



Appeal Decision

Inquiry sat between 8 and 11 January 2019

Site visit made on 11 January 2019

by Nick Palmer BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th February 2019

Appeal Ref: APP/X0360/W/18/3204133

Land at Parklands, east of Basingstoke Road, Spencers Wood, Wokingham

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline and full planning permission.
 - The appeal is made by Taylor Wimpey UK Ltd against Wokingham Borough Council.
 - The application Ref 171737, is dated 8 May 2017.
 - The development proposed is up to 55 dwellings (Use Class C3) and all associated parking, landscape and access and 1.56ha of Suitable Alternative Natural Greenspace.
-

Decision

1. The appeal is allowed and planning permission is granted for up to 55 dwellings (Use Class C3) and all associated parking, landscape and access and 1.56ha of Suitable Alternative Natural Greenspace at land at Parklands, east of Basingstoke Road, Spencers Wood, Wokingham in accordance with the terms of the application, Ref 171737, dated 8 May 2017, subject to the conditions set out in the attached schedule.

Procedural Matters

2. The application is, in part for outline permission for residential development with associated parking, landscape and access. Details of means of access have been submitted and all other matters are reserved. The remaining part of the application is for full permission for Suitable Alternative Natural Greenspace (SANG). An illustrative layout plan has been submitted which illustrates a possible layout of the proposed residential development.
3. The appellant altered the description of the proposed development in correspondence with the Council to "up to" 55 dwellings. I have used the amended description in my decision.
4. The inquiry was closed in writing on 21 January 2019 following submission of a section 106 agreement and associated documentation.
5. The Council initially provided six putative reasons for refusal, the first two of which concerned landscape and design. The third reason concerned the setting of The Lieutenant's Cottage, a grade II listed building. The last three reasons concerned contributions towards mitigation measures in respect of the Thames Basin Heaths Special Protection Area (SPA), affordable housing and infrastructure. Subsequently the Council has advised that it does not wish to

pursue its third putative reason concerning the heritage asset. The Section 106 Agreement overcomes the last three putative reasons.

6. It is necessary for me to carry out an appropriate assessment of the proposal under the Habitats Regulations¹. On 19 February 2018 the updated revised National Planning Policy Framework (the Framework) was published, and the main parties were invited to comment on this. I have taken the comments made into account in my decision. Paragraph 177 of the Framework states that the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site, unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.
7. An interested party questioned whether the Inquiry had been adequately publicised. Photographs have been provided to demonstrate that site notices were posted on Basingstoke Road and on the footpath to the rear of the site. The Council also wrote to interested parties to notify them of the Inquiry arrangements. I am satisfied that the Inquiry was adequately publicised.

Main Issues

8. I consider that the main issues in the appeal are:
 - i) the effect of the proposed development on the character and appearance of the area, with particular reference to landscape character; and
 - ii) the effect of the proposed development on the living conditions of neighbours.

Reasons

Planning Policies

9. The appeal site lies between the villages of Three Mile Cross and Spencers Wood. The proposal would consist of two areas of residential development, adjoining each of those villages, with a SANG in between. The site is within a Strategic Development Location (SDL) which is designated in the Core Strategy (CS)². This covers an area to the south of the M4 and adjacent to Shinfield, Spencers Wood and Three Mile Cross. Policy CP19 of the CS provides for mixed use development including around 2,500 dwellings in this area by 2026. Guidance for development in the SDL, including in terms of its location, is provided in a Supplementary Planning Document (SPD).³ Following adoption of the SPD, the pre-existing development limits were extended in the Local Plan (LP)⁴. The site is outside the development limits of Three Mile Cross and Spencers Wood, but the residential elements of the proposal would adjoin those limits.
10. Policy CP11 of the CS restricts the development that can take place outside development limits. The policy states that such proposals will not normally be permitted but lists exceptions to this. The housing element of the proposal would not accord with that policy, but the SANG would accord with it in that it would allow for countryside-based activities which contribute to or promote

¹ The Conservation of Habitats and Species Regulations 2017

² Wokingham Borough Core Strategy (2010)

³ South of the M4 Strategic Development Location SPD (2011)

⁴ Wokingham Borough Managing Development Delivery Document (2014)

recreation in, and enjoyment of, the countryside. The housing development would similarly not accord with Policy CC02 of the LP which provides for development to take place within the development limits.

11. Policy CP9 of the CS sets out a hierarchy of development locations and both Three Mile Cross and Spencers Wood are 'modest development locations' at the second level of that hierarchy. The policy requires development to be within development limits but allows for affordable housing adjoining those limits in modest development locations. The proposed market housing would not accord with this policy.
12. The aim of policy CP9 is to ensure that development is concentrated in locations which have the most services and facilities and where there is good accessibility by sustainable means. The site is in a location which has a good level of accessibility to a range of services and facilities. There have been improvements to service infrastructure that have been provided in connection with development in the SDL. New and improved school facilities have been provided and there are good bus services to and from Reading. Further improvements to public transport services are programmed. There are new leisure facilities nearby and shopping facilities at Shinfield, together with a Budgens supermarket at Three Mile Cross. Paragraph 4.53 of the CS states that these settlements may be considered as 'major development locations' when appropriate additional retail facilities have been provided or are programmed in them. The proposed housing development is in accordance with the aims of Policy CP9 in these respects. The sustainability of the location in terms of its accessibility is a material consideration to which I give weight.
13. The Shinfield Parish Neighbourhood Plan (NP) was made in February 2017. Policy 1 of the NP supports development within the development limits. The policy only supports development adjacent to those limits where the benefits of the development would outweigh its adverse impacts.

The Thames Basin Heaths SPA

14. Saved Policy NRM6 of the South East Plan defines a 5km buffer zone around the SPA which is the area within which any increase in the number of dwellings would result in additional visitor pressure on the SPA. Paragraph 4.45 of the CS states that any proposal for 50 or more dwellings within 7km of the SPA will require assessment under the Habitats Regulations as to whether there would be likely significant impacts on the SPA. The site is outside the 5km zone but within 7km of the SPA. Accordingly, and in light of the recent Court of Justice of the European Union judgement of *People over Wind, Peter Sweetman v Coillte Teoranta*, I need to undertake an Appropriate Assessment in absence of any mitigation proposed. This I have done on a proportionate basis drawing on information provided to the Inquiry.
15. The SPA covers 8,400 hectares of land in Berkshire, Hampshire and Surrey. It is designated for breeding populations of Dartford warbler, nightjar and woodlark. I consider that visitor pressure resulting from new housing development, in absence of mitigation, is likely to have a significant effect, either alone or in combination with other schemes, on the site. In order to protect these species from human disturbance and dogs, mitigation measures are required to be provided in connection with new housing development. Natural England, the local authorities in the area and other organisations have endorsed a strategic Delivery Framework which recommends a combination of

- two avoidance and mitigation measures to protect the SPA. These are the provision of SANG and Strategic Access Management and Monitoring (SAMM) measures. A tariff approach has been devised to contribute towards SAMM. This has been calculated in accordance with a standard methodology produced by Natural England and the Council. I am therefore satisfied that the Statutory Nature Conservation Body, Natural England, has provided evidence to inform this assessment.
16. The planning obligation secures payment of the required SAMM contribution. The agreement also secures the delivery and management of the SANG. The SAMM contribution would be used for monitoring of visitor numbers in the SPA and for appropriate actions to be taken as a result of that monitoring, including through access control and provision of wardens.
17. The amount of SANG required to be provided in this location is 1.73ha per 1,000 new residents within the 5 – 7km zone from the SPA. The proposed provision of 1.56ha greatly exceeds the minimum size requirement of 0.22ha based on the Impact Avoidance and Mitigation Strategy⁵ and would be of value in extending the existing SANG facility at May's Farm. This would help to avoid any net increase in visitation of the SPA. The appellant's consultant advises that monitoring has been undertaken both in relation to the SPA and its overall catchment area and a local SANG at Langley Mead. This monitoring demonstrates that the local SANG is working broadly as predicted in terms of visitor pattern analysis. The monitoring also demonstrates that there has been a significant decline in visitation of the SPA between 2005 and 2018 despite a 12.9% increase in housing within the catchment area of the SPA as a whole.
18. SANGs provide avoidance and mitigation measures in relation to the cumulative effects of housing development. In addition, the 11 affected local authorities have each carried out a Habitats Regulations Assessment of their Local Plan policies and introduced policies to ensure that development in their areas does not contribute towards additional recreational pressure on the SPA. I am satisfied that the proposed housing development would not have any cumulative adverse effect on the SPA.
19. Natural England considers that the impacts on the SPA can be appropriately mitigated through provision of the SANG and SAMM contributions. For the reasons given I conclude that the proposed development will not cause an adverse effect on the integrity of the Thames Basin Heaths SPA, either alone or in combination with other plans or projects. For these reasons the proposal would accord with Policies CP19 and CP8 of the CS and with saved Policy NRM6 of the South East Plan which require mitigation measures in respect of the SPA.

Character and Appearance

20. The appeal site is primarily an area of open pasture land between the settlements of Three Mile Cross and Spencers Wood. It is partially used for keeping horses and includes a stable building. It also includes 'Parklands' which is a detached house and garden. The site adjoins the eastern frontage of Basingstoke Road and the grade II listed Lieutenant's Cottage. Within the site and along its eastern boundary there is a public footpath (footpath 20). On the

⁵ South of the M4 Strategic Development Location and land at The Manor – Thames Basin Heaths Special Protection Area Impact Avoidance and Mitigation Strategy

other side of this footpath there is a SANG at May's Farm which forms part of a suite of SANGs.

21. The listed building is a two-storey dwelling dating from the 18th century, which fronts onto Basingstoke Road. It is of brickwork which has been painted and has a tiled gabled roof. To one side there is an outbuilding of similar materials and form. The garden of the property adjoins the road and is enclosed by a hedge. There is an open aspect to the rear of the building across the appeal site towards footpath 20.
22. As the building is within the open gap between the villages its immediate setting remains as it was historically, that is open rural land. Nonetheless the area is semi-rural in character due to the proximity and extent of built development in the villages. The open setting of the listed building is an important part of its significance in that the dwelling was an isolated rural dwelling and its immediate setting maintains this appearance.
23. The proposed residential development on the northern part of the site would encroach into that open setting to the rear of the building and along the frontage of the road. The development would, however, be substantially behind landscaped areas and would still be separated from the listed building to the extent that openness would be maintained adjacent to the building, both to its rear and along the road frontage. The open aspect to the rear of the building and towards Spencers Wood would largely be retained. The proposed development on the southern parcel would be at some distance from the listed building and seen in association with existing development. Overall, the open setting as an important part of the significance of the building would be retained. The reduction in the extent of that setting would be harmful but the extent of that harm would be limited. The building would still be separate from the built-up areas and within a remnant of the rural area.
24. I give great weight to the harm that I have identified in this respect, in accordance with the Framework. Nonetheless, for the reasons given the harm would be less than substantial and I shall consider the public benefits which weigh against that less than substantial harm.
25. The land at present is used as pasture and for keeping horses. Other than footpath 20 there is no public access to the site. The proposed SANG would open the site to the public and this would increase the prominence of the building in the public realm. The greater opportunity for appreciation of the asset would constitute enhancement to which I give significant weight.
26. The public benefits of the proposal also include the recreational value of the SANG and the affordable housing. The proposed SANG provision would substantially exceed the amount necessary for mitigation and would provide public benefit. It would consolidate the existing suite of SANGs in the area. For these reasons I give substantial weight to this benefit.
27. I give further significant weight to the benefit of the proposed affordable housing because of the acute need for such housing in the area. There are over 1,800 households on the Council's housing register awaiting rented accommodation and at least 1,500 households on the shared ownership register. It is evident that although the Council is taking action to deliver the 441 affordable homes needed annually, as revealed by the Berkshire Strategic

Housing Market Assessment (2015), through its housing company, the past record of delivery has fallen short of that figure.

28. Although I have given great weight to the less than substantial harm to the setting of the heritage asset, the substantial and significant weights that I give to the public benefits are sufficient to outweigh that harm.
29. An important aspect of planning policy which is highlighted in the development plan and the SPD is that the separation of the settlements in the SDL must be maintained. Policy CP19 of the CS requires measures to maintain the separation of the settlements. The existing gap between Spencers Wood and Three Mile Cross is quite limited, particularly when travelling along the road but it is nonetheless still identifiable as a gap. The area in general is separated from the more densely settled area next to Reading by the M4. It is predominantly countryside, but the settlements dilute the rural character.
30. The existing gap on the western side of the road is the closest distance between the two settlements at about 110m. The gap on the eastern side of the road is much greater than this. The proposed residential development would result in the gap along that side of the road being about 180m although closer to footpath 20 this would be about 120m. While the open gap between the settlements would be reduced, a gap at least equivalent to that on the western side of the road would be retained. This would be sufficient to ensure that the separate identities of the villages are maintained and that there is no coalescence. Clear views would be maintained from footpath 20 across the site and the open land west of Basingstoke Road. The northern part of the development would have some impact on the semi-rural character of this part of Basingstoke Road, but the dwellings would be set back behind landscaped areas and their impact would be limited.
31. Although the extent of the gap between the settlements would be reduced the SANG provision would be of benefit in preventing coalescence. This is because it would be retained as a public facility in perpetuity, as secured by the planning obligation. The Council raised concern that this would not be in keeping with the rural character. However, it would have a natural and informal appearance. Existing landscape features would be retained and strengthened. The extent of hard development in the form of gravel footpaths and a timber bridge over a drainage channel would be limited. The proposed basin for sustainable drainage (SuDS) would have moderately sloping sides and would be grassed. While the character of the SANG may differ from that of pasture and farm land it would be consistent with a parkland character which would not be out of place in the countryside. For these reasons the SANG would not be out of character and the proposal would accord with Policy CP19 of the CS in this respect.
32. The landscape character of the area is identified in the Wokingham District Landscape Character Assessment (LCA) as J3: Spencers Wood Settled and Farmed Clay. This landscape has a gently shelving to undulating landform with arable farming and urban settlement. It is of moderate quality and moderate sensitivity. Field patterns survive and there are views across the landscape from high points, but urban areas dilute the rural character. For the reasons given above the SANG would maintain the rural character of the landscape between the villages. This, together with the new tree planting would accord

- with the LCA strategy to maintain rural character adjacent to settlements and to provide new woodland planting.
33. The southern part of the site is at a high level in relation to the remainder of the site and Basingstoke Road. This forms part of a ridge that runs between Spencers Wood and Shinfield. When walking along footpath 20 towards Spencers Wood a recent residential development known as The Brambles is visible from parts of that footpath. However, there is a section from where the development is not visible because of the rising topography. The proposed development on the southern parcel would alter this in that the upper parts of the proposed dwellings would always be likely to be visible along the footpath thereby reducing the sense of openness. The rising land towards the ridge would still form part of the experience of using the footpath and the partial view of the dwellings above the ridge would have a limited effect on the appreciation of this landscape feature.
34. The impact of the development on the ridge line as a landscape feature would be limited in that the southern parcel would be partially contained on two sides by existing development. It would occupy part of the high land which forms a knoll behind Parklands and this would remain as an open landscape feature. The proposed landscaping, which could be secured as part of later reserved matters applications and by condition, would soften the hard edge of the development in relation to the adjacent landscape.
35. Design Principle 1a of the SPD requires the landscape design to draw on the existing landscape context. The retention of existing landscape features and their strengthening by new planting would accord with this requirement. The southern access road would be through part of the SANG but it is intended to design this to avoid harm to the character. Gravel surfacing and low-level lighting would be used to minimise impact. Part of the residential development would be between Parklands and Basingstoke Road, but the appellants have advised that this would be a single dwelling. Although layout is a reserved matter, the layouts of the two parcels as shown on the illustrative plan would be in keeping with the layouts of other residential developments that have taken place in the area.
36. There would be some harm to the character and appearance of the area in terms of the extension of built frontage along the road, the reduction of the gap between the settlements and the additional development close to the ridge. However, the extent of that harm would be limited. I find that overall the proposal would accord with Policy CP3 of the CS in terms of its scale being appropriate and its overall design, including that of the SANG, being of high quality.
37. The proposal would provide new green infrastructure, including protection and retention of existing trees and hedgerows and new native planting. The SuDS would help to minimise flood risk. In these respects, the proposal would accord with Policy CC03 of the LP. The proposal addresses the requirements of the Council's LCA which is a requirement of Policy TB21 of the LP. While there would be some loss of open land, overall the condition, character and features that contribute to the landscape would be retained as required by that policy.
38. Nonetheless, the proposal would introduce built development outside of the currently defined development limits and into open countryside resulting in some limited harm to the character and appearance of the area, contrary to

Policies CP9, CP11 of the CS and CC02 of the LP. Notwithstanding that limited harm, the SANG provision would maintain or enhance the high quality of the environment as required by Policy CP1 of the CS.

39. I conclude on this main issue that there would be limited negative impacts on the character and appearance of the area. I give moderate weight to that harm.

Living Conditions

40. Three houses on Priors Gardens on The Brambles development are adjacent to part of the southern parcel which is at a higher level than those properties. At present there is a stable building on the site. I saw on my visit that the rear gardens of the Priors Gardens properties are separated from the site by fencing.
41. The house at the end of Priors Gardens is at an angle to the site boundary. Its rear elevation does not therefore face the site directly. The rear elevations of the two other dwellings on that road face directly towards the site. I note that extensions have been provided to those properties which reduce the space available to achieve the minimum separation distances recommended in the Borough Design Guide⁶. The change in levels may also mean that a greater distance would be required but this would depend upon the design of the development which is not at this stage fixed.
42. I note the Council's concern about the ability to accommodate the number of dwellings applied for in the space available. However, having regard to the illustrative plan and the minimum recommended separation distances it seems to me that there would be likely to be sufficient flexibility in the layout to provide those distances.
43. While the SANG would open up the land to the rear of The Lieutenant's Cottage to public access, new scrub planting would be provided along the boundary with that property to ensure separation between that property and the usable public space. The paths within the SANG would be located further away from that property. I conclude on this issue that the proposed development would not unacceptably harm the living conditions of neighbours. The proposal would accord with Policy CP3 of the CS which requires no detriment to the amenities of adjoining land users.

Other Matters

44. Concern has been expressed by local residents regarding traffic congestion and pollution from traffic. The appellant has demonstrated through a Transport Statement and an Air Quality Assessment that there would be no harm in these respects. The highway authority and the environmental health officer of the Council do not object to the application and I see no reason to disagree with their conclusions.
45. I note the concerns expressed by local residents about the capacities of local schools and medical facilities to accommodate the additional residents. However, no concerns have been expressed by the education or health authorities or by the Council in these respects. Indeed, a new primary school has been provided in line with the objectives of Policy CP19 of the CS.

⁶ Wokingham Borough Council Borough Design Guide Supplementary Planning Document (2012)

46. Although localised flooding has been raised as a concern, a Flood Risk Assessment and drainage strategy have been submitted and the Council's Flood Risk Officer had no objection to the development.

The Planning Obligation

47. The section 106 agreement secures contributions towards employment and skills, a scheme to encourage sustainable travel, public transport, play area(s) and SANG. Documentation has been provided which explains how those contributions have been calculated and what they are to be spent on. The contributions are for services but where they would fund infrastructure, as would be the case for play areas, the pooling restriction imposed by Regulation 123 of the Community Infrastructure Levy Regulations 2010 would be complied with.
48. The agreement also secures the delivery and management of the SANG and the provision of affordable housing at 35%. Improvements to a footpath which connects to Oakbank School would also be secured. Finally, the agreement ensures that the roads in the southern parcel of the site are maintained to an adoptable standard but without lighting. This would safeguard the character of the SANG and biodiversity.
49. These provisions are necessary under development plan policies. Policy TB12 of the LP requires an Employment Skills Plan. Guidance explains that alternatively an in lieu financial contribution can be made. Policy CP1 of the CS requires proposals to demonstrate reduction in the need to travel, particularly by private car. The 'My Journey' scheme provides travel information packs for residential areas and other measures to encourage use of sustainable transport. Policy TB08 of the LP requires open space and recreational facilities in connection with residential development.
50. The SANG contribution and SANG are necessary to mitigate effects on the SPA. Policy CP5 of the CS requires the provision of affordable housing. The footpath improvement would be necessary to provide an attractive, functional, accessible and safe scheme in accordance with Policy CP1 of the CS. The requirement in respect of the southern access is necessary to protect biodiversity. For these reasons the planning obligation is necessary, directly related to the development and fairly and reasonably related in scale and kind to it.

Overall

51. I have found that the proposal, including the mitigation measures, would not adversely affect the integrity of the SPA. On this basis the presumption in favour of sustainable development applies. I note that Policy CC01 of the LP has similar wording to the previous Framework in terms of the presumption, which has now been superseded.
52. The parties agree that the housing numbers set out in Policy CP17 of the CS are out-of-date as they were based on the South East Plan which has been revoked. Where strategic policies are more than 5 years old, as is the case here, the Framework requires that local housing need is calculated using the standard methodology. Using the 2014-based household projections the housing need for the period 2018 to 2023 is 4,320 dwellings, including a 5% buffer. This would require delivery of 907.2 dwellings per annum (dpa). This

- delivery rate significantly exceeds that which is specified in Policy CP17 at 723 dpa. There is a 6.83 years' supply of deliverable housing sites and paragraph 11 (d) of the Framework is not engaged on the basis of housing land supply.
53. Part of this supply has, however been achieved by using land outside the development limits. In the Lambs Lane appeal⁷ the Inspector noted the use of land outside development limits in achieving the housing land supply and considered that this could reduce the weight to be given to those limits. Nonetheless she concluded that this did not support attributing the aims of the policies limited weight.
54. In the Stanbury House appeal⁸, the parties had agreed the annual rate to deliver the objectively assessed need to be 876 dpa. The Inspector gave limited weight to the development boundaries on the basis that they were derived from Policy CP17. The housing need of over 907 dpa is higher still than the figure used in that appeal.
55. I take the view that the development limits are out-of-date because they are based on an outdated housing requirement, but that the aims of Policies CP11, CP9 and CC02 are generally consistent with national policy. It is important to look at the underlying aims of those policies in deciding the weight to be given to the conflict with them. Those aims are to protect the identities of separate settlements, to maintain the quality of the environment and to locate development where there is good accessibility to services and facilities. For the reasons given above, the proposal would maintain the separation of the settlements and their separate identities. There would be a high degree of accessibility to services and facilities. Although there would be limited harm to the character and appearance of the area, the SANG would be designed to maintain the quality of the environment. For these reasons the proposal would be in accordance with the underlying aims of the policies to a significant extent.
56. Because the development limits are out-of-date, Policies CP11, CP9 and CC02 are not fully up-to-date. This does not mean, however that those policies are out-of-date such that the tilted balance in paragraph 11 (d) of the Framework would be engaged. Nonetheless because the policies are not fully up-to-date the conflict with them does not attract full weight. I also take into account the significant degree of consistency between the proposal and their underlying aims. Having regard to all of these factors I give significant weight to the policy conflict. I have also given great weight to the harm to the setting of the listed building and moderate weight to the harm to the character and appearance of the area.
57. On the other hand, I have given substantial weight to the benefit of the SANG. I also give significant weights to the benefits of the affordable housing, the accessible location and to the enhancement to the setting of the listed building in terms of improved public access. There would also be economic benefits arising from the construction of the development and from the expenditure of its residents and I give further limited weight in this regard. The improvement to the footpath linking to Oakbank School would primarily be required to address the needs of the development but would also be of wider benefit. The planting within the SANG would aim for biodiversity gain. I give further limited weights to these benefits.

⁷ APP/X0360/W/18/3199728

⁸ APP/X0360/W/15/3097721

58. The substantial, three significant and three limited weights that I have identified in favour of the proposal would be enough to outweigh the great, significant and moderate weights that I attach to the harms and policy conflicts. The material considerations are of enough weight to indicate that my decision should be otherwise than in accordance with the development plan. This balancing exercise demonstrates that the benefits would outweigh the impacts and the proposal would accord with Policy 1 of the NP in this respect.

Conditions

59. I have imposed the conditions that have been agreed between the parties in the Statement of Common Ground and at the Inquiry. In doing so I have had regard to the tests in paragraph 55 of the Framework. With the exception of pre-commencement conditions, I have made some changes to the suggested wording to better accord with those tests. I have included the pre-commencement conditions which have been agreed between the parties.
60. A condition specifying the approved plans is necessary to provide certainty. Details of external materials and levels should be approved to ensure the appearance of the development is acceptable and that the living conditions of adjacent residents are safeguarded. It is necessary to provide visibility splays and construct roads, footways and cycleways in accordance with appropriate standards to ensure highway safety. Conditions are also necessary to provide for pedestrian accessibility in general and to the SANG. This includes the provision of a controlled pedestrian crossing on Basingstoke Road.
61. It is necessary to ensure that the SANG is provided in order to avoid impact on the SPA and to secure provision of the recreational facility. Measures to protect trees and hedgerows within the site are necessary to preserve the landscape character and protect biodiversity. Mitigation measures for bats, a lighting scheme for biodiversity and ecological permeability are necessary measures in the interest of biodiversity. Landscaping schemes are necessary to ensure the appearance of the housing development is acceptable in relation to its setting.
62. A detailed surface water drainage scheme is necessary to avoid localised flooding and to ensure that opportunities for sustainable drainage are utilised. A scheme of investigation for contamination and any necessary remediation measures are necessary to ensure the safety of future residents. It is necessary to control the environmental effects of construction through a Construction Environmental Management Plan and a limit on working hours to protect the living conditions of nearby residents. Noise mitigation measures are necessary in the proposed dwellings to ensure adequate living conditions for future occupants of the development. Details of external lighting are required to be approved to avoid unacceptable impact on wildlife. It is necessary to secure a programme of archaeological investigation as the site is within an area with archaeological potential.
63. The Statement of Common Ground includes a list of conditions which have been suggested by the Council, but which have not been agreed by the appellant. Those suggested conditions require submission and approval of details of field gates, tree and other planting, boundary fencing to the SANG, the SuDS basin, hard landscaping and site furniture. These details have been submitted and I find them to be acceptable, taking into account the consultation response from the Council's Green Infrastructure Delivery Officer.

For these reasons imposition of the suggested conditions requiring approval of those matters would not be necessary.

64. A suggested condition requiring a landscape and habitat management strategy for the residential parts of the site has not been agreed. The suggested condition would be necessary to ensure that the landscaping scheme for the residential development is adequately maintained until it becomes established and for this reason I have imposed a condition with that requirement. Two additional conditions were suggested at the Inquiry which require a 10% reduction in carbon emissions through renewable energy or low carbon technology and measures to reduce water consumption. Policies CC04 and CC05 of the LP have these requirements as does Policy CP1 of the CS. Accordingly, those conditions are necessary.

Conclusion

65. For the reasons given I conclude that the appeal should be allowed.

Nick Palmer

INSPECTOR

Richborough Estates

APPEARANCES

FOR THE APPELLANT:

Morag Ellis of Queens Counsel and Charles Forrest, barrister, instructed by Barton Willmore

They called

Lisa Toyne BA (Hons), Dip LA, Dip TP, CMLI Landscape Planning Director, Barton Willmore

Nicholas Paterson-Neild BA (Hons), MPhil, MRTPI Director, Barton Willmore

FOR THE LOCAL PLANNING AUTHORITY:

Cain Ormondroyd of Counsel instructed by Select Business Services: Legal Solutions

He called

Stuart Ryder BA (Hons) CMLI Director, Ryder Landscape Consultants Ltd

Ian Church BA (Hons), MA, MRTPI Team Manager, Wokingham Borough Council Growth and Delivery Team

Frances Haywood Specialist, Wokingham Borough Council Strategy and Commissioning Place Team

Emily Temple BSc (Hons), MSc, MRTPI Director, ET Planning Ltd

INTERESTED PARTY:

Amanda Cottingham Occupier of stables on the site

DOCUMENTS SUBMITTED DURING THE INQUIRY:

- 1 Opening Statement on behalf of the appellant
- 2 Opening Submissions on behalf of the LPA
- 3 Errata Note to Proof of Evidence of Lisa Toyne
- 4 Appeal Site Appraisal Plan RG-LP-LT-02A
- 5 Topographical Features Plan: Wider Context RG-LP-LT-03A
- 6 Topographical Features Plan: Local Context RG-LP-LT-03A
- 7 Topographical Features Plan: Local Context with Appeal Site Proposals RG-LP-LT-03A

- 8 Appeal site appraisal photographs A-C (Nov. 2018)
- 9 Suggested energy and water planning conditions
- 10 Table 1: Landscape Effects
- 11 Table 2: Visual Effects
- 12 Appeal decision ref. APP/X0360/W/18/3199728
- 13 Layout Plan for Lambs Lane, Spencers Wood decision (APP/X0360/W/18/3199728)
- 14 Time Period from Allocation to Planning Permission – major SDL sites (7 January 2019)
- 15 Table of housing completions and projected completions with annual requirement
- 16 E-mail from Amanda Cottingham dated 8 January 2019
- 17 Wokingham Borough Council Planning Advice Note: Infrastructure Impact Mitigation Contributions for New development (March 2014)
- 18 Photographs of site notices
- 19 Closing Submissions on behalf of the LPA
- 20 Closing Statement on behalf of the appellant
- 21 Parklands Inquiry Planning Obligations response to Inspectors Questions (15 January 2019)
- 22 E-mail correspondence between Vincent Healy, Senior Planning Solicitor, Wokingham Borough Council and Karen Mutton, Principal Associate, Eversheds Sutherland dated 17 January 2019
- 23 Signed Section 106 Agreement

Schedule of Conditions

- 1) The development of the Suitable Alternative Natural Greenspace hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 3) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 4) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 5) The development hereby permitted shall be carried out in accordance with the following approved plans and documents: RG-M-15B, RG-L102-1A, RG-L102-2, RG-L102-3, RG-L102-5, RG-L103A, A097-006 P4, A097-007 P5, AL097-012 P3, RG-M-37F, RG-L100R, A097-011 P4, Flood Risk Assessment A097-R004B, Landscape Management Plan: Revision B, January 2018 and Tree Survey, Tree Retention and Removal Plan: FLAC CC35-1033 January 2018.
- 6) The reserved matters application(s) shall include details of the materials to be used in the construction of the external surfaces of the buildings which shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 7) The reserved matters application(s) shall include a measured survey of the site and a plan prepared to a scale of not less than 1:500 showing details of existing and proposed ground levels (in relation to a fixed datum point) and finished floor levels, which shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 8) Prior to commencement of the development, there shall be submitted to and approved in writing by the local planning authority, details of the proposed vehicular access to include visibility splays of 2.4m by 43m. The accesses shall be formed as so-approved and the visibility splays shall be cleared of any obstruction exceeding 0.6 metres in height prior to the occupation of the development. The access shall be retained in accordance with the approved details and used for no other purpose and the land within the visibility splays shall be maintained clear of any visual obstruction exceeding 0.6 metres in height at all times.
- 9) Prior to the commencement of the development a plan showing details of a pedestrian crossing on the Basingstoke Road within the vicinity of the site shall be submitted for approval to the local planning authority. The pedestrian crossing shall be implemented in accordance with the approved details and made available for public use prior to the first occupation of any of the dwellings on the application site.

- 10) Prior to the commencement of development, details of measures within the development to improve footway and cycleway routes that connect the development with Basingstoke Road, the SANG, Footpath 20, Three Mile Cross and Spencers Wood shall be submitted for approval by the local planning authority. The measures shall be implemented in accordance with the approved details prior to the occupation of the first dwelling.
- 11) Prior to the commencement of development, full details of the construction of roads, cycleways and footways, including levels, widths, construction materials, depths of construction, surface water drainage and lighting shall be submitted to and approved in writing by the local planning authority. Each dwelling shall not be occupied until the vehicle access to serve that dwelling has been constructed in accordance with the approved details to road base level and the final wearing course will be provided within 3 months of occupation, unless otherwise agreed in writing by the local planning authority.
- 12) No dwelling shall be occupied until the Suitable Alternative Natural Greenspace (SANG) has been provided in accordance with plan ref. RG-L100R and made available and opened for public use.
- 13) The reserved matters application(s) shall include a detailed hedgerow mitigation and compensation strategy which shall be submitted to and approved in writing by the local planning authority and which shall include:
 - (a) details of any buffer zones required to protect the retained hedgerows, such buffer zones to be a minimum of 5m measured from the central stem unless there are exceptional circumstances which may include the upgrade of Footpath 20 and the Oakbank SANG link. Details of construction of any footpaths within the buffer zones shall be submitted to and approved in writing by the local planning authority and development shall be carried out in accordance with the approved details.
 - (b) Other than in the exceptional circumstances referred to in (a), the buffer zones shall be free from development including residential gardens.
 - (c) Consideration of ecologically important hedgerows. If any such hedgerow is proposed to be translocated, a detailed method statement shall be included.
 - (d) A detailed hedgerow compensation strategy to address any significant negative impact on the hedgerow network as a result of the development.
 - (e) Management arrangements for any receptor site that will secure the long term future of the translocated habitats and species.The mitigation and compensation strategy shall be implemented in accordance with the approved details.
- 14) The reserved matters application(s) shall include a detailed bat mitigation strategy which shall be submitted to and approved in writing by the local planning authority. The mitigation strategy shall be implemented in accordance with the approved details.

- 15) The reserved matters application(s) shall include a detailed scheme to maintain the ecological permeability of the site (especially with regard to reptiles, amphibians and hedgehogs). The mitigation and contingency measures contained within the scheme shall be implemented in accordance with the approved details.
- 16) The reserved matters application(s) shall include a detailed scheme for a lighting design strategy for biodiversity, for light-sensitive species which shall be submitted to and approved in writing by the local planning authority. The strategy shall:
 - (a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their resting places or along important routes used to access key areas of their territory, for example for foraging; and
 - (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. All external lighting shall be installed in accordance with the specifications and locations set out in the approved strategy and these shall be maintained thereafter in accordance with the strategy. No other external lighting shall be installed without prior written consent from the local planning authority.
- 17) The reserved matters application(s) shall include full details of both hard and soft landscaping proposals for that sub-phase which shall be submitted to and approved in writing by the local planning authority. The details shall include, as appropriate, proposed site levels or contours, means of enclosure, pedestrian and cycle access and circulation areas, hard surfacing materials, water features and minor artefacts and structures (e.g furniture, boardwalks, signs, street lighting, external services etc). Soft landscaping details for each sub-phase shall include a planting plan, specification (including cultivation and other operations associated with plant and grass establishment), schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate and an implementation timetable. All hard and soft landscape works for each sub-phase shall be carried out in accordance with the approved details which shall include the phasing of planting, soft and hard works within each part of the development.
- 18) In this condition and condition 19 "retained tree" means an existing tree which is to be retained in accordance with the Tree Retention and Removal Plan: FLAC CC35-1033 January 2018. The plans and particulars in accordance with condition 17 shall include:
 - (a) details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the sub-phase;
 - (b) details of any proposed alterations in existing ground levels and of the position of any proposed excavation within the crown spread of any retained tree or of any tree on land adjacent to the sub-phase, and within a distance from any retained tree, or any tree on land adjacent to the site, equivalent to half the height of that tree;

- (c) details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development.
 - (d) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made without the written consent of the local planning authority.
- 19) This condition shall have effect until the expiration of 5 years from the date of commencement of development.
 - (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping shall be carried out in accordance with British Standard 3998 (Tree Work).
 - (b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time as may be specified in writing by the local planning authority.
- 20) All hedges and hedgerows on each sub-phase (unless indicated as being removed) shall be retained and protected for the duration of works on land within each sub-phase in accordance with details which shall be submitted to and approved in writing by the local planning authority. In the event that hedges or hedgerows become damaged or otherwise defective during such period the local planning authority shall be notified in writing as soon as reasonably practicable. Within one month of notification a scheme of remedial action, including a timetable for implementation shall be submitted to the local planning authority for its approval. The approved scheme shall be implemented in accordance with the approved timetable. Any trees or plants which, within a period of two years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 21) Any trees, shrubs or grass areas that are planted or retained as part of the development that die, become seriously damaged or are destroyed within five years from completion of the relevant sub-phase of development shall be replaced with a specimen of the same species and of a similar size in the earliest appropriate planting season. The particulars (including species and location) of the replacement trees, shrubs or grass areas shall be submitted to the local planning authority for written approval prior to planting and planting shall be in accordance with the approved details.
- 22) The reserved matters application(s) shall include an overarching landscape and habitat management strategy and detailed management

strategies for each phase of development which shall be submitted to and approved in writing by the local planning authority before commencement of development. The detailed strategies shall include management responsibilities, timescales and maintenance schedules for all landscape areas other than privately owned gardens and the SANG and shall be carried out in accordance with the approved details.

- 23) No dwelling hereby permitted shall be occupied until surface water drainage works which serve that dwelling have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. An assessment of the potential for disposing of surface water by means of a sustainable drainage system (SuDS) shall be carried out and the results of the assessment submitted to the local planning authority. The submitted details shall include, as appropriate:
- (a) information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - (b) a timetable for implementation of the drainage works;
 - (c) a management and maintenance plan for any SuDS for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime;
 - (d) results of intrusive ground investigation demonstrating seasonal high groundwater levels for the site and infiltration rates in accordance with BRE365;
 - (e) in instances where infiltration is promoted, demonstration that the base of SuDS features are at least 1m above seasonal groundwater level;
 - (f) full calculations demonstrating the performance of soakaways or capacity of attenuation features to cater for the 1 in 100 year flood event with a 40% allowance for climate change and run-off controlled at 11.5 l/s or better;
 - (g) calculations demonstrating that there will be no flooding for events up to and including the 1 in 100 year flood event with a 40% allowance for climate change;
 - (h) a drainage strategy plan for the development, including pipe details with invert levels and side slopes of detention basins and swales in accordance with the Wokingham Borough Council's SuDS strategy; and
 - (i) details of foul drainage.
- 24) Unless otherwise agreed by the local planning authority, development other than that required to be carried out as part of an approved scheme of contamination remediation must not commence until conditions A – D (below) have been complied with.

If unexpected contamination is found after development has commenced, development must be halted on that part of the site affected by the unexpected contamination, to the extent specified in writing by the local planning authority, until there is compliance with condition D (below).

A Site Characterisation

An investigation and risk assessment shall be completed in accordance with a scheme that has been submitted and approved in writing by the local planning authority to assess the nature and extent of contamination on the site and whether or not it originates at the site. (This is in addition to any assessment that may have been provided with the planning application). The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be submitted to the local planning authority for approval. The report of the findings must include:

- i) a survey of the extent, scale and nature of the contamination;
- ii) an assessment of the potential risks to:
 - a) human health;
 - b) property (existing or proposed) including buildings, crops, livestock, pets, woodland and services and pipework;
 - c) adjoining land;
 - d) groundwater and surface waters;
 - e) ecological systems; and
 - f) archaeological sites and ancient monuments; and
- iii) an appraisal of remedial options and the proposed preferred option.

The assessment must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination' CLR11.

B Submission of a remediation scheme

A detailed remediation scheme that describes how the site will be made suitable for the intended use must be submitted to the local planning authority for written approval. The remediation scheme shall include the proposed remediation objectives and remediation criteria, details of all works to be undertaken, the timetable of works and site management procedures. The remediation scheme shall ensure that the site cannot be declared as being contaminated under part 2A of the Environmental Protection Act 1990, in relation to the intended use, after remediation works are completed.

C Implementation of the approved remediation scheme

The approved remediation scheme shall be implemented before other groundworks or construction works commence unless a phased approach has been agreed as part of the approved remediation scheme or unless written approval is given by the local planning authority. The applicant or contractor must give at least two weeks written notice before remediation works commence. Following completion of remediation works at the site, or upon completion of each phase a verification report shall be submitted to the local planning authority for written approval.

D Reporting of unexpected contamination

If unexpected contamination is found at any time during development this shall be reported in writing as soon as possible to the local planning authority. An investigation and risk assessment shall be carried out in accordance with the requirements of condition A (above), and where remediation work is necessary a remediation scheme shall be prepared and submitted for written approval to the local planning authority, in accordance with condition B (above). Following the completion of measures set out in the approved remediation scheme a verification report shall be submitted to the local planning authority in accordance with condition C (above).

- 25) Prior to commencement of development hereby permitted, a Construction Environmental Management Plan (CEMP) in respect of that phase shall have been submitted to and approved in writing by the local planning authority. Construction of the development shall not be carried out otherwise than in accordance with the approved CEMP. The CEMP shall include the following matters:
- i) a construction travel protocol or Green Travel Plan for the construction phase including details of parking and turning for vehicles of site personnel, operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials;
 - iv) programme of works, including measures for traffic management and operating hours;
 - v) piling techniques;
 - vi) provision of boundary hoarding;
 - vii) protection of the aquatic environment in terms of water quantity and quality;
 - viii) details of proposed means of dust suppression and noise mitigation;
 - ix) details of measures to prevent mud from vehicles leaving the site during construction;
 - x) details of any site construction office, compound and ancillary facility buildings. These facilities shall be sited away from woodland areas;
 - xi) lighting on site during construction;
 - xii) measures to ensure no on-site fires during construction;
 - xiii) monitoring and review mechanisms;
 - xiv) implementation of the CEMP through an environmental management system;
 - xv) details of the haul routes to be used to access the development;
 - xvi) details of temporary surface water management measures to be provided during the construction phase;
 - xvii) details of the excavation of materials and the sub-surface construction methodology; and
 - xviii) appointment of a Construction Liaison Officer.
- 26) The reserved matters application(s) shall include details of measures in accordance with the recommendations of the Planning Noise Assessment WIE10611-R-3.3.1-HG (Waterman dated April 2017).

- 27) No work relating to the development hereby approved, including works of demolition or preparation prior to building operations, shall take place other than between the hours of 08:00 hours and 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays and at no time on Sundays or Bank or National Holidays.
- 28) Details of external lighting shall be submitted to and approved in writing by the local planning authority before the development is occupied. The details shall include location, height, type and direction of light sources and intensity of illumination for all external lighting strategies including details of lighting for all highways, cycleways, footpaths, public areas and any non-residential buildings. No further external lighting shall be installed without the written approval of the local planning authority.
- 29) No development shall take place within the site until the applicant, or their agent or their successor in title, has secured and implemented a programme of archaeological work (which may comprise more than one phase of work) in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. The development shall only take place in accordance with the detailed scheme approved pursuant to this condition.
- 30) The reserved matters application(s) shall include details to demonstrate how the development will achieve a 10% reduction in carbon emissions through renewable energy or low carbon technology beyond the minimum requirements of Part L: Building regulations. The approved measures shall be installed and functional before first occupation of the dwelling they are intended to serve.
- 31) The reserved matters application(s) shall include details of measures to reduce water consumption to achieve internal potable water consumption targets of 105 litres or less per person per day. The measures shall be implemented in accordance with the approved details before first occupation of the dwelling they are intended to serve and shall be retained thereafter unless their replacement would result in improved water consumption.