

**MINUTES OF A MEETING OF THE  
PLANNING COMMITTEE  
HELD ON 14 DECEMBER 2022 FROM 7.00 PM TO 10.57 PM**

**Committee Members Present**

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

**Committee Members In-Attendance Virtually**

Councillors: John Kaiser

**Councillors Present and Speaking**

Councillors: Prue Bray, Michael Firmager and Adrian Mather

**Officers Present**

Kamran Akhter, Principal Highways Development Management Officer  
David Bridle - Environmental Health Officer  
Emma Jane Brewerton, Senior Solicitor - Legal Services  
Ian Church, Team Manager - Growth and Delivery  
Brian Conlon, Operational Lead - Development Management  
Connor Corrigan, Service Manager - Planning and Delivery  
Callum Wernham, Democratic & Electoral Services Specialist

**Case Officers Present**

Tariq Bailey-Biggs  
Andrew Chugg  
Sophie Morris  
Simon Taylor

**53. APOLOGIES**

There were no apologies for absence.

John Kaiser attended the meeting virtually, meaning that he could participate in discussions but not cast any votes.

**54. MINUTES OF PREVIOUS MEETING**

The Minutes of the meeting of the Committee held on 9 November 2022 were confirmed as a correct record and signed by the Chair.

At the conclusion of the meeting, the Committee thanked Mary Severin for her years of service and legal advice to the Committee, and wished her well for the future.

**55. DECLARATION OF INTEREST**

Stephen Conway declared a personal interest in agenda item 59, on the grounds that he had objected to the inclusion of this site in the draft Local Plan Update. The site had subsequently been included in the update, and Stephen commented that he was approaching this application as a fresh exercise with an open mind, and would consider all evidence prior to reaching a decision.

**56. APPLICATIONS TO BE DEFERRED AND WITHDRAWN ITEMS**

No applications were recommended for deferral, or withdrawn.

**57. 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 13 to 132.

The Committee were advised that this application had been discussed and deferred at the November 2022 meeting of the Committee.

The Committee were advised that there were no updates contained within the supplementary planning agenda.

Trefor Fisher, Sonning Parish Council, spoke in objection to the application. Trefor thanked the Vice Chair for reading out his statement at the previous Committee meeting. Trefor felt that this was a fine development situated in an unsuitable and unsustainable location, which was out of proportion and character with the small Sonning community. Trefor added that Sonning Parish Council was in complete agreement with comments made by Wayne Smith at the previous Committee meeting, in that if this development was not viable here then it would not be viable anywhere. Trefor felt that allowing this application would set a dangerous precedent, where applicants may feel that they could reduce their affordable housing contributions if they purchased the land at a higher price. Trefor stated that an advertisement shown to the Parish Council by a local resident indicated that the site was being marketed as being very viable. Whilst the claims on this advertisement may be exaggerated, in the region of £9m to £14m profit, this was still a very big difference to the claims being presented to the Committee. Trefor noted that recent comments made by the Secretary of State for Levelling Up, Housing and Communities indicated that applications should be judged on their merits, rather than being worried about a Planning Inspector. Trefor urged the Committee to refuse the application.

Michael Firmager, Ward Member, spoke in objection to the application. Michael felt that the application was out of character with the surrounding area despite the comments contained within the report, whilst policy TB06 stated that the Council should resist inappropriate development of residential gardens where development would cause harm to the local area. Michael was of the opinion that this application demonstrated overdevelopment, with side roads also providing access to the local rugby club and access being granted onto the busy A4. 13 dwelling were proposed via a separate application at Pound Lane, which Michael felt could be converted to a care home. Michael stated that this application would add to existing congestion issues, in an area that lacked public transport or amenities. The application catered for older individuals, who would be forced to rely on motorised transport due to the lack of public transport, which would be contrary to the Council's climate emergency objectives. Michael fully supported the Parish Council's concerns regarding the lack of affordable housing and questions regarding the actual profitability of the site, and raised concerns as to what would stop the applicant coming back again if further claims of viability were made. Michael urged the Committee to refuse the application.

Stephen Conway stated that the built form was no longer an issue that the Committee could pursue, as it was very similar to the application which had already been approved. Stephen stated that until policy was approved, the Committee could not base decisions on comments made by Ministers. Stephen asked what weight the Committee could place in the marketing document circulated by the Parish Council. Andrew Chugg, case officer, stated that very little to no weight could be placed on this document, as it was effectively looking to promote the site to sale for a buyer. The claims made within the advertisement had not been assessed, and any potential buyer would be advised to carry out their own viability assessment.

Andrew Mickleburgh thanked Trefor Fisher for his very balanced presentation. Andrew added that this application had been previously deferred to get additional information on the viability of the site, and felt that the public document gave an overview and indication of the viability situation when the units came to be sold. Andrew stated that he was reassured by the information provided.

John Kaiser queried how confident officers were that the situation would be constantly monitored to ensure that when sold, the full value of the units were taken into consideration. Andrew Chugg stated that the deferred payment mechanism effectively prevented the applicant to dispose of a certain number of units prior to a review by the Wokingham Borough Council (WBC) valuer. The particular timing of the review was up for discussion. John Kaiser stated that he was not comfortable if the properties were not valued when they were sold, and noted that Sonning was a very desirable area.

At this stage of the meeting, David Cornish proposed that the meeting move into a Part 2 private session under Section 100A (4) of the Local Government Act 1972, excluding the press and public from part the meeting to allow members to discuss the part 2 sheets contained within agenda item 57, on the grounds that they involved the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A of the Act (as amended) as appropriate. This was seconded by Wayne Smith. Upon being put to the vote, the motion was passed and the meeting moved into a Part 2 session.

At the cessation of the Part 2 session, a motion was proposed, seconded and carried to move the meeting back to a Part 1 session.

Stephen Conway stated that he shared the Committee's scepticism with the financial information provided, however an independent viability assessment had considered the proposal acceptable. Stephen was of the opinion that the Committee had no choice but to approve the application, and pondered whether a recommendation could be made to place some wording in the Local Plan Update to stop this occurring again for future applications.

Rebecca Margetts queried how the deferred payment mechanism would be enforced and whether this application would set a precedent, and commented that other developers had issues committing to S106 agreements. Andrew Chugg confirmed that approval of this application would not set a precedent as a deferred payment mechanism was used in other Boroughs and by WBC. A monitoring process would be diarised, tying it to a S106 agreement. Brian Conlon, Operational Lead – Development Management, stated that legal officers would prepare the deferred payment mechanism and other associated legal documents. An open book appraisal would be undertaken at the completion of the first block of flats, whereby any upturn in profit would be accounted for at each stage. The

assessment would be undertaken after building had commenced to gain a true reflection of building costs.

Chris Bowring queried whether the deferred payment mechanism would be an objective assessment or a negotiation, and if so, how would the negotiation be resolved. Andrew Chugg stated that professional valuers would scrutinise what information was provided in relation to viability via an iterative process. Whilst there would never be an absolute agreement, the result was usually very close.

David Cornish stated that he would have found it reassuring if a forecast was provided of what might be provided via the deferred payment mechanism.

John Kaiser was of the opinion that any uplift in the value of the units should be put forward in full towards affordable housing contributions, until a total of forty percent affordable housing was provided. Brian Conlon stated that the percentage split of profit uplift would be agreed via the deferred payment mechanism. John Kaiser was of the opinion that the Committee should only vote to approve the application if the totality of any profit uplift went towards affordable housing contributions up to the forty percent figure.

Wayne Smith sought details of the open book valuation procedure. Brian Conlon confirmed that open book would mean that the applicant would provide the required viability information to WBC for review. Wayne Smith felt that the applicant should have purchased the land at a suitable price where a policy compliant forty percent affordable housing contribution would be provided. Wayne stated that he fundamentally disagreed with the application.

David Cornish feared that this may become a trend for future applications, but hoped that the Committee's lengthy deliberations would show other applicants that they would not simply approve such applications at face value.

Stephen Conway queried whether John Kaiser's suggestion of requiring the totality in any profit uplift to go towards affordable housing contributions could either be conditioned or put forward as an informative. Brian Conlon stated that this information would need to be put forward in front of the Committee as it was subject to negotiation. An informative would not commit the applicant to anything, however it would suggest the Committee's preferred path. Brian stated that each agreement was site specific, with some sites operating a 60/40 split, whilst others applied a 50/50 split.

Wayne Smith proposed that the application be deferred to seek details of the exact nature of the deferred payment mechanism. This was seconded by David Cornish.

**RESOLVED** That application number 220663 be deferred, to seek details of the exact nature of the deferred payment mechanism.

**58. 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 133 to 178.

The Committee were advised that this application had previously been discussed and deferred at the November 2022 meeting of the Committee.

The Committee were advised that updates within the supplementary planning agenda included a plan received from the agent on 13 December 2022 showing that the ground level of the application site was set 1 metre higher than number 51 Dorset Way.

Rob Kelly, resident, spoke in objection to the application. Rob was of the opinion that the application would not be subservient to the current built form, whilst it would be positioned too close to the boundary edge. The application would have a detrimental effect on the rear garden privacy enjoyed by Dorset Way residents, with number 51 suffering their entire garden being overlooked by rear facing rooms of Cherry Trees. Rob felt that the large footprint and smaller plot depth of Cherry Trees already caused it to be more overbearing than any other property on Limerhill Road, whilst the proposals would only exacerbate this issue. Rob disputed the late submission from the agent claiming that there was only a 1m height differential between Cherry Trees and Dorset Way, as his garden was situated on a slope. Rob stated that planning officers had previously deemed the site inappropriate for a two-storey dwelling, and urged the Committee to refuse the application.

Nigel Rainer, applicant, spoke in support of the application. Nigel stated that he was looking to create a flexible multi-generation space allowing for family to visit whilst facilitating he and his wife to stay at the property for as long as possible. Nigel added that older people should be encouraged to stay in properties with stairs for as long as possible, for multiple health reasons. Whilst neighbours had concerns that Cherry Trees should not be developed beyond its current size, Nigel stated that he had worked hard to ensure concerns were addressed as much as possible through policy compliant proposals. A full pre-application process had been undertaken, and proposals were modest and compliant with the Borough Design Guide. Nigel added that the old hedgerow and fence were rotten and unmanageable, and had been replaced separately to this application at his own cost. Nigel stated that this project was an attempt to create a home to meet the long term needs of him and his family, whilst being as sensitive as possible to neighbouring concerns.

Adrian Mather thanked the Committee for undertaking a site visit to understand the site more fully. Adrian stated that the site contained a large bungalow on the crest of a hill, which was very dominant to the properties on Dorset Way due to its proximity to the rear boundary. Adrian felt that the application would create significant height and massing issues, with sightlines looking directly into the gardens of Dorset Way, including the totality of the garden of number 51. Adrian disputed the comment in the report that two-storeys was the norm for the area, as you could only see bungalows from Dorset Way unless you stood on an object to see further into the distance. Adrian urged the Committee to refuse the application, and noted that officers had previously refused an application for a two-storey dwelling on the site.

Stephen Conway queried what weight could be given to the fact that a two-storey dwelling had previously been refused on this site. Tariq Bailey-Biggs, case officer, stated that each application needed to be judged on its own merits, and officers felt that this application complied with policy and would not create adverse impacts.

David Cornish asked that the narrative of future Committee reports be more carefully crafted, as the whole garden of number 51 Dorset Way was visible unlike what was alluded to within the report.

Andrew Mickleburgh proposed that the application be approved as per the officer recommendation. This was seconded by Chris Bowring.

**RESOLVED** That application number 222516 be approved, subject to conditions and informatives as set out in agenda pages 147 to 148.

#### **59. APPLICATION NO.212720 - LAND AT BRIDGE FARM, TWYFORD**

**Proposal:** Outline application (all matters reserved except access to the site) for the development of up to 200 dwellings, including 40% affordable housing and associated infrastructure, open space, biodiversity enhancements, landscaping and green infrastructure, following demolition of existing agricultural buildings. (Means of access into the site from New Bath Road to be considered.)

**Applicant:** Croudace Homes

The Committee considered a report about this application, set out in agenda pages 179 to 258.

The Committee were advised that updates contained within the supplementary planning agenda included:

- Noting an additional neighbour objection;
- Replacement of plan number within condition 1;
- Replacement of paragraph 1 within condition 35;
- Amendment of paragraph 1 within condition 37;
- Minor amendment of condition 38;
- Replacement of paragraph 1 within condition 41.

Sophie Morris, case officer, advised the Committee that an additional condition in relation to air quality was proposed.

Chris Roberts, agent, spoke in support of the application. Chris stated that the applicant had worked hard to comply with and exceed planning policies where possible. The application would provide five hectares of parklands which exceeded requirements, in addition to the provision of 350 new trees, wildflower planting, bird and bat boxes, a thirty percent increase in biodiversity net gain, a fifteen percent increase in riverside biodiversity net gain, and all homes being provided with photovoltaic panels whilst being thermally efficient. Chris added that all properties would benefit from electric vehicle charging, whilst being located near to easily accessible amenities and rail links, and was in accordance with the 15 minute neighbourhood principle. A new toucan crossing would enable access to the site from the north, whilst the site would provide a suitable mix of home types and sizes. A forty percent affordable housing contribution would be provided, whilst the developer was a family-owned housebuilder who were committed to submit a reserved matters application within eighteen months subject to approval this evening. Chris stated that the Committee could be confident of a timely manner of delivery and a significant boost to housing supply within the Borough.

Sam Akhtar, adjoining Ward member, spoke in objection to the application. Sam felt that 200 dwellings was excessive for this area, and cited issues with access from a very busy A4, whereby the application would only add to issues of traffic and congestion. Sam raised concern that part of the application site was situated on a flood plain, which would negatively impact local residents in the event of a flood. Sam commented that local school places and doctors' surgeries were already oversubscribed, and felt that this application would exacerbate these issues.

Stephen Conway thanked the case officer for a balanced report. Stephen commented that although the outline application only related to access, it would agree the principle of development to accommodate up to 200 houses on this site. As such, Stephen felt it legitimate to consider matters other than access. As a result of the lack of five-year housing land supply, the tilted balance was in effect which meant that applications should be approved unless the adverse impacts demonstrably outweighed the benefits. Stephen noted the benefits of the scheme, including affordable housing which was much needed. Stephen stated that each of Twyford, Wargrave, and Charvil Parish Councils had objected to the scheme in addition to over two hundred residents and local and adjoining ward members. Stephen felt that this application would add to the cumulative impact of development along the A4 corridor, and whilst the Committee may not be able to take this into account it was clearly weighing on the minds of local residents. Stephen stated that there were legitimate concerns regarding traffic and air quality, flooding both on and off site, whilst there needed to be an obligation to ensure that local infrastructure could cope for example the Piggott Senior School. Stephen was of the opinion that to seek refusal at this stage would be difficult as it was problematic to overturn the expert testimony whilst internal consultees had not objected to the application. However, a deferral could allow additional evidence to be provided to ensure issues were addressed now and not at the reserved matters stage.

Stephen Conway queried where the walking and cycling time had been measured from on the site. Sophie Morris confirmed that this had been measured from the midpoint of the site.

Stephen Conway outlined a number of potential reasons for deferral, including to seek improvements to pedestrian access to Piggott Senior School to ensure all paths were 4m in width (including the railway bridge which currently provided a width of only 1.5m and the proposed pelican crossing which would provide a width of only 3m), additional information in relation to air quality and contributions towards air quality improvements, projected school place data for the next five to ten years, highways modelling and traffic data on the A4 in both directions, and additional detail in relation to the potential conflict between pedestrian and cycle access to the Cedar Park Nursery to the south of the site and the vehicles accessing the nursery, currently via a single track railway bridge.

David Cornish commented that when the application was considered in greater detail, a number of issues arose. David queried whether officers had read and considered the Twyford Neighbourhood Plan when considering this application. Sophie Morris confirmed that she had considered the document, but not in full detail.

David Cornish felt that the neighbourhood plan now carried more weight as it progressed past a regulation 18 consultation, whilst two other potential developments locally could be prejudiced should this application be granted planning permission. In David's opinion, granting permission for 200 houses would prejudice the outcome of the review of the

whole Local Plan Update, whilst proper weight may also not have been applied to the neighbourhood plan. David commented that he would support deferral of this application.

Andrew Mickleburgh stated that he would support deferral of this application for the reasons suggested by Stephen Conway, in addition to information regarding the contribution of the site to offsite flooding concerns and the relationship between the neighbourhood plan and this application. Ian Church, Team Manager – Growth and Delivery, confirmed that the Twyford Neighbourhood Plan carried little weight whilst in the examination phase, prior to an outcome being decided.

John Kaiser queried whether there was any value in deferring this application, sought clarity of Wokingham Borough Council's (WBC's) chances at appeal should the applicant file for non-determination, and queried why some of the issues raised had not been considered in the officer report. Connor Corrigan, Service Manager - Planning and Delivery, stated that some questions including long-term school place projections could not be answered on the night. With regards to the value in deferral, this was dependant on whether the Committee were satisfied with the proposed conditions, informatives, and information provided. Connor stated that the report gave the professional opinions of officers, and going against that opinion always attracted an element of risk should the applicant go to appeal.

Chris Bowring raised concern that members were asking valid questions and seeking deferral rather than trying to get answers and coming to a conclusion. Chris queried whether the application was for up to two hundred homes, queried why the main entrance was on the other side to where most of the housing was located, and queried whether school capacity issues were a planning matter. Sophie Morris confirmed that application was for up to 200 homes, with further detail provided at the reserved matters stage. Kamran Akhter, Principal Highways Development Management Officer, stated that most of the housing would be accessed from the roundabout whilst forty to fifty units would be provided access from the T-junction. Kamran confirmed that the capacity of the roundabout was assessed and considered acceptable. Sophie Morris stated that education officers had been consulted and had acknowledged the issue with secondary school places. All catchment pupils had been offered Piggott Senior School this year, whilst officers felt that this application would help to fill places in local primary schools.

Wayne Smith commented that Piggott Senior School had previously required additional funding to facilitate additional school places. The application site was located very close to the Piggott Senior School, and would create issues in other parts of Twyford, unless the catchment stayed the same or sports facilities were removed to allow the school to expand. Wayne commented that approximately sixty percent of respondents to the previous Local Plan Update consultation disagreed with the allocation of this site, and to date WBC had not gone back to residents to seek further opinions following the results of the survey. Wayne commented that this application was only being recommended for approval due to the lack of a five-year housing land supply, and Wayne felt that the Borough was being punished for over delivery of housing. Wayne stated that if a deferral would allow a consultation with residents, then he would support a deferral.

Rebecca Margetts queried whether the applicant could appeal on the grounds of non-determination should the application be deferred. Connor Corrigan stated than any deferral risked an appeal, as the applicant had to balance the cost and risk of an appeal against the time taken to provide additional information to members.



David Cornish sought clarity regarding the relationship between this application and the two other sites proposed within the Local Plan Update. Connor Corrigan stated that future applications could not be considered as part of this application, whilst public opinion had been taken into consideration within the officer report. Connor added that there was no indication of when the Local Plan Update would be finalised.

Stephen Conway commented that his queries were in no way critical of officers, and the questions raised were legitimate whilst a deferral would provide the Committee with information to make a more informed decision.

John Kaiser queried how long the application would need to be deferred for. Connor Corrigan stated that it would require a conversation with the applicant to ascertain how long they required to provide the necessary clarifications.

In relation to a proposed reason for deferral based on air pollution concerns, David Bridle, Environmental Health Officer, clarified that this scheme would not result in a significant impact on air quality and that there could be further increases in the projected vehicle movements through the town before the pollution levels would reach the prescribed levels. On this basis, Stephen Conway was content to withdraw this proposed reason for deferral.

Stephen Conway proposed that the application be deferred for the following reasons:

- 1) to seek consideration regarding pedestrian access to the Piggott School, in particular the widening of the pinch point at the railway bridge to 4m and the widening of the proposed southern footway to 4m;
- 2) to receive data on school place projections for the following five to ten years;
- 3) to receive traffic modelling on highways movements on the A4 in both directions;
- 4) to seek details of the form of the proposed contributions to air quality improvements;
- 5) to seek how the applicant proposes to manage the potential conflict at the southern entrance of the site, designated for pedestrian and cyclist access only, against the vehicular traffic coming to and from the Cedar Park Nursery over a single-track railway bridge;
- 6) to receive information on how the applicant could achieve zero-carbon homes.

The proposal for deferral was seconded by Andrew Mickleburgh.

**RESOLVED** That application number 212720 be deferred for the following reasons:

- 1) to seek consideration regarding pedestrian access to the Piggott School, in particular the widening of the pinch point at the railway bridge to 4m and the widening of the proposed southern footway to 4m;
- 2) to receive data on school place projections for the following five to ten years;
- 3) to receive traffic modelling on highways movements on the A4 in both directions;
- 4) to seek details of the form of the proposed contributions to air quality improvements;

- 5) to seek how the applicant proposes to manage the potential conflict at the southern entrance of the site, designated for pedestrian and cyclist access only, against the vehicular traffic coming to and from the Cedar Park Nursery over a single-track railway bridge;
- 6) to receive information on how the applicant could achieve zero-carbon homes.

**60. APPLICATION NO.222590 - LAND TO THE REAR OF 5-7 MAYFIELDS, SINDLESHAM, RG41 5BY**

**Proposal:** Application to vary conditions 2-11-17-18 and 19 of planning consent 152286 for the proposed erection of three detached dwellings with associated access and parking following the partial demolition of the existing dwelling. Variations include to Conditions 2 (Approved details) and 11 (landscaping) to supply new plans, Condition 17 (garages) to allow bike storage and Conditions 18 (Cycle storage) and 19 (Bin storage) to seek their removal

**Applicant:** Mr John Brunt

The Committee considered a report about this application, set out in agenda pages 259 to 284.

The Committee were advised that there were no updates contained within the supplementary planning agenda.

Geoff Harper, Winnersh Parish Council, spoke in objection to the application. Geoff stated that that planning permission set conditions which the developer must conform to prior to first occupation of this site, which was in October 2017. Geoff added that the developer had failed to comply with all of these conditions, and following extensive delays eventually constructed a layout different to the one which was approved, and had ignored the efforts of residents to resolve them. Geoff stated that the Parish Council's sub-Committee had felt that the developer had been given ample time to resolve the outstanding issues and meet policy requirements. Geoff felt that that the developer should be held to the original planning application and conditions, and expressed disappointment with the officer recommendation of approval as he felt this had not fully taken into account the effect on local residents. Geoff urged the Committee to refuse the application.

John Rhodes, resident, spoke in objection to the application. John stated that three spaces were said to be unallocated whilst the land registry defined them as allocated spaces. John added that the driveways were 4.4m in length whilst they were required to be 5m in length, and should a 5m vehicle be parked outside 5C this would overhang the paved walkway. John stated that cars were currently parked opposite 5B and 5C on the flat landscaped garden, making it very difficult for the residents of 5B and 5C to leave. John felt that the existing cycling requirements were not complied with as there was only one resident who could be spoken to about this matter. John stated that sheds to the rear of 5A could only be accessed by 5C. John noted that forty percent of the landscaping had been omitted from this development, moving from a nicely kept area to an unsightly border made up of timber which was beginning to fail. John stated that fifty percent of the trees planted had already died, whilst the submitted biodiversity plan had been ignored. John stated that persons who found it difficult to walk would find it very difficult to walk up the driveway. John asked that the Committee listen to the concerns of local residents.

Prue Bray, Ward Member, spoke in objection to the application. Prue stated that she was very disappointed that this application to vary conditions was at Committee five years after these conditions should have been complied with. Prue stated that a bin store and a cycle store should have been provided, whilst the garages were too small to be used to store bicycles. Prue added that there had been a significant reduction in the landscaped area, whilst much of the landscaping that was provided had already died. Prue stated that adequate parking spaces had not been provided, as the spaces were substandard in size. Prue commented that only one of the gardens was properly fenced, and residents had been forced to put up with this unfinished development for five years. Prue urged the Committee to refuse the application to vary planning conditions.

Rebecca Margetts queried why this case had been ongoing for so long. Simon Taylor, case officer, stated that the enforcement process takes time, and two enforcement cases had been undertaken in relation to this site. Simon stated that there were likely issues that would first be discussed between the owners, developers and occupiers that had only then progressed to when Wokingham Borough Council (WBC) had become involved in the enforcement case in 2020, until the application before the Committee was then submitted.

Rebecca Margetts queried how residents would have been allowed to occupy when the original planning conditions had not been met. Simon Taylor stated that planning enforcement followed up on breaches on a reactionary basis.

Alistair Neal was of the opinion that the conditions contained within the original planning application should be adhered to. Simon Taylor stated that negotiations occur as part of the enforcement process, and officers were required to consider at what level it was expedient to pursue enforcement cases.

David Cornish stated that conditions were applied to planning applications for a reason, and he felt that they were meaningless unless WBC actively enforced them. Brian Conlon, Operational Lead – Development Management, stated that WBC's planning enforcement function was reactionary, and no Local Authority had the capacity to monitor the implementation of all schemes across the Borough. Ultimately, the Committee needed to consider whether the application in front of them was acceptable or not.

Wayne Smith queried whether these properties were sold on the open market. Simon Taylor stated that they had been sold on the open market, however there was a complicated land registry.

Wayne Smith commented that when an individual bought a house, they would be expected to check the plans and go back via their solicitor if discrepancies were present. Wayne felt that the Committee needed to decide if the application before them was acceptable or not.

Stephen Conway stated that Planning Committees had historically taken a dim view of retrospective applications and variations to conditions at developed sites. Stephen sought details on the argument for expediency in this case. Simon Taylor stated that there were four aspects to the enforcement case. Firstly, WBC policy advice had been updated since approval of this property to have bins collected on the kerbside for developments of this size. Regarding the cycle storage, the officer view was that it was not acceptable to have this condition removed. The other conditions relating to highways and landscaping achieved effectively the same outcome as they related to what was accommodated at the front of the site, and were therefore considered acceptable.

John Kaiser felt that WBC should be mindful to enforce planning conditions, however, what an Inspector may see may not be the same as what members saw. John queried if the officer recommendation to approve the application was being presented as officers deemed it reasonable. Simon Taylor confirmed this to be correct.

Andrew Mickleburgh queried whether the cycle storage condition would be contained under this application. Simon Taylor stated that the condition had been amended to suit the current circumstances, however in effect the condition would be retained.

Rachelle Shepherd-DuBey queried how the applicant would be forced to comply with the original permissions should the Committee refuse this application. Simon Taylor stated that WBC would be compelled to issue an enforcement notice in such an event.

Chris Bowring proposed that the application be approved as per the officer recommendation. This was seconded by Wayne Smith, and upon being put to the vote the motion fell.

At this stage of the meeting, Stephen Conway proposed that the meeting be extended past 10.30pm to a finish time no later than 11pm. This was seconded by Andrew Mickleburgh. Upon being put to the vote, the motion was carried.

The Committee sought advice from officers on the appropriate wording for potential reasons for refusal. Upon receipt of this advice, Andrew Mickleburgh proposed that the application be refused as it failed to deliver cycle storage contrary to WBC's sustainable travel policy, it failed to deliver the approved landscaping scheme impacting on the broader character of the area, and the application failed to comply with car parking dimension standards. This was seconded by David Cornish.

**RESOLVED** That application number 222590 be refused as it failed to deliver cycle storage contrary to WBC's sustainable travel policy, it failed to deliver the approved landscaping scheme impacting on the broader character of the area, and the application failed to comply with car parking dimension standards.

**61. APPLICATION NO.222456 - THE MOUNT NURSING HOME, SCHOOL HILL, WARGRAVE, RG10 8DY**

**Proposal:** Full application for the proposed erection of a new part two storey and part three storey care home building with associated communal spaces, back of house, and service areas, substation, parking, and landscaping following demolition of the existing care home and associated ancillary buildings and a change of use of land at the eastern end of the site

**Applicant:** Aedifica UK Limited

The Committee considered a report about this application, set out in agenda pages 285 to 340.

The Committee were advised that updates contained within the supplementary planning agenda included:

- Amendment to condition 4 (omission of references to species), and creation of new informative 12 therein;

- Amendment to condition 5 (omission of references to contract gardeners), and inclusion of those omissions within informative 12;
- Amendment to condition 28 to only require north facing balustrade elevations to be obscure glazed.

Nicola Jordan, resident, spoke in objection to the application. In her absence, a statement was read out by the Vice Chair. Nicola felt that the proposed development would be out of character with the surrounding area, whilst noise and pollution levels during construction would be detrimental for residents and local schools, including people working from home and pupils trying to learn at local schools. Nicola added that traffic and parking were already considerable issues in the vicinity of local schools, whilst pollution levels would increase from the increased traffic associated with this development. Nicola raised concerns of increased noise and odours from the development if it was expanded, whilst the development would also place additional pressures on the already overloaded GP surgeries and pharmacies in the local area. Nicola was of the opinion that there was not a need for any more care home placements locally, and asked that the application be refused.

Tim Spencer, agent, spoke in support of the application. Tim stated that the applicant focussed on delivery and operation of modern care homes, where there was an unprecedented need for care home provision nationally. Tim added that at least five additional care homes would be required to meet the existing needs of the Borough, and noted that the current build was not fit for purpose. Tim stated that the application would provide jobs for local people, contribute to the Borough's housing numbers, and free up much needed family homes. Tim stated that the applicant had engaged with officers through the pre-application stage, leading to the reduction of massing and improvements in the quality of the design, which the Parish Council were now content with. Many of the existing trees were to be retained on the site, and supplementary planting would provide additional benefits to residents and provide additional screening. Tim stated that neighbouring amenity had been carefully considered, and officers had noted the sustainable location whilst parking was proposed to be increased from 13 spaces to 27 spaces. A construction management plan would be adhered to, and disruption during the construction phase would be kept to a minimum. Tim asked that the application be approved.

Wayne Smith queried whether the application site was situated within the green belt, and sought clarity as to whether the application would add to the Borough's housing numbers. Simon Taylor, case officer, stated that the application site was not contained within the green belt, and confirmed that care home numbers did not count towards housing targets where the rooms were not self-contained. Wayne Smith stated that disruption should be mitigated via the construction management plan, which needed to be strictly enforced.

Stephen Conway queried whether the proposed structure would be overbearing on the neighbouring 'Beechwood' property. Simon Taylor stated that the retention of the hedge and the set back of the wing was not that dissimilar to the existing relationship. The existing balcony facing Beechwood was about the same height as the proposed window facing Beechwood, whereby the hedge currently screened the view.

Andrew Mickleburgh proposed that the application be approved subject to the officer recommendation. This was seconded by David Cornish.

**RESOLVED** That application number 222456 be approved, subject to conditions and informatives as set out in agenda pages 313 to 324, amendments to conditions 4, 5, 28 and insertion of new informative 12 as set out within the supplementary planning agenda, and subject to legal agreement.

**62. APPLICATION NO.222556 - 304 LONDON ROAD, WOKINGHAM**

**Proposal:** Full application for the proposed erection of 1no. two bedroom dwelling.

**Applicant:** Mr P Stelling

The Committee considered a report about this application, set out in agenda pages 341 to 378.

The Committee were advised that updates contained within the supplementary planning agenda included:

- Noting of two additional letters of support from residents;
- Noting of an additional letter of concern received from a resident;
- Additional comments from the Council's compliance officer regarding potential contamination at the site;
- Additional condition 14 with regards to land affected by contamination, and minor amendment of condition 5 to make reference to condition 14.

Nicholas Cobbold, agent, spoke in support of the application. Nicholas felt that the site was one of the more obvious residential plots that he had come across, being vacant land within an existing built-up area with established access. Due process had been followed, starting with a pre-application resulting in a single storey bungalow proposal. Nicholas stated that concern had been raised over the impact on the character of the area, however the character of the area had not been defined alongside these objections. Nicholas stated that the area was of mixed use and of mixed built form. London Road contained bungalows, some with loft conversions, with properties operating as commercial units. Proctors Road to the rear was characterised by two-storey dwellings, and the application was designed to fit into the London Road development. The single-storey nature of the development would mean that it could not overlook neighbouring properties. Nicholas stated that the immediate neighbours had not objected to the scheme, and had in fact supported the development. Highways officers had not objected to the scheme, and Nicholas asked that the Committee approve the application.

Wayne Smith queried if the entrance would be located to the side of the existing property, in line with number 73 Proctors Road. Simon Taylor, planning officer, stated that the access was existing and provided access to the building at the rear including a dwelling which was issued a certificate in 2017, and an unlawful workshop which had a current enforcement case to regularise the use. The land subject to this application was vacant land which previously existed behind number 306 London Road, with the access created ten to fifteen years ago when the owner of number 304 bought all of the land to facilitate a workshop and other uses. Access was always existing, and no changes were proposed. Such a back land development would ordinarily be opposed as it did not meet policy TB06, however there was no introduction of side lanes with this application as they already existed, and it conformed with the rhythm and pattern of development of the area.

Rebecca Margetts queried if there was access in emergencies to the property in the event of issues with the nearby commercial building. Simon Taylor stated that the commercial unit was unlawful, and an enforcement case was underway to attempt to regularise its use. The building was very well contained and low scale, and there would be very little conflict in terms of vehicles.

Stephen Conway proposed that the application be approved, subject to the officer recommendation. This was seconded by Andrew Mickleburgh.

**RESOLVED** That application number 222556 be approved, subject to conditions and informatives as set out in agenda pages 355 to 359, amendment to condition 5 and additional condition 14 as set out within the supplementary planning agenda, and subject to legal agreement.

### **63. EXCLUSION OF THE PRESS AND PUBLIC**

**RESOLVED** That under Section 100A (4) of the Local Government Act 1972, the press and public may were excluded from part the meeting to allow members to discuss the part 2 sheets contained within agenda item 57, on the grounds that they involved the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A of the Act (as amended) as appropriate.