

Supplementary Planning Agenda Planning Committee – 12 October 2022

Planning Applications

- 41. Nigra House, Mulberry Business Park, Fishponds Road, RG41 2GY**
Application No: 221409, Pages 15-48
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No update to report.

- 42. Swallowbrook, Julkes Lane Arborfield RG2 9JJ**
Application No:221788, Pages 49-72

The Council received The Environment Agency's consultation response on 10th October 2022. These confirm that no objections is raised on the proposal subject to condition. Of relevance, the Environment Agency have stated:

"The proposed development is within 8 metres of a main river, the Barkham Brook. According to our Flood Map for Planning, the application site partially lies within Flood Zones 2 and 3, which is land defined by the Planning Practice Guidance (PPG) as having a medium and high probability of flooding respectively. The applicant has demonstrated in their flood risk assessment that the proposed landscaping works will not be carried out within the 1% annual probability flood extent, taking into account the effects of climate change.

In accordance with Policy CP1 Part 9 of the Wokingham Borough Local Plan (January 2010) and paragraph 167 of the National Planning Policy Framework (NPPF), the proposed development will be acceptable if the following condition is included on the planning permission's decision notice."

Additional condition as recommended by The Environment Agency:

Condition 4

The development shall be carried out in accordance with the submitted flood risk assessment (ref Swallowfield Paddock P22431_R1 , dated 30th May 2022) and the following mitigation measures it details. There shall be no raising of ground levels within the calculated 1% including climate change design flood extent. This is specified as any land within the application area below 41.40mAOD.

Reason: This condition is in accordance with paragraph 167 of the NPPF which states that development should not increase flood risk elsewhere and should be appropriately flood resistant and resilient.

Biodiversity Net Gain – Biodiversity net gain measures are not required by the Council's Ecology Officer in this case (no built development); however, a Construction Environment

Management Plan is subject to condition (see Condition 3) to ensure any impacts upon species is mitigated during the construction phase.

Additional comments were also received by the resident at Warren House Carters Hill on 7th October 2022. These concerned flooding impacts caused by the Barkham Brook. Notwithstanding the assessment of flood risk covered within the Committee Report, the proposal is considered to give rise to a greater level of surface water attenuation than the land would do if it remained sloping and unvegetated.

Email received from the applicant on 11th October 2022 which explains digging on site will be happening today in order to satisfy building regulations in relation to our retaining wall. The soil will be going back once the work is done. The email further outlines that there won't be any permanent change of levels from the work being carried out today and there shouldn't be a need to temporarily deposit any soil on the area of land covered by the current application (221788). *(The Council's Enforcement Officer Hannah Skeels has been copied into this email by the applicant in the event the Council receive any neighbour queries regarding the digging prior to tomorrow's meeting).*

43. No. 52 Mannock Way
Application No: 222321 Pages 73-85

The adjoining lane (included within the red line) is owned by Taylor Wimpey and is not within the ownership of the applicant. The applicant has duly met the requirements of Certificate B of the planning application form in serving the requisite notices.

The adjoining land is categorised as Ancient Woodland on the Council's planning Constraints Map. The approved plans in the original approval for *Residential development comprising 64 dwellings and 12 two-bedroom houses flats with garages /parking spaces (Outline 23796). Layout of Public Space. Phase 4 Woodley Airfield Woodley* (ref: 31807) appears to indicate that the adjoining land for which this application relates was allocated as amenity land. However, through the passage of time, this is no longer reflected in reality as there is restricted public access and regrowth of the adjoining woodland over this area.

44. Land Adjacent to Lane End House, Shinfield Road, Shinfield, RG2 9BB
Application No: 222304 Pages 89-119

Condition 2 amended as follows:

Approved Details - This permission is in respect of the submitted application plans and drawings numbered (08) 20-Rev P4; (08) 21-Rev P3; (08) 22-Rev P3; (08) 23-Rev P1 & (08) 24-Rev P2 received by the local planning authority on 27/07/2022, and (08) 21-Rev P4 & (08) 20 Rev P5 received by the local planning authority on 07/10/2022. The development shall be carried out in accordance with the approved details unless other minor variations are agreed in writing after the date of this permission and before implementation with the Local Planning Authority.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the application form and associated details hereby approved.

Condition 15 amended as follows:

Cycle Parking - Prior to the occupation of the development hereby permitted details of secure and covered bicycle storage/ parking facilities for the occupants of the development shall be submitted to and approved in writing by the local planning authority. The cycle storage/ parking shall be implemented in accordance with such details as may be approved before occupation of the development hereby permitted, and shall be permanently retained in the approved form for the parking of bicycles and used for no other purpose.

Reason: In order to ensure that secure weather-proof bicycle parking facilities are provided so as to encourage the use of sustainable modes of travel. Relevant policy: NPPF Section 9 (Sustainable Transport) and Core Strategy policies CP1, CP3 & CP6 and Managing Development Delivery Local Plan policy CC07.

Condition 16 amended as follows:

Electric Vehicle Charging - No part of the development hereby permitted shall be occupied until the Electric Vehicle Charging (EVC) points have been installed in accordance with the approved details as shown in drawing (08) 20 Rev P5. The EVC shall be permanently retained and made available for the purpose of charging a vehicle, unless otherwise agreed in writing by the local planning authority.

Reason: In order to ensure that secure electric vehicle charging facilities are provided so as to encourage the use of sustainable modes of travel. Relevant policy: NPPF Section 9 (Sustainable Transport), Core Strategy policies CP1, CP3 & CP6 and Managing Development Delivery Local Plan policy CC07.

**45. Land east of Gorse Ride South, south of Whittle Close and to the north and south of Billing Avenue Finchampstead, RG40 9JF
Application No. 22001, Pages 121-158**

No update to report.

Other matters

Housing land supply and the 'tilted balance'

As members of the Planning Committee will be aware, recent appeal decisions have concluded that the council cannot demonstrate a five-year housing land supply. Emerging monitoring information shows that the council's deliverable housing land supply will likely be less than five years when a new assessment is completed in the coming weeks. As such the council has accepted that the deliverable housing land supply is less than five years for decision-making. The substantive reason for this position is the significant over delivery of housing in recent years. This has inevitably reduced the bank of planning permissions that remain and therefore the short-term deliverable housing land supply.

As a result, the determination of planning applications proposing a net change in the number of dwellings must have regard to paragraph 11(d) of the National Planning Policy Framework (NPPF). This advises that the policies which are most important for determining the application should be deemed out of date and that permission should be granted unless:

- i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The recognition of a deliverable housing land supply being below 5 years is now a material consideration which 'tilts' the balance of assessment, from one where decisions should be made in accordance with adopted policy, to one where planning permission should be granted unless the adverse impacts of doing so would '**significantly and demonstrably outweigh**' the benefits

Where relevant, committee reports will therefore recognise that the 'tilted balance' of paragraph 11 of the NPPF is engaged, and clearly articulate whether any adverse impacts arising from the proposal would 'significantly and demonstrably outweigh' any identified benefits with regard to the site-specific circumstances before reaching a judgement. Weight is always a matter for the decision-maker as part of the planning balance. The weight applied will vary according to the circumstances, including, for example, the extent to which relevant policies provide for housing need in the round, the extent of the shortfall in the five-year supply of housing land, the underlying reason for the shortfall and actions being taken by the council to address this, or the particular purpose of a restrictive policy. The decision-maker must judge how much weight should be given to conflict with policies for the supply of housing that are out-of-date by reason of a lack of a 5 year housing land supply. This is a matter of planning judgment.

In summary, 'the tilted balance' alters the process that the decision-maker must go through when deciding a relevant application, in effect raising the bar of unacceptability. Whilst an important consideration, the decision-maker is required to take into account all material considerations and as such, can, with appropriate and justified reasoning, resist development which causes adverse impacts that are not significantly and demonstrably outweighed by those identified benefits, notwithstanding the tilted balance being engaged.

Pre-emptive site visits

Swallowbrook Julkes Lane RG2 9JJ undertaken on 7th October 2022

Non-Householder Appeal Decisions

Following 13 April 2022 Planning Committee, the Non-Householder Appeal Decisions will be reported quarterly prior to the following meetings as part of the Supplementary Planning Agenda:

- July 2022
- October 2022
- January 2023

October 2022

App No.	Address and Description	Committee (Y/N)	Decision	Main planning issues identified/ addressed
212310 & 212570	<p>Sutton Court Farm, Easthampstead Road, Wokingham Without, RG40 3BS</p> <p>212310 - Full application for the change of use of a building and land from residential (Use Class C3) to a mixed use of residential and car rentals (Use Class C3 and Sui Generis). (Retrospective)</p> <p>212570 - Full application for the change of use of a building and land from agricultural to car repairs (Use Class B2) and associated parking. (Retrospective)</p>	N	Both dismissed	The inspector concluded that the developments were not sensitive to their rural surroundings, nor physically well related to existing settlements. Instead, significant harm was considered to be caused to the character and appearance of the area. Location was also not considered suitably accessible by public transport, little evidence to suggest opportunities to make the site more sustainable were being pursued. In respect of the repairs service, it was also considered that there would be harmful impacts on the living conditions of the occupants of nearby dwellings with regards to noise.
211085 & 211086	<p>Hare Hatch Sheeplands Nursery, London Road, Twyford, RG10 9HW</p> <p>211085 - Application to vary condition 1 of planning consent 192018 for the Full application for the Change of Use of three existing nursery glasshouses into events area relating to the existing nursery. Condition 1 refers to temporary permission and the variation is to extend temporary permission for two years.</p> <p>211086 - Full application for the continued use of existing sales area permitted temporarily under 173316</p>	Y	Both allowed	<p>The inspector concluded that with regards to Appeal A (211085), the disputed Condition 3e) and Condition 3g) were not enforceable or reasonable and Condition 3e) is not precise or relevant. Accordingly, the disputed Conditions do not meet the tests set out in the Framework and the PPG.</p> <p>With regards Appeal B (211086), the inspector concluded that Condition 3 is not necessary or reasonable and does not meet the tests set out in the Framework and the PPG.</p> <p>Given the time that had elapsed since the applications were submitted, the Inspector considered a longer time period than 14 March 2023 would be appropriate. As permission for planning Ref 214108 had not yet been issued the relevant dates could not coincide.</p>

	and change of use to include an additional sales area.			The Inspector allowed two years from the date of these Decisions for Appeal A and Appeal B.
210252	<p>Napoleon House, Riseley Business Park, Basingstoke Road, Riseley, RG7 1NW</p> <p>Prior approval submission for proposed conversion of office building (Use Class E(i)) to 15 no. residential units (Use Class C3).</p>	N	Dismissed	<p>The Inspector concluded that the amount of natural light available in those rooms/parts of rooms served only by roof lights would be significantly restricted should the tops be obscured by snow, rain or be dirty. Moreover, the natural light to two of the permitted new windows, which could have potentially served Flats 5 and 6, would have been over shadowed by nearby walls curtailing the available natural light. No additional light would be created for Flat 2 or the ground floor of Flat 11. Proposals failed the test of adequate natural light at Class O.2 (1) (e) and, on that basis, prior approval was refused.</p> <p>The Inspector also concluded that it would be unlikely that parking associated with the proposal would overspill the site to the extent it would result in unacceptable risk to highway safety or severe cumulative effects on the efficient operation of the transport network. Consequently, this aspect of the development was considered acceptable.</p>
212164	<p>Lord Harris Court, Mole Road, Sindlesham RG41 5EA</p> <p>Full application for the proposed installation of a Non Return Valve and 24 hour storage cesspit to store effluent. (Retrospective)</p>	Y	Allowed	<p>The main issue is whether condition 3 is reasonable or necessary to safeguard the living conditions of neighbouring occupants and in the interests of highway and pedestrian safety.</p> <p><i>Living conditions</i> The Inspector concluded that they were not persuaded that the removal of the cesspit following the occupation of the care home is necessary or reasonable to mitigate odours from the proposed development and protect the living conditions of neighbouring occupants.</p> <p><i>Highway and Pedestrian Safety</i> Given the infrequencies of the visits and the level of risk to highway safety, condition 3 was not necessary to make the development acceptable.</p> <p>Furthermore, the land was outside of the identified application site, and there is no plan defining other land owned by the appellant. As such, the condition was also considered to not be enforceable.</p>

				Condition 3 was therefore removed.
211532	<p>Land at Junction of Sawpit Road and School Road, Hurst, Berkshire</p> <p>Full planning application for the proposed erection of 2 no. four bedroom detached dwellings and 2 no. three bedroom semi-detached dwellings, with associated site access, car parking, home offices and landscape.</p>	N	Allowed	<p>In light of the Council not demonstrating a 5 year housing land supply, the titled balance was taken into consideration.</p> <p>Proposals considered to have a localised harm on the Area of Special Character. The inspector concluded that future residents of the proposed development would benefit from realistic and viable opportunities to reach key local services and facilities on foot and by cycle without the need to rely on the private car. Effect on existing trees was not considered detrimental. Whether the proposals would result in a biodiversity net gain was disputed, but as there would be not be a net loss by reason of the enhancements proposed, limited weight was given in the tilted balance. Inspector also concluded that there was no requirement for the scheme to provide affordable housing in the context of Policy CP5 and gave this significant weight in the titled balance.</p> <p>Overall, it was considered that the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.</p>
203432 & 203433	<p>Land to the rear of 6 Johnson Drive, Finchampstead, RG40 3NW</p> <p>203432 – Breach alleged:</p> <ul style="list-style-type: none"> - On 15 October 2003, planning permission was granted with conditions by the Council under reference F/2003/9103 for the proposed erection of two storage buildings to replace seven existing storage buildings and open storage area. - It was noted in the officer planning report for F/2003/9103 that the two buildings would replace seven existing storage buildings and all of the surrounding open air storage. Condition 3 of 	N	Appeal A (203432) dismissed, Appeal B (203433) allowed	<p>Appeal A</p> <p><i>Ground (b) and (c) appeals:</i></p> <p>Inspector concluded that as a matter of fact and degree, that there has been physical and functional separation between two primary uses. Whilst the appeal site is within the same ownership, the unit of occupation then comprised two physically distinct and therefore separate areas which are occupied for different and unrelated purposes. Each area therefore has a different primary use and so ought to be considered as a separate planning unit. Moreover, in considering the evidence in the round, at all stages during the sites relevant planning history it has on the balance of probability, been two planning units.</p> <p>Notice was corrected to identify two breaches of planning control, relating to two mixed uses, along with the cessation of those mixed uses.</p>

	<p>the planning permission reiterated and reinforced this: No materials, containers or equipment shall be stored on the site outside buildings except for waste materials contained within suitable and sufficient waste containers for removal. Reason: In the interests of visual amenity.</p> <p>- The storage of items, equipment, plant and tools outside of the buildings hatched black on the attached plan occurs in breach of Condition 3 of F/2003/9103.</p> <p>203433 - Breach alleged without planning permission, the material change of use of the land to a mixed use including the external storage of builder's materials, plant and equipment, fencing, builder bulk bags, shipping containers, general/assorted waste products, inert waste and the like and the storage of motor vehicles, vehicle breaking, vehicle disassembly and the sale of vehicle parts.</p>			<p>Appeals on ground (b) and (c) therefore succeeded to this extent.</p> <p><i>Ground (f) appeal:</i></p> <p>The ground (f) case added very little evidence to those arguments. In light of the Inspector's findings and the corrections arising, it follows that they did not need to consider the contention of the appellant again here given the 2017 notice.</p> <p>The appeal of ground (f) therefore failed.</p> <p>Appeal A was dismissed and the enforcement notice was upheld with corrections in respects of the breaches of planning control, requirements of the notice and a substitute plan.</p> <p>Appeal B</p> <p><i>Ground (d) appeal:</i></p> <p>It was concluded that as a matter of fact and degree the appellant had demonstrated on the balance of probabilities the asserted storage use in breach of condition 3 of the permission for a relevant period and so has discharged the necessary burden of proof. Accordingly, the breach of condition continued such that at any time during a continuous ten-year period the Council could have taken enforcement action.</p> <p>The appeal on ground (d) succeeded, Appeal B was allowed and the enforcement notice quashed.</p>
212274	<p>23A Nine Mile Ride, Finchampstead RG40 4QD</p> <p>Full application for the proposed change of use of land for the siting of 2 no. Gypsy and Traveller pitches with associated parking.</p>	N	Allowed	<p>Proposals were not considered to adversely harm the character and appearance of the area due to a limited localised impact that would not be visible from any public vantage points. Development was considered to provide acceptable living conditions for occupants. Emergency vehicle access was considered suitable. Appeal allowed and the Inspector was satisfied that a legal agreement to secure appropriate contributions towards key components of the avoidance strategy was enough to avoid an adverse effect on the integrity of the Thames Basin Heath SPA.</p>

212112	128 Reading Road, Wokingham RG41 1HA Full application for the proposed erection of 1no. two storey detached dwelling, and conversion of existing dwelling to ancillary outbuilding.	N	Allowed	<p>It was concluded that whilst the proposed development would be different in appearance to the dwellings around it and would increase the amount of development on the site, the inspector did not consider that this would materially harm the character and appearance of the area. Proposals were concluded to not have an adverse impact on trees subject to a condition for further planting. The proposed development was also considered to not result in an unacceptable increase to flood risk. Development was considered to provide acceptable living conditions for occupants.</p>
220104	1 Westlands Avenue, Shinfield RG2 8EB Full application for the proposed erection of 1no. 2 storey dwelling, following demolition of the existing garage.	N	Dismissed	<p>Proposals were considered to adversely harm the character and appearance of the area by reason of loss of openness, lack of visual symmetry between dwellings, disruption of the building line and the fact the parking would sit uncomfortably alongside the established pattern of parking along the road, and would lead to a further mismatch in appearance between the new dwelling and neighbouring properties.</p> <p>Development was also considered to fail to provide adequate living and amenity space for the occupiers of the existing and new dwelling, which would be to the detriment of their living conditions.</p> <p>On the other hand, the Inspector was satisfied that the access to the development would be acceptable in terms of highway safety.</p>
211134	The Fairways, Wokingham Family Golf, Finchampstead Road, Wokingham, RG40 3HG Full application for the proposed erection of 1no. two storey, 3 bedroom dwelling, following demolition of existing single storey dwelling, with associated parking, amenity space provision and extensive new landscaping and biodiversity enhancements.	N	Allowed	<p>Proposals were concluded to neither harm the integrity of the open countryside nor the character and appearance of the area due to the following reasons:</p> <ul style="list-style-type: none"> - The proposed location would allow the dwelling to have a much more comfortable and appropriate relationship with the golf facility buildings - the increased distance between the golf facility buildings and replacement dwelling would better define the public and private spaces associated with these uses. - the proposed plot is relatively generous and the resulting space

				<p>around the replacement dwelling would limit the harm to the character of the site.</p> <ul style="list-style-type: none"> - the replacement dwelling would only be seen from within the golf course and these views would be limited due to the existing trees and the additional planting proposed.
212466 & 220521	<p>The Bird Gardens, Milley Lane, Hare Hatch RG10 9TH</p> <p>Full application for the proposed erection of 1no. 4 bedroom detached Dwelling, garage and workshop, plus associated parking and landscaping, following demolition of existing animal enclosures, aviaries and office/staff welfare building.</p>	N	Both dismissed	<p>Although both schemes would have less of an impact upon spatial openness, the proposed schemes and the activity associated with the use lead the inspector to conclude that although both schemes would have a greater effect on visual openness of the Green Belt than the existing development. Insufficient evidence to demonstrate the site is a rural exception site for affordable housing. Site also not considered to be a suitable location for housing.</p>