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Planning Department
Wokingham Borough Council
Civic Offices
Shute End
Wokingham
Berkshire
RG40 1BN

FAO: [REDACTED]

Dear Sir/Madam,

Application under S73 and 96A to vary Planning Consent 220663 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)

at

Land South of Old Bath Road, Sonning, RG4 6GQ

Introduction

On behalf of our client, we submit applications for variation of the above referenced planning permission under S96A and S73 of the Planning Act 1990 as amended. The requested variation is to remove reference to **'suitable for older persons accommodation'** in the description of development, such that the dwellings within the proposal can be brought forward as non-age restricted C3 flats. In addition to the amendment to the description of development, minor amendments have been made to some of the plans listed in condition 2 of the permission. These are set out and discussed later in this letter.

The Section 73 application is accompanied by the following:

- CIL Form
- Planning Letter Statement
- Application Form
- Updated Site Plan
- Updated Site Sections
- Updated Block A & Block B Plans & Elevations
- Ecology Addendum

- Updated tree report (to account for layout plan changes)
- Transport technical note
- Addendum - FRA & drainage report.

For completeness, the Section 96A application is accompanied by all of the above documents as well. This is because the two applications (whilst submitted under separate procedures) are submitted in parallel given there is a clear and evident link between the two.

Planning History

The application site benefits from extant planning permission (LPA ref: 220663) granted on 12th May 2023 for the following:

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)

By virtue of condition 1 attached to the permission, this consent remains extant for a considerable period of time.

This followed an earlier outline planning permission granted on 29th July 2021 (LPA ref: 201833) also for 57 dwellings suitable for older persons accommodation, and subsequent reserved matters approval (ref: 213022) relating to the appearance of that permission.

The principle of this use class and quantum of development on the site is therefore long-established. As the Council are aware, there is an ongoing need for housing in order to meet the housing needs of the Borough. This is especially supported on a site of a brownfield nature located within settlement limits.

Pre-application Engagement

Prior to the submission of these applications, we have been in contact with [REDACTED], Team Manager, by email regarding the proposed amendment applications. It was confirmed in an email dated 8th May 2024 that:

I don't think removing reference to 'older persons accommodation' would materially affect the operative part of the planning permission (220663) as the scheme would still be C3 private accommodation. Moreover, there is no defined exceptional need for over 60s private accommodation within the Borough, other than our HLS shortfall. Hence, the proposal would fall in line with Finney and the recent *Armstrong v Secretary of State for Levelling-Up, Housing and Communities & Anor* [2023] EWHC 142 case: <https://www.glovers.co.uk/news-articles699.html>

A s96A application could secure the revised description omitting reference to 'older persons accommodation' but would need to be considered at the same time as a s73 application, otherwise the s96A would conflict with the associated s106. At the same time, a s73 app could seek to amend approved plans under Condition 2 plus a Deed of Variation (DoV) of the s106, to remove reference to occupations of units only by those over 60 years of age, could be agreed.

The above advice has informed the submission of these applications (in parallel).

S96A Application

The S96A application seeks to make the following amendment to the wording of the description of development:

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)

As advised by [REDACTED], this would not affect the operative part of the description of development, which forms the development of 57 (C3 use) dwellings. Furthermore, the planning committee report on the application originally stated:

The principle of delivery of private C3 units on this existing 'within settlement' housing site is acceptable in principle in planning terms.

The effect of removing the age-restriction from the description of development also has a modest impact upon other aspects of the development, such as the parking provision. These changes are reflected in the amended plans submitted under the S73 application.

S73 Application

The S73 application seeks to vary the following condition 2 of planning permission 220663. A copy of the condition in both the existing and proposed form is detailed below:

Original:

This permission is in respect of the submitted application plans, drawings and reports numbered:

Location Plan 8399-BOW-A0-ZZ-DR-A-1000 P1

Site Sections sheet 2 - 8399-BOW-A1-ZZ-DR-3002 Rev P4

Site Sections sheet 1 - 8399-BOW-A1-ZZ-DR-A-3001 RevP4

as received by the local planning authority on 02 March 2022; and

Proposed Site Plan 8399-BOW-A0-ZZ-DR-A-0002 P5

as received by the local planning authority on 26 August 2022

Block A – Proposed Plans and Elevations 8399-BOW-A1-ZZ-DR-A-2001 Rev: P13

Block B - Proposed Plans and Elevations 8399-BOW-A2-ZZ-DR-A-2002 Rev: P14

Block C – Proposed Plans and Elevations 8399-BOW-A3-ZZ-DR- A-2003 Rev: P14

as received by the local planning authority on 27 October 2022

The development shall be carried out in accordance with the approved details unless other minor variations are agreed in writing after the date of this permission and before implementation with the Local Planning Authority.

Proposed:

This permission is in respect of the submitted application plans, drawings and reports numbered:

Location Plan 8399-BOW-A0-ZZ-DR-A-1000 P1

Site Sections sheet 2 - 8399-BOW-A1-ZZ-DR-3002 Rev P5

Site Sections sheet 1 - 8399-BOW-A1-ZZ-DR-A-3001 Rev P5

Proposed Site Plan 8399-BOW-A0-ZZ-DR-A-0002 P6

**Block A – Proposed Plans and Elevations 8399-BOW-A1-ZZ-DR-A-2001
Rev: P14**

**Block B - Proposed Plans and Elevations 8399-BOW-A2-ZZ-DR-A-2002
Rev: P15**

**Block C – Proposed Plans and Elevations 8399-BOW-A3-ZZ-DR- A-2003
Rev: P14**

The development shall be carried out in accordance with the approved details unless other minor variations are agreed in writing after the date of this permission and before implementation with the Local Planning Authority.

It is anticipated that the planning conditions would remain the same with the exception of the changes to condition 2 detailed above that can remain as previously agreed.

In relation to the principle of development and need, the proposal remains for the same number of C3 use dwellings as previously approved and will continue to offer a valuable contribution towards the defined housing needs in the Borough in a settlement location. As confirmed in the officer's comments, the removal of reference to older persons accommodation from the description of development will not materially affect the operative part of the permission. Further it will not temper the significant benefits to be attached to the provision of housing. The principle of development therefore remains acceptable. Further, the proposed dwelling mix remains as per previous approval without amendment.

No changes are proposed to the built form elements of the scheme and therefore the scheme's relationship to neighbouring residential amenities and in respect of internal living accommodation are unaffected. The previously proposed small internal communal areas within the buildings will remain proposed but will be used for different purposes and are subject to minor internal durations so to include incidental facilities such as a post room, bin stores and small communal gyms. The external elevations relating to all 3 blocks remain unchanged but the internal room layout at ground floor level in blocks A & B are subject to these modest amendments. Consequently, the submission is supported by updated plans relating to block A and B accordingly. Further, technical matters relating to sustainable design and archaeology can be conditioned as per the extant approval.

The design of the scheme remains as previously proposed and its appearance, bulk and massing continue to enable the appropriate transition between the three storey care home to the east and the detached dwellings to the west. The scheme continues to comply with Policy TB06.

An updated tree survey and associated plans have been prepared. Where the scheme makes alterations to parking areas, no mature trees are proposed for removal and modest encroachments into root protection areas are mitigated through the use of well established no dig cellular confinement systems. All three blocks continue to benefit from significant areas of communal amenity space and most dwellings consistent with the previous approval also benefit from balconies. The scheme continues to comply with Policies CCO3 and CP3.

A supporting ecology statement has been prepared by Crossman Associates. The supporting note confirms that the changes to the age restriction and number of car parking spaces proposed will not materially change the ecological strategy on the site

in any way. Subject to the application of the same planning conditions, the scheme complies with Policies TB23 and CP7.

An updated drainage strategy has been prepared and continues to identify the site as within flood zone 1 and proposes a surface water drainage design that includes a 100 year return period and one that allows for a 40% allowance for climate change. The scheme continues to be in accordance with Policy CC10.

The supporting highway letter identifies that the Council's parking demand calculator has been utilised to inform the level of parking requires and confirms the updated proposals to be policy compliant relating to a change of tenure through the proposals and accounting for the layout of the parking spaces demonstrated on the Site Plan. Accordingly, the scheme complies with Policies CC07 and CP6.

A deed of variation to the previously signed Section 106 agreement can include the removal of the fourth schedule relating to the age restriction. In relation to viability, the previous scheme was subject to an agreement whereby an initial affordable housing contribution would be paid to the Council prior to any occupation of a dwelling within the development. Further, a mid development viability review would be undertaken and subject to the outcome of that review (to be undertaken consistent with the London mayoral formula) an additional affordable housing contribution would be paid to the Council. It is proposed that the same affordable housing mechanism as set out within the First Schedule of the Section 106 agreement is applied to this Section 73 proposal.

In conclusion, the proposal remains policy compliant and can be supported as one consistent with the development plan and continues to offer substantial planning benefits in particular through the provision of housing and a proposal that offers a high quality design.

Summary

The two applications as submitted in parallel are consistent with case law relating to the scope of Section 73 allowing for more than only minor material amendments. The applications by being submitted in parallel offers the ability for a cohesive development to come forward that achieves the objectives outlined in relation to removing reference to older persons accommodation.

We trust that these applications are acceptable as previously discussed and would appreciate their approval at the Council's earliest convenience. However, should any concerns or queries occur during the process we formally request that we are informed prior to any determination.

Should you have any queries, please contact me on the details below.

Yours sincerely

Woolf Bond Planning

Thomas Rumble BSc (Hons) MSc MRTPI
For Woolf Bond Planning Ltd.
Encs.