

Transcript of public meeting

2nd September 2024

Clifton Hampden Village Hall

On the 27th August the Parish Council issued a public notice of a public meeting on the 2nd September, the purpose of which was to hear the responses from the key NDO SG members to seven concerns regarding the proposed NDO.

Below is a transcript of the questions posed by the Parish Council and the responses to those questions by the key NDO SG members.

The seven concerns Q&A

Question 1. We believe that as presently constituted, the NDO does not comply with SODC Local Plan policies concerning affordable housing. What steps do the SG believe they can make to address this issue?

Responses

Christopher Purvis: You are right: the NDO does not comply fully with SODC's policy concerning Affordable Housing. However, it is in line with the National Planning Policy Framework, which allows variation in specific cases.

This is one such specific case. To comply with this policy would require a significant increase in the number and size of dwellings in order to make the scheme financially viable. The delivery of smaller units is a key part of the proposal; hence the dwellings on the allotment site are all relatively small in size and scale.

We have modelled two 'compliant' options, as set out for you in our Options document:

- a. Reduce the total number of new houses to 9, avoiding the need for affordable housing, with corresponding removal of financial grants to the school and recreation ground facilities. This option results in a loss to the developer of £0.75m.
- b. Increase the total number of houses to 22 which would meet the affordable housing policy requirement, some additional parking as requested by the parish council, all other benefits unchanged. This scheme breaks even, but it would not meet your requirement to reduce the impact on the Green Belt. On the contrary, space would have to be found for 5 additional houses and 30 new car parking spaces

We have not modelled an option to convert two market houses to affordable housing; but I can tell you that this would result in a loss of approximately £500K.

So there is a trade off here – the benefits to our own community and minimising impact of the Green Belt traded off against a full affordable housing complement. It is for the Examiner to decide if the trade off which we are proposing is compliant with the basic conditions.

The benefits to the village of the NDO that has been submitted are very significant. Affordable Housing is beneficial to society as a whole. We have argued that the special circumstances of the benefits to the village are more than sufficient to outweigh the lack of a full complement of social housing. It is notable that our current parish council, which is meant to represent the people of this parish, is arguing against the provision of benefits for this parish in favour of those for society as a whole.

It is relevant that SODC have just granted planning permission for 47 new houses in Long Wittenham - with no Affordable Housing. This was justified on the grounds that the scheme will deliver a new community hub and a new school.

Question 2. We note the changes proposed since the NDO was submitted last year regarding the freehold for the proposed new doctors' surgery. As set out in the published NDO document, it was initially intended that the surgery freehold would be in community ownership thus ensuring the community would have the final say on any future usage of the surgery building if the surgery operation were to cease, for whatever reason. Under the new proposals, the surgery freehold will now remain with the developer. The PC believes that this change puts into serious doubt the 'Very Special Circumstances' that would have pertained had the freehold stayed in the community. Can you explain your present position on this issue?

Furthermore, under the amended proposal relating to the surgery, the developer is proposing a rent subsidy that over 18 years will amount to £900,000. This represents a substantial risk to the scheme. To what extent can the developer mitigate the risk?

Responses

Chris Brotherton: The Viability Assessment submitted with the NDO assumed that the GP partnership would own the long lease on the building, and that the NHS would pay full market rent, i.e. that the surgery was cost neutral to the scheme. Under these conditions, it was reasonable for the community to take ownership of the Freehold as the development partner would have no need for a long term interest.

This changed when the NHS offered a significantly reduced rent and the surgery no longer wished to purchase a long lease, opting for an 18 year rental agreement – we have already explained the financial implications of this. This change required a change in the Freehold arrangements. We, Thomas Homes, were happy to subsidise the rent for a surgery; but through the new arrangement we had some possibility of recovering some of our investment in the unlikely event that the surgery fails at some point in the distant future – which we all hope will not happen!

In this discourse and in the numerous meetings of the working group, the debate has centred on the Freehold, which has a relatively small value, and not the Leasehold where the substantial asset value lies. It was never the intention, stated or otherwise, that the community would own

the Leasehold interest. In the submitted NDO, the GP partnership would purchase the Long Leasehold interest, typically 125 years. Under the new arrangements, the Freehold will be retained by the Developer.

On 30 July, the practice manager wrote to me.

“I am disappointed to hear things with the Neighbourhood Development Order have slowed and could be at risk of being withdrawn. If the NDO is withdrawn, this would have a huge impact on the likely future of a surgery in Clifton Hampden village. We have less than 7 years on our existing lease in the current surgery building, but it is unlikely we will practically be able to renew the lease in this building as it is not fit for purpose. With expanding patient numbers expected due to an increase in housing in the area, the lack of consulting room space, car parking, and general facilities to name just a few of the reasons we require a new building in order to continue having a practice in the village. The prospect of a new building has been a good talking point for GP's who are about to join our practice with a view to taking on partnership in the long term with a new, purpose built building. In my opinion, if a new surgery is not built, the current surgery will close at the end of it's existing lease period”

Marc Juffkins has spoken in the past about risk. There is a balance of risk here: the surgery moving into a new building but with a risk, however unlikely, of the practice failing at some point in the distant future and the use of the building changed to some other form of community benefit on commercial terms, versus the almost certain outcome of the surgery closing its doors in less than seven years. We are simply at a loss as to why the Parish Council would consider a course of action that would lead to the certain loss of the surgery.

My firm Thomas Homes was invited to help develop plans for this NDO five years ago. We have been happy to invest considerable time and money. The scheme is a very important one for us. We have a record of carrying out some schemes with considerable social impact; Clifton Hampden is one of them. We are therefore happy to be working on a scheme which yields us no profit. But in the event that the surgery fails we do wish to claw back some of our investment.

We do not accept your position that the new arrangements invalidate the very special circumstances. This is a commercial matter, not a planning issue. It is now for the Examiner to decide whether, in planning terms, the very special circumstances exist and whether the basic conditions are met.

Marc Juffkins: Regarding the freehold of the land and the subsequent leasehold of the surgery building. The reason it could be important for the community to own the freehold. Whilst the freehold commercial value may not be valuable, it does allow the Community then to have some control over what happens with that surgery. It does allow the lease to have covenants that can allow the community to retain control what happens with the building.

Chris Brotherton: That's a question you should ask the examiner if it is reasonable to be imposing that because conditions in a lease, if the surgery has a long lease, they will not have the funds to do that and will need to borrow against it, and then lenders will not lend [because of the covenants imposed restricting the doing certain things]. It is a planning issue. You should

ask the examiner if it is fair to implement something like that, which could be imposed through a Section 106 agreement.

Marc Juffkins: And that might impact your value [of the surgery building]

Chris Brotherton: Possibly. It doesn't matter if they are covenants in the leasehold or in the S106, they are challengeable, they have to be reasonable. If they are not reasonable you can challenge them through the land tribunal or challenge them through the planning system.

Marc Juffkins: But these benefits have to last into perpetuity, there isn't comfort that this very special circumstance around the surgery will last in perpetuity. For example if the surgery went bust and you had the building to dispose of, you could flatten that building and build houses?

Chris Brotherton: You have got to remember that the NHS are taking a lease for a certain period so even if the surgery goes bust, the NHS are underwriting that lease. So they would have control of that building for 18 years, and beyond because...

Marc Juffkins: But the lease is with the surgery partners, there is a reimbursement from the NHS to the surgery partners, so the liability is not with the NHS.

Chris Brotherton: They [NHS] are on the hook for 18 years.

Marc Juffkins: So they [NHS] are party to the lease agreement?

Chris Brotherton: As far as I understand. You have to understand that in leasehold property law at the end of the 18 years you can just say to the lessee, they have the right to renew the lease after 18 years. They are certain circumstances where the lessor can get the building back.

Marc Juffkins: Thank you

Suz Neave: And it's good to hear that they are getting partners on board because they have been a concern only having one partner and him retiring in, I guess, a few years time that, that guarantee that there will be a practice that will want to move in once the building is built is a concern but that is also a risk that you are taking as well that there might not be a practice that will move into the surgery?

Chris Brotherton: [could not hear short response about the lease]

Suz Neave: So will that lease agreement be in place before you break ground [ie put a spade in the ground] or?

Chris Brotherton: Yes, you wouldn't build something before you have an agreement in place.

Nick Fielding: Are you saying you would have a lease with the practice partner?

Chris Brotherton: You would have an Agreement to Lease.

Nick Fielding: With the practice partner

Chris Brotherton: Yes

Nick Fielding: and if he doesn't recruit any more partners in two or three years time, what is the circumstance then?

Chris Brotherton: It is with the practice.

Nick Fielding: There wouldn't be a practice, the practice would close.

Chris Brotherton: There would be personal guarantees, so they wouldn't [close], they would keep going. And the rate is underwritten by the NHS.

Nick Fielding: There wouldn't be a doctor [surgery partner] would there?

Chris Brotherton: [could not hear short response] The point about the new building is a talking point with new doctors about to join the practice.

Nick Fielding: This is about risk, there is a genuine risk isn't there?

Chris Brotherton: I don't think there is a big risk. If you have a building that is a brand new GP practice, most GPs are in pretty poor buildings. We had a meeting with a local practice in Marcham Road that they would be interested because it has potential. And so I think it is really positive, I wouldn't look at it as a risk, it is an opportunity.

Question 3. The public consultations highlighted the inadequate parking provisions of the proposed NDO. As a result, the PC asked the interested parties to reconsider the arrangements and come up with a more suitable plan. What is the current state of affairs on this question?

Responses

Christopher Purvis: The NDO provides more parking than is required on a Statutory Basis and it increases the amount of parking available in the village at present. It is therefore an improvement. During the consultation period we gave careful consideration to providing many more parking spaces than we finally put into the NDO; but we believed that on balance the village did not want to be swamped with more tarmac. It is therefore a compromise, a compromise reached after much discussion. To add more spaces would be a further adverse impact on Green Belt which we do not believe the parish wants; and it would cost more which means that other benefits would have to be cut.

We therefore believe that we have the right amount of parking.

Marc Juffkins: There is a debate about whether there's more parking in the centre of the village, and certainly from a village hall perspective there is less. We have evidence that 23 cars were parked there and there [pointing to the village hall car park and the bus parking in front of the village hall]. And in terms of the surgery, there's [currently] 20 parking spaces, against 22 for the surgery, and the surgery is going to be twice as big eventually [by patient numbers]. So it just causes a concentration of parking issues right in the centre of the village.

Obviously we're all considerate of Greenbelt and the destruction of Greenbelt, but equally there's a balance to be had by the chaos that might be caused in time because of the inadequate parking where it is needed.

That is feedback from the village hall and some of the evidence we have looked at in terms of the surgery.

Christopher Purvis: You haven't mentioned the parking at the cemetery.

Marc Juffkins: We haven't, and the school has said they're happy for parents who use that, whether they would or not, because obviously water finds its own way, there's probably going to be competition for that open parking there [pointing to where the new surgery building parking would be]. So it needs to be quite tightly controlled. It does seem to be, there's a very big risk of parking chaos and just general traffic chaos because of it [the NDO proposed parking provision].

Christopher Purvis: I have got nothing more to add.

Question 4. Several public consultations strongly indicated that there is no demand for the three very large houses proposed for the Paddock sites. We have asked the interested parties to reconsider the need for these houses and to come up with an alternative. What is the present situation?

Further to this, we understand that the developer believes that the NDO might be un-viable without these three very large, expensive houses. One solution to the viability problem would be for the landowner to reduce the land price. What does the viability equation look like if the land is valued at current value, without an uplift, given that this is a community project and not a profit-driven developer initiative?

Responses

Christopher Purvis: As you well know from past discussions the financial plans in the submission demonstrate that the larger houses are needed to make the plan financially viable. Reducing the land value in order to remove the three large units creates a non viable scheme.

As to the price, the scheme provides for a relatively modest increase in land value from current value, and there has never been any suggestion that the Estate should provide the land at below market value.

We have been advised that if sold today there would be a significant uplift to agricultural prices because developers would be willing to speculate on the likelihood of obtaining planning permission, particularly given the new Labour Government's policy position to loosen Green Belt protections.

Marc Juffkins: Well, the Labour proposition is about Grey Belt, isn't it? I don't see that Clifton Hampden could be ever considered grey belt.

Christopher Purvis:

We have modelled options that address these questions as follows:

- a) Removing the Paddock Site housing, but retaining the new burial ground (which we believe to be an imperative), results in a loss of £1.9m.

- b) If you do the same - remove the Paddock Site housing, but retain the new burial ground - but with the price paid to the landowner reduced to zero, i.e. gifted, there would still be a loss of £0.93m.

The viability paper which is on the website demonstrates that the pricing is generous to the village.

Therefore in conclusion the three houses on the paddock are an essential element of the whole plan and its provision of benefits for the village; and the land price being paid to the landowner is reasonable.

Nick Fielding: Can you explain why you sold a parcel of land adjacent to paddock for a price substantially below that which you are selling for this development?

Christopher Puvis: Because, as you know, we put that on the market when we were informed that that piece of land would never be considered for development and therefore it would have no development value in it. And that is why we sold it at that price.

Nick Fielding: And who informed you that was the case?

Christopher Purvis: The Parish Council did.

Nick Fielding: It is not our decision is it?

Giles Baxter: I was a member of the group that was involved in the Site Selection process, the outcome of the site selection process and for Greenbelt there were only two sites that had a possibility of development and that is the Paddock Site and the Allotment Site. All other sites in the Parish including that particular site were discounted on the advice of the district council. So in other words the District Council opined they would never support having an application on that site, ergo it was not valued as a site for development.

Suz Neave: When you bought the land, you bought it after it had been discounted?

Giles Baxter: [Unable to hear response]

Christopher Purvis: And also, we had already made the decision in 2018 to dispose of all the Gibbs properties. So that process of finding buyers had already started.

Question 5. The housing development is targeted at community needs. What assurances are in place to offer the community the best chance of benefit from this housing stock to meet their own needs, before launching on the open market?

Responses

Chris Brotherton: We have explained this many times and do not understand why the question is being asked again. People with addresses in the parish will have first option on properties but there will be no discount to the sale price.

Christine McCulloch: Is that in perpetuity now? A lot of villages now want to ensure there are lower priced houses available for their people in perpetuity.

Chris Brotherton: No, what we will do is, before the properties are launched on the general market we will, for a period of time, a number of months, to be agreed that people in the community will have a chance to buy those properties at market value. And then they can do whatever they want with them.

Marc Juffkins: Is there any intention to prevent these properties being sold as 2nd homes or buy-to-let?

Chris Brotherton: [Unclear what was said]..the problem is you don't know people's circumstances, people might buy a house and say they are going to live in it but they then rent it out.

Marc Juffkins: That has happened elsewhere hasn't it? Preventing people buying as 2nd homes.

Chris Brotherton: It is not legally enforceable, unless it is brought in by the council, so places like St Ives have those policies. If we did something it couldn't be legally enforceable.

Question 6. Our assessment is that the scope of the submitted flood risk assessments in the NDO does not adequately consider the potential impact on housing in Clifton Hampden. We are seeking assurances that recent flooding/sewage concerns in Clifton Hampden will not be exacerbated by the proposed NDO development. What is your response to this question?

Responses

Christopher Purvis: The Flood Risk Assessment has been provided by an expert in flood risk assessments. The SUDS design document demonstrates how surface water is directed away from the village to the west, attenuated to agricultural levels using 'leaky hose' principles. There have been no objections from OCC, the relevant statutory consultee, to this assessment. Both experts conclude there is no flood risk from the proposed housing.

Christine McCulloch: The slope of this land is towards Watery Lane, not towards the west until you get to the far end of this field so it is very difficult to say how you could get the drainage to the opposite direction to the slope of the land.

It is very easy to do, but our engineers are one of the largest engineering companies in the world and they have designed the scheme in some detail and the Oxfordshire County Council are very happy with development proposals and they are standard details that we do on other developments.

Suz Neave: So you are happy to give the community a very strong guarantee there will be no [issue]?

Chris Brotherton: It is not going to exacerbate the issue, it will improve the situation. It will take water away from the area. At the moment any water where the houses will be, goes into the ground there but we will be taking it away.

Suz Neave: So it looks like it actually goes into that natural depression between Giles' land and, I guess, by the cemetery. There is not a culvert that goes under the road...

Chris Brotherton: Yes there is

Suz Neave: So there is a culvert that goes under the road, is it blocked because in this year's floods that was under water in that area?

Chris Brotherton: It goes under the road [unable to hear the full answer]

Suz Neave: Beyond that, I can see on the plans the depression then it is supposed to find its way to the High Street and I am guessing it is going to find its way to the river.

Chris Brotherton: It is attenuated so it has to go at agricultural flow rates, it can't go at any more than that. And it is designed for a one in a hundred year event. So when it rains it is not going to pour through, it was go through at agricultural flow rates.

Suz Neave: So there are no plans on how to improve it there.

Chris Brotherton: There is no need to. It was flow at agricultural flow rates, it is attenuated. We hold it after a storm and release it at agricultural flow rates.

Suz Neave: I am not sure if you are aware that the flood water this year was from farm land and flooded and people were made homeless so you can understand the communities concern that actually moving water around can potentially create impact somewhere else. But you are confident that the design of the system, because even on the map there are quite a few points where you reference in this that you haven't got the exact details of where the assets are. I assume that is all sorted out now is it?

Chris Brotherton: I am absolutely confident [unable to hear last few words]

Christine McColluch: Are you confident that Thames Water will have the new sewage works ready in time for your development? Because I saw that you haven't consulted with Thames Water. They invited you in their documentation but you haven't been a record. The new sewage works is not going to be started for another two years and already the sewage is coming up in the High Street and more sewage...what will happen to it?

Chris Brotherton: Thames Water have to improve the system under their....They have to do that.

Christine McColluch: I know, that is notional but anyway.

Nick Fielding: A bankrupt company

Chris Brotherton: Anyway, it is a relatively small amount, these sort of size developments Thames Water don't project anything because the impact on the sewage system is minor.

Christine McColluch: Well they have suggested that you consult them and it would be rather good if you could because there is a particular circumstance here, which we have got raw discharges into the Thames already and we have sewage coming up in the High Street.

Chris Brotherton: Thames Water won't engage until you are at a detailed stage [could not hear last part]

Question 7. To date, the PC has not been shown the Post Office lease. Whilst respecting commercial confidence, we need to see this to satisfy ourselves of the risks and potential obligations associated with the Post Office coming into community ownership. When will we be able to see the lease?

Responses

Christopher Purvis: This is entirely up to the tenants; they have not given consent for the lease to be released to the parish council. It is not within our gift, nor that of the Community Land Trust (who were provided with a copy for the purpose of producing a Business Plan and Financial Forecast), to release it to you.

The CLT trustees, taking advice from the current landlord, are satisfied that the CLT is commercially viable, without financial risk to the PC, and that this should be sufficient for your purposes. The business plan and financial forecast have been made available to you.

Suz Neave: So the Community Land Trust have seen the documents?

Christopher Purvis: They have.

Suz Neave: And they have done the necessary due diligence to ensure over the long term we are not taking on the liability but actually taking on the benefit?

Christopher Purvis: They have

Nick Fielding: And where does the liability lie?

Giles Baxter: With the Community Land Trust

Nick Fielding: And what assets do they have to protect themselves?

Member of the public: Can I answer that question as I am a member of the Community Land Trust?

Suz Neave (as Chair): No

Giles Baxter: In that case I will not answer the question.

Nick Fielding: You are not in command of the facts then Giles. About this matter?

Giles Baxter: I am

Nick Fielding: Well could you repeat them?

Giles Baxter: What was the question?

Suz Neave: Maybe we need to convene a meeting with the CLT

Giles Baxter: We have had numerous discussions with Paul Schenk, going backwards and forwards. We shared the business plan with you, that version has sections redacted because

that does have certain elements that give details of the lease. But otherwise it has been put together, there is a financial forecast. We took advice of the current landowner who has extensive experience over the years of managing the property.

Christopher Purvis: The landowner is doing two things, one is, you may have noticed, it is spending quite a lot of money on the post office building to ensure it is in good shape. Secondly putting into the Community Land Trust a cash amount to meet any immediate liabilities should they occur.