

**MINUTES OF A MEETING OF THE
PLANNING COMMITTEE
HELD ON 12 APRIL 2023 FROM 7.00 PM TO 9.05 PM**

Committee Members Present

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

Councillors Present and Speaking

Councillors: Sarah Kerr

Officers Present

Emma Jane Brewerton, Legal Services
Brian Conlon, Operational Lead – Development Management
Madeleine Shopland, Democratic and Electoral Services Specialist
Gordon Adam, Highways

Case Officers Present

Mark Croucher
Andrew Fletcher
Stefan Fludger
Senjuti Manna

98. APOLOGIES

An apology for absence was submitted from John Kaiser.

99. MINUTES OF PREVIOUS MEETING

The Minutes of the meeting of the Committee held on 8 March 2023 were confirmed as a correct record and signed by the Chair.

100. DECLARATION OF INTEREST

David Cornish declared a Personal Interest in Item 108 Application 211335 Land Adjoining Lynfield House, White House Lane, on the grounds that he had previously listed the application as Ward Member for Finchampstead South on the grounds of potential conflict with the emerging Finchampstead Neighbourhood Development Plan. Following conversations with Officers he had withdrawn the listing. He would view the application with an open mind and consider it on its merits.

Rebecca Margetts declared a Personal Interest in Item 108 Application 211335 Land Adjoining Lynfield House, White House Lane, on the grounds that she had listed the application as Ward Member for Finchampstead South. She would view the application with an open mind and consider it on its merits.

In addition, her son had received cricket coaching in the past from Phil West who would run the cricket net.

101. APPLICATIONS TO BE DEFERRED AND WITHDRAWN ITEMS

There were no applications to be deferred or withdrawn.

102. SHINFIELD FOOTPATH 14 DIVERSION - MARTYN CRESCENT, SHINFIELD, RG2 9WF

Proposal: Application for the extinguish part of Shinfield Footpath 14 under Section 118 Highways Act 1980 and to divert part of Shinfield Footpath 14 under Section 119 Highways Act 1980.

The Committee considered a report about this application, set out in agenda pages 21 to 26.

Andrew Mickleburgh commented that Footpath 14 was no longer needed for public use as alternatives of a similar length were available within the estate. He questioned the inclusion in the information of a letter referring to the creation of a bridleway link from Footpath 14. Andrew Fletcher explained that the letter was from the British Horse Society who whilst not objecting to the application had asked other paths to be upgraded, and had been included for transparency. The offering of other paths did not fall within the legal tests of whether or not to make a diversion.

Alistair Neal commented that pedestrians would no longer have a priority route as they would be walking along a carriageway. Andrew Fletcher indicated that the existing path was an offroad pedestrian route, through a natural surface path. The proposal was an adopted carriageway with surfaced footways running alongside which would be for pedestrian use only. Alistair Neal went on to ask whether the route would have the same status as the footpath. Andrew Fletcher stated that under the Section 38 agreement that the Council had undertaken with the developer, there was a dedication of rights as a carriageway.

In response to a comment from David Cornish regarding the promotion of cycling, Andrew Fletcher stated that in terms of diversions, the Council actively worked with developers to achieve upgrades to paths, particularly those identified in the Rights of Way Improvement Plan. With regards to the specific site, the agreement for the outline planning permission for the site was much earlier. It was not possible for the extinguishment to be conditional on an upgrade for bridleway rights for other paths unaffected by the proposed order.

Stephen Conway stated that the extinguishment order was practical.

In response to a question from Rachelle Shepherd-Dubey regarding provision for cyclists, Andrew Fletcher indicated that there was not specific provision for cyclists as part of the proposal. The existing footpath did not have specific cycle rights.

Stephen Conway proposed that the diversion order and extinguishment order be approved in line with the officer recommendation. This was seconded by Wayne Smith.

RESOLVED: That the making of the diversion order and extinguishment order be approved.

103. SHINFIELD FOOTPATH 11/12 DIVERSION - SHINFIELD WEST LOCAL CENTRE

Proposal: Application for the diversion of part of Shinfield Footpath 11 & Shinfield Footpath 12 under Section 257 Town and Country Planning Act 1990.

The Committee considered a report about this application, set out in agenda pages 27 to 34.

Stephen Conway proposed that the diversion order be approved in line with the officer recommendation. This was seconded by Wayne Smith.

RESOLVED: That

- 1) authorisation be given to the making of an order under s257 of the Town & Country Planning Act 1990 to divert part of Footpath 11 Shinfield and part of Footpath 12 Shinfield as shown in Appendix A to enable development to be carried out;
- 2) If no objections to the order were received or any such objections were withdrawn, that the order may be confirmed;
- 3) If objections were received and sustained, the order may be sent to the Secretary of State for confirmation.

104. APPLICATION 222513 "LAWRENCE CENTRE", OAKLANDS PARK, WOKINGHAM, RG41 2FE

Proposal: Full application for the proposed erection of 3no. general industrial units (Use Class B2) and associated changes to the existing parking spaces.

Applicant: Thomas Lawrence & Sons

The Committee considered a report about this application, set out in agenda pages 35 to 60.

It was noted that four Members had attended a site visit.

Julia Willoughby, resident, spoke in objection to the application. She lived at 89 Blagrove Drive. She commented that a report by Bowyer, a planning consultant, stated that properties impacted by the development were numbers 87, 91 and 93 Blagrove Drive. Julia Willoughby was of the view that 89 rather than 87 would be impacted. She disagreed that the proposal was unlikely to impact the stability of existing trees and shrubs and expressed concern regarding the possible impact on the stability two large conifers bordering the fence with her property. Julia Willoughby went on to state that her extension was approximately 25ft from the boundary. The proposal would be overbearing and minimise natural light to her property. She had invited officers to visit her property, but this offer had not yet been taken up.

Jane Hutchings, resident, spoke in objection to the applicant. She lived at 93 Blagrove Drive, and stated that whilst she appreciated the 1 metre boundary with her fence, and the reduction in the height of the wall nearest her house, issues remained outstanding. The wall would be overbearing, dominant and claustrophobic. The distance was less than 12 metres made up of 10.82 metres of the garden of 93 Blagrove Drive, and 1 metre of the boundary fence. Jane Hutchings stated that there had been a welcome divide between the residential and industrial areas for a number of years, in keeping with the area and density of the buildings. She was of the view that should the proposal be approved, it would open the floodgates for similar applications along the boundary, changing the character of the area. Jane Hutchings went on to state that there was no indication of what the Class B units would be used for, so the potential noise and smell impact was unknown. The houses along the boundary would experience a loss of light and a reduction in morning sun. A ray of light survey had been conducted without residents' knowledge or input. Finally, she expressed concern at a lack of consultation with residents.

David Hall, agent's representative, spoke in support of the application. The applicant had sought to strike a balance between providing further, smaller, commercial units on a site identified as being within a core employment area, whilst recognising and addressing the concerns of adjoining residents. David Hall stated that the plans had been amended to reduce the height of the proposed units and the applicant had accepted conditions relating to landscaping and noise, to further mitigate residents' concerns. With regards to daylight, a report prepared on the applicant's behalf, had concluded that the proposed development would not have any material impact on the adjoining residential properties, and would not result in any material loss of light. David Hall emphasised that acceptable separation distances would be maintained, and that there would not be unacceptable overbearing on neighbouring properties. Additionally, the proposed units would have dual pitched roofs which would slope away from the shared boundaries with the residential properties. He went on to highlight that no technical objections had been received to the application.

Sarah Kerr, Ward Member, spoke in objection to the application. She felt that there were material planning considerations which meant that the application could be refused. In the Council's Core Strategy, CP1 Sustainable Development, stated 'maintain the high quality of the environment.' CP3 General Principles of Development stated that development should be 'of an appropriate scale of activity, mass, layout, built form, height, materials and character of the area, together with the high quality of design without detriment to the amenities of adjoining land users, including open space, or occupiers and their quality of life.' Sarah Kerr was of the view that the application did not meet this. The area was classed as a core employment area abutting a residential area. She commented that business growth within a core employment area on a brownfield site made the principle of development acceptable, however she felt that the particular proposal was unacceptable. Sarah Kerr commented that there had been a lack of consultation with the residents. She felt that it would have a negative impact on residents and that the 1metre separation from the boundary was very little, and there would be some overbearing. The loss of light survey had not been carried out from the impacted properties. Finally, she highlighted that she had been asked to withdraw her listing of the application in light of the amendment made to the proposal, and the fact that fewer residents had commented on this amendment. She was of the view that the alteration had not fully addressed outstanding issues.

In response to a Member question regarding distances between the proposed development and the existing residential properties, Senjuti Manna, case officer, indicated that the distance from number 93 to the boundary was 16 metres, from number 91 it was 12.9 metres, and from number 89 it was 13.1 metres. David Cornish asked about a building to the north of number 93 and was informed that it was garages. Senjuti Manna confirmed that the measurement was taken from the houses and not the garages. Sarah Kerr commented that the extension of one of the properties was not shown on the mapping system and in reality, was closer than the distances given.

Rachelle Shepherd-DuBey asked the distance from the bigger building already present, to the residential properties, and was informed that it was 18 metres. She went on to ask about standard separation distances. Senjuti Manna commented that for one or two storey buildings, it was 12 metres.

Andrew Mickleburgh questioned whether the Borough Design Guide listed different separation distances for residential and commercial properties. Senjuti Manna indicated that it was a minimum of 12 metres for one or two storey buildings and buildings taller than

two storey had a different separation distance. Andrew Mickleburgh stated that the eaves were equivalent in height to 1.5 storey. Senjuti Manna clarified that one storey was the height of a typical bungalow and 1.5 storey, the height of a chalet bungalow. The properties in Blagrove Drive were two storey. With regards to residents' concerns about possible loss of light, Andrew Mickleburgh asked how the light survey had been carried out if the homes potentially effected had not been visited. Senjuti Manna stated that the light survey report submitted with the application was based more on if there was a loss of light, the level of compensation required, which was different to other material concerns in planning. The report had not been independently assessed. Officers had looked at the submitted plans and the orientation of the proposal in relation to the existing properties. It was anticipated that there would only be slight overshadowing in the early summer mornings of the bottom of the gardens, as opposed to the habitable rooms. A reduction of height and a 1 metre boundary had been negotiated with the applicant.

Stephen Conway indicated that he had been unable to attend the site visit. He commented that it was difficult to envisage the impact of a new construction on neighbouring properties. Whilst it was a core employment area, it was located next to residential properties. Stephen Conway questioned whether the buffer between the proposed site and the residential area, was sufficient. He was of the view that there may be negative, unacceptable impact on the nearby residential properties. The Borough Design Guide also highlighted the need to take bulk, mass and proximity into account. Stephen Conway questioned whether the plans took the extension in one of the neighbouring properties, into account, and whether a perspective should be sought from the residential properties, particularly number 93.

Rebecca Margetts commented that the proposed building would be very close to the boundary, and that the end of residents' gardens would be impacted. She expressed concern that the light survey had not been carried out from the residential properties.

Alistair Neal queried whether there were conditions regarding separation on the original planning application. Senjuti Manna indicated that she would need to check the planning history. She confirmed that the distance from the boundary to the extension of number 93 was currently 11.9 metres and would be 13.5 metres should a 1 metre boundary be added if the proposal was constructed.

Rachelle Shepherd-DuBey questioned if the extension in number 93 was habitable rooms, and if it was reasonable to expect potential changes if living by an industrial area. Senjuti Manna commented that as there was no conflict with the separation distances, it had not been checked whether the extension was habitable, but it was likely that it was.

Wayne Smith stated that the existing buildings were 7.5 metres, and that the height of the proposed buildings would be 6.2 metres. He questioned how the loss of light had been calculated, and was informed that because of the orientation, much of the time the shadows would fall from the residential properties onto the industrial buildings. Only in early summer would there be some shadowing of the bottom of the gardens, which was not considered sufficiently detrimental to warrant refusal.

Brian Conlon, Operational Lead – Development Management, explained that with regards to the distances within the Borough Design Guide, the prescriptive guidance around rear to side elevations was primarily concerned with maintaining privacy. There was not a privacy issue for this application. There were not windows in the side of the industrial buildings.

Therefore, less weight should be given to the prescriptive distances. Other factors such as the level of overshadowing were considered to be acceptable.

Stephen Conway proposed that application 222513 be refused on the grounds of overbearing and being detrimental to residents in amenity, and in particular number 93 Blagrove Drive. This was seconded by Rebecca Margetts.

RESOLVED: That application 222513 be refused on the grounds of overbearing and being detrimental to residents in amenity, and in particular number 93 Blagrove Drive.

105. APPLICATION 223613 PIGGOT SCHOOL, TWYFORD ROAD, WARGRAVE RG10 8DS

Proposal: Full application for the proposed new multi-use hall, erection of a extension to the existing science block and the retrofit/repurposing of existing dining hall into a new admin block, school entrance and drama hall. Landscaping and erection of 4no. netballs court to rear/side. (Commissioned by WBC).

Applicant: Wokingham Borough Council

The Committee considered a report about this application, set out in agenda pages 61 to 100.

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

- Correction regarding the number of netball courts.

Stephen Conway commented that the application was located within the Green Belt and ordinarily development would not be permitted. However, there were special circumstances which made the application acceptable, the necessary improvement for education facilities in the area.

Andrew Mickleburgh noted that no objections to the proposal had been received from the Ward Members, neighbours or the Parish Council.

Stephen Conway proposed that the application be approved in line with the officer recommendation. This was seconded by Wayne Smith.

RESOLVED: That application 223613 be approved subject to the conditions and informatives set out in pages 71 to 77.

106. APPLICATION 221843 REDDAM HOUSE SCHOOL

Proposal: Full application for the proposed erection of a sports hall and new pool building following demolition of existing ancillary buildings. Creation of new landscaped permeable parking area on the site of an existing car park.

Applicant: Mr Antonio Neto

The Committee considered a report about this application, set out in agenda pages 101 to 136.

Rebecca Margetts commented that the proposal represented an improvement on the existing facilities.

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

RESOLVED: That application 221846 be approved subject to conditions and informatives set out in pages 110 to 115 and the completion of S106 legal agreement to secure an Employment Skills Plan.

107. APPLICATION 222319 REDDAM HOUSE SCHOOL

Proposal: Application for listed building consent for the proposed erection of a sports hall and new pool building following demolition of existing ancillary buildings. Creation of new landscaped permeable parking area on the site of an existing car park.

Applicant: Mr Antonio Neto

The Committee considered a report about this application, set out in agenda pages 137 to 158.

Stephen Conway sought clarification on the relationship with the Grade 2 listed building. Stefan Fludger indicated that the whole building included the parts to be demolished, were listed by virtue of being attached to the old mansion, but that the old mansion ended at a specific point. Historic England and the Council's Conservation Officer had not objected to the application.

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

RESOLVED: That listed building consent be granted subject to the conditions and informatives set out on pages 143 to 144.

108. APPLICATION 211335 LAND ADJOINING LYNFIELD HOUSE, WHITE HORSE LANE, FINCHAMPSTEAD, BERKSHIRE, RG40 4LX

Proposal: Full application for the proposed change of use of a section of agricultural land to a recreational all-weather cricket track and wicket with mobile cricket cage, plus fencing, parking and associated works.

Applicant: Mr R Bishop

The Committee considered a report about this application, set out in agenda pages 159 to 178.

Nicola Greenwood, resident, spoke in objection to the application. She commented that the square at all the cricket grounds listed in the report, were placed 60 to 150 metres to the nearest road bordering reasonable straight roads or in cul de sac locations. She referred to Twyford in particular. Nicola Greenwood indicated that she had contacted the British Horse Society Director of Safety who had commented that without having visited the site and seen the layout and proximity of the proposed nets, it was in his opinion, misguided to comment on how horses may or may not react to the particular sound stimulus. He had disagreed that horses could become desensitised to the sound of a cricket ball hitting a bat. Only the degree that horses might react, differed. Nicola

Greenwood requested that any approval be conditional on additional horse rider signs being placed at 150 metres either side of the site, the cricket nets placed a minimum of 60 metres from the road, mirroring other similar sites in the Borough, or alternatively it be built as an indoor, sound proofed facility.

David Greenwood, resident, spoke in objection to the application. He stated that as the closest nearby neighbour he and his family were the most impacted by the application, and the noise that would be generated. The sound of a cricket ball hitting a bat had been likened to the sound of a rifle crack. David Greenwood went on to state that CP3 made clear that any development must be without detriment to the amenities of the adjoining land uses and occupiers. He commented that the type of facility proposed could be expected to be located by existing cricket facilities. However, the proposed location was very rural and would introduce an unacceptable level of noise.

Paddy Greenwood, resident, spoke in objection to the application. He emphasised that the NPPF stated that sustainable development must respect the character of the countryside, avoid, and mitigate adverse impacts on, and contribute to the improvement of health and quality of life. Section 15 indicated that new development should not contribute to unacceptable levels of noise pollution, must integrate effectively with existing business, and that existing businesses should not have unreasonable restrictions placed on them as a result of developments permitted after they were established. Paddy Greenwood went on to refer to CP1 and CP3 and Policy CC06.

Rebecca Margetts stated that the land adjoining Lynfield House, White Horse Lane was a very rural location, on a narrow winding lane. The lane was predominantly used by walkers, cyclists, and horse riders. Rebecca Margetts was of the view that the application to change the use of a section of agricultural land to an all weather cricket track, would potentially cause harm to the rural setting. She highlighted that there was no public transport to the site and the only access was via private car, which was not in line with the Climate Emergency Strategy. Whilst the net would be limited to five users, this would still represent significant increased traffic to the lane. The lane could be difficult to navigate due to its bends, and the site sat on a blind bend. Rebecca Margetts highlighted that the NPPF and CP11 of the Core Strategy supported recreational leisure use in the countryside. However, the application was for commercial use not local leisure pursuits. Sport England had been unable to support the application. The need for such a facility had not been proved and there were other facilities locally such as in Finchampstead and Eversley. Whilst the application promoted usage for school age children the proposed opening hours were 9am-5pm when children were at school during the week. Finally, Rebecca Margetts referred to the number of objections from residents and the Parish Council. She suggested that the Committee may wish to undertake a site visit to better understand the rural location and the potential impact on residents and the surrounding environment.

David Cornish commented that his original concerns had centred around development in the countryside. However, he had been advised of other examples of rural development. He stated that until 2018 the area had been agricultural land, and then permission had been given for a farm worker's cottage. Permission was now being sought for business activities. David Cornish stated that whilst he applauded the provision of facilities for young people, Finchampstead Memorial Park was already located very nearby.

Andrew Mickleburgh stated that the application was before the Committee for redetermination after the original approval had been quashed following a Judicial Review.

He queried whether any new information in addition to the report from an Equine Behavioural Specialist and letters from the owners from Wheatlands Farm, had been received since the original application. Mark Croucher, case officer, stated that there had been third party representations, which the Committee were aware of. Andrew Mickleburgh sought clarification on the reasons for the quashing of the original application following the Judicial Review, and whether this included the impact of noise on all horses and riders in the vicinity, including users of White Horse Lane, and not purely on Wheatlands Farm. Mark Croucher explained that the consent order stated that the Council had failed to ensure that it had sufficient expertise to address the objection to the proposed development that the sudden surprising noise of a ball striking a cricket bat, would spook horses being recreationally ridden down White Horse Lane. It had considered that the report was inadequate in addressing this issue. The Equine Behaviour Specialist report took into account those horses using the wider area of White Horse Lane.

Andrew Mickleburgh noted that Sport England had not been able to support the application as there was no proven need for the facilities. He queried how much weight should be given to Sport England's submission and whether evidence would be required that a sequential test had been applied, should a need be identified. Mark Croucher advised that weight should be given to the comments, but they needed to be considered in context. Sport England had been unable to support the application, mainly because they did not have the information that the proposal was English Cricket Board compliant, or information from the County Cricket Board regarding need. However, the policy requirement referred to leisure usage in the countryside rather than the level of need. Andrew Mickleburgh questioned the relationship between Lyndfield House and the nets, and whether users of the nets would have access to toilet facilities and storage. Mark Croucher indicated that the nets were separate to Lyndfield House, and users would not have access to the property.

In response to a Member question regarding the Finchampstead Neighbourhood Development Plan and whether maintaining a separation gap between a developed area could be a material planning consideration, Mark Croucher stated that only limited weight could be given to the Finchampstead Neighbourhood Development Plan. It was currently at independent assessment. The area of separation was to the north of the site and did not specifically cover the plot.

Alistair Neal questioned whether enforcement action was being taken regarding the enclosure of agricultural land. Mark Croucher explained that it was dependent on the outcome of the application. If refused, the enforcement process could be undertaken. Alistair Neal went on to state that the site was in a prominent location in the countryside and questioned how CP11 could be considered to support the application. Mark Croucher commented that it was considered to promote the recreation enjoyment of the countryside. In terms of visual impact, the Council's Landscape Officer had not felt that excessive expansion or encroachment would be caused..

Wayne Smith sought clarification about the boundary.

Rachelle Shepherd-DuBey asked about the possible impact of the noise of agricultural machinery and dirt bikes in the surrounding area, on horses. Mark Croucher commented that some agricultural processes could make noise. The road itself as opposed to the bridleway had been focused on, and some vehicles were louder than others. It was clarified that the bridleway was secured at both end and would be difficult to access on a dirt bike.

In response to a Member question regarding the determination of the application, Mark Croucher indicated that the Committee was required to consider the application afresh.

Stephen Conway questioned available parking and was informed that three spaces had been identified. Highways had considered this to be sufficient as it would be small scale usage. Stephen Conway questioned which direction the nets would be facing, and if there was any possibility of cricket balls being hit into the road. He was informed that the nets would be mobile and could be directed either way. The separation distance and level of vegetation provided some mitigation.

David Cornish clarified that the site was within the area of important separation identified in the Finchampstead Neighbourhood Development Plan. He added that whilst Highways had not identified issues with car parking, they had recommended refusal due to the accessibility of the site.

Stephen Conway proposed that the application 211335 be deferred to enable a site visit. This was seconded by Wayne Smith.

RESOLVED: That application 211335 be deferred to enable a site visit.

Stephen Conway thanked John Kaiser for his service to the Committee over a number of years. He was a valued member of the Committee and had a lot of planning knowledge. Stephen Conway went on to thank the officers who had supported the Committee over the year. Rachelle Shepherd-DuBey thanked Members for their work over the year.