

**MINUTES OF A MEETING OF THE
PLANNING COMMITTEE
HELD ON 9 NOVEMBER 2022 FROM 7.00 PM TO 8.54 PM**

Committee Members Present

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

Councillors Present and Speaking

Councillors: Michael Firmager and Adrian Mather

Officers Present

Kamran Akhter, Principal Highways Development Management Officer
Brian Conlon, Operational Lead – Development Management
Connor Corrigan, Service Manager - Planning and Delivery
Mary Severin, Borough Solicitor
Callum Wernham, Democratic & Electoral Services Specialist

Case Officers Present

Tariq Bailey-Biggs
Joanna Carter
Andrew Chugg

46. APOLOGIES

Apologies for absence were submitted from Councillors Rachelle Shepherd-DuBey and John Kaiser.

47. MINUTES OF PREVIOUS MEETING

The Minutes of the meeting of the Committee held on 12 October 2022 were confirmed as a correct record and signed by the Vice Chair in the Chair.

It was noted that a written response would be provided to Wayne Smith in advance of the next meeting of the Committee in relation to his request for supplementary guidance to encourage applicants to achieve higher carbon reduction savings and energy efficiency standards.

48. DECLARATION OF INTEREST

There were no declarations of interest.

49. APPLICATIONS TO BE DEFERRED AND WITHDRAWN ITEMS

No applications were recommended for deferral, or withdrawn.

50. APPLICATION NO.220663 - LAND SOUTH OF OLD BATH ROAD, SONNING, RG4 6GQ

Proposal: Outline planning application for the proposed erection of 57 dwellings suitable for older persons accommodation following demolition of the existing dwellings (Access, Layout, Scale and Appearance to be considered).

Applicant: Arlington Retirement Lifestyles

The Committee considered a report about this application, set out in agenda pages 15 to 106.

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

Trefor Fisher, Sonning Parish Council, provided a statement in objection to the application. In his absence, the statement was read out by the Vice-Chair in the Chair. Trefor stated that the members of Sonning Parish Council were disappointed in the continuing promotion of this site for 57 flats, whilst many Sonning residents remained very strongly opposed to this proposed development for a variety of reasons. Trefor was of the opinion that the location remained of dubious sustainability, with access to and from the site being dangerous for both pedestrians and cyclists due to the busy surrounding roads and fast-moving traffic. The existing bus service continued to provide complaints to the Parish Council, including many in the past week. Trefor added that although the site was within 30 minutes walking distance from the centre of Woodley, this route remained very hazardous as it involved the crossing of the railway bridge with no pathway. Trefor stated that Sonning Parish Council had always regarded the policy of the adjacent building being very dominant as severely flawed, whilst site 5SO008 was being promoted by WBC in the Draft Local Plan Update, and queried if this could mean that another 3 blocks of flats could be built on site 8. Trefor stated that the extant approval included an S106 agreement in which the developer had to pay WBC the sum of over £1.6 million towards affordable housing in the Borough whilst this application had reduced this amount by 94% to £100,000, due to the lack of viability of the project. This represented one-sixth of the purchase price of only one of the 57 flats to be built, and whilst the clause stated that this may be increased, this was unlikely due to falling house prices and rising materials and labour costs. Trefor noted that the contribution towards affordable housing was clearly a major factor to Committee members when the previous application was approved. Trefor queried why, if the contribution to affordable housing was so important last year, why was it not important now. Trefor asked that the Committee seriously consider all of the points raised, and provide consistency with their decision.

Tim Burden, agent, spoke in support of the application. Tim thanked officers for their continued work on this application, and noted that the report considered the merits of the application. Tim stated that the outline scheme secured policy compliant affordable housing contributions, though concerns were raised over the viability of the scheme. Since that approval, materials and labour costs had markedly increased which had resulted in this new application being submitted. Independent consultants had concluded that the scheme would not be viable under the original terms of the planning permission, whilst a £100k contribution and a late deferred payment mechanism review would be provided alongside this new application. Tim stated that the substance of the application was predominantly the same, with some minor internal modifications and the provision of an additional 4 car parking spaces. Landscaping would be agreed at a later stage, whilst the overall principle of development had already been accepted. Tim stated that there were no outstanding objections from internal consultees, and the site boundary would be reinforced with the building set back from the boundary.

Michael Firmager, Ward Member, spoke in objection to the application. Michael stated that he had previously objected to the original application on the basis that it was out of character with the surrounding area, constituted overdevelopment, had a shared access with the busy rugby club via a side-road, was serviced by an infrequent bus service, and was situated a long way from local amenities in an area with no pavement which would require many residents to have motorised transport. Michael added that he strongly supported the views of the Parish Council, local MP and local residents, and felt that the

£100k affordable housing contribution was completely inadequate. Michael concluded by stating that this was an unsustainable development which would add to congestion issues and provide next to no affordable housing contribution, and felt it should be refused.

Stephen Conway stated that whilst he was sympathetic to the concerns of the Parish Council, residents and local Ward Member, the principle of the application had already been agreed. Stephen stated that if this application was refused and went to appeal, the Inspector would ask what was different between this application and the previously agreed application. Stephen commented that it would be hard to argue the case of a difference in built form between the original application and this application. Stephen stated that the Borough desperately needed additional affordable and social housing, however an independent viability assessment had deemed that the scheme was no longer viable on the original terms of the agreed planning permission. Stephen felt that it would be impossible to do anything other than approve this application in the absence of expert testimony to the contrary with regards to viability.

David Cornish sought clarity as to where there was a middle ground between the original commuted sum of £1.6m and the proposed £100k. Andrew Chugg, case officer, in responding to questions over viability, stated that the applicant's headline financial viability position was that the scheme was unviable in the region of £3m, whilst the independent viability assessment undertaken by the Council's appointed valuer had indicated that the scheme was more likely unviable to the amount of £1.3m. David Cornish felt that this suggested that the original forecast was likely very optimistic.

Andrew Mickleburgh sought a summary of some of the reasons that viability might have changed so dramatically. Andrew Chugg stated that discussions around viability did take place during the original application, and the applicant was willing to put a policy compliant scheme forwards and set the issue aside. A reassessment had now taken place which showed that the scheme was demonstrably unviable.

Wayne Smith was of the opinion that the only reason that the applicant put forward a policy compliant scheme originally was to gain planning permission with the view to return later. Wayne added that this application site sat within one of the most expensive areas of Berkshire, and felt that if the scheme was not viable here it would not be viable anywhere. Wayne was of the opinion that the applicant had likely paid too much for the land originally.

Andrew Mickleburgh queried if the extant permission could be implemented if this application was refused. Andrew Chugg stated that the two applications were independent of each other, and if the extant scheme was delivered then the original affordable housing contributions would be required.

Andrew Mickleburgh queried whether the large scale of a development was a material consideration when applying a viability test. Brian Conlon, Operational Lead – Development Management, stated that local planning policies were in place which required developers to deliver a prescribed amount of affordable housing relative to the size of the development. It was up to applicants to outline circumstances which could dictate a lower amount of affordable housing. If the conclusions of viability assessments were ignored, developers would appeal the decision or choose not to develop the site. The size of a development was not distinctive in policy terms, and the previous application could have applied for the same reduction in affordable housing contributions if economic conditions were similar.

Stephen Conway felt that although there may be few members more committed to the delivery of affordable housing than himself, he felt that Wokingham Borough Council (WBC) would lose this case at appeal should the application be refused due to a lack of affordable housing delivery as expert advice had concluded that the development was not viable.

Chris Bowring stated his sympathy with comments made regarding the lack of affordable housing delivery, however, he added that the expert advice on this matter should be accepted, and the application should therefore be approved.

Wayne Smith reiterated his view that this was a development in a prime location with high property sale values, and the fact that only a £100k commuted sum for affordable housing was to be provided was completely inadequate.

David Cornish raised concern that approval of this application could set a precedent where developers overpaid for land in the knowledge that they could re-coup these costs by reducing the amount of affordable housing to be delivered.

Rebecca Margetts was of the opinion that this was a very dangerous precedent, and felt that a clear explanation was required from the developer as to how the viability had changed so dramatically. Alistair Neal reiterated this point, and sought detail of the change in viability. Brian Conlon stated that the £100k figure was not the total, but a starting point. A late stage deferred payment mechanism was the most appropriate tool to receive additional affordable housing contributions if economic circumstances changed.

Stephen Conway felt that the Committee needed to have a view as to the likely outcome of an appeal should this application be refused, and suggested that the Executive Member for Planning and the Local Plan may wish to look at the policy framework and see if this issue could be resolved locally in future.

Chris Bowring proposed that the application be approved, subject to conditions and informatives as set out in agenda pages 41 to 50. This was seconded by Stephen Conway. Upon being put to the vote, the motion fell.

Mary Severin, Borough Solicitor, confirmed that a motion to approve the application could be moved again at a future meeting if the application was deferred for a specific reason whereby different material considerations would be present.

Stephen Conway proposed that the application be deferred, to allow the applicant to provide further information on the issue of viability. This was seconded by Rebecca Margetts.

RESOLVED That application number 220663 be deferred, to allow the applicant to provide further information on the issue of viability.

51. APPLICATION NO.222516 - "CHERRY TREES", LIMMERHILL ROAD, WOKINGHAM

Proposal: Householder application for the proposed erection of two-storey side extension raising the roof to create habitable accommodation following the demolition of the existing double garage.

Applicant: Mr N Rainer and Mrs T How

The Committee considered a report about this application, set out in agenda pages 107 to 140.

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

Robert Kelly, resident, spoke in objection to the application. Robert stated that policy CP11 mandated that in the case of residential extensions, they should not result in inappropriate increases in the scale or form, whilst the Borough Design Guide stated that alterations and extensions should be clearly subservient to the form of the original building. Robert felt that this was not the case with this application, as the raising of the roof would not be subservient to the original dwelling. Robert added that the two-storey dwellings referred to in the report on Limerhill Road were on significantly larger plots than Cherry Trees shared with its sister bungalow, being far closer to its rear boundary edge than these other properties. Robert stated that the original planning application on this plot proposed a house, which was refused and dismissed on appeal. Robert felt that this showed that the Planning Authority had already deemed that it was wrong to have a two-storey dwelling on this plot. Robert stated that whilst a 23.5m separation distance to the properties on Dorset Way exceeded the minimum of 22m for new developments, this was not a new development and the guidelines stated that this may not be appropriate in relation to existing properties where character and privacy needed to be considered. Robert stated that there was a requirement to provide a greater distance or incorporate additional design features where upstairs living was proposed. Robert added that CP3 mandated that there be no detriment to the amenities of adjoining land users including open spaces or occupiers and their quality of life. Robert commented that the Dorset Way properties had always enjoyed excellent levels of rear garden privacy, with no direct line of sight between 51 Dorset Way and Cherry Trees. Whilst the report referenced being able to see from rear facing rear window of 53 Dorset Way to 51 Dorset Way, this would require you to physically lean out of the window, which was not the same as a rear facing window which would overlook the entirety of rear gardens on Dorset Way. Robert felt that the proposal was more akin to a two and a half storey dwelling than a two-storey dwelling due to the existing elevation of the building. Robert was of the opinion that the submission tried to apply the rules of new developments and did not account for the provisions of existing properties, running counter to the balance that guidelines required, whilst providing no overarching public good and attracting objections from four of the five impacted properties. Robert urged the Committee to refuse the application.

Heather Paxton, agent, spoke in support of the application. Heather stated that Limerhill Road was a secluded road comprised mainly of properties which were two-storey houses. The bungalows in question were the only properties that had not been developed, and as such pre-application advice had been sought in 2021 to ensure proposals were in accordance with local and national planning policies. The application before the Committee was based on this advice, whilst to the agent's and applicant's knowledge there were no restrictions as to development on this site. Heather stated that the designs were sympathetic and would only raise the roof by 1.7m, which was minimal compared to a traditional two-storey extension with internal ceiling heights of 2.4m. Heather stated that the only part of the property which was proposed to be raised was over the garage and adjoining area which would accommodate a staircase. Heather noted that the Borough Design Guide allowed for exceptions in specific circumstances in terms of scale, form and subserviency. Heather felt it important that the policy compliant separation distances were acknowledged, whilst an independent event had resulted in a hedgerow being removed

between 51 Dorset Way and Cherry Trees which had subsequently increased the visual line of site. This action was separate to this planning application, and was carried out in consultation with residents behind the application property. Heather stated that there was a plan to 'pleach' trees on the boundary where the hedgerow used to sit, which would branch the trees together up to 3m in height, encouraging wildlife and improving privacy. Heather concluded that by stating that privacy concerns were already present, and the proposal was policy compliant in-principle.

Adrian Mather, Ward Member, spoke in objection to the application. Adrian stated that he was supporting the residents of Dorset Way. Adrian added that it was very difficult to understand the elevation of the site from maps or pictures, whilst the bungalow currently sat above the two-storey houses on Dorset Way due to the elevation of the site. Adrian stated that this meant that the single-storey bungalow already dominated the skyline, and the proposal to add a second storey was very distressing for residents. Adrian added that residents found the proposals to inappropriately increase the scale, form, and footprint of the existing structure. Adrian felt that if the additional height of Cherry Trees was considered, the minimum separation distance of 22m would not be met. Adrian was of the opinion that the conversion of this bungalow would set a bad precedent with an aging population, and strongly encouraged the applicant to return with a proposal for a ground floor extension.

Stephen Conway queried whether the elevation of the site would in any way counter the compliance with regards to separation distances. Tariq Bailey-Biggs, case officer, stated that there was an approximate 1.5m height differential between Cherry Trees and the properties on Dorset Way, whilst first floor bedroom windows would be situated 23.5m from the furthest protruding section 51 Dorset Way which would accommodate for the additional 1.5m in height. Tariq stated that the 1.5m height differential was considered modest, and the property was considered a two-storey dwelling.

Stephen Conway queried the relative height of the proposed windows in comparison to the ridge height of neighbouring properties, in order to ascertain how prevalent the issue of overlooking into neighbouring gardens might be. Brian Conlon, Operational Lead – Development Management, stated that the area of garden closest to the application site with the most prevalent view from Cherry Trees was the end of the garden, with residents more likely to use the portion of the garden nearest their property. Newer housing along Limerhill Road frequently had separation distances of less than 22m, and the proposals and potential impacts before the Committee were no more significant that could be found in the immediate area. Stephen Conway commented that an existing relationship between properties would be very different to the relationship between new dwellings.

David Cornish commented that the officer report stated that the application stood on its own merits in response to a neighbour comment regarding precedent, whilst in a following paragraph noting the precedent of properties in the vicinity with lower separation distances. David was of the opinion that the report should not both dismiss and use precedent in alternate ways. David queried what a technical departure was in relation to separation distances from standards within the Borough Design Guide, and felt that it was not up to the Council to determine which portion of a garden was most useable. Tariq Bailey-Biggs stated that the Borough Design Guide required a minimum depth of 11m, whilst the proposal would provide 9.8m of garden depth with a 1.2m shortfall. As the overall separation distance was 23.5m, on balance the scheme was considered to be acceptable. Brian Conlon stated that the Borough Design Guide was only a guide, and whilst it was good practice to seek to achieve guidelines where relevant, it was not always

possible or practical and the individual circumstances of each application needed to be carefully considered. The properties on Limmerhill Road gave an established context, and departure from this established context would need to be justified.

Andrew Mickleburgh stated that one of the proposed unobscured windows appeared to be large, and queried if this was a material consideration. Brian Conlon stated that back-to-back relationships, front-to front-relationships, the topography of the land and the size of windows were all considerations when assessing planning applications however none were overriding. The upstairs bedroom windows of the majority of dwellings in this area would have some visibility to neighbouring back gardens, and it was not felt reasonable to condition for these new windows to be obscure glazed.

David Cornish was of the opinion that the back garden of 51 Dorset Way would be entirely overlooked based on the diagrams appended to the Committee report.

Wayne Smith was of the opinion that a site visit would allow the Committee to ascertain a fuller picture of the relationship between the different dwellings, including height differentials and issues surrounding overlooking.

Wayne Smith proposed that the application be deferred to allow for a site visit to be undertaken to aid the Committee in understanding the relationship between the different dwellings, including height differentials and issues surrounding overlooking. This was seconded by Rebecca Margetts.

RESOLVED That application number 222516 be deferred, to allow for a site visit to be undertaken to aid the Committee in understanding the relationship between the different dwellings, including height differentials and issues surrounding overlooking.

52. APPLICATION NO.222366 - LAND AT 1100 SERIES AND E2 BUILDING, WINNERSH TRIANGLE, WOKINGHAM, RG41 5TS

Proposal: Full application for the permanent retention of Stages 1 and 2 permitted under planning permission ref: 214183, and the erection of a new Virtual Production Sound Stage (Stage 3), together with associated access arrangements, parking, landscaping and associated infrastructure, including security fencing and hut and welfare facilities (part retrospective).

Applicant: Winnersh Film Studios Ltd

The Committee considered a report about this application, set out in agenda pages 141 to 180.

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

- Additional consultation responses from Thames Water, National Highways, and Royal Berkshire Fire and Rescue Service;
- Insertion of document reference to condition 9;
- Additional conditions 20 (foul water drainage), and 21 (sustainability);
- Additional informatives 17 (foul water drainage), 18 and 19 (surface water), 20 (water mains), and 21 (fire safety).

Joanna Carter, case officer, informed the Committee that condition 20 (as set out within the Supplementary Planning Agenda) was now proposed to be amended as follows: "Prior to the toilet block and welfare facilities (located within the security building) hereby approved are brought into use, confirmation shall be provided that either..." Joanna added that the subsequent text attracted no proposed amendments.

Oliver Bell, agent, spoke in support of the application. Oliver stated that this application followed previously approved planning permission for two temporary stages and workshops at other sites within the business park. The film and TV industries were some of the fastest growing within the UK economy, whilst the shortage of purpose-built studios and production support space remained a limiting factor. Since temporary planning permission was granted at this site a short while ago, a major international feature film had been shot and in addition to a high-end TV series, bringing significant economic benefits to the local area. Oliver stated that this permanent application would mark an important step in the establishment of Winnersh Film Studios, with 50,000 square foot of office space continuing to be available for incoming productions. Approximately 300 direct jobs would be created by this application, whilst the applicant's overall plans had the potential to create 500 jobs subject to planning approvals. Oliver stated that the local economy would be bolstered and supported by this application, and the proposals would also comply with biodiversity net gain requirements and would include the provision of solar panels. No objections had been raised by local residents, local ward members, statutory consultees or the Parish Council with regards to this application.

Stephen Conway commented that he approved of good utilisation of employment space within a core employment area which would benefit the wider economy, whilst the applicant had used the opportunity granted via temporary planning permission to confirm that the site could be a success for such a purpose.

RESOLVED That application number 222366 be approved, subject to conditions and informatives as set out in agenda pages 164 to 174, additional conditions 20 and 21 as set out within the Supplementary Planning Agenda, additional informatives 17, 18, 19, 20, and 21 as set out within the Supplementary Planning Agenda, amendment to the wording of condition 20 as advised by the case officer, and subject to legal agreement.