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## Appeal Decision

Inquiry held on 10 – 13 and 17 – 19 January 2017

Site visit made on 19 January 2017

**by Phillip J G Ware BSc(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 20 March 2017**

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**Appeal Ref: APP/W0340/W/16/3143214**

**Land adjacent to Hilltop, Oxford Road, Donnington, Newbury**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by CEG Land Promotions Ltd, Mrs G E Mather, and BLG Reads Trust against the decision of West Berkshire Council.
  - The application Ref 14/02480/OUTMAJ, dated 17 September 2014, was refused by notice dated 26 November 2015.
  - The development proposed is a mixed use scheme on 23.1 hectares of land, comprising up to 401 dwellings on 11.35 hectares of land. A 400 sq.m. local centre (Use Classes A1/A2/D1/D2 – no more than 200 sq.m. of A1) on 0.29 hectares of land, a one form entry primary school site on 1.7 hectares of land, public open space, landscaping and associated highway works.
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### Procedural matters

1. The application is in outline, with only the means of access to be determined, along with the principle of the development.
2. A Unilateral Planning Obligation (UPO)<sup>1</sup> was discussed in full draft at the Inquiry. I allowed a short period of time after the close of the Inquiry for it to be signed, and the final document was dated 27 January 2017. It deals with, amongst other matters, open space/play space, affordable housing, transport, education and ecology. I will return to these matters below. There was no need for further consultation on the final UPO as it had been discussed at the Inquiry.
3. The Council's decision notice<sup>2</sup> included a reason for refusal related to the capacity of the A339 and highway mitigation measures. However, in the light of further modelling and subject to the provisions of the UPO, this matter was not pursued by the Council, as announced at the start of the Inquiry and as set out in the Highways Statement of Common Ground (HSOCG)<sup>3</sup>. At this stage the Council also no longer argued that the grant of planning permission for the appeal scheme would be premature. The remaining reasons for refusal, dealing with settlement policy and the emerging development plan, access by sustainable modes of travel and the linkages with the town centre, and the

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<sup>1</sup> Document 10

<sup>2</sup> CD 49

<sup>3</sup> CD 144

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adequacy of the underpass beneath the A339 remained part of the Council's case as set out in the Planning Statement of Common Ground (SOCG)<sup>4</sup>.

4. On the sixth day of the Inquiry, after the case for both parties had been part heard, the Council withdrew all its objections to the appeal and recommended that conditional planning permission should be granted, subject to the UPO. An Additional Statement of Common Ground (ASOCG)<sup>5</sup> was produced – to which I will return below. The Council took no further part in the Inquiry and did not submit a Closing Statement. I heard from the remaining witnesses for the appellant, so I could seek clarification on a number of matters, and I heard a Closing Statement from the appellants.
5. After the close of the Inquiry the Government published a Housing White Paper entitled "Fixing our broken housing market". The main parties were consulted on this document. The Council stated that it did not materially alter the assessment of the appeal<sup>6</sup>. The appellants stated that it placed even greater emphasis on housing delivery, particularly given the agreed absence of a five year housing land supply<sup>7</sup>. I have taken these responses into account.

### **Decision**

6. The appeal is allowed and planning permission is granted for a mixed use scheme on 23.1 hectares of land, comprising up to 401 dwellings on 11.35 hectares of land. A 400 sq.m. local centre (Use Classes A1/A2/D1/D2 – no more than 200 sq.m. of A1) on 0.29 hectares of land, a one form entry primary school site on 1.7 hectares of land, public open space, landscaping and associated highway works on land adjacent to Hilltop, Oxford Road, Donnington, Newbury, in accordance with the terms of the application, Ref 14/02480/OUTMAJ, dated 17 September 2014, subject to the conditions set out in the Schedule to this decision.

### **Main issues**

7. The main issue in this case is the suitability of the site for the proposed development, in the light of the development plan, national policy and the emerging development plan.

### **Reasons**

#### *The site and the proposal*

8. The appeal site is an area of 23.1 hectares of agricultural land immediately to the north of the existing urban edge of Newbury. It is in two parcels on either side of the A339, which is a major road linking Newbury to the M4 and the A34. To the south is the centre of Newbury and the Vodafone headquarters. To the north and east is agricultural land, with the village of Donnington to the west.
9. There is an existing public footpath running north – south across the site, linking the two parcels by way of an underpass below the A339. In the south this links with footpaths which encircle the Vodafone site, and thereby links with routes into central Newbury<sup>8</sup>. Existing bus services run to the south and

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<sup>4</sup> CD 142

<sup>5</sup> CD 145

<sup>6</sup> Document 11

<sup>7</sup> Document 12

<sup>8</sup> CD 144 Figure 1

west of the western parcel, and provide a limited service into the centre of the town.

10. The proposal is as described in the heading above. Access would be from both sides of the existing roundabout on the A339, with access for emergency vehicles, buses and a school drop off from Love Lane<sup>9</sup>. The application was supported by a range of technical assessments and includes Parameter Plans, a Concept Masterplan<sup>10</sup>, and a Design and Access Statement<sup>11</sup>. It includes 40% affordable housing, which is shown as being integrated into the overall development.

*Policy context*

11. The relevant parts of the development plan are the Core Strategy (CS)<sup>12</sup> (2012) and the saved policies (2007) of the West Berkshire District Local Plan (DLP). The Planning Statement of Common Ground<sup>13</sup> identifies relevant policies in both documents.
12. The CS provides the overarching policy for development in West Berkshire. CS policies ADPP1, ADPP2 and CS1<sup>14</sup> provide that development in West Berkshire should follow the existing settlement pattern, with most development within or adjacent to existing settlements. Newbury is intended to accommodate around 5,400 homes over the plan period, with urban extensions at Newbury Racecourse and Sandford Park. The general location of the appeal site was considered as a possible strategic allocation during the CS process, but was not eventually selected. Policy CS1 deals with housing land supply whilst policies CS13 and CS14 encourage more sustainable travel and set out design principles.
13. The relevant saved policy (HSG.1) of the DLP identifies settlement boundaries, within which development will normally be permitted. The appeal site is outside, but partly adjacent to, the Newbury settlement boundary.
14. The approach of the CS has informed the emerging Housing Allocations Development Plan Document (HADPD), which has been through Examination and is subject to consultation on modifications. It is described by the Council as a 'daughter document' to the CS and it is not designed to re-assess housing numbers. Rather it will allocate sites on the basis of the requirements of the CS. The appeal site is not allocated in the emerging HADPD.
15. The Council has adopted a Supplementary Planning Document (SPD) on Planning Obligations. This is relevant to consideration of the UPO, but there is no issue between the parties in this respect. There is also an SPD on Quality Design, which deals with sustainability and accessibility. Although there is no longer an issue between the main parties in this respect, it is relevant to some matters raised by local residents related to the underpass.

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<sup>9</sup> CD 144 Plan 131075/A/08.1H

<sup>10</sup> CD 37

<sup>11</sup> CD 39

<sup>12</sup> CD 67

<sup>13</sup> CD 142 paragraphs 5.3 and 5.5

<sup>14</sup> CD 67 pages 19-20

*Housing Land Supply and its consequences*

16. The main parties agreed a Statement of Common Ground on Housing Land Supply in January 2017<sup>15</sup>. This set out agreed and disputed matters in relation to the housing requirement and housing supply at that time. This document was usefully used at the Inquiry to identify and test the differences between the parties, but it has now been superseded by the ASOCG which was concluded during the Inquiry and which sets out the basis for the Council withdrawing its objection to the proposal<sup>16</sup>.
17. The balance of the evidence before the Inquiry suggested that the FOAN should be higher than that used by the Council. The main parties do not agree the FOAN figure but, in the light of the existence of an agreed deficit, it was common ground that it would not be useful to debate this further. Nor is there agreement on the appropriate buffer, as the Council's position is based on a 5% buffer, which the appellants do not accept. If the appellant's position, that a 20% buffer should be applied, the shortfall would be significantly worse. However, given the position of the main parties, this need not be pursued further in the context of this appeal.
18. The main parties agree that there is a deficit of 203 in the five year housing land supply. The Council's position, amended in the light of the evidence at the Inquiry, is that the deficit is no more than 203 and that a number of sites on which it had relied for delivery should be removed from the supply<sup>17</sup>. Based on the Council's assumptions, there is only a 4.74 year supply. The appellants' position is that the deficit is more than 203 and the supply is less, but the parties again agreed that it would not be proportionate to debate the precise difference further.
19. On that basis, the main parties agree that a five-year supply of deliverable housing sites cannot be demonstrated. The relevant policies for the supply of housing therefore attract less weight and the National Planning Policy Framework (the Framework) paragraphs 49 and 14 are engaged<sup>18</sup>. The presumption in favour of sustainable development in paragraph 14 of the Framework is agreed to apply.
20. For the purposes of paragraph 49 of the Framework, policies ADPP1 and ADPP2 and DLP policy HSG.1 are agreed to be relevant policies for the supply of housing. Although these policies remain part of the development plan they attract significantly reduced weight due to the limited potential of development soon coming forward to make up the shortfall.

*The appeal site considered in the context of adopted and emerging policy*

21. CS policy ADPP1 recognises that most development will be within or adjacent to Newbury. Although the appeal site is outside the settlement boundary it is next to it, and the Council agreed that it is adjacent to Newbury. The policy also states that the majority of development will take place on previously developed land, but that does not preclude proposals on greenfield sites. The proposal is therefore not contrary to CS policy ADPP1.

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<sup>15</sup> CD 142

<sup>16</sup> CD 145

<sup>17</sup> CD 145 paragraph 2

<sup>18</sup> CD 145 paragraph 8

22. CS policy ADPP2 states that Newbury is intended to accommodate around 5,400 homes over the plan period, and refers to urban extensions at Newbury Racecourse and Sandford Park. It also contemplates other development coming forward through (amongst other mechanisms) the allocation of smaller extensions to the urban area through the HADPD. The appeal site has not come forward by any of the mechanisms envisaged in ADPP2 and, as a consequence, the proposal is in conflict with this aspect of the policy. The HADP also states that a number of sites which have future potential for development have been identified in the Strategic Housing Land Availability Assessment (SHLAA).
23. There are a number of factors which must be balanced against this conflict with policy ADPP2:
- The appeal site has been considered through the SHLAA process in 2011 and 2013 – an approach which was noted in policy ADPP2. Both these SHLAA assessments identified the appeal site as potentially developable<sup>19</sup>. The 2013 SHLAA noted that it was in a basket of sites from which the most suitable would be allocated through the development plan process. However as a potential strategic site, the appeal site is outside the scope of the HADPD, as noted in the relevant Sustainability Appraisal. Nevertheless, the potential of the appeal site is clearly recognised.
  - CS policy CS1 makes reference to at least 10,500 new homes coming forward in the plan period, but the Council accept that this figure is out of date as a requirement for FOAN or five year housing land supply purposes. In addition the approach of the CS Inspector appears to have been that the plan did not provide for all housing needs even at that time, but adopted a pragmatic approach and recommended the adoption of the plan as it stood and encouraged an early review. This approach further reduces the weight which can be accorded to the CS housing and settlement policies.
  - As mentioned above, the area around the appeal site was considered during the CS Examination process. The Examining Inspector noted that there was a choice to be made between Sandford Park to the south of Newbury and the area north of Newbury (including the appeal site). This was in addition to the development at Newbury Racecourse for which planning permission had already been granted<sup>20</sup>. A number of the concerns which were identified related to the north of Newbury area were apparently not fully investigated by the Council at that time, although the Inspector described highway matters and flood risk as not being 'show stoppers'. However, on balance, the Sandford Park site was preferred as it was stated that there was not the evidence to demonstrate that north Newbury was a clearly preferable site. Overall, the Examining Inspector stopped well short of recommending that there were problems associated with the north Newbury area, although preference was given to Sandford Park.
  - I heard detailed and uncontested evidence that the Sandford Park site is experiencing substantial delays. No party was able to suggest how or

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<sup>19</sup> CD 77 and 78 Appendix D

<sup>20</sup> CD 50 paragraph 14

when this major development might progress. Before the Council's withdrawal from the Inquiry, the authority had accepted that completions at this site could not be expected in the next five year period – or perhaps longer. Under these circumstances this loss of around 1000 units makes the achievement of even the limited CS target highly optimistic.

- As noted, the appeal site was in the basket from which the SHLAA envisaged that the most suitable would be allocated through the development plan process. The Council, before withdrawing its opposition to the appeal scheme, accepted that there were no sites of comparable scale which might be preferable and/or more sustainable than the appeal site. In effect, even if the development at Sandford Park were to progress more rapidly than the evidence indicates, the appeal site is next in line to meet the housing needs of the area.
  - There is nothing to suggest that, even if the CS figure of approximately 5,400 dwellings were exceeded, this would cause any harm. There is nothing to suggest that the figure was envisaged as a cap on development, as was made clear by the CS Inspector<sup>21</sup>.
24. CS policy CS1 does not specifically preclude development beyond existing settlement boundaries. The Council, prior to withdrawing their objection, agreed that the development is not contrary to this policy.
25. LP saved policy HSG1 supports housing within settlement boundaries, but says nothing about development outside the boundaries. It stands rather oddly in isolation at this time, as it was previously linked to a related policy dealing with areas outside settlements. This related policy has not been saved. In any event the appeal scheme does not conflict with policy HSG1.
26. Moving away from the development plan, emerging HADPD policy C1 would set a presumption against new residential development outside settlement boundaries. However this plan does not carry the weight of the development plan and the soundness of the emerging plan is not for me to consider. It is however based on CS housing targets and is not intended to address the potential inclusion of larger sites such as this.

*Conclusion on the principle of the development*

27. Local residents stressed the importance of development being plan led. However in this case the adopted development plan, specifically the CS, is experiencing serious difficulties in terms of the housing delivery it envisaged (which may well be too limited), and it appears that a replacement plan which might identify large sites is some time away.
28. There is no five year supply of deliverable housing sites and, in this context, the presumption in favour of sustainable development in paragraph 14 of the Framework applies. The Council agrees that the appeal scheme is sustainable development and all the evidence supports this conclusion.
29. It is accepted that there is a pressing need for housing, and it is clear that Newbury will remain the focus of development. One of the main sites identified

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<sup>21</sup> CD 50 paragraph 43

in the CS is not expected to deliver during the next five years. The appeal site has a number of specific advantages and is agreed to be next in line.

30. There is a conflict with CS policy ADPP2 in that the policy sets out the way in which it anticipates further sites coming forward. The appeal scheme has not come forward through the HADPD, as this 'daughter document' to the CS does not allow for the inclusion of larger sites such as this. No other plan-led mechanism is likely to emerge in the near future which would allow for the appeal site to be considered. However no objection has been raised by the Council on the grounds of prematurity or prejudice to the emerging HADPD.
31. In any event, there a number of weighty factors, as summarised set out above, which must be set against this limited conflict with policy which attract less than full weight. I will return to the overall planning balance at the end of this decision.

*Other matters*

32. No objection was raised by the main parties to a range of other matters, even before the Council's changed overall stance. This position is set out in the SOCG and the HSOCG. However local residents have raised a number of matters which I will address below.
33. The design and safety of the underpass, and the consequent extent to which the two parts of the development would be linked in a satisfactory manner was the subject of concern for some residents, although the local cycling group's position was that it would provide a very good route. This matter was originally a reason for refusal and was the subject of evidence for the Council until the authority changed its overall position on the scheme.
34. The proposed underpass is short, the paths approaching it are in a relatively straight line, and the limited slope means that the visibility into and through the underpass is good, as I saw on my site visit. Visibility and safety could be further improved when the details of the development were being considered. The evidence is that the dimensions of the underpass comply with Sustrans guidance and the underpass, with improvements, would provide an appropriate and safe link for pedestrians and cyclists alike. The proposal would not conflict with the Quality Design SPD and the two parts of the site would be linked in a manner which would encourage the use of non-car modes of transport.
35. The footpaths around the Vodafone site, which provide access towards the town centre from the eastern parcel and, via the underpass, from the whole of the development, were also originally criticised by the Council. However as I saw on my site visit, these are wide paved routes and I saw that they were apparently well used by Vodafone employees. I see no reason why they should act as a deterrent to cyclists or pedestrians wishing to access the town centre.
36. The highways consequences of the proposal were summarised in the HSOCG in relation to a number of junctions in the vicinity, the most critical of which is the Robin Hood gyratory to the south of the entrances to the appeal site. Local residents gave clear evidence of the difficulties which this junction currently causes. However a mitigation scheme, full funded through the UPO, has been put forward for that junction and has been tested against various scenarios. The conclusion of the analysis is that the scheme would do more than mitigate the effects of the proposal and would improve the operation of the junction

- compared to the 2021 Base Case scenario (i.e. including committed development and the scheduled gyratory improvements).
37. There was also concern from some residents that the proposal would generate traffic along Love Lane which, as I saw on my visit, has recently had chicanes installed. However, although I can appreciate that Love Lane may well be currently used as a rat run between Shaw Hill and Oxford Road, there is no evidence that this would be substantially increased as a result of the proposal, as new residents would access the development direct off the A339.
38. Residents expressed concern that the development could flood or increase flood risk elsewhere. However the site is located within Flood Zone 1 and there are no objections to the proposal on this basis from the Council or any other authority<sup>22</sup>. In the absence of any technical evidence this objection carries little weight.
39. The suggestion was made by some local residents that there is an existing lack of facilities in the area. However in contrast to this view the SOCG notes that the site benefits from access to schools, leisure facilities, shops and other local services within Newbury. There is a local convenience store to the south and two supermarkets are within less than 10 minutes cycling distance. The town centre is around 1.5 miles from the site, which could be regarded as an acceptable walking distance, is certainly an easy cycling distance, and can be accessed by existing bus services.
40. This current position would be enhanced by the proposed bus service, which would be funded by the developer for the first five years, running from the western parcel of the land, close to the underpass, and provide a link into the town centre<sup>23</sup>. In addition the inclusion of a local centre in an appropriate location within the development would provide opportunities for existing and new residents<sup>24</sup>.
41. The SOCG confirms that the site is within close proximity of existing primary, secondary and specialist schools<sup>25</sup>. The appeal scheme would deliver a one-form entry primary school in walking distance of both the new and existing dwellings. This would be delivered by way of the UPO<sup>26</sup>.
42. There was a suggestion made by local residents that the development would not be supported by employment opportunities in the town, and that it would be inaccessible to employment sites. Given the proximity of the Vodafone HQ adjacent to the site (employing around 5,500 people) and the access to the town centre, this is a difficult argument to make, and no evidence was put forward to support the suggestion.
43. A few residents objected to the loss of the countryside. However the SOCG confirms that the development could be accommodated within the landscape and that it complies with CS policy CS19 and other policy documents. The area is not the subject of any specific landscape designations. Similarly, subject to the details of the scheme, the development would not affect any important trees within or around the appeal site. The main parties have agreed that the

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<sup>22</sup> CD 142 paragraphs 6.10 and 6.11

<sup>23</sup> CD 144 Figure 3

<sup>24</sup> CD 142 paragraphs 6.8 and 6.9

<sup>25</sup> CD 142 paragraph 142

<sup>26</sup> CD 142 paragraphs 6.18 – 6.20



development would provide suitable mitigation and enhancement measures<sup>27</sup>. The objection to the effect on the landscape is therefore not supported by the evidence.

44. An appeal decision on land south of Man's Hill, Burghfield Common was issued during the latter part of the Inquiry<sup>28</sup>, and was drawn to my attention. It is worthy of specific comment as the Inspector in that case dismissed the appeal and found differently to me on a number of matters. Although I have been provided with the closing submissions in that case<sup>29</sup> I do not know the detail of the evidence put to the Inspector. In particular his decision was partly based on a finding that a five year housing land supply existed at that time, which the Council accepts is no longer the case. In addition there was harm to the landscape in that instance, which is a specific planning objection which does not exist in this case. Each appeal must be decided on its own merits and in the light of the evidence, and there are notable differences between this appeal and that at Man's Hill.

#### *Planning Obligation*

45. As noted above, a UPO was discussed at the Inquiry and finalised shortly thereafter. All the terms of the obligation were agreed at the Inquiry, and deal with the provision of open space/play space, affordable housing, transport matters, education and ecology. These provisions are soundly based on CS policies CS5, CS6 and CS13 and the Planning Obligations SPD.
46. I conclude that the UPO meets the policy in paragraph 204 of the Framework and the tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010. I have therefore taken it into account and given weight to those matters which go beyond mitigation related to the impact of the development – especially related to highways improvements, educational aspects and open space provision.

#### *Conditions*

47. A wide range of conditions was agreed between the parties and discussed at the Inquiry. I am satisfied that these all meet the tests in the Framework, are necessary, and are fairly and reasonably related to the development.
48. A number of initial conditions are necessary for clarity related to plans and to provide for the submission of details (2-7). These details should be in broad accordance with the illustrative plans, in the interests of the appearance of the development and highway safety (5). The levels of the development also need to be specifically controlled in the interests of the appearance of the scheme (11). The details should include a strategic landscape plan and define the housing mix and the total number of dwellings (8). The development would be undertaken in phases and a phasing plan needs to be submitted for approval, so as to inform some subsequent conditions (1).
49. To protect the amenity of adjoining land uses, the hours of construction need to be limited (9), piling needs to be controlled (19), and a Construction Method Statement needs to be submitted for approval (10). This latter would also address any harm to highway safety during construction.

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<sup>27</sup> CD 142 paragraphs 6.12 and 6.13

<sup>28</sup> CD 146

<sup>29</sup> CD 158

50. The two accesses of the A339 and the site layout need to be completed before the development is occupied in the interests of highway safety (12, 13 and 17). The secondary access for buses and emergency vehicles, and visitors to the school, needs to be provided for the same reason (15). As discussed above the detail of the improvements to the underpass need to be submitted for approval, in the interests of improving accessibility and safety (14). Similarly improved pedestrian/cycle access needs to be in place before occupation of the development (16) and cycle storage provision needs to be secured (25).
51. To protect any archaeological remains, a programme of archaeological work needs to be approved and implemented (18).
52. In view of the presence of trees on the site, an arboricultural method statement, including the protection of trees during development, needs to be approved and implemented (20). For biodiversity reasons a Construction Environmental Management Plan needs to be approved and implemented (21). For the same reason, a lighting design strategy for biodiversity needs to be produced (22). A Landscape and Ecological Management Plan, dealing with existing and new habitats, is necessary (23).
53. In the light of concerns about water supply, an impact study of the existing water supply infrastructure needs to be submitted for approval (24).
54. To ensure the adequacy of refuse/recycling facilities, details of the provision need to be submitted (26).
55. To ensure that surface water is handled in an appropriate manner, a Sustainable Drainage Strategy needs to be submitted for approval (27). To ensure sufficient sewage capacity is provided a drainage strategy needs to be approved and implemented (28). A waste collection plan needs to be approved (29). Given the lack of public mains in the area, the provision of private hydrants or similar emergency water supplies is necessary (30).
56. In order to protect the amenities of new occupiers, details of protection from external noise should be approved (31). For the same reason, noise from services associated with new non-residential buildings needs to be controlled (32).
57. So as to ensure that risks from land contamination to the future occupiers of the land and neighbouring land are minimised, a range of contamination matters need to be controlled (33).

*Planning balance and conclusion*

58. The appeal clearly engages paragraph 14 of the Framework, such that planning permission should be granted unless the adverse consequences of doing so would significantly and demonstrably outweigh the benefits. This position is common ground between the parties.
59. The benefits arising from the development are agreed by the parties and particularly include:
  - The provision of up to 241 market homes in an area which lacks a five year housing land supply.

- The provision of up to 40% affordable homes, in an area with acknowledged affordability issues. This is stated in the CS<sup>30</sup> and is reflected in the 2016 housing waiting list figures<sup>31</sup>. There is a difference as to the exact extent of the affordable housing need (with the Council putting forward a lower figure based on the SHMA<sup>32</sup>, as opposed to the CS position). It is agreed that the historical delivery of affordable housing has been significantly below that set out in the CS. Overall the evidence clearly demonstrates that the provision of these affordable homes would be a substantial benefit which would be in line with CS policy CS6.
  - A boost to the local economy, as set out in the Economic Benefits Statement<sup>33</sup>. In particular there would be short term construction jobs, longer term employment at the school and the local centre, and substantially increased local spend by the new residents.
  - The provision of the new school, providing 210 primary and 26 nursery spaces. The evidence indicates that 60 of the primary places would be available for the existing community. The school would be within very easy walking distance of the new dwellings.
  - The new bus service, funded by the appellants for five years, will not only benefit new residents, but also existing residents of this part of the town. Prior to the Council withdrawing its evidence there was a dispute as to whether the service would be able to stand on its own feet at the end of the funding period, but the evidence of the operator was persuasive in that it should be able to do so.
  - The improvements to the Robin Hood gyratory system, at a cost of £700,000, is agreed to be a substantial benefit over the 'no development' scenario. In addition, a further £35,000 would be spent on improvements to the connectivity of the site to the town centre.
  - There would be a significant benefit (£392,000) to mitigation and improvements to a nearby Site of Special Scientific Interest, along with the benefit of planting within the development.
  - The provision of c.6.5 hectares of open space/playspace/allotments. This is in excess of the 4.3 hectares required by policy.
60. There are no specific policies in the Framework which indicate that development should be restricted. There is however a limited conflict with CS policy ADPP2 in relation to the manner which this site has come forward, although there are a number of reasons why this would not cause actual harm. In addition this policy carries significantly reduced weight. In addition, emerging HADPD policy C1 would set a presumption against new residential development outside settlement boundaries, but this carries only limited weight and the emerging plan is not designed to cater for developments such as the appeal proposal.

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<sup>30</sup> CD 67 paragraphs 5.26 and 5.28

<sup>31</sup> CD 79

<sup>32</sup> CD 80

<sup>33</sup> CD 46

61. This policy issue is the only adverse impact of granting permission and it falls far short of significantly and demonstrably outweighing the benefits of the development, when assessed against the policies in the Framework as a whole. As agreed by the parties, the proposal represents sustainable development and permission should be granted in accordance with the presumption in favour of sustainable development.
62. For the reasons given above I conclude that the appeal should be allowed.

*P. J. G. Ware*

Inspector

Richborough Estates

**Land adjacent to Hilltop, Oxford Road, Donnington, Newbury**  
**Schedule of conditions**

**Approved plans**

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Parameter Plans:

- Land Use Parameters - 3511 Rev C
- Density Parameters - 3521 Rev D
- Building Heights Parameters - 3531 Rev D
- Movement & Access Parameters - 3541 Rev B
- Landscaping Parameters - 3551 Rev D
- Drainage Parameters - 3561 Rev A

Access Plans:

- Proposed Western Access from A339 - 131075/A/10.1 Rev A
- Proposed Eastern Access from The Connection - 131075/A/11 Rev B
- Proposed Bus Access - 131075/A/08.1 Rev H
- Whitefields Cottages SSD on Approach to Potential Build Out Pedestrian Crossing 131075/SK/30 Rev B

**Phasing Plan**

- 2) A Phasing Plan shall be submitted to and approved in writing by the local planning authority on or before submission of the first reserved matters application which shall show the phases in which development is to be carried out, including details on the broad number of dwellings (including affordable units) to be provided at each phase(s). The development shall thereafter only be carried out in accordance with the approved Phasing Plan.

**Reserved matters submission**

- 3) No development on each phase shall take place until details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") of development in that phase have been submitted to and approved in writing by the local planning authority.

### **Reserved Matters – housing mix**

- 4) The first reserved matters application shall include a schedule of the housing unit and tenure mix for the whole site. Notwithstanding this, subsequent reserved matters applications may include alternative details providing that this does not increase the total number of dwellings or change the overall unit and tenure mix of dwellings on site as approved by the first reserved matters application.

### **Reserved Matters - Strategic landscape plan**

- 5) A strategic landscape plan for the whole site shall be submitted as part of the first reserved matters application and shall include the following details:
  - Key retained existing vegetation features on the site and its boundaries
  - Proposed Structural Planting, including Buffer Planting to site boundaries

### **3 years submission limit for approval of reserved matters**

- 6) Application for approval of all the reserved matters for each phase shall be made to the local planning authority before the expiration of three years from the date of this permission.

### **Reserved matters commencement time limit**

- 7) The development of each phase hereby permitted shall be begun before the expiration of three years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved in respect of that phase, whichever is the later.

### **Total number of units**

- 8) The number of dwellings hereby permitted shall not exceed 401.

### **Hours of work (construction)**

- 9) No demolition or construction works shall take place outside the following hours:
  - 0730 hours to 1800 hours Mondays to Fridays
  - 0830 hours to 1300 hours Saturdays
  - No work shall be carried out at any time on Sundays or Bank Holidays

### **Construction Method Statement**

- 10) No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved

Construction Method Statement. The Construction Method Statement shall provide for:

- (a) Construction site accesses
- (b) The parking of vehicles of site operatives and visitors
- (c) Loading and unloading of plant and materials
- (d) Storage of plant and materials used in constructing the development
- (e) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing
- (f) Wheel washing facilities
- (g) Measures to control the emission of dust and dirt during construction
- (h) A scheme for recycling/disposing of waste resulting from demolition and construction works
- (i) Agreed routes and timing restrictions for construction vehicles, deliveries and staff

**Ground and floor levels**

- 11) No phase of the development shall take place until details of the finished floor levels of the buildings hereby permitted in relation to existing and proposed ground levels of that phase have been submitted to and approved in writing by the local planning authority. The development of that phase shall be carried out in accordance with the approved levels.

**A339 Access western parcel**

- 12) No part of the development to the west of the A339 shall be occupied until the proposed access from the A339, as shown in the Vectos drawing no. 131075/A/10.1 Rev A, has been substantially completed and is open to traffic.

**Vodafone Access eastern parcel**

- 13) No part of the development to the east of the A339 shall be occupied until the proposed junction from the internal Vodafone roundabout, as shown on Vectos drawing number 131075/A/11 Rev B, has been substantially completed and is open to traffic.

**A339 Underpass**

- 14) No development shall take place until a scheme for the proposed improvements to the subway linking the eastern to western parts of the site has been submitted to and agreed in writing by the local planning authority. The scheme shall include: (i) proposals for the diversion of footpath 4 at each approach to the subway; (ii) details of surface treatment, soffit level vandals

proof lighting, planting and soffit level vandal proof CCTV; and (iii) CCTV monitoring arrangements. Unless otherwise approved in writing by the local planning authority, the approved scheme shall be completed prior to the occupation of any residential units and shall be maintained thereafter.

### **Secondary Access for buses**

- 15) The development hereby permitted shall not be occupied until the secondary access for buses, emergency vehicles and visitors to the primary school proposed from Love Lane, as shown on Vectos drawing number 131075/A/08.1 Rev H, has been substantially completed and is open to traffic. This arrangement shall be maintained on site thereafter.

### **Cycling network**

- 16) No dwelling hereby permitted shall be occupied until the pedestrian / cycle access to Oxford Road / Whitefield Cottages with minor amendments to the road layout, as shown on Vectos Drawing No. 131075/SK/30 Rev B, has been substantially completed and is open to the public. This arrangement shall be maintained thereafter.

### **Highway infrastructure design and construction**

- 17) The detailed layout of the site with regards to highway infrastructure shall comply with the local planning authority's standards in respect of road and footpath design and vehicle parking and turning provision. The road and footpath design should be to a standard that is adoptable as public highway. This condition shall apply notwithstanding any indications to these matters which have been given in the current application.

### **Archaeology**

- 18) No phase of the development shall take place until the implementation of a programme of archaeological work in accordance with a written scheme of investigation for that phase has been submitted to and approved in writing by the local planning authority. Thereafter the development shall incorporate and be undertaken in accordance with the approved programme.

### **Piling**

- 19) No piling shall take place during construction, except auger piling, unless otherwise agreed in writing by the local planning authority.

### **Arboricultural measures**

- 20) No phase of the development shall commence until:
- (a) an arboricultural method statement, which shall include details of the implementation, supervision and monitoring of all temporary tree protection and any special construction works within any defined tree protection area of that phase, has been submitted to and approved in writing by the local planning authority



- (b) details of the proposed access, hard surfacing, drainage and services providing for the protection of the root zones of trees to be retained of that phase has been submitted and approved in writing by the local planning authority
- (c) the applicant has secured the implementation of an arboricultural watching brief in accordance with a written scheme of site monitoring of that phase, which has been submitted to and approved in writing by the local planning authority
- (d) a detailed schedule of tree works including timing and phasing of operations of that phase has been submitted and approved in writing by the local planning authority

The development of that phase shall not be carried out otherwise than in accordance with the approved details.

### **Construction Environmental Management Plan**

- 21) No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following;
- (a) a risk assessment of potentially damaging construction activities
  - (b) Identification of biodiversity protection zones
  - (c) Practical measures to avoid and reduce impacts during construction
  - (d) The location and timing of sensitive works to avoid harm to biodiversity features
  - (e) The times during construction when specialist ecologists need to be present on site to oversee works
  - (f) Responsible persons and lines of communication
  - (g) The role and responsibilities of the ecological clerk of works or similarly competent person
  - (h) Use of protective fences, exclusion barriers and warning signs
  - (i) Any temporary lighting that will be used during construction
  - (j) a scheme of works or such other steps to minimise the effects of dust during construction
  - (k) The implementation of these measures prior to the commencement of each phase.

The development shall not be constructed otherwise than in accordance with the approved CEMP.

### **Lighting design strategy for biodiversity**

- 22) Prior to occupation of the first dwelling within any phase, a lighting design strategy for biodiversity of that phase shall be submitted to and approved in writing by the local planning authority. The strategy shall:
- (a) Identify those areas on the site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites or resting places or important routes used to access key areas of their territory, for example for foraging
  - (b) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places

Notwithstanding the provisions of Article 3 and Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, no external lighting shall be installed except in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

### **Landscape and Ecological Management Plan**

- 23) No development shall take place on the site until a Landscape and Ecological Management Plan, which should be based on the ES Technical Appendix 10.3: Ecological Management Plan – Heads of Terms prepared by Tyler Grange dated 6<sup>th</sup> October 2015, has been submitted to and approved in writing by the local planning authority. Such a Plan shall include:
- Detailed habitat creation and management prescriptions (including costings) for the retained and newly created habitats for 10 years with monitoring every 5 years and a review of the Plan after the 10th Year
  - Provision of features for protected and priority fauna including bat boxes, bird nesting opportunities and habitat piles.

The development shall not be carried out otherwise than in accordance with the approved Plan.

### **Natural England and Thames Water**

- 24) No development shall commence until an impact study of the existing water supply infrastructure has been submitted to and approved in writing by the local planning authority. The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point. Thereafter the development shall be carried out in accordance with the approved details.

### **Cycle storage**

- 25) No dwelling hereby permitted shall be occupied until the cycle storage in relation to that dwelling has been provided in accordance with details that have previously been submitted to and approved in writing by the local planning authority.

### **Refuse storage**

- 26) No dwelling hereby permitted shall be occupied until an area for refuse/recycling storage in relation to that dwelling has been provided in accordance with details that have previously been submitted to and approved in writing by the local planning authority.

### **Sustainable Drainage Strategy**

- 27) No phase of the development shall commence until a Sustainable Drainage Strategy and associated detailed design, management and maintenance plan of surface water drainage for that phase using SUDS methods (as included within the Flood Risk Assessment Addendum (October 2015)) and the SUDS Manual) has been submitted to and approved in writing by the local planning authority. The approved drainage system shall be implemented in accordance with the approved Sustainable Drainage Strategy for that phase prior to the use or occupation of any building within that phase commencing, and maintained thereafter for the lifetime of the development.

### **Foul Drainage Strategy**

- 28) No development shall commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved in writing by, the local planning authority. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works have been completed in accordance with the approved strategy.

### **Waste collection**

- 29) Prior to the occupation of any dwelling on the eastern parcel of the site details of a proposed waste collection plan from the curtilage of all the properties to the east of A339 shall be submitted to and agreed in writing by the local planning authority. The development shall not be carried out otherwise than in accordance with the approved details.

### **Fire hydrants**

- 30) No dwelling shall be occupied in each phase until private fire hydrant(s) or other suitable emergency water supplies for that phase has been provided in accordance with details (including connection and maintenance thereafter) that have first been submitted to and approved in writing by the local planning authority.

### **Protection from external noise**

- 31) No development shall commence until details of a scheme of works for protecting the occupiers of the development from externally generated noise has been submitted to and approved in writing by the local planning authority. All works forming part of the approved scheme shall be completed prior to the occupation of any dwelling.

### **Noise from services associated with new buildings**

- 32) Prior to the installation of air handling plant, chillers or other similar building services on a non-residential building constructed as part of the development the following details, in respect of that building, shall be submitted to the local planning authority:
- a) written details concerning any proposed air handling plant, chillers or other similar building services including:
    - the proposed number and location of such plant as well as the manufacturer's information and specifications
    - the acoustic specification of the plant including general sound levels and frequency analysis under conditions likely to be experienced in practice
    - the intended operating times
  - b) calculations showing the likely impact of noise from the development
  - c) a scheme of works or such other steps as may be necessary to minimise the effects of noise from the development

The relevant building shall not be used until written approval of a scheme under (c) above has been given by the local planning authority and the scheme of works has been completed in accordance with the approved details.

### **Contaminated land condition**

- 33) Unless otherwise agreed by the local planning authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until sub-conditions A to C below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the local planning authority in writing until sub-condition D has been complied with in relation to that contamination.

#### **A. Site characterisation**

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a

scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the local planning authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the local planning authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination
- (ii) an assessment of the potential risks to:
  - human health
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes
  - adjoining land
  - groundwaters and surface waters
  - ecological systems
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'*.

### **B. Submission of remediation scheme**

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

### **C. Implementation of approved remediation scheme**

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development (other than that required to carry out remediation). The local planning authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted and approved in writing by the local planning authority.

#### **D. Reporting of unexpected contamination**

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken in accordance with the requirements of sub-condition A above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of sub-condition B above, which is subject to the approval in writing of the local planning authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority in accordance with sub-condition C above.

#### **E. Long term monitoring and maintenance**

In the event contamination is found at the site, a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period to be agreed with the local planning authority, and the provision of reports on the same must be prepared, both of which must be submitted and approved in writing by the local planning authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the local planning authority.

Richborough Estates

## APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:	
Mrs E Lambert of Counsel	Instructed by the Head of Legal Services
She called	
Mrs C Peddie BSc MSc MRTPI	Principal Planning Officer – policy
Mr P S Goddard BEng (Hons)	Highways Development Control Team Leader
Mr N Ireland BA(Hons) MTPI MRTPI	Planning Director, G L Hearn

FOR THE APPELLANTS:	
Mr P Village QC Mr A Tabachnik QC	Instructed by Clyde and Co LLP
They called	
Mr P Stacey BA DipTP MRTPI	Director, Turleys
Mr D Bird BSc CEng MICE	Director, Vectos
Mr N Rose CEng BA(Hons) Dip Arch RIBA	Main Board Director, Broadway Malyan
Mr M Spry BSc(Hons) DipTP MRTPI MIED FRSA	Senior Director, Nathaniel Lichfield & partners
Mr S Brown BSc (Hons) DipTP MRTPI	Principal, Woolf Bond Planning
Ms L Nation	Clyde and Co (S106 session only)

INTERESTED PERSONS:	
Mr E Wynn	Local resident
Ms R Miller	Donnington Valley Action Group
Mr B Gowers	Local resident
Councillor P Bryant	Speen Ward
Dr T Vickers	West Berkshire Spokes
Councillor Graham	Shaw-cum-Donnington Parish Council
Mr R Wood FRICS	Local resident

## INQUIRY DOCUMENTS

1	Lists of persons present at the Inquiry
2	Notification letter and list of persons notified
3	Statement by Donnington Valley Action Group
4	Statement by Mr B Gowers
5	Statement by Councillor P Bryant
6	Statement by Dr T Vickers
7	Statement by Councillor Graham
8	Statement by Mr R Wood
9	Closing submissions by the appellants
10	Unilateral Planning Obligation (27 January 2017)
11	Council's response to Housing White Paper
12	Appellants' response to Housing White Paper

## CORE DOCUMENTS

CD No.	Planning Application Documents and Plans
1	Application Covering Letter (1 <sup>st</sup> August 2014)
2	Application Covering Letter (23 <sup>rd</sup> September 2014)
3	Application Forms and Certificates
4	Concept Masterplan (Drawing Number: 3212 Rev E)
5	Site Location Plan (Drawing Number:1012)
6	<p>Access Plans</p> <ul style="list-style-type: none"> <li>• Proposed Western Access from A339 (Drawing Number 131075/A/10.1 Rev A)</li> <li>• Proposed Eastern Access from The Connection (Drawing Number 131075/A/11 Rev B)</li> <li>• Proposed Bus Access (Drawing Number 131075/A/08.1 Rev B)</li> </ul>
7	<p>Parameter Plans</p> <ul style="list-style-type: none"> <li>• Land Use Parameters (Drawing Number 3510 Rev A)</li> <li>• Density Parameters (Drawing Number 3520 Rev A)</li> <li>• Building Heights Parameters (Drawing Number 3530 Rev A)</li> <li>• Movement &amp; Access (Drawing Number 3540 Rev A)</li> <li>• Landscaping (Drawing Number 3550 Rev A)</li> <li>• Drainage (Drawing Number 3560 Rev A)</li> </ul>
8	Planning Statement (including s106 draft Heads of Terms and Affordable Housing Statement) (July 2014)
9	EIA Non-Technical Summary (July 2014)



10	Design and Access Statement (including Parameter Plans, Landscape details and reference to Parking Provision) (July 2014)
11	Topographical Plan/Survey (Figure No: 13-006/Figure 19)
12	Outline Sustainability Framework and Waste Management Plan (July 2014)
13	Statement of Community Involvement (July 2014)
14	Tree Quality Survey and Development Implications (8 July 2014)
15	Transport and Access Outline Application Statement (July 2014)
16	Landscape and Visual Impact Outline Application Statement (including Photomontages) (July 2014)
17	Ecology Outline Application Statement (21 July 2014)
18	Heritage and Archaeology Outline Application Statement (July 2014)
19	Air Quality Outline Application Statement (07/07/14)
20	Noise Outline Application Statement (07/07/14)
21	Flood Risk Assessment (July 2014)
22	Contamination Outline Application Statement (July 2014)
23	Environmental Statement <ul style="list-style-type: none"> <li>• Volume 1: Technical Assessment (Chapters and Figures)</li> <li>• Volume 2: Appendices</li> </ul>
24	Covering letter (10th June 2015)
25	Revised Concept Masterplan (Drawing Number: 3212 Rev P)
26	Revised Parameter Plans <ul style="list-style-type: none"> <li>• Land Uses Parameters (Drawing Number: 3511 Rev B)</li> <li>• Density Parameters (Drawing Number: 3521 Rev C)</li> <li>• Building Heights Parameters (Drawing Number: 3531 Rev C)</li> <li>• Movement and Access Parameters (Drawing Number: 3541 Rev A)</li> <li>• Landscaping Parameters (Drawing Number 3551 Rev C)</li> <li>• Drainage (Drawing Number 3561)</li> <li>• Phasing Plan (Drawing Number: 3401 Rev B)</li> </ul>
27	Revised Design and Access Statement (June 2015)

28	Landscape and Visual Impacts Supplementary Statement (1 June 2015)
29	Ecology Supplementary Statement
30	Transport and Access Supplementary Statement (June 2015)
31	Flood Risk Assessment Addendum (May 2015)
32	Noise and Vibration Supplementary Statement (21-05-15)
33	Primary School Common Ground letter to Fiona Simmonds (dated 25th April 2015)
34	1 FE School- Land Area Plan- Preferred Option Drawing (Drawing No: 150312_COMA2001_4006_1 FE School - Land Areas Rev A)
35	Environmental Statement Supplement (May 2015)
36	Covering letter (9 <sup>th</sup> October 2015)
37	Revised Concept Masterplan (Drawing Number: 3212 Rev T)
38	<p>Revised Parameter Plans</p> <ul style="list-style-type: none"> <li>• Land Uses Parameters (Drawing Number: 3511 Rev C)</li> <li>• Density Parameters (Drawing Number: 3521 Rev D)</li> <li>• Building Heights Parameters (Drawing Number: 3531 Rev D)</li> <li>• Movement and Access Parameters (Drawing Number: 3541 Rev B)</li> <li>• Landscaping Parameters (Drawing Number 3551 Rev D)</li> <li>• Drainage (Drawing Number 3561)</li> <li>• Phasing Plan (Drawing Number: 3401 Rev C)</li> </ul>
39	Revised Design and Access Statement (dated October 2015)
40	Landscape and Visual Impacts Supplementary Statement (October 2015)
41	Ecology Supplementary Statement (October 2015)
42	Transport and Access Supplementary Statement (October 2015)
43	Flood Risk Assessment Addendum (October 2015)
44	Noise and Vibration Supplementary Statement (October 2015)
45	Environmental Statement Supplement (October 2015)
46	Economic Benefits Statement (October 2015)
	<b>Other Relevant Documents submitted as part of the Application</b>
47	Whitefield Cottages SSD on Approach to Cycle Link into Development Site (Drawing No: 131075/SK/28 Rev B) (19.08.2015)

	<b>Officer's Report and Decision Notice</b>
48	Officer's Report (and Update Report)
49	Decision Notice
	<b>Other Relevant Core Documents</b>
50	West Berkshire Core Strategy Inspector's Report (3 <sup>rd</sup> July 2012)
51	Berkshire SHMA Presentation (20 <sup>th</sup> October 2015)
52	Journey Time Routes (Drawing: Figure 1) (25/01/16)
53	Walking in Newbury Map
	<b>Appeal Decision and Judgement Core Documents</b>
54	Firlands Farm, Burghfield Common Appeal Decision (Appeal Ref: APP/W0340/A/14/2228089)
55	Land adjacent to Sims Metals UK (South West) Limited, Long Marston, Pebworth, Wychavon (APP/H1840/A/13/2202364)
56	St Albans v Hunston Properties Limited [2013] EWCA CIV 1610
57	Gallagher Homes Limited and Lioncourt Homes Limited v Solihull Metropolitan Borough Council [2014] EWHC 1283 (Admin)
58	Oadby v Wigston Borough Council b Secretary of State for Communities and Local Government [2015] EWHC 1879 (Admin)
	<b>Relevant Correspondence</b>
59	Email Exchange with Bob Dray (dated 13 <sup>th</sup> October 2015)
60	Email to Fiona Simmonds (dated 14 <sup>th</sup> October 2015) including Draft Heads of Terms
61	Email Exchange with Bob Dray (dated 16-19 <sup>th</sup> October 2015)
62	Email Exchange with Bob Dray (dated 22 <sup>nd</sup> - 26 <sup>th</sup> October 2015) including Underpass Drawings
63	Email Exchange with Bob Dray (dated 22 <sup>nd</sup> -28 <sup>th</sup> October 2015) including Highway Response Note
64	Email Exchange with Bob Dray (dated 10-12 <sup>th</sup> November 2015) including Ecology Statement
65	Email Exchange with Bob Dray (dated 11-18 <sup>th</sup> November 2015) including Title Transfer

	<b>Further Relevant Core Documents</b>
66	West Berkshire Local Plan including Appendices and Saving Direction (September 2007)
67	West Berkshire Core Strategy (July 2012)
68	West Berkshire Strategic Sites Policy Paper (October 2011)
69	West Berkshire Annual Monitoring Report - Housing (January 2016)
70	West Berkshire Five Year Housing Land Supply Statement (September 2016)
71	West Berkshire Housing Site Allocations DPD – Background Paper (November 2015)
72	West Berkshire Proposed Submission Housing Site Allocations DPD (November 2015)
73	Extract from West Berkshire Housing Site Allocations DPD SA Appendices NEW031A&B Site Assessments- part duplication of CD99
74	West Berkshire Council Written Statement for Issue 2 of the Housing Site Allocations DPD Examination (June 2016)
75	West Berkshire Council Housing Site Allocations DPD Examination Homework Item 1 'Approach to housing numbers'
76	West Berkshire Housing Site Allocations DPD Inspector's Preliminary Findings and Main Modifications
77	West Berkshire Strategic Housing Land Availability Assessment (February 2011)
78	Extract from West Berkshire Strategic Housing Land Availability Assessment (December 2013) NEW031A&B Site Assessments
79	Email Exchange with Mel Brain and Niko Grigoropoulos (dated 16 <sup>th</sup> November 2016) on Newbury housing waiting list data
80	Draft Berkshire SHMA Final Report (February 2016)
81	Proof of Evidence of Nick Ireland to conjoined Thatcham Appeals Refs: APP/W0340/W/15/3141449 and APP/W0340/W/16/3144193
82	Proof of Evidence of Dominick Veasey to Appeal Ref: APP/W0340/W/16/3144193
83	Proof of Evidence of Dan Usher to Appeal Ref: APP/W0340/W/15/3141449

84	Proof of Evidence of Margaret Collins to Appeal Ref: APP/W0340/W/16/314615
85	St Modwen Developments Limited v Secretary of State for Communities and Local Government and East Riding of Yorkshire Council [2016] EWHC 968
86	Oadby and Wigston Borough Council v Secretary of State for Communities and Local Government and Bloor Homes Ltd [2016] EWCA Civ 1040
87	Kings Lynn and West Norfolk Borough Council v Secretary of State for Communities and Local Government [2015] EWHC 2464 (Admin)
88	OBR Economic and Fiscal Outlook Report (November 2016)
89	SSCLG vs West Berkshire DC and Reading BC [2016] EWCA Civ 441
90	Satnam Millenium v Warrington Borough Council [2015] EWHC 370
91	Zurich Assurance Ltd v Winchester City Council & South Downs NPA [2014] EWHC 758 (Admin)
92	Land North East of Elsenham, Essex, Appeal Ref APP/C1570/A/14/2219018
93	Brandon Lewis Letter to PINS re SHMA dated 19 December 2014
94	West Berkshire Local Development Scheme (October 2015)
95	Appeal Decision land north and south of Mans Hill, Burghfield Common. Appeal Ref: APP/W0340/A/14/2226342, dated 17 March 2015
96	Housing Site Allocations DPD Approach and Delivery Topic Paper (March 2016, amended May 2016)
97	High Court Challenge Case Number CO/1455/2014 (Gladman Development Ltd and Wokingham Borough Council (2014) EWHC 2320
98	HSA DPD Statement of Consultation Main Report (April 2016)
99	HSA DPD SEA/SA Extract for Newbury (part duplication of CD73)
100	Turley Statement of Case January 2016
101	HSA DPD Schedule of Main Modifications (December 2016)
102	West Berkshire Planning Obligations SPD (December 2014)
103	West Berkshire Quality Design SPD – Part 1 (June 2006)
104	Manual For Streets (2007)

105	Thames Valley Police- Planning Companion Guides & Supporting Documents [4] (2010)
106	Manual For Streets 2 (2010)
107	Urban Design Compendium (2007) and Delivering Quality Places (Urban Design Compendium 2- Second Edition)
108	Housing Officer's consultation responses (22 <sup>nd</sup> August 2014 and 23 <sup>rd</sup> June 2015)
109	TVP Design Advisor Consultation Response (dated 11 <sup>th</sup> November 2015)
110	Iterations of underpass sketch schemes attached to email correspondence between the TVPDA and Mr Rose <ul style="list-style-type: none"> <li>- Underpass Sketch Layout (Drawing No 4006 Rev C)</li> <li>- Underpass Sections (Drawing No 4201 Rev C)</li> <li>- Underpass Sketch Layout (Drawing No 4006 Rev D)</li> <li>- Underpass Sections (Drawing No 4201 Rev D)</li> <li>- Underpass Sketch Layout (Drawing No 4006 Rev F)</li> <li>- Underpass Sections (Drawing No 4201 Rev F)</li> <li>- Underpass Sketch Layout (Drawing No 4006 Rev G)</li> </ul>
111	Email Correspondence between the TVPDA and Mr Rose
112	Suffolk Coastal Court of Appeal Judgement [2016] EWCA Civ 168
113	Thames Valley Police Objection Withdrawal Correspondence Email (dated 16 <sup>th</sup> December) and the following drawings <ul style="list-style-type: none"> <li>- Underpass Sketch Layout (Drawing No 4006 Rev H)</li> <li>- Underpass Sections (Drawing No 4201 Rev G)</li> </ul>
	<b>Further Inquiry Documents</b>
114	DCLG Ministerial Statement Planning Update March 2011
115	Stanbury House Wokingham Borough Council Challenge Refusal
116	Boughton Road Appeal Decision (Appeal Ref: APP/Y2810/A14/2225722)
117	Longbank Farm, Ormesby Appeal Decision (Appeal Ref: APP/V0728/W/15/3018546)
118	Land at Southwell Road, Farnsfield Appeal Decision (Appeal Ref: APP/B3030/W/15/3006252)
119	Thames Valley Berkshire LEP: Strategic Economic Plan 2015/16-2020/21
120	West Berkshire Spokes Highways Officer Consultation Response (dated 6th November 2015)

121	West Berkshire Council- Housing Site Allocation DPD Examination Information Web Page
122	West Berkshire Council Housing Site Allocations Development Plan Document- Schedule of Proposed Minor Changes (December 2016)
123	Planning Practice Guidance- Housing and Economic Development Needs Assessments Extract
124	Briefing Note with respect to Detailed and Provisional Agricultural Land Classification Mapping
125	CE and Experian Job Forecast Data Tables (Forecasts from NI and MS PofEs)
126	Note with Examples of GLH Use of Experian Forecasts in SHMAs
127	Oxford Economics Local Model Information
128	Stanbury House Appeal Decision Ref: APP/X0360/W/15/3097721
129	Summary of Council and Appellant OAN for West Berkshire
130	Sandleford Park - Application Description and 2 No. Plans for 15/02300/OUTMAJ (Steven Brown)
	Sandleford Park - Highways Officer Consultation Response upon 15/02300/OUTMAJ - 18 Nov 2016 (Steven Brown)
	Sandleford Park - Hampshire County Council Highways Response upon 15/02300/OUTMAJ - 9 Dec 2016 (Steven Brown)
	Sandleford Park - Natural England's Consultation Response upon 15/02300/OUTMAJ - 8 Dec 2016 (Steven Brown)
	Sandleford Park - Sport England's Consultation Response upon 15/02300/OUTMAJ - 14 Nov 2016 (Steven Brown)
	Sandleford Park - Application Description and 1 No. Plan for 16/00106/OUTMAJ (Steven Brown)
	Sandleford Park - Hampshire County Council Highways Response upon 16/00106/OUTMAJ - 9 Dec 2016 (Steven Brown)
	Sandleford Park - Highways Officer Consultation Response upon 16/00106/OUTMAJ - 1 Dec 2016 (Steven Brown)
	Sandleford Park - Application Description and 2 No. Plans for 16/03309/OUTMAJ (Steven Brown)
131.1	Pre Application Advice (Caroline Peddie)

131.2	West Berkshire Local Plan Direction Letter (Caroline Peddie)
131.3	HW4 Consistency C1 and the Core Strategy (Caroline Peddie)
131.4	Tracked changes version of C1 HSA DPD (Caroline Peddie)
131.5	Gladman Developments Ltd v Daventry 2016 (Caroline Peddie)
131.6	Sandleford Park LRM Planning Statement Extract (Caroline Peddie)
131.7	J&P Motors Pegasus Letter (Caroline Peddie)
131.8	J&P Motors Housing Consultation Response (Caroline Peddie)
131.9	J&P Motors Palady Email re. leases (Caroline Peddie)
131.10	Crookham House Planning Statement Extract (Caroline Peddie)
131.11	2015-2016 HFR Guidance (Caroline Peddie)
131.12	Faraday Email (Caroline Peddie)
131.13	Submission from J Cornwell (Caroline Peddie)
131.14	Email Steven Smallman re. HSA2 Delivery (Caroline Peddie)
131.15	Mortimer NDP FAQs (Caroline Peddie)
131.16	Mortimer NDP News (Caroline Peddie)
131.17	Market Street email from Grainger (Caroline Peddie)
131.18	5YHLS Update (December 2016) (Caroline Peddie)
132	NLP Canterbury District Housing Needs Review (April 2015) (Nick Ireland)
133	Query on 2015 Round Population Projections GLA Email (Nick Ireland)
134	Redfern Review (Matthew Spry)
135	Eastleigh Appeal Decision ref: APP/W1715/W/15/3063753 (Matthew Spry)
136	Updated POPGROUP Modelling with Cambridge Econometrics Job Growth Scenarios (Matthew Spry)
137	Supplemental Proof of Evidence of Mr Veasey to Appeal Ref: APP/W0340/W/16/3144193 (Matthew Spry)
138	Extract from Oxfordshire SHMA (Matthew Spry)



139	Land at 17 The Close, Horley Appeal Decision Ref: APP/L3625/W/15/3141260
140	Email from DPD Inspector re. Affordable Housing (Caroline Peddie)
141	Chelmsford Judgment [2016] EWHC 3329 (Matthew Spry)
142	Statement of Common Ground – Planning
143	Statement of Common Ground - Housing Land Supply
144	Statement of Common Ground – Transport
145	Additional Statement of Common Ground (18 <sup>th</sup> January 2017)
146	Mans Hill Appeal Decision 17 <sup>th</sup> January 2017 (Ref: APP/W0340/W/16/3146156)
147	Supplementary Proof of Evidence Matthew Spry (18 <sup>th</sup> Jan)
148	Supplementary Proof of Evidence Steven Brown (18 <sup>th</sup> Jan)
149	Supplementary Proof of Evidence Peter Stacey (18 <sup>th</sup> Jan)
150	Berkshire SHMA Stakeholder Meeting Notes (Caroline Peddie)
151	HLS Sandleford Pak – Sporting England Responses (Steven Brown)
152	HLS Sandleford Park – Parcelisation Plans (Steven Brown)
153	HLS The Croft, Burginfield Common – Site Plans (Steven Brown)
154	Paul Goddard Highways Consultation Response (23 <sup>rd</sup> November 2015)
155	Revised HLS Statement of Common Ground (18 <sup>th</sup> January 2017)
156	Updated 5YHLS Scenario Testing (18 <sup>th</sup> January 2017) (Steven Brown)
157	Email on Bus Specification and Viability from Matthew Metcalfe (dated 17 <sup>th</sup> January 2017)
158	Closing Submissions to Man’s Hill Inquiry (Appeal Ref: APP/W0340/W/16/3146156)
159	Appellants’ Closing Submissions