

## **SUPPLEMENTARY UPDATE AGENDA Planning Committee – 14 June 2023**

### **Planning Applications**

**Agenda Item: 7**

**Site Address: Crockers, Rushey Way, Earley**

**Application number: 221797**

**Pages: 15-59**

#### *Trees and Landscape Retention*

Clarity is provided to Members in relation to existing Trees and Landscape features on site, in that Landscape is a reserved matter and will be considered and scrutinized by Officers (and Members should they wish to list the application for Planning Committee) within a later submission. Outline condition 10 secures Trees and Landscape retention unless otherwise approved, and should these species be lost, suitable compensation is to be provided. Further, TPO listed trees are subject to separate legislation outside of the formal planning process. Members are advised that this is an enforceable condition, and finer details of landscaping will be considered within the following Reserved Matters submission by the professional judgement of WBC's Trees and Landscape Officer which will inform an acceptable landscape strategy which will be considered on balance.

#### *Reserved Matters*

Following discussion with Members during the Committee site visit and later within the Chairman's briefing, Officers were requested to provide clarity in relation to the nature of the objections received to date. The matters of objection highlighted within the June Committee Officer report and within May's supplementary agenda largely relate to matters for which are reserved for future consideration at Reserved Matters stage.

**Agenda Item: 8**

**Site Address: Riverside Park, Woosehill**

**Application number: 203617**

**Pages: 61-361**

No updates.

**Agenda Item: 9**

**Site Address: Library Parade, Crockhamwell Road, Woodley, Wokingham, RG5 3LX**

**Application No: 230743**

**Pages: 363 - 391**

Corrections to Officer report

Paragraph 40 on page 374 of the main report refers to the accessible units (units 2 and 3) being located on the ground floor. This should read to say they are located on the first and second floors.

Clarification to Officer report

Within the 'Description of Development' on page 368 of the main report it refers to the "*Provision of 10 car parking spaces including 2 disabled spaces and six EV charging points, 17 cycle stands (with 4 retained for the retail stores)*". However, members should note that all of the 10 car parking spaces are intended to have facilities for electric vehicle charging. In addition, whilst there are 17 cycle stands for the residents of the 14 proposed flats, there are 4 additional cycle stands for the retail stores, so 21 cycle stands would be on site in total.

**Agenda Item: 10**

**Site Address: Oak Apples, Oaklands Lane, Crowthorne, RG45 6JX**

**Application No: 230283**

**Pages: 411 - 444**

Ecology

Final comments have been received from the Council's Ecology Officer who has raised no objection to the scheme subject to conditions. Their response is summarised and partly included below:

- No objection to the revised layout and the increase in number of dwellings proposed.
- The previous consent (220358) included a boundary treatment condition that sought details of ecological permeability measures (hedgehog highways). This detail has not been included within the submitted plans, to ensure consistency between the approved details the same condition is recommended. **(This is already included as Condition 5 in Appendix 1 of the Committee Report).**
- The previous consent also included a condition that sought details on external lighting and how this will not adversely impact on wildlife. As these details have not been submitted at this stage the same condition is recommended.
- Detail of species specific ecological enhancements are provided within the submitted Landscape and Ecological Management Plan (LEMP). These are appropriate and proportionate to the scale of the scheme. Both the submitted LEMP and Construction Environmental Management Plan (CEMP) are sufficient to detail the mitigation and compensation measures required on-site to make the scheme compliant with policies CP7 and TB23. Therefore

recommends that the implementation of these management plans is secured by condition.

- Biodiversity Net Gain:

*A revised biodiversity net gain assessment has been undertaken and is reported in an Ecology Note (ACD Environmental, 23 January 2023). I am not convinced that the revised scheme does demonstrate a greater post-development scenario unit gain compared to the previous assessment by Tyler Grange. The explanation of the upgrade to the post-development scenario is poorly explained and justified.*

*Regardless of this, the Ecology Note admits that the calculation does not satisfy the trading rules of the calculator – there is a trading down and the creation of post-development units in a lower quality habitat type to replace a higher quality habitat type. This shortfall is identified by ACD Environmental as 0.4 habitat area units within the Ecology Note.*

*ACD Environmental consider that the percentage gains in hedgerow units more than outweigh the shortfall from breaking the trading rules. This would effectively require trading between the hedgerow and habitat area categories which is another trading rule violation. In this instance two wrongs do not make a right. It is not appropriate for the local planning authority to accept this argument. There remains a 0.4 habitat unit shortfall on-site for the moderate quality habitat being lost.*

*If this application needs to rely on providing a 10% biodiversity net gain as a benefit of the scheme to make it acceptable on balance, I recommend that the local planning authority seek the same delivery mechanism of off-site habitat units to be secured as for the existing approval. The heads of terms for the planning obligation need to recognise that the shortfall on site is now 0.4 habitat units and so a pro-rata amount should be secured against this revised shortfall.*

In short, subject to the proposed on-site biodiversity mitigation and enhancement measures being secured by conditions, and a planning obligation under a S106 agreement to secure the required off-site biodiversity net gain, the Local Planning Authority can be confident that the proposed development would achieve an overall biodiversity net gain.

In line with the Ecology Officer's comments, the following conditions are added to the recommendation:

20. Lighting details – *Prior to the first occupation of the development hereby permitted, a report detailing the lighting scheme and how this will not adversely impact upon wildlife shall be submitted to and approved in writing by the local planning authority. The strategy shall:*

- a) *Identify those areas/features on site that are particularly sensitive for protected species and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and*

- b) *show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.*

*All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.*

*Reason: To limit the impact of light pollution from artificial light on nature conservation. Relevant policies: NPPF Section 15 (Conserving and enhancing the natural environment), Core Strategy policy CP7 and Managing Development Delivery Local Plan policy TB23.*

*21. On-site biodiversity mitigation and enhancement measures – No development or other operations shall take place except in complete accordance with the measures set out in sections 5, 6 and 7 of the Landscape and Ecological Management Plan (LEMP) (ACD Environmental, 23/01/23) and sections 5, 6 and 7 of the Construction Environmental Management Plan: Ecology (CEMP) (ACD Environmental, 23/01/23) unless otherwise agreed in writing by the local planning authority.*

*Reason: To ensure that protected and priority species (as per the NPPF) are not adversely affected by the proposals. Relevant policies: NPPF Section 15 (Conserving and enhancing the natural environment), Core Strategy policy CP7 and Managing Development Delivery Local Plan policy TB23.*

Additionally, the following head of terms for the s106 agreement has been added:

### **Biodiversity Off-Site Net Gain Contribution**

#### Amendment to Informative 1 (page 434 of the Committee Report)

The first informative included in Appendix 1 of the Committee Report mistakenly refers to a previous s106 agreement in relation the extant permission for the site. To clarify, the recommended informative will read as follows, with the correct date included once the agreement has been signed:

1. **Section 106 agreement** – This permission should be read in conjunction with the legal agreement under section 106 of the Town and Country Planning Act dated XXXX relating to legal obligations concerning mitigation for the Thames Basin Heaths SPA, off-site biodiversity net gain, affordable housing contributions, management of the private road and management of the woodland all of which relate to this development.

## **Pre-emptive site visits**

None

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## **Non-Householder Appeal Decisions**

Non-Householder Appeal Decisions will be reported quarterly prior to the following meetings as part of the Supplementary Planning Agenda:

- April 2023
- July 2023
- October 2023

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