief Road, would be at capacity, and that this application would only add to the projected queues at this junction. Paul added that he was pleased that the mature oak tree T44 was being retained. Paul asked that if the Committee were minded to approve this application, the travel plan be stringently monitored and WBC would work with the applicant to maximise opportunities for means of transport other than a car to be used and from the school.

Chris Easton, Head of Transport, Drainage and Compliance, responded to a number of points raised by public speakers. Chris stated that his understanding was that the table

included within the transport analysis showed that traffic generation from the school would have no increase on the ratio of flow to capacity on the western arm of Woodward Close. Chris stated that he would be happy for local Members to be party to the final travel plan prior to it being signed off. Chris added that when the application for the North Wokingham Distributor Road and the Winnersh Relief Road were consented, a different type of model was utilised. Chris added that the Winnersh Relief Road scheme had been built to the largest scale that it could have, and positive changes would be seen for example at the Winnersh crossroads once the scheme had settled down and was open.

Rachelle Shepherd-DuBey queried how many school staff usually travelled to school by bus or train, queried why the traffic modelling information was included on the website but not in the agenda, and commented that she was very happy to see the inclusion of sprinklers in this application. Chris Easton stated that the school was not up and running, and based on the travel plan for Addington School data showed that between sixty-five and seventy-five percent of staff drove to school, with a further twenty percent walking to school. The transport assessment and modelling was present on the WBC website and was publically available. Chris stated that this was not a typical school for drop-off and pick-up purposes, with the majority of pupils arriving by taxi, minibus or the school coach. There was a long drop off bay, and the road leading to it off of Woodward Close could allow for temporary stacking if necessary.

Andrew Mickleburgh sought current capacity details relating to the affected junction and what impact this application could have on them, queried whether there were further mitigation measures that could be triggered to reduce congestion, and queried whether officers were confident in the draining system coping with this application. Chris Easton stated that ideally the junction would operate with capacity at 85%. The capacity for this junction, including this application and permitted development applications, showed that it was operating at about 100.6%. Chris stated that when the assessment for the overall scheme was carried out, it showed that the network overall did have some capacity. The application in front of the Committee was not showing to have any significant harm on vehicle flow at the junction. In terms of mitigation measures Chris stated that the Winnersh Relief Road needed to open and settle down, and he did not believe that this application would have any significant impact on the road network in that location. Sophie Morris, case officer, stated that Thames Water needed to be involved and the applicant would need to engage with them separately from the planning process in relation to effluent waste on the site. Sophie added that Thames Water had not raised any objection to this application, and as such officers were fairly confident that this site would not cause any issues relating to drainage.

Stephen Conway requested that it be minuted that the travel plan was to be agreed in consultation with the Local Ward Members.

Pauline Jorgensen stated that in her experience travel plans were not followed by schools, and queried what was in place to protect local residents should the travel plan not be followed. Chris Easton stated that he sympathised with the comment, but added that WBC had a dedicated school travel plan officer and the plan was also secured by condition. Chris stated that the school travel plans were working for non-SEN schools, and this travel plan would be reviewed and monitored regularly. Sal Thirlway stated that WBC had a very good relationship with the Maiden Erlegh trust who would be operating this school, and it was hoped that this relationship would mean that more stringent 'levers' need not be applied.

Gary Cowan was of the opinion that this was a wonderful scheme located in the wrong place, with an SEND school being located near to a motorway being particularly worrying. Gary added that if he would be voting on this application, he would either vote against the application or vote to defer to allow issues to be rectified. Gary was of the opinion that the condition relating to trees and hedgerows allowed officers to remove trees after the Committee. Gary stated that the very least that could be done in relation to air quality would be to install air quality measurement infrastructure in place, with Ward Members kept briefed with regards to any concerns. Sophie Morris stated that officers had assessed the air quality on the site and found no detrimental impact in relation to its proximity to the M4, and added that the DFE had deemed the site acceptable and suitable.

Carl Doran queried whether the access had been built to cater for any potential future housing developments, queried whether the swept path analysis took into account any future residential traffic on the junction, queried why the school was constrained when it was surrounded by open space, queried why more electric vehicle car charging bays were not being included, and commented that the air quality assessment was only just above the statutory minimum level which was not ideal considering that this was an application for a SEND school. Chris Easton stated that for swept path analysis, a refuse vehicle was used to replicate a worst case scenario. Highways officers could not consider any potential future applications, however officers were satisfied that a refuse or delivery vehicle could use this road should this application be approved. Connor Corrigan, Service Manager – Planning and Delivery, stated that this application had been put to WBC by the DFE who had deemed it a suitable location. Connor added that any potential future application was not for officers or the Committee to consider now. In relation to electric vehicle charging bays, Chris Easton stated that as long as the application was policy compliant then officers needed to accept that aspect of the application.

Sam Akhtar queried whether 150 places would meet demand, and queried how this figure of school places had been calculated. Sal Thirlway stated that the pupil numbers were appropriate for the size of the school building, and this project formed part of the broader strategy for SEND provision. This application was a joint submission for SEND provision between WBC and Reading Borough Council. A number of additional sites had been explored and discounted both in the Wokingham Borough and Reading Borough, and this site was deemed the only acceptable site.

Stephen Conway queried whether there was scope for air quality measurement equipment to be installed on site. Connor Corrigan stated that WBC could choose to place such equipment on site, but to ask the DFE to do so could be unreasonable.

Stephen Conway proposed an informative, encouraging WBC to use mobile air quality measurement equipment to regularly monitor the air quality on the site. This was seconded by Chris Bowring, carried, and added to the list of informatives.

Pauline Jorgensen queried whether the proposed photovoltaic panels would provide for the school's energy needs, and asked that electric vehicle charging bays could be used by non-electric vehicles when there was not a demand for charging to avoid vehicles parking on the road. Sophie Morris commented that the school would be designed with a fabric first approach and would include photovoltaic panels and heat pumps. Sophie added that the building would produce net zero carbon.

RESOLVED That application number 211772 to approved, subject to conditions and informatives as set out in agenda pages 22 to 33, amendments to conditions 1 and 2 and

replacement condition 19 as set out in the supplementary planning agenda, and additional informative relating to air quality management equipment as resolved by the Committee.

36. APPLICATION NO.211081 - BARKHAM FARMS , BARKHAM, RG40 4EX

Proposal: Full application for EIA development for the proposed installation of a new 52ha solar farm for a temporary period of 25 years including underground grid connection between site and Electricity Distribution Centre, laying of internal access road, the erection of substation building security fencing and associated landscaping with approximately 2.9ha of tree planting for carbon sequestration

Applicant: Wokingham Borough Council (WBC)

The Committee received and reviewed a report about this application, set out in agenda pages 71 to 174.

The Committee were advised that updates contained within the supplementary planning agenda included:

- Amendments to conditions 2, 3, 6, 8, 15, 16, 18, 24, 25, and 28 to deal with minor errors or the timing of discharge requirements during the phasing of development;
- A note that an additional neighbour objection had been received, however it did not raise any additional issues that had not already been considered and addressed within the report;
- Correction to the fourth and fifth entries on the resident objectors list to read Windmill Farm Cottage;
- Correction to the last point under the heading 'Principle of Development' to refer to the Local Plan Update rather than the Local Plan;
- Clarification that the measurements contained within paragraph 1(c) and 1(d) were length by width by height.

Ian Williams, neighbour, spoke in objection to the application. Ian stated that the application was contrary to national planning policy as it did not avoid the use of best and most versatile land (BMV land), and noted that the applicant considered the benefits of this project to outweigh this harm. Ian was of the opinion that the applicant had ignored elements of national planning policy and guidance, and quoted the Secretary of State by commenting that any proposal for a solar farm on BMV land should only be approved by the most compelling of evidence. Ian was of the opinion that the fact that the grade 3A land was Council owned was not satisfactory justification as to why the development should be located there. Ian added that little had been done to demonstrate that other sites were not suitable, or that the carbon benefit could not be achieved in other ways. Ian felt that the existing farm could not function viably under the proposals, and no diversification was being proposed. Ian stated that whilst it has been suggested that there was a large supply of suitable farming land within the Borough, no survey had been undertaken, and the information provided did not distinguish between 3A and 3B land, and suggested that there was a lack of grade 2 land in the area. Ian added that no cumulative impact assessment regarding the impact of the proposed development and other permitted developments on the supply of BMV land had been undertaken. Relating to heritage, Ian stated intrusive archaeological surveys had not been undertaken which would leave Members unable to undertake the balancing act as set out within the NPPF. In relation to ecology, Ian stated that the assessment of protected species, in particular great crested newts, had not been carried out sufficiently to determine the size of the population present. Ian concluded by commenting that in his opinion there were a number of key information

gaps within this application which would inhibit Members from making a balanced and informed decision, and added that WBC should be looking to set a good example as this was their own application.

Gregor Murray, on behalf of the applicant, spoke in support of the application. Gregor stated that for WBC to reach its climate emergency aims, difficult decisions and interventions would have to be made. The climate emergency action plan had committed to four solar farms within the Borough, and the proposed application was the first of the four sites to come forward. Gregor added that this site would produce 29.6 megawatts of power during peak times, whilst reducing just under one percent of the Borough's total carbon impact per year. Gregor stated that approximately 11,000 trees would be planted as part of this development, with further landscaping, grassland enhancement and hedge way improvements taking place across the site. Gregor stated that there would be local labour opportunities as part of the construction phase of the proposals. Gregor added that extensive consultations had taken place including regarding accommodating the existing farmer. Amendments to the scheme had been implemented to lessen the impact on the heritage site, existing farmer, and the public right of way. Gregor concluded by stating that the development was not without its impact however the impact was temporary and reversible and had to be set against the positive effect on the declared climate emergency.

Chris Bowring queried whether the site was the only suitable site at the moment to develop a solar farm of this size, queried whether a survey had been undertaken related to the supply of grade 2 land, and sought clarification relating to the population size of great crested newts in the area. Simon Taylor, case officer, stated that this application was proposed to be the largest of the solar farm schemes and therefore this was the only suitable site that could accommodate an application of this size. Simon confirmed that a survey had not been undertaken relating to grade 2 land, however WBC owned most of the overall area and there was land in the immediate area being retained for agricultural use. Simon stated that the report had dealt with the issue of great crested newts, and ecology officers had looked at the proposals and found them to be acceptable, subject to further information by condition.

Rebecca Margetts stated that this was a very significant application which would have a severe impact on the landscape of the area. Rebecca added that this space felt like the last area of open green space between the Arborfield and Finchampstead areas. Rebecca noted that despite the impacts of the development, the proposals came with significant positive benefits in terms of addressing the climate emergency. Rebecca sought clarity regarding any potential road closures as a result of this scheme, and sought details regarding the lighting and CCTV proposals. Simon Taylor stated that the report outlined the landscape harm associated with the proposals, and added that whilst screening would be present it would not be totally screened. Simon stated that construction traffic had been a significant concern from residents, and the highways officer has had fairly detailed conversations with the applicant and were in principal supportive, however routing of the HGVs still needed to be agreed and it was to exclude Barkham Street from this routing and to avoid peak hours. The period for the construction and installation of the solar panels would take approximately 3 months, and each HGV would be capable of transporting approximately 1900 solar panels, which would result in fewer HGV movements each day. Barkham Road would be dug up progressively to link the site into the grid, however the road would not be closed. In relation to the lighting proposals, Simon stated that the lighting would be movement activated however the site would not be accessed at night time. Simon stated that there were no details regarding the numbers of CCTV cameras or

their locations, however WBC would endeavour to minimise this across the site and place them sensitively.

Rebecca Margetts stated that her main concern was that works would be undertaken on the main route in and out of Finchampstead, where limited public transport provision was available and substantial roadworks were already taking place. Chris Easton, Head of Transport, Drainage and Compliance, stated that whilst this was beyond the scope of the application, roadworks were taking place in the area. Nothing could be done to the highway without street works coordination, and a substantial amount of work was being undertaken to clear the road network in the area up prior to development of the proposed site.

Stephen Conway commented that he was mindful that this application was required to go before the Secretary of State for consideration, and it was therefore in WBC's own interest to address any underlying problems prior to this. Stephen raised concerns that three statutory consultees had objected to this application (Historic England, Berkshire Archaeology, and the Conservation and Heritage officer) and suggested that a deferral may be suitable to address the concerns of these consultees. Justin Turvey, Operational Manager – Development Management, stated that the application had changed significantly over time, and now five hectares of grade 2 farmland was proposed to return to the farmer. Justin added that the guidance relating to solar farms directed sites generating 50 kilowatt hours and above to use lower grade land, whereas this site would produce approximately 30 kilowatt hours at its peak and was therefore not subject to this guidance. Justin reiterated that the proposals were temporary and reversible, and the land could still potentially be grazed by sheep. Justin stated that Natural England did not object to the scheme and Berkshire Archaeology had some concerns however these had relatively easy solutions. Historic England and WBC's own heritage and conservation officer had concerns, and officers had included suggested conditions within the agenda including increasing the boundary between the site and the heritage asset from 20m to 25m. Simon Taylor stated that the original application proposed more dense screening of the heritage asset, however this was opposed by consultees as whilst it would screen the asset it would not help with the setting as well as having archaeological implications.

Pauline Jorgensen commented that this was prime agricultural land and a number of statutory consultees had objected to the proposals. Pauline added that she hoped that the fence of the site would not be on the boundary of the monument, and added that the site was set in a beautiful location of countryside. Pauline sought assurances over landscaping details, fencing details, and details regarding condition 28. Simon Taylor stated that the fencing would be between 21m and 22m from the edge of the monument boundary. Simon stated that condition 28 acknowledged that assurances were required within 12 months relating to what would happen in order to restore the site in 25 years' time, and if circumstances did change then this condition would be used as a mechanism to review and assess any potential future proposals. Justin Turvey added that anything not being applied for as part of this application would need a separate application, which would very likely be taken to the Committee.

Pauline Jorgensen queried whether permission to undertake the works on the road would not be given until there was a suitable alternative route out of Finchampstead. Chris Easton stated that the construction management plan conditions, including routing, would need to be secured prior to any construction works being carried out.

Rachelle Shepherd-DuBey queried why weight was being given regarding Historic England commenting relating to the loss of a view, when homeowners did not have a right to a view unless they owned it. Justin Turvey commented that officers were proposing an on-balance recommended approval notwithstanding of comments submitted.

Andrew Mickleburgh felt that it was important to have a very good application to present to the Secretary of State for consideration. Andrew queried whether there was any scope to relocate some of the solar panels to other parts of the site away from the heritage asset, queried whether additional mitigation measures suggested by Historic England could still be implemented, and queried whether a commitment could be made to explore the potential dual use (grazing) of the site. Simon Taylor stated that the extent of the proposed placement of the photovoltaic panels had been fairly maximised across the site, and as such there was not much potential to move them. Justin Turvey stated that Members needed to consider the scheme in front of them, which had been amended to take into account some of the concerns raised, for example by reducing the total required land from 48 hectares to 43 hectares. Justin added that an informative could be added to ask that the applicant speaks with the farmer regarding what could be done with the land in terms of grazing. Andrew Mickleburgh proposed this additional informative which was seconded by Chris Bowring, carried, and added to the list of informatives.

Andrew Mickleburgh queried whether any issues relating to glint or glare from solar panels on road users had been reported, and queried whether the greenway and footway would be fully accessible for pushchair or wheelchair users. Simon Taylor stated that a glint and glare assessment on road users had been included within the report, with the primary glint and glare occurring to the north of the site on Barkham Ride and that this was found to be acceptable. Simon stated that the greenway would be fully accessible and would be surfaced with permeable material.

Sam Akhtar commented that this application would take many hectares of prime farmland, and queried what mitigation other than tree planting would be included. Simon Taylor stated that the proposals were difficult to mitigate against, however the proposals were temporary and reversible. Simon added that it was feasible that the site could have a dual use, and the proposals were acceptable overall.

Gary Cowan was of the opinion that the application should be deferred until all issues had been resolved, for example determining whether any other suitable sites were available and ensuring that the farm would be viable in future, to allow for as robust a case as possible when the application was forwarded to the Secretary of State for consideration. Justin Turvey stated that the farm had an additional 18 hectares of land at Rooks Nest, in addition to the 5 hectares being proposed in this application.

Carl Doran commented that the view from the historic site formed part of the setting. Carl added that whilst the information relating to carbon reduction achieved through this site was correct within the planning application report, the figures were stated as higher within the WBC climate emergency action plan. Carl added that whilst he wished that this could be delayed to address concerns but that steps needed to be taken now to address the climate emergency. Carl queried whether animals roaming around the site could trigger the sensor lighting. Simon Taylor stated that the details of the lighting would be further reviewed, and his understanding was that the substation and the five transformer building were the only sites which would be lit and these areas would be fenced which would restrict animals entering these areas.

RESOLVED That application number 211081 be approved, subject to conditions and informatives as set out in agenda pages 75 to 87, amendments to conditions 2, 3, 6, 8, 15, 16, 18, 24, 25, and 28 as set out in the supplementary planning agenda, and additional informative relating to asking the applicant to work with the farm owner regarding the possibility of dual use of the land for grazing purposes as resolved by the Committee.

37. APPLICATION NO.210705 - FISHPONDS CLOSE, WOKINGHAM TOWN, RG41 2TZ

Proposal: Full application for the proposed erection of 2 no. industrial buildings (Use Class B2 and B8) comprising a total of 4 no. units together with associated infrastructure, parking and landscaping, following demolition of 2 no. existing industrial buildings.

Applicant: LGIM

The Committee received and reviewed a report about this application, set out in agenda pages 175 to 216.

The Committee were advised that updates contained within the supplementary planning agenda included:

- Amendment to the red line boundary between application numbers 210705 and 201345 via an amended site plan, resulting in the loss of one accessible car parking space. The loss of this space was deemed acceptable by Highways officers and met car parking standards;
- Correction to the eaves height stated within paragraph 11;
- Amended condition 2 to include revised application plans and drawings;
- Removal of condition 10;
- Amended condition 13;
- Amended condition 16;
- Additional informative relating to additional consent.

Carl Doran queried whether the back to back distance was policy compliant in relation to concerns around overshadowing. Baldeep Pulahi, case officer, stated that given the distance of the proposals and the fact that they would be set back from the boundary edge officers were content that the residential amenity would be maintained.

Carl Doran commented that he hoped that the applicant would follow through with the proposed double the minimum provision of electric vehicle charging spaces.

RESOLVED That application number 210705 be approved, subject to conditions and informatives as set out in agenda pages 176 to 183, amended condition 2, 13, and 16 as set out in the supplementary planning agenda, removal of condition 10 and additional informative as set out in the supplementary planning agenda.

38. APPLICATION NO.212209 - 5 SHEPHERDS AVENUE, EARLEY, RG6 1AY

Proposal: Full application for the change of use of amenity land to residential with formation of associated hardstanding. (Retrospective)

Applicant: Mr Amin

The Committee received and reviewed a report about this application, set out in agenda pages 217 to 230.

The Committee were advised that there were no updates contained within the supplementary planning agenda.

Tim Marsh, on behalf of the ACER residents' association, spoke in objection to the application. Tim stated that the land in front of the property had not been adopted by Wokingham Borough Council (WBC) highways, and a resident of 50 years had told him that the strip of land had to be maintained by the owners. Tim added that paragraph 9 of the report stated that a number of properties on the road had paved driveways, however none had covered over their grass verges. Tim stated that should this application be approved, the proposals would risk the potential for the road to never become adopted by WBC and could set a precedent for other properties within the borough. Tim queried whether the installed drainage had been checked to see if it worked, and commented that all other such drains in the area were backed up. Tim stated that policy CP3 mean that development must be without detriment to the adjoining land users and occupiers, and in his opinion this did not apply in this case as the removal of all soft landscaping had changed the visual green landscaped amenity.

Chris Bowring read out a statement on behalf of Mr Amin, applicant, in support of the application. Mr Amin stated that he was not buying the property in front of his home, and he was fully aware that this bit of land was not part of his property. Mr Amin added that the concrete in front of his property was broken, and this was the reason that he had placed new concrete at the front of the property. Mr Amin stated that the concrete had been refurbished due to having a disabled family member, to provide safer access to and from the property. Mr Amin stated that when he had purchased the property approximately five years ago, the area in front of the property was in a very bad condition with many potholes and a public path going through his driveway. Mr Amin, along with his family, had fallen on this surface several times which demonstrated how dangerous the situation was. Mr Amin stated that there were many other properties with tarmac at the front of the property, and he had spent nearly £3,000 on the maintenance of the footpath, despite not owning the land, for the safety of all residents including the disabled family member. Mr Amin added that a drainage system had been installed, and the water now flowed away into the main drainage system. Mr Amin stated that he had paid a professional company to tidy up land which he did not claim to own to make it safer, and had provided the Council with a ten-year guarantee.

Shirley Boyt, Ward Member, spoke in objection to the application. Shirley stated that there was an application last year to allow for a disabled parking space, and questioned the need for another disabled parking space over and above the suggested need of the disabled resident. Shirley stated that there was a footpath running between the amenity land and the boundary of the dwelling, and the tarmacking took no account of this. Shirley stated that other residents had carried out works for standard width driveways, or in once instance a full width driveway using permeable materials which could be reversed. Shirley added that her main concern was that the loss of all of the greenery both inside and outside of the curtilage of number 5 was contrary to policy CP3, and if approved could set a precedent for every resident in this road to do the same, resulting in a barren landscape. Shirley stated that many other roads in the Bulmershe and Whitegates Ward contained large verges which were owned by the Borough Council, and approving this application could lead to other homeowners seeking to do the same in front of their property.

Officers responded to a number of points raised by registered speakers. Baldeep Pulahi, case officer, stated that this was a variation application, and as far as officers were aware

it was for landscaping only. Chris Easton, Head of Transport, Drainage and Compliance, stated that the drainage was installed and connected, and the surface water appeared to flow, and that was all that officers were certain of. Chris added that whilst the land was owned by WBC, it was not owned by highways. No works could be carried out to any part of a public highway without significant repercussions with full and proper consent by the highways authority.

Carl Doran queried why the enforcement case had been closed. Baldeep Pulahi confirmed that once a planning application had been submitted under an enforcement case, the case could be closed.

Carl Doran queried why other properties with paved car parking on WBC owned verges were immune from enforcement, queried why the existing landscaping to the right of the property was allowed to be removed, and queried whether this application could set a precedent for similar applications. Baldeep Pulahi stated that other properties had installed their parking over four years ago, and under section 172 of the Town and Country Planning Act they would now be immune to enforcement. Baldeep stated that the site visit photographs had been taken prior to the variation for soft landscaping, and unfortunately an up to date visit had not been undertaken. Chris Easton stated that this was a fairly atypical situation, whereby the grass verge was Council property land rather than public highway land, and as such approval of this application would not allow anyone to carry out similar works on a public highway.

Gary Cowan stated that he had viewed the site, and there was room for four parked vehicles on site, and he did not notice any landscaping. Gary added that Members needed to know where the drainage led to and whether it was of standard quality.

Pauline Jorgensen stated that this was an unusual situation as the road in front of the property was not adopted but the strip of land was owned by WBC property. Pauline sought assurances that approval of this application would not set a precedent for other areas of the Borough. Chris Easton confirmed that this application would not set a precedent for other areas of the Borough which had public highway land outside of the boundary of their property.

Andrew Mickleburgh queried whether this application could set a precedent for a large number of other properties within the Borough, queried how common it was to see retrospective applications for change of use of amenity land to residential, queried whether the drainage only drained the paved area rather than the paved and tarmacked area, and queried whether the same level of access could be achieved whilst reinstating a significant portion of the soft landscaping. Justin Turvey, Operational Manager – Development Management, stated that each application had to be considered on its own merit. Relating to the character of the area, Justin stated that a number of properties had paved over part of their property frontage and as such it now formed part of the character of the area. Justin stated that as the land sloped towards the property, it was in the property's own best interest for the drainage solution to work. Justin stated that Members had to consider the application in front of them and decide whether it was acceptable in planning terms.

Stephen Conway commented that whilst there may be very few instances of WBC property owning the verge but the road and pavement being un-adopted. Stephen raised concerns regarding any precedent set by this application, and commented that the only reason that other properties had not had enforcement action taken was due to a time limit on doing so expiring.

Carl Doran requested that it be minuted that WBC look to arrange discussions to explore options for soft landscaping to be placed to the side of the property.

RESOLVED That application number 212209 be approved, subject to condition and informative as set out in agenda pages 217 to 218.

39. APPLICATION NO.212164 - LORD HARRIS COURT, MOLE ROAD, SINDLESHAM, WINNERSH

Proposal: Full application for the proposed installation of a Non Return Valve and 24 hour storage cesspit to store effluent. (Retrospective)

Applicant: Ed Knott c/o RMBI Care Company

The Committee received and reviewed a report about this application, set out in agenda pages 231 to 248.

The Committee were advised that updates contained within the supplementary planning agenda included:

- Updated condition 1;
- Correction that agenda page 233 should refer to condition number 2 rather than condition number 3;
- Updated consultation response from Wokingham Borough Council (WBC) Trees and Landscapes to recommend approval subject to condition 2.

Chris Bowring proposed an extension to the meeting of up to 30 minutes. This was seconded by Carl Doran and upon being put to the vote the motion was carried.

Paul Fishwick, Ward Member, spoke in objection to the application. Paul stated that this was not an isolated dwelling, with the building adjoining a residential area. Paul was of the opinion that the applicant had not provided evidence of a blockage of the sewerage system, and there was no local evidence of issues relating to the foul sewerage systems. Paul added that there were issues of a foul smell every time the cesspit had to be emptied. Paul stated that he had photo evidence of multiple vehicles emptying the cesspit in a different location to the one pictured by officers which created access issues for vehicles. Paul felt that the cesspit was not acceptable for this area and the application should be refused.

Natalie Jarman, case officer, stated that construction work was still taking place on the new care home, which might explain the issues with the sewerage. Natalie added that the building was still connected to the main sewerage system and this was a backup solution.

Rachelle Shepherd-DuBey was of the opinion that the cesspit was not required, as a backup system should not be required for over a year.

Carl Doran queried whether there was any reason legally why the applicant could not use the cesspit as their main solution for foul waste, and queried whether it was a planning issue if the vehicles emptying the cesspit were blocking access on a corner of a road. Natalie Jarman stated that the size of the tank would make it very unlikely for it to be feasibly used as a main solution, and the intention was to use it in addition to the main sewerage system. Chris Easton, Head of Transport, Drainage and Compliance, stated that

whilst he was unsure how often the cesspit was currently required to be emptied, once construction had finished the situation should settle down and become safer in regards to vehicle access.

Andrew Mickleburgh queried whether concerns relating to smell and the safety of road users when the cesspit was being emptied was a material consideration, queried why the cesspit has already been required to be emptied a number of times, and queried what the immediate consequences could be if the application was refused. Natalie Jarman stated that the existing care home at the site was currently operational whilst the new care home was under construction, and it was understood that blockages had occurred during construction. Natalie stated that her understanding was that there would be overflowing of the manholes should this application be refused, and this was due to the relationship between where the new care home was located and the sewer system.

Gary Cowan stated that this building was not in a remote area, and in his opinion the provision of septic tanks in urban areas was very wrong, as these belonged in the countryside.

Stephen Conway stated that he had huge sympathies for local residents, as there appeared to be demonstrable harm in terms of smell for neighbouring residents. Stephen added that on the contrary, environmental health had not raised any objection to this application.

Pauline Jorgensen queried how long the tank would last prior to being required to be emptied. Natalie Jarman stated that the tank connected to the existing foul system, and an alarm was raised if the tank was required to be used and the tank was then due to be emptied within the next 24 hours. Natalie added that she did not have the information as to how long the tank would last prior to being completely full.

Carl Doran commented that this was a valid application for a backup system, however it appeared that this system was not being used as a backup. Justin Turvey stated that it was unlikely that the applicant would consider this their preferred method of disposal, and should this solution not be in place and the existing system was blocked then unpleasant ramifications could occur.

Rachelle Shepherd-DuBey felt that the application should be deferred to allow for Thames Water to carry out checks to the existing system. Justin Turvey clarified that Thames Water had raised no objections.

Justin Turvey commented that when the original application for construction of a new care home was approved, Thames Water raised the issue of capacity of the sewerage system. Justin added that whilst officers did not know how long the issue would take to resolve, there should be less frequent emptying of the tank after construction had been completed.

A number of Members raised concerns that a capacity issue relating to the sewerage system was identified at the planning stage of the new care home. Justin Turvey commented that Thames Water had suggested that the tank be installed. Chris Easton commented that it was common for developments to install oversized volume pipes to reach the foul pumping station at a slower rate, and this was a similar approach.

Gary Cowan commented that the report in front of the Committee had not raised the issue of capacity of the sewerage system either from Thames Water or Wokingham Borough

Council (WBC) drainage. Gary added that a permanent solution needed to be sought to resolve any issues with the sewerage system on the site.

A number of Members had concerns regarding approving this application on a permanent basis, as the issue appeared to be related to construction of the new care home.

Stephen Conway proposed amending the proposed permanent permission to a temporary permission until 6 months after occupation of the new care home. This was seconded by Pauline Jorgensen, carried, and subsequently amended the recommendation.

RESOLVED That application number 212164 be approved, subject to conditions and informatives as set out in agenda pages 232 to 233, updated condition 1 as set out in the supplementary planning agenda, and amendment to agree only a temporary permission until 6 months after occupation of the new care home as resolved by the Committee.