

**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.

Extract from Minutes of a Meeting of the Planning Committee, 14 December 2022,
Application Number 220663

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