

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.

Extract from Draft Minutes of the Meeting of the Planning Committee, 9 November 2022,
Application Number 220663

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.