

Please note: Amendments were made to these minutes at the meeting of the Planning Committee held on 14 August 2019

**MINUTES OF A MEETING OF THE
PLANNING COMMITTEE
HELD ON 10 JULY 2019 FROM 7.00 PM TO 10.22 PM**

Committee Members Present

Councillors: Simon Weeks (Chairman), Chris Bowring (Vice-Chairman), Stephen Conway, Gary Cowan, Carl Doran, Pauline Jorgensen, Abdul Loyes, Andrew Mickleburgh, Malcolm Richards, Angus Ross and Rachelle Shepherd-DuBey

Councillors Present and Speaking

Councillors: Laura Blumenthal and Shirley Boyt

Officers Present

Marcia Head, Development Management Team Leader
Judy Kelly, Highways Development Manager
Rachel Lucas, Legal Specialist
Callum Wernham, Democratic & Electoral Services Specialist

Case Officers Present

Jeanette Davey
Adriana Gonzalez
Natalie Jarman
Senjuti Manna

15. APOLOGIES

An apology for arriving late was received by Malcolm Richards, whom arrived at 8:10pm.

16. MINUTES OF PREVIOUS MEETING

The Minutes of the meeting of the Committee held on 12 June 2019 were confirmed as a correct record and signed by the Chairman.

MEMBERS' UPDATE

There are a number of references to the Members' Update within these minutes. The Members' Update was circulated to all present prior to the meeting. A copy is attached.

17. DECLARATION OF INTEREST

There were no declarations of interest.

18. APPLICATIONS TO BE DEFERRED AND WITHDRAWN ITEMS

No applications were recommended for deferral, or withdrawn.

19. APPLICATION NO. 191011 - 30 PITTS LANE, EARLEY, RG6 1BT

Proposal: Full planning application for the proposed erection of 1 no. 4 Bedroom detached house and 2 no. 3 Bedroom semi-detached houses with associated parking, access and landscaping.

Applicant: Hicks Development Ltd.

The Committee received and reviewed a report about this application, set out in agenda pages 17 to 44.

The Committee were advised that the Members Update included:

- Clarification to paragraph 8;
- Inclusion of Table 1 to paragraph 24.

Rosemary Cook, Earley Town Council, spoke in objection to the application. Rosemary stated that Earley Town Council had concerns over the height of the proposed dwellings and the impact on the SULV which the development would take place within. Rosemary added that there were also concerns over the maintenance of the buffer on the eastern side of the development.

Jenny Lissaman, on behalf of the Residents' Association, spoke in objection to the application. Jenny stated that TB22 set out the Site of Urban Landscape Value (SULV) for the Bulmershe area, and added that the proposed development site was situated within it. Jenny commented that there had been a long history of planning applications within the area and its surrounding parts. Jenny stated that Woodley Town Council had made no comments on this application, however Jenny added that this was the case as Woodley Town Council had not been consulted regarding this application. Jenny was of the opinion that the new development would be out of keeping with the character of the area and added that many trees within the garden had been cut down, in addition to a TPOd tree which had been severely 'pruned'. Jenny felt that the proposed dwellings would overlook the existing properties in the area, would be a case of overdevelopment and would look out of place in the context of the surrounding area. Jenny felt that there was a risk that the access road for this development could be used as a free local car park. Jenny asked that new planting and soft landscaping take place in the separate 10 dwelling development that had been allowed at appeal, as per the S106 agreement. Jenny asked that the Committee carefully consider the impact of this application on the character of the area and the SULV, and subsequently refuse it.

Steve Hicks, Applicant, spoke in favour of the application. Steve stated that a planning application for further development at Addington School had recently been approved whilst also being located within the SULV. Steve stated that the landscape buffer reduced the proposed development's impact on the SULV and suggested that this buffer would be commuted to Wokingham Borough Council (WBC) for maintenance. Steve stated that no TPOd trees would be removed as part of this application, and added that the proposed dwellings were no higher than those of properties found on Pitts Lane. Steve stated that landscaping would be provided and a commuted sum for affordable housing contributions formed part of this application. Steve commented that each of the proposed dwellings would now comply with all amenity standards and would be situated within an area of high housing demand and would provide a social house in addition to an off-site commuted sum.

Shirley Boyt, Ward Member, spoke in objection to the application. Shirley stated that the site fell within the SULV and development within said SULV was contrary to the local plan. Shirley stated that she was concerned with the proximity of plot 3 to a TPOd tree and added that another TPOd tree had already been 'decimated'. Shirley stated that the SULV was a valuable community asset which could not continue to be encroached upon.

The Committee were reminded that issues regarding lack of internal amenity space and lack of affordable housing had now been addressed, and the Committee should therefore consider the impact of the proposed development on the SULV and impact on TPOd trees.

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Carl Doran commented that contrary to the report, the proposed development was in fact in the SULV, in addition to being visible from Bulmershe Park. Carl added that more needed to be done in future to protect the SULV from development. Carl queried how TPOd trees would be protected, referring to how one such tree had been severely 'pruned'. Carl queried whether a landscape and visual impact assessment had been undertaken, and commented that the proposed dwellings would be of significantly larger scale than the bungalow opposite.

Senjuti Manna, Case Officer, clarified that the previously refused application included two TPOd trees that were within the garden boundary, this had been rectified within the current application and the majority of the root protection area now sat outside of the residential curtilage, in addition, any work carried out to TPOd trees was reviewed and approved by Council Officers. Senjuti stated that a buffer of 37m to the SULV was present within this application, in comparison to a buffer of 20m that was allowed at appeal for a nearby application. Senjuti clarified that that the height of each dwelling had been reduced by approximately 1.35m compared to the previously refused application, which made each dwelling of a lesser scale than those allowed by an inspector at the nearby Hitch Hill Close development. Senjuti stated that although no official landscape and visual impact assessment had been undertaken, a landscape Officer had reviewed the proposals and had no objections to the application, subject to conditions.

Pauline Jorgensen raised further concerns regarding the impact on the SULV should this application be approved. Pauline queried what would be done regarding the existing fencing at the proposed development site. Senjuti Manna clarified that the existing fencing would be removed and further planting would take place. Senjuti added that this would open up the SULV to the public, considering it was currently private, and would help to deter anti-social behaviour as the proposed dwellings would be able to overlook this area.

Andrew Mickleburgh commented that the proposals should be considered within the context of the existing area, taking in to account the changed environment of the allowed 10 dwellings. Andrew added that the proposed double storey dwellings would be out of character with the single storey bungalow opposite.

Stephen Conway was of the opinion that the proposed benefit of the removal of the fence and the opening of the SULV to the public compared to the erection of 3 dwellings, was a matter of judgement and subjective.

Rachelle Shepherd-DuBey commented that in the light of the allowed 10 dwellings for a nearby development, it would be difficult to refuse this application and the chance of a successful appeal by the applicant should the application be refused was high, thereby costing the Council money.

Angus Ross commented that the Committee needed to resolve how prejudicial this development would be to the SULV, taking in to account the previously allowed 10 dwelling development nearby. Simon Weeks added that the Committee needed to decide whether the development would be significantly detrimental to the SULV and surrounding area in the context of the existing character of the area, looking only at the application proposals in front of them.

Pauline Jorgensen queried what precedent would be set should the application be approved, and asked what the status of the buffer land would be. Simon Weeks clarified

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that the buffer land would be transferred to the Council should the application be approved.

RESOLVED That application 191011 be approved, subject to conditions and informatives as set out in agenda pages 18 to 24, and clarifications added within the Members' Update.

20. APPLICATION 190990 - 128 CHURCH ROAD, EARLEY

Proposal: Full application for the proposed erection of 6 No residential apartments with associated parking and access following demolition of existing.

Applicant: Mr Bal Hans.

The Committee received and reviewed a report about this application, set out in agenda pages 45 to 74.

The Committee were advised that the Members Update included:

- Clarification regarding Technical Housing Standards;
- Clarification that Woodley Town Council did not discuss the application;
- An additional neighbour comment;
- Updated response from Earley Town Council that the application should be refused;
- Correction to Councillor Shirley Boyt's name;
- Update to table on agenda page 56;
- Clarification that images on agenda pages 57 and 69 were duplicates.

Rosemary Cook, Earley Town Council, spoke in objection to the application. Rosemary stated that Earley Town Council had concerns regarding the visual impact of the development on the Site of Urban Landscape Value (SULV). Rosemary added that the SULV was being eroded 'bit by bit' and needed protection and commented that Church Road was already very busy with traffic and Earley Town Council had concerns that this development would only add to this problem.

Tim Marsh, Residents' Association, spoke in objection to the application. Tim stated that the proposed development site was situated on an exposed corner of the SULV and was therefore sensitive in terms of visual impact on the SULV. Tim added that it was Wokingham Borough Council's (WBC's) policy to protect the status of the SULV. Tim stated that the existing bungalow was in keeping with the character of the area and was not intrusive. Tim felt that the proposed two storey building would not be effectively screened by the tree to the front of the property, as the tree was deciduous and would not screen the property in the winter months. Tim stated that towards the rear of the development unit 5 was located in an exposed position which would be a prominent feature which would dominate the remaining open area of the SULV. Tim raised concerns over the parking allocation at the proposed development, and felt that the application should be refused as it was not appropriate to the area in which it would be located and was overbearing on the SULV.

Paul Butt, Agent, spoke in support of the application. Paul stated that the current scheme had been significantly reduced in scale compared to a previously refused application, with the bulk of the property being reduced. Paul commented that the inspector had no objection to the principle of development, and additional space would be provided at the front of the property for car parking. Paul stated that three outbuildings currently located within the SULV would be demolished as part of the application proposals, and tree

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planting would take place to provide a softer edge to the SULV. Paul stated that there would be an improved relationship with number 13 Church Road who had posed no objections. Paul concluded by stating that the application would retain the large garden, protect two TPOd trees, provide soft landscaping benefits and provide an affordable housing contribution.

Shirley Boyt, Ward Member, spoke in objection to the application. Shirley stated that the proposed development would have a negative visual impact on the SULV, as it would be a large property which would be visible from the boundary fence. Shirley stated that it was unclear whether the existing shrubbery would remain to screen the development, and added that there were mature trees towards the bottom of the garden within the SULV. Shirley raised concerns regarding the parking provision at the proposed development, and asked for clarification regarding the affordable housing contribution.

Natalie Jarman, Case Officer, clarified that an off-site commuted sum would be contributed toward affordable housing as part of this application.

Carl Doran queried why a landscape visual impact assessment had not been completed for this application, and commented that the proposal was situated within a very prominent area of the SULV.

A number of Members raised concerns regarding the size of the property when compared to the existing bungalow. Natalie Jarman clarified that at appeal for the previously refused application the Inspector raised no objections to the principle of redevelopment. Natalie added that the property has a smaller width than the adjacent properties.

A number of Members reiterated concerns regarding the impact of the proposed development on a prominent part of the SULV. Natalie Jarman stated that a Landscape Officer had raised no objections to the application subject to conditions, and reiterated that the Inspector previously raised no objections to the principle of such a redevelopment at the site.

RESOLVED That application 190990 be approved subject to conditions and informatives as set out in agenda pages 46 to 52, and various clarifications and corrections as set out in the Members' Update.

21. APPLICATION NO. 191126 - 24 CAMPBELL ROAD, WOODLEY, RG5 3NA

Proposal: Householder application for the proposed first floor side extension, conversion of existing garage to create habitable accommodation, two storey rear extension following the demolition of existing single storey rear, plus changes to fenestration and internal alterations.

Applicant: Mr M Joshi.

The Committee received and reviewed a report about this application, set out in agenda pages 75 to 100.

The Committee were advised that there were no Members' updates.

Laura Blumenthal, Ward Member, spoke in objection to the application. Laura stated that there were several issues with the application. Laura queried why a manhole would be concreted over as part of the application. Laura stated that the proposed development was

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opposite a primary school which was consequently situated on an extremely busy road with cars using on street parking. Laura raised concerns over the tandem parking at the proposed development, stating that it could encourage the residents of the proposed development to park on the already congested road. Laura was of the opinion that should the application be approved, then construction on the main extension should not occur prior to the completion of the driveway as otherwise construction vehicles may be forced to park on-street. Laura asked that in its current state, the application be refused.

Simon Weeks reminded the Committee that they could only consider whether the previous reasons for refusal, parking spaces and setback distance, had been addressed.

Pauline Jorgensen queried whether the proposed development could be split up into three separate apartments in the future. Marcia Head, Development Management Team Leader, stated that a change of use to three apartments would require further planning permission.

Rachelle Shepherd-DuBey queried what parking restrictions were present outside of the proposed development site. Judy Kelly, Highways Development Manager, stated that there was an advisory no parking during school hours restriction in place.

Gary Cowan queried why the proposal was recommended for approval considering there was not a separation distance of at least 1m at the site boundary. Adriana Gonzalez stated that although this element of the application was not compliant with the borough design guide, number 22 Campbell road had a single storey rear extension built to its site boundary. Simon Weeks added that the issue of boundary separation distance was not a previous reason for refusal and was therefore considered acceptable in the context of the application.

A number of Members queried the covering up of a manhole on the development site. Simon Weeks clarified that this was not a matter for the Planning Committee to resolve as it was a building control regulation and was therefore outside of the remit of the Planning Committee.

Malcolm Richards queried what extra permission the applicant would need to obtain in order to extend the dropped kerb outside of the proposed development site. Judy Kelly stated that the applicant would need to apply for a S184 licence. Judy added that several other properties in the area had successfully applied for such permission previously.

Simon Weeks proposed that a further condition be added, in order to apply standard hours of construction to this application (8am-6pm Monday to Friday, 8am-1pm Saturday, no construction to take place on Sunday or Bank Holidays) due to the site's proximity to neighbouring properties. The proposal was moved, seconded and passed, and subsequently added to the list of conditions.

RESOLVED That application 191126 be approved, subject to conditions and informatives as set out in agenda pages 76 to 78, and additional standard hours of construction condition as detailed above.

22. APPLICATION 191243 - THAMES VALLEY PARK, BUILDING 1, THAMES VALLEY PARK DRIVE, EARLEY

Proposal: Full planning application for the proposed alterations to the site wide landscaping including amendments to the car parking provision, erection of cycle parking store, provision of electric charging points plus bin store and other associated works.

Applicant: Speer Street Capital.

The Committee received and reviewed a report about this application, set out in agenda pages 101 to 118.

The Committee were advised that the Members' Update included:

- Summary update to agenda page 101;
- Updated condition 2, 3 and 9;
- Updated informative 4;
- Clarification of proposed parking spaces to 316;
- Additional consultation responses;
- Revised proposals following comments from Trees and Landscape Officers;
- Replacement of paragraph 9;
- Replacement of paragraph 13;
- Replacement of paragraph 14;
- Removal of paragraph 18;
- Amendment of paragraphs 21 to 30.

Kenya Sharland, Agent, spoke in support of the application. Kenya stated that the scheme before the Committee was uncontentious and was proposed to renovate and modernise a long term vacant building. Kenya stated that the site had recently been purchased by a new owner whom was committed to undertaking a scheme of refurbishment works to the existing building for prospective new tenants. Kenya stated that prospective new tenants now came to expect features such as additional disabled parking spaces, electric car charging bays and bicycle storage as standard.

RESOLVED That application 191243 be approved, subject to conditions and informatives as set out in agenda pages 102 to 106, updated conditions 2, 3 and 9, and updated informative 4 and various other amendments, clarifications and replacements as set out within the Members' Update.

23. APPLICATION NO. 191090 - 30 HILLTOP ROAD, EARLEY, RG6 1DA

Proposal: Full planning application for the use of existing side extension as an independent dwelling (retrospective).

Applicant: Mr A Hussain.

The Committee received and reviewed a report about this application, set out in agenda pages 119 to 132.

The Committee were advised that the Members' Update included clarification that pages 129 to 132 were duplicate plans for a different application.

Rosemary Cook, Earley Town Council, spoke in objection to the application. Rosemary stated that the property was originally a small bungalow which had been developed in to a very large house. Rosemary added that the original annex was intended to be a granny annex however neighbours had stated that it was never used as such and was used as a second dwelling and rented out to tenants. Rosemary stated that there were frontage concerns and Earley Town Council would like to see soft vegetation at the front of the

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property. Rosemary was of the opinion that this was a concerning application due to the order in which it had come about.

Tim Marsh, Residents' Association, spoke in objection to the application. Tim stated that there was no greenery towards the front of the property, and the brick did not match between the original property and the subsequent annex. Tim felt that the property was out of keeping with the character of the area. Tim was of the opinion that there had been planning breaches related to this property which had subsequently encouraged the owner to apply for retrospective planning permission to turn the property into two separate dwellings. Tim stated that there was a need for soft vegetation and planting outside of the annex.

Brenda Cutler, Resident, spoke in objection to the application. Brenda stated that the annex was a three bedroom property which was being rented out to tenants, and added that there was a further extension towards the other side of the property. Brenda outlined that there was no vegetation or greenery towards the front of the property and the property was out of keeping with the street scene.

Adlan Hussain, Applicant, spoke in favour of the application. Adlan stated that he had purchased the property in a dilapidated state for himself, his wife and family and parents. Adlan added that both parents were now ill and were in need of specialist care which he could no longer provide in a home environment. Adlan stated that his wife's cousin had lived in the annex for a period of time, and had subsequently left. Adlan outlined that this application intended to make no changes to the external portion of the property and there was sufficient parking for both the annex and the original dwelling to function as separate dwellings. Adlan stated that he had tried to procure the same bricks as used on the original dwelling, however that particular brand were no longer in production and he subsequently found as similar a colour as possible. Adlan felt that the application was in keeping with national planning policies and parking standards.

Shirley Boyt, Ward Member, spoke in objection to the application. Shirley stated that the original plans were for a 1 bedroom annex, however it was used as a 3 bedroom semi-detached house. Shirley stated that the original planning permission explicitly stated that the annex was not to be used as an independent dwelling, and felt that the applicant had made no attempt to procure similar coloured bricks or to retain soft vegetation or planting. Shirley was of the opinion that this application showed a cynical disregard for planning policy.

Simon Weeks reminded the Committee that it was not an offence to submit a retrospective planning application and the application needed to be considered thoroughly by the Committee.

A number of Members queried why ongoing enforcement issues had not been included within the report. Jeanette Davey, Case Officer, stated that these issues were likely confidential and routinely only official enforcement notices were reported.

Carl Doran queried whether the property was originally built as a single dwelling and sought clarification regarding the Community Infrastructure Levy (CIL). Jeanette Davey stated that the property was built as an annex with a link between the two properties, this being a glass door. Jeanette added that should the application be approved, there would be no impact on the surrounding area compared to what was originally approved and built. Jeanette stated that, following a second site visit expressly for the purposes of checking

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the potential for a CIL charge, that the need for a payment now seemed less likely but this was to be confirmed by the relevant officers of the Council.

Stephen Conway queried why Wokingham Borough Council (WBC) were now prepared to allow the property to operate as two independent dwellings when the S106 agreement previously strictly prohibited this function. Marcia Head, Development Management team Leader, stated that the S106 agreement was used to ensure that WBC retained control in this situation. Marcia added that in any given year, approximately six applications to vary a S106 agreement were received.

Andrew Mickleburgh commented that to many people passing by the property, they would assume that it was a single dwelling. Andrew asked whether soft landscaping and planting could be undertaken between the two dwellings. Marcia Head stated that an informative requesting soft landscaping could be included, however this would not be enforceable.

Chris Bowring queried whether approving this application would nullify any potential retrospective enforcement action. Jeanette Davey stated that this would not be the case, and the application before the Committee was only to change the dwelling into two separate dwellings going forwards.

Simon Weeks commented that under the current conditions, the annex could be used by four young family members for example, each with a car, which could have the same impact as what this application was seeking permission for.

Pauline Jorgensen asked how the tarmacked parking outside the front of the dwelling was originally approved. Jeanette Davey stated that these details, including landscaping, were absent from the originally approved application.

A number of Members commented that the property was out of keeping with the character of the surrounding area.

A number of Members were of the opinion that this application would set a precedent to apply for planning permission for an annex, and subsequently apply for permission to have two separate dwellings. Carl Doran moved an alternative motion to refuse the application, on the grounds that the application was contrary to TB06, TB21 and the original S106 agreement, and would damage the character of the area by means of creating two separate dwellings. This was seconded by Gary Cowan and upon being put to a vote the motion failed.

RESOLVED That application 191090 be approved, subject to conditions and informatives as set out in agenda pages 119 to 120, with additional amendments altering the wording of the CIL informative (No 2) from 'The development hereby permitted is liable to pay...' to 'The development hereby permitted may be liable to pay...'.