

UPDATE REPORT

BY THE EXECUTIVE DIRECTOR FOR ECONOMIC GROWTH AND NEIGHBOURHOOD SERVICES
READING BOROUGH COUNCIL
PLANNING APPLICATIONS COMMITTEE: 21st June 2023

Ward: Emmer Green

Application No.: 220189/FUL

Address: 205-213 Henley Road & land to the rear of 205-219 Henley Road, Reading, RG4 6LJ

Proposal: Demolition of nos. 205-213 Henley Road and rear gardens of nos. 205-219 Henley Road and erection of 2 retirement living apartments blocks (C3 use-age restricted) including communal spaces with supporting car parking, open space landscaping and associated infrastructure. Access into the site from the adjacent development on Henley Road.

Applicant: Henley Road Ltd

Date Valid: 17/05/2022

Application target decision date: Originally 16/08/2022, but an extension of time has been agreed until 05/07/2023

26 week date: 14/11/2022

RECOMMENDATION

Delegate to the Assistant Director for Planning, Transport and Regulatory Services (AD PTRS) to (i) GRANT full planning permission subject to the satisfactory completion of a Section 106 legal agreement or (ii) to REFUSE permission should the Section 106 legal agreement not be completed by the 5th July 2023 (unless officers on behalf of the AD PTRS agree to a later date for completion of the legal agreement).

The S106 legal agreement Heads of Terms are as set out in the main agenda report to the 31st May Committee meeting.

Conditions as in main agenda report.

EXECUTIVE SUMMARY

This report provides an officer response (including assessment of additional material from the applicant) to the various concerns raised when this application was reported to your previous meeting on 31st May, where it was decided to defer consideration to allow fuller consideration of the below matters.

The officer Recommendation remains to grant full planning permission, subject to conditions and the satisfactory completion of the s106 agreement.

1. INTRODUCTION

- 1.1 This item was considered at the Planning Applications Committee on 31st May 2023. The decision was deferred by the committee to enable officers to clarify a number of questions raised by members. Accordingly, officers have provided responses below, where appropriate, to the matters raised.

1.2 In addition, members also referenced it would have been beneficial to receive responses from the applicant on a number of matters raised. The applicant has duly provided responses, which are included in full (for completeness) at Appendix 2. The officer report to the 31st May committee is attached at Appendix 6.

2. OFFICER RESPONSES TO MATTERS RAISED BY MEMBERS

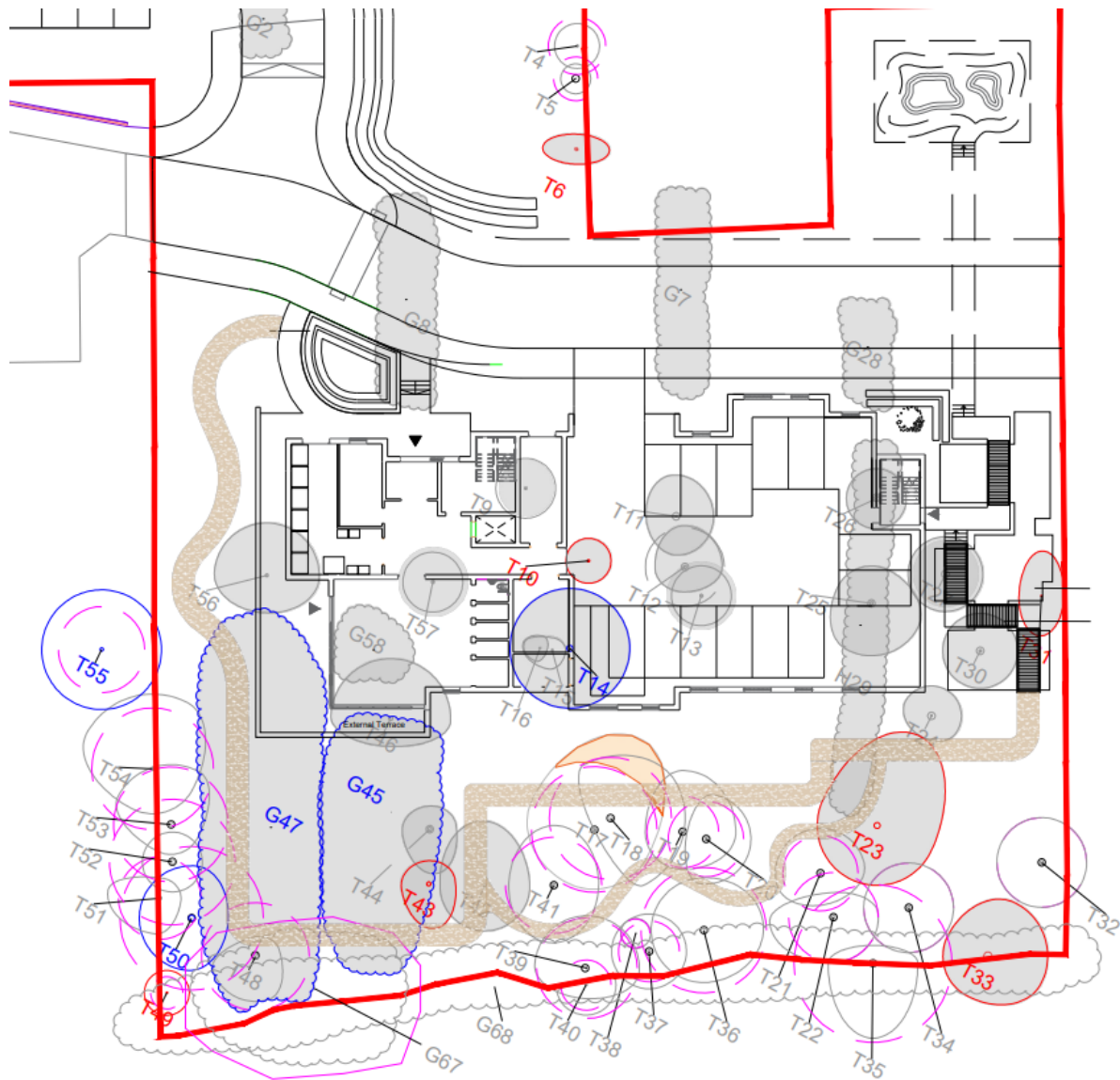
1) Legibility of visual information included in the main report

2.1.1 Appendix 1 provides enlarged or zoomed in extracts of relevant visual elements included in the main report.

2) Loss of trees looking down towards Berry Brook

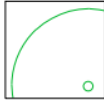

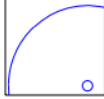

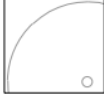
2.2.1 Further to paragraphs 4.3.6, 6.6.1 and 7.2 of the main agenda report, the loss of existing garden trees at the site are acknowledged to be regrettable and a harmful impact of the proposed development. However, when weighed as part of the planning balance of all material considerations of the application, the harmful impacts of the proposals are considered to be outweighed by the benefits (see section 7 of the main agenda report).

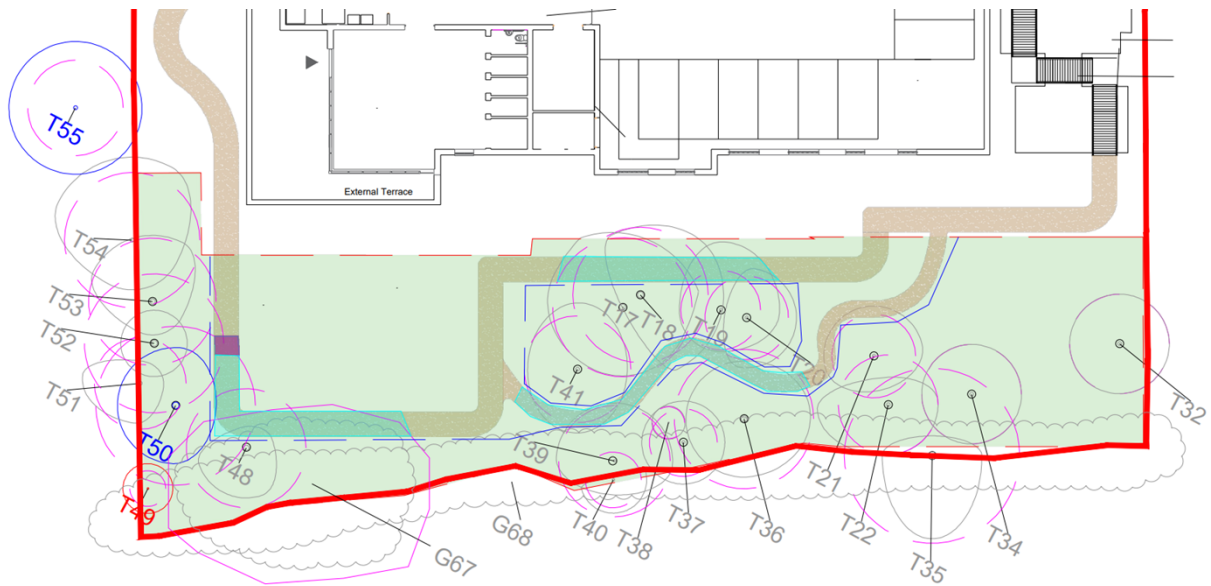
2.2.2 The Arboricultural Report submitted with the application is included in full as Appendix 3 to this report. To assist further, extracts of the existing tree survey (originally at page 104 of the main agenda report) and the proposed tree protection plan (originally at page 105 of the main agenda report) are provided below (the full versions of these plans are within Appendix A of the Arboricultural Report). This shows that whilst a number of trees will be removed, a number of existing trees in the southern part of the site would be retained and protected during the construction period, as referenced in the applicant's separate response provided at Appendix 2 (paragraph A2.1).



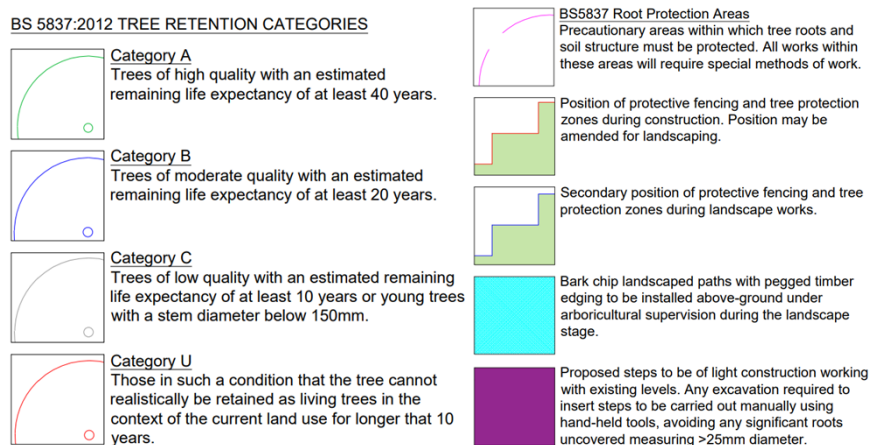
Extract of existing tree survey (southern part of the site) – originally page 104 of the main agenda report

BS 5837:2012 TREE RETENTION CATEGORIES

 <p>Category A Trees of high quality with an estimated remaining life expectancy of at least 40 years.</p>	 <p>Category U Those in such a condition that the tree cannot realistically be retained as living trees in the context of the current land use for longer than 10 years.</p>
 <p>Category B Trees of moderate quality with an estimated remaining life expectancy of at least 20 years.</p>	 <p>BS5837 Root Protection Areas Precautionary areas within which tree roots and soil structure must be protected. All works within these areas will require special methods of work.</p>
 <p>Category C Trees of low quality with an estimated remaining life expectancy of at least 10 years or young trees with a stem diameter below 150mm.</p>	



Extract of proposed tree protection plan – originally page 105 of the main agenda report



3) Canopy cover of the 47 trees proposed to be lost

2.3.1 'Canopy cover' is a useful measure of the proportion of an area which is covered by the canopy of a tree. It is fully recognised that the existing trees at the site provide considerable canopy cover (as seen within site photographs at page 103 of the main agenda report – enlarged versions are included in the final two pages of Appendix 1 to this report), with canopies extending beyond the boundary of the site to the east and south. No measurement of the existing canopy cover levels have been provided, with the applicant's response at Appendix 2 (paragraph A2.2) instead focusing on the 'quality' of trees lost. As per section 2.4.3 below, the net gain of 43 trees is expected to achieve a canopy cover gain in overall terms.

4) More information relating to the 90 proposed trees, including information relating to the proposed canopy cover

2.4.1 Further to paragraphs 4.3.8 and 6.6.2 of the main agenda report, the indicative landscaping plan specifies that 90 trees are proposed. Zoomed in extracts of this landscaping plan (figure 15 in the main agenda report) are provided at Appendix 1 of this report. This landscaping plan references 5 indicative species - *Acer Campestre* (Field Maple); *Betula Pendula* (Silver Birch); *Betula Pubescens* (Downy Birch); *Juglans Regia* (Common Walnut); and *Pyrus Calleryana* Chanticleer (Ornamental

Pear). As per paragraph 4.3.8 of the main agenda report, these are considered too limited in variety.

- 2.4.2 More specifically, as per the Council's Tree Strategy, the aim is for no more than 30% of any one family, no more than 20% of any one genus and no more than 10% of any one species. 90 trees of 5 different species means 20% of each, so more than 10%. Two different Birch trees are proposed too, hence there is the possibility of exceeding 20% of that genus. Sufficient diversity has therefore not been demonstrated to date; although officers confirm that the species currently shown would be acceptable as part of the overall final landscape scheme.
- 2.4.3 In addition, the Council's Natural Environment Officer notes that of the five species proposed, only one is a large canopy species (Walnut). Contrary to the applicant's response at Appendix 2 (paragraph A2.4), one is actually a 'fastigate' (i.e. tall and narrow) tree species (Ornamental Pear). Officers will seek to secure as many large canopy trees as reasonably possible (in the context of the proposals) and minimise fastigate trees in the further details to be secured via condition. Without the final details of the landscaping plan, it is not possible to specify the proposed canopy cover (which is complex to calculate in any event; hence the use of the simpler net gain in tree number measure). It is fair to assume that the proposed gain in tree numbers will result in canopy gain when final canopy spreads are taken into account, but without a final landscaping scheme how much cannot be confirmed at this point in time. To summarise, when considering the detailed landscape scheme that comes forward, officers will ensure that maximum provision of canopy is provided within the confines of the space available. Officers are content with the information submitted at application stage, with more information secured via condition.

5) Comparison of the proposed landscaping with that at the Signature Care Home

- 2.5.1 An enlarged version of the approved site plan associated with the neighbouring Signature Care Home (figure 9 in the main agenda report) is included within Appendix 1 of this report. Furthermore, enlarged extracts of the proposed landscape masterplan (figure 15 of the main agenda report) are also included at Appendix 1. It is considered that the amount of landscaping is comparable, with the principle of buffer provision towards the southern boundary evident at both sites. In the details to be supplied in order to satisfy the relevant landscaping condition, officers will encourage the applicant to refer to the approved landscaping next door and ensure some species within that are included within their landscape scheme to link the two.
- 2.5.2 The applicant has provided its own response on this matter at Appendix 2 (paragraph A2.5).

6) Flooding / impact on Berry Brook

- 2.6.1 Further to section 4.7 of the main agenda report, the Local Lead Flood Authority (LLFA) reiterate that the drainage scheme has in the main been assessed and agreed by the LLFA, with only minimal alterations required relating to the extent of the adoptable road network. The calculations undertaken by the applicant have confirmed that no flooding would occur and that the water storage within the soakaways, attenuation tanks and bio retention areas is sufficient to accommodate the surface water across the site.
- 2.6.2 The discharge rate from the development into the Berry Brook is limited to a maximum of 1 litre/second and this has also been agreed by the EA. The applicant's separate response on this matter, at Appendix 2 (paragraph A2.6) includes reference

to the EA response in full, which is separately included at Appendix 4 for completeness.

- 2.6.3 A revision to the drainage design is required so that it will align with the final landscaping scheme, but this would not have a material impact on the drainage scheme and is recommended to be appropriately dealt with via conditions 32 and 33 of the main agenda report.
- 2.6.4 Enlarged versions of the SuDS & Surface water drainage layout plan (figure 16 of the main agenda report), showing the proposed strategy, are provided in Appendix 1 of this report.

7) Reptile relocation scheme

- 2.7.1 The reptile relocation strategy has been subject to various revisions during the course of the application, in order to satisfy a number of concerns raised by the Council's Ecology consultants, GS Ecology. GS Ecology are satisfied with the strategy, as per section 4.4 of the main agenda report, where physical relocation of species is agreed as being unavoidable owing to the nature of the proposals.
- 2.7.2 The applicant has provided further detail in this regard at Appendix 2 (paragraph A2.7).

8) Proposed layout

- 2.8.1 Layout matters are discussed primarily as paragraphs 6.2.2 – 6.2.3 of the main agenda report. In summary, officers are satisfied with the proposed layout of development.
- 2.8.2 The applicant has provided a response at Appendix 2 (paragraph A2.8) which explains the various factors which have been taken into account in arriving at the proposed layout for the scheme. These reference and expand on a number of matters discussed within the main agenda report, which cumulatively provides a robust justification for the proposed layout of development. There are inevitable areas where competing demands (e.g. protection of trees versus the developable area) arise, with these being considered to have been suitably balanced to arrive at an appropriate layout.

9) Thames Water development and infrastructure phasing plan

- 2.9.1 It is initially clarified that the exact wording of the Thames Water recommended condition is:

No development shall be occupied until confirmation has been provided that either:- all water network upgrades required to accommodate the additional demand to serve the development have been completed; or - a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Reason - The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development.

- 2.9.2 As such, there are two separate approaches the applicant could take to satisfy the condition, either to submit details demonstrating measures have been completed (whereby work in the background with Thames Water will have occurred to arrive at that point); or securing a development and infrastructure phasing plan. The phasing plan would secure details of matters such as the water connection process, new mains or connection details, disconnection details, diversions, water supply during construction details and provision of water meters. A phasing plan would typically be secured on large-scale, multi-phase developments, so measures/timescales could be detailed on a block-by-block basis so as to not delay the occupation of the early phases of a development. In this instance, a phasing plan could be included to enable the occupation of Block A prior to Block B (or vice-versa).
- 2.9.3 With specific regard to the trigger point of any condition, Thames Water has advised (in correspondence with officers subsequent to Planning Applications Committee on 31st May) that Thames Water do not believe there is a need for this to be a pre-commencement condition. Officers are mindful that paragraph 56 of the NPPF states that, “*Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification*”, with the Government’s Planning Practice Guidance (PPG) continuing that they should be, “*so fundamental to the development permitted that it would otherwise be necessary to refuse the whole permission*” (Paragraph: 007 Reference ID: 21a-007-20180615). Set within this context, officers have considered whether this condition would pass the necessity test of being required pre-commencement; albeit in practice the applicant would naturally need to co-ordinate all servicing requirements, alongside matters such as SuDS and flooding on a site such as this. Accordingly, officers are content for the trigger point being pre-occupation, although in order to actually satisfy the condition the applicant would in practice be required to consider their proposed approach to this matter at an earlier stage, to avoid this delaying occupation.
- 2.9.4 Please see Appendix 2 (paragraph A2.9) for the separate response by the applicant.

10) Residents’ perceptions of the proposed scheme versus the nine unit residential scheme approved under 190887

- 2.10.1 The Local Planning Authority are required to consider the proposals, as with any application, on their own merits and the proposals must be determined in accordance with the development plan unless material considerations indicate otherwise. The implications of the nine unit scheme at part of the site does add an additional layer of complexity to the proposals, with this reported in full at various points within the main agenda report.
- 2.10.2 The applicant has provided a separate response on this matter at Appendix 2 (paragraph A2.10), outlining that the appropriate public consultation has occurred, that this appears to be a non-planning matter and making no further comment. Officers have nothing further to add, except to advise that it is a common situation to have alternative permissions in place for a site and for a developer to decide which one they decide to implement. Each application must be suitable on its individual planning merits and the main agenda report explains how the nine unit residential scheme will not be continued with if this permission is implemented. Equally, it is not the purpose of the planning system to pick and choose a scheme which is preferential over another; if both are suitable, then both can be granted planning permission.

11) Explanation for the differing deficits in the separate viability assessments

- 2.11.1 As per 4.5.1 of the main agenda report, there are various inputs within any viability assessment. Where differences are located within separate assessments of the viability information it can result in significant impacts on the overall conclusions. In this instance, in respect of the original viability submission, there was a different standpoint in terms of calculating the benchmark land value (i.e. the value of the application site land), with the Council's independent reviewers BPS disagreeing with the applicant regarding the value of the gardens and omitting a landowner premium (i.e. the provision of a reasonable incentive to bring the land forward for redevelopment) which the applicant included. Other areas of disagreement related to a separate value being added for each car parking space, the rate of developer profit and private legal fees, which cumulatively resulted in a significant difference in the overall deficit between the two assessments.
- 2.11.2 The further review of scheme viability requested duly narrowed the areas of difference and reduced the variances in the considered deficit, as explained at paragraph 4.5.5 of the main agenda report. Differences are fairly commonplace in viability assessments owing to the sheer number of inputs involved and there are often disagreements as to individual values. The applicant has provided a separate response at Appendix 2 (paragraphs A2.11a, A2.11b and A2.12c), which goes into more specific detail regarding the exact differences. In summary, whilst there are disagreements between the parties regarding the margin of the deficit, the terms of the deferred payment mechanism are considered favourable to the Council's viability assessment (e.g. the deficit at the time of any planning permission is the Council's figure, not the applicant's), which has been agreed by the applicant.

12) Concern about the likelihood of the scheme actually coming forward

- 2.12.1 This matter is beyond the scope of a material planning consideration for officers to comment on, but as per paragraphs 4.5.2 and 4.5.5 of the main agenda report, relatively small changes in costs and values would erode the deficits identified at present. Accordingly, it is a commercial risk for the applicant and, as with any planning permission, there would be a three-year time period for implementation, during which market conditions could change.
- 2.12.2 The applicant has provided a separate response on this matter at Appendix 2 (paragraphs A2.12a and A2.12b) where it is indicated that the scheme is commercially deliverable, but presently would achieve a lower level of profit (11%) than the national guidance references (15-20%). Furthermore, the deferred affordable housing contribution mechanism would provide the Council with a potential additional financial contribution towards affordable housing if a surplus is achieved after the sale or letting of 75% of the units.

13) Suitability of the site for the intended purpose

- 2.13.1 In overall terms, officers are satisfied that a suitable standard of accommodation for future occupiers is provided, as per section 6.3 of the main agenda report. In addition, pedestrian access is specifically referenced at paragraph 4.1.4 of the main agenda report. The slope at the site is acknowledged, but the lift in Block A provides step-free access to Henley Road, which it is assumed could be utilised by future occupiers of both blocks if required. It is also advised that although the proposed accommodation is age-restricted, the mandatory level of care offered on site is not at a level which constitutes a Class C2 care / nursing home use, with the proposed use being Class C3 dwellings.

- 2.13.2 The applicant has separately responded at Appendix 2 (paragraph A2.13), reiterating the continuing need for this type of accommodation in the Borough, which is accepted by officers.

14) Wheelchair accessible units

- 2.14.1 To clarify, as per paragraph 6.3.6 of the main agenda report, the applicant did identify dedicated wheelchair user flats in the original version of the plans, but did not include updated details when revisions to the scheme were made during the course of the application. The applicant has now provided an updated Policy H5 (Standards for new housing) document, included in full as Appendix 5, which confirms that four units at upper ground floor level of Block A will be wheelchair user units, with an example layout provided. Full details of all the proposed wheelchair user dwellings will be secured via condition, as per the main agenda report.
- 2.14.2 The applicant's response is provided at Appendix 2 (paragraph A2.14).

15) Electric vehicle (EV) charging points

- 2.15.1 It was suggested in the discussion at committee that all six charging points will be within the disabled parking bays. To clarify, this is not accurate. The proposal seeks to provide a total of three disabled bays, not six. Three spaces are provided across the development as a whole, two within Block A and one within Block B, not three within each block as paragraph 4.1.8 of the main agenda report could have been interpreted. When the application was considered at committee on 31st May, the three disabled parking bays would all have charging points, leaving the remaining three charging points within non-disabled parking spaces. This adheres to policy requirements.
- 2.15.2 Notwithstanding this, the applicant's response (see Appendix 2 – paragraph A2.15) specifies that the applicant actually intends to now provide EV charging points at all 46 parking spaces across the whole site. This is to adhere to separate Building Regulations (specifically Document S: regulation S1), which took effect on 15th June 2022 (after the application was originally submitted). As such, there is consequently a slight inconsistency between Policy T5 (Car and cycle parking and EV charging – which requires at least 10% charging points) and more recently updated Building Regulations. As such, the applicant's approach would exceed the policy requirements.

3. OTHER MATTERS

- 3.1 In light of the updated Policy H5 (Standards for new housing) statement submitted by the applicant on 05/06/2023, paragraph 2.11 of the main agenda report can be updated as follows:

~~Policy H5 Document by Bowman Riley Ref 8466-BOW-ZZ-XX-RP-0001_
Policy H5 Assessment Rev P1, dated 25/03/2022, as received 12/04/2022~~

Policy H5 Document by Bowman Riley Ref 8466-BOW-ZZ-XX-RP-0001_
Policy H5 Assessment Rev P3, dated 06/06/2023, as received 07/06/2023

- 3.2 The submission of this additional information is not considered to necessitate any further formal public consultation on the application.

- 3.3 A further extension of time for the determination of the application has been agreed, from 14th June 2023 (as reported in the main agenda report) to 5th July 2023. This is reflected in the recommendation above.
- 3.4 Further to paragraph 6.8.5 of the main agenda report, the ecology-based pre-commencement conditions will be included as the applicant did not respond within the required legislative timeframes.

4. CONCLUSION, INCLUDING THE OVERALL PLANNING BALANCE

- 4.1 This remains unchanged from section 7 of the main agenda report. It is considered that the above satisfactorily responds to all matters raised by members.

Case Officer: Jonathan Markwell



Figure 2: Site photograph from Henley Road looking west (June 2022)



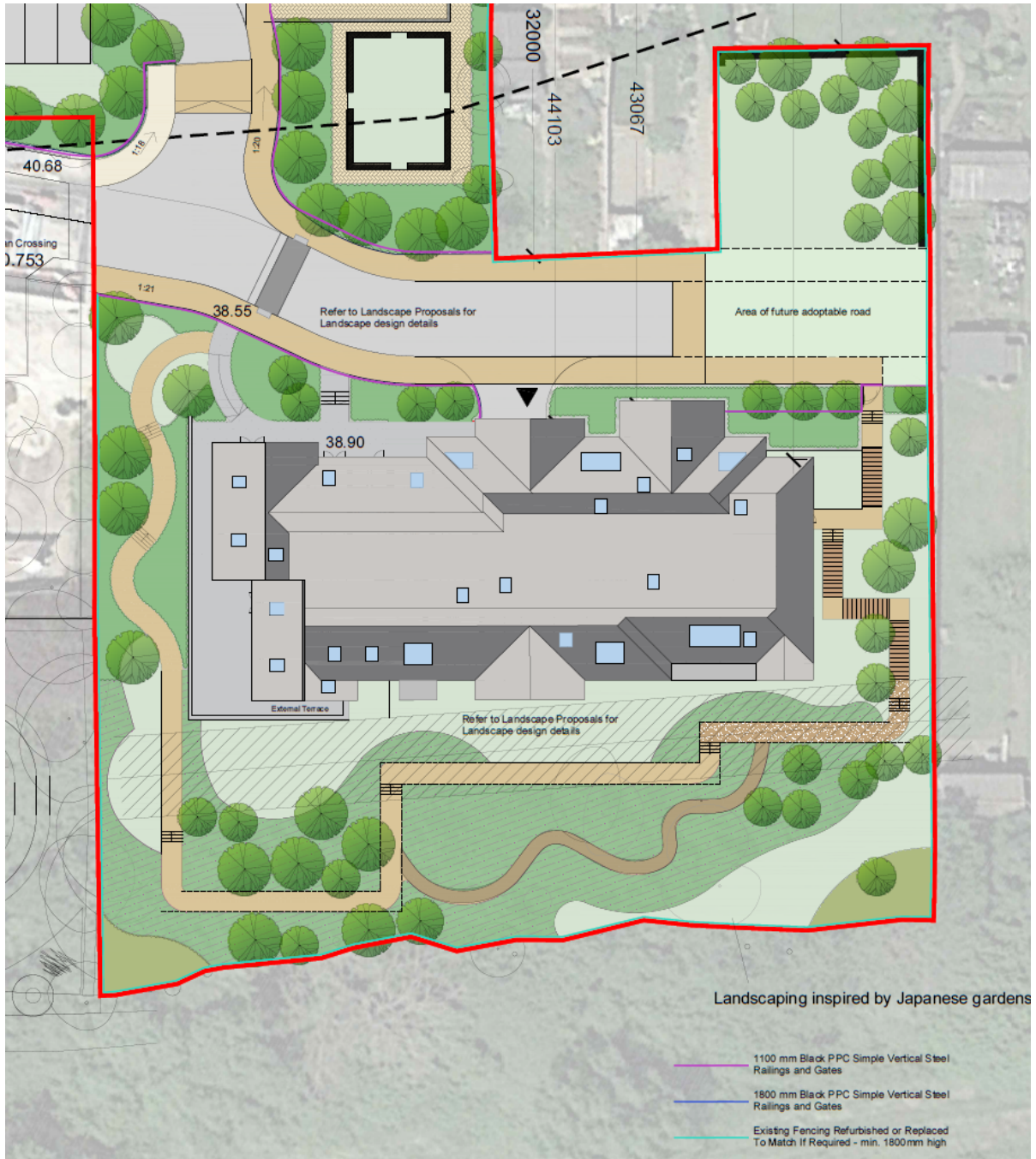
Figure 3: Aerial view looking north (Signature care home to the west under construction at this time)



Figure 4 – Aerial view of the application site with the neighbouring development layout outlined



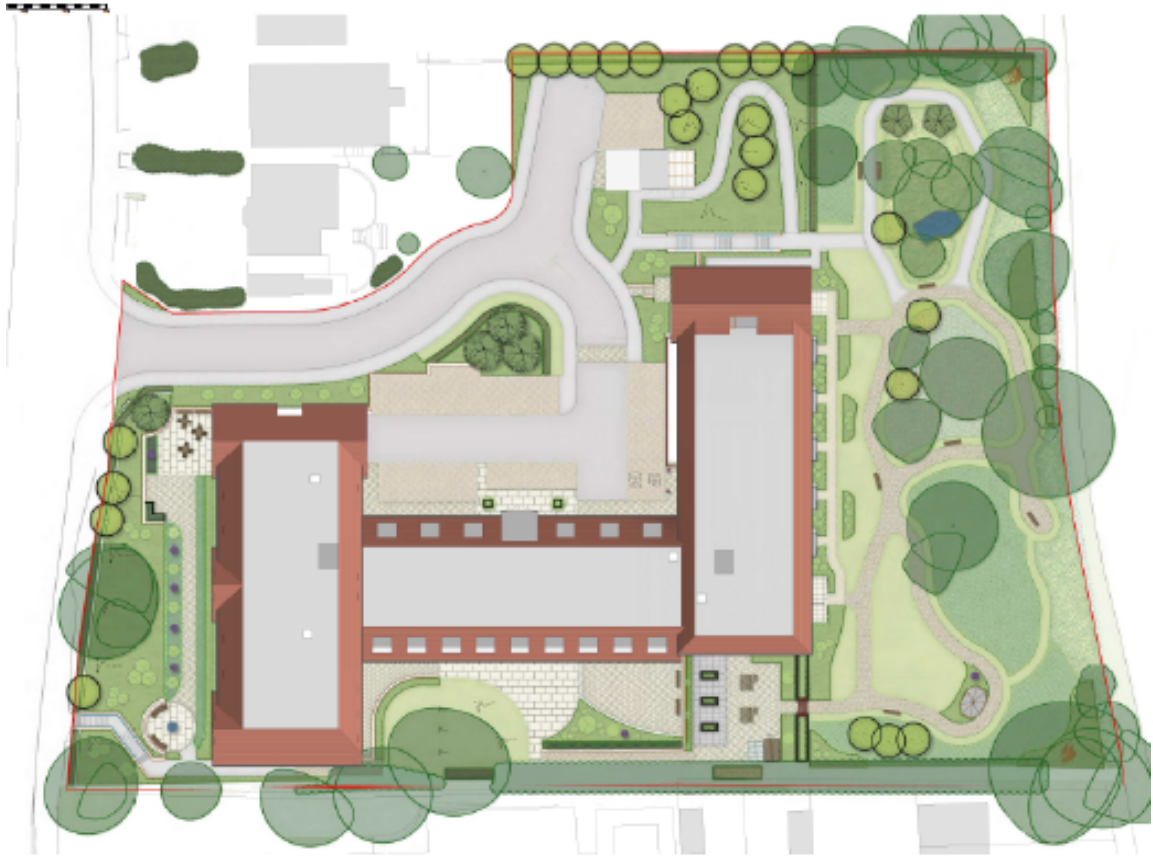
Figure 6 Extract 1 of 2 – Proposed roof level site plan Block A (-1002 Rev P15 received 16/05/23)



Project No: 8466 Drawing No : 8466
 Figure 6 Extract 2 of 2 – Proposed roof level site plan Block B (-1002 Rev P15 received 16/05/23)



Figure 8 – Approved site plan, section & streetscene looking south as part of 190887



Section Elevations - North Elevation
1.20



Section Elevations - South Elevation
1.21



Figure 9 - Approved site plan and elevations as part of permission 190835

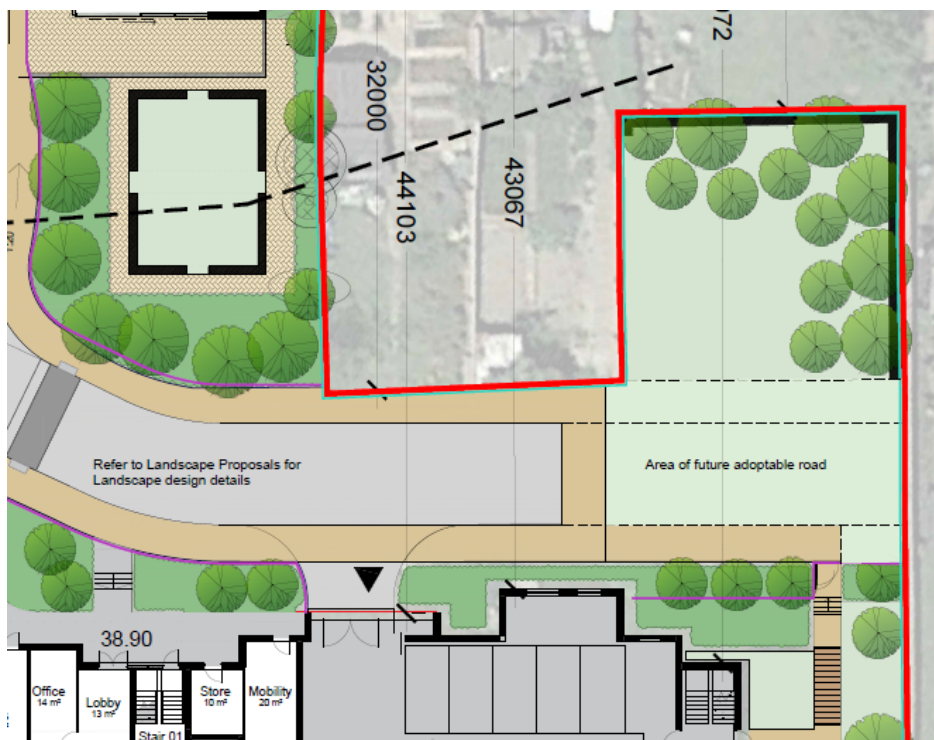
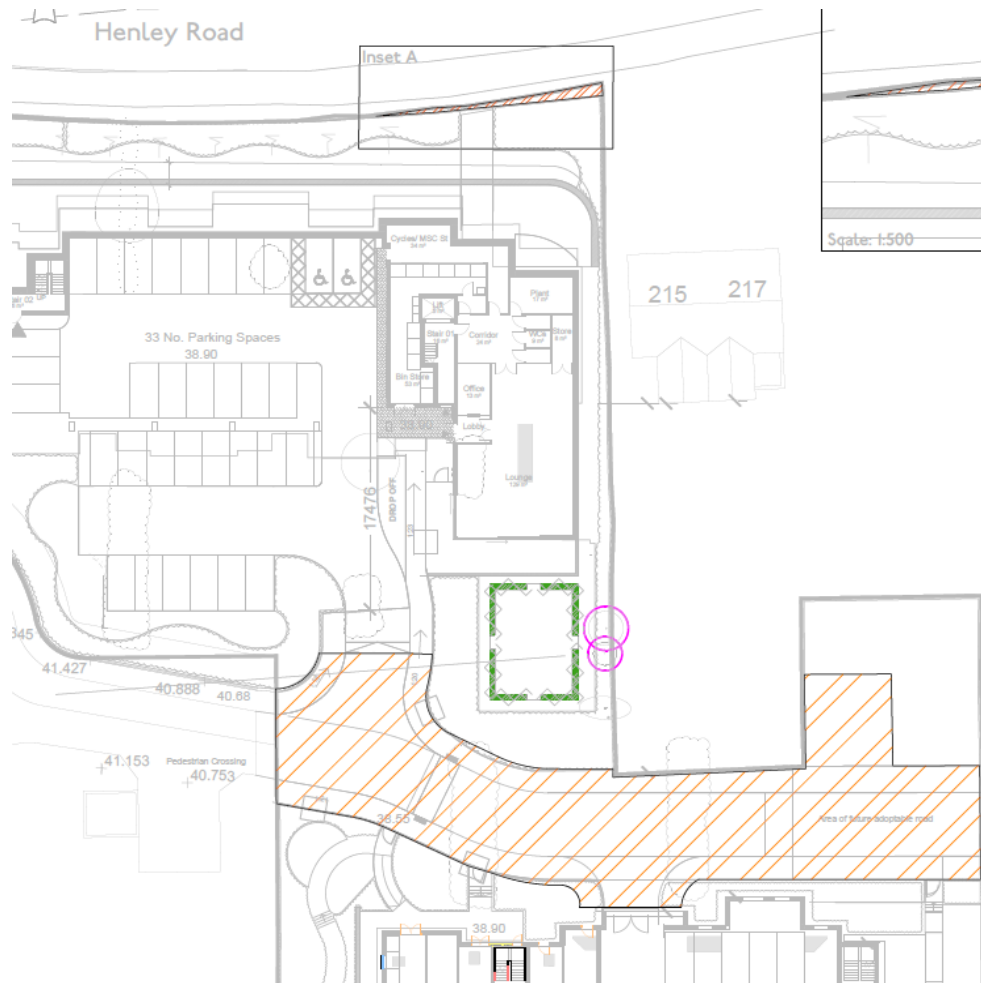


Figure 10 – Left: Extent of carriageway for adoption (left). Right: Extract of site plan until such time development comes forward to the east (if at all)

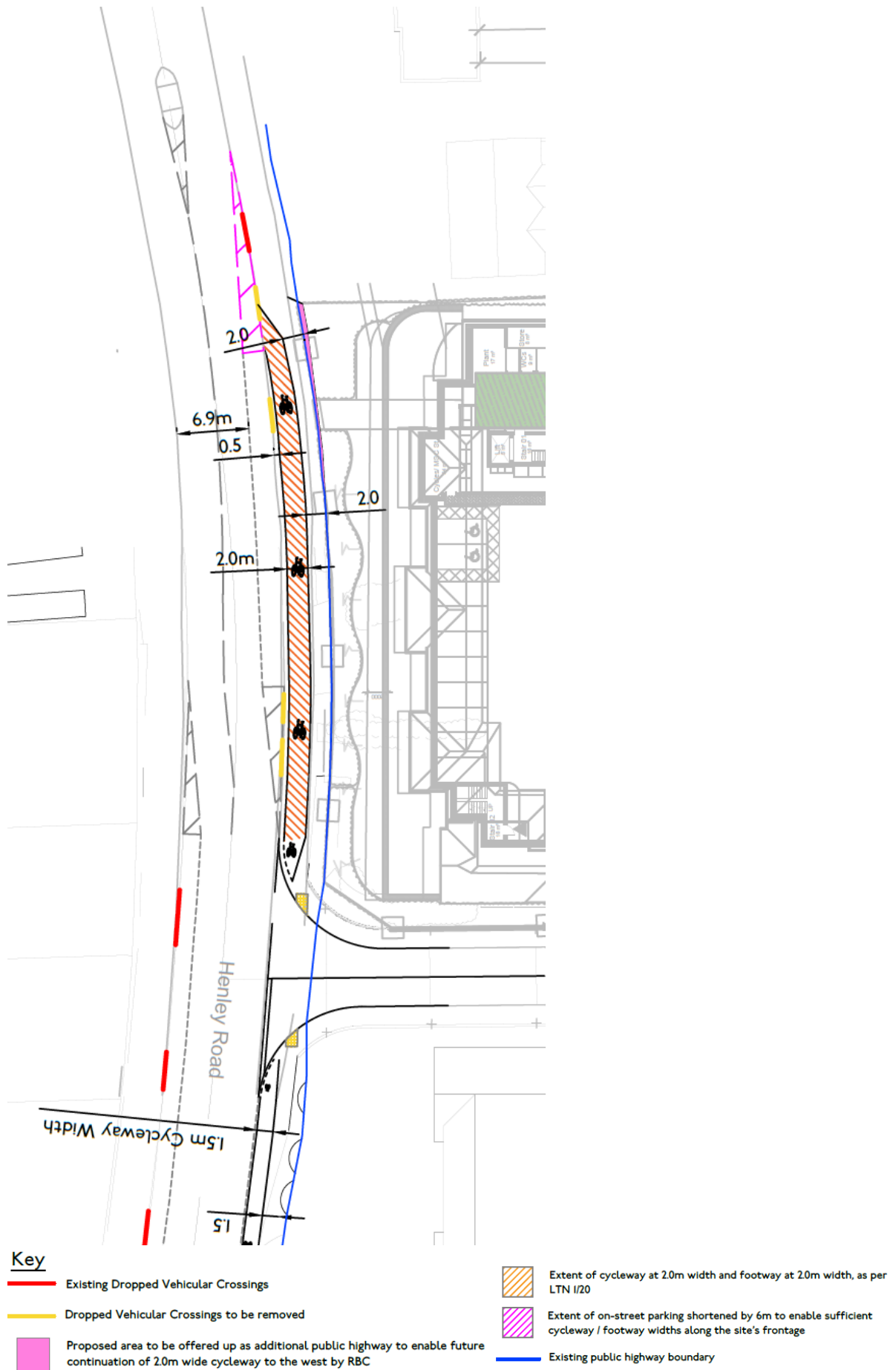


Figure 11 – Proposed footway/cycleway on Henley Road (extract of J32-5410-SK-011)











-  Site Boundary
-  1.8m Close Boarded Timber fence
-  Existing Tree Crown
-  Existing Tree RPA
-  Trees To Be Removed
-  Existing Building Removed
-  Flood Zone Contour (Refer to FRA)
-  Mains Drain Easement

Figure 12 – Permission 190887 approved layout



Figure 12 – Permission 190887 tree protection plan & landscaping details approved under 201019/APC.

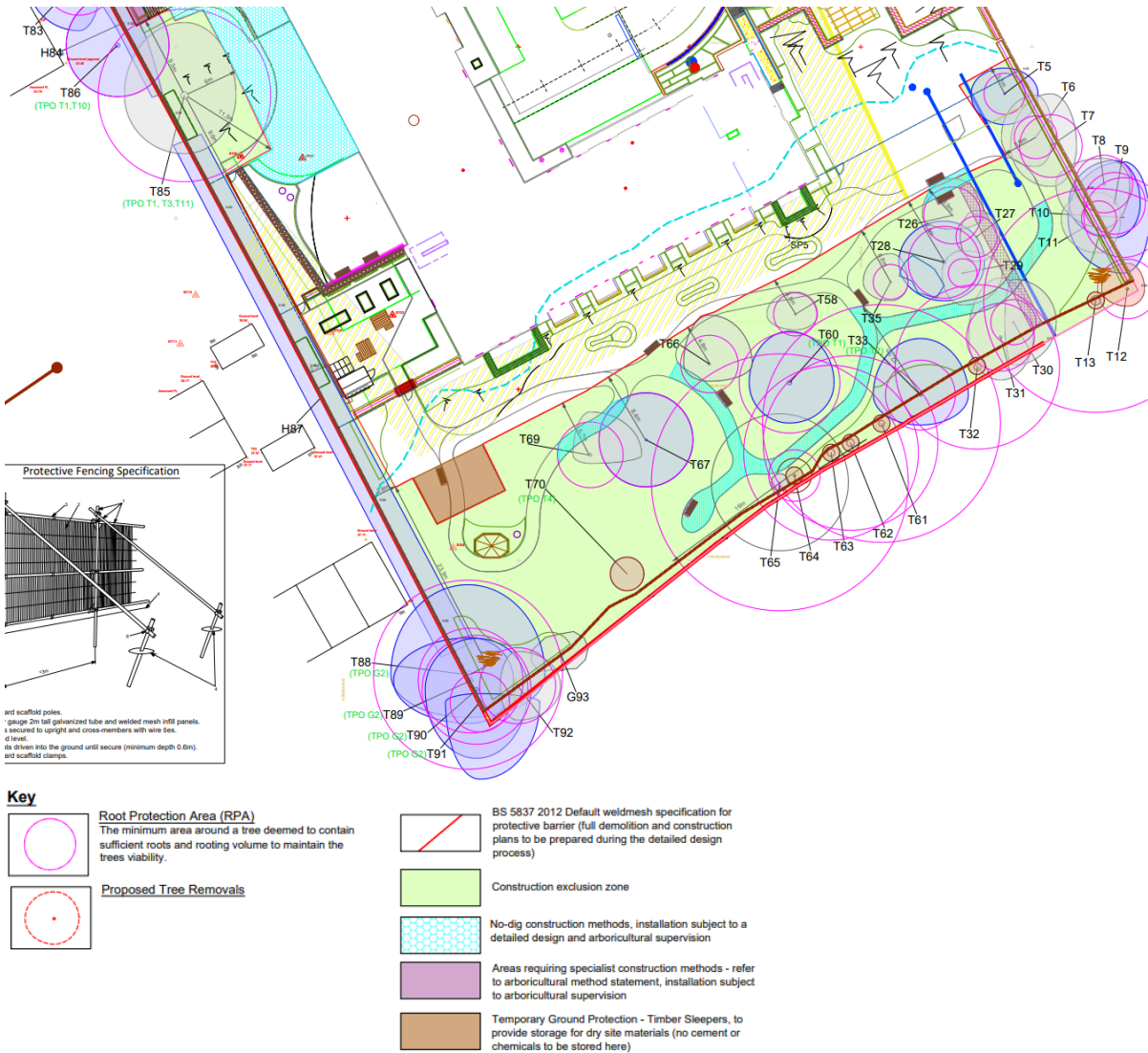
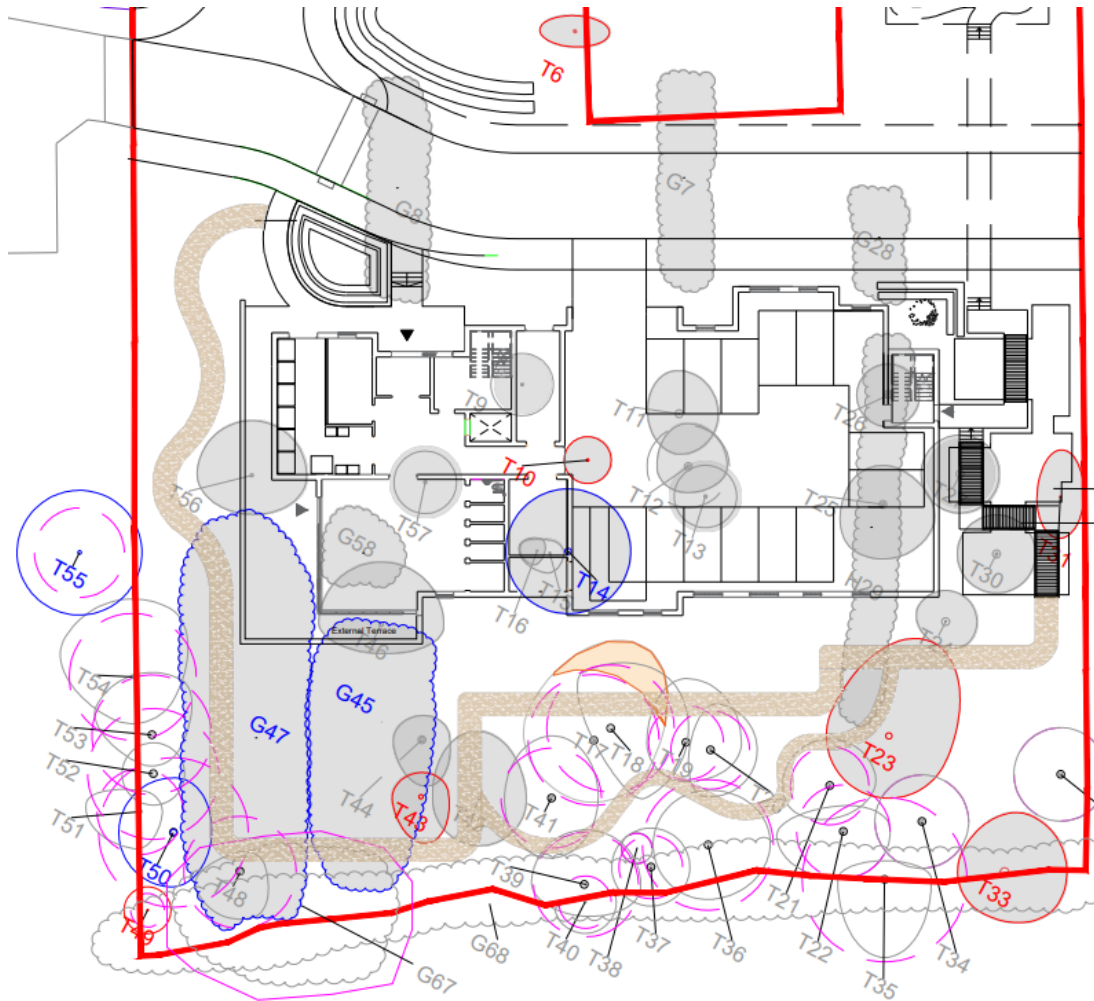


Figure 13 – 190835 approved landscape masterplan & tree protection plan (by 210829)










	BS5837 Root Protection Areas Precautionary areas within which tree roots and soil structure must be protected. All works within these areas will require special methods of work.		Category A Trees of high quality with an estimated remaining life expectancy of at least 40 years.		Category C Trees of low quality with an estimated remaining life expectancy of at least 10 years or young trees with a stem diameter below 150mm.
	Trees to be removed shown shaded		Category B Trees of moderate quality with an estimated remaining life expectancy of at least 20 years.		Category U Those in such a condition that the tree cannot realistically be retained as living trees in the context of the current land use for longer than 10 years.
	Trees to be pruned shown shaded				



Photo 1: view of the poplar tree T14, distant view of poplar tree T44 and Leyland cypress groups G45 and G47.



Photo 5: crown failure within cypress groups G45 and G47 likely resulting from storms in February 2022.

Figure 14 – Extract of the proposed layout and tree removals plan, with photographs from the Arboricultural Report showing TPO trees T14 (Category B2) and T44 (Category C2) proposed to be removed. The photographs also show the Category B2 groups of G45 and G45, which are also proposed to be removed.

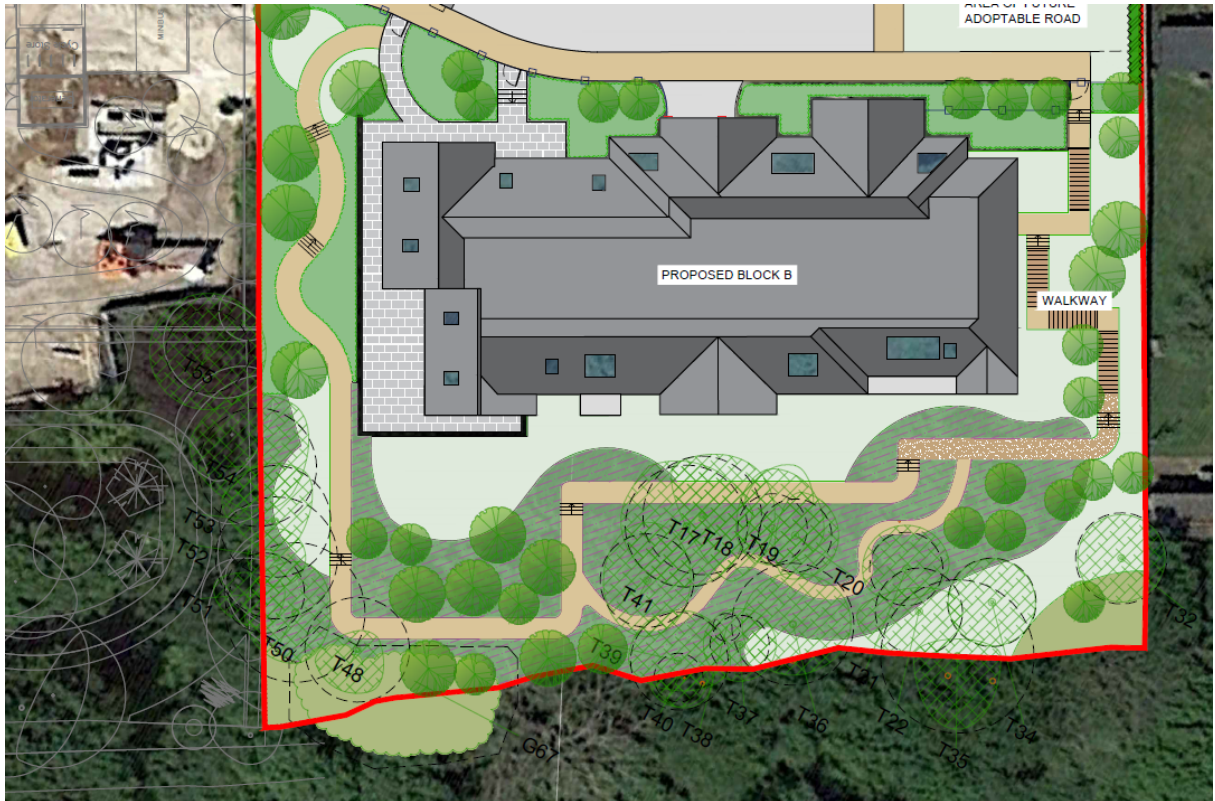


Figure 15 – Extract 1 of 2 - Landscape Masterplan Rev P, received 10/05/2023

LANDSCAPE KEY

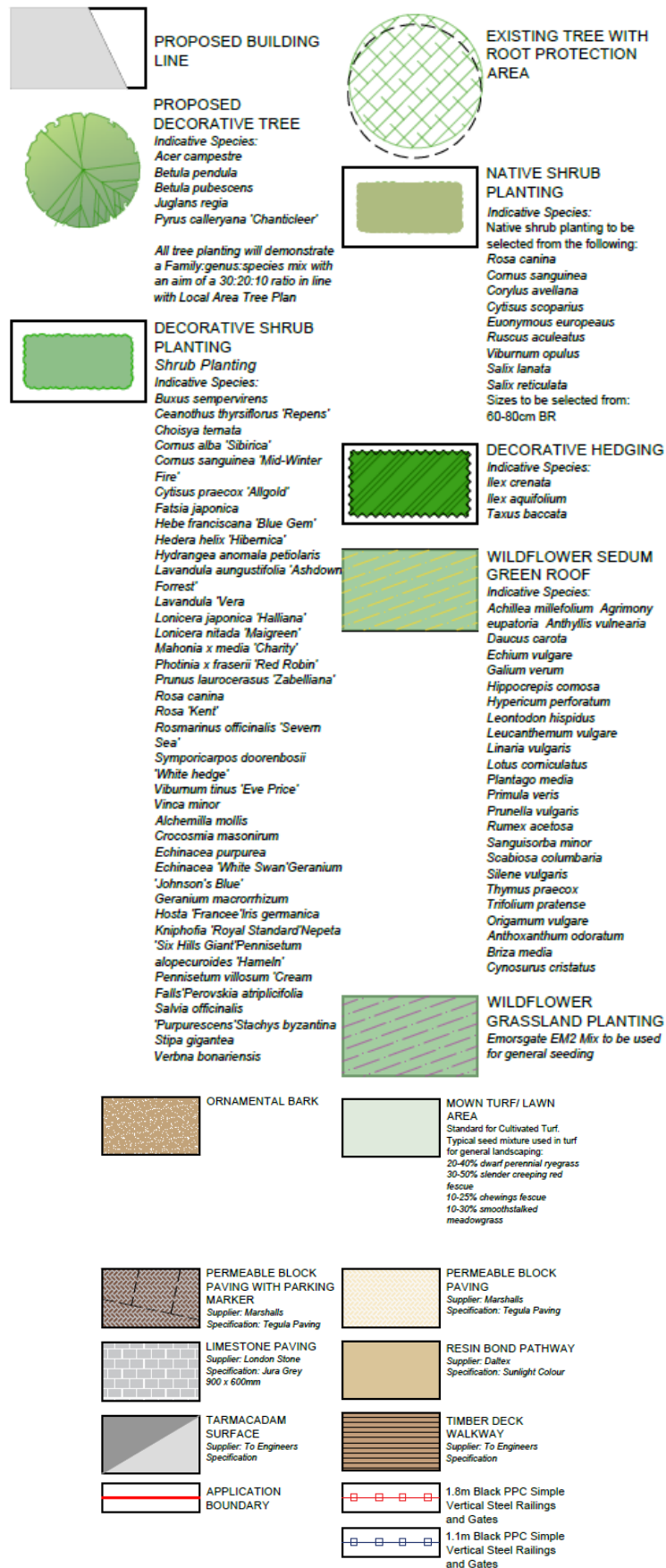


Figure 15 – Extract 2 – Key to Landscape Masterplan Rev P, received 10/05/2023

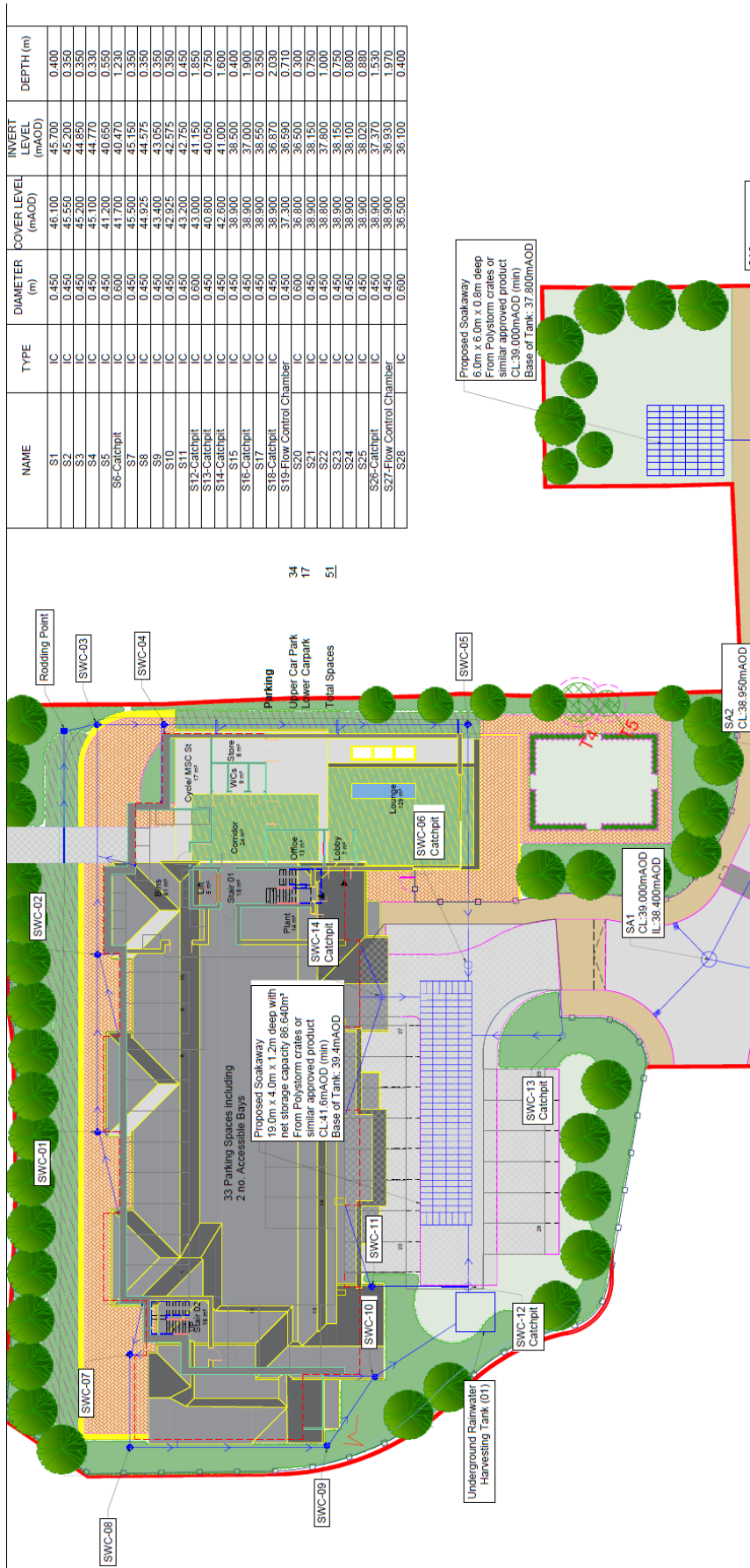


Figure 16 – Extract 1 of 2 - SuDS & Surface water drainage layout plan Block A



Figure 16 -Extract 2 of 2 - SuDS & Surface water drainage layout plan Block B

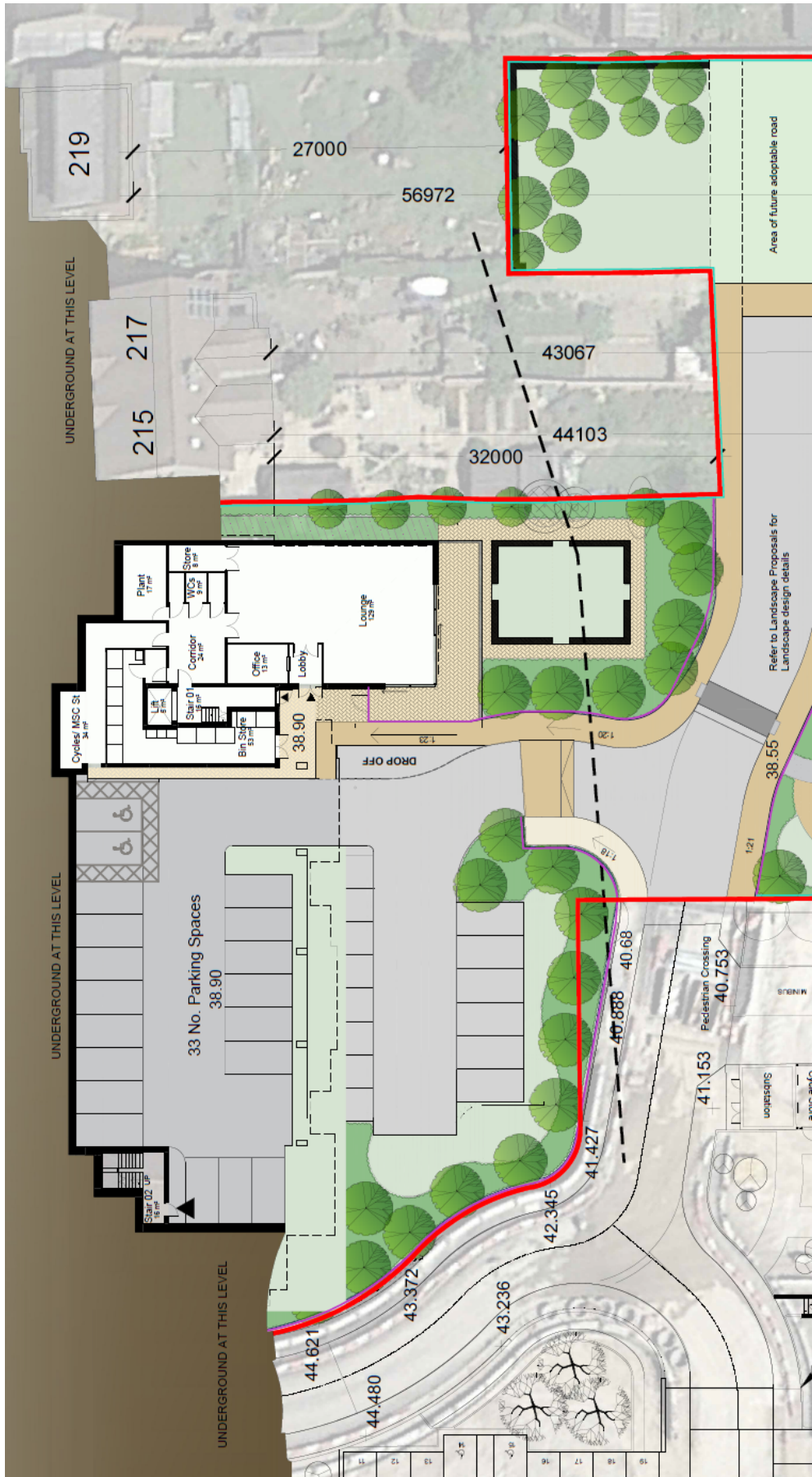


Figure 17 Extract 1 of 2 – The proposed site plan for Block A at car park level (Rev P17)



Figure 17 Extract 2 of 2 – The proposed site plan for Block B at car park level (Rev P17)

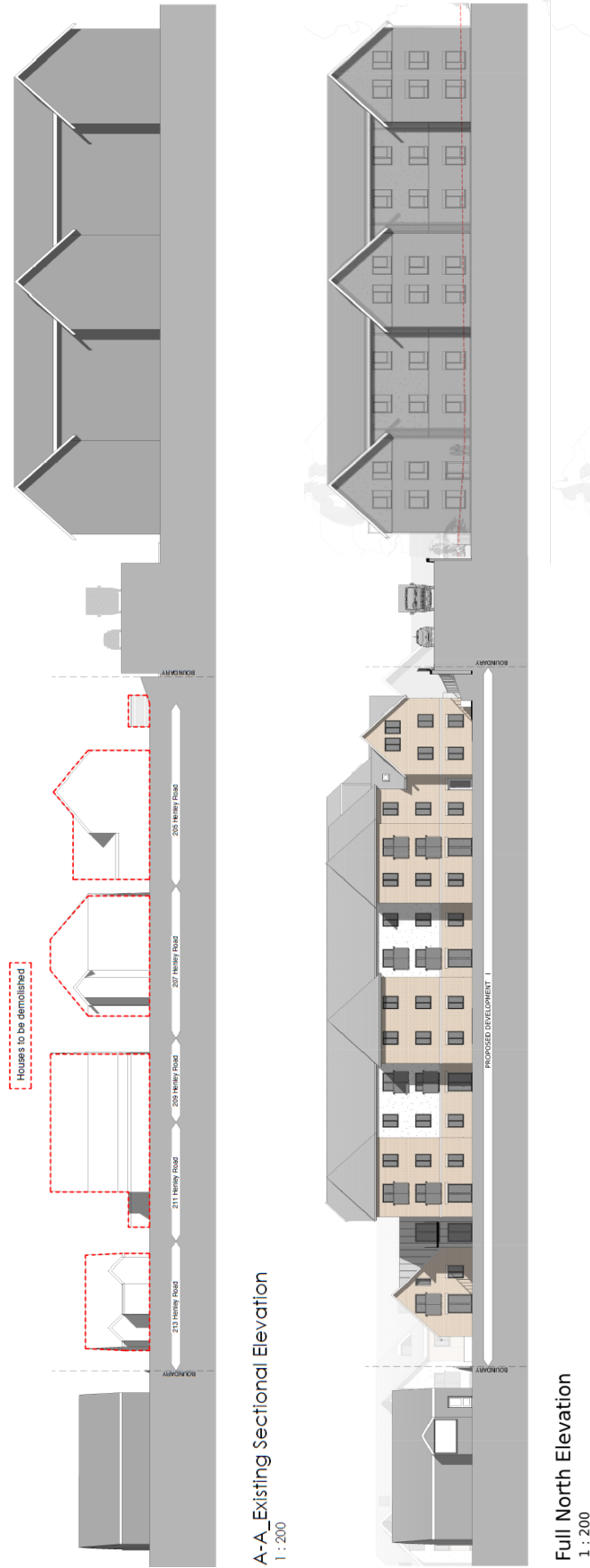


Figure 18 – Part 1/3 - Existing and proposed front elevations (no account of topography)

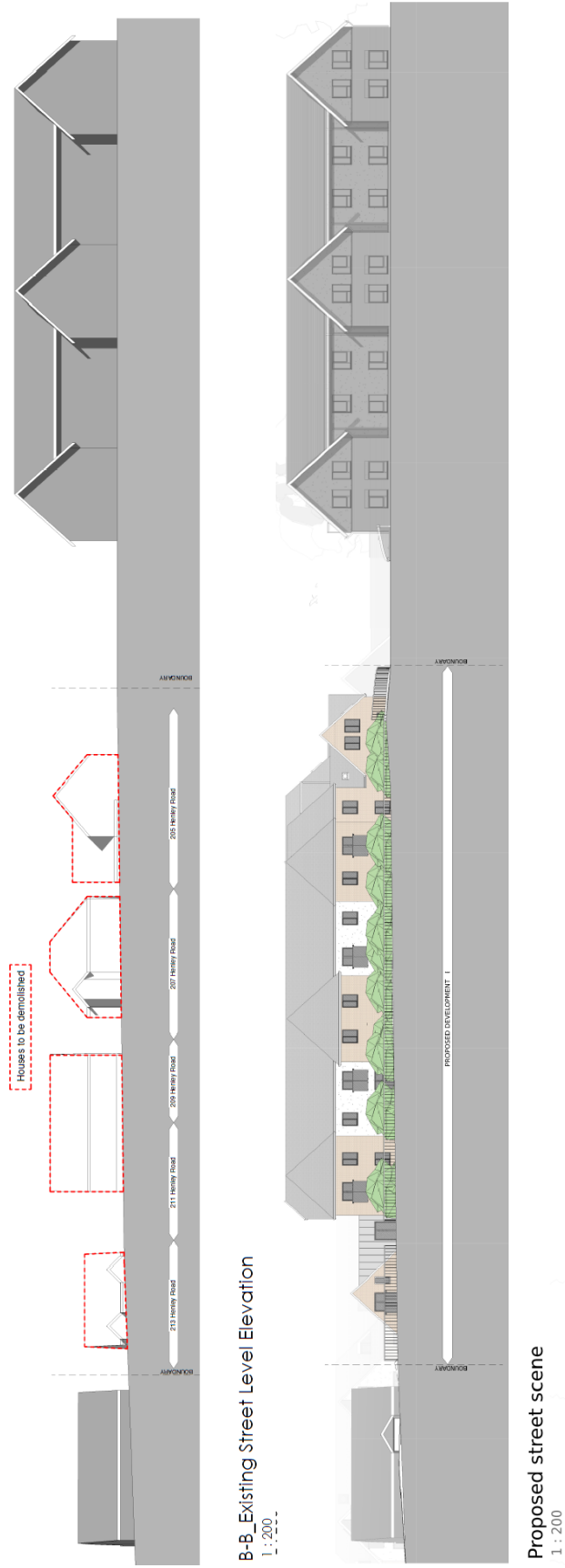


Figure 18 – Part 2/3 - Existing and proposed front full elevations and streetscenes (taking account of topography) within the context of neighbouring buildings

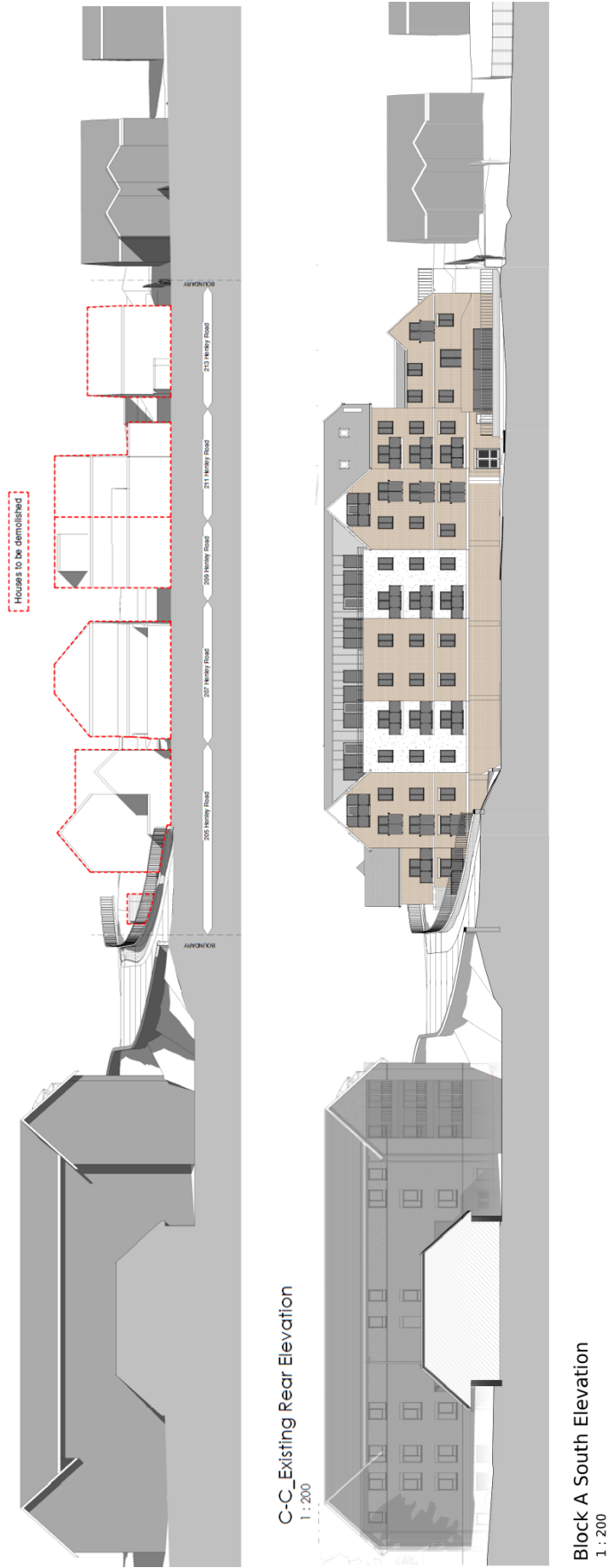
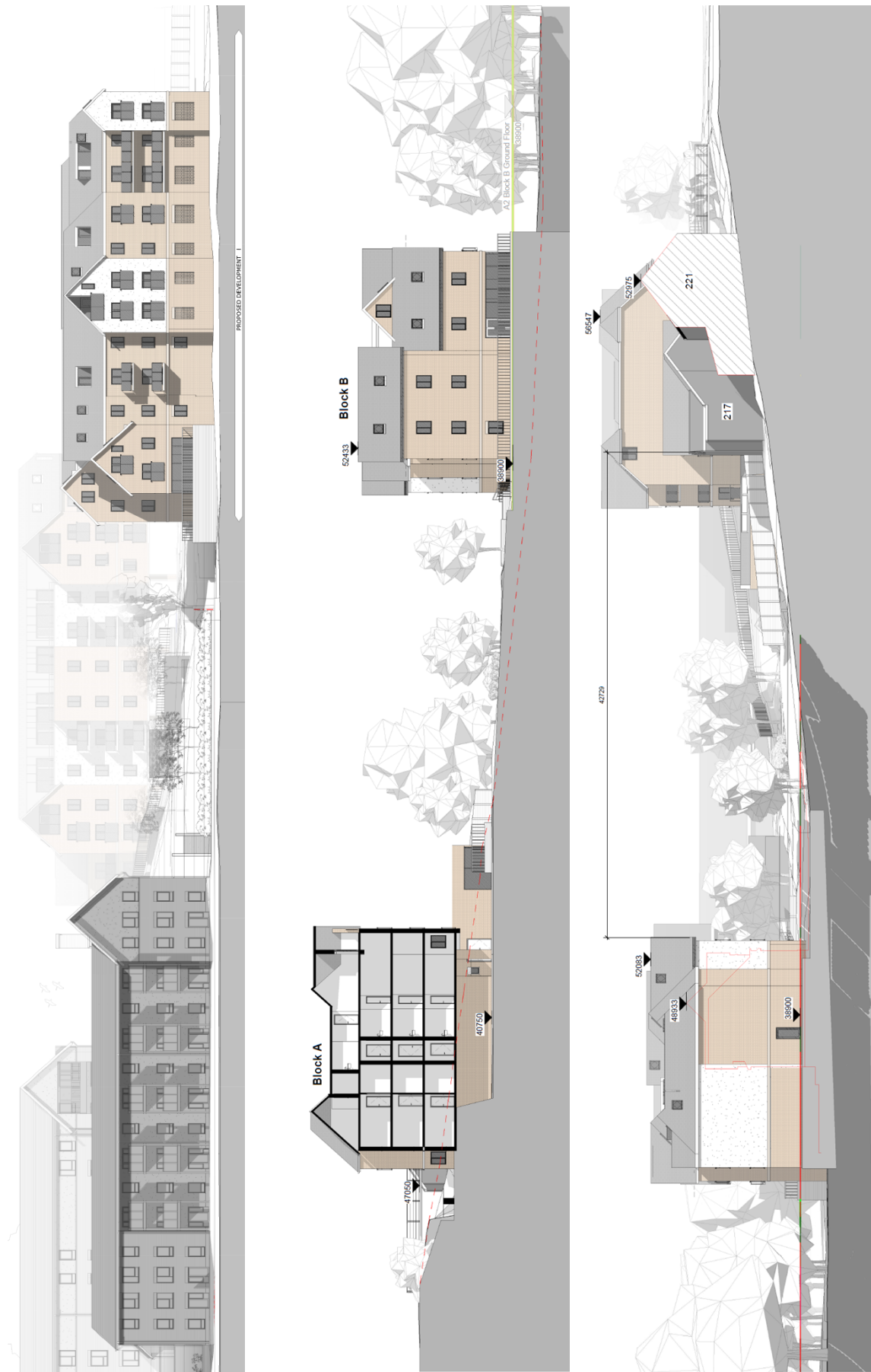


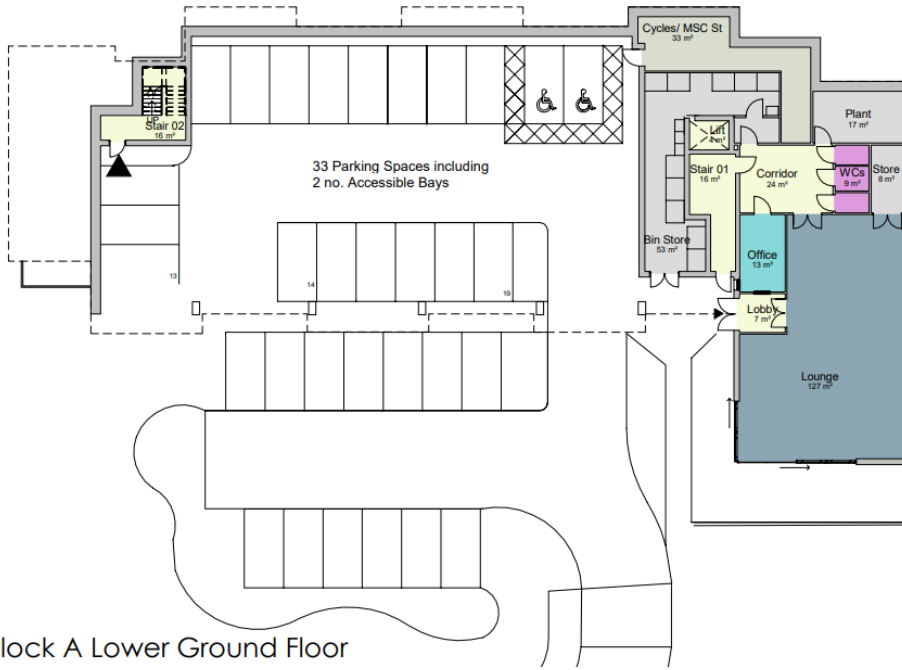
Figure 18 – Part 3/3 - Existing rear and proposed rear of Block A full elevations and streetscenes (taking account of topography) within the context of neighbouring buildings



Section E-E Location

— Outline of approved planning application profile

Left: Figure 19 – South elevation of Block B. Centre: Figure 20 – Site section north to south (also showing existing ground levels) Right: Figure 21 – North to south section looking west.



Block A Lower Ground Floor



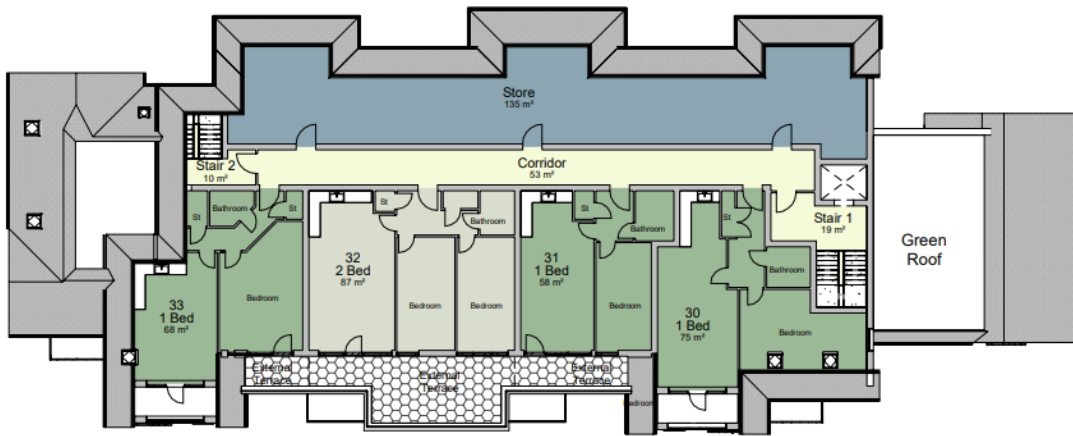
Block A Upper Ground



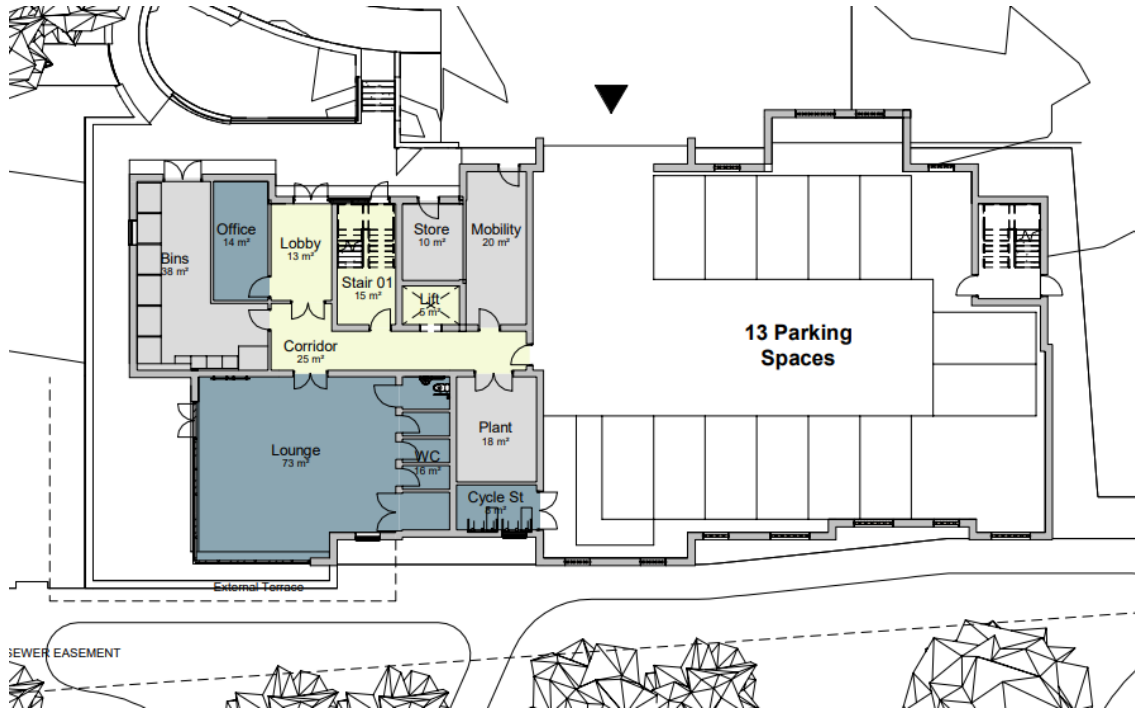
Block A First Floor Plan



Block A Second Floor Plan



Block A Third Floor Plan



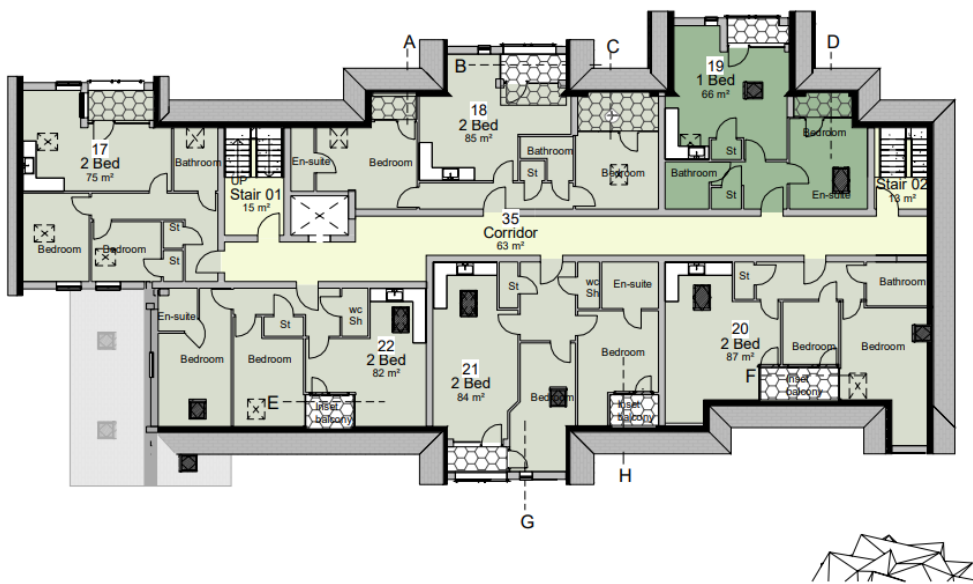
Block B Ground Floor Plan



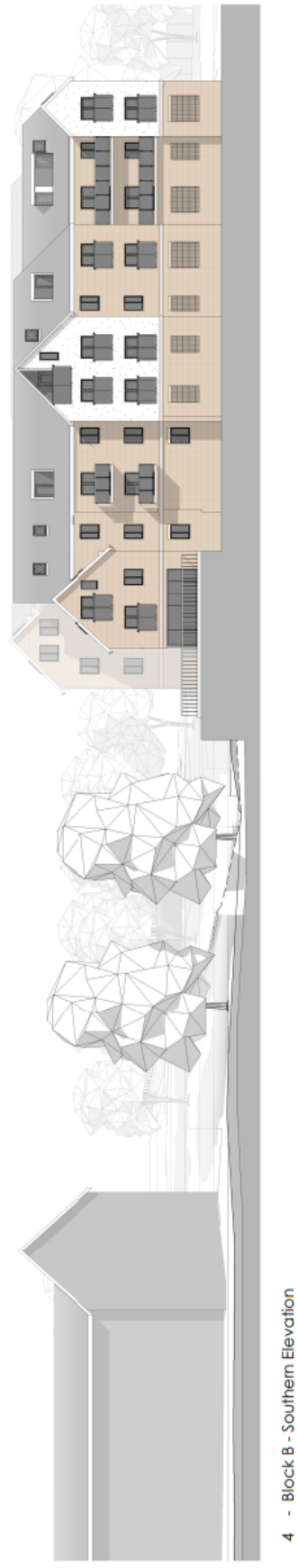
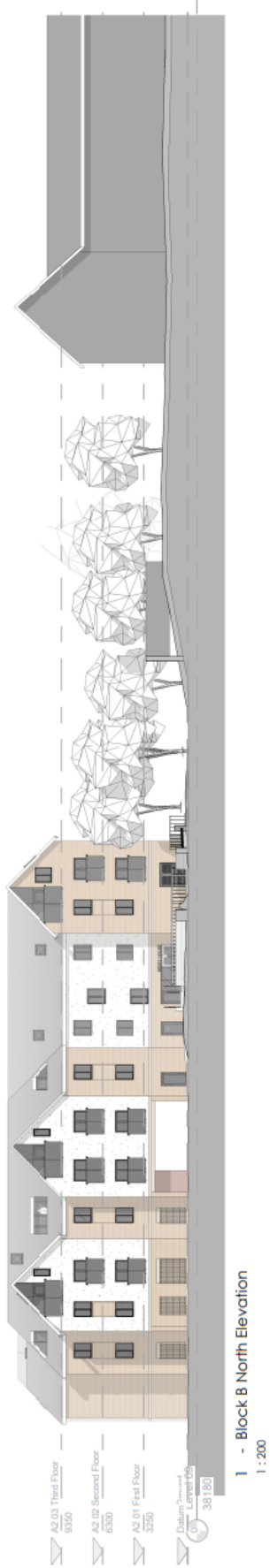
Block B First Floor Plan



A2 02 Second Floor



A2 03 Third Floor



Block B elevations – north (left) and south (right) showing the context of the Signature Care Home



Officer site photos from rear of No. 207 on 16/06/22



Officer site photos from rear of No. 207 on 23/03/23

Appendix 2 – Written responses provided by the applicant in relation to matters raised by members when the application was originally considered at Planning Applications Committee on 31st May 2023.

1) Visibility / clarity of some of the maps included in the report not being legible.

A2.1 We assume that Officers will address this in the update report. All of the reports are available on the portal and the Members can view them there in any case.

2) Concern about the loss of trees looking down towards Berry Brook – would have been beneficial to have seen further details from the Arboricultural report.

A2.2 As far as tree removal goes a large amount of the Berry Brook trees are remaining in place. As shown on the removals/ retentions drawing (220713-P-11) inside the site boundary there are 18No. Retained trees alongside 1No. established scrub grouping. This boundary is then being reinforced with 18no. new trees in an effort to gap fill and reinforce the boundary. All trees outside our application boundary remain untouched and as they currently appear (being outside of our control).

3) More information in relation to the canopy cover provided by the 47 trees proposed to be lost.

A2.3 As per the response above, this information is all part of the initial Arb survey (CtC220713-PD-11 – see Appendix 3) and is shown on the removals/ retentions drawing (220713-P-11) produced as part of this. We are not sure what additional information Members would like to see above and beyond this? Can we suggest that some of this information is replicated in the Officer Update report in order to exemplify the quantum and (lack of) quality of trees to be lost, as well as the replacement planting proposed.

4) More information in relation to the form and nature of the 90 proposed trees and how much they will contribute to canopy cover at the site.

A2.4 These details normally would all be provided via condition as a pre-start request. Indicative species have been provided. As a general note; of the species indicated there are no ‘manicured’ tree forms. We are unclear where the Cllr gets this assumption from. The current list adheres to the clauses of the current Local Authority planting list, density and variation. This list has been discussed and agreed with Officers through the determination period. It would seem unnecessary to provide anything further at this stage – a planning condition on landscape details is entirely appropriate given the extensive discussions that have been held to date.

5) How the proposed landscaping compares with that existing/approved at the Signature care home site?

A2.5 We are not clear exactly what is being asked for here? If unity across the schemes is required then this is usually addressed via the afore mentioned pre-start condition. The scheme has had due consideration of its neighbours, including the care scheme. At this stage the planting list is indicative and is subject to change when detailed work is put forward. There will not be any public access between the two schemes.

6) Flood mitigation – despite the SuDS information at 4.7 of the main agenda report and conditions 32&33, a better understanding as to how flooding would not occur at the site is required, in the context of so much hard landscaping and the proximity of the site to Berry Brook. Is the Brook going to constantly flood with all the overflow?

A2.6 The Officer report dealt with this matter, and the EA responded in July 2022 (see Appendix 4). The discharge rate leaving the site and entering the brook will be restricted to 1 l/s only, and the outlet will have a non return valve fitted, so there will be no back up of flow. It should also be noted that the top half of the site will be dealt with via soakaways, and the southern part of the site will have attenuation and restricted flow, therefore sufficient measures have been proposed to deal with any extreme storm event. These requirements can be secured by condition. We note there are no objections from the LLFA or EA and so we consider that with the use of appropriate planning conditions this matter is acceptably resolved.

7) Concern about the reptile relocation scheme being required in the first place in an untouched area where the proposals seek a lot of hard landscaping and structures.

A2.7 This approach has now been agreed with the Council's ecologist and is common practice, particularly in redeveloping brownfield sites. There seems to be a subjective judgment regarding the extent of hard landscaping – BNG and general biodiversity improvements have been dealt with and agreed with Officers and accords with your adopted policies.

8) Desire to find out from the developer why the position / design of the entire layout of the property exactly the way they did, and why it hasn't perhaps respected more of the overall canopy cover currently there.

A2.8 This application had been lodged for over a year and has been subject to a number of revisions as part of the iterative design process. The scheme has been laid out to ensure maximum number of quality trees are retained, whilst at the same time taking into account the wider site constraints – easements, distances to adjacent properties, access roads, access through the site to the adjacent parcel of land, major level constraints, orientation, parking requirements, raised floor levels from the FRA, relationships to Henley Road frontage and the adjoining care home and neighbours; and the level of impact/importance that each of these constraints has had upon the overall layout. As explained above and in the AIA, no high quality trees are lost, and this neglected garden area would be repurposed and put into productive use for future residents, alongside a high quality new landscaping scheme.

9) What does a development and infrastructure phasing plan (as agreed with Thames Water) mean in effect and why is the condition trigger point pre-occupation, rather than pre-commencement?

A2.9 This we understand, is a standard Thames Water requirement. The condition wording could potentially be amended to make it pre-commencement.

10) There is a feeling amongst residents that they have been a little hard changed in terms of what they were expecting and what they now have in front of them (paragraph 4.16.10 of the main agenda report).

A2.10 The appropriate public consultation has occurred. This appears to be a non planning matter. No further comment.

11) Why are there such wildly different figures in relation to the deficit in the scheme?

A2.11a The primary differences between the applicant's and council's viability assessment were in relation to assigning a separate value for car parking; cost efficiencies suggested by the council's quantity surveyor; and a reduced benchmark land value suggested by the council's consultant removing any landowner premium; and a reduced profit allowance from 18.5% to 17.5%. These are largely quite standard variations for viability negotiations, where the council's consultant aims to achieve best value assessments for the council.

A2.11b The single largest point of variation was the assigning of separate value to the car parking. The applicant's consultant does not necessarily agree this is an appropriate valuation approach as there is danger of 'double counting' value, given the dwellings are valued on the basis of comparable evidence which includes parking, but they have without prejudice adopted the council's consultant's figure in this regard.

A2.11c Overall, it is most appropriate to consider the most recent appraisal by BPS (14 March 2023) shown on p8 (Officer note: included below), as this table summarises the above points well. This represents the final position of the parties. The difference between the parties is a deficit of -£3.273m vs -£1.896m - a difference of £1.377m, which is comprised of the parking value, the profit reduction, and benchmark land value reduction through removal of landowner premium.

Input	S106M	BPS	Position
Private Sales Values	£22,680,000	£22,680,000	Agreed
Ground Rents	£nil	£nil	Agreed
Car Parking	£0	£690,000	Agreed
Build Costs including externals	£13,765,000	£13,109,583	Disagreed – We have not been provided with appropriate evidence for the increase in costs.
Contingency	5%	5%	Agreed
Professional Fees	10%	10%	Agreed
Marketing & Agent Fees	3%	3%	Agreed
Private Legal Fees	£0	£0	Agreed – We consider 3% outlined above sufficient to include marketing, agent and legal fees.
S106	£0	£0	Ambiguous – Subject to Council confirmation.
CIL	£768,076	£768,076	Ambiguous – Subject to Council confirmation.
Finance	7.00%	7.00%	Agreed
Profit (Private)	17.50%	17.50%	Agreed
Pre-construction	0 months	0 months	Agreed
Construction Period	24 months	24 months	Agreed
Sales Period	14 months with no off plan sales	9 months with 40% off plan sales	Disagreed – We consider an allowance should be made for off plan sales.
Benchmark Land Value	£3,375,000	£2,825,000	Ambiguous – We have not been provided with sufficient time to review this element.
Viability Position	-£3,273,000	-£1,896,138	Disagreed – Whilst we agree that the scheme is in deficit, we find the deficit to be lower than S106M's figure.

Extract of page 8 of the BPS independent assessment addendum report, as referenced at paragraph A2.11c above.

12) Following on from the above, a wider question about whether this is actually ever going to get developed, given such a huge deficit is predicted? Like to hear from the developer how they are going to bridge that gap.

A2.12a When we refer to deficit we are referencing a deficit against the targeted profit (rather than a loss), which the council's consultant has set at a target of 17.5% of Gross Development Value. This sits in the middle of the range outlined in national guidance (15-20%). Actual return in the council's consultant's appraisal would be c.11%, suggesting the scheme is commercially deliverable, generating a return and not a loss, if at a sub-target return. The deficit therefore refers to the difference between this 11% actual return and targeted 17.5% return (-6.5%).

A2.12b It should be highlighted to Members that a late review mechanism has been agreed such that any valuation uncertainty regarding sales values or build costs will be resolved by the applicant submitted actual achieved sales information and invoices for build costs at 75% completion of the development. If either sales have been underestimated or costs overestimated at the current date and a surplus is generated at that later date then a further contribution will be made by the development up to the full policy compliant amount - essentially an overage provision securing the council's interests.

13) Questions regarding the suitability of the site for its intended purpose, given the significant slope and number of steps proposed; whilst the proposals go to some lengths to try and make it accessible, over 65's will get older and as they get older they will get frailer.

A2.13 There is a recognised shortfall and need for older persons accommodation in the Borough. We note these comments but consider the scheme entirely appropriate in that regard. All required standards are met – and indeed there is a new care home immediately adjoining this site.

14) Disappointing that the developer was unable to identify which flats would be wheelchair accessible. Would like to know where those wheelchair accessible flats are now and that they are suitable and that they are ready for wheelchair users to use?

A2.14 We have updated the attached 'Policy H5 document' that we issued April 2022 which lists the wheelchair accessible apartments (see Appendix 5). This explains that Block A has direct and accessible links to Henley Road at Upper Ground Floor Level, and as such we have designed apartments 02, 05, 08, 10 to be fully compliant with m4(3). Within block B, due to the siting of the building and access, all the apartments have been designed to comply with m4(2) as m4(3) is not possible.

15) Provision of electric vehicle charging points

A2.15 As per new Building Regulations, which have come in during the determination of this application, we will now be providing 100% EV charging provision. This can be secured via planning condition (as it was included in the Officer report already).