

**MINUTES OF A MEETING OF THE  
PLANNING COMMITTEE  
HELD ON 12 JULY 2023 FROM 7.00 PM TO 9.18 PM**

**Committee Members Present**

Councillors: David Cornish (Chair), Andrew Mickleburgh (Vice-Chair), Alistair Neal, Wayne Smith, Michael Firmager, Stuart Munro, Rachelle Shepherd-DuBey, Tony Skuse and Bill Soane

**Councillors Present and Speaking**

Councillors: Peter Harper

**Officers Present**

Brian Conlon, Operational Lead - Development Management  
Alan Lewis, Highways Development Manager  
Rachel Lucas, Senior Solicitor  
Callum Wernham, Democratic & Electoral Services Specialist

**Case Officers Present**

Senjuti Manna

**11. APOLOGIES**

There were no apologies for absence.

**12. MINUTES OF PREVIOUS MEETING**

The Minutes of the meeting of the Committee held on 14 June 2023 were confirmed as a correct record and signed by the Chair.

At the conclusion of the meeting, the Committee thanked Senjuti Manna for her service as a Planning Officer for WBC, as this would be her last Committee meeting. The Committee thanked her for presenting often challenging applications in a public environment with the utmost professionalism. The Committee wished her every success in her future endeavours.

**13. DECLARATION OF INTEREST**

David Cornish declared a personal interest in agenda item 15, application number 223256, on the grounds that he was a Member of the Finchampstead Parish Council Planning Committee. David added that he had not been present at the meeting where this application was discussed, and had made no comment on the application. David stated that he would consider all representations prior to forming a decision.

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 APPLICATIONS TO BE DEFERRED AND WITHDRAWN ITEMS**

No applications were recommended for deferral, or withdrawn.

**15. APPLICATION NUMBER 223256 OAK DALE LOWER WOKINGHAM ROAD  
CROWTHORNE RG45 6BX**

**Proposal:** Full application for the proposed demolition of the existing dwelling and erection of 60-bedroom care home (use class C2), with associated access, parking and landscaping.

**Applicant:** Mr Simeon Batov

The Committee considered a report about this application, set out in agenda pages 15 to 86.

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

- Clarification to paragraph 2;
- Clarification that the WBC Sustainability Planning Officer recommended approval subject to conditions;
- Clarification that the residents of 65 Wellesley Drive had withdrawn their support for the proposal and had objected instead;
- Amended condition 13;
- Removal of condition 14;
- Amended condition 20;
- Additional officer clarification on a number of topics, including the weight given to the tilted balance, conflict with CP11, and highways safety.

Roland Cundy, Finchampstead Parish Council, spoke in objection to the application. Roland stated that he was the Chair of the Finchampstead Parish Council's Planning Committee, who had objected to this application and recommended refusal. Roland stated that the application was not in accordance with the emerging Finchampstead Neighbourhood Development Plan (FNDP), due to the scale of the buildings, the overdevelopment of the site, and the unsustainable nature of the site. Roland added that three-storey buildings outside of the SDL of Gorse Ride were not supported by the emerging FNDP policy D1. Roland noted the officer comment with regards to the topography and screening of the site, which suggested that a three-storey building in this location would be suitable. Roland stated his strong disagreement with this conclusion. Roland added that insufficient on-site parking would likely lead to parking on the road, whilst the development would likely lead to a considerable increase of traffic on the Lower Wokingham Road.

Neil Davis, Planning Consultant on behalf of local objectors, spoke in objection to the application. Neil stated that he was representing the views of over 60 local residents who were opposed to the proposed development. Neil was of the opinion that the recommendation to grant planning permission was based on a flawed approach, which had failed to correctly balance the impact of the development against the stated housing need. Neil stated that the application site was located outside of an established settlement area, and within land defined as countryside, whilst the Wokingham Landscape Character Assessment classified the site as being within the Finchampstead Forested and Settled Sands, which was defined by low density housing within mature woodland and a sense of remoteness. Neil added that this was a sensitive location on the edge of settlement, whilst the proposed three-storey development and associated hardstanding would harm the transition between the settlement and countryside, in clear conflict with policy CC02. Neil stated the built form would dwarf that of the host property and properties on neighbouring plots, which typically comprised of detached houses set within large plots. Neil added that the proposal would amount to a volume uplift of 957 percent, whilst twenty trees would be

removed – eroding its sylvan setting. Neil commented that officers accepted that the application failed to meet any aspects of CP11, whilst there was also clear conflicts with many parts of policy TB06. Neil was of the opinion that this application was an example of the wrong use in the wrong place, with narrow pavements and few, if any, public open spaces within walking distance. Due to shift patterns of potential staff, the relationship to public transport would be poor, which would lead to an overspill of parking on neighbouring roads, particularly as the provision of parking was below the Council's standards. Neil stated that officers had repeatedly acknowledged that the proposal did not reflect the character of the area, and had largely justified their recommendation on the basis of the tilted balance and the need for a care home in this location. Neil was of the opinion that the benefits of the application had been grossly overstated and would in no way overcome the substantial harm that this development would cause. Neil felt that there was a sense of inevitability around the tilted balance applied by the officers, with the balancing act having been designed to fit around the justification for approval. Neil referenced two appeals which were documented within the officer report which had both been dismissed on the grounds of incompatibility with the character of their respective areas on sites within existing settlements within the Borough. Neil asked that the Committee refuse Planning permission on the grounds of environmental issues, accessibility issues, and harm to the character of the area.

Julian Burgess, on behalf of the applicant, spoke in support of the application. Julian stated that he was privileged to address the Committee with an officer recommendation for approval. Julian noted that officers had assessed matters in relation to highways matters, and had commented that there were no highways safety or parking concerns. Despite this, the applicant had committed to improve the road layout via the installation of a new pedestrian island at the applicant's expense. Julian stated that the site benefited extensive year-round screening by trees and vegetation, especially around the perimeter of the property which would help to maintain the character of the area. Julian added that replacement planting of removed trees would be secured by condition. Julian commented that the national healthcare crisis was deepening, with more care homes closing than opening, whilst many existing care homes were no longer fit for purpose – operating within converted Victorian homes with shared facilities. Julian stated that such facilities were not able to properly implement disease control measures, especially highly contagious diseases such as Covid-19. Julian added that the applicant was committed to providing residents with a safe environment to reside, leaving their family with the sound knowledge that their loved ones were being cared for in facilities with the highest standards approved by the Care Quality Commission. Julian stated that the applicant offered nursing, respite, and care for people living with dementia, in addition to providing palliative care and supporting people with physical disabilities and people with complex neurological conditions. Julian commented that the care provided at such facilities was proven to relieve the strain on local NHS services. Julian stated that residents tended to make large family houses available as they downsized, freeing up much needed local homes for families and helping to address the unmet housing need within the Borough. Julian added that there was a significant need in the Crowthorne and Wokingham area for care home beds, and the applicant's industry recognised and CQC approved needs assessment software showed there was a shortfall of 449 care bed spaces within a three-mile radius. Julian concluded by stating that the applicant's architect had designed a scheme of the highest quality using sustainable building principles, and asked that the Committee grant planning permission.

Peter Harper, Ward Member, spoke in objection to the application. Peter stated that whilst there may be a need for more specialist care homes within the Borough, this particular site

was totally unsustainable for such a facility. Peter added that the Lower Wokingham Road regularly registered speeds of well over 50MPH, whilst the officer report noted that this was a main road with a high volume of traffic. Peter stated that there was no cycle path, and the footpath was narrow and poorly lit between the site and Crowthorne station at a distance of over one kilometre. Peter noted that the emerging FNDP stated that this road was hazardous to both pedestrians and cyclists, whilst there was no bus service along this road and the train service only operated hourly for much of the day. Peter was of the opinion that it would simply not be safe or practical for staff to walk or cycle to the proposed care home. Peter stated that, in reality, the proposed development would generate traffic from staff, residents, waste collection and laundry services amongst others. Peter added that the proposal was in conflict with CP1 and CP6, and for this reason alone the application should be refused. Peter noted that the officer report acknowledged that the application was contrary to policies CP11, CC02, CC03, CP3 and TB21, whilst the chartered town planner who spoke earlier in the evening was strongly of the opinion that the adverse impact of the development significantly and demonstrably outweighed the benefits. Peter stated that a recent appeal decision to uphold the refusal of a 70-bed care home in Sonning mirrored many of the objections to this application, which would provide the Council with a strong defence should the decision to refuse the application be made and subsequently appealed. Peter commented that many letters in support of the application had been submitted by people who lived outside of the local area and would therefore not be impacted by the proposed development, whilst three letters of support had been withdrawn and were now in objection to the application. Peter stated that Finchampstead Parish Council had objected, Wokingham Without Parish Council had objected, the local Ward Members had objected, and over 60 letters of objection had been received from people living locally to the site. Peter asked that the Committee listen to the voices of residents who whose lives would be blighted by the proposed development, and urged the Committee to refuse the application.

At this point in the meeting, Councillor Rachelle Shepherd-DuBey entered the room. The Clerk confirmed that as per section 8.3.12.3 of the constitution, Committee Members should not take part in the debate or vote for an item where they were not present for all of the presentation, public speaking and subsequent discussion.

Michael Firmager sought reassurance that flood risk had been taken into consideration. The Chair confirmed that the officer note on flood risk within the Committee report provided detail on this issue.

Michael Firmager raised concern that the application could cause additional traffic issues, in part as the site was not served by an easily accessible local train station or bus service. Michael added that the provision of parking below Council standards could result in visitors parking around the locality. Michael sought details on how these issues might be overcome. Alan Lewis, Highways Development Manager, stated that whilst parking provision was below Council standards, the parking accumulation submitted as part of the documents pack demonstrated that it was acceptable at the level proposed, with some reserve capacity. Alan added that officers had compared the proposals to other such care homes, some of which were up to 80 bedroom properties. These care homes required less parking than was to be provided for the proposed property. With regards to traffic flows, Alan stated that whilst the Lower Wokingham Road was a busy road, it had seen an approximate 14% reduction in traffic flows in recent years, whilst the development would represent a modest 1.5% increase to traffic flow. The introduction of a pedestrian island would help to reduce vehicle speeds on the road, whilst providing a small amount of other benefits in terms of allowing pedestrians to cross the road and access the site at this point.

Michael Firmager raised concern that the introduction of a pedestrian island could encourage people to park in surrounding roads and then cross to the site. Michael was of the opinion that creating a two-way access to the site could increase the risk of accidents, and queried whether bats were present on the site. Senjuti Manna, case officer, clarified that the report had identified bat roosts on site, which would require an ecologist to supervise the demolition process. The Council's ecology officer felt that, on balance, there was potential to improve the ecology of the site.

Wayne Smith sought detail regarding the benefits of the pedestrian crossing, as residents of the site were very unlikely to utilise this whilst staff would find it difficult to use public transport and then navigate towards the site on foot. Alan Lewis stated that the objective was to put pedestrians first and explore all opportunities to improve their experience. Whilst the pedestrian crossing may only have minor benefits, it would still provide a certain level of utility to enable people to access the site on foot.

Wayne Smith queried if the parking levels had been assessed versus the expected numbers of staff on shift. Alan Lewis stated that whilst the site fell short of the Council's parking standards, when assessed against other larger care homes the demand was calculated to be less than the proposed provision. The applicant had gone further by proposing to install a pedestrian island, which could reduce the demand for parking spaces by allowing a small number of people the opportunity to walk from the Crowthorne railway station and cross to the site.

Andrew Mickleburgh queried how sustainability was defined within the context of this application. Senjuti Manna stated that officer had considered the proposed use case and the context of the site. This was an application for a care home, where residents would not be expected to leave the property on foot by themselves, whilst residents would also not require local schools, colleges, or workplaces. As such, the focus was on how staff and visitors would access the site, which was within an approximate 1km vicinity of a railway station. Whilst the development did not meet the requirements of CP6, staff would be working in shift patterns and there were shops located at the Crowthorne railway station. Senjuti added that a recent appeal decision relating to a site off of the Wellington road had resulted in an inspector considering that similar site as sustainable. Officers had concluded that the site represented a moderately sustainable site. Senjuti added that a number of local residents walked to the Crowthorne railway station each day to catch the train.

David Cornish sought clarity as to whether a pedestrian island crossing was permitted on a 40MPH road. Alan Lewis confirmed that such a crossing was permitted as it was not a controlled crossing and there was good visibility as a result of the relatively straight road.

Bill Soane queried how delivery vehicles, emergency vehicles and minibuses for day trips would be accommodated. Alan Lewis stated that the parking provision assessment had included all vehicles including delivery vehicles. Alan added that there a slightly enlarged space which was able to accommodate ambulances and delivery vans. Vehicle swept paths had been shown within the application, and this was required to be maintained by condition. A parking management strategy was also required by condition, which would be required to show how all vehicles including large vehicles would be accommodated.

Stuart Munro sought clarity as to the need or demand for care home spaces, as the NHS had not responded and WBC Adult Social Care appeared to object to the proposals. Senjuti Manna stated that WBC Adult Social Care had objected to the scheme on the

basis that there was a need for more Council owned bed spaces. The NHS would have been required to provide more support if this was an application for a nursing care home, however, as it was a residential care home the need for NHS support would be much less. Based on the standardised calculations of the NPPF, WBC's policy team calculated a need of 950 care home beds until 2036. Adult Social Care use a different methodology, which calculated a need of 215 bed spaces by 2036. Regardless of which calculation was considered, there was a running deficit of bed spaces and to date a 70 bed care home had been approved in addition to a 19-bed extension to another care home. Senjuti noted the Inspector's comment with regards to an appeal decision in Sonning, where the Inspector stated that there was currently no policy or permissions to meet the need for care homes, which formed a material consideration. Senjuti reminded Members that this decision was currently under judicial review.

Andrew Mickleburgh queried what weighting was given to the issue of need in relation to the appeal for the refused Sonning care home. Senjuti Manna stated that an application could not be refused on the basis that it was not a Council owned care home, and despite no policy requirement for provision of any affordable beds, the applicant was proposing two affordable beds. It was not possible to directly compare the Sonning scheme with the current application as each scheme needed to be considered on its own merits. The context of the Sonning scheme was mainly based on the impact of the development on the character of the area, whilst that application would have had a far higher density of dwellings per hectare when compared to the scheme before the Committee, and that application also represented an application for outline planning permission. Brian Conlon, Operational Lead – Development Management, confirmed that justification of harm or the lack thereof against a different scheme did not constitute a material planning consideration, as each scheme needed to be considered on its own merits.

Andrew Mickleburgh queried what weight was being given to the FNDP. Senjuti Manna stated that the neighbourhood plan had been assessed by an independent examiner but had not yet been considered through referendum. As there was no current notice of poll, the plan attracted moderate weight. Senjuti referred the Committee to the Supplementary Planning Update which set out more information with regards to the FNDP policy D1.

David Cornish stated that the NPPF was clear that where a neighbourhood plan allocated housing site, the tilted balance dropped to 3 years of provision rather than the standard 5 years of provision. Brian Conlon stated that planning documents were considered as a 'pyramid', with local policies forming the starting point for evaluating applications. As the FNDP had not been adopted, the 3-year limit for the engagement of the tilted balance was not applicable as the plan had not been formally adopted. Hypothetically, if this scheme came before the Committee in a year and the FNDP had been adopted, the environment for how policy was applied to this scheme would have changed, however it may not change the officer recommendation as this was based on a range of factors, policies and considerations.

Andrew Mickleburgh queried the nature of the Finchampstead settled and forested sand status. Senjuti Manna clarified that landscape character of the area was designated as M1, settled forested sand, which was acknowledged within the officer report.

Wayne Smith commented that the 89 bed spaces already approved or delivered represented approximately 40% of the 215 required spaces by 2036 as calculated by Adult Social Care. Wany added that, in his view, the current housing land supply calculation was below three years, as the current figure of 3.95 years was based off of a calculation made

in April 2022. Senjuti Manna stated that there was no current plan or forthcoming application to deliver bed spaces from 2027 onwards, and as such it was important to meet a portion of the need for bed spaces now where possible and appropriate.

Wayne Smith queried whether the Toutley and Sonning care home scheme had been factored into the required delivery of bed spaces. Senjuti Manna confirmed that there were a total of 89 spaces in the pipeline, which included Toutley but did not include the Sonning scheme as these applications had been refused and an appeal dismissed for one of them.

It was confirmed that the affordable bed space prices were set by WBC based on the cost of a Council bed space.

Wayne Smith was of the opinion that a site visit could be useful to assess the impact of the proposed development.

Stuart Munro commented that the local bus stops had stopped being serviced several years ago. Brian Conlon stated that the report was clear that the site was not situated in an isolated or unsustainable location in the context of the proposed development for a specialist residential care home. Whilst there may be not bus stops along that stretch of road, Brian commented that Crowthorne railway station could be accessed on foot at the approximate distance of 1km, whilst residential properties were located along the road. Brian stated that a site visit would need to have very specific aims in providing the Committee with information about the site and its context that they were not already aware of, in the knowledge that the sustainability of the site was framed as being suitable to support a specialist residential care home. Should the application be deferred for a site visit, the Committee would be required to reconvene with the conclusions of matters from that visit.

Senjuti Manna commented that a site to the north of the application site was proposed in the Local Plan Update and FNDP for 15 dwellings. David Cornish commented that the application before the Committee was outside of the development limits, whilst a key aim of the FNDP was to maintain settlement gaps, and in his opinion the approval of this application would erode the settlement gap further. Brian Conlon commented that it was right for officers to bring the Committee's attention to a site which was approximately 100m from the application site, which proposed 15 dwellings.

Wayne Smith stated that there would be at least 14 full time equivalent staff working round the clock in shift patterns. Wayne questioned the sustainability of the site in the context of round the clock operation, when no buses or trains would run during the night. Wayne suggested that staff would likely not live locally to the site, and would instead drive from further afield.

Brian Conlon stated that the areas where staff may travel from was not a material consideration, whereas the local authority meeting its housing needs was a material planning consideration.

Wayne Smith commented that the draft local plan update was never formally adopted.

Al Neal was of the opinion that the application was not in accordance with any of the exceptions permitting development within the countryside.

Tony Skuse queried whether the speed of the Lower Wokingham Road could be changed to 30MPH. Alan Lewis stated that whilst this was not a matter for the Planning Committee, a Traffic Regulation Order could be made however the police would usually have sufficient grounds to object on the grounds of enforceability. In general, speed limits were quite well set.

Andrew Mickleburgh proposed that the application be approved in line with the officer recommendation and updates contained within the Supplementary Planning Agenda. This was seconded by Tony Skuse.

In line with the Council's constitution, 6 Members requested that a recorded vote be held on the motion.

Upon being put to the vote, the voting was as follows:

| <b>For</b>         | <b>Against</b>   | <b>Abstain</b>          |
|--------------------|------------------|-------------------------|
| Andrew Mickleburgh | David Cornish    | Rachelle Shepherd-DuBey |
| Tony Skuse         | Michael Firmager |                         |
|                    | Stuart Munro     |                         |
|                    | Alistair Neal    |                         |
|                    | Wayne Smith      |                         |
|                    | Bill Soane       |                         |

Following the vote, the Clerk announced that the motion was lost.

The Committee discussed the potential reasons for refusal at some length. The Committee were of the view that the application was harmful to the character of the area in terms of its height, bulk, mass and scale. In addition, Members were of the view that the application was contrary to policies CP1, CP9, CP11, CC02, and FNDP D1.

Wayne Smith proposed that the application be refused as the application was harmful to the character of the area in terms of its height, bulk, mass, scale and proportion, whilst being contrary to policies CP1, CP9, CP11, CC02, and FNDP D1. This was seconded by Al Neal.

In line with the Council's constitution, 6 Members requested that a recorded vote be held on the motion.

Upon being put to the vote, the voting was as follows:

| <b>For</b>       | <b>Against</b>     | <b>Abstain</b>          |
|------------------|--------------------|-------------------------|
| David Cornish    | Andrew Mickleburgh | Rachelle Shepherd-DuBey |
| Michael Firmager | Tony Skuse         |                         |
| Stuart Munro     |                    |                         |
| Alistair Neal    |                    |                         |
| Wayne Smith      |                    |                         |
| Bill Soane       |                    |                         |



Following the vote, the Clerk announced that the motion was carried.

**RESOLVED** That application number 223256 be refused, as the application was harmful to the character of the area in terms of its height, bulk, mass, scale and proportion, whilst being contrary to policies CP1, CP9, CP11, CC02, and FNDP D1.