



Ministry of Housing,
Communities &
Local Government

Mr Jack McLean
1 Victoria Street
Redcliffe
Bristol
BS1 6AA

Our ref: APP/X0360/V/24/3339712
Your ref: 230099

27 October 2025

Dear Jack McLean

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77
APPLICATION MADE BY ALDI STORES LIMITED
LAND TO THE SOUTH OF GAZELLE CLOSE, WINNERSH
APPLICATION REF: 230099**

This decision was made by Parliamentary Under-Secretary of State for Housing and Local Government, Baroness Taylor of Stevenage, on behalf of the Secretary of State

1. I am directed by the Secretary of State to say that consideration has been given to the report of David Wildsmith BSc(Hons) MSc CEng MICE FCIHT MRTPI, who held a public local inquiry for 4 days on 13-15 and 22 May 2025 into your client's application for planning permission for the erection of a foodstore with associated access, parking and servicing areas, landscaping, and other associated works to include solar panels to the roof, in accordance with application Ref. 230099, dated 13 January 2023.
2. On 28 February 2024, the former Secretary of State directed, in pursuance of Section 77 of the Town and Country Planning Act (TCPA) 1990, that your client's application be referred to him instead of being dealt with by the local planning authority.

Inspector's recommendation and summary of the decision

3. The Inspector recommended that the application be approved, and planning permission granted, subject to conditions.
4. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions, except where stated, and agrees with his recommendation. He has decided to approve the application and grant planning permission, subject to conditions. The Inspector's Report (IR) is attached. All references to paragraph numbers, unless otherwise stated, are to that report.

Procedural matters

5. Planning Practice Guidance (the Guidance) on flood risk matters was updated on 17 September 2025. Revised paragraph 27 states where a site-specific flood risk assessment demonstrates clearly that the proposed layout, design, and mitigation

measures would ensure that occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development (therefore addressing the risks identified e.g. by Environment Agency flood risk mapping), without increasing flood risk elsewhere, then the sequential test need not be applied.

6. The Secretary of State considers the proposed development meets these criteria, and the sequential flood test need not be applied. However, given a flood sequential test for the proposed development was submitted and passed, and taking into account his conclusions at paragraph 13 of this letter, the Secretary of State considers the proposal is acceptable in flood risk terms regardless of whether the application of the sequential test is required.
7. Therefore, the Secretary of State does not consider the revised guidance raises any matters that would require him to refer back to the parties for further representations prior to reaching his decision on this application, and he is satisfied that no interests have thereby been prejudiced.

Policy and statutory considerations

8. In reaching his decision, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act (PCPA) 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
9. In this case the development plan consists of Wokingham Borough Core Strategy (CS) (adopted January 2010), Wokingham Borough Managing Development Delivery Local Plan (MDDLDP) (adopted February 2014), Central and Eastern Berkshire Minerals and Waste Plan (adopted January 2023), and Saved Policy NRM6: Thames Basin Heaths Special Protection Area of the South East Plan Regional Spatial Strategy for the South East (saved February 2013). The Secretary of State considers that relevant development plan policies include those set out at IR32-48.
10. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework (the Framework) published on 12 December 2024 and updated on 7 February 2025, and the Guidance, as well as the Certificate of Lawful Proposed Use or Development for a different development on the site (IR8) and the documents listed at IR49.

Emerging plan

11. The emerging plan comprises the Wokingham Borough Local Plan Update 2023-2040. Paragraph 49 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to: (1) the stage of preparation of the emerging plan; (2) the extent to which there are unresolved objections to relevant policies in the emerging plan; and (3) the degree of consistency of relevant policies to the policies in the Framework. The Secretary of State notes that the emerging Local Plan Update is not expected to be formally adopted until the summer of 2026 (IR50). Having regard to the early stage of preparation, he agrees with the Inspector at IR50 that the policies in the emerging Local Plan Update carry limited weight.

Main issues

Flood risk, in view of the location of the site within Flood Zone (FZ)3

12. For the reasons given at IR187-194 and IR251-253, the Secretary of State agrees that the incompatibility of this type of development within FZ3b (as set out in Table 2 of the Guidance on Flood Risk and Coastal Change) is a material consideration that weighs against the application proposal, and further agrees that it carries moderate weight (IR194, IR251). He has taken into account that 'less vulnerable' development has already been granted planning permission within FZ3b, in the form of the extant scheme (IR185, IR194).
13. For the reasons given at IR195-212 and IR250, the Secretary of State agrees that the proposed development would not give rise to any material problems in flood risk or drainage terms, would be safe for its lifetime, and would not increase flood risk elsewhere (IR212), whereas the extant scheme would be inherently unsafe and would increase flood risk elsewhere (IR210). For the reasons given at IR252, he agrees that the extant scheme is likely to be implemented if the current application is not approved.
14. Overall, the Secretary of State agrees with the Inspector at IR211 that the application scheme would provide wider sustainability benefits to the community than would the extant scheme, in general compliance with both part 4(a) of MDDL Policy CC09 and paragraph 178(a) of the Framework. He further agrees that it would accord with the flooding and drainage aspects of CS Policies CP1 and CP3, and MDDL Policies CC09 and CC10, and that it would also be fully compliant with the requirements of the Framework paragraph 181 and would also therefore comply with the relevant parts of the Framework paragraphs 170 and 178(b) (IR212). He agrees the proposal could not be considered inappropriate development at this location (IR212). The Secretary of State gives the benefits of the scheme in terms of flood risk safety, in particular compared to the extant scheme, significant weight (IR250, IR253).

Retail impact and whether there are any sequentially preferable sites

15. For the reasons given at IR213-224 and IR254, the Secretary of State agrees that the application site is sequentially preferable for the proposed development, and that the proposed new Aldi foodstore would not have an unacceptable adverse impact on the vitality and/or viability of other centres within the assessed catchment area, either from the proposal itself, or in combination with other proposals (IR224). He further agrees with the Inspector at IR254 that the application site has passed the retail sequential test, and is therefore the most suitable site for this proposed foodstore, and that the proposal has been shown to pass the retail impact test. The Secretary of State agrees at IR254 that there is no conflict with the relevant local or national retail policies, but does not consider that conformity with the development plan and national guidance carries separate weight.
16. For the reasons given at IR259, the Secretary of State agrees that the scheme would deliver a number of important and significant benefits, including some 63 new FTE jobs, or an additional 51 new FTE jobs when compared to the fall-back position of the extant scheme, along with additional construction jobs and £2.91 million GVA per annum, and that in addition, there would be more affordable shopping opportunities in the local area, together with increased choice and competition. He has further taken into account the

Council's Planning Policy team advice that there is a need for further convenience goods floorspace across the borough (IR223).

17. Overall, the Secretary of State considers that the combined retail, economic and need benefits carry significant weight.

Highway safety, particularly at the junction of Reading Road and Gazelle Close, and other traffic and transport concerns

18. For the reasons given at IR225-233 and IR255, the Secretary of State agrees that the proposed development would have no adverse impact on matters of highway safety, and that there would be no other traffic or transport-related matters which would prevent the grant of planning permission (IR233). He agrees with the Inspector's conclusions at IR233 that there is no conflict with the relevant parts of CS Policies CP1, CP3, CP6 and CP9; MDDL Policies CC07 and TB20; nor with Chapter 9 of the Framework. He does not consider that conformity with the development plan and national guidance carries separate weight (IR254), but for the reasons given at IR230, he agrees that there would be highway-related benefits carrying moderate weight.

Ecology and Biodiversity Net Gain (BNG)

19. For the reasons given at IR234-237 and IR256, the Secretary of State agrees with the Inspector at IR237 that the proposed development would not have an unacceptable impact on matters of arboricultural or ecological interest, and that subject to the imposition of agreed conditions, there would be no conflict with the relevant policies of the development plan relating to arboriculture, ecology and biodiversity (CS Policy CP7 and MDDL Policies CC03 and TB23) nor with Chapter 15 of the Framework. While he agrees that there would be clear potential for the proposal to give rise to BNG through off-site habitat creation (IR237), as any net gain is not specifically secured by condition, unlike the Inspector he does not give any weight to this matter (IR256).

Other matters

20. For the reasons given at IR238-241, the Secretary of State agrees that there was no evidence before the Inquiry to indicate that increased air pollution would arise as a result of this proposal (IR239), and in terms of noise, subject to appropriate conditions, the proposed development would have an acceptable impact on the amenity of neighbouring residents (IR241). Given these findings, the Secretary of State considers these matters do not weigh against the proposal.
21. The Secretary of State agrees that although the site is within the countryside, the development would be seen and experienced within an immediate envelope of development and commercial uses and within the wider setting of Winnersh, and there is already an extant permission to redevelop the site for commercial purposes. He therefore agrees that any landscape impact would be very limited, and that this does not weigh against the proposal (IR242).
22. He further agrees with the Inspector at IR257-258 that while the proposal lies outside any settlement boundary and is in conflict with a number of development plan policies, namely CS Policies CP9 and CP11 and MDDL Policy CC02, given its surroundings and nature, it accords with the substantive objectives and requirements of each of these policies. Taking into account the extant planning permission, he agrees with the Inspector

that development outside the settlement boundary in this case carries limited weight (IR258).

23. For the reasons given at IR260, the Secretary of State agrees that the achievement of a BREEAM 'Excellent' rating, the use of an air source heat pump and roof mounted solar panels, and delivery of a travel plan would lead to beneficial reductions in carbon emissions. He further agrees that the sustainability benefits of the proposal carry moderate weight.

Planning conditions

24. The Secretary of State has had regard to the Inspector's analysis at IR177 and IR247-249, the recommended conditions set out at the end of the IR and the reasons for them, and to national policy in paragraph 57 of the Framework and the relevant Guidance. He is satisfied that the conditions recommended by the Inspector comply with the policy test set out at paragraph 57 of the Framework and that the conditions set out at Annex A should form part of his decision (IR249).
25. The Secretary of State notes the disagreement between the Council and the applicant regarding Condition 4. For the reasons given at IR248 the Secretary of State agrees with the Inspector that allowing the foodstore to trade as a normal weekday/Saturday on Bank or Public Holidays, would not unacceptably impact upon occupiers of these nearby buildings.

Planning obligations

26. The Secretary of State has had regard to the Inspector's analysis at IR178-180 and IR243-246, the planning obligation dated 21 May 2025, paragraph 58 of the Framework, the Guidance and the Community Infrastructure Levy (CIL) Regulations 2010, as amended. For the reasons given at IR178-180 and IR243-246, he agrees that the obligation complies with Regulation 122 of the CIL Regulations 2010 and the tests at paragraph 58 of the Framework (IR246).

Planning balance and overall conclusion

27. For the reasons given above, the Secretary of State considers that the application is not in accordance with Policies CS CP9, CS CP11 and MDDLPC CC02 of the development plan, however, is in accordance with the development plan overall. He has gone on to consider whether there are material considerations which indicate that the proposal should be determined other than in line with the development plan.
28. Weighing in favour of the proposal are the benefits of the scheme in terms of flood risk safety, in particular compared to the extant scheme, which carries significant weight; the combined retail, economic and need benefits which carry significant weight; and highway improvements and sustainability benefits which each carry moderate weight.
29. Weighing against the proposal is the conflict with the Flood Risk and Coastal Change Guidance, which carries moderate weight.
30. The Secretary of State considers the applicant has correctly and appropriately carried out a sequential flood test and there is no sequentially preferable site. Further, he considers the proposal passes the exception test.

31. Overall, in applying s.38(6) of the PCPA 2004, the Secretary of State considers that the accordance with the development plan and the material considerations in this case indicate that permission should be granted.
32. The Secretary of State therefore concludes that the application should be approved, and planning permission granted, subject to conditions.

Formal decision

33. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby grants planning permission subject to the conditions set out in Annex A of this decision letter for the erection of a foodstore with associated access, parking and servicing areas, landscaping, and other associated works to include solar panels to the roof, in accordance with application Ref. 230099, dated 13 January 2023.
34. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the TCPA 1990.

Right to challenge the decision

35. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged. This must be done by making an application to the High Court within 6 weeks from the day after the date of this letter for leave to bring a statutory review under section 288 of the TCPA 1990.
36. A copy of this letter has been sent to Wokingham Borough Council, and notification has been sent to others who asked to be informed of the decision.

Yours faithfully

Laura Webster

Decision officer

This decision was made by Parliamentary Under-Secretary of State for Housing and Local Government, Baroness Taylor of Stevenage, on behalf of the Secretary of State, and signed on her behalf

Annex A List of conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
2. This permission is in respect of the submitted application plans and drawings numbered ref:
201057-1000-P1 (Site Location Plan)
201057-1300-P6 (Proposed Site Plan)
201057-1301-P3 (Proposed Floor Plan)
201057-1302-P1 (Proposed Roof Plan)
201057-1400-P2 (Proposed Elevations)
201057-1401-P2 (Proposed Site Sections)

The development shall be carried out in accordance with the approved details.

3. Prior to the erection of the new building hereby permitted, samples and details of the materials to be used in the construction of the external surfaces of the building/s shall have first been submitted to and approved in writing by the Local Planning Authority. Development shall be carried in accordance with the so-approved details.
4. The use hereby permitted shall not operate other than between the hours of 07:00 to 23:00 Mondays to Saturday and 08:00 to 19:00 on Sundays.
5. No deliveries shall be taken in or dispatched from the site outside the hours of 07:00 to 23:00 Monday to Saturdays and between 09:00 to 18:00 on Sundays and Bank/Public Holidays.
6. No work relating to the development hereby approved, including works of demolition or preparation prior to building operations, shall take place other than between the hours of 08:00 and 18:00 Monday to Friday and 08:00 to 13:00 Saturdays and at no time on Sundays or Bank or National Holidays.
7. All plant, machinery and equipment installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that noise therefrom does not exceed at any time a level of 5dB[A] below the existing background noise level [or 10dB[A] if there is a particular tonal quality] when measured at a point one metre external to the nearest residential or noise sensitive property. Any recommended noise mitigation measures should be retained and maintained thereafter.
8. No development shall take place until a measured survey of the site and a plan prepared to scale of not less than 1:500 showing details of existing and proposed finished ground levels (in relation to a fixed datum point) and finished roof levels shall be submitted to and approved in writing by the Local Planning Authority, and the approved scheme shall be fully implemented prior to the occupation of the buildings.

9. Prior to the commencement of the development, full details of both hard and soft landscape proposals shall be submitted to and approved in writing by the Local Planning Authority. These details shall include, as appropriate, proposed finished floor levels or contours, means of enclosure, car parking layouts, other vehicle and pedestrian access and circulation areas, hard surfacing materials and minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, external services, etc).

Soft landscaping details shall include a planting plan, specification (including cultivation and other operations associated with plant and grass establishment), schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate, and implementation timetable.

All hard and soft landscape works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a timetable approved in writing by the Local Planning Authority. Any trees or plants which, within a period of 5 years after planting, are removed, die or become seriously damaged or defective, shall be replaced in the next planting season with others of species, size and number as originally approved and permanently retained.

10. No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted wilfully damaged or destroyed, cut back in any way or removed without previous written consent of the Local Planning Authority; any trees, shrubs or hedges removed without consent or dying or being severely damaged or becoming seriously diseased within 5 years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species unless the Local Planning Authority gives written consent to any variation.
11. a) No development or other operation shall commence on site until an Arboricultural Method Statement and Scheme of Works which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site in accordance with BS5837: 2012 has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the details as so-approved (hereinafter referred to as the Approved Scheme).
- b) No operations shall commence on site in connection with development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening or any other operation involving use of motorised vehicles or construction machinery) until the tree protection works required by the Approved Scheme are in place on site.
- c) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within an area designated as being fenced off or otherwise protected in the Approved Scheme.
- d) The fencing or other works which are part of the Approved Scheme shall not be moved or removed, temporarily or otherwise, until all works including external works have been completed and all equipment, machinery and surplus materials removed from the site, unless the prior approval in writing of the Local Planning Authority has first been sought and obtained.

12. Prior to the occupation of the development a landscape management plan, including long term design objectives, management responsibilities, timescales and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved.
13. Prior to the commencement of development of the permitted foodstore, full details of how the development will achieve a 10% reduction in carbon emissions shall be submitted to and approved in writing by the Local Planning Authority. The erection of the building shall be carried out in accordance with the approved measures which shall be retained and maintained for the lifetime of the development.
14. Prior to the occupation of the development hereby approved, details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed in accordance with the approved details and maintained for the lifetime of the development.
15. No part of any building(s) hereby permitted shall be occupied or used until vehicle parking and turning spaces has been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
16. Prior to the first occupation of the development, a Parking Management Strategy for the management of the parking arrangements shall be submitted to and approved in writing by the Local Planning Authority. The submitted Parking Management Strategy shall include details of:
 - the management of all parking spaces (including restricting occupation of customer parking to a maximum of 90 minutes);
 - the discouragement of overnight parking of vehicles (unless associated with staff or maintenance vehicles);
 - the discouragement of the use of the car park that is not associated with the use of the foodstore; and
 - the monitoring and the delivery of additional electric vehicle charging spaces when required.

The approved Parking Management Strategy shall thereafter be implemented and thereafter retained.

17. No building shall be occupied until full details of secure and covered parking for customers and staff cycles has been submitted to and agreed in writing by the Local Planning Authority. The building shall not be occupied until the cycling parking details have been implemented in full accordance with the agreed details. The cycle parking/storage shall be permanently so-retained for the parking of bicycles and used for no other purpose.
18. No development shall commence, including any works of demolition, until a combined Construction Method Statement (CMS) and Construction Ecological Management Plan (CEMP), has been submitted to, and approved in writing by, the Local Planning Authority. The approved CMS/CEMP shall be adhered to throughout the construction period. The CMS/CEMP shall provide for:

- construction of suitable works access;
- the parking and turning of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- wheel washing facilities;
- measures to control the emission of dust and dirt during construction;
- a scheme for recycling/disposing of waste resulting from demolition and construction works;
- Defined welfare area to accommodate all site operatives and visitors;
- Hours of construction;
- Hours of delivery.

19. Prior to the occupation of the development a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include a programme of implementation and proposals to promote alternative forms of transport to and from the site, other than by the private car and provide for periodic review. The Travel Plan shall be fully implemented, maintained and reviewed as so-approved.

20. Prior to the occupation of the development, a scheme shall be entered into to secure details of the proposed vehicular access on to Gazelle Close to include visibility splays of 2.4m by 43m and a Road Safety Audit Stage 2 report shall be submitted to and approved in writing by the Local Planning Authority. The access shall be formed as so approved, and the visibility splays shall be cleared of any obstruction exceeding 0.6 metres in height prior to the occupation of the development. The access shall be retained in accordance with the approved details and used for no other purpose and the land within the visibility splays shall be maintained clear of any visual obstruction exceeding 0.6 metres in height at all times.

21. Prior to occupation, the measures identified in the Stage 1 and Stage 2 Road Safety Audit shall be installed in accordance with a scheme of implementation to be agreed in writing with the Local Planning Authority.

22. Prior to the commencement of development, full details of the construction of roads and footways, including levels, widths, construction materials, depths of construction, surface water drainage and lighting shall be submitted to and approved in writing by the Local Planning Authority. The roads and footways shall be constructed in accordance with the approved details.

23. Prior to commencement of development, an Electric Vehicle Charging Strategy shall be submitted to, and approved in writing by the Local Planning Authority. This strategy shall include details relating to on-site electric vehicle charging infrastructure and details of installation of charging points. The development shall be implemented in accordance with the agreed strategy and thereafter maintained for the lifetime of the development.

24. Prior to occupation of the development hereby approved, a Delivery and Servicing Plan shall be submitted to and approved in writing by Local Planning Authority. The use shall be implemented in accordance with the details thereby approved.
25. The development hereby permitted shall be carried out in accordance with the following measures detailed in the Flood Risk Assessment 12245w0011b (30 April 2025):
- There shall be no raising of grounds levels above existing, other than as shown on Drawings 12245_Ss_15_10_00_6011_P02 and 12245_Ss_15_10_00_6010_S1_P01 (including the provision of an under-building void with opening dimensions as per drawing 201057-1400-P2 to secure an increase of 474cum of flood storage)
 - The finished floor level of the building shall be no lower than 40.29 m AOD with the soffit of the under-building void no lower than 39.89 m AOD.

The flood compensation shall be provided prior to the occupation of development, and the approved measures shall be implemented, retained and maintained for the lifetime of the development.

26. Prior to the commencement of development, a scheme for the raising of electric vehicle charging points and the provision of sealed electrical ducting throughout the car park shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter be implemented and retained for the lifetime of the development.
27. Prior to the occupation of the building hereby permitted, a Flood Warning and Evacuation Plan shall be submitted to and approved in writing by the Local Planning Authority. This Plan should include:
- A site-specific flood alarm system;
 - Agreement of appropriate trigger levels for the alarm and evacuation procedures;
 - A procedure for the removal of on-site vehicles and non-fixed objects from the flood zone;
 - A safe evacuation route and evacuation procedure;
 - A procedure for the closure and re-opening of the site;
 - Staff Training.

The approved Flood Warning and Evacuation Plan shall be reviewed every year and shall be implemented in accordance with the approved details.

28. Prior to the occupation of the building hereby permitted, a Flood Mitigation Maintenance Plan shall be submitted to and approved in writing by the Local Planning Authority. This Plan should include:
- Details of the under-building void maintenance;
 - The post flood event site remediation procedure (Including the surface water drainage system).

The details thereby agreed shall be implemented and retained for the lifetime of the development.

29. Notwithstanding approved plan 201057-1300-P6, details of boundary treatment to the site shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the positioning of the boundary treatment and the materials to be used to ensure its permeability to floodwater. The approved scheme shall be implemented, retained and maintained for the lifetime of the development.
30. Notwithstanding the provisions of Schedule 2 Part 2 Class A of the Town and Country Planning (General Permitted Development) Order (England) 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) no additional boundary treatment measures beyond those shown on approved plan 201057-1300-P6 shall be installed at the development hereby approved without the written approval of the Local Planning Authority.
31. Prior to occupation of the development, surface water drainage systems shall be provided in accordance with details that have been submitted to and approved in writing by the LPA. The submitted details for the surface water drainage system shall accord with the principles shown on drawing 12245_Ss_50_35_00_sk0019_S3_B, including:
- Multiple drainage systems shall be provided to serve areas of the site that may be affected by more and less frequent fluvial flood events, such that unaffected areas can continue to drain surface water during a more frequent fluvial flood event;
 - Discharge from the drainage systems to the receiving sewer shall be limited to 4.3l/s in total. Where oil interceptors/separators are provided and located within areas of increased risk of fluvial flooding, they shall be fitted with sealed access covers;
 - The drainage systems shall have sufficient storage capacity to not increase flood risk off-site during a combined fluvial flood and rainfall event;
 - Where geocellular attenuation tanks are provided within the systems, they shall include sufficient access to allow for periodic and reactive maintenance. Where access points are provided within areas of increased risk of fluvial flooding, they shall be fitted with sealed access covers.

The approved foul and surface water drainage systems shall be implemented and maintained for the lifetime of the development.

32. Prior to occupation of the development, a management and maintenance schedule for the approved surface water drainage system shall be submitted to, and approved in writing by the Local Planning Authority. The Schedule shall, thereafter, be implemented in accordance with the approved details.
33. Prior to the commencement of the development a Landscape Environmental Management Plan (LEMP), in accordance with the Ecological Impact Assessment by Tyler Grange reference 15115_R01a (dated 22 December 2022), including long term design objectives, management responsibilities, timescales, maintenance schedules for all landscape areas, and installation of bird and bat boxes on the approved building shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved LEMP.

34. No works shall commence until a Biodiversity Plan demonstrating how the scheme will deliver no net loss has been submitted to and approved in writing by the Local Planning Authority. The Plan shall be implemented in accordance with the approved details.
35. With the exception of site clearance and preparation works, no development works shall be carried out until written documentary evidence demonstrating that the development will achieve a minimum 'Excellent' rating against the BREEAM Standard, in the form of a design stage report, has been submitted to and approved in writing by the Local Planning Authority.
36. Within 12 months of any part of the development first becoming occupied, written documentary evidence proving that the development has achieved a minimum 'Excellent' rating against the BREEAM Standard in the form of post construction report and certificate as issued by a legitimate BREEAM certification body shall be submitted to and approved in writing by the Local Planning Authority.



Report to the Secretary of State

by David Wildsmith BSc(Hons) MSc CEng MICE FCIHT MRTPI

an Inspector appointed by the Secretary of State

Date 16 June 2025

TOWN AND COUNTRY PLANNING ACT 1990

WOKINGHAM BOROUGH COUNCIL

APPLICATION BY

ALDI STORES LIMITED

LAND TO THE SOUTH OF GAZELLE CLOSE, WINNERSH

Inquiry Opened on 13 May 2025

Land to the south of Gazelle Close, Winnersh

File Ref: APP/X0360/V/24/3339712

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LIST OF ABBREVIATIONS

TERM	DEFINITION / DESCRIPTION
AEP	Annual Exceedance Probability
AIA	Arboricultural Impact Assessment
BNG	Biodiversity Net Gain
BREEAM	Building Research Establishment Environmental Assessment Method
CD	Core Document
CEMP	Construction and Environmental Management Plan
CIL	Community Infrastructure Levy
CLOPUD	Certificate of Lawful Proposed Use or Development
CMC	Case Management Conference
CMS	Construction Method Statement
CS	Wokingham Borough Core Strategy
cum	cubic metres
DAS	Design and Access Statement
DPM	Deputy Prime Minister
EA	The Environment Agency
EclA	Ecological Impact Assessment
EHO	Environmental Health Officer
EIA	Environmental Impact Assessment
ENA	Environmental Noise Assessment
ESP	Employment Skills Plan
EVCP	Electric Vehicle Charge Point
FRA	Flood Risk Assessment
FTE	Full Time Equivalent
FWEP	Flood Warning and Evacuation Plan
FZ	Flood Zone
GVA	Gross Value Added
ha	hectare
HGV	heavy goods vehicle
ID	Inquiry Document
JBA	JBA Consulting – Hydrology and Flood Risk consultants
km	kilometre
LEMP	Landscape Environmental Management Plan
LGS	Local Green Space
LHA	Local Highway Authority
LLFA	Lead Local Flood Authority
LPA	Local Planning Authority
LPU	Local Plan Update
l/s	Litres per second
m	metre
MDDL	Wokingham Borough Managing Development Delivery Local Plan
MHCLG	Ministry of Housing, Communities & Local Government
NPPF	the National Planning Policy Framework
PoE	Proof of evidence
PPG	Planning Practice Guidance
PRS	Planning and Retail Statement

RIA	Retail Impact Assessment
RFC	Ratio of Flow to Capacity
RSA	Road Safety Audit
S106	Section 106
SCI	Statement of Community Involvement
SFRA	Strategic Flood Risk Assessment
SoC	Statement of Case
SoCG	Statement of Common Ground
SoS	Secretary of State
SPD	Supplementary Planning Document
sqm	square metres
SuDS	Sustainable Drainage Systems
TA	Transport Assessment
the 2004 Act	the Planning and Compulsory Purchase Act 2004
the applicant	Aldi Stores Limited
the Council	Wokingham Borough Council
The extant scheme	A different development on the application site, granted planning permission in 2017
TRO	Traffic Regulation Order
WBC	Wokingham Borough Council
WBRCLA	Western Berkshire Retail and Commercial Leisure Assessment
WFBP	Winnersh Fields Business Park
WRLS	Wokingham Retail & Leisure Study, 2022 Update

File Ref: APP/X0360/V/24/3339712

Land south of Gazelle Close, Winnersh

- The application was called in for decision by the Secretary of State by a direction, made under section 77 of the Town and Country Planning Act 1990, on 28 February 2024.
- The application is made by Aldi Stores Limited to Wokingham Borough Council.
- The application Ref: 230099 is dated 13 January 2023.
- The development proposed is the erection of a foodstore with associated access, parking and servicing areas, landscaping, and other associated works to include solar panels to the roof.
- The reason given for making the direction was in consideration of the Secretary of State's policy on calling in planning applications.
- On the information available at the time of making the direction, the following were the matters on which the Secretary of State particularly wished to be informed for the purpose of her consideration of the application: (i) the extent to which the proposed development is consistent with Government policies for meeting the challenge of climate change, flooding and coastal change (National Planning Policy Framework (NPPF) Chapter 14); (ii) the extent to which the proposed development is consistent with the development plan for the area; and (iii) any other matters the Inspector considers relevant.
- The Inquiry sat for 4 days on 13 to 15 & 22 May 2025

Summary of Recommendation: The application be approved, and planning permission granted, subject to conditions.

PRELIMINARY MATTERS

1. The Inquiry considered an application made by Aldi Stores Limited ('the applicant') for planning permission for the erection of a foodstore with associated access, parking and servicing areas, landscaping, and other associated works to include solar panels to the roof, on land south of Gazelle Close, Winnersh. The application was submitted to Wokingham Borough Council (WBC or 'the Council'), and was considered at its Planning Committee on 13 December 2023, with an Officer recommendation that planning permission should be granted, subject to a number of conditions and the completion of a legal agreement making provision for an Employment Skills Plan¹ (ESP).
2. The Minutes of this Meeting² show that Committee Members resolved to accept the Officer's recommendation and approve the application as noted above, provided the Secretary of State (SoS) did not call in the application under Section 77 of the Town and Country Planning Act 1990 for her own determination. As it transpired the SoS did call-in this application, by a letter and direction dated 28 February 2024³. The letter indicated that the matters about which the SoS particularly wished to be informed are:
 - a) the extent to which the proposed development is consistent with Government policies for meeting the challenge of climate change, flooding and coastal change, as dealt with in Chapter 14 of the NPPF⁴;

¹ See Core Document (CD) 1

² CD2

³ CD3

⁴ CD55

- b) the extent to which the proposed development is consistent with the development plan for the area; and
 - c) any other matters the Inspector considers relevant.
3. A Case Management Conference (CMC) for this proposal was held in May 2024 by the Inspector appointed at that time to conduct the Inquiry, which was scheduled to open on 13 August 2024. The CMC Summary Note⁵ explained that although the Council's formal position was still one of no objection, this position was expected to be revised as the Council's Drainage Officer had provided further advice, as Lead Local Flood Authority (LLFA), in the light of an objection from the Environment Agency (EA). The applicant had been aware of this likely change of position and preparation for the Inquiry had therefore been on the grounds that the Council now opposed the proposal.
4. This was confirmed at the Council's 12 June 2024 Planning Committee, at which Officers recommended that if the Council had still been the determining authority the proposal should be refused. The reasons given were that the application site is within an area of flood risk and the applicant had failed to demonstrate that the proposal would not increase the risk of flooding elsewhere; had failed to show that flood resilient and resistant measures had been incorporated into the design; and had failed to show that the development would be safe for its lifetime, taking into account the vulnerability of its users. This recommendation was accepted by Planning Committee Members⁶.
5. For various reasons the opening of the Inquiry had to be rescheduled, with a revised opening date set for 13 May 2025. As a result, I held a second CMC for this proposal on 25 March 2025⁷. Both the Council and the EA⁸ were maintaining their objections to this proposal at that time, although negotiations were continuing between the parties in the hope that areas of common ground could be maximised and outstanding objections overcome. Having regard to the matters raised in the SoS's call-in letter, those raised by statutory objectors, and other representations made at application stage it was agreed that the Inquiry would need to deal with the following topics⁹:
 - Flood risk, in view of the location of the site within Flood Zone 3 (FZ3);
 - Retail impact and whether there are any sequentially preferable sites;
 - Highway safety, particularly at the junction of Reading Road and Gazelle Close, and other traffic and transport matters;
 - Ecology and Biodiversity Net Gain (BNG);
 - The relevance of the fall-back position (see later);
 - Planning policy and planning balance, including the benefits of the proposed development.
6. Shortly before the Inquiry was scheduled to open, as a result of material changes to the drainage and flood risk aspects of the proposal, the applicant reached agreement with the Council as LLFA. This proposal was therefore taken to the Council's Planning Committee for a third time, on 30 April 2025, with the Officer's Report indicating that there was now

⁵ CD67.2

⁶ CD4 & CD50.3

⁷ See CD67.1

⁸ Who intended appearing at the Inquiry as a Rule 6(6) Party

⁹ In the interests of more structured reporting I have adjusted the order of these considerations from that stated in the CMC Summary Note. I have made corresponding adjustments in setting out the parties' cases

no objection to the proposed development on the grounds of flooding and drainage concerns. The Officer recommendation, accepted by Members, was that the Council's position at the forthcoming Inquiry should be that the Inspector should recommend to the SoS that the proposal be approved¹⁰. This meant that at the start of the Inquiry the only formal objection to the application proposal came from the EA¹¹.

7. Four Statements of Common Ground (SoCG) had been completed prior to the opening of the Inquiry, between the applicant and the Council as Local Planning Authority¹² (LPA); between the applicant and the Council as Local Highway Authority¹³ (LHA); between the applicant and the Council as LLFA¹⁴; and between the applicant and the EA¹⁵.
8. Amongst other matters the SoCG between the applicant and the Council as LPA confirms the approval in July 2021 of a certificate of lawfulness for a different development on the application site. This planning permission is extant and represents the fall-back position referred to in paragraph 5, above. The approved development ('the extant scheme') is the construction of a new workshop, sales and showroom building with associated staff and visitor parking, outdoor vehicle display, parking and storage areas, internal roadway and landscaping, together with the creation of a new vehicle and pedestrian access to Gazelle Close. It also included an extension to the private car park of the adjacent Winnersh Fields Business Park (WFBP), with the creation of a new vehicle access from the existing WFBP car park, all in accordance with planning permission 201539¹⁶.
9. As noted above, the EA was the sole, formal objector to this proposal and it appeared at the Inquiry to pursue its objection, with cross-examination of the EA's witness by the applicant's lead advocate beginning on Day 1. However, at the start of Day 2, before cross-examination of the EA's witness could be completed, the EA indicated that it intended to withdraw its objection. The EA's witness stood down and the EA's formal withdrawal¹⁷ was presented to the Inquiry on Day 3. The EA provided no further formal evidence to the Inquiry, although it did participate in the Conditions round-table session.
10. The proposed development falls within the description at 10(b) of Schedule 2 to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, but the SoS has issued a scoping opinion which indicates that the proposal would not be of a scale and nature likely to result in any significant environmental impact¹⁸. Accordingly, this proposal does not constitute Environmental Impact Assessment (EIA) development.
11. At the Inquiry the applicant submitted an agreement¹⁹ made under Section 106 (S106) of the Town and Country Planning Act 1990, as amended. I discuss this S106 agreement in more detail later in this Report.
12. On 12 May 2025 I visited the locality of the application site and the surrounding area on an unaccompanied basis. I also visited the application site and its surroundings on 16 May

¹⁰ CD104

¹¹ CD71.1 - CD71.4

¹² CD73

¹³ CD114

¹⁴ CD115

¹⁵ CD72.1 & CD72.2

¹⁶ See CD5 - CD9

¹⁷ Inquiry Document (ID) 9

¹⁸ CD47

¹⁹ ID11

2025 in the company of representatives of the applicant and the Council. In addition I undertook further unaccompanied visits on the same day, primarily to see nearby road junctions and a number of other retail locations, all as referred to in the evidence²⁰.

THE APPLICATION SITE AND ITS SURROUNDINGS

13. A full description of the application site and surrounding area is given in the Design and Access Statement²¹ (DAS), the Planning and Retail Statement²² (PRS), the Officer's Report to Committee, and the various SoCG.
14. In summary, the site is of more or less triangular shape, and comprises some 1.01 hectares (ha) of unmanaged rough grassland, located to the south of Gazelle Close, outside but adjacent to the development limit of Winnersh, and about 1.3 kilometres (km) north-west of Winnersh Village Centre. It has a slight fall in level from east to west, with the wider area being relatively flat. The River Loddon flows south to north some 350 metres (m) further to the west. A small retail park comprising large warehouse-style buildings for Wickes, Halfords and Pets at Home lies to the north, whilst the already referred to WFBP, consisting of commercial units and office buildings, lies to the east and south-east.
15. For planning policy purposes the application site lies within the countryside, with further open, undeveloped land within the countryside lying to the west and south, including Hatch Farm Country Park which has recently been designated as Public Open Space associated with adjacent new residential development at Hatch Farm. Large parts of the site fall within FZ3b, the functional floodplain, with just small areas at the north-eastern part of the site being within FZ2 and FZ1.
16. Mature trees, shrubs and hedgerows line most of the site boundaries, with the site having an existing vehicular access onto Gazelle Close on its north-eastern side. Gazelle Close runs northwards to a limited-access junction²³ with the main Reading Road (the A329), which passes roughly east to west at this location. Residential properties line the northern side of this part of Reading Road. On-carriageway cycle lanes exist along this stretch of Reading Road, and cyclists are also permitted on shared footway/cycleways alongside Reading Road. There are bus stops in both directions along Reading Road, about 300m from the site, providing for bus services which serve Wokingham, Bracknell and Reading. In addition, Winnersh Triangle Train Station is about a 400m walk from the site, north of Reading Road.

PLANNING POLICY AND GUIDANCE

17. Section 38(6) of the Planning and Compulsory Purchase Act 2004 ('the 2004 Act') requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is one such material consideration and it can indicate a decision other than in accordance with the development plan, in circumstances where development plan policy is deemed not to be consistent with the NPPF's provisions. I therefore summarise the national planning policy context first, before turning to look at relevant development plan policies.

²⁰ See ID6.1 & ID6.2

²¹ CD66

²² CD35

²³ Left in, left out and right in movements are permitted

The NPPF and National Guidance

18. The NPPF emphasises that the purpose of the planning system is to contribute to the achievement of sustainable development, and states that there is a presumption in favour of sustainable development at its heart. Relevant chapters of the NPPF are set out in paragraph 2.6 of the SoCG between the applicant and the Council as LPA, with those which were discussed at the Inquiry set out in more detail, below.
19. Amongst other things, NPPF paragraph 85 states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. It goes on to say that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
20. Chapter 7 deals with ensuring the vitality of town centres, and paragraphs 91 and 92 explain that a sequential test should be applied to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. To ensure that opportunities to utilise suitable town centre or edge of centre sites are fully explored, applicants are expected to demonstrate flexibility on issues such as format and scale.
21. Paragraphs 94 and 95 explain that when assessing applications for retail and leisure development outside town centres, which do not accord with an up-to-date plan, an impact assessment should be undertaken if the development is over a proportionate, locally set floorspace threshold. Such assessments should consider:
 - a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
 - b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment. If no local threshold has been set there is a default threshold of 2,500 square metres (sqm) of gross floorspace.
22. Applications which fail to satisfy the sequential test, or are likely to have significant adverse impact on one or more of the above considerations should be refused.
23. Chapter 9 seeks to promote sustainable transport, with paragraph 115 explaining how development proposals should be considered. Amongst other things this paragraph requires that sustainable transport modes are prioritised, that safe and suitable access to the site can be achieved for all users, and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
24. Paragraph 116 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.

25. A number of criteria for development are set out in paragraph 117 which can be summarised as:
- a) priority should first be given to pedestrian and cycle movements, and second - so far as possible - to facilitating access to high quality public transport, with appropriate facilities that encourage public transport use;
 - b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
 - c) create places that are safe, secure and attractive - which minimise the scope for conflicts between pedestrians, cyclists and vehicles;
 - d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
 - e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
26. Finally, paragraph 118 states that all developments that will generate significant amounts of movement should be required to provide a travel plan, with applications being supported by a vision-led transport statement or transport assessment so that the likely impacts of the proposal can be assessed and monitored.
27. In Chapter 14, paragraph 170, dealing with Planning and Flood Risk, indicates that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, and that where development is necessary in such areas it should be made safe for its lifetime without increasing flood risk elsewhere. Paragraph 171 explains that strategic policies should be informed by a strategic flood risk assessment (SFRA) and should take account of advice from the EA and other relevant flood risk management authorities, such as LLFA and internal drainage boards; whilst paragraph 172 states that all plans should apply a sequential, risk-based approach to the location of development. This should take account of all sources of flood risk and the current and future impacts of climate change so as to avoid, where possible, flood risk to people and property. To achieve this the sequential test should be applied and then, if necessary, the exception test.
28. Paragraphs 173 to 175 deal with individual applications for development and make it clear that the sequential test should be used in areas known to be at risk now or in the future from any form of flooding. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source, with development not being allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.
29. Paragraphs 177 to 179 explain that once the sequential test has been applied, if it is not possible for development to be located in areas with a lower risk of flooding the exception test may have to be applied. To pass the exception test it has to be demonstrated that: (a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and (b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. Both elements of the exception test should be satisfied for development to be allocated or permitted.
30. Paragraph 181 indicates that when determining planning applications it is necessary to ensure that flood risk is not increased elsewhere, and that where appropriate, applications should be supported by a site-specific flood-risk assessment (FRA). It

further states that development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

31. The Planning Practice Guidance (PPG) is also a material consideration in the determination of this application, with relevant sections detailed in paragraph 2.7 of the SoCG between the applicant and the Council as LPA. Of particular relevance is the section dealing with Flood Risk and Coastal Change²⁴, with relevant paragraphs being referenced in later sections of this Report.

The Development Plan

32. The statutory development plan for the area includes the Wokingham Borough Core Strategy (CS), adopted in January 2010, and the Wokingham Borough Managing Development Delivery Local Plan (MDDLDP) adopted in February 2014. All relevant policies are listed in paragraphs 2.3 and 2.4 of the SoCG between the applicant and the Council as LPA²⁵, with the full text of these policies set out in the Core Documents²⁶. In the following paragraphs I summarise those which were extensively referred to at the Inquiry, along with those where some degree of conflict was agreed.
33. From the CS, Policy CP1²⁷ deals with the high-level topic of 'Sustainable Development', and sets out a number of criteria with which the Council expects development proposals to comply. Of particular relevance in this case are those criteria which seek to ensure the provision of adequate drainage; avoid increasing (and where possible reduce) risks of or from all forms of flooding; provide attractive, functional, accessible, safe, secure and adaptable schemes; demonstrate how they support opportunities for reducing the need to travel, particularly by private car; and contribute towards the goal of reaching zero-carbon developments as soon as possible.
34. CS Policy CP3²⁸ is another high-level policy, setting out general principles for development, with the requirement for development proposals to provide a functional, accessible, safe, secure and adaptable scheme being of particular relevance in this case.

²⁴ See CD75, CD78 & CD79

²⁵ CD73

²⁶ CD57.1 - CD57.12 & CD58.1 - CD58.19

²⁷ CD57.6

²⁸ CD57.9

35. CS Policy CP6²⁹, 'Managing Travel Demand', states that planning permission will be granted for schemes that meet a number of listed criteria. These include schemes which provide for sustainable forms of transport to allow choice; are located where there are, or will be at the time of development, choices in the mode of transport available and which minimise the distance people need to travel; provide appropriate vehicular parking, having regard to car ownership; mitigate any adverse effects upon the local and strategic transport network that arise from the development proposed; and do not cause highway problems or lead to traffic-related environmental problems.
36. CS Policy CP7³⁰, 'Biodiversity', explains that development will only be permitted if it has been clearly demonstrated that the need for the proposal outweighs the need to safeguard the nature conservation importance of the site; that no alternative site that would result in less or no harm is available which will meet the need; and: (i) Mitigation measures can be put in place to prevent damaging impacts; or (ii) Appropriate compensation measures to offset the scale and kind of losses are provided.
37. CS Policy CP9³¹ states that the scale and location of development proposals in the borough must reflect the existing or proposed levels of facilities and services at or in the location, together with their accessibility. The supporting text to the policy explains that the accessibility of sites will be assessed having regard to whether good public transport services are available (or can be made available). The policy sets out details of the major development locations, modest development locations and limited development locations where new development will be acceptable. Importantly, the policy makes it clear that it is within the development limits of these locations that development will be allowed. As noted above, the application site does not lie within any defined development limit.
38. CS Policy CP11³² deals specifically with proposals outside development limits, including within the countryside, and states that in order to protect the separate identity of settlements and maintain the quality of the environment, proposals outside of development limits will not normally be permitted. Although the policy does set out a number of exceptions, none are directly applicable to this proposal.
39. MDDL Policy CC02³³ sets development limits for each of the borough's settlements, as required by CS Policy CP9. Amongst other matters it explains that planning permission for proposals at the edge of settlements will only be granted where they can demonstrate that the development is within development limits and respects the transition between the built-up area and the open countryside by taking account of the character of the adjacent countryside and landscape.
40. MDDL Policy CC03³⁴ deals with green infrastructure, trees and landscaping. Amongst other things it requires development proposals to demonstrate that they have considered and achieved a number of listed criteria, including the need to protect and retain existing trees, hedges and other landscape features; and incorporate high quality, ideally, native planting and landscaping as an integral part of the scheme.

²⁹ CD57.10

³⁰ CD57.11

³¹ CD57.12

³² CD57.1

³³ CD58.2

³⁴ CD58.3

41. MDDL Policy CC07³⁵, 'Parking', requires new development proposals to demonstrate how the proposed parking provision meets the Council's standards.
42. MDDL Policy CC09³⁶, 'Development and Flood Risk', indicates that all sources of flood risk, including historic flooding, must be taken into account at all stages in the planning application process to avoid inappropriate development in areas at risk of flooding. It requires development proposals to be consistent with relevant guidance in the NPPF and the Technical Guidance to the NPPF³⁷, and demonstrate how they have used the SFRA to determine the suitability of the proposal. Development proposals in FZ2 or FZ3 must take the vulnerability of proposed development into account.
43. The policy goes on to state that development must be guided to areas of lowest flood risk by applying the sequential approach, taking into account flooding from all sources, and shall ensure flood risk is not worsened for the application site and elsewhere, and ideally that betterment of existing conditions is achieved. Like the NPPF, it also accepts that in exceptional circumstances new development will be supported in areas of flood risk where it can be demonstrated that:
 - a) The development provides wider sustainability benefits to the community that outweigh flood risk;
 - b) The development will:
 - i. Be safe for its lifetime, taking account of the vulnerability of its users;
 - ii. Not increase flood risk in any form elsewhere and, where possible, will reduce flood risk overall;
 - iii. Incorporate flood resilient and resistant measures into the design;
 - c) Appropriate evacuation and flood response procedures are in place to manage the residual risk associated with an extreme flood event.
44. Finally, the policy explains that where required, suitable and appropriately detailed flood risk information will need to accompany a planning application, such as a FRA.
45. MDDL Policy CC10³⁸, 'Sustainable Drainage', requires all development proposals to ensure that surface water arising from the proposed development is managed in a sustainable manner, including by taking climate change into account. The policy also requires development proposals to:
 - a) Reproduce greenfield run-off characteristics and return run-off rates and volumes back to the original greenfield levels, for greenfield sites;
 - b) Incorporate Sustainable Drainage Systems (SuDS), where practicable;
 - c) Provide clear details of proposed SuDS including the adoption arrangements and how they will be maintained to the satisfaction of the LLFA;
 - d) Not cause adverse impacts to the public sewerage network serving the development where discharging surface water to a public sewer.

³⁵ CD58.7

³⁶ CD58.9

³⁷ Now replaced by the Planning Practice Guidance (PPG)

³⁸ CD58.10

46. MDDL Policy TB16³⁹, 'Development for Town Centre Uses', requires proposals for retail uses, including extensions of 500sqm (gross) or above, outside the primary shopping areas defined on the Policies Map or for all other main town centre uses outside the defined Wokingham major town centre or the small town/district centres or local centres, to satisfy the sequential test. Any such proposals are also required to satisfy the retail impact test. Necessary details of the operation and aims of both the sequential test and the retail impact test are set out in the supporting text to the policy.
47. MDDL Policy TB20⁴⁰ is entitled 'Service Arrangements and Deliveries for Employment and Retail use'. Amongst other matters it indicates that planning permission will only be granted for commercial development proposals throughout the borough that demonstrate (a) there is no harmful impact on the amenity of adjoining land uses in terms of noise, fumes and disturbance; (b) there is no significant impact on highway safety; (c) there is no significant adverse visual impact; and (d) there is no significant adverse environmental impact.
48. Finally, MDDL Policy TB23⁴¹ deals with biodiversity and development. Amongst other matters it requires development proposals to comply with CS Policy CP7, and also demonstrate that they provide opportunities, including through design, layout and landscaping to incorporate new biodiversity features or enhance existing features. It also seeks to ensure that all existing and new developments are ecologically permeable through the protection of existing and the provision of new continuous wildlife corridors, which should be integrated and linked to the wider green infrastructure network.

Supplementary Planning Documents (SPDs)

49. A number of SPDs are noted in paragraph 2.5 of the SoCG between the applicant and the Council as LPA as being relevant to this application. They are the Borough Design Guide SPD⁴², the Sustainable Design and Construction SPD⁴³, the Wokingham Town Centre Masterplan SPD⁴⁴ and the Community Infrastructure Levy (CIL) Guidance⁴⁵ and the CIL Regulation 123 List⁴⁶.

Emerging Development Plan Policy

50. The Council has commenced work on the preparation of a new Local Plan (the 'Local Plan Update' (LPU)) for the period 2023 to 2040. The Proposed Submission Plan was subject to a Regulation 19 consultation process between 30 September and 13 November 2024. The draft Plan was submitted to the SoS for examination on 28 February 2025, with the associated hearing sessions expected to take place from May to October 2025. At this stage, the LPU is not expected to be formally adopted until the summer of 2026. In paragraph 2.2 of the SoCG between the applicant and the Council as LPA these parties agree that the policies contained within the LPU carry limited weight at this stage. I share that view.

³⁹ CD58.14

⁴⁰ CD58.17

⁴¹ CD58.19

⁴² CD56

⁴³ CD59

⁴⁴ CD60

⁴⁵ CD61

⁴⁶ CD62

THE APPLICATION PROPOSAL

51. Full details of the proposed development are given in the DAS. In summary, the proposal seeks full planning permission for the construction of a new Aldi foodstore and associated customer parking. The building would be a simple single-storey block with a mono-pitch roof. It would provide a retail floor area of 1,315sqm and the car park would provide 124 customer spaces, including 5 disabled access spaces close to the store entrance and 8 parent-child designated spaces. There would also be 4 car parking spaces with active Electric Vehicle Charge Points (EVCP) along with infrastructure for the future provision of a further 20 such spaces. Secure cycle parking would be provided by 5 sheltered Sheffield hoops located close to the front of the store.
52. The proposed site layout incorporates measures to address the flood risk, with the foodstore building located towards the eastern side of the site on a raised plinth, accessed by steps and 2 ramps. This means that the floor level of the store would sit about 1m above existing site levels. The main entrance would be on the prominent north-western corner of the building, opposite the site entrance, with visibility from Reading Road. The heavy goods vehicle (HGV) delivery area would be located to the south, shielded from view by the building and sited away from the majority of the customer car park, which would occupy most of the rest of the roughly triangular-shaped site.
53. Much of the existing mature landscaping along the boundaries would be retained and although a number of low category trees would be removed along the southern boundary, new trees and pockets of landscaping would be provided throughout the car park, along with some seating areas. New timber fences are proposed along the south-western boundary and to the back of the store. External lighting would be provided by 6m high lighting poles.
54. The development seeks to achieve a BREEAM⁴⁷ 'Excellent' rating and would provide a reduction in CO₂ emissions compared to Building Regulation compliant developments. Low and zero carbon technologies are proposed, with external refrigeration plant and photo voltaic panels on the roof. The plant would recover waste heat generated by the refrigeration system and would re-use it to provide heat to the building.

AGREED FACTS

55. As noted above, the Council now raises no objection to this proposal in its roles as LPA, LHA and LLFA, with the significant areas of agreement clearly set out in the SoCG referenced in paragraph 7, above. For completeness I record here, as set out in these SoCG, that there are no matters of surface water drainage, planning, retail, highways, traffic, transport, parking, servicing or ecology in dispute between the applicant and the Council.
56. The SoCG between the applicant and the EA, completed on 11 April 2025, makes it clear that despite the EA's continuing objection to this proposal there was agreement on a large number of matters. It also sets out the EA's position regarding the extant planning permission for a vehicle workshop, sales and showroom building on the site, to which it had also lodged an objection. Because of these points, and to set the backdrop for the cases of the main parties, I consider it helpful to briefly summarise

⁴⁷ BREEAM: Building Research Establishment Environmental Assessment Method

some of the main areas of agreement between the applicant and the EA, as they stood at the start of the Inquiry. To this end, the following matters were agreed:

- the site is shown to be predominantly within FZ3 on the Flood Map for Planning and is therefore considered to be at a 1 in 100 or greater chance of flooding from Main Rivers in any given year.
- updated hydraulic modelling dated 10 February 2025⁴⁸ submitted by JBA for the applicant and technically reviewed by the EA is acceptable for its intended purpose to assess fluvial flood risk at the site and determine any flood risk impacts of the proposed development.
- the site is shown to be partially affected in the 2025 modelled 1 in 30-year flood event (3.3% Annual Exceedance Probability (AEP)).
- The design fluvial flood level is that of a 1 in 100-year (1% AEP) plus climate change (23%) event and this is used within the 2025 model, which shows that:
 - o The proposed building would have finished floor levels 1.12m above the modelled 1% AEP plus climate change flood level.
 - o The proposals provide level-for-level floodplain compensation for the 1% AEP plus climate change event.
 - o The proposals would not result in adverse flood risk impact to third parties even if the void space beneath the proposed building is 100% blocked for all fluvial flood events modelled.
- Table 2 of the Flood Risk and Coastal Change PPG, indicates that 'less vulnerable' development in FZ3b 'should not be permitted'.
- a planning application for a vehicle workshop, sales and showroom building at the site, submitted in 2017, received approval from WBC. A Lawful Development Certificate⁴⁹ has been granted to demonstrate that this permission was implemented. At the time of the application this development had an NPPF classification of 'less vulnerable'.
- the EA objected to the 2017 application on the grounds of development within FZ3b and an inadequate FRA. It subsequently removed its objection on the grounds of inadequate FRA, but maintained an objection on the basis of incompatibility with FZ3b.
- The size of the development in the extant permission was 600sqm whereas the development currently proposed is 2,000sqm. The extant permission was non-major development and the proposed development is major development.
- the flood risk information provided by the applicant demonstrates that the building and car park should not increase flooding to third parties if constructed in accordance with the approved plans.
- emergency planning falls under the remit of the LPA and to date no objections have been raised in this regard.
- matters relating to the sequential test fall under the remit of the LPA and no objections have been raised in this regard.

⁴⁸ CD91

⁴⁹ CD9

57. Notwithstanding the above areas of agreement, the SoCG explains that the EA maintained an objection to the current proposal on the grounds of incompatibility of the proposed development with FZ3b.

CASES OF THE PARTIES

58. Reporting the cases of the parties is somewhat complicated by the fact that the EA presented an opening statement to the Inquiry⁵⁰, setting out its case at that time, but subsequently withdrew its objection and therefore was no longer a main party in the consideration of this application. That said, important concessions were made by the EA's witness under cross-examination, prior to withdrawal of the EA's objection, and these matters are referred to in the closing submissions of both the Council⁵¹ and the applicant⁵². In light of these points I consider it appropriate to summarise and set out the position of the EA as it stood at the opening of the Inquiry, after first summarising the cases of the Council and the applicant. I then briefly deal with those who relied on their written representations - both in support of the proposal, and in opposition to it.

THE CASE FOR THE COUNCIL⁵³

The material points were:

Introduction

59. The Council's position on this proposal has evolved during the call-in process. It initially resolved to approve this application at its Planning Committee in December 2023, subject to the imposition of necessary conditions and the completion of a S106 agreement, and also subject to the SoS not calling it in. However, the SoS did decide to call in the application, and following this the Council reassessed the proposal in the light of an objection from the LLFA. At its June 2024 Planning Committee it resolved that had it been the determining authority it would have refused to grant planning permission, primarily for reasons relating to flood risk. That was the Council's formal position until shortly before the scheduled opening of the Inquiry.
60. However, following the receipt of further technical material and extensive constructive discussions between the applicant and the Council agreement was reached on all outstanding matters. As a result, the application was returned to the Council's Planning Committee on 30 April 2025 with a recommendation from Planning Officers that the Council's formal position should be that the Inquiry Inspector recommend to the SoS that planning permission be granted. Committee Members passed a resolution in accordance with that professional recommendation⁵⁴.
61. In short, all drainage matters have been resolved or are capable of being addressed by suitably worded conditions. This was confirmed by the Council's drainage witness at the Inquiry, who considered, amongst other matters, that:
- a) the applicant has demonstrated that its proposed surface water drainage scheme would operate without increasing risk of flooding to third parties.

⁵⁰ ID2

⁵¹ ID12

⁵² ID13.1

⁵³ Summarised in ID3, ID12, CD1, CD48, CD104, CD117.1 - CD117.4 & CD118

⁵⁴ CD104

- b) the proposed scheme is well-engineered with benefits in drainage terms compared to the extant scheme. Subject to proposed conditions he expressed confidence in the operation of the proposed scheme, in all circumstances, but had much less certainty about the extant scheme.
- c) there is no conflict with the relevant flooding and drainage policies of the development plan, namely CS Policies CP1 and CP3, and MDDL Policies CC09 and CC10, or with Chapter 14 of the NPPF⁵⁵.

62. The SoS's call-in letter identified the matters in respect of which the ultimate decision-maker wished to be informed, and at the CMC on 25 March 2025, the Inspector accordingly identified 3 main considerations. These were firstly, flood risk, in view of the location of the site within FZ3; secondly, retail impact and whether there are any sequentially preferable sites; and finally, planning policy and planning balance, including the benefits of the proposed development. There is a notably broad consensus on these main considerations between the applicant and the Council as LPA, LHA and LLFA, as evidenced in the 3 agreed SoCG⁵⁶ on these topics.
63. In addition, evidence has also been provided on several other topics including highway safety, biodiversity, and the likely implementation of the fall-back position. Those matters are uncontentious. As such the Council confirms that it does not object to this proposal on highways or ecology grounds. With regards to the fall-back position the Council accepts that there is an extant planning permission for a similar 'less vulnerable' use on the application site, capable of implementation. The Council does not contest the landowner's evidence that this extant planning permission will be implemented if planning permission is not granted for the current proposal.

Main Consideration - Flood Risk

64. The Council does not seek to challenge the detailed evidence on flood risk matters from the applicant's flooding witness, and broadly adopts the position and conclusions drawn by the applicant as regards national and local policy and the implications of the fall-back position. The policies of the NPPF and PPG are to be read holistically, with the overarching objective of national (and indeed local) planning policy being to minimise and manage current and future flood risk.
65. The EA's previous objection - which was strictly limited to an 'in principle' objection - hinged on a reference in Table 2 of the Flood Risk and Coastal Change section of the PPG, which indicates that 'less vulnerable development' 'should not be permitted' in FZ3b. However, properly construed this reference in Table 2 is not a bar to the grant of planning permission (and does not even establish a presumption against the grant of permission). Rather, it is a negative factor materially weighing against the proposal, but one which requires an exercise of judgment in its application.
66. A critical component of the factual context when applying national and local policy concerning flood risk matters in this case is that there is an extant planning permission on the application site⁵⁷, as certified by a certificate of lawfulness⁵⁸. The uncontested

⁵⁵ See section 5 in CD118

⁵⁶ CD73, CD114 & CD115

⁵⁷ For a showroom and vehicle workshop building for vehicle fitting, repair and sales, with external vehicle display/storage areas, customer and staff parking, associated landscaping and new access to Gazelle Close

⁵⁸ CD9

evidence of the landowner, Mr Wood, explains that this extant planning permission will be implemented if the present scheme is refused⁵⁹. In other words, 'less vulnerable' development has already been permitted on the application site, and will come forward irrespective of whether or not the present application is approved. With this in mind, and after due consideration, the EA has withdrawn its remaining objection, of an 'in principle' incompatibility due to the location of the site in FZ3b⁶⁰.

67. In light of the above points the Council invites the Inspector to accept the common position, undisputed in evidence, that:

- a) There are no reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.
- b) The application has properly considered the flood risk implications of the scheme, and the applicant's technical evidence and updated FRA demonstrates that the scheme meets the requirements of paragraph 181(a)-(e) of the NPPF.
- c) The revised scheme proposes floor levels above modelled flood levels and includes safe access and egress arrangements and a flood response plan. The proposed development would therefore be safe for its lifetime without increasing flood risk elsewhere.
- d) The proposed development would comply with MDDL Policy CC09 and the relevant requirements of national policy.
- e) The flood risk measures secured by the extant permission would result in the extant scheme being less safe in flood risk terms than would be the case were the application scheme to be permitted⁶¹.
- f) The planning permission for the extant scheme (ref 171299⁶²) has no detailed Flood Warning and Evacuation Plan (FWEP), nor was this a requirement of a specific planning condition⁶³. By contrast, the proposed scheme would come with a full emergency plan and FWEP in response to a flood, with associated safe access and escape routes; and detailed management proposals for voids and the wider site⁶⁴.
- g) There is no objection from the Council or the Council's emergency planners to the principle of securing a robust FWEP through a proposed condition, to ensure site users are safe in a flood event⁶⁵.
- h) There is a benefit in flood risk terms in permitting the application scheme, subject to the appropriate conditions, as against leaving the extant permission to be pursued.

68. Overall, the Council considers that the application scheme is appropriate in flood risk terms and complies with MDDL Policy CC09 and the substantive requirements and objectives of national policy and guidance, read as a whole.

⁵⁹ See Appendix 2 in CD51.2

⁶⁰ ID9

⁶¹ See paragraph 6.17 in CD117.4, paragraphs 13.23 & 14.7 in CD52.1 & ID9

⁶² CD6 – see also CD5, and CD7 – CD9

⁶³ See bullet point 8 to paragraph 4.2 in CD52.1

⁶⁴ See paragraph 4.4 in CD52.1

⁶⁵ ID4.1 & ID4.2. Also paragraph 6.16 in CD117.4

Main Consideration - Retail impact and the Sequential Test

69. The applicant sets out in its PRS⁶⁶ that Aldi stores are modest in size and fulfil a neighbourhood shopping role, with a catchment that is localised. The sequential test provided by the applicant therefore identifies town and district centres in a localised catchment area, namely Wokingham town centre, Winnersh village centre, Lower Earley district centre and Woodley town centre. The catchment area also considers a number of smaller local centres. Alternative sites have also been considered, and an assessment undertaken of their availability, suitability and viability. The submitted sequential test states there are no alternative existing available premises to locate a food-store of this size in the centres considered. The Council does not dispute these findings and conclusions.
70. The applicant also provided a Sequential Sites Addendum⁶⁷, which considered sites promoted as part of the LPU for retail development, although the LPU can only carry limited weight at this stage. Through this Addendum the applicant identified 3 potential sites, but 2 were deemed too small and whilst the third would be large enough, it could not be considered available within a reasonable timeframe. It is also relevant that this site lies outside of any town centre location in the current development plan. The Council agrees with the conclusions of the Sequential Sites Addendum, and is satisfied that there are no suitable alternative sites for a supermarket within town centre locations.
71. The Council also considers the fact that the application site has extant planning permission to be used for a mixed-use development with a retail element (vehicle showroom), also needs to be taken into account. Whilst this retail element would only be part of a wider mixed-use proposal, this permission nevertheless establishes the site for a commercial and retail use outside of a town centre, and indicates the acceptability of such a proposal under the current development plan policies and the NPPF.
72. In terms of retail impact assessment (RIA), the application proposal falls below the 2,500sqm threshold for such assessments set out in paragraph 94 of the NPPF, but is above the 500sqm local threshold as set out in MDDL Policy TB16. Accordingly, the applicant submitted a RIA which has a base year of 2021 and a design year of 2026. The RIA acknowledges that a small amount of floorspace (around 20%) would be given over to comparison goods, but these are typically temporary in nature and not the primary purpose of the proposed store. The RIA therefore focuses on the impact of convenience goods on designated centres, using base data from the 2017 Western Berkshire Retail and Commercial Leisure Assessment⁶⁸ (WBRCLA) as a starting point for calculations of retail impact, also having regard to more recent development that has taken place since the study was undertaken.
73. The RIA identifies that the proposed store is likely to derive the majority of its turnover by diverting trade away from Sainsbury's in Winnersh, Aldi, Waitrose, Morrisons, Tesco and Lidl in Wokingham and Asda in Lower Earley. It is stated that around 70% of store turnover is assumed to be derived from the Winnersh centre and wider urban area, with the draw from other locations considered to be lower. The Council does not dispute the

⁶⁶ CD35

⁶⁷ CD23

⁶⁸ CD94.1 - CD94.4

convenience goods impacts estimated by the applicant, and its Planning Policy Team raised no objection to the retail impact of the development⁶⁹.

74. In addition to the above, the applicant has updated its RIA with reference to the more recent evidence base contained in the Wokingham Retail & Leisure Study (WRLS) 2022 Update⁷⁰, published in September 2023. This indicates a continued trend of strong performance and overtrading, with its paragraph 8.26 stating *'This positive requirement is largely being driven by the strong trading performance of the existing network of foodstores in the borough, a number of which are trading at significantly above 'benchmark' levels and are therefore considered to be heavily 'overtrading'.* Overall, the WRLS sets out that there is a positive requirement for additional convenience goods floor space within the borough up to 2040.
75. Taking the above into consideration the Council does not consider that the proposed new supermarket would detrimentally impact existing retail centres⁷¹. There is a strong case for additional convenience goods floor area and local supermarkets are performing strongly and in some cases overtrading. The Council therefore raises no objection to the retail impact of the proposed development and considers that the development complies with MDDLDP Policy TB16.
76. In summary, the Council and applicant agree that there are no suitable or available sites in sequentially preferable locations that could accommodate the broad type of development proposed⁷², so the retail sequential test in paragraph 95 of the NPPF is passed. They further agree that the proposed development would not have a significant adverse impact in retail terms, and therefore passes the retail impact test and is in accordance with local and national retail policies. Moreover, the Council's Planning Policy team advised during the application process that there is a need for further convenience goods floorspace across the borough⁷³. On this point the Council agrees with the applicant's planning and retail witness that meeting this need would be a material consideration weighing significantly in favour of granting planning permission.

Main Consideration - Highway safety and other traffic and transport matters

77. Although some highway safety and traffic matters were raised by consultees and others who made representations on this proposal, as detailed in the Officer's Report to the Planning Committee, the Council's Highway Engineer was satisfied that the existing Reading Road/Gazelle Close junction would satisfactorily accommodate the likely traffic generated by the proposed foodstore, with minimal queuing and with no unacceptable impact in safety terms⁷⁴. Moreover the layout of the proposed development indicated that adequate parking and manoeuvring spaces would be provided. Accordingly the Council raised no objection to this proposal on highway safety or other traffic-related grounds, subject to the imposition of the agreed conditions, and considers there to be no conflict with relevant local or national policies in this regard.

⁶⁹ Paragraph 5.20 in CD117.4

⁷⁰ CD100 - CD101

⁷¹ Paragraph 5.23 of CD117.4

⁷² Paragraphs 4.4 - 4.5 in CD73

⁷³ Paragraph 5.20 in CD117.4

⁷⁴ See paragraphs 25 - 32 in CD1

Main Consideration - Ecology and Biodiversity Net Gain (BNG)

78. The Council has considered the Ecological Impact Assessment⁷⁵ (EclA) submitted by the applicant to support this proposal, and does not dispute its findings or raise any objections to its conclusions. Moreover, the Council's Tree and Landscape Officer indicates that the proposals are acceptable and would provide adequate landscape mitigation for the proposed development⁷⁶. As such the Council does not take issue with the BNG Assessment Inquiry Statement appended to the applicant's planning witness's proof of evidence⁷⁷. Subject to the imposition of appropriate conditions the Council does not therefore oppose this proposal on matters of ecology or BNG.

Main Consideration - the fall-back position

79. The Council recognises that there is an extant planning permission relating to this site, essentially for the construction of a new workshop, sales and showroom building with associated staff and visitor parking and outdoor vehicle display, parking and storage areas, internal roadway and landscaping. This has already been referred to above, in the context of flood risk matters, and those points are not repeated here. The Council has also had regard to the Statement provided by the landowner, Mr Steve Wood of Roy Wood Transits⁷⁸, in which he clearly indicates that if this current application does not receive planning permission it would not be in his commercial interests to leave the application site undeveloped. He would therefore build out the extant permission.
80. The Council does not dispute this likely course of events and considers that the flood risk measures secured by the extant permission mean that this extant scheme would be less safe in flood risk terms than would the application scheme. As already noted, the Council considers that there is therefore a benefit in flood risk terms in permitting the application scheme, rather than leaving the extant permission to be pursued.

Main Consideration - Planning policy and planning balance

81. The starting point for the decision-maker is the statutory development plan, and although both the CS and the MDDLDP are somewhat dated the policies relevant in this case generally accord with NPPF guidance and therefore remain up-to-date and should be given full weight. Compliance with a number of development plan policies has already been established, above, but in terms of location it is the case that the vast majority of the application site falls outside of settlement limits. There is therefore an 'in-principle' conflict with the development plan's spatial strategy, particularly as expressed by CS Policies CP11 and CP9, and MDDLDP Policy CC02.
82. However, in the circumstances of this case the Council does not consider the proposal would be in conflict with the objectives underpinning the spatial strategy. There would be conflict to some extent with the 3 criteria set out in CS Policy CP11, but the proposal would not frustrate the broad objectives set out in this policy and its supporting text. As detailed in the Council's Statements of Case⁷⁹ (SoC) and Committee Reports⁸⁰, the

⁷⁵ CD41

⁷⁶ Paragraph 12 in CD1

⁷⁷ Appendix 1 to CD51.2

⁷⁸ Roy Wood Transits is currently based at 429 Reading Road, Winnersh, a little over a kilometre to the south-east of the application site. I visited this existing operation as part of my accompanied site visit

⁷⁹ CD49.1 - CD49.5 & CD70.1 - CD70.7

⁸⁰ CD1, CD48 & CD104

proposal would not harm the separate identity of settlements and would be sustainably located. Whilst there would be some limited harm to the landscape, the site already has an extant planning permission to be developed for a similar use, and in the Council's view there would be benefits to developing a site that is more akin to a vacant plot in an urban area, partially surrounded by large buildings and infrastructure, than countryside.

83. Being located largely outside development limits the proposal would be at odds with MDDL Policy CC02. A landscape buffer would be retained on the southern boundary, but the scheme would nevertheless result in a harder edge to the surrounding countryside. However, the Council considers that this impact would be limited and acceptable, in the particular circumstances of this case⁸¹. The out-of-settlement location means that the proposal would also be in conflict with CS Policy CP9. But in light of the nearby existing development and the fact that the application site is in a sustainable location, the Council considers the proposal to be in accord with that part of this policy which requires the scale of development proposals to reflect the existing or proposed levels of facilities and services at or in the location, together with their accessibility.
84. Having regard to all the above points, the Council considers that only limited weight should be given to the conflict with these spatial strategy policies. Apart from this, the application scheme complies with all relevant development plan policies concerning retail proposals, flood risk, drainage, highways and ecology, and it is common ground with the applicant that the scheme complies with the remainder of the policies in the development plan. It should therefore be considered as complying with the development plan as a whole.
85. But even if the Inspector and/or the SoS reaches a different view, and identifies conflict with the development plan as a whole, the Council's position is that there are material considerations which would weigh in favour of granting planning permission. The proposal would have a positive economic impact by resulting in jobs and new business activity to the area and would not detrimentally impact the viability of other retail and town centres, but would provide a new day-to-day shopping facility within a sustainable and accessible location to residents. Many representations submitted at initial application stage also raised this as a positive effect of the development as detailed in the December 2023 committee report⁸². Furthermore, the problems and risks likely to arise with the extant permission to develop this site, detailed above, weigh heavily in favour of the application proposal.
86. In the view of the Council's Principal Planning Officer involved with this application, the case for the grant of planning permission is 'compelling'⁸³.

Conclusion

87. For the reasons set out above, the Council respectfully invites the Inspector to recommend that planning permission be granted for the application scheme, subject to the agreed conditions and S106 obligations.

⁸¹ Paragraph 4.6 in CD117.4

⁸² Pages 59 & 60 in CD1

⁸³ Paragraph 7.5 in CD117.4

THE CASE FOR THE APPLICANT⁸⁴

The material points were:

Introduction

88. The main considerations identified by the Inspector at the CMC are dealt with in the following paragraphs, although the fall-back position is considered under the other main considerations, where relevant, rather than as a stand-alone topic. But before turning to these matters it is important to recognise the agreement between the applicant and the Council as LPA, LHA and LLFA that planning permission should be granted for this proposal. Indeed, the Council's professional evidence is emphatic in its support for the scheme, with its planning witness positively recognising that there are 'compelling reasons' for permission to be granted in this case⁸⁵. Further, following the withdrawal of the EA's objection during the Inquiry all relevant statutory consultees also agree that there is no technical reason why planning permission should be refused. The applicant agrees, and draws attention to the fact that there is a clear national policy imperative in favour of sustainable economic growth encapsulated in paragraph 85 of the NPPF.

Main consideration - Flood risk in view of the site's location in FZ3b

89. The headline point in respect of this matter is that the EA's objection to this proposal should never have reasonably been made. As noted by the Government, *'It is essential that statutory consultees look to provide practical, pragmatic advice and expertise which is focussed on what is necessary to make development acceptable'*⁸⁶. Unfortunately, this advice was not heeded by the EA in this case until the 11th hour withdrawal of its objection during the cross-examination of its witness. Instead, the EA's objection as originally made was a paradigm example of the statutory consultee, contrary to the objectives of the Government, seeking a *'gold plated outcome, going beyond what is necessary to make the development acceptable in planning terms'*.
90. This is because the EA's objection was centred on the proposition that Table 2 in the PPG Flood Risk and Coastal Change⁸⁷ indicates that 'less vulnerable' development 'should not be permitted' in FZ3b. The EA claimed there was a consequent conflict with NPPF paragraph 170 and also a conflict with MDDL Policy CC09 for the same reason. However, the EA failed to properly grapple with the fact that a planning permission⁸⁸, certified as extant by a Certificate of Lawful Proposed Use or Development⁸⁹ (CLOPUD) already permits, in summary, the erection of a new showroom and vehicle fitting, repair and sales facility, with external vehicle display/storage areas, parking, and associated works on the application site. This fall-back position, referred to hereafter as 'the extant scheme', is plainly a material consideration for the decision maker.
91. Further, the uncontested evidence of the site owner, Mr Wood, is that this planning permission will be implemented if planning permission is refused for the Aldi scheme⁹⁰. Mr. Wood has a business requirement for an alternative site, and has planning

⁸⁴ Summarised in ID1, ID13.1, CD68, CD51.1 - CD51.2, CD52.1 - CD52.6 & CD53.1 - CD53.2

⁸⁵ Paragraph 7.5 in CD117.4

⁸⁶ ID10

⁸⁷ Paragraph: 079 Reference ID: 7-079-20220825 in CD75

⁸⁸ CD8.1

⁸⁹ CD9

⁹⁰ Appendix 2 in CD51.2

permission to redevelop his existing Reading Road site for housing⁹¹. It would not be in his commercial interests to leave the application site vacant and undeveloped when there is a beneficial, valuable planning permission that can be implemented on the site.

92. The applicant's planning witness confirmed that '*significant weight towards the top of the scale*' should be attributed to the fall-back, given its prospects of implementation and the risk that would be realised should it come forward. The EA's witness accepted, under cross-examination, that the extant scheme is the baseline against which the application scheme should be considered. He further accepted that the principle of 'less vulnerable' development coming forward in FZ3b is therefore already established by the extant scheme, and that the objective of the PPG, to seek to direct 'less vulnerable' development away from FZ3b, would not be achieved by refusing permission for the application scheme. This should always have been sufficient to dispose of the EA's 'in principle' objection to 'less vulnerable' development coming forward on this site.
93. However, as the EA has now accepted, there are additional material considerations in this case that weigh heavily in favour of the grant of planning permission. It was the EA witness's agreement to these points, under cross-examination, that led the EA to withdraw its opposition to this proposal and acknowledge that there would be a benefit in flood risk terms in permitting the application scheme, rather than allowing the extant scheme to come forward⁹². The EA was plainly right to reach this view. This is clearly a proposal that complies with both national and local policy in respect of flood risk, and that would positively deliver against its overarching objectives.

The Application Scheme

94. Paragraphs 170, 178(b) and 181 of the NPPF require that development can be made safe for its lifetime without increasing flood risk elsewhere. Paragraph 181 also sets out the detailed criteria against which these matters can be addressed, and requires applications to be supported by a site-specific FRA, with MDDL Policy CC09 including an equivalent requirement. The ways in which the application proposal accords with these national and local requirements is set out in detail, below.
95. The applicant has updated the 2009 Lower Loddon model using new hydrology and topographic data to provide an improved 2025 model⁹³. On 10 March 2025, the EA agreed that this updated modelling is acceptable to assess fluvial flood risk at the site and determine any flood risk impacts of the proposed development. It is also agreed that the 'design flood', upon which mitigation measures should be based and off-site impact assessed, is the 1 in 100 (1% AEP) + 23% allowance for climate change, and that this is reflected in, and has informed, the FRA⁹⁴. The EA now accepts that there are no outstanding technical issues with the modelling, and that the application is supported by an adequate site-specific FRA. There is therefore compliance with NPPF paragraph 181 and MDDL Policy CC09 in this respect.
96. The SoCG⁹⁵ records the agreement that the application proposal would not increase flood risk elsewhere. The proposal provides level-for-level floodplain compensation for

⁹¹ ID8.1 & ID8.2

⁹² ID9

⁹³ See CD72.2 & CD91

⁹⁴ CD92

⁹⁵ CD72.2

the design flood event, to be achieved through a combination of the lowering of levels and the use of voids. The void spaces have been designed to address the technical points raised in the PPG as to their use⁹⁶, and conditions have been agreed which would ensure their maintenance for the lifetime of the development. In normal circumstances, the void spaces would provide a betterment (over existing) of 474 cubic metres (cum)⁹⁷. However, it is agreed with the EA that even if the void spaces became 100% blocked there would be no impact off-site. It is therefore agreed with the EA that the proposals would not result in an adverse flood risk impact to third parties⁹⁸.

97. NPPF paragraph 181(a) deals with 'sequential positioning' on a site, and requires the most vulnerable development to be located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location. The EA accepts that the application proposal complies with these requirements as, firstly, the proposed foodstore would be raised above the level of practical risk (at 1.12m above the design flood level⁹⁹). This is the main area for sale and display, where customers would spend most of their time. Secondly, the building would be located to the front of the site in a position where safe access/egress could be achieved (in the event of the design flood) onto Gazelle Close. Thirdly, the disabled car parking spaces would be located outside the areas of risk. Finally, the EVCP would be located beyond or on the edge of the flood zone.
98. NPPF paragraph 181(b) requires that the development is appropriately flood resistant and resilient, such that, in the event of a flood, it can be quickly brought back into use without significant refurbishment. Again, it is agreed that there is compliance with this criterion. As set out above, the building itself would be raised well above the design flood level and so would be flood resistant. Agreed Condition 26 also ensures that the EVCP would be raised as high as practicably possible, and any wiring feeding such charging points or lights would be contained in sealed ducts to protect them from water. The car park itself would be appropriately flood resilient, as it could be quickly and easily brought back into use following a flood event, with any minor siltation being cleared through a simple mechanical sweep.
99. NPPF paragraph 181(c) requires the development to incorporate sustainable drainage systems, unless there is clear evidence that this would be inappropriate. The strategy for the site includes a split drainage system, restricted to greenfield rates, which would discharge into the Thames Water sewer which passes through the site. The drainage system is split between FZ3b and the remainder of the site, such that if the lower part of the site (the car park) is flooded in the 1 in 30 year flood event, the upper portion of the site could continue to drain for as long as possible. Below-ground attenuation would be provided in 3 areas of cellular crates, for all events up to and including the design flood. Although this far exceeds any design standard requirement, the applicant's modelling demonstrates that in a combined design event (fluvial and surface water both of a 1 in 100 year return period), the drainage system would still function adequately¹⁰⁰.
100. Drainage matters are dealt with by the LLFA, and the Council's drainage witness recognises that the proposed surface water drainage scheme would operate without

⁹⁶ See CD78 and paragraphs 12.16 - 12.22 in CD52.1

⁹⁷ Paragraph 12.15 in CD52.1

⁹⁸ Paragraph 12.27 in CD52.1; Figure 12.3 in CD52.3; and paragraph 3.12 in CD72.2

⁹⁹ Paragraph 3.12 in CD72.2

¹⁰⁰ CD106.1 & CD106.2

increasing flood risk to third parties. There is no conflict with the relevant flooding and drainage aspects of CS Policies CP1 and CP3, MDDL Policies CC09 and CC10, and NPPF Chapter 14¹⁰¹. The SoCG between the applicant and the LLFA confirms that subject to proposed conditions, the drainage scheme would be adequate and that the LLFA no longer objects to the scheme. On 30 April 2025, the Council formally accepted this position and resolved that the grant of planning permission should be supported¹⁰².

101. NPPF paragraph 181(d) requires any residual risks to be safely managed, and the PPG sets out that an important component of managing residual risk is to consider whether adequate flood warning will be available to people using the development¹⁰³, and also indicates that residual risks will need to be safely managed to ensure people are not exposed to hazardous flooding. NPPF paragraph 181(e) also requires that safe access and escape routes are included where appropriate, as part of an agreed emergency plan. Under cross-examination the EA's witness agreed that the application proposal is compliant with both NPPF paragraphs 181(d) and (e) and the PPG in these respects.
102. With regard to safe access and escape routes the EA's advice is that pedestrian routes should not be subject to any combination of depth and velocity that would result in a flood hazard rating of 0.75 or greater¹⁰⁴. Evidence from the applicant's flood risk witness demonstrates that this could be achieved as the pedestrian evacuation route from the store/site would not pass through such areas¹⁰⁵. On this point it should be noted that there is no policy requirement for dry access, and the EA does not advise that this is necessary either, as confirmed in a recent appeal costs decision¹⁰⁶.
103. Agreed Condition 27 requires a FWEPP to be submitted to and approved by the LPA. This would also ensure that robust emergency and evacuation procedures are implemented at the site in the event of a flood. This approach to the management of flood risk is commonly accepted by the EA and LPAs as the EA's witness accepted under cross-examination¹⁰⁷. Emergency planning falls within the remit of the LPA and not within the remit or expertise of the EA¹⁰⁸, a matter recognised in the PPG¹⁰⁹ and in the guidance referred to by the EA's witness¹¹⁰.
104. This matter was also recognised in the costs decision referred to above, where the Inspector noted that evidence given by the EA witness in respect of a FWEPP was outwith the EA's technical expertise. This is important because the week before the Inquiry, for the first time, the EA raised the point in its evidence that its flood warning system might not be adequate to trigger the procedures in the FWEPP. It is unclear why the EA did not raise this point previously, including in the letter produced as recently as 25 March 2025¹¹¹ that was supposed to provide clarity as to the EA's remaining concerns following the CMC. In any event, the EA's own guidance, referred to above,

¹⁰¹ Paragraphs 5.1 - 5.3 of CD118

¹⁰² CD104

¹⁰³ Paragraph: 004 Reference ID: 7-004-20220825 in CD75

¹⁰⁴ Paragraph 72 in CD119.1

¹⁰⁵ Figures 11.1 & 11.2 in CD52.3

¹⁰⁶ Paragraph 27 in CD85

¹⁰⁷ See for example the costs decision at CD85

¹⁰⁸ Paragraph 6.4 in CD72.2

¹⁰⁹ Paragraph: 045 Reference ID: 7-045-20220825 in CD75

¹¹⁰ Page 3 in CD119.17

¹¹¹ CD112

makes it clear that an on-site alarm is a perfectly acceptable way of triggering emergency procedures where the EA's flood warning system might not be adequate.

105. The applicant's flood risk witness addressed this point in his rebuttal proof of evidence¹¹² (PoE). He explained how a simple on-site alarm system could be installed in a manhole connected to the ditch system around the site, to provide adequate warning of a flood event. In times of flood this ditch network fills first so the connected manhole would fill at the same time, thereby tripping the alarm and triggering the emergency procedures. A robust procedure would be enacted in the event that the alarm is triggered. In summary:
- a) The store would subscribe to the EA's flood alert system and staff would be fully trained in emergency evacuation procedures. If a flood alert was issued, staff would be prepared to act in the event the on-site alarm was triggered¹¹³.
 - b) If, following a flood alert, the on-site alarm was triggered, immediate evacuation would occur, the store would be closed, and further entry into the car park would be prohibited.
 - c) Customers would be asked to leave the premises as quickly as possible.
 - d) Staff would guide customers out of the premises and direct them to their cars and guide them to the identified safe evacuation routes.
 - e) Safe evacuation and egress routes would also be on display at all times in the store entrances, and the evacuation procedures and requirements would be announced over a Tanoy.
 - f) Once customers have been evacuated, all non-essential staff would leave the premises along the identified safe evacuation routes.
 - g) All utilities to the car park areas (including lighting columns and EVCP) would be isolated.
 - h) Designated staff would also remove any non-fixed items (such as trolleys) from the car park into the store.
 - i) Remaining staff would then secure the building and evacuate the site along safe evacuation routes, securing the gate/barrier to the site to ensure that no vehicles re-enter the car park.
106. The applicant's modelling demonstrates that in the flood event there is a period of 6.5 to 7 hours between the ditches filling and the application site being breached¹¹⁴. This would provide ample time for the evacuation of customers and staff to occur. The average dwell time that customers spend shopping on site is 45 minutes, as advised by the applicant based on other stores. Agreed Condition 16 requires a parking management plan to be implemented. This would restrict customer parking to 90 minutes, and discourage long term/overnight parking on the site. It is anticipated that

¹¹² CD52.6

¹¹³ A 'Flood Alert' is different to a flood warning (see Appendix B to CD52.6). The EA issues a Flood Alert where forecasts show flooding might be possible (in contrast to a 'Flood Warning' where flooding is expected). Flooding will not always follow a Flood Alert, and it is therefore agreed that a Flood Alert would not be an appropriate trigger for emergency and evacuation procedures. However, by subscribing to the Flood Alert system, the trained staff would know that they should be prepared for a flooding incident. If the onsite alarm was then activated, it would then indicate that fluvial flooding of the site was expected/likely, and the emergency procedures would be enacted

¹¹⁴ Appendix C in CD52.6

this would be enforced by the 'Parking-Eye' CCTV¹¹⁵ system which is commonly employed in Aldi stores.

107. These emergency procedures should mean that vehicles and unfixed items are removed from site, but permeable boundary fencing, which would not impact on the storage and flow of flood water or increase off-site risk, could ensure that there is no residual risk from off-site flotation in the event that any vehicles do remain on site. The EA's witness confirmed that the detail of boundary fencing could be secured by condition, which would also need to ensure that the agreed boundary treatment is retained and adequately maintained for the lifetime of the development¹¹⁶. This is what agreed Condition 29 does, and the EA has no extant objection in relation to this matter, subject to the imposition of this condition.
108. The Council's emergency planners have considered the principle of the emergency alarm system¹¹⁷ and the proposed FWEP outlined above¹¹⁸ and have confirmed that subject to a few minor matters of detail, which could be dealt with at any discharge of condition stage, the plans can be considered 'good'. The FWEP would be secured by agreed Condition 27.
109. Having regard to all these points the EA's witness conceded that the proposed development would be fully compliant with the requirements of NPPF paragraph 181 and would therefore be safe for its lifetime; would not increase flood risk elsewhere; and would also therefore comply with the relevant parts of NPPF paragraphs 170 and 178(b). He further confirmed that the EA had no outstanding substantive or technical objection to the proposed development.

The Extant Scheme

110. However, the same is patently not true of the extant scheme, which the EA's witness agreed, under cross-examination, would be inherently unsafe and would increase flood risk elsewhere, as the extant scheme has no system of control to ensure that flood risk could be safely managed and that people could be protected from flood hazards.
111. The FRA for the extant scheme shows that notification of a flood event to people using the site is wholly reliant on the potential for flood water to be seen before it reaches the southern boundary¹¹⁹. But those using the site might not see this encroaching water before it is too late as the approved landscaping plan shows a substantial hedge across the site which would impede visibility to the ditches at the site's southern edge¹²⁰. In addition, the approved lighting plan shows that this area would not be lit¹²¹. This would cause obvious difficulties in identifying flood water encroaching towards the site if that was to happen when it is dark, for example in the evening during the winter months.
112. There is no requirement for staff to sign up to the EA's flood alert system or be prepared for a flood event, and no requirement for staff to be trained. Therefore, even if

¹¹⁵ CCTV: Closed-Circuit Television

¹¹⁶ Paragraphs 55 & 74 - 75 in CD119.1

¹¹⁷ ID4.1 & ID4.2

¹¹⁸ Also summarised at pages 28 - 30 in CD52.1

¹¹⁹ Page 33 of CD28

¹²⁰ CD8.5

¹²¹ CD8.3

flood water is spotted towards the bottom of the site, staff and customers could well be unaware that this is a potentially serious hazard. There are no conditions on the extant scheme to secure the closure of areas at risk or any emergency evacuation procedure. In these respects the EA's witness accepted that the extant scheme is simply not safe.

113. Moreover, the area for the sale and display of vehicles, where customers would spend most of their time, would be located towards the bottom of the site in the greatest area of risk, directly contrary to the sequential positioning requirements of NPPF paragraph 181(a). In addition, the hazard mapping¹²² shows that in the design flood it would not be possible to secure safe access and egress from the workshop, as all of its access points would open onto areas where the hazard rating exceeds 0.75. This is also true of the disabled parking bay. As noted in the EA witness's PoE¹²³ this would not be safe as flood water can be difficult to walk through and can hide hazards such as open manholes and kerbs, and can carry debris which is dangerous to property and people.
114. Most of the building would be in use as a vehicle service/repair workshop, meaning there would only be a relatively small area suitable for members of the public, and there is no requirement secured through condition or a FWEPP for the building to stock provisions. The incentive would undoubtedly be for people to try and leave the site in these unsafe conditions. It follows from all this, that in the extant scheme there would be a significant likelihood that people would be moving around in flood water.
115. There are no conditions to control or discourage the long-term storage and parking of vehicles, and no plan to secure their safe removal in a flood event. It is of note that the extant scheme has space for around 50 vehicles to be kept long-term on the site for sale and display. In addition, vehicles would be left on the site by customers to be valeted, serviced and repaired, with some of these possibly not being roadworthy. It is simply unrealistic to assume that the untrained staff on the site, with no emergency plan in place, would remove these vehicles to an unspecified place of safety in a flood event.
116. Moreover, the approved hard landscaping plan¹²⁴ does not secure boundary treatment around the full perimeter of the site, as the area which would provide parking for the adjacent WFBP would not be fenced. There is no requirement to replace any boundary treatment that is removed, becomes defective, or fails, and no requirement for the maintenance of boundary treatment to ensure it remains adequate and permeable. There is therefore a risk of flotation of vehicles and non-fixed items associated with the vehicle service and repair operation, and the further potential for boundary fencing to become blocked, impeding the movement of flood water and increasing off-site risk¹²⁵. The EA's witness agreed that in these respects the extant scheme would fail to accord with national policy as it would not adequately manage risk for the lifetime of the development, would increase flood risk elsewhere, and would be unsafe.
117. Finally, the extant scheme would not comply with NPPF paragraph 181(c), dealing with sustainable drainage, as the drainage scheme is based on infiltration directly to the ground and in a flood event there is the clear potential for the permeable surface material to become blocked with silt and debris. There are no conditions requiring

¹²² ID5.1 & ID5.2

¹²³ Paragraph 72 in CD119.1

¹²⁴ CD8.2

¹²⁵ Paragraph 55 in CD119.1

maintenance of the drainage scheme, and in any event the only way in which such a situation could reasonably be remedied would be to lift and relay the entire hard-surfaced area. That is wholly unsustainable. Further, if the drainage system was to be impeded in this way, the increased surface water ponding and flows would be likely to increase flood risk elsewhere, contrary to the aforementioned NPPF guidance.

118. Drawing all of these points together, it is clear that the extant scheme would fail completely and abjectly when assessed against the requirements and objectives of national policy. Indeed, the EA's witness agreed that the extant scheme would be inherently unsafe, and the unchallenged evidence of the applicant's flood risk witness was that, if implemented, the risks are such as to create 'a danger to life'.
119. In these circumstances the opportunity of securing a safe and suitable scheme through the approval of this current application should be accorded significant weight at the top of the scale. The EA was right to recognise, albeit belatedly, that it was appropriate to withdraw its objection to this scheme, having regard to the very real benefits in flood risk terms that the application scheme would deliver.

Summary on flood risk policy compliance

120. Having regard to the above points it is clear, understood in its proper context, that the application scheme complies with the flood risk requirements of local and national policy. The first sentence of NPPF paragraph 170 states that '*Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at higher risk (whether existing or future)*'. MDDLP Policy CC09 also seeks to avoid '*inappropriate development in areas at risk of flooding*'. However, there is no definition of '*inappropriate development*' for these purposes in the NPPF or PPG, or indeed within the MDDLP. It is therefore submitted that it is a matter of judgment for the decision maker to determine whether development is 'inappropriate', having regard to the wider provisions of national policy and guidance.
121. Table 2 in the Flood Risk and Coastal Change section of the PPG has the heading 'Flood risk vulnerability and flood zone 'incompatibility''. However, this table does not expressly equate 'incompatibility' with 'inappropriateness', or purport to provide a definition of 'inappropriateness'. The word 'inappropriate' is not used at all in Table 2 or the accompanying text. What this section of the PPG does is set out that 'less vulnerable' development (such as proposed here) 'should not be permitted' in FZ3b. However, the words 'should not' do not mandate the refusal of permission, as a matter of national policy, or even establish a presumption against the grant of permission.
122. This is clear from the Court of Appeal's judgment in the case of R (on the application of Asda Stores Limited) v Leeds City Council and others¹²⁶. That case centred on the interpretation of what is now NPPF paragraph 95, which provides, in summary, that where a proposal fails the sequential or retail impact test it 'should be refused'. The Court of Appeal categorically confirmed that these words did not mandate refusal of the scheme, and that the words 'should be refused' do not mean 'must be refused'. The judgement further commented that the policy is not imperative and does not dictate a refusal of planning permission. Nor, the Court confirmed, did the words create a 'presumption' against the grant of permission. Whilst the effect of the policy is that there

¹²⁶ CD113

is a negative factor in Government policy counting against the proposal as a material consideration, also implicit in the policy is a requirement for planning judgment to be exercised in its application¹²⁷.

123. Thus, whilst it is accepted that the effect of Table 2 in the PPG is to create a negative factor in Government policy counting against the application proposal, and that this is a material consideration, there is still an implicit requirement for planning judgment to be exercised in its application. So, whilst the applicant and EA agree that the purpose of Table 2 relates to the principle of development and gives an indication that there is an expectation that 'less vulnerable' development should not come forward in FZ3b, it has to be recognised that the extant scheme is also for 'less vulnerable' development in FZ3b, with strong evidence being that this scheme will be implemented absent the grant of permission for the application proposal. This means that refusing planning permission for the application scheme would not achieve the objective of the national policy/guidance that 'less vulnerable' development should be directed away from FZ3b.
124. This was agreed by the EA's witness to be a 'very significant' material consideration. The EA's witness also agreed that the fundamental objective of national and local policy relating to flood risk, including that set out in Table 2 of the PPG, is to reduce risk and ensure safety. In the specific circumstances of this case, granting planning permission for the application proposal would reduce risk and ensure that the development is safe for its lifetime and would not increase flood risk elsewhere, in accordance with the overarching objectives of national policy. In contrast, refusing planning permission for the scheme would result in a clear increase in risk through the implementation of an inherently unsafe scheme, which is a danger to life, and which would increase flood risk elsewhere. This is also a very significant material consideration.
125. In accordance with the PPG¹²⁸, the applicant has considered whether there are any reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding within the relevant catchment area for the type of development proposed. There are none. This can be seen from the retail sequential test, discussed later. The use of the results from the retail sequential test are appropriate in this regard as the PPG explains that for individual planning applications subject to the flood risk sequential test, the area to apply the test will be defined by local circumstances relating to the catchment area for the type of development proposed¹²⁹. The Council agrees that the sequential test in flooding terms is passed¹³⁰.
126. Drawing these points together, it is the applicant's case that whilst recognising Table 2 as a negative factor weighing against the proposal, other material considerations relevant to flood risk indicate that the development is not 'inappropriate' in flood risk terms, for the purpose of paragraph 170 of the NPPF and MDDL Policy CC09. But even if the contrary decision were taken, that the application proposal is 'inappropriate', in consequence of Table 2, that is not the end of the matter. This is because both local and national policy expressly allow such development to come forward in the circumstances set out in those policies.

¹²⁷ See paragraphs 38 & 41 of CD113

¹²⁸ Paragraph: 004 Reference ID: 7-004-20220825 in CD75

¹²⁹ Paragraph: 027 Reference ID: 7-027-20220825 in CD75

¹³⁰ Paragraph 6.11 in CD117.4

127. Firstly, MDDL Policy CC09 specifically indicates that in exceptional circumstances, new development in areas of flood risk will be supported where it can be demonstrated that certain other criteria are met. These are, firstly, that the development provides wider sustainability benefits to the community that outweigh the flood risk. The applicant's position, expressed by its flood risk witness, is that the flood risk benefits alone are such that they would satisfy this criterion. However, added to that are the wider non-flood-related benefits of the scheme outlined by the applicant's planning witness and summarised in the section on benefits, below. For these reasons there is clear compliance with this criterion, and also with the exception test element of NPPF paragraph 178(a) for the same reason.
128. Moreover, it has already been established that the application proposal would be safe for its lifetime; would not increase flood risk elsewhere; incorporates flood resistance and resilience measures into the design; and would have in place a package of appropriate evacuation procedures to manage residual risk. This means that there would be compliance with the remaining criteria of MDDL Policy CC09, as well as the requirements of NPPF paragraph 178(b).
129. Secondly, NPPF paragraph 170 also recognises that inappropriate development can come forward in areas of higher risk, where it is necessary. Where development is necessary in such areas it should, again, be made safe for its lifetime without increasing flood risk elsewhere. In the present case, the development is plainly 'necessary', having regard to the need to secure the implementation of a scheme that is safe for its lifetime and avoids flood risk elsewhere, and to avoid the implementation of the extant planning permission and the significantly adverse consequences and risk to life in respect of flood risk that would flow from its delivery.
130. It is also to be noted that MDDL Policy CC09 requires development proposals in FZ2 or FZ3 to take into account the vulnerability of the proposed development. For reasons set out above, the application proposal clearly has done so. Moreover, the application proposal is in compliance with MDDL Policy CC10, dealing with drainage, and with those aspects of other CS policies which set out some overarching principles in respect of flood risk, such as Policies CP1 and CP3. It is therefore the case that there is compliance with the policies and objectives of the development plan and national policy, read as a whole, insofar as they relate to flood risk. To repeat, the application proposal is necessary to deliver a safe and sustainable scheme for this site.

Main consideration - Retail impact and sequentially preferable sites

131. The applicant has undertaken a robust RIA, in accordance with the requirements of MDDL Policy TB16, the PPG¹³¹, and the parameters agreed with the Council¹³². The PRS submitted with the application was based on the evidence available at that time in the April 2017 WBRCLA¹³³. The Council has subsequently commissioned a new retail and leisure assessment, specific to Wokingham Borough, but also including zones beyond its boundaries (the WRLS¹³⁴). The applicant's evidence for this Inquiry has

¹³¹ PPG: paragraph 018 Reference ID:2b-018-20190722

¹³² See paragraph 9.14 in CD51.1

¹³³ CD94.1 - CD94.4

¹³⁴ CD100 - CD101

been based upon this updated study, and therefore provides a coherent and up-to-date understanding of convenience goods shopping in the borough.

132. The proposal is for a discount foodstore with a locally derived catchment, consistent with the Council's updated assessment. This updated assessment has used a base year of 2025 and has adopted a design year of 2030, in accordance with the PPG guidance already referred to. It assumes that if planning permission is granted, development would commence in 2026, with the store opening in 2027, and with a mature trading pattern being established in 2030.
133. The net convenience sales area of the proposed store is 1,052sqm, and applying a turnover ratio of £14,043 per sqm to this floorspace generates a convenience goods turnover of £14.43 million per annum in 2025, increasing to £14.51 million per annum in 2030. The equivalent figures for comparison goods, based on a turnover ratio of £5,592 per sqm, gives a 2025 turnover of £1.48 million, rising to £1.66 million in 2030. This gives a likely total 2030 turnover of £16.16 million¹³⁵.
134. The RIA is focussed on convenience goods as Aldi stores are convenience-led destinations, even though they do also typically contain a relatively small 'middle aisle' comparison goods element. The updated RIA estimates a cumulative¹³⁶ convenience goods impact of -4.18% for Woodley; -7.78% for Lower Earley; -6.54% for Wokingham; and -6.89% for Winnersh¹³⁷. A combined total impact for all other destinations is estimated as -27.22%. This is not an impact on a single destination, but a figure for all other destinations. It is also important to note that a significant proportion of the identified impact arises as a result of the recent opening of a Lidl foodstore at Shinfield and a proposed foodstore at Arborfield. The solus impact of the application proposal on the principal centres would be more limited - estimated as -3.00% for Woodley; -1.06% for Lower Earley; -3.07% for Wokingham; and -5.16% for Winnersh¹³⁸.
135. Wokingham benefits from a variety of town centre uses, with convenience goods comprising only about 4% of local shops. The -6.54% impact identified would therefore be highly unlikely to have a material impact on that centre¹³⁹. The other centres are more significant centres for convenience goods shopping as they are anchored by other convenience stores - Sainsbury's at Winnersh; Waitrose at Woodley; and Asda at Lower Earley. However, up-to-date health check assessments show that these centres are performing well and are resistant and resilient¹⁴⁰. It is also of note that the main stores within the catchment area are trading well above company levels, when compared with the operators' benchmark turnover. This indicates their strong performance and resilience to the retail impacts forecast, and confirms the very strong performance of existing destinations¹⁴¹.
136. Taking all the above points into account, the relatively low cumulative convenience goods impact forecasts would not have a significantly adverse impact on the vitality and viability of existing centres. In addition, there is no identified impact on any planned or

¹³⁵ Paragraph 9.25 in CD51.1 and Table 8 in Appendix 3 in CD51.2

¹³⁶ Commitments plus application proposal

¹³⁷ See Table 10 in Appendix 3 in CD51.2

¹³⁸ Paragraph 9.33 in CD51.1

¹³⁹ Paragraph 9.35 in CD51.1

¹⁴⁰ Paragraph 9.36 in CD51.1 and Chapter 4 and Appendix 2 in CD35

¹⁴¹ Table CV8 in CD101

private investment in a centre or centres within the relevant catchment of the proposal. There is therefore compliance with MDDL Policy TB16 and paragraphs 94-95 of the NPPF. As such, the proposal is acceptable with regard to its retail impact.

137. As recorded in the SoCG with the LPA¹⁴², it is also a matter of agreement that there are no sequentially preferable sites that are both suitable and available to accommodate the broad type of development proposed. The site therefore passes the sequential test set out in paragraphs 91-92 of the NPPF and MDDL Policy TB16. The Council has supported the applicant in carrying out the sequential assessment, with all parameters having been agreed by the Council in accordance with relevant guidance in the PPG¹⁴³.
138. The application is for the development of a site area of 1.01ha, and proposes a Class E foodstore with a gross floor area of 1,875sqm (1,315sqm net), and the provision of 124 car parking spaces. However, in carrying out the sequential assessment, the applicant has paid due regard to the scope for flexibility in the format and scale of the proposal, in accordance with the requirements of the PPG. Adopting flexibility of around 20% means that sites with an area of 0.81ha, that could accommodate floorspace requirements of around 1,500sqm (gross)/1,052sqm (net) and car parking for 98 spaces were also considered. No sequentially preferable sites were identified through this assessment.
139. Two further sites were identified for consideration at Molly Millars Lane and Chalfont Woods. However, the first of these cannot be considered available as part of it is required to deliver a scheme of highways improvements, with the remainder being too small to accommodate the proposed development, even when taking a flexible approach as outlined above. The Chalfont Woods site is part of a long-standing allocation within the MDDL for a mixed-use development, now almost 9 years old. It comprises a large wooded site that is currently in use for amenity purposes. The Council's Local Green Space (LGS) Assessment¹⁴⁴, recognises it as '*one of the most significant urban spaces in Earley, which is both accessible and in close proximity to the community it serves*'. Because of this it is proposed for allocation as LGS in the emerging LPU. As such it is clearly not suitable for development.
140. During its consideration of the application the Council also asked the applicant to consider sites identified through the emerging LPU process. Notwithstanding the fact that none of these sites have planning permission, and that the LPU should only be accorded limited weight at the present time, the applicant investigated the sites as requested, through the Sequential Sites Addendum¹⁴⁵. A total of 89 additional sites were considered, but it was subsequently agreed with Policy Officers that 86 of these sites were unavailable or too small, and that only 3 should be evaluated further¹⁴⁶. Of those 3, 2 are considered too small whilst the third is not only less sequentially preferable than the application site, but would require significant infrastructure improvements to bring it forward, and would not be likely to be available within a reasonable time¹⁴⁷.

¹⁴² CD73

¹⁴³ See paragraphs 10.0 - 10.98 in CD51.1

¹⁴⁴ CD111

¹⁴⁵ CD23

¹⁴⁶ Paragraphs 10.82 - 10.84 in CD51.1

¹⁴⁷ Paragraphs 10.85 - 10.96 in CD51.1

141. The sequential assessment has been revisited in the run-up to the Inquiry, but whilst there has been an inevitable 'churn' of small unit vacancies within the town centres, there were no additional suitable sites to consider. In summary, the applicant has therefore carried out a detailed and robust search for suitable, alternative, sequentially preferable sites, but has found none. The Inspector and SoS can therefore be confident that the sequential test is passed, and that there is compliance with MDDL Policy TB16 and paragraphs 91-92 of the NPPF.
142. Finally on retail matters, it is acknowledged that there is no requirement in local or national policy to demonstrate that there is a 'need' for the proposed development. Nevertheless, it is material to note that the Council's evidence identifies that there is a positive requirement for additional convenience floorspace in the borough¹⁴⁸. The scheme would deliver more affordable shopping opportunities in the local area, providing competition and choice in the local shopping market, thereby assisting in meeting local and business needs, delivering economic growth and productivity in the market, and delivering clear economic benefits. These benefits should be accorded 'significant weight' in the planning balance, consistent with paragraph 85 of the NPPF.

Main consideration - Highway safety and other traffic and transport matters

143. The applicant and the LHA agree that the application scheme would be acceptable in highway terms, as detailed in the relevant SoCG¹⁴⁹. The applicant undertook detailed modelling to assess 3 alternative options for the Reading Road/Gazelle Close junction¹⁵⁰ but the LHA did not consider that any of those options was a necessary or appropriate alternative to retaining the existing junction layout. This was because the assessments showed that the existing junction would be entirely suitable to serve the proposed development, operating well within practical capacity during the worst case evening peak period, with a ratio of flow to capacity (RFC) of just 0.55, well below the practical reserve capacity threshold RFC figure of 0.85¹⁵¹.
144. Moreover, a recent review of relevant accident data has not identified any causes for concern in relation to the operation of the junction as a matter of principle. A refreshed analysis of the accident data that had been previously presented in the Transport Assessment¹⁵² (TA) showed that for the 2019 to 2025 period there had only been 5 slight accidents in the surrounding road network, all caused by driver error. There was no evidence of blackspots or frequent common causes associated with the junction. This represented a decrease in the frequency of accidents as reported in the TA, which had found 8 accidents for the 2017 to 2021 5-year period.
145. The application scheme has been subject to a Stage 1 Road Safety Audit¹⁵³ (RSA) which identified nothing more than minor deficiencies, which could be addressed through the imposition of a condition requiring further details to be submitted and approved at the detailed stage. The LHA agree with this approach, as confirmed in the SoCG¹⁵⁴. Although there have been a number of limited objections noting unauthorised

¹⁴⁸ Paragraph 5.22 in CD117.4 and CD100

¹⁴⁹ CD114

¹⁵⁰ See CD37

¹⁵¹ Appendix A at CD53.2

¹⁵² See CD16.1 and paragraphs 3.39 to 3.43 in CD53.1

¹⁵³ CD105

¹⁵⁴ Paragraphs 2.1.5 & 2.1.6 in CD114

right turns out of the junction, this is an illegal manoeuvre which is a matter for separate enforcement procedures. There is no indication that any such manoeuvres have given rise to any road safety problems and the RSA demonstrates that subject to minor details being resolved at the discharge of conditions stage, the existing junction layout is fundamentally suitable for the proposed development.

146. Accordingly, the evidence is clear. The residual cumulative impact on the road network would not be severe, there would be no unacceptable impact on highway safety, and there is no reason to refuse the scheme on highways grounds, applying the test in paragraph 116 of the NPPF.
147. Furthermore, the applicant and LPA agree, in the SoCG¹⁵⁵, that the site is located in a sustainable, accessible location, facilitating good access to public transport provision which will encourage public transport use. There are bus stops in both directions about 300m from the site, connecting Wokingham, Bracknell and Reading, and Winnersh Triangle Train Station is only about a 400m walk from the site. The area has good pedestrian infrastructure and there would be a large catchment of existing residents within a reasonable walking distance of the site (800m - 1200m). In addition the A329 has cycle lanes that connect into a network of other cycle infrastructure in the area, including to Winnersh Triangle Train Station, with continuous cycle lanes from the junction of Reading Road to Wokingham and Reading town centres.
148. Overall, the scheme design would create a safe, secure, attractive and inclusive environment, which would give priority to pedestrian and cycle movements and would minimise the scope for conflict between pedestrians, cyclists and vehicles. The scheme would deliver direct routes from the public highway/footway to the front door of the store and there would be covered cycle parking and 4 active and 20 passive EVCPs in safe and accessible locations. A Staff Travel Plan¹⁵⁶, aimed at reducing single-occupancy vehicle trips to and from the site through increased use of public transport, walking and cycling, would be secured by condition, as would a Delivery and Servicing Plan.
149. Having regard to all the above points, this is an acceptable, suitable, sustainable and accessible development proposal which can come forward consistently with the overarching requirements and objectives of national and local policy. It would accord with paragraphs 115, 116, 117 and 118 of the NPPF, and would also be consistent with CS Policy CP6 and MDDL Policy TB20.

Main consideration - Ecology and BNG

150. This application was submitted in January 2023 and does not therefore need to achieve a 'mandatory' BNG of 10%. Nor is there a development plan policy requirement to demonstrate a BNG. However, the BNG Assessment Inquiry Statement¹⁵⁷ assesses the biodiversity implications of the proposal and explains that appropriate planning conditions could ensure that the development would not lead to a 'net loss' position, and has the potential to deliver net gain in a non-statutory context. This would be secured by agreed Condition 34, which requires a Biodiversity Plan to be submitted and approved. The Council has confirmed that it has appropriate locations available should the provision of off-site habitat creation be required at the discharge of conditions stage.

¹⁵⁵ CD73

¹⁵⁶ CD16.2

¹⁵⁷ Appendix 1 in CD51.2

151. The original application was also supported by an Arboricultural Impact Assessment¹⁵⁸ (AIA) and an EclA. The AIA concluded that the proposed development would require the removal of a few trees which are unremarkable and do not provide a substantial contribution to visual amenity; that most trees would be retained; and that the overall arboricultural resource would remain unaffected given the localised nature of the tree removals. It further concluded that the overall impact would be negligible from an arboricultural perspective, subject to the adoption of tree protection measures during construction stage, and the planting of new trees.
152. The EclA concluded that although some habitats of ecological importance would be lost as part of the proposals, they would be retained and enhanced where possible, especially areas of lowland mixed deciduous woodland. Moreover, there would be no impacts on statutory designated sites or non-statutory sites. In addition, the development would not result in any adverse effects on nesting birds, reptiles, common amphibians, bats, or any other species groups, subject to appropriate conditions.
153. On this point it is therefore agreed with the Council that subject to the adoption of a Construction and Environmental Management Plan (CEMP) - agreed Condition 18 - and a Landscape Environmental Management Plan (LEMP) - agreed Condition 33 - the application proposal would give rise to no unacceptable ecological impacts. As such, there would be no conflict with the relevant policies of the development plan relating to ecology and biodiversity - CS Policy CP7 and MDDL Policies CC03 and TB23 - nor with Chapter 15 of the NPPF, 'Conserving and enhancing the natural environment'.

Main consideration - Planning policy, benefits and planning balance

154. The policies of the development plan that are relevant to this application are listed at paragraphs 2.3-3.4 of the SoCG with the LPA¹⁵⁹, and have also been dealt with, where necessary and appropriate, under the other main considerations. The applicant's position is that the proposed development would comply with all relevant national and local policies relating to flood risk and drainage, retail, highways, ecology and biodiversity. It is accepted, however, that although the application site is closely related to the existing settlement of Winnersh and the business park, it is located outwith the settlement boundary, and is therefore technically in conflict with CS Policies CP9 and CP11, and MDDL Policy CC02. However, both the Council and the applicant agree that this conflict should be accorded limited weight in the present case.
155. Firstly, as set out above, there is an extant planning permission in respect of the site, and the undisputed evidence is that this scheme will be delivered in the event that permission is refused for the application proposal. The principle of development coming forward outside the settlement boundary is therefore established on this site, and irrespective of whether or not this scheme is granted permission, development will come forward outside the settlement boundary.
156. Secondly, the proposal accords with the substantive objectives and requirements of each of the relevant policies. CS Policy CP9 deals with locational sustainability and accessibility, with its stated objective being to ensure that the scale of development proposals reflects the facilities and services of the area and its accessibility. As already detailed under the Highways main consideration, above, and agreed with the Council,

¹⁵⁸ CD40

¹⁵⁹ CD73

the application site is located in a highly accessible and sustainable location and the proposed foodstore would be readily accessible by non-car modes.

157. The stated objective of CS Policy CP11 is to 'protect the separate identity of settlements and maintain the quality of the environment'. There would be no harm to the separate identity of settlements here. Further, as will have been abundantly clear from the site visit, this is not a site that makes any real contribution to the positive attributes of the wider countryside. On this point the applicant shares the view of the Council's planning witness, that the site is more akin to a vacant plot in an urban area, partially surrounded by large buildings and infrastructure, and that in reality there would be positive benefits in bringing it forward for development.
158. Finally, the stated objective of MDDL Policy CC02 is to ensure that development respects the transition between the built-up area and open countryside by taking account of the character of the adjacent countryside and landscape. The SoCG with the LPA¹⁶⁰ records that the site is well related to the built up area of Winnersh and the business park; is visually well contained and experienced within the setting of retail warehouses, offices and other commercial buildings; would relate satisfactorily to the existing business park; and that there would be no expansion into the open countryside. There is therefore compliance with the objectives of this policy.
159. It follows that notwithstanding its location outside the settlement boundary, and the fact that there is a technical breach with some policies as just detailed, this is a suitable and sustainable site and the proposed development would not harm, but in fact would positively perform, against the objectives of the development plan. In this regard the applicant draws attention to a 2013 High Court Judgment¹⁶¹ which makes it clear that as the policies of the development plan may pull in different directions, some of which might be more relevant to a particular application than others, there is no requirement for a proposal to comply with every policy of the development plan in order for there to be compliance with the development plan as a whole. In the particular circumstances set out above, both the Council and the applicant consider that the site's location outside the settlement boundary is not sufficient to bring the proposal into conflict with the development plan as a whole in this case¹⁶².
160. However, even if a different judgment is reached by the Inspector and SoS as to whether the conflict with these policies is sufficient to bring the proposal into conflict with the development plan as a whole, both the Council and the applicant consider that this conflict should be attributed limited weight. This is not only because the proposal performs positively against the objectives of the development plan policies, as set out clearly above, but also because the fall-back position means that development will come forward on this site in any event.

Benefits

161. This scheme would deliver a number of important and significant wider sustainability benefits, including some 63 new full time equivalent (FTE) jobs, or an additional 51 new FTE jobs when compared to the fall-back position, along with additional construction

¹⁶⁰ CD73

¹⁶¹ Paragraph 4 in ID13.3

¹⁶² See paragraph 7.7 in CD117.4 and paragraph 14.3 in CD51.1

jobs and £2.91 million per annum Gross Value Added¹⁶³ (GVA). There would also be more affordable shopping opportunities in the local area, increased choice and competition, while meeting an identified need for additional convenience floor space in the borough¹⁶⁴. The proposal would positively deliver against the important national policy imperatives encapsulated in paragraph 85 of the NPPF, and these benefits should plainly be accorded significant weight in the overall balance.

162. The application proposal would also deliver critical and necessary benefits in terms of the management of flood risk on this site, as detailed above. This would be a significant benefit when compared to the fall-back position of the extant scheme, which would be demonstrably not safe for its lifetime and would likely increase flood risk elsewhere.
163. Whilst the applicant is clearly of the view that the application proposal is in accordance with local and national policy in respect of flood risk, a recent appeal decision¹⁶⁵ explains that the whole purpose of local and national policy is to seek to locate and design development so as to minimise the impacts of current and future flood risk. In that appeal, there were site specific considerations that meant that this important policy objective was more likely to be achieved by the grant of planning permission than its refusal. The Inspector concluded that this justified a finding that limited weight should be attributed to a technical conflict with policy identified there, and more weight to the compliance with the substantive requirements that furthered these overarching objectives in respect of flood risk.
164. The same patently applies here. Whether or not it is agreed that there is compliance with national and local policy in respect of flood risk, the delivery of a scheme that is safe and would not increase flood risk elsewhere, and the removal of the significant risk associated with the implementation of the extant scheme, is clearly a benefit that should be attributed significant weight at the top of the scale, in view of the danger to life inherent in the extant scheme. The EA's late removal of their objection, which belatedly properly recognises the benefits of the application scheme over the extant scheme, underscores this important point.
165. Added to these significant benefits, the scheme would be constructed to achieve a BREEAM "Excellent" rating, and make use of an air source heat pump and roof mounted solar panels. The scheme would also deliver a travel plan. Together, these measures would lead to beneficial reductions in carbon emissions. Moderate weight should be attributed to these benefits. The proposed conditions would ensure that there is at least no net loss in biodiversity. None of these matters would be secured in respect of the extant scheme, and these are therefore further benefits that also weigh in favour of the proposal.

Overall Conclusion

166. Drawing all the above points together, the application proposal would deliver significant economic benefits and job creation, and would also provide more affordable shopping opportunities and choice in the local area. It would also deliver a raft of additional benefits, not least critical and necessary benefits in terms of the management of flood risk on this site. The Council and the applicant agree that the application proposal

¹⁶³ Paragraphs 12.56-12.66 in CD51.1

¹⁶⁴ Paragraph 5.22 in CD117.4

¹⁶⁵ See paragraphs 45 - 47 in CD110

complies with the development plan as a whole, but even if a different view is taken the material considerations in this case weigh heavily in favour of, and justify, the grant of planning permission. There is no outstanding objection to the proposal from any statutory consultee, and it is a matter of agreement with the Council that there are 'compelling reasons' in this case justifying the grant of planning permission. The applicant therefore respectfully requests that the Inspector recommends this application for approval, and that the SoS grants planning permission accordingly.

THE POSITION OF THE ENVIRONMENT AGENCY (EA)¹⁶⁶

167. From the detail set out above it should be abundantly clear that although the EA was maintaining its objection at the opening of the Inquiry, it subsequently withdrew its objection whilst its witness was undergoing cross-examination, with its withdrawal note taking the view that the extant scheme would be less safe in flood risk terms than the application scheme. The EA took no further part in the Inquiry, other than contributing to the Conditions round-table session. Nevertheless, the EA's limited participation in the Inquiry was instructive, as concessions made by the EA's witness, and commented on as part of the applicant's case helped to clarify certain matters. Although clearly overtaken by events, I consider it instructive to briefly set out the EA's case as it stood at the opening of the Inquiry, as this identifies the EA's principal concerns with this proposal as it stood at that time.
168. The EA clarified that this is an application for major development, large parts of which would sit within a functional floodplain. As a key purpose of the NPPF and the PPG is to protect people and property from flooding, it is unsurprising that the EA would object to such a scheme, as Table 2 within the Flood Risk and Coastal Change section of the PPG directs that the proposed development is not to be permitted¹⁶⁷.
169. The EA's concern arose from the real, and extensive flooding which has and will continue to take place on this site. Photographs and very recent drone footage of the site shows it underwater¹⁶⁸, and records show just how often it floods. Indeed, the EA has issued Flood Alerts 56 times since March 2013¹⁶⁹. The proposed foodstore would bring large numbers of members of the public to the site, and would generate significant traffic to and from the area. Those people would be at risk of experiencing the effects of a flood, and the many the hazards which arise when that occurs, over the lifetime of the development. The EA addressed these matters in evidence to inform the Inspector's analysis of whether the measures proposed by the applicant would be sufficient.
170. The EA relies on current, clear national guidance that the proposed scheme is inappropriate and should not be permitted¹⁷⁰. The applicant apparently accepts that the proposal is contrary to the guidance within the PPG but seeks to unjustifiably downplay the weight to this conflict¹⁷¹. Although the applicant relies heavily on the existence of an extant permission on the site to minimise the proposal's conflict with national policy, when examined in detail the extant permission cannot perform this role, given the differences between the extant permission and proposed scheme, not least that the

¹⁶⁶ Summarised in ID2, CD71.1 - CD71.4, CD119.1 - CD119.29 & ID9

¹⁶⁷ Paragraph: 079 Reference ID: 7-079-20220825 in CD75

¹⁶⁸ Appendices EA12, EA13 & EA14 at CD119.13, CD119.14 & CD119.15

¹⁶⁹ Paragraph 22 in CD119.1

¹⁷⁰ Paragraph 170 of CD55

¹⁷¹ Paragraph 13.5 in CD51.1

latter is over 3 times the size of the former. In truth, the existence of the extant permission does not excuse the conflict with national guidance, nor does it erase the correct application of that guidance, which is that permission should be refused.

171. The EA's evidence also highlights that reliance on the EA's flood warning system may lead to an unreliable activation of the Flood Response Plan and that more must be done to keep members of the public safe. This will further inform the Inspector's analysis of whether the measures proposed to support the scheme would be effective or appropriate. A straightforward application of national guidance provides that this application should be refused planning permission.
172. The EA's witness concluded, in his PoE, that the proposed development is classed as 'less vulnerable' in accordance with Annex 3 of the NPPF, and Table 2 of the PPG makes it clear that this type of development is not compatible with this Flood Zone and therefore should not be permitted. The EA's witness therefore maintained an objection on flood risk incompatibility at the start of the Inquiry.
173. For the avoidance of doubt, the above paragraphs set out the EA's case as it stood at the opening of the Inquiry. But the EA subsequently withdrew its objection to this proposal and, importantly, made it clear that it considered that there would be a benefit in flood risk terms in granting planning permission for the application proposal. Amongst other matters its withdrawal note¹⁷² stated:
- *The EA considers that the flood risk measures secured by the extant permission at the above site result in that scheme being less safe in flood risk terms than would be the case were the proposed scheme to be permitted.*
 - *Accordingly, there is a benefit in flood risk terms in permitting the proposed development with the suggested planning conditions relating to flood risk as against allowing the extant permission to be pursued.*
 - *On that basis, the EA no longer pursues its objection to the scheme.*

WRITTEN REPRESENTATIONS

174. A total of 59 written representations were submitted at application stage, variously expressing both support and opposition to this proposal. These are set out in the Officer's Report to the 13 December 2023 Planning Committee¹⁷³, and are summarised here. Matters raised in objection were:
- The area is already densely populated with supermarkets; the supermarket is not needed; the site should be used for something else.
 - The area floods; the hard-surfacing will impact flooding and drainage.
 - The TA is devoid of any impact/capacity assessment; concerns regarding highway safety; increased traffic; concerns regarding the layout of the junction onto Reading Road.
 - An insufficient number of parking spaces is proposed; additional pressure for vehicle parking.

¹⁷² ID9

¹⁷³ See pages 59 & 60 in CD1

- Impact on the existing cycle lane; the provision of cycle parking appears to be out of sight.
- The environmental impact from greater air pollution resulting from any increased congestion would be hugely undesirable.
- No consideration for ecology; BNG should be considered; impact on existing wildlife.
- Adverse impact on character and appearance of the area; views across this area would be lost for occupiers in the office park, which trades on being semi rural.
- Noise from the use could disturb residents.

175. Matters raised in support of the proposal were:

- The addition of a more affordable shopping option within reach of the local communities would provide a benefit to residents and make better use of the current space.
- The proposed foodstore would be good for the local community, creating job opportunities for local residents, whilst providing an alternative option to the more expensive supermarket in Winnersh.
- The Aldi outlet would be a fantastic addition to shopping in the Winnersh area and beyond; it would provide a broader range of goods and cheaper prices; the project would be a great success and would complement the area.
- This area is waste ground and the perfect spot for a medium-sized shop as shown in this plan; it would bring life back into a dead area.

176. Three further representations were made, after the SoS had called in this proposal. In summary, one makes neutral comments; one welcomes the Aldi development but considers there is the potential for major traffic problems to be caused; the final representation does not object to the proposal but does refer to the likely impact on wildlife and habitats on the site, the possibility of traffic problems arising and questions the need for additional retail facilities at this location. These later representations have been included in the Core Document list as CD123.

CONDITIONS

177. A schedule of conditions¹⁷⁴, to be imposed should planning permission be granted, are set out at Appendix E to this Report together with stated reasons why each condition is considered necessary. The conditions were discussed at a round-table session at the Inquiry, with all except one being agreed between the Council and the applicant. The only exception is Condition 4, with the parties taking different views on store opening hours. The EA also contributed to the round-table discussion and their comments were taken on board in the final schedule.

¹⁷⁴ CD74

SECTION 106 AGREEMENT¹⁷⁵

178. As noted above, the applicant submitted a S106 agreement with the Council and the land owner, aimed at securing various contributions and obligations. In summary the Owner covenants with the Council:
- to either submit an ESP, or to make an Employment Skills contribution of £3,750. If received, this contribution would be spent by the Council on supporting employment, training, apprenticeship and other appropriate initiatives to support the promotion of employment opportunities in Wokingham Borough.
 - to pay a Traffic Regulation Order (TRO) contribution of up to £6,500, for the implementation of parking restrictions on Gazelle Close.
179. The Council submitted a S106 Compliance Statement and Appendices¹⁷⁶, to provide justification for the requested contributions. With regard to the first contribution, it explains that MDDL Policy TB12 requires planning applications for all major development in Wokingham Borough to submit an ESP. The second contribution is sought to assist the Council in introducing parking controls on Gazelle Close, to ensure that visibility splays are maintained and parked cars along the road do not cause an obstruction to the flow of traffic.
180. The Statement explains how the contributions would be consistent with the requirements of Regulation 122 of the CIL Regulations 2010, which states that planning obligations must meet 3 tests, namely (a) be necessary to make the development acceptable in planning terms; (b) be directly related to the development; and (c) be fairly and reasonably related in scale and kind to the development.

Inspector's conclusions begin on the next page

¹⁷⁵ ID11

¹⁷⁶ CD122.1 - CD122.4

INSPECTOR'S CONCLUSIONS

181. I have reached my conclusions on the basis of the evidence before me, the written representations, and my inspection of the application site and the surrounding area. References in superscript square brackets are to preceding paragraphs in this Report, upon which my conclusions draw.
182. The various SoCG between the applicant and the Council as LPA, LHA and LLFA together with the SoCG between the applicant and the EA detail the wide-ranging areas of agreement between these parties^[7,55,56]. For the avoidance of doubt, the Council's position is one of full support for this proposed development, which it considers should be granted planning permission^[87]. Furthermore, although the EA was the sole statutory objector to this proposal at the start of the Inquiry, the formal withdrawal of its objection means that at the Inquiry's close there was no active opposition to this proposal^[9]. The only objections remaining were those submitted at application stage by interested persons, none of which were pursued at the Inquiry, with no interested persons attending the Inquiry.

MAIN CONSIDERATIONS

183. The SoS's call-in letter^[2] set out a number of matters about which the SoS particularly wishes to be informed concerning this proposal. Having regard to the concerns and objections raised by interested persons, further matters on which evidence needed to be heard were identified at the 2 CMC held for this proposal. Accordingly, I have concluded that the main considerations for this application are:
- Flood risk, in view of the location of the site within FZ3;
 - Retail impact and whether there are any sequentially preferable sites;
 - Highway safety, particularly at the junction of Reading Road and Gazelle Close, and other traffic and transport concerns;
 - Ecology and Biodiversity Net Gain (BNG);
 - The relevance of the fall-back position;
 - Planning policy and planning balance, including the benefits of the proposed development.
184. I discuss these considerations in the following sections, and then briefly address some of the other matters raised by interested persons^[174,176], which do not fall neatly into the above headings, before undertaking a final planning balance and reaching my overall conclusion and recommendation.
185. But before moving onto the main considerations it is relevant first to say something about the fall-back position. This is a proposal for construction of a new workshop, sales and showroom building with associated staff and visitor parking, outdoor vehicle display, parking and storage areas, internal roadway and landscaping, on the application site, together with the creation of a new vehicle and pedestrian access to Gazelle Close. It also includes an extension to the adjacent private car park to WFBP, with the creation of a new vehicle access from the existing WFBP car park. Originally granted planning permission in 2017, it was then the subject of a number of other applications, including for the variation of conditions, culminating in the approval in 2021 of an application for a CLOPUD^[8,79,80,90].
186. The existence of this planning permission, referred to hereafter as 'the extant scheme', played an important role in the discussions at the Inquiry, and although listed as a

separate main consideration, was primarily dealt with by all parties as part of the flood risk main consideration. I therefore deal with it in the same way in these Conclusions.

Flood risk, in view of the location of the site within FZ3

187. The call-in letter indicates that the first matter the SoS particularly wishes to be informed about is the extent to which the proposed development is consistent with Government policies for meeting the challenge of climate change, flooding and coastal change, as detailed in Chapter 14 of the NPPF. This is an understandable and appropriate starting point in this case as the application site lies within FZ3 as shown on the EA's Flood Map for Planning, lying within the functional floodplain of the nearby River Loddon^[56,168]. There is clear evidence that the application site has flooded on numerous occasions^[169].
188. In terms of development plan policies, both the CS and the MDDLDP contain policies relevant to flood risk and drainage^[27-30,33,34,42-44]. These parts of the development plan are now fairly dated, with the CS having been adopted in 2010 and the MDDLDP in 2014. However, planning witnesses for both the Council and the applicant consider that these policies remain up-to-date and should therefore be accorded full weight^[81]. As these policies align well with much more recent guidance in the NPPF, I share that view.
189. To assess likely flood levels on the site, the applicant commissioned new hydrological modelling work, using updated topographical data, to provide an improved 2025 model^[56,95]. The EA agrees that this 2025 model is acceptable for its intended purpose, to assess fluvial flood risk at the site-specific level and determine any flood risk impacts of the proposed development. The EA has also agreed that the site is shown to be partially affected in the 1 in 30-year flood event (3.3% AEP); and that the design flood level, upon which mitigation measures should be based and off-site impact assessed, is the 1 in 100 (1% AEP) + 23% allowance for climate change ('the design flood')^[95]. This is reflected in, and has informed, the latest FRA.
190. The most relevant development plan policy is MDDLDP Policy CC09, which deals with 'Development and Flood Risk' and which makes a specific reference to the need for development proposals to also be consistent with guidance in the NPPF. Put simply, as a starting point this policy requires development proposals to have regard to all sources of flood risk, and avoid inappropriate development in areas at risk of flooding. Although this wording reflects that within paragraph 170 of the NPPF, there is no formal definition, either in the development plan or the NPPF, of what constitutes inappropriate development in the context of flood risk^[120,121]. That said, it seems to me that if development accords with the policy requirements set out in both the development plan and the NPPF, it cannot be considered inappropriate.
191. The policy requires development to be guided to areas of lowest flood risk by applying a sequential approach, taking into account flooding from all sources and ensuring that flood risk is not worsened for the application site and elsewhere, and ideally that betterment of existing conditions is achieved. The supporting text to the policy explains that Flood Zones (FZs), which refer to the probability of fluvial (river) flooding only, are the starting point for the sequential test. FZ2 (Medium Probability) and FZ3 (High Probability) are shown on the Policies Map, and in this regard the application site lies almost entirely within FZ3, with just small areas at the north-eastern part of the site being within FZ2 and FZ1^[15].
192. The policy also makes it clear that development proposals in FZ2 or FZ3 must take into account the vulnerability of the proposed development. Assistance on this matter is provided by Annex 3 of the NPPF, which deals with flood risk vulnerability classification,

and explains that car parks and buildings used for shops both fall into the 'less vulnerable' category. Furthermore, Table 2 in the Flood Risk and Coastal Change section of the PPG, which deals with flood risk vulnerability and flood zone 'incompatibility', indicates that 'less vulnerable' development 'should not be permitted' in FZ3b^[56,65,90,121]. Although this table also indicates that the exception test is not required for 'less vulnerable' uses in FZ3a, the EA's witness indicated, in his PoE, that it may be appropriate to apply the exception test in cases - as here - where there may be a departure from Table 2 compatibility¹⁷⁷.

193. There was much discussion at the Inquiry as to how the wording in Table 2 - that 'less vulnerable' development within FZ3b 'should not be permitted' - should be interpreted. Prior to withdrawing its objection, this matter was the crux of the EA's opposition to this proposal. In effect, the EA's stance amounted to an in-principle objection on the grounds of incompatibility of this type of development within FZ3b, as set out in Table 2, leading directly to its view that the application proposal should not be approved^[168,172].
194. However, the applicant and Council both maintained that 'should not be permitted' is not the same as 'must not be permitted', but rather that the incompatibility of this type of development within FZ3b has to be seen as a negative factor counting against the application proposal. They argued that it should not be a determinative factor, but should just be one element to be taken into account by the decision maker when weighing up all the benefits and disbenefits of this proposal^[65,121,123]. Having regard to the case law cited by the applicant^[122], this seems to me to be the correct way to interpret Table 2, especially as it is clearly the case that 'less vulnerable' development has already been granted planning permission within FZ3b, in the form of the extant scheme.
195. Returning to the requirements of MDDL Policy CC09, I am satisfied that the applicant has carried out the sequential test correctly and appropriately, in accordance with guidance in the PPG, and that this has demonstrated that there is no sequentially preferable site, in flood risk terms, suitable and appropriate for the proposed development^[125].
196. I am also satisfied that the application proposal complies with the 'sequential positioning' requirements of NPPF paragraph 181(a). Whilst the foodstore building and the car parking area both fall into the 'less vulnerable development' category, it is clear that customers would spend most of their time within the building itself, and this is appropriately proposed for the higher ground to the eastern side of the site. In addition, safe access to and from the proposed building would be possible onto Gazelle Close in the event of the design flood, as the foodstore entrance is proposed at its northern corner where the level of flood risk is lowest. Other appropriate locational measures include the fact that the disabled car parking spaces would be located outside the areas of flood risk, with the EVCP spaces also located, where possible, beyond or on the edge of the flood zone^[97,98].
197. Furthermore, the proposed foodstore would be raised well above the level of modelled risk, with voids underneath the building as part of the level-for-level flood volume compensation scheme that has been designed for the proposed development and agreed with the EA. When compared to the pre-development site this compensation scheme would provide a betterment in the form of an additional flood volume storage on the site amounting to some 474cum. The design of the voids would accord with EA

¹⁷⁷ Paragraph 101 in CD119.1

guidance and a suggested condition would ensure they are kept clear of obstructions, and well-maintained^[67,96]. That said, the modelling work has also shown that even if the void spaces became fully blocked, there would be no off-site impact. This means that the proposed development would not increase flood risk elsewhere, or result in any adverse flood risk impact to third parties^[56,61,96,100].

198. The proposed raising of the foodstore, well above the design flood level, also means that it would be appropriately flood resistant and resilient. It would remain dry in the event of a flood and could therefore be quickly brought back into use without significant refurbishment^[98]. Suggested conditions would also ensure that the EVCP would be raised as high as practicably possible, whilst wiring to these parking bays and to the on-site lighting would be contained in sealed ducts to protect them from water. The car park itself would be appropriately flood resilient as it would be hard-surfaced, such that it could be easily brought back into use following a flood event, with a simple mechanical sweep being sufficient to clear any minor siltation^[98].
199. Until shortly before the opening of the Inquiry, drainage concerns still meant that the Council was opposing this proposal. But following further discussions and amendments to the drainage aspects of the scheme the Council, as LLFA, was able to agree a SoCG with the applicant^[6,7,55]. The proposed drainage strategy for the site now comprises a drainage system restricted to greenfield rates and split between FZ3b and the remainder of the site, with below-ground attenuation provided in the form of 3 areas of cellular crates which could deal with all events up to and including the design flood event. This means that if the lower part of the site - the car park - was to flood, the upper portion of the site could continue to drain for as long as possible^[61,99,100].
200. Furthermore, even though this far exceeds any design standard requirement, the applicant's modelling demonstrates that the drainage system would function adequately even in a combined event where both fluvial and surface water flooding amounted to a 1 in 100 year return period event^[99]. In these circumstances I am satisfied that the proposed surface water drainage scheme would operate adequately, without increasing flood risk to third parties. I also note that the Council took this revised scheme back to its Planning Committee in April 2025, and formally accepted this position^[6,61,100].
201. It is also my assessment that the application proposal would satisfactorily respond to the policy requirements for residual risks to be safely managed, and for safe access and escape routes to be included where appropriate, as part of an agreed emergency plan. On these points, the PPG sets out that an important component of managing residual risk is to consider whether adequate flood warning will be available to people using the development, and also indicates that residual risks will need to be safely managed to ensure people are not exposed to hazardous flooding. To address these matters the applicant has put forward details of a FWEP, that would be secured by one of the agreed conditions and which would ensure that robust emergency and evacuation procedures would be implemented at the site in the event of a flood^[67,101-105].
202. Amongst other matters, and consistent with the EA's advice, these emergency procedures would ensure that the pedestrian evacuation route from the foodstore and site would not pass through any areas where the combination of flood water depth and velocity would result in a flood hazard rating of 0.75 or greater. Whilst there could be no guarantee that any such route would remain completely dry, evidence before the Inquiry shows that there is no policy requirement for dry access to be achieved^[102].

203. The proposed emergency procedures would also ensure that vehicles and unfixed items, such as trolleys, would be removed from site. An additional safeguard of permeable boundary fencing, to reduce any residual risk from off-site flotation in the event that any vehicles do remain on site, could be secured by one of the suggested conditions, which would also require any such boundary treatment to be retained and adequately maintained for the lifetime of the development. The EA indicated that it would be content with the imposition of such a condition^[107] and I, too, consider that this would adequately address this aspect of the proposal.
204. Somewhat late in the day the EA indicated, for the first time, that its flood warning system might not be adequate to trigger the procedures in the FWEP^[104,171]. However, the applicant's response was to explain how a simple on-site alarm could be installed in a manhole connected to the ditch system around the site. The modelling information shows that in a flood event this ditch network fills first so the manhole would also fill, thereby tripping the alarm and triggering the emergency procedures^[105].
205. The modelling information also shows that in a flood event there is a period in excess of about 6.5 hours between the ditches filling and the application site being breached. This would provide ample time for the evacuation procedure to be enacted, especially as another of the agreed conditions would restrict customer parking at the site to 90 minutes and discourage long term/overnight parking on the site^[106]. On this point, the EA's own guidance makes it clear that an on-site alarm is a perfectly acceptable way of triggering emergency procedures where the EA's flood warning system might not be adequate, and under cross-examination the EA's witness accepted that this would be an acceptable way of addressing this matter^[107].
206. The FWEP would need to be approved by the Council's emergency planners, who are responsible for such matters, and I acknowledge that some matters of detail may need to be adjusted and agreed at discharge of conditions stage, if planning permission was to be granted. However, evidence submitted to the Inquiry from the Council's emergency planners did not indicate any material problems or significant issues with the applicant's proposals, which I consider would be workable and sensible^[108].
207. The above points indicate that the application scheme would satisfy all necessary local and national flooding and drainage policy requirements, and in that context I consider it appropriate and necessary at this stage to consider and make some observations about the extant scheme. Although the EA's initial position was that this existing planning permission could not serve to minimise the application proposal's conflict with national policy^[170], the EA's stance changed as its witness conceded a number of points under cross-examination^[173]. The extant scheme was assessed in detail by the applicant, and put simply it seems to me that if this scheme was to be carried forward to full implementation, it would be at odds with many aspects of both local and national flood risk and drainage policies^[61,67,80,85,118,173].
208. In summary, the extant scheme has no system of control to ensure that flood risk could be safely managed, with no conditions attached to this permission requiring staff to be trained in flood management or evacuation; to ensure that staff and customers are notified of a flood event; or to secure the implementation of any emergency evacuation and response procedure in the event of a flood. The most vulnerable parts of the site - namely the area for the sale and display of vehicles, where customers would likely spend most of their time - would be located in the greatest area of risk, and the proposed servicing and workshop building would be significantly smaller than the

proposed foodstore and less able to accommodate members of the public, with no requirement secured through condition or a FWEP for the building to stock provisions^[110-118].

209. Moreover, the positioning of this building means that it would not be possible to secure safe access and egress from it in the event of the design flood, as all of its access points would open onto areas where the hazard rating exceeds 0.75^[113]. This is also true of the disabled parking bay. There would also be a greater risk of vehicle flotation, with no conditions to control or discourage the long-term storage and parking of vehicles and no plan to secure their safe removal in a flood event. The hard landscaping plan does not secure boundary treatment around the full perimeter of the site, and there is no requirement for boundary treatment to be maintained or replaced if it is removed or becomes defective^[116].
210. Finally, the extant scheme would not provide adequate sustainable drainage, as its drainage scheme is based on infiltration directly to the ground, meaning that in a flood event there is the clear potential for that permeable surface to become blocked with silt and debris. This would impede the functioning and adequacy of the drainage system, contrary to the NPPF guidance already referred to above^[117]. In short, the extant scheme would be inherently unsafe and would increase flood risk elsewhere, as accepted by the EA's witness^[116,173].
211. Although this begs the question as to why the extant scheme was ever granted planning permission, any such speculation serves no useful purpose. The fact remains that a valid permission has been established through a CLOPUD, and I consider that the evidence from the site owner that this extant scheme will be pursued if the current application does not receive planning permission to be both persuasive and commercially understandable^[66,79,91]. To my mind these points clearly highlight the fact that the application scheme would provide wider sustainability benefits to the community than would the extant scheme, in general compliance with both part 4(a) of MDDL Policy CC09 and paragraph 178(a) of the NPPF.
212. Drawing all the above points together, I conclude that the proposed development would not give rise to any material problems in flood risk or drainage terms, would be safe for its lifetime, and would not increase flood risk elsewhere. It would therefore accord with the flooding and drainage aspects of CS Policies CP1 and CP3, and MDDL Policies CC09 and CC10. It would also be fully compliant with the requirements of NPPF paragraph 181 and would also therefore comply with the relevant parts of NPPF paragraphs 170 and 178(b). In relation to matters discussed earlier, this means that the application proposal could not be considered inappropriate development at this location.

Retail impact and whether there are any sequentially preferable sites

213. Proposals for new retail development outside of Wokingham town centre, or the various small town/district centres or local centres, have to satisfy the requirements of MDDL Policy TB16. In simple terms, for proposals with a floorspace over the local threshold of 500sqm (gross), as here, both a sequential test and a retail impact test need to be undertaken. On the first of these matters, the supporting text to this policy explains that applicants for retail proposals will need to demonstrate, through the sequential test, that sites firstly within primary shopping areas then elsewhere within the defined Wokingham major town centre or small town/district centres are not suitable or available. Only where this has demonstrated should less-central sites be considered.

214. In support of this proposal the applicant submitted a sequential test as part of its PRS, having regard to the fact that Aldi stores are modest in size and fulfil a neighbourhood shopping role, with a catchment that is localised. An appropriate catchment area for the proposed foodstore was identified, including Wokingham town centre, Winnersh village centre, Lower Earley district centre and Woodley town centre. A number of smaller local centres, and alternative sites were also considered as part of this exercise^[69]. As a result of this sequential test, the applicant has concluded that there are no alternative sites available within the catchment area to accommodate a foodstore of the necessary size, even when taking a flexible approach to format and scale^[138,139]. The Council does not dispute these findings and conclusions, and I have no reason to take a contrary view.
215. The applicant updated the sequential test by means of a Sequential Sites Addendum, to take account of sites which are being promoted for retail development as part of the LPU. This exercise identified no additional, suitable or preferable site, so the sequential test results were unchanged by this further assessment^[70,140]. The Council was satisfied with the results of this additional investigation and, again, I have no reason to take a contrary view. Reinforcing the above points, the SoCG between the applicant and the Council as LPA records the agreement of these parties that the application site passes the retail sequential test^[69,70,141] and I, likewise, share that view.
216. To assess the likely impact of this proposal on other nearby retail outlets and centres the applicant undertook a RIA^[72,131], also as part of the PRS. The supporting text to MDDL Policy TB16 explains that in order to satisfy the retail impact test it needs to be demonstrated that there would be no unacceptable impact on the vitality and/or viability of these centres either from the proposal or from the cumulative effect of proposals, including those with planning permission as well as those under construction or completed. Although the proposed foodstore would be likely to have a small comparison goods element of around 20% it would clearly predominantly be a convenience goods outlet and I therefore consider it appropriate that the RIA has focussed on the likely impact on convenience goods sales in the nearby retail centres^[72,134].
217. The RIA was based on information from the 2017 WBRCLA, which was the most up-to-date retail study covering the Wokingham area at that time. It identified that the proposed store would be likely to derive the majority of its turnover by diverting trade away from Sainsbury's in Winnersh, Aldi, Waitrose, Morrisons, Tesco and Lidl in Wokingham and Asda in Lower Earley. Around 70% of the new store turnover is assumed to be derived from the Winnersh centre and wider urban area^[73]. The applicant updated this RIA, following the publication of the WRLS 2022 Update in September 2023^[74,131] and I am therefore satisfied that the retail impact results presented to the Inquiry are as up-to-date as possible. This updated assessment has adopted a design year of 2030, when a mature trading pattern would likely have been established, in accordance with guidance set out in the PPG^[132].
218. The net convenience sales area of the proposed store is 1,052sqm, and applying an updated turnover ratio of £14,043 per sqm to the net convenience floorspace generates a convenience goods turnover of £14.43 million per annum in 2025, increasing to £14.51 million per annum in 2030. The equivalent figures for comparison goods, based on a turnover ratio of £5,592 per sqm, gives a 2025 turnover of £1.48 million, rising to £1.66 million in 2030. This gives a likely total 2030 turnover of £16.16 million¹⁷⁸.

¹⁷⁸ Paragraph 9.25 in CD51.1 and Table 8 in Appendix 3 in CD51.2

219. This updated RIA estimates a separate cumulative convenience goods impact for Woodley, Lower Earley, Wokingham and Winnersh, with none of these impacts being higher than -7.78%^[134]. Whilst a combined total impact for all other destinations is estimated as -27.22%, this is not the impact on a single destination, but a figure for all other destinations. The solus impact of the proposal on the principal centres would be more limited - estimated as -3% for Woodley; -1.06% for Lower Earley; -3.07% for Wokingham; and -5.16% for Winnersh^[134].
220. The RIA makes a distinction between Wokingham, which benefits from a variety of town centre uses and is primarily a centre for comparison goods shopping, and the other named centres which are more significant centres for convenience goods shopping, as they are anchored by other convenience stores - Sainsbury's at Winnersh; Waitrose at Woodley; and Asda at Lower Earley^[135]. In the case of Wokingham the evidence is that convenience goods comprise only a small proportion of the number of shops - just over 4%. In these circumstances I share the applicant's view that the estimated impact of -6.54% is highly unlikely to have a material impact on that centre^[135].
221. In the case of the other centres, up-to-date health check assessments show that they are performing well and are resistant and resilient. Furthermore, the evidence is that the main stores within the catchment area are trading well above company levels, when compared with the operators' benchmark turnover^[74,135]. Again I share the applicant's view that this indicates their strong performance and resilience to the retail impacts from the proposed foodstore, forecast in the RIA^[135].
222. The SoCG between the applicant and the Council as LPA also records the parties' agreement that the proposed development would not have a significant adverse impact on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal, and would not have a significant adverse impact on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment. As such, the Council and the applicant agree that the proposal passes the retail impact test^[76,136]. Again, I share that view.
223. Although some of the interested persons who objected to this proposal at application stage, maintained that an additional supermarket is not needed here, as there are other supermarkets in the area, there is no requirement in local or national policy to demonstrate that there is a 'need' for the proposed development. I have, however, noted that during the application process the Council's Planning Policy team advised that there is a need for further convenience goods floorspace across the borough^[76,142]. I consider that this matter weighs positively in the application proposal's favour, and I return to this matter in the Planning Balance section of this Report.
224. Drawing all the above points together, I conclude that the application site is sequentially preferable for the proposed development, and that the proposed new Aldi foodstore would not have an unacceptable adverse impact on the vitality and/or viability of other centres within the assessed catchment area, either from the proposal itself, or in combination with other proposals. Accordingly I find no conflict with MDDL Policy TB16, or with relevant policies within the NPPF.

Highway safety, particularly at the junction of Reading Road and Gazelle Close, and other traffic and transport concerns

225. The Council was content with the highway safety and other traffic and transport-related aspects of this proposal, as is made clear in the SoCG between the applicant and the

Council as LHA, which stated that there are no transport, access, parking or servicing matters in dispute between the applicant and the Council^[55].

226. No interested persons or parties attended the Inquiry to put questions to the applicant's highways witness, although some relevant matters were raised in written representations submitted at application stage^[174,176]. In addition, the Officer's Report to the December 2023 Planning Committee meeting, shows that Winnersh Parish Council raised some highways-related concerns, while Earley Town Council recommended refusal on a number of matters, including perceived highway safety risks at the Reading Road/Gazelle Close junction. Two Local Councillors also raised concerns regarding the existing junction and cycle parking¹⁷⁹. A particular concern raised by many is that people have been observed to turn right out of Gazelle Close, even though this movement is prohibited. In these circumstances, and notwithstanding the Council's overall agreement on highways matters, I consider it necessary to briefly consider the points raised.
227. Firstly, concerning the existing limited-movement Reading Road/Gazelle Close junction, the SoCG makes it clear that a number of different layout configurations were assessed by the applicant's highways consultants^[143]. The layouts tested made provision for a right-turn out of Gazelle Close; a right-turn out of Gazelle Close together with a right-turn lane on Reading Road; a mini roundabout in place of the existing junction; and leaving the junction as it is. The SoCG further records that following the outcome of the analysis and discussions with the LHA, it was agreed that no amendments were required to the existing junction layout to facilitate the safe operation of the Aldi development, as changing the layout could result in potential impacts on other users of Reading Road including buses, pedestrians and cyclists.
228. As the modelling work has clearly shown that the existing junction could accommodate the predicted traffic from the proposed development and still operate well within its practical capacity, and as the accident plots have not identified this junction as a problem, I see no basis on which to disagree with the LHA that the existing layout is satisfactory^[143,144]. Whilst I have noted the allegation that some drivers do currently turn right out of Gazelle Close, this comes down to a matter of enforcement and is not a good reason, in itself, to change the junction layout when, as just noted, it is predicted to operate satisfactorily^[145].
229. With regard to any concerns about the number and proposed location of cycle parking spaces^[174], the Officer's Report to Committee¹⁸⁰ notes that the Council's cycle parking standards require at least 14 spaces and that the submitted plans indicate that there would be 12 sheltered cycle parking spaces at the front of the site and storage for 2 staff cycles within the integral warehouse. As such I am satisfied that the proposed development would make adequate on-site provision for cycle parking. The SoCG also notes the agreement between the parties on the overall level of parking provision, and in light of these points I consider that the proposed development complies with relevant parking requirements.
230. I note that the SoCG makes reference to a RSA which was carried out between the site access and Reading Road, and which identified a number of minor deficiencies, which mainly impact upon pedestrian and cycle access to the site^[145]. The applicant has indicated that these matters would be addressed through appropriate planning conditions if planning permission was granted, and I consider that these improvements would represent a modest benefit to pedestrians and other road users.

¹⁷⁹ See pages 57 - 59 in CD1

¹⁸⁰ See paragraphs 30 - 32 on page 65 of CD1

231. In terms of accessibility, the evidence before the Inquiry indicates that the local area has a good cycle network including on and off-highway cycle lanes along Reading Road, and that the area benefits from good pedestrian infrastructure, with a large catchment of existing residents within a reasonable walking distance of the site. Furthermore, there is a frequent bus service along Reading Road in both directions, with bus stops and signalised pedestrian crossing points on Reading Road, to both the east and west of Gazelle Close, within a reasonable walking distance. The Winnersh Triangle Train Station is also within a reasonable walking distance of the site^[16,147]. In addition, a Travel Plan for future employees, aimed at reducing single-occupancy vehicle trips to and from the site through increased use of public transport, walking and cycling, is proposed to be secured through one of the suggested conditions^[148]. Taken together these points indicate that the proposed development would be easily accessible by a number of non-car modes.
232. Finally, the SoCG confirms that a draft servicing strategy was presented in the submitted TA, which included a swept path analysis for HGV's entering and exiting the site^[148]. It is intended that a finalised Delivery and Servicing Plan would be secured by condition, if planning permission is granted.
233. Having regard to all the above points, I conclude that the proposed development would have no adverse impact on matters of highway safety, and that there would be no other traffic or transport-related matters which would prevent the grant of planning permission. As such, I find no conflict with the relevant parts of CS Policies CP1, CP3, CP6 and CP9; MDDL Policies CC07 and TB20; nor with Chapter 9 of the NPPF, entitled 'Promoting sustainable transport'.

Ecology and Biodiversity Net Gain (BNG)

234. The Council took no issue with the application proposal in terms of ecology or BNG^[78], and no interested persons or parties attended the Inquiry to put questions to the applicant on this topic, although some relevant matters were raised in general terms in the written representations submitted at application stage. In summary, these maintained that the proposal had given no consideration to ecology or BNG, and that the impact on existing wildlife should be considered. However, in my assessment these matters have all been satisfactorily addressed by ecological information submitted by the applicant at application stage and also in preparation for the Inquiry^[150-152].
235. But before turning to address these documents, I confirm that as this application was submitted in January 2023 it is not required to deliver a BNG of 10%, which is now mandatory for proposals submitted after 12 February 2024. Moreover, no specific BNG 'target' is set out in any development plan policy. Nevertheless, the applicant submitted both an AIA and an EcIA in support of this application, both of which concluded that there would be no significant impact on their respective areas of interest^[151-152].
236. The applicant also submitted a BNG Assessment Inquiry Statement, dated March 2025, to clarify its position at the Inquiry^[78,150]. This assessed the biodiversity implications of the proposal and explained that with the imposition of an appropriate planning condition, requiring a Biodiversity Plan to be submitted and approved, it would be possible to ensure that the development, as a minimum, would not lead to a 'net loss' position, and could possibly deliver BNG through off-site habitat creation. The Council has confirmed that it has appropriate locations available should the provision of off-site habitat creation be required at any discharge of conditions stage^[150].

237. Having regard to the above points, I conclude that the proposed development could proceed, without having an unacceptable impact on matters of arboricultural or ecological interest. Indeed, there would be the clear potential for the proposal to give rise to BNG through off-site habitat creation. Subject to the imposition of agreed conditions, there would be no conflict with the relevant policies of the development plan relating to arboriculture, ecology and biodiversity (CS Policy CP7 and MDDL Policies CC03 and TB23) nor with Chapter 15 of the NPPF, 'Conserving and enhancing the natural environment'.

Other matters

238. For completeness, in this section I briefly cover those matters raised by interested persons and referred to in paragraphs 174 and 176 above, which do not fall within any of the main considerations already discussed.
239. Firstly, there is a general comment that the environmental impact from greater air pollution resulting from any increased congestion would be hugely undesirable. A further concern is that noise from the proposed use could disturb residents. However, on the first of these points the modelling work undertaken to assess the operation of the Reading Road/ Gazelle Close junction shows that this junction would operate well within its practical capacity^[143]. This means that the application proposal would not increase congestion at this junction, and no objector has submitted any detailed, verifiable evidence to demonstrate that the proposed development would materially increase congestion elsewhere. There is therefore no evidence before the Inquiry to indicate that increased air pollution would arise as a result of this proposal, and accordingly I give this matter very little weight.
240. Insofar as noise from the proposed use is concerned, the applicant submitted an Environmental Noise Assessment¹⁸¹ (ENA) to support the planning application. In summary, this concluded that the proposed Aldi store could proceed without the likelihood of noise from subsequent operations giving rise to significant adverse impact, on the basis of unrestricted operating hours for both trading and servicing. Fixed plant equipment could be designed so as to achieve acceptable noise levels at the nearest noise sensitive properties, with these levels being achieved through a suggested condition. Overall the assessment concluded that the proposed development would comply with the objectives of NPPF paragraph 185 (paragraph 198 in the February 2025 version of the NPPF) and would not give rise to any significant adverse impact in noise terms.
241. The December 2023 Officer's Report to Committee notes that the Council's Environmental Health Officer considers the methodology and findings of the ENA to be robust, and that subject to appropriate conditions the proposed development would have an acceptable impact on the amenity of neighbouring residents¹⁸². No firm, authoritative evidence to the contrary was placed before the Inquiry, and again I give these concerns very limited weight,
242. A further objection maintained, in general terms, that the proposed development would result in an adverse impact on the character and appearance of the area, and that views across this application site would be lost for occupiers in the office park, which trades on being semi-rural^[174]. I consider that this matter was satisfactorily addressed in the 'Landscape' section of

¹⁸¹ CD38

¹⁸² Page 64 in CD1

the aforementioned Officer's report¹⁸³. This concludes by stating that whilst the site is within the countryside, the development would be seen and experienced within an immediate envelope of development and commercial uses and within the wider setting of Winnersh. Any landscape impact would be very limited, and regard has to be had to the fact that there is already an extant planning permission to re-develop the site for commercial purposes. Moreover, the proposal would bring into use a vacant plot. I share the views expressed in this Officer's Report and do not consider that this matter should carry any material weight against the application proposal.

The S106 Agreement

243. As already noted, the applicant submitted a S106 agreement with the Council^[11,59,178-180], providing 2 obligations, which are summarised below:
244. Employment Skills Plan (ESP): The Council's S106 Compliance Statement^[179] explains that MDDL Policy TB12 requires planning applications for all major development in Wokingham Borough to submit an ESP. The request for an ESP is therefore clearly justified in this case and necessary to make the development acceptable in planning terms, because without such an ESP (or an Employment Skills contribution) the development would be in conflict with the aforementioned policy. The ESP would be directly related to the proposed development as it would be aimed at improving the shortfall of skills training in the area local to the application site. Finally, the Statement explains that ESPs are worked out using the Construction Industry Training Board benchmarks, which are based on the value of construction. As such, I see no reason to doubt that the requested ESP/contribution is fairly and reasonably related in scale and kind to the development.
245. Traffic Regulation Order (TRO): The requested contribution of up to £6,500 would be used by the Council towards its costs incurred in introducing parking controls on Gazelle Close, to ensure visibility splays are maintained and that parked cars along the road do not cause an obstruction to the flow of traffic. These TRO works would clearly be directly related to the proposed development and would be necessary to keep access to and egress from the application site safe for all users. I consider that the cost would be reasonable and fairly related to the development as it would be in accordance with the Council's discretionary fees and charges regime.
246. In light of the above points, and having had regard to the S106 Compliance Statement and Appendices submitted by the Council, I conclude that these obligations are necessary to make the development acceptable and that they meet the requirements of paragraph 58 of the NPPF and Regulation 122 of the CIL Regulations 2010.

Conditions

247. A schedule of 36 suggested planning conditions was discussed in detail at the Inquiry^[177]. All but one of the conditions were agreed between the Council and the applicant and, where appropriate, also with the EA. The one condition where there was a relatively minor level of disagreement was Condition 4, which deals with foodstore opening times. The Council took the view that the Sunday opening hours of 08:00 to 19:00 should also apply on Bank or Public Holidays, whereas the applicant maintained that Bank or Public

¹⁸³ Pages 62 - 64 in CD1

Holidays should just be treated as a normal weekday or Saturday, with opening hours of 07:00 to 23:00.

248. Whilst I note that the stated reason for this condition is to safeguard the amenities of nearby residents and occupiers of the surrounding buildings, and to prevent additional noise contamination in the countryside, the nearest residential properties are on Reading Road, and therefore already subject to early morning and evening traffic noise. Moreover, it seems to me that the nearby commercial buildings will themselves either be open for business at most of the requested hours on Bank or Public Holidays, or they would be closed and unoccupied. Either way, I do not consider that allowing the foodstore to trade as a normal weekday/Saturday on Bank or Public Holidays, would unacceptably impact upon occupiers of these nearby buildings. For these reasons I will recommend that if planning permission is granted, and this condition imposed, it should not require Sunday opening hours to operate on Bank or Public Holidays.
249. Leaving aside this point of detail, I am satisfied that the conditions set out in Appendix E to this Report all accord with the 6 tests for planning conditions set out in paragraph 57 of the NPPF, and should be imposed if planning permission is granted.

Planning Balance

250. In accordance with section 38(6) of the 2004 Act, this application has to be determined in accordance with the development plan, unless material considerations indicate otherwise. As set out earlier, under the flood risk main consideration, I am firmly of the view that this proposal fully accords with the requirements of MDDL Policy CC09^[42-44] and would, in particular, produce a development which would be safe for its lifetime, taking account of the vulnerability of its users. Moreover, it would not increase flood risk elsewhere; would incorporate flood resilient and resistant measures into its design; and would have appropriate emergency evacuation and flood response procedures in place. In my assessment this means that the proposed development could not be considered inappropriate, and I consider that these matters weigh very significantly in the application proposal's favour.
251. There is no dispute that the 'less vulnerable' category into which the proposed foodstore and its car park falls means that this development sits within that area of Table 2 in the Flood Risk and Coastal Change section of the PPG which states that 'development should not be permitted'. However, for reasons already given, I do not see this as a bar on development, but consider it as a material consideration that weighs against the application proposal. That said, because this proposal strongly accords with MDDL Policy CC09 and the NPPF, I only give this negative factor moderate weight.
252. Before leaving the issue of flood risk it is necessary to review the matter of the extant scheme. There would clearly be no impediment to this scheme being pursued in accordance with the extant planning permission, and whilst there can, of course, be no certainty that the site owner would proceed with this scheme, the evidence points very strongly to the fact that it would be implemented if the current application is not approved^[66]. As part of my accompanied site visit I visited the site of the owner's current business some little distance away on Reading Road, and appreciate how this form of business could well operate from the application site. With an extant planning permission for residential development of his existing site, there would certainly be both financial and operational reasons why the owner would seek to pursue the extant scheme, as is made clear in his written Inquiry statement^[66,79,91].

253. I have no doubt that as it currently stands, the extant scheme would result in a much less desirable and potentially unsafe development on the application site. To my mind this matter adds further material weight to the application proposal. Moreover, I consider the fact that the EA withdrew its objection to the application proposal once the full implications of a comparison with the extant scheme were explored in detail, as part of the EA witness's cross-examination, serves to reinforce the conclusions I have reached, above^[173].
254. Turning to the other main considerations, I am satisfied that the application site has passed the retail sequential test, and is therefore the most suitable site for this proposed foodstore. Furthermore, the proposal has been shown to pass the retail impact test. A further matter which weighs in support of the proposal is that the Council's Policy Planners have identified a specific requirement for additional convenience floorspace in the borough. Overall, I find no conflict with the relevant local or national retail policies, and this conformity with the development plan and national guidance weighs strongly in the application proposal's favour.
255. No significant or meaningful objections were raised against this proposal in highways, traffic or transport terms. I am satisfied that this proposal accords with all relevant local and national policies and guidance on highways and traffic-related matters, and see no grounds under this main consideration why planning permission should not be granted. As above, this conformity with the development plan and national guidance weighs strongly in the application proposal's favour.
256. With regards to ecology and BNG considerations, the evidence clearly demonstrates that this development could proceed without having an unacceptable impact on matters of arboricultural or ecological interest. I therefore see no reason in ecology and biodiversity terms why this development could not proceed, and I am satisfied that subject to the imposition of agreed conditions, there would be no conflict with the relevant policies of the development plan or the NPPF dealing with these matters. But as there is no local or national policy requirement to achieve a BNG I consider that this matter only provides moderate weight in the proposal's favour.
257. Before turning to consider further specific benefits of the proposal, it is necessary to highlight that as the application site lies outside any settlement boundary the proposal is in conflict with a number of development plan policies, namely CS Policies CP9 and CP11 and MDDL Policy CC02^[81-84,154-159]. However, whilst there is no dispute that the site is in the countryside for planning policy purposes, its surroundings and nature give it more of the form of a vacant plot in an urban area, partially surrounded by large buildings and infrastructure, as described by the Council's planning witness. With this in mind I share the parties' view that the application proposal accords with the substantive objectives and requirements of each of these policies.
258. Moreover, any assessment against these policies has to also have regard to the fact that an extant planning permission for a broadly similar development already exists for this site. In light of these points I consider that this conflict should only carry limited weight in the present case. This matter, taken together with the conclusions set out above, means that in my assessment the application proposal should be seen as being in compliance with the development plan when taken as a whole.
259. Turning to benefits not already addressed, I accept that that the scheme would deliver a number of important and significant benefits, including some 63 new FTE jobs, or an

additional 51 new FTE jobs when compared to the fall-back position of the extant scheme, along with additional construction jobs and £2.91 million GVA¹⁸⁴ per annum^[161]. In addition, there would be more affordable shopping opportunities in the local area, together with increased choice and competition^[161]. The proposal would also positively deliver against the important national policy imperatives encapsulated in paragraph 85 of the NPPF. Taken together I consider that these additional economic and retail benefits should be accorded significant weight in the overall balance. There would also be additional highway-related benefits of moderate weight arising from the minor works necessary to address the findings of the RSA, discussed earlier.

260. Finally, I note that the scheme would be constructed to achieve a BREEAM “Excellent” rating, would make use of an air source heat pump and roof mounted solar panels, and would also deliver a travel plan^[54,165]. I consider that these measures would lead to beneficial reductions in carbon emissions, and add to the wider sustainability benefits of this proposal. Overall I consider that moderate weight should be attributed to these benefits.

Summary and overall conclusion

261. Drawing all the above points together I conclude that this proposal would accord with all relevant development plan and national policies in terms of flood risk, retail matters, highways, ecology and biodiversity, and would be in compliance with the development plan when taken as a whole. My assessment of the planning balance, set out in detail above, leads me to the conclusion that very significant benefits would arise if this proposed development was to proceed, and these benefits would far outweigh the limited disbenefits.
262. With these points in mind, and having regard to paragraph 11(c) of the NPPF, it is my overall conclusion that this application should be granted planning permission, subject to the imposition of a number of conditions, as discussed at the Inquiry and set out in the attached schedule in Appendix E (which also contains the reasons why I consider these conditions are necessary), together with the submitted S106 agreement, which is necessary to make the development acceptable. For the avoidance of doubt, I consider that the obligations set out in the agreement are compatible with Regulation 123 of the CIL Regulations 2010.

RECOMMENDATION

263. I recommend that the application be granted planning permission, subject to the conditions detailed in Appendix E.

David Wildsmith

INSPECTOR

¹⁸⁴ Paragraphs 12.56 - 12.66 in CD51.1

APPENDIX A - APPEARANCES**FOR WOKINGHAM BOROUGH COUNCIL (WBC):**

Mr Jack Barber - Counsel for the
Local Planning Authority

Instructed by the Legal Services Team,
WBC

He called

Mr Bob Sargent
BA(Hons) MBA CWEM FCIWEM
Mr Mark Croucher
BA(Hons) MSc

Hydrological Consultant

Principal Planning Officer Team Leader,
WBC

FOR THE APPLICANT, ALDI STORES LIMITED:

Miss Sarah Reid KC assisted by
Mr Piers Riley-Smith - Counsel

Instructed by Mr Dan Templeton, Planning
Potential Limited

They called

Mr Robert Williams
MTech
Mr Graham Sinclair
BSc(Hons) MSc DIC CWEM
MCIWEM
Mr Dan Templeton
MRTPI

Director, Entran Ltd

Technical Director, Create Consulting
Engineers Ltd

Consultant, Planning Potential Ltd

FOR THE ENVIRONMENT AGENCY (EA):

Mr Rowan Clapp - Counsel for the EA

Instructed by the EA

He called

Mr Neil Landricombe
BSc(Hons)

Flood Risk Management Advisor, EA

As noted in the "Preliminary matters" section of this report, the EA withdrew its objection to this proposal whilst the Inquiry was sitting, part-way through Mr Landricombe's cross-examination by Miss Reid.

APPENDIX B - CORE DOCUMENTS (all relate to Application No 230099, unless stated otherwise). All documents may also be found at the following link: [Public Inquiry \(Ref. APP/X0360/V/24/3339712\)](https://www.gov.uk/planning-inspectorate) - Land to the South of Gazelle Close, Winnersh - Documents

Number	Description
CD1	Planning Officer Report - 13 December 2023
CD2	Planning Committee Minutes - 13 December 2023
CD3	Call-in letter dated 28 February 2024
CD4	Site Location Plan - Drg No 201057-1000-P1
CD5	Planning Officer Report - Application No 171299 - 13 December 2017
CD6	Decision Notice for Application No 171299 - 13 December 2017
CD7	Decision Notice for Application No 181333 - 29 June 2018
CD8.1	Decision Notice for Application No 201539 - 28 August 2020
CD8.2	Hard Landscaping Plan - Application No 201539

CD8.3	Lighting Plan - Application No 201539
CD8.4	Proposed Site Plan - Application No 201539
CD8.5	Soft Landscaping Plan - Application No 201539
CD9	Certificate of Lawful Proposed Use or Development - Application No 211633 - 5 Jul 2021
CD10	Validation Letter - 18 January 2023
CD11	Proposed Site Plan - Drg No 201057-1300-P5
CD12	Proposed Elevations - Drg No 201057-1400-P2
CD13	Pre-application response letter - Application No 214155 - 1 March 2022
CD14	Environmental Health Officer (EHO) comment - 18 January 2023
CD15	Technical Note in response to EHO comment - 13 February 2023
CD16.1	Transport Assessment - December 2022
CD16.2	Travel Plan - December 2022
CD17.1	Proposed Site Plan - 201057-1300-P5
CD17.2	Proposed Floor Plan - 201057-1301-P3
CD18	Final Response from Highways Officer - 18 January 2023
CD19.1	Drainage Strategy and Flood Risk Assessment (FRA) - 12 January 2023
CD19.2	Drainage Strategy and FRA (Appendices A-E)
CD19.3	Drainage Strategy and FRA (Appendices F-G)
CD19.4	Drainage Strategy and FRA (Appendix H)
CD19.5	Drainage Strategy and FRA (Appendices I-K)
CD19.6	Drainage Strategy and FRA (Appendices L-P)
CD20	Environment Agency (EA) Holding Response - 24 April 2023
CD21	Planning Policy comments - 18 January 2023
CD22	Flood Risk Technical Note 12245w0004a - 1 August 2023
CD23	Response to Policy Officer: Sequential Sites Addendum - 16 June 2023
CD24	EA first comment - 6 July 2023
CD25.1	Draft Flood Risk Overlay - 13 September 2023
CD25.2	Draft Flood Risk Technical Note - 13 September 2023
CD26	EA second comment - 2 November 2023
CD27	Response to EA second comments - 17 November 2023
CD28	FRA for Application No 171299 - April 2017
CD29	Extent of Functional Floodplain - Application No 171299
CD30	Floodplain compensation strategy - Application No 171299
CD31	Flood Risk Assessment Addendum - Application No 171299
CD32	Response in relation to Objections Raised by the EA - Application No 171299
CD33	EA Second Objection - Application No 171299
CD34	Landscape & Visual Appraisal - 11 January 2023
CD35	Planning and Retail Statement - January 2023
CD36	Transport Assessment Addendum - February 2023
CD37	Transport Technical Note 1 - March 2023
CD38	Environmental Noise Assessment - 20 December 2022
CD39	Soft Landscaping Proposals
CD40	Arboricultural Impact Assessment - 11 January 2023
CD41	Ecological Impact Assessment - 22 December 2022
CD42	Aerial Photograph of Application Site
CD43	Visibility Splay and Swept Path Drawing SK11 - 25 October 2023
CD44	Visibility Splay and Swept Path Drawing SK12 - 25 October 2023

CD45	Visibility Splay and Swept Path Drawing SK13 - 25 October 2023
CD46	Application for Certificate of Confirmation that development can lawfully continue post 1 May 2021 - Application No 201539
CD47	Environmental Impact Assessment (EIA) Scoping Opinion - 7 June 2024
CD48	Committee Report Addendum - 12 June 2024 (Note - Report incorrectly dated as 13 December 2023)
CD49.1	Initial Council Statement of Case (SoC) - April 2024
CD49.2	Initial Council SoC Appendix 1 - Committee Report
CD49.3	Initial Council SoC Appendix 2 - Committee Report - Supplementary
CD49.4	Initial Council SoC Appendix 3 - Printed Minutes
CD49.5	Initial Council SoC Appendix 4 - Recommended Conditions
CD50.1	<i>Duplicate of CD048.1</i>
CD50.2	Revised Council SoC with highlighted changes - July 2024
CD50.3	Revised Council SoC - Printed Minutes - 12 June 2024
CD54	Void Sections Plan
CD55	National Planning Policy Framework
CD56	Borough Design Guide SPD - June 2022
CD57.1	Wokingham Borough Core Strategy (CS) - Policy CP11 - Proposals Outside Development Limits
CD57.2	CS Policy - CP13 - Town Centres and Shopping
CD57.3	CS Policy - CP14 - Growth and Renaissance of Wokingham Town Centre
CD57.4	<i>Not used</i>
CD57.5	CS Policy - CP15 - Employment Development
CD57.6	CS Policy - CP1 - Sustainable Development
CD57.7	<i>Not used</i>
CD57.8	CS Policy - CP2 - Inclusive Communities
CD57.9	CS Policy - CP3 - General Principles for Development
CD57.10	CS Policy - CP6 - Managing Travel Demand
CD57.11	CS Policy - CP7 - Biodiversity
CD57.12	CS Policy - CP9 - Scale and Location of Development Proposals
CD58.1	Wokingham Borough Managing Development Delivery Local Plan (MDDLDP) - Policy CC01 - Presumption in Favour of Sustainable Development
CD58.2	MDDLDP - Policy CC02 - Development Limits
CD58.3	MDDLDP - Policy CC03 - Green Infrastructure Trees and Landscaping
CD58.4	MDDLDP - Policy CC04 - Sustainable Design and Construction
CD58.5	MDDLDP - Policy CC05 - Renewable Energy and Decentralised Energy Networks
CD58.6	MDDLDP - Policy CC06 - Noise
CD58.7	MDDLDP - Policy CC07 - Parking
CD58.8	MDDLDP - Policy CC08 - Strategic Transport Network and Road Infrastructure
CD58.9	MDDLDP - Policy CC09 - Development and Flood Risk
CD58.10	MDDLDP - Policy CC10 - Sustainable Drainage
CD58.11	MDDLDP - Policy TB11 - Core Employment Areas
CD58.12	MDDLDP - Policy TB12 - Employment Skills Plan
CD58.13	MDDLDP - Policy TB15 - Major Town and Small Town/District Centre Development
CD58.14	MDDLDP - Policy TB16 - Development for Town Centre Uses
CD58.15	MDDLDP - Policy TB17 - Local Centres and Neighbourhood Village Shops
CD58.16	MDDLDP - Policy TB19 - Outdoor Advertisements

CD58.17	MDDL P - Policy TB20 - Service Arrangements and Deliveries for Employment and Retail Use
CD58.18	MDDL P - Policy TB21 - Landscape Character
CD58.19	MDDL P - Policy TB23 - Biodiversity and Development
CD59	Sustainable Design and Construction SPD - May 2010
CD60	Wokingham Town Centre Masterplan SPD - June 2010
CD61	WBC CIL Guidance Notes for Applicants - November 2019
CD62	WBC CIL Regulation 123 List - February 2015
CD63	Aldi Winnersh Sustainability Statement Rev 2 - November 2022
CD64	Aldi Winnersh Statement of Community Involvement (SCI) draft V2 - December 2022
CD65	Aldi Winnersh SCI Addendum - February 2023
CD66	Design and Access Statement - 9 December 2022
CD67.1	Case Management Conference 2 Summary Note - March 2025
CD67.2	Case Management Conference 1 Summary Note - June 2024
CD68	Applicant SoC - 15 April 2024
CD69.1	<i>Duplicate of CD049.1</i>
CD69.2	<i>Duplicate of CD049.2</i>
CD69.3	<i>Duplicate of CD049.3</i>
CD69.4	<i>Duplicate of CD049.4</i>
CD69.5	<i>Duplicate of CD049.5</i>
CD70.1	Revised Council SoC (clean version) - July 2024
CD70.2	<i>Duplicate of CD048.1</i>
CD70.3	Revised Council SoC - Planning Committee Supplementary Update Agenda
CD70.4	<i>Duplicate of CD050.3</i>
CD70.5	Revised Council SoC - Recommended Conditions
CD70.6	<i>Duplicate of CD048.1</i>
CD70.7	Revised Council SoC - Printed Planning Committee Minutes - 12 June 2024
CD71.1	EA SoC - 15 April 2024
CD71.2	EA SoC - Appendix A Flood Map for Planning
CD71.3	EA SoC - Appendix B Historic flood map
CD71.4	EA SoC - Appendix C Lower Loddon Modelled
CD72.1	SoCG between Applicant and EA - Proposed Site Plan - 201057-1300-P6
CD72.2	SoCG between Applicant and EA - Flood Risk -11 April 2025
CD73	SoCG between Applicant and Council as LPA - 9 May 2025
CD74	Draft Schedule of Suggested Conditions
CD75	Flood Risk and Coastal Change Planning Practice Guidance (PPG)
CD76.1	Flood Compensation Plan - Showroom (Application No 201539)
CD76.2	Flood Compensation Plan - Existing Levels
CD76.3	Flood Compensation Plan - Mid Storage
CD77	Using modelling for flood risk assessments - GOV.UK
CD78	Flood risk and coastal change - GOV.UK - PPG Paragraph 049
CD79	Flood risk and coastal change - GOV.UK - PPG Paragraphs 047 & 048
CD80	WBC Level 2 SFRA section 8.3.6 - Floodplain Compensation
CD81	Code of Practice for Property Flood Resilience (BS 85500:2015)
CD82	Code of Practice for Property Flood Resilience (BS 851188-1:2019+A1: 2021)

CD83	Code of Practice for Property Flood Resilience - CIRIA - Making your property more flood resilient
CD84	Flood Risk Assessment Guidance for New Development Phase 2 Framework and Guidance for Assessing and Managing Flood Risk for New Development - DEFRA/EA Guidance - October 2005
CD85	Costs Decision in relation to APP/H2265/W/22/3294498 - 18 August 2022
CD86	Note regarding additional post-developed flood risk modelling - Void blockage - 12 March 2025
CD87	Flood Response Plan - March 2025
CD88	Proposed Site Plan - 201057-1300-P6
CD89	Technical Note providing a summary of Extant and Current Planning Permission - 14 March 2025
CD90	JBA Flood Estimation Report: River Loddon, Arborfield Bridge to Loddon Bridge, Version 1 - 12 February 2025
CD91	JBA Hydraulic Modelling Report, Version 3 - 10 February 2025
CD92	Flood Risk Assessment - Reference 12245w0011b - 29 April 2025
CD93	Lidl Earley Retail Impact Assessment - May 2021
CD94.1	Western Berkshire Retail & Commercial Leisure Assessment (WBRCLA) 2016 - Volume 1 - Final Report - April 2017
CD94.2	WBRCLA - Volume 3 - Household Survey Results - April 2017
CD94.3	WBRCLA - Volume 4 - Bracknell In-Centre Survey Results - April 2017
CD94.4	WBRCLA - Volume 2 - Plans and Appendices - April 2017
CD95	Mead Realisations Ltd v Secretary of State for Housing, Communities and Local Government [2025] EWCA Civ 32
CD96	Proposed Site Plan 16.86-100 Rev V - for extant scheme Application No 211633
CD97	Proposed Ground Floor Plan 16.86-110 Rev F - for extant scheme Application No 181333
CD98	Proposed First Floor Plan 16.86-111 Rev D - for extant scheme Application No 171299
CD99	Proposed Elevations Plan 16.86-112 Rev H - for extant scheme Application No 181333
CD100	Wokingham Retail and Commercial Leisure Study - 2022 Update - September 2023
CD101	Wokingham Retail and Commercial Leisure Study - 2022 Update - September 2023 - Appendices
CD102	Flood Mitigation Maintenance Plan Reference 2245w0007 - March 2025
CD103	Experian Retail Planner Briefing Note 22 - March 2025
CD104	WBC Planning Committee Report 30 April 2025
CD105	Road Safety Audit Report: Review of Existing Highway - 5 June 2024
CD106.1	Proposed Drainage Layout Split System 12245sk0019b
CD106.2	Surface Water Drainage Technical Note 12245w0014a
CD107	Planning Officer Report for Application No O/2003/9040 - Land rear of 612 Reading Road, Winnersh, and planning permission dated 22 January 2004
CD108	Decision Notice for Application No F/2006/7818 - Land rear of 612 Reading Road, Winnersh - 15 September 2006
CD109	Planning Officer Report for Application No F/2006/7818 - Land rear of 612 Reading Road, Winnersh

CD110	Land at Manchester Road, Heywood - Appeal Decision Ref: APP/P4225/W/24/3346477 - 7 November 2024
CD111	WBC LGS Assessment: Appendix 8 Detailed Assessments - September 2024
CD112	EA letter dated 25 March 2025
CD113	Asda Middleton, Court of Appeal Decision [2021] EWCA Civ 32
CD114	SoCG between the Applicant and the Council as LHA - April 2025
CD115	SoCG between the Applicant and the Council as LLFA - 1 May 2025
CD116	Create Surface Water Modelling Report - March 2025
CD120	<i>Duplicate of CD052.6</i>
CD121	MHCLG DPM - Letter to Councils on Planning and Infrastructure Bill - 12 March 2025
CD122.1	CIL Compliance Statement
CD122.2	CIL Compliance Statement Appendix 1 - ESP Guidance for Developers
CD122.3	CIL Compliance Statement Appendix 2 - WBC ESP Consultation Response
CD122.4	CIL Compliance Statement Appendix 3 - Fees and Charges
CD123	Bundle of 3 representations submitted after the call-in

APPENDIX C – PROOFS OF EVIDENCE

Applicant	
CD51.1	Proof of Evidence (PoE) - Dan Templeton
CD51.2	PoE Appendices - Dan Templeton
CD52.1	PoE - Graham Sinclair
CD52.2	PoE Plans - Graham Sinclair
CD52.3	PoE Appendix A - Graham Sinclair
CD52.4	PoE Appendix B - Graham Sinclair
CD52.5	Summary PoE - Graham Sinclair
CD52.6	Rebuttal PoE - Graham Sinclair
CD53.1	PoE - Robert Williams
CD53.2	PoE Appendix A - Robert Williams
Council	
CD117.1	PoE Appendix 1 - Mark Croucher
CD117.2	PoE Appendix 2 - Mark Croucher
CD117.3	PoE Appendix 3 - Mark Croucher
CD117.4	PoE - Mark Croucher
CD118	PoE - Bob Sargent
Environment Agency (EA)	
CD119.1	PoE - Neil Landricombe
CD119.2	Appendix EA01 - Summary PoE
CD119.3	Appendix EA02 - Watercourse Plan
CD119.4	Appendix EA03 - Flood Map for Planning (Pre-March 2025)
CD119.5	Appendix EA04 - Flood Map for Planning (Post-March 2025)
CD119.6	Appendix EA05 - 2009 Flood Extents
CD119.7	Appendix EA06 - Historic Flood Maps
CD119.8	Appendix EA07 - JBA baseline Modelling Plans
CD119.9	Appendix EA08 - Craddys FRA - 15 April 2025
CD119.10	Appendix EA09 - JBA Hydraulic Modelling Report

CD119.11	Appendix EA10 - EA Summary of Flood Warnings Issued
CD119.12	Appendix EA11 - Historic Flood Alert Data
CD119.13	Appendix EA12 - Photographs
CD119.14	Appendix EA13 - Drone Footage - 6 January 2024
CD119.15	Appendix EA14 - Drone Footage - 5 January 2014
CD119.16	Appendix EA15 - EA Flood Estimation Report
CD119.17	Appendix EA16 - EA Flood Risk Emergency Plans Guide
CD119.18	Appendix EA17 - 2017 FRA Documents
CD119.19.1	Appendix EA18 - Aldi FRA - January 2023
CD119.19.2	Appendix EA18 - Craddys Technical Note - September 2023
CD119.20	Appendix EA19 - EA Hazard Ratings & Thresholds
CD119.21	Appendix EA20 - Post-development modelling
CD119.22	Appendix EA21 - Post-development hazard model
CD119.23	Appendix EA22 - Post-development flood depths
CD119.24	Appendix EA23 - EA Statement of Case
CD119.25	Appendix EA24 - SFRA Main Report
CD119.26	Appendix EA25 - Create Technical Note
CD119.27	Appendix EA26 - JBA Flood Estimation Report
CD119.28	Appendix EA27 - Aldi Flood Response Plan
CD119.29	Appendix EA28 - Aldi Flood Mitigation Plan

APPENDIX D – INQUIRY DOCUMENTS – SUBMITTED DURING THE INQUIRY

ID1	Opening statement on behalf of the Applicant
ID2	Opening statement on behalf of the EA
ID3	Opening statement on behalf of the Council
ID4.1	WBC Emergency Planner email date 8 May 2025
ID4.2	WBC Emergency Planner email date 13 May 2025
ID5.1	Extant scheme Flood Map - 1% AEP plus 23% Climate Change - peak depth
ID5.2	Extant scheme Flood Map - 1% AEP plus 23% Climate Change - maximum hazard
ID6.1	Accompanied Site Visit Plan
ID6.2	Unaccompanied Site Visit Plan
ID7	PoE of Dan Templeton - Errata Sheet
ID8.1	423-431 Reading Road Appeal Decision Ref APP/X0360/W/22/3300991 - dated 9 January 2023 - front page
ID8.2	423-431 Reading Road Appeal Decision Ref APP/X0360/W/22/3300991 - dated 9 January 2023 - Conditions
ID9	EA Withdrawal letter - 15 May 2025
ID10	Written Ministerial Statement - Reform of the Statutory Consultee System - 10 March 2025
ID11	Sealed S106 agreement dated 21 May 2025
ID12	Closing Submissions on behalf of the Council
ID13.1	Closing Submissions on behalf of the Applicant
ID13.2	Approved Judgment - R (on the application of Widdrington Parish Council) v Uttlesford DC [2023] EWHC 1709 (Admin)
ID13.3	Approved Judgment - Stratford on Avon DC v SoS for Communities and Local Government [2013] EWHC 2074 (Admin)

APPENDIX E - CONDITIONS TO BE IMPOSED IF PLANNING PERMISSION IS GRANTED
(36 in total)

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: *In pursuance of s.91 of the Town and Country Planning Act 1990 (as amended by s.51 of the Planning and Compulsory Purchase Act 2004).*

2. This permission is in respect of the submitted application plans and drawings numbered ref:

201057-1000-P1 (Site Location Plan)
201057-1300-P6 (Proposed Site Plan)
201057-1301-P3 (Proposed Floor Plan)
201057-1302-P1 (Proposed Roof Plan)
201057-1400-P2 (Proposed Elevations)
201057-1401-P2 (Proposed Site Sections)

The development shall be carried out in accordance with the approved details.

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.*

3. Prior to the erection of the new building hereby permitted, samples and details of the materials to be used in the construction of the external surfaces of the building/s shall have first been submitted to and approved in writing by the Local Planning Authority. Development shall be carried in accordance with the so-approved details.

Reason: *To ensure that the external appearance of the building is satisfactory. Relevant policy: Core Strategy policies CP1 and CP3.*

4. The use hereby permitted shall not operate other than between the hours of 07:00 to 23:00 Mondays to Saturday and 08:00 to 19:00 on Sundays.

Reason: *To safeguard the amenities of nearby residents and occupiers of the surrounding buildings and to prevent additional noise contamination in the countryside. Relevant policy: Core Strategy policies CP1 and CP3 and Managing Development Delivery Local Plan policy CC06.*

5. No deliveries shall be taken in or dispatched from the site outside the hours of 07:00 to 23:00 Monday to Saturdays and between 09:00 to 18:00 on Sundays and Bank/Public Holidays.

Reason: *To safeguard the amenities of nearby residents and occupiers of the surrounding buildings and to prevent additional noise contamination in the countryside. Relevant policy: Core Strategy policies CP1 and CP3 and Managing Development Delivery Local Plan policy CC06.*

6. No work relating to the development hereby approved, including works of demolition or preparation prior to building operations, shall take place other than between the hours of 08:00 and 18:00 Monday to Friday and 08:00 to 13:00 Saturdays and at no time on Sundays or Bank or National Holidays.

Reason: *To safeguard the amenities of nearby residents and occupiers of the surrounding buildings and to prevent additional noise contamination in the countryside. Relevant policy: Core Strategy policies CP1 and CP3 and Managing Development Delivery Local Plan policy CC06.*

7. All plant, machinery and equipment installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that noise therefrom does not exceed at any time a level of 5dB[A] below the existing background noise level [or 10dB[A] if there is a particular tonal quality] when measured at a point one metre external to the nearest residential or noise sensitive property. Any recommended noise mitigation measures should be retained and maintained thereafter.

Reason: *To safeguard the amenities of nearby residents and occupiers of the surrounding buildings and to prevent additional noise contamination in the countryside. Relevant policy: Core Strategy policies CP1 and CP3 and Managing Development Delivery Local Plan policy CC06.*

8. No development shall take place until a measured survey of the site and a plan prepared to scale of not less than 1:500 showing details of existing and proposed finished ground levels (in relation to a fixed datum point) and finished roof levels shall be submitted to and approved in writing by the Local Planning Authority, and the approved scheme shall be fully implemented prior to the occupation of the buildings.

Reason: *In order to ensure a satisfactory form of development relative to surrounding buildings and landscape. Relevant policy: Core Strategy policies CP1 and CP3 and Managing Development Delivery Local Plan policy TB21.*

9. Prior to the commencement of the development, full details of both hard and soft landscape proposals shall be submitted to and approved in writing by the Local Planning Authority. These details shall include, as appropriate, proposed finished floor levels or contours, means of enclosure, car parking layouts, other vehicle and pedestrian access and circulation areas, hard surfacing materials and minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, external services, etc).

Soft landscaping details shall include a planting plan, specification (including cultivation and other operations associated with plant and grass establishment), schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate, and implementation timetable.

All hard and soft landscape works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a timetable approved in writing by the Local Planning Authority. Any trees or plants which, within a period of 5 years after planting, are removed, die or become seriously damaged or defective, shall be replaced in the next planting season with others of species, size and number as originally approved and permanently retained.

Reason: *In the interests of visual amenity. Relevant policy: Core Strategy policy CP3 and Managing Development Delivery Local Plan policies CC03 and TB21 (and TB06 for garden development).*

10. No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted wilfully damaged or destroyed, cut back in any way or removed without previous written consent of the Local Planning Authority; any trees, shrubs or hedges removed without consent or dying or being severely damaged or becoming seriously diseased within 5 years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: *To secure the protection throughout the time that development is being carried out, of trees, shrubs and hedges growing within the site which are of amenity value to the*

area. Relevant policy: Core Strategy policy CP3 and Managing Development Delivery Local Plan policies CC03 and TB21.

11. a) No development or other operation shall commence on site until an Arboricultural Method Statement and Scheme of Works which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site in accordance with BS5837: 2012 has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the details as so-approved (hereinafter referred to as the Approved Scheme).
- b) No operations shall commence on site in connection with development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening or any other operation involving use of motorised vehicles or construction machinery) until the tree protection works required by the Approved Scheme are in place on site.
- c) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within an area designated as being fenced off or otherwise protected in the Approved Scheme.
- d) The fencing or other works which are part of the Approved Scheme shall not be moved or removed, temporarily or otherwise, until all works including external works have been completed and all equipment, machinery and surplus materials removed from the site, unless the prior approval in writing of the Local Planning Authority has first been sought and obtained.

Reason: To secure the protection throughout the time that the development is being carried out of trees shrubs or hedges growing within or adjacent to the site which are of amenity value to the area, and to allow for verification by the Local Planning Authority that the necessary measures are in place before development and other works commence Relevant policy: Core Strategy policy CP3 and Managing Development Delivery Local Plan policies CC03 and TB21.

12. Prior to the occupation of the development a landscape management plan, including long term design objectives, management responsibilities, timescales and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved.

Reason: In order to ensure that provision is made to allow satisfactory maintenance of the landscaping hereby approved. Relevant policy: Core Strategy policy CP3 and Managing Development Delivery Local Plan policies CC03 and TB21.

13. Prior to the commencement of development of the permitted foodstore, full details of how the development will achieve a 10% reduction in carbon emissions shall be submitted to and approved in writing by the Local Planning Authority. The erection of the building shall be carried out in accordance with the approved measures which shall be retained and maintained for the lifetime of the development.

Reason: To ensure the development results in a 10% reduction in carbon emissions in accordance with Managing Development Delivery Local Plan policy CC05.

14. Prior to the occupation of the development hereby approved, details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. The lighting

shall be installed in accordance with the approved details and maintained for the lifetime of the development.

Reason: *In the interest of the amenity of the area.*

15. No part of any building(s) hereby permitted shall be occupied or used until vehicle parking and turning spaces has been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: *In the interests of highway safety and convenience. Relevant policy: Core Strategy policies CP3 & CP6.*

16. Prior to the first occupation of the development, a Parking Management Strategy for the management of the parking arrangements shall be submitted to and approved in writing by the Local Planning Authority. The submitted Parking Management Strategy shall include details of:

- the management of all parking spaces (including restricting occupation of customer parking to a maximum of 90 minutes);
- the discouragement of overnight parking of vehicles (unless associated with staff or maintenance vehicles);
- the discouragement of the use of the car park that is not associated with the use of the foodstore; and
- the monitoring and the delivery of additional electric vehicle charging spaces when required.

The approved Parking Management Strategy shall thereafter be implemented and thereafter retained.

Reason: *To ensure satisfactory development in the interests of amenity and highway safety in accordance with Wokingham Borough Core Strategy Policies CP1, CP6, CP13 and CP21 and Managing Development Delivery Local Plan policies CC07 and TB20.*

17. No building shall be occupied until full details of secure and covered parking for customers and staff cycles has been submitted to and agreed in writing by the Local Planning Authority. The building shall not be occupied until the cycling parking details have been implemented in full accordance with the agreed details. The cycle parking/storage shall be permanently so-retained 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 Chapter 4 (Sustainable Transport) and Core Strategy policies CP1, CP3 & CP6 and Managing Development Delivery Local Plan policy CC07.*

18. No development shall commence, including any works of demolition, until a combined Construction Method Statement (CMS) and Construction Ecological Management Plan (CEMP), has been submitted to, and approved in writing by, the Local Planning Authority. The approved CMS/CEMP shall be adhered to throughout the construction period. The CMS/CEMP shall provide for:

- construction of suitable works access;
- the parking and turning of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

- wheel washing facilities;
- measures to control the emission of dust and dirt during construction;
- a scheme for recycling/disposing of waste resulting from demolition and construction works;
- Defined welfare area to accommodate all site operatives and visitors;
- Hours of construction;
- Hours of delivery.

Reason: *In the interests of highway safety & convenience and neighbour amenities. To prevent queuing and parking off site, in the interests of highway safety and convenience. To ensure an acceptable impact during construction works. Relevant policy: Core Strategy policies CP3 & CP6.*

19. Prior to the occupation of the development a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include a programme of implementation and proposals to promote alternative forms of transport to and from the site, other than by the private car and provide for periodic review. The Travel Plan shall be fully implemented, maintained and reviewed as so-approved.

Reason: *To encourage the use of all travel modes. Relevant policy: NPPF Section 4 (Sustainable Transport) and Core Strategy policy CP6*

20. Prior to the occupation of the development, a scheme shall be entered into to secure details of the proposed vehicular access on to Gazelle Close to include visibility splays of 2.4m by 43m and a Road Safety Audit Stage 2 report shall be submitted to and approved in writing by the Local Planning Authority. The access shall be formed as so approved, and the visibility splays shall be cleared of any obstruction exceeding 0.6 metres in height prior to the occupation of the development. The access shall be retained in accordance with the approved details and used for no other purpose and the land within the visibility splays shall be maintained clear of any visual obstruction exceeding 0.6 metres in height at all times.

Reason: *In the interests of highway safety and convenience. Relevant policy: Core Strategy policies CP3 & CP6.*

21. Prior to occupation, the measures identified in the Stage 1 and Stage 2 Road Safety Audit shall be installed in accordance with a scheme of implementation to be agreed in writing with the Local Planning Authority.

Reason: *In the interests of highway safety and convenience. Relevant policy: Core Strategy policies CP3 & CP6.*

22. Prior to the commencement of development, full details of the construction of roads and footways, including levels, widths, construction materials, depths of construction, surface water drainage and lighting shall be submitted to and approved in writing by the Local Planning Authority. The roads and footways shall be constructed in accordance with the approved details.

Reason: *To ensure that roads and footpaths are constructed to a standard that would be suitable for adoption as publicly maintainable highway, in the interests of providing a functional, accessible and safe development. Relevant policy: Core Strategy policies CP3 & CP6.*

23. Prior to commencement of development, an Electric Vehicle Charging Strategy shall be submitted to, and approved in writing by the Local Planning Authority. This strategy shall include details relating to on-site electric vehicle charging infrastructure and details of

installation of charging points. The development shall be implemented in accordance with the agreed strategy and thereafter maintained for the lifetime of the development.

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: Core Strategy policies CP1, CP3 & CP6 and Managing Development Delivery Local Plan policy CC07.*

24. Prior to occupation of the development hereby approved, a Delivery and Servicing Plan shall be submitted to and approved in writing by Local Planning Authority. The use shall be implemented in accordance with the details thereby approved.

Reason: *In the interests of highway safety and convenience. Relevant policy: Core Strategy policies CP3 & CP6.*

25. The development hereby permitted shall be carried out in accordance with the following measures detailed in the Flood Risk Assessment 12245w0011b (30 April 2025):

- There shall be no raising of grounds levels above existing, other than as shown on Drawings 12245_Ss_15_10_00_6011_P02 and 12245_Ss_15_10_00_6010_S1_P01 (including the provision of an under-building void with opening dimensions as per drawing 201057-1400-P2 to secure an increase of 474cum of flood storage)
- The finished floor level of the building shall be no lower than 40.29 m AOD with the soffit of the under-building void no lower than 39.89 m AOD.

The flood compensation shall be provided prior to the occupation of development, and the approved measures shall be implemented, retained and maintained for the lifetime of the development.

Reason: *To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided. To ensure the development is flood resilient and remains safe during flooding events.*

26. Prior to the commencement of development, a scheme for the raising of electric vehicle charging points and the provision of sealed electrical ducting throughout the car park shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter be implemented and retained for the lifetime of the development.

Reason: *To ensure the development is flood resilient and remains safe during flooding events.*

27. Prior to the occupation of the building hereby permitted, a Flood Warning and Evacuation Plan shall be submitted to and approved in writing by the Local Planning Authority. This Plan should include:

- A site-specific flood alarm system;
- Agreement of appropriate trigger levels for the alarm and evacuation procedures;
- A procedure for the removal of on-site vehicles and non-fixed objects from the flood zone;
- A safe evacuation route and evacuation procedure;
- A procedure for the closure and re-opening of the site;
- Staff Training.

The approved Flood Warning and Evacuation Plan shall be reviewed every year and shall be implemented in accordance with the approved details.

Reason: *To ensure the development is flood resilient and remains safe during flooding events.*

28. Prior to the occupation of the building hereby permitted, a Flood Mitigation Maintenance Plan shall be submitted to and approved in writing by the Local Planning Authority. This Plan should include:

- Details of the under-building void maintenance;
- The post flood event site remediation procedure (Including the surface water drainage system).

The details thereby agreed shall be implemented and retained for the lifetime of the development.

Reason: *To ensure the development is flood resilient and remains safe during flooding events.*

29. Notwithstanding approved plan 201057-1300-P6, details of boundary treatment to the site shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the positioning of the boundary treatment and the materials to be used to ensure its permeability to floodwater. The approved scheme shall be implemented, retained and maintained for the lifetime of the development.

Reason: *To ensure that there are no detrimental impacts to flood storage or flood flow routes.*

30. Notwithstanding the provisions of Schedule 2 Part 2 Class A of the Town and Country Planning (General Permitted Development) Order (England) 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) no additional boundary treatment measures beyond those shown on approved plan 201057-1300-P6 shall be installed at the development hereby approved without the written approval of the Local Planning Authority.

Reason: *To ensure that there are no detrimental impacts to flood storage or flood flow routes.*

31. Prior to occupation of the development, surface water drainage systems shall be provided in accordance with details that have been submitted to and approved in writing by the LPA. The submitted details for the surface water drainage system shall accord with the principles shown on drawing 12245_Ss_50_35_00_sk0019_S3_B, including:

- Multiple drainage systems shall be provided to serve areas of the site that may be affected by more and less frequent fluvial flood events, such that unaffected areas can continue to drain surface water during a more frequent fluvial flood event;
- Discharge from the drainage systems to the receiving sewer shall be limited to 4.3l/s in total. Where oil interceptors/separators are provided and located within areas of increased risk of fluvial flooding, they shall be fitted with sealed access covers;
- The drainage systems shall have sufficient storage capacity to not increase flood risk off-site during a combined fluvial flood and rainfall event;
- Where geocellular attenuation tanks are provided within the systems, they shall include sufficient access to allow for periodic and reactive maintenance. Where access points are provided within areas of increased risk of fluvial flooding, they shall be fitted with sealed access covers.

The approved foul and surface water drainage systems shall be implemented and maintained for the lifetime of the development.

Reason: *To ensure appropriate utility connections.*

32. Prior to occupation of the development, a management and maintenance schedule for the approved surface water drainage system shall be submitted to, and approved in writing by the Local Planning Authority. The Schedule shall, thereafter, be implemented in accordance with the approved details.

Reason: *To ensure appropriate utility connections.*

33. Prior to the commencement of the development a Landscape Environmental Management Plan (LEMP), in accordance with the Ecological Impact Assessment by Tyler Grange reference 15115_R01a (dated 22 December 2022), including long term design objectives, management responsibilities, timescales, maintenance schedules for all landscape areas, and installation of bird and bat boxes on the approved building shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved LEMP.

Reason: *To ensure an acceptable impact on ecology.*

34. No works shall commence until a Biodiversity Plan demonstrating how the scheme will deliver no net loss has been submitted to and approved in writing by the Local Planning Authority. The Plan shall be implemented in accordance with the approved details.

Reason: *To ensure the development does not negatively impact biodiversity.*

35. With the exception of site clearance and preparation works, no development works shall be carried out until written documentary evidence demonstrating that the development will achieve a minimum 'Excellent' rating against the BREEAM Standard, in the form of a design stage report, has been submitted to and approved in writing by the Local Planning Authority.

Reason: *To ensure the development is built in a sustainable manner.*

36. Within 12 months of any part of the development first becoming occupied, written documentary evidence proving that the development has achieved a minimum 'Excellent' rating against the BREEAM Standard in the form of post construction report and certificate as issued by a legitimate BREEAM certification body shall be submitted to and approved in writing by the Local Planning Authority.

Reason: *To ensure the development is built in a sustainable manner.*

END OF SCHEDULE OF CONDITIONS



Ministry of Housing, Communities & Local Government

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RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial Review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, King's Bench Division, Strand, London, WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS

The decision may be challenged by making an application for permission to the High Court under section 288 of the Town and Country Planning Act 1990 (the TCP Act).

Challenges under Section 288 of the TCP Act

With the permission of the High Court under section 288 of the TCP Act, decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application for leave under this section must be made within six weeks from the day after the date of the decision.

SECTION 2: ENFORCEMENT APPEALS

Challenges under Section 289 of the TCP Act

Decisions on recovered enforcement appeals under all grounds can be challenged under section 289 of the TCP Act. To challenge the enforcement decision, permission must first be obtained from the Court. If the Court does not consider that there is an arguable case, it may refuse permission. Application for leave to make a challenge must be received by the Administrative Court within 28 days of the decision, unless the Court extends this period.

SECTION 3: AWARDS OF COSTS

A challenge to the decision on an application for an award of costs which is connected with a decision under section 77 or 78 of the TCP Act can be made under section 288 of the TCP Act if permission of the High Court is granted.

SECTION 4: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the Inspector's report of the inquiry or hearing within 6 weeks of the day after the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.