

# Agenda Item 57.

Application Number	Expiry Date	Parish	Ward
181499	EXT	Shinfield	Shinfield South

<b>Applicant</b>	Bellway Homes and the University of Reading
<b>Site Address</b>	Land South of Cutbush Lane, Shinfield, RG2 9GH
<b>Proposal</b>	Full planning application for the erection of 249 dwellings, new public open space, landscaping, surface water attenuation, access and associated works at land to the south of Cutbush Lane Shinfield.
<b>Type</b>	Full

## SUMMARY

### Background

The application (ref: 181499) is for full planning application for the erection of 249 dwellings, new public open space, landscaping, surface water attenuation, access and associated works at land to the south of Cutbush Lane Shinfield. The site was allocated for housing as part of the housing allocation for the South of the M4 Strategic Development Location (SDL) and was identified in the Spatial Framework Plan in the adopted Supplementary Planning Document (SPD).

The application was recommended for approval by officers for Planning Committee on the 12<sup>th</sup> June 2019. The members however resolved to refuse the scheme due to the reasons outlined in annex 1. The principal reasons were on design grounds and inappropriate tenure mix of affordable housing. The applicant has since lodged an appeal for the application which will be a public inquiry to be held in January 2020.

The purpose of this report is to provide further evidence in respect to reason 2 (affordable housing) as officers have sought legal advice from counsel in respect to the likelihood of defending this at appeal. Reason 2 states:

*In the absence of a legal agreement to secure the required level of affordable housing together with the proposed affordable housing tenure mix the proposal fails to secure sufficient levels of social rented dwellings which fails to meet the housing needs for the borough as identified by Policy CP5, paragraph 4.32. This is contrary to the NPPF Policy CP5 of the Core Strategy, Policy TB05 of the Managing Development Delivery Local Plan and the Wokingham Borough Affordable Housing Supplementary Planning Document.*

### Summary of issues

It should be noted that the provision of affordable housing was in accordance with adopted policy, providing a total of 35% affordable housing, all of which will be delivered on site with the exception of 0.15% of a unit wherein there will be a payment of £24,191.55 in lieu of this part provision and this approach is accepted throughout the SDL's. The issue raised was with respect to the tenure split, 50:50 split of social rented and affordable homes which was offered by the applicant. This was lower than the threshold as outlined within the supporting text in policy CP5 of the Core Strategy which states 70:30 in favour of social rent. The supporting text acknowledges however that this should be the starting point for negotiations and the Affordable Housing SPD encourages the split to be determined on a site by site basis to ensure it reflects housing need at the time of consideration, an approach that has been undertaken on other SDL developments. In this case, the applicant was prepared to offer a financial contribution of £250,000 in lieu of making up the shortfall in the social rented dwellings.

Following submission of the appeal, the Council appointed Neil Cameron QC to represent the Council. As part of this process, counsel has reviewed the reasons for refusal and in his

appraisal of the determination he has strongly recommended that the Council withdraw reason 2 on the basis that it is highly unlikely that the council will be able to defend this at the appeal.

It should also be noted that the Council's Housing team have advised that given they supported the approach proposed, one which was agreed by the Council's Affordable Housing Working Group and as flexibility in tenure mix has been applied elsewhere, they have stated that they would be unable to support the council at the forthcoming appeal.

**Recommendation:**

For this reason, members are requested to agree withdrawal of reason for refusal 2 based on legal advice. It should however be noted that the Council still considers it can make a robust case in respect to the design reason.