

MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD ON 12 OCTOBER 2022 FROM 7.00 PM TO 9.34 PM

Committee Members Present

Councillors: Rachelle Shepherd-DuBey (Chair), Andrew Mickleburgh (Vice-Chair), Chris Bowring, Stephen Conway, David Cornish, Rebecca Margetts, Wayne Smith and Alistair Neal

Councillors Present and Speaking

Councillors: Gary Cowan, Jim Frewin and Alison Swaddle

Officers Present

Kamran Akhter, Principal Highways Development Management Officer
Brian Conlon, Operational Lead - Development Management
Connor Corrigan, Service Manager - Planning and Delivery
Brigette Crafer, Landscape Architect
Chris Hannington, Team Manager - Trees and Landscape
Rachel Lucas, Senior Solicitor - Legal Services
Boniface Ngu Azeh, Principal Flood Risk & Drainage Engineer
Callum Wernham, Democratic & Electoral Services Specialist

Case Officers Present

Joanna Carter
Mark Croucher
Adriana Gonzalez
Baldeep Pulahi

37. APOLOGIES

An apology for absence was submitted from Councillor John Kaiser.

38. MINUTES OF PREVIOUS MEETINGS

The Minutes of the extraordinary meeting of the Committee held on 2 August 2022 and the minutes of the meeting of the Committee held on 10 August 2022 were confirmed as a correct record and signed by the Chair.

39. DECLARATION OF INTEREST

Stephen Conway declared a prejudicial interest in agenda item 45, on the grounds that he was the Executive Member with responsibility for social housing. Stephen added that he would speak as a public speaker as a supporter of the application, and then leave the room during the debate and vote.

40. APPLICATIONS TO BE DEFERRED AND WITHDRAWN ITEMS

There were no applications recommended for deferral, or withdrawn.

41. APPLICATION NO.221409 - NIGRA HOUSE, MULBERRY BUSINESS PARK, FISHPONDS ROAD, RG41 2GY

Proposal: Full planning application for the proposed demolition of Nigra House and the erection of 12 no. employment units (Use Classes E (g) (ii) and (iii) and B8) with new vehicular access and associated works including car parking, servicing and landscaping.

Applicant: Nigra Centre Ltd.

The Committee considered a report about this application, set out in agenda pages 15 to 48.

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

Stephen Conway was of the opinion that this was an entirely appropriate application which had received no objections. Stephen added that he was pleased to see that the recommendation of approval was subject to agreement of a legal agreement to secure an employment skills plan.

Rebecca Margetts sought clarification as to how many electric vehicle charging points were proposed to be provided on site, and queried whether there was any way to encourage additional provision of electric vehicle charging points. Kamran Akhter, Principal Highways Development Management Officer, stated that the revised technical note submitted by the applicant set out that 6 active and 6 passive electric vehicle charging points would be installed. Mark Croucher, case officer, noted that Wokingham Borough Council's (WBC's) current policy was not strong enough to obligate applicants to secure more than what was proposed.

Wayne Smith commented that only a ten-percent reduction in carbon emissions was proposed as part of this application. Wayne asked that the Planning Team consider provision of supplementary guidance on this matter should the Local Plan Update be delayed, which would encourage applicants to achieve higher carbon reduction savings and energy efficiency standards.

RESOLVED That application number 221409 be approved, subject to conditions and informatives as set out in agenda pages 16 to 23, and subject to legal agreement.

42. APPLICATION NO.221788 - SWALLOWBROOK, JULKES LANE

Proposal: Full application for the proposed alterations to land levels to form orchard with raised vegetable beds.

Applicant: Charles Vickery.

The Committee considered a report about this application, set out in agenda pages 49 to 72.

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

- Confirmation that the Environment Agency had raised no objection to the application subject to proposed conditions and informatives;
- Additional condition 4 as requested by the Environment Agency;
- Confirmation that a Construction Environment Management Plan was subject to condition 3 to ensure any impacts upon species is mitigated during the construction phase;
- Additional comments from local residents and associated officer response;
- Reference to an email received from the applicant with reference to digging on site occurring in order to satisfy building regulations in relation to the retaining wall, and the soil would be going back once the work was complete.

Liz Connolly, resident, spoke in objection to the application. Liz stated that she spoke on behalf of the eight neighbours who had objected to this application. Liz added that in her opinion approval of this application would mean a substantial increase in flood risk, a change in the historical topography, whilst negatively impacting sewage and water drainage. A very gentle slope towards the Barkham brook had existed within the paddock prior to excavation of materials, and not a steep gradient as referenced within the report. Liz was of the opinion that the impermeable clay-based material was unsuitable to be used for planting without the inclusion of additional topsoil. Liz stated that sewage pipes ran along the paddock and served three neighbouring properties, and Liz felt that the pipes may have already been damaged given the weight of the material and the use of heavy machinery. Liz added that there were covenants in place allowing access for maintenance which the plans had not considered. Liz was of the opinion that the heritage report for the new building application appeared to be ignored, which stated that the Carter's Hill house was the dominant status dwelling and building which sat proud of the flood plain on a bank above the flood plain. Liz referenced very substantial flooding in recent times which had required emergency evacuation of their horses and severely impacted their business, and was completely at odds with Wokingham Borough Council's (WBC's) strategic flood assessment report which stated no historical flooding along the Barkham Brook according to Environment Agency records. Liz stated that two properties had also been flooded, and questioned why the report assumes a 1 in 100 year flood risk when she and her neighbours had provided evidence of serious flooding having occurred at least 4 times in the past 25 years. Liz stated that a landfill site upstream of the applicant's site had increased flood levels significantly, whilst a Category A dam just half a mile to the east of the site could present catastrophic floods. Liz concluded by stating that global warming would only add to the increased flood risk faced by this area, and for those who lived there.

Katie Vickery, applicant, spoke in support of the application. Katie stated that their whole approach to the land was one of sustainability, and creating a house and gardens which recognised the environmental challenges of the future. Katie added that they were keen to support the existing biodiversity, and a 30m native hedgerow had already been planted along the edge of the paddock. The plan was to plant a mixture of fruit trees, wildflower seeds and vegetables on the site, whilst a more level site would enable things such as ladders to assist with fruit picking. Advice had been sought from both a landscape gardener and the Chair of the RHS soft fruit Committee, and their comments had been incorporated into the proposals. A report had been submitted from a flooding and drainage expert, which had been compiled using localised data from the Environment Agency. The report showed that the site fell outside of the area which was at risk of fluvial flooding, whilst the levelling of the site would not affect the flood plain or the manner in which Barkham Brook flooded. With regards to pluvial flooding, the report noted that there were no impermeable surfaces on the site, and the shallower gradient of the terraces compared to the natural slope and the planting of trees would encourage a greater proportion of rainfall to infiltrate the ground rather than running off. Katie added that the report concluded that the overall run-off rates into the Barkham Brook were proposed to reduce as a result of the proposed development. Katie noted that there were no objections from the built heritage officer, and all neighbouring properties had levelled their land to some extent, whilst the garden of Carter's Hill House had created a levelled area to create a manmade terrace, which featured a manmade slope.

Gary Cowan, Ward Member, spoke in objection to the application. Gary stated that the planning document contained an excellent report covering the failures of Bearwood Lake dam, located 750m away, which the planning report failed to make reference to. The report

outlined that the dam fed into Barkham Brook, whilst the planning document mentioned no reference of historic flooding in the area despite numerous photographic examples from residents. Gary added that new sluices had doubled in size to protect the dam, which led directly into Barkham Brook, which doubled the capacity that would flow from the dam where there was an issue. Gary was not convinced that the proposals were compliant with chapter 14 of the NPPF, whilst the recent comments from the Environment Agency with respect to the impact of minimum changes in land levels needed to be noted. Gary stated that the material used would be predominantly clay-based, which was non-porous, whilst Gary felt that the land could be used as it stood for an orchard given Gary's opinion that it was not sufficiently steep. Gary stated that the impact of these works needed to be factored into development downstream in Barkham Brook, which it had not. Gary felt that if the land remained as was there would be no change to flood risk, whilst the planting of an orchard would be beneficial in flood risk terms on the current land levels. Gary was of the opinion that a condition that prevented level changes would be the best solution for Carter's Hill House.

Chris Bowring stated that the Committee needed to be mindful to only consider the red line application site. Chris added that the soil to be used was permeable, already existed on the site, and therefore in his opinion could not exacerbate flooding issues. Chris felt that the planting of trees would likely help to slow the flow of surface water. Brian Conlon, Operational Lead – Development Management, confirmed that the soil to be used would be taken from another area of the application site and would be secured via landscaping conditions.

Andrew Mickleburgh sought clarity that only the area within the red line boundary could be considered, and sought additional details regarding photos shown which demonstrated substantial flooding and the context of the 1 in 100 years flood assessment. Brian Conlon stated that this application was essentially looking at an engineering operation which was situated in flood zone 2. Brian added that planting and raised beds did not regularly require planning permission. Brian stated that the pictures shown demonstrated the type of flooding that could occur in a 1 in 100 year flood zone, which meant that in any one year there was a one-percent chance of flooding. The effect of climate change would also mean that flooding could occur more regularly, or be more severe when it occurred.

Boniface Ngu, Principal Flood Risk & Drainage Engineer, stated that the development was situated within flood zone 2, and the area had been assessed as having a 1 in 100-year flood chance, with a fourteen percent allowance for climate change as approved by the Environment Agency. The river Loddon and its tributaries had a 1 in 100-year flood chance. The effect of levelling land would improve pluvial flooding as it would take water additional time to travel, whilst trees would help store additional water. Boniface felt that the overall plan of levelling off the land with soil that was present on site and providing additional planting would improve the overall flooding situation.

Stephen Conway stated that he had sympathy for local residents and the local Ward Member, however unless the Committee had compelling evidence which could counter that of professional experts then they would be compelled to approve the application. Stephen noted that officers had presented the case that the application could in fact improve the flooding situation. Stephen felt that the relationship between the application and the Grade 2 listed building was sustainable.

David Cornish queried whether any damage done to the byway as a result of the construction phase of this application. Brian Conlon stated that any damage would be

dealt with as a civil matter, whilst a construction and environmental management plan would require additional details.

RESOLVED That application number 221788 be approved, subject to conditions and informatives as set out in agenda pages 50 to 51, and additional condition 4 as set out within the Supplementary Planning Agenda.

43. APPLICATION NO.222321 - 52 MANNOCK WAY, WOODLEY, RG5 4XW

Proposal: Full application for the proposed erection of a single storey front extension, single storey rear extension, two storey side extension, and change of use of amenity land to residential.

Applicant: Mr J Southwell.

The Committee considered a report about this application, set out in agenda pages 73 to 88.

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

- Clarification that whilst the applicant did not own the adjoining land, the applicant had duly met the requirements of Certificate B of the planning application form in serving the requisite notices;
- An update that the land was classified as ancient woodland, and whilst the land to which this application related was indicated to be amenity land within the original approval for the wider site, through the passage of time this use was no longer reflected in reality as there was restricted public access and regrowth of the adjoining woodland over this area.

Keith Baker, Woodley Town Council, spoke in support of the application. Keith stated that the comment from the Woodland Trust should not be considered as it referred to the previous application. Keith felt that it was very likely that this application would have been recommended for approval if the issue of ancient woodland was not present. Keith added that the information contained within the Supplementary Planning Agenda referred to the land being designated as amenity land, and if correct then in his opinion the strict rules relating to a buffer zone would not apply, however he had not been able to research this further as the Supplementary Planning Agenda had only been published the previous evening, whilst the numerical references contained within the paperwork were not valid for the current planning system. Keith was of the opinion that any change from amenity land to ancient woodland buffer zone should likely have required a formal redesignation.

Joseph Southwell, applicant, spoke in support of the application. Joseph stated his family had owned 52 Mannock Way for just over two years, and they had put in a planning application in April 2022. Wokingham Borough Council (WBC) required a very recent bat survey and an agricultural survey, which was carried out in early June which showed no negative impacts on either bats or trees. The Chartered arboriculturist's report summarised that the root protection area plan showed that there would be no impact to the woodland as a result of the development, whilst the development would result in no loss of woodland whilst having no impact on the woodland itself.

Alison Swaddle, Ward Member, spoke in support of the application. Alison stated that the arboriculture survey identified the area of woodland as having a root protection area plan

which would not be immediately affected by the proposed development. The proposed development was not anticipated to have any impact on ancient woodland, ancient or veteran trees, nor was it anticipated to result in the loss or deterioration of the ancient woodland. Alison stated that she therefore fully supported the proposal, and hoped that the Committee would come to the same conclusion.

Stephen Conway stated that he fully understood why Ward Members were supporting this application, and why the application would want this application to be approved. Stephen stated that the Committee were bound to decision making via local and national framework, and the specific matter of ancient woodland had very few exceptions. Stephen stated that clear exceptions with regards to this specific application needed to be presented as to why it might be appropriate for the development to go ahead, else the Committee would be bound by policy requirements.

Andrew Mickleburgh stated that officers considered the proposed extension in terms of mass and scale acceptable and not detrimental within a countryside setting. Andrew added that the overarching issue was the impact that this proposal would have on the adjoining ancient woodland and its buffer zone. Andrew queried what the buffer zone was currently measured at and what it could be reduced to as part of this application, queried whether buffer zones had a special legal status, and sought detail with regards to TPO38-1971 and any potential impacts on this TPO. Brigitte Crafer, Landscape Architect, stated that the TPO was an area border and not a single tree, and the ancient woodland did not follow the line of the ancient woodland consistently, with the ancient woodland extending closer to the application site boundary than the TPO.

Rachelle Shepherd-DuBey queried whether there were any alternative areas of the applicant's property where development would be permitted if the root protection area was not impacted. Brian Conlon, Operational Lead – Development Management, stated that the application was recommended for refusal based on infringement of ancient woodland and lack of arboriculture detail.

Chris Hannington, Trees and Landscape Manager, stated that the buffer zone for the ancient woodland was set at 15m which was in accordance with the minimum standard set by the Government. The list of exceptions for to allow development within these buffer zones included items such as major infrastructure projects. The root extension of trees was measured at twelve times the diameter of a tree measured at 1.5m, and mature trees likely had roots which extended far beyond this.

Wayne Smith queried if the Woodland Trust had specifically commented on this application. Baldeep Pulahi, case officer, confirmed that they had commented on the previous application.

Wayne Smith queried whether if the applicant provided additional details with regards to trees from a tree expert, would that have altered the officer recommendation of refusal. Brian Conlon stated that as there was an in-principle reason for refusal, infringement of ancient woodland buffer zone, additional information in relation to trees would not have changed the officer recommendation to refuse planning permission.

Brigitte Crafer confirmed that the entirety of the proposed extension would be within the ancient woodland buffer zone, and the proposed extension would be 8.7m away from the ancient woodland.

RESOLVED That application number 222321 be refused due to incursion into an ancient woodland, insufficient submission of tree information, and loss of an irreplaceable habitat.

44. APPLICATION NO.222304 - LAND ADJACENT TO LANE END HOUSE, SHINFIELD ROAD, SHINFIELD

Proposal: Full application for the proposed erection of 6no. dwellings, with associated landscaping and access.

Applicant: Mr R Mellett.

The Committee considered a report about this application, set out in agenda pages 89 to 120.

The Committee were advised that the Supplementary Planning Agenda included amendments to conditions 2, 15, and 16.

Pierre Dowsett, on behalf of the applicant, spoke in support of the application. Pierre stated that this application represented a resubmission of an application currently at appeal, whilst the material considerations surrounding the weight of planning considerations no longer had the same weight of determination. Pierre stated that the development was located within a sustainable location, whilst 2 units would be provided as on-site affordable housing, with electric vehicle charging points supplied at each unit. Pierre praised officers for their quick action in considering the new planning balance, and Pierre asked that the Committee support the officer recommendation of approval.

Jim Frewin, Ward Member, spoke in objection to the application. Jim stated that he had been asked by Shinfield Parish Council to call-in this application, who were unhappy with the planning approach taken by the Council. Jim felt that this was the fourth application for this site, and was an example of how developers repeatedly submitted application with the knowledge that WBC would eventually approve it. Jim stated that Parish Councillors were questioning the point of a neighbourhood plan if the policies therein were ignored by WBC. Jim added that the planning application did not comply with the parking standards policy 5 of the neighbourhood plan, nor did it meet the drainage policy 8 or the tree retention policy 6. Jim stated that the site was actually within the countryside, and there were significant concerns with regards to construction traffic and access. Jim stated that there was not a lot of open green space in Shinfield, and Shinfield had already delivered a number of houses towards WBC's housing stock. Jim asked that officers work to ensure that applications complied with locally adopted neighbourhood plans, and added that Shinfield Parish Council requested that officers to find ways for the application to comply with the policies within the neighbourhood plan.

David Cornish sought clarification from officers with regards to some of the concerns raised by Jim Frewin. Brian Conlon, Operational Lead – Development Management, stated that the Shinfield Neighbourhood Plan was considered within the standard policy hierarchy, whereby local policy such as this plan would be the starting point for considerations. Part of the NPPF had been engaged as the Borough could no longer demonstrate a five-year housing land supply, which meant that the local planning authority now had to consider whether this application would have such adverse impacts which would outweigh any benefits. The officer's detailed assessment of the proposal concluded that the less than desirable impacts of this development were not considered to significantly outweigh the benefits of the scheme. Brian added that the Local Plan remained valid and was used as a starting point for planning considerations.

David Cornish queried that whether as the Shinfield Neighbourhood Plan was a more recent document than the Local Plan, would this counteract the Local Plan. Brian Conlon stated that the neighbourhood plan was a material consideration, and national policy took precedent where local policy, for example aspects of the local plan, were out of date.

Stephen Conway stated that whilst this application conflicted with aspects of Wokingham Borough Council's planning policy, planning applications were having to be assessed with a tilted balance which required the adverse impacts of planning applications to considerably outweigh the proposed should an application be refused. Stephen added that this was because WBC could no longer demonstrate a five-year housing land supply. Stephen added that the NPPF was also clear that there was an assumption in favour of development within the countryside where the development was demonstrated to be sustainable.

Wayne Smith queried whether this site was located within the SDL. Adrianna Gonzalez, case officer, confirmed that the site was located within the SDL.

Wayne Smith stated that Shinfield was the first area of the Borough to adopt a neighbourhood plan, and the Planning Inspector had gone against the wishes of Shinfield residents on two planning applications. Wayne added that homes were being delivered too quickly within the Borough which now meant that we could no longer demonstrate a five-year housing land supply. Wayne stated that he had raised the issue of over delivery with local Members of Parliament.

Andrew Mickleburgh stated that he had sympathy for the situation faced by Shinfield residents, and noted that this application did not meet three policies within the Shinfield Neighbourhood Plan. Andrew noted that the context of consideration of this planning application had now changed due to the absence of a five-year housing land supply. Andrew stated that this application could not only be refused if the negatives were unequivocally proven to outweigh the benefits. Andrew stated that some improvements to the scheme had been made compared to refused application in 2017, for example tree protection. Andrew queried whether all or some of the site was considered as previously developed land. Adriana Gonzalez confirmed that the specific area in question had never been considered as previously developed land.

David Cornish was of the opinion that the applicant could have done more with this application to try and win over the local community.

It was noted that the Shinfield Neighbourhood Plan was referenced within paragraph 7 of the officer report, and within the list of documents used to assess the application.

Al Neal queried whether Shinfield Parish Council owned the land required for access, and queried whether they could in theory block access. Adriana Gonzalez stated that Shinfield Parish Council had not mentioned the specific area of land, and highways officers had raised no objections to the application.

Wayne Smith queried how the properties were proposed to be heated. Brian Conlon stated that any new dwelling would require the most up to date standards in terms of energy efficiency which were separate to local requirements. Brian added that if developments met the national standards of a ten-percent reduction in carbon emissions, then officers could not justify a condition requiring additional measures.

RESOLVED That application number 222304 be approved, subject to conditions and informatives as set out in agenda pages 106 to 112, and amendments to conditions 2, 15, and 16 as set out within the Supplementary Planning Agenda.

45. APPLICATION NO.222001 - LAND EAST OF GORSE RIDE SOUTH, SOUTH OF WHITTLE CLOSE AND TO THE NORTH AND SOUTH OF BILLING AVENUE, FINCHAMPSTEAD, RG40 9JF

Stephen Conway declared a prejudicial interest in this item, and left the room after speaking during the public speakers section as a supporter, and as such did not take part in the discussion or vote.

Proposal: Application to vary conditions 2 (approved plans), 24 (affordable housing), 28 (landscape management) and 35 (planning obligations) of planning consent 202133 (full planning application for the proposed redevelopment of the existing Gorse Ride South Estate, comprising demolition of existing buildings and replacement with 249 no. dwellings (mixed-tenure flats and houses) together with associated access, parking, landscaping, public open space and drainage). The application seeks to introduce variation to the design of the approved scheme.

Applicant: Wokingham Borough Council (WBC).

The Committee considered a report about this application, set out in agenda pages 121 to 158.

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

Stephen Conway, on behalf of the applicant, spoke in support of the application. Stephen stated that the application was before the Committee to amend some of the agreed conditions, including those related to design and layout of some of the car parking bays. Stephen stated that the Gorse Ride project was a flagship project for WBC, started by Stephen's predecessor but very much supported by himself. Stephen noted that there was a shortage of truly affordable housing within the Borough, with many residents priced out of living in the Borough.

David Cornish queried the reason for the change in roof design. Joanna Carter, case officer, confirmed that the design of the roof had changed due to concern of leaves falling from mature trees into the gulley between the roofs.

Andrew Mickleburgh queried whether the replacement to the energy block would be as equally environmentally friendly, and queried whether there was any possibility to allow some additional disabled bays to be unallocated if the current proposal of 5 allocated spaces was deemed insufficient. Joanna Carter stated that following the phasing strategy, it was realised that some properties at the edge of the site would not be in a position to be provided with sufficient energy. As such, it was now proposed to provide externally located substations, with their location and appearance to be agreed via conditions. Kamran Akhter, Highways Development Manager, stated that there was an overprovision of parking spaces proposed, and the disabled parking would be managed by a parking management plan.

Wayne Smith queried whether power would be delivered via gas or electricity. Joanna Carter confirmed that the applicant had moved from gas to electricity.

RESOLVED That application number 222001 be approved, subject to conditions and informatives as set out within agenda pages 133 to 147.