
Appeal Decision

Inquiry opened on 23 September 2014

Site visit made on 24 September 2014

by B J Sims BSc(Hons) CEng MICE MRTPI

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

Decision date: 13 October 2014

Appeal Ref: APP/X0360/A/14/2217599

**Land to the rear of 336-350 Barkham Road, Wokingham,
Berkshire, RG41 4DE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Vortal Properties Limited against the decision of Wokingham Borough Council.
 - The application Ref F/2013/1483, dated 25 July 2013, was refused by notice dated 24 October 2013.
 - The development proposed is the demolition of No 346 Barkham Road and the erection of 25 No dwellings (24 net) together with new vehicle and pedestrian access from Barkham Road.
 - The Inquiry sat for 2 days on 23 and 24 September 2014.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of No 346 Barkham Road and the erection of 25 No dwellings (24 net) together with new vehicle and pedestrian access from Barkham Road on land to the rear of 336-350 Barkham Road, Wokingham, Berkshire, RG41 4DE, in accordance with the terms of the application, Ref F/2013/1483, dated 25 July 2013, subject to the conditions set out in the Schedule appended to this decision.

Application for costs

2. At the Inquiry an application for costs was made on behalf of Mr and Mrs Falgowski, a Rule 6 Party, against Wokingham Borough Council. This application is the subject of a separate Decision. *[Listed Documents 5 and 6]*

Procedural Matters

3. The application was made in the joint names of Bellway Homes (Thames Valley) Limited and Vortal Properties Limited. However, it was subsequently agreed with the Council that the appeal should proceed in the name of Vortal Properties Limited alone.
4. At the opening of the Inquiry the Appellants provided a completed planning obligation by unilateral undertaking under section 106 of the Act (as amended) whereby, on the grant of permission, the Appellants undertake to provide 10 of the proposed 24 dwellings as affordable housing and to make financial contributions towards transportation infrastructure improvements, education,

leisure and library facilities to serve the site and its residents. *[Listed Document 2]*

5. Shortly after the opening of the Inquiry the Council withdrew all of its five reasons for refusal (RR1-5) and adduced no evidence. Following the withdrawal of the Council's case, the Rule 6 Party opposing the appeal, Mr and Mrs Falgowksi, also adduced no evidence. Evidence was given only on behalf of the Appellants in general support of the appeal and in response to written objections by other interested persons.
6. Notwithstanding the removal of all objection to the proposed development by the Council, it remains for the appeal to be determined on a fresh appraisal of the planning issues arising and, in particular, the objections still pursued by local residents and the Barkham Parish Council.

Common Ground between the Appellants and the Council

7. According to the Statement of Common Ground (SOCG) produced before the Inquiry, the planning obligation would meet Local Plan requirements for affordable housing and infrastructure contributions and the only matters remaining in dispute between the Council and the Appellants were whether a shortfall in housing land supply should trigger early release of the site and the acceptability of the access road in relation to a protected oak tree.
8. At the opening of the Inquiry, on provision of the completed planning obligation, the Council confirmed the withdrawal of RR3 relating to infrastructure and RR4 concerning affordable housing.
9. Shortly after the opening of the Inquiry the Appellants and the Council produced an Additional Statement of Common Ground (ASOCG). *[Listed Document 1]* This removed the remaining matters of dispute between the main parties and led to the withdrawal by the Council of RR1 and RR2 concerning the release of the site in relation to housing land supply and RR5 regarding the protected oak tree.

Planning Issues

10. The main issues for considerations relate to:
 - i. Whether the appeal land, as part of a reserved site under adopted Local Plan policy, should be released in response to an agreed shortfall in the five year housing land supply;
 - ii. The effect of the construction of the proposed vehicle access on a protected oak tree within the curtilage of 348 Barkham Road in the context of the local street scene; and
 - iii. Any other effects due to the density and form of the proposed development including with respect to:
 - i. the character, appearance and landscape setting of the site at the urban edge of Barkham Hill;
 - ii. living conditions at adjacent existing residential properties;
 - iii. traffic flow and road safety at the site access and on Barkham Road;
 - iv. wildlife; and
 - v. flood risk.

Reasons

Housing Land Supply and the Release of the Site

11. The National Planning Policy Framework (NPPF) at para 196 refers to the statutory requirement of section 38(6) of the Planning and Compulsory Purchase Act 2004 that the appeal must be determined in accordance with the development plan unless material considerations indicate otherwise.
12. At para 14 the NPPF sets out its essential presumption in favour of sustainable development, including that, where the relevant development plan policies are out-of-date, permission should be granted without delay, unless any adverse impacts would significantly and demonstrably outweigh the benefits. At para 47, in order to boost significantly the supply of housing, the NPPF requires the Council to demonstrate a five year housing land supply with an additional buffer of 20% where, as is established in the case of Wokingham, there is a history of under-performance in housing provision, compared with objectively assessed need for market and affordable housing. NPPF para 49 states that relevant policies for the supply of housing should not be considered up-to-date if the Council cannot demonstrate a five-year supply of deliverable sites.
13. The development plan for Wokingham Borough comprises the adopted Core Strategy 2010 (CS) and the Managing Development Delivery Local Plan 2014 (MDDLDP), the latter having recently been upheld in the High Court judgment in the case of *Gladman Development Limited v Wokingham Borough Council* (CO/1455/2014).
14. In the ASCOG the Council accepts that, allowing for the requisite 20% buffer, there is a deficit of at least, but no more than, 24 dwellings in the five year housing land supply, equivalent to the net contribution by the appeal development. That is as assessed by the April 2014 Strategic Housing Land Availability Assessment (SHLAA) and compared with the adopted requirement. The Appellants believe that the deficit is substantially larger but do not pursue the matter in connection with the present appeal, whilst at the Inquiry the Council indicated that further work may be required with respect to the supply position.
15. On the evidence now available, there is no dispute that the Council cannot demonstrate a five year housing land supply. It is therefore a material consideration for the purposes of deciding this case that, in terms of the NPPF, the relevant adopted policies are not to be considered up-to-date with respect to the supply of housing. Permission should therefore be granted without delay unless any adverse impacts would significantly and demonstrably outweigh any benefits.
16. The appeal land is a large part of a site allocated in the adopted MDDLDP but reserved until 2026 by Policy SAL03 unless certain criteria are met, including a shortfall in the five year housing land supply. Accordingly, in the absence of any current proposal to bring forward other reserve sites, there is no ground for deferring the release of the appeal land and there is no objection in principle to its development within the Proposed Development Limit of Barkham Hill as defined in the MDDLDP.
17. Notwithstanding that the housing supply provisions of Policy SAL03 are to be regarded as out-of-date, the development should still comply with the other

provisions of the development plan unless material considerations indicate otherwise. The scheme proposed must therefore accord with additional guidance appended to Policy SAL03 that it shall deliver at least 10 per cent affordable housing and address any impacts on the environment and landscape of the area, as well as complying with other relevant adopted policies.

The Protected Oak Tree and the Local Street Scene

18. RR5 cited potential harm to a protected oak tree within the curtilage of No 348 Barkham Road, with its roots extending into the front garden of No 346, where the house is proposed to be demolished and the access road to the appeal site constructed. The tree is old and distressed but remains a magnificent specimen, one of several contributing to the sylvan character of the area. Clearly, if ground excavation and road construction were to damage its roots, its life could be unacceptably shortened to the detriment of the local street scene.
19. The practicality of protecting the roots of the oak was questioned by the Council until the Appellants produced, at the start of the Inquiry, a specialist Tree Radar Root Scan Report [*Listed Document 3*] which shows, by means of a ground penetrating radar (GPR) survey, that the tree has a low average root density, probably due to past excavation and construction. It is now agreed between the Council and the Appellants that the roots can be effectively protected by relatively non-invasive short piles supporting the road slab. This agreement led to the withdrawal of RR5. There is no other evidence to challenge the agreement between the arboricultural advisers to the two main parties that appropriate protective measures, construction and monitoring can be secured by planning condition.
20. With the imposition of Conditions 9, and 9(e) and 9(f) in particular, it is evident that the protected oak tree can be safeguarded in compliance with the relevant provisions of Policies CP3 of the CS and CC03 and the Appendix to Policy SAL03 of the MDDLDP.

Effects of the Density and Form the Proposed Development

Character, Appearance and Landscape Setting

21. Notwithstanding the acceptance in the adopted development plan that the field and woodland comprising the appeal site fall within the development limit of Barkham Hill, there is no doubt that its development as proposed will have a dramatically urbanising effect on the site and its surroundings, especially noticeable from existing adjacent properties.
22. However, it is accepted by the Council that the design of the scheme avoids undue harm to the landscape of the countryside beyond the present built settlement. The density of the development, at about 17 dwellings per hectare, reflects overall local development density. Whilst the submitted scheme provides no on-site open green space, it retains much existing mature vegetation and the Leisure Contribution of the completed planning obligation, in the sum of some £83,000, includes for the improvement or provision of play facilities, pitches, amenity space, country parks and rural access, in the community but not on the appeal site.
23. Allowing that the principle of the development of the land is acceptable in policy terms, it is evident that construction materials, boundary walls and

fences, landscape planting and management can be designed in conjunction with adjacent landowners and controlled by planning condition to ensure that the development is visually integrated into its setting in an acceptable way. These elements of the development are secured by Conditions 3 to 8. That is on a fresh appraisal, despite certain apparent discrepancies in the submitted sustainability and landscape assessments to which some written representations refer.

Living Conditions at Adjacent Property

24. It is understandable that the mere proximity of the proposed development causes concern over loss of amenity, especially to the rear boundaries of existing properties on Barkham Road, some with relatively shallow rear gardens overlooking the site or bordering the access road which would run on higher ground than adjacent gardens. However, the design evidently provides reasonable separation and screening between properties with new dwellings orientated generally away from existing houses. Mere loss of the existing rural view is not strictly a planning issue. Given the already suburban nature of the locality, there is no evidence that the development would have any unacceptable impacts in planning terms, such as by way of noise, disturbance, loss of privacy, light pollution or overshadowing. In this connection, conditions 10 to 13 serve to avoid unwarranted external lighting or excessive noise during construction.

Traffic Flow and Road Safety

25. There is unchallenged evidence that the proposed development is likely to generate some 20 vehicle movements during peak hours. This is modest compared with the existing traffic flow on Barkham Road of around 1,000 vehicles per peak hour, which in turn is less than 50 per cent of its flow capacity.
26. Adequate vision splays can be provided at the junction with Barkham Road, whilst existing vehicle accesses can be stopped up. Safety barriers can be installed where pedestrian and cycle access routes meet Barkham Road.
27. Finally, the proposed on-site parking and turning facilities can be required to be provided before occupation of the dwellings and kept in place thereafter in order to avoid on-street parking, turning or congestion within the development itself.
28. All these measures are secured by Conditions 16, 28, 29 and 31. As a result, it is apparent that the development will not give rise to unacceptable increased traffic flow or risk to road safety.

Wildlife

29. There is naturally some concern that the proposed development will displace existing wildlife on the site. However, there is no clear evidence of unacceptable harm to protected or other species, subject only to the implementation of a reptile and amphibian mitigation plan secured by Condition 26.

Flood Risk

30. Despite some locally expressed concern regarding potential flooding at the appeal site, the land is in Flood Zone 1 of low risk and there is no technical objection from the Environment Agency or Thames Water on grounds of flood risk to substantiate any objection in this respect.
31. The provision of sustainable drainage systems, designed in consultation with adjacent occupiers, would obviate increased surface water run-off from the site over neighbouring property or flood risk elsewhere. Such measures are secured by way of Conditions 20, 21 and 23.

Conclusion on the Effects of the Density and Form the Proposed Development

32. With the planning obligation and conditions mentioned above in place, the proposed development will meet the provisions of Policies CP1 and CP3 of the CS and CC03 and the Appendix to Policy SAL03 of the MDDL, which together refer to the general principles for sustainable development and the protection of the landscape.

Benefits of the Development

33. The proposed development would boost market and affordable housing land supply in the face of acknowledged cumulative shortfalls in the Borough in accordance with the NPPF, at the same time supporting the local economy. These are significant benefits, given that the housing targets of the adopted Local Plan are to be regarded as minimum requirements.

The Planning Obligation

34. RR3 and RR4 refer to affordable housing and infrastructure contributions required by the adopted Local Plan. The Council accepts that the planning obligations secured by the section 106 agreement meet relevant Local Plan requirements, including 40% on-site affordable housing and a range of infrastructure contributions, and at the opening of the Inquiry confirmed the withdrawal of RR3 and RR4.
35. The planning obligation appears to be legally valid in terms of section 106 of the Act as amended and its provisions are necessary to make the development acceptable in planning terms as well as directly, fairly and reasonably related in scale and kind to the proposed development in terms of Regulation 122 of the Community Infrastructure Regulations 2010 as amended. Accordingly, the planning obligation may properly be taken into account as a material consideration, assuring compliance of the development with the relevant provisions of the Local Plan.

Planning Conditions

36. In addition to those planning conditions referred to above, other conditions are imposed essentially in accordance with those agreed and suggested by the Council and the Appellants [*Listed Documents 4a and b*], subject only to minor editing for consistency and to avoid repetition. All are necessary to ensure the proper implementation of the development without undue planning impact as well as being relevant, precise and enforceable in terms of national Planning Practice Guidance.

37. For the avoidance of doubt and in the interest of proper planning, Condition 2 requires compliance with the approved plans. Conditions 14, 15, 19, 24, 25 and 30 ensure proper site management and construction methods for buildings and access roads before occupation. Conditions 17 and 27 secure a travel plan in the interest of sustainable travel, including provision for cycle storage. Condition 18 requires the provision of bin stores in the interest of amenity. Condition 22 ensures adequate water supply.

Overall Conclusion

38. With those conditions and the planning obligation in place and with respect to the foregoing main issues of housing land supply, the protected oak tree and other effects, the proposed development would appropriately address its impacts on the environment and landscape and otherwise be in compliance with the Local Plan. Permission should therefore be granted in line with the central presumption of the NPPF in favour of sustainable development. The benefits of the development, in meeting the agreed shortfall in the supply of market and affordable housing, add weight to the case in favour of this appeal.

B J Sims

Inspector

SCHEDULE OF PLANNING CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Plan	1950 10 C
Survey Plan	654BK01
Access Road	05.07-301A
Plans and Elevations	1950 11 to 27 inclusive
Street Scenes & Sections	1950 28
- 3) Before the development hereby permitted is commenced, samples and details of the materials to be used in the construction of the external surfaces of the buildings shall have first been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 4) Before the development hereby permitted is commenced details of all boundary treatments, including details of the boundary treatment between houses and driveways, shall first be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of the development or phased as agreed in writing by the Local Planning Authority. The scheme shall be maintained in the approved form for so long as the development remains on the site.
- 5) No development shall commence until full details of both hard and soft landscape proposals have been designed in consultation with owners and occupiers of existing adjacent property and submitted to and approved in writing by the Local Planning Authority. These details shall include, as appropriate, proposed finished floor levels or contours, means of enclosure, car parking layouts, other vehicle and pedestrian access and circulation areas, hard surfacing materials and minor artefacts and structure (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, external services, etc). Soft landscaping details 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 and densities where appropriate, and an implementation timetable.
- 6) All hard and soft landscape works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a timetable agreed with the Local Planning Authority. Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced in the next planting season with others of species, size and number as originally approved, unless the Local Planning Authority agrees in writing to any variation, and permanently retained.

- 7) No development shall take place until a landscape management plan, including long-term design objectives, management responsibilities, timescales and maintenance schedules for all landscape areas, other than privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved.
- 8) No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted wilfully damaged or destroyed, cut back in any way or removed without the previous written consent of the Local Planning Authority; any trees, shrubs or hedges removed without consent or dying or being severely damaged or becoming seriously diseased within 5 years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species unless the Local Planning Authority gives written consent to any variation.
- 9)
 - (a) No development, demolition, site clearance or any other construction related activities (including delivery of equipment) shall commence on site until a scheme (herein called the Approved Method Statement for Arboricultural Works - AMSAW) which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site has been submitted to and approved in writing by the Local Planning Authority; no development or other operations shall take place except in complete accordance with the AMSAW.
 - (b) No operations shall commence on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and/or widening or any other operation involving use of motorised vehicles or construction machinery) until the tree protection works required by the AMSAW are in place on site.
 - (c) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within an area designated as being fenced off or otherwise protected in the AMSAW.
 - (d) The fencing or other works which are part of the AMSAW shall not be moved or removed, temporarily or otherwise, until all works including external works have been completed and all equipment, machinery and surplus materials removed from the site, unless the prior approval of the Local Planning Authority has first been sought and obtained.
 - (e) The AMSAW shall specifically include full working design details of the sequence and methods of construction of the proposed access driveway adjacent to the protected oak tree (Tree Preservation Order reference T3 of 1169/2007).
 - (f) No development shall take place until a programme of arboricultural site monitoring has been submitted to and approved by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme.
- 10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking and re-enacting that Order with or without modification),

no external lighting shall be installed on the site or affixed to any buildings on the site except in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. External lighting shall only be installed in accordance with the approved details.

- 11) No noise-generating activity relating to the development hereby approved, including works of demolition or preparation prior to the construction phase, shall take place other than between the hours of 8.00am to 6.00pm Monday to Friday and 08.00am to 1.00pm on Saturdays, and at no time on Sundays, Bank, or National Holidays.
- 12) All plant, machinery and equipment installed or operated in connection with the development hereby permitted shall be so enclosed and/or attenuated that noise therefrom does not exceed at any time a level of 10dB(A) below the existing background noise level, when measured at a point one metre external to the nearest residential or noise sensitive property.
- 13) No delivery or service vehicles shall be taken into or dispatched from the site, outside the hours of 08:00am to 06.00pm Monday to Friday and 08:00am to 1:00pm on Saturdays, and at no time on Sundays and Bank or Public Holidays unless otherwise agreed in writing with the Local Planning Authority.
- 14) Before development commences, full details of the construction of roads 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. The roads and footways shall be constructed in accordance with the approved details to binder course level before the buildings are commenced and the final surface course shall be provided within 3 months of occupation of the buildings, unless otherwise agreed in writing by the Local Planning Authority.
- 15) No development shall take place, including any works of demolition, until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The approved CMS shall be adhered to throughout the construction period. The CMS shall provide for:
 - i. the parking of vehicles of site operatives and visitors,
 - ii. loading and unloading of plant and materials,
 - iii. storage of plant and materials used in constructing the development,
 - iv. the erection and maintenance of security hoardings, including decorative displays and facilities for public viewing, where appropriate,
 - v. measures to prevent the deposit of materials on the highway and details of wheel washing facilities,
 - vi. measures for traffic management including arrangements for HGV deliveries and HGV routing, and
 - vii. programme of works.
- 16) No part of any building hereby permitted shall be occupied or used until the vehicle parking and turning space serving it has been provided in accordance with the approved plans. The vehicle parking and turning

space shall thereafter be retained and maintained in accordance with the approved details and the parking space shall remain available for the parking of vehicles at all times and the turning space shall not be used for any other purpose other than vehicle turning.

- 17) The development shall not be commenced until a travel plan has been submitted to, and approved in writing by the Local Planning Authority. The travel plan shall include a programme of implementation and proposals to promote alternative forms of transport to and from the site, other than by the private car and provide for periodic review. The travel plan shall be permanently implemented as agreed, unless otherwise agreed in writing by the Local Planning Authority.
- 18) No building shall be occupied until secure and covered bin store facilities to serve it have been provided in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority. The bin store facilities shall thereafter be permanently retained.
- 19) No development shall take place until a measured survey of the site and a plan prepared to scale of not less than 1:500 showing details of existing and proposed finished ground levels (in relation to a fixed datum point) and finished floor levels has been submitted to and approved in writing by the Local Planning Authority, and the development shall be implemented only in accordance with the approved details prior to the occupation of the buildings.
- 20) No development shall take place until a surface water drainage scheme (SWDS) for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy shall demonstrate that surface water run-off generated up to and including the 1 in 100 years critical storm, with a suitable allowance for climate change included, will not exceed the run-off from the undeveloped site following the corresponding rainfall event and that flood risk will not be increased elsewhere and that surface water run-off from the site over any other property will not increase as a result of the development. The SWDS shall subsequently be implemented in accordance with the approved details before the development is completed. The SWDS shall include details of how the surface water drainage shall be maintained and managed after completion.
- 21) Development shall not commence until a drainage strategy detailing any on- and off-site drainage works, and detailing the existing and proposed foul discharge to the network, along with proposed points of connection, has been submitted to and approved by the Local Planning Authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.
- 22) Development shall not commence until impact studies of the existing water supply infrastructure have been submitted to and approved in writing by the Local Planning Authority (in consultation with Thames Water). The studies shall determine the magnitude of any new additional capacity required in the system and a suitable connection point. The

- development shall be implemented in accordance with the results of the approved impact studies.
- 23) The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) and Drainage Strategy. The specified mitigation measures shall be fully implemented in accordance with the timing and phasing arrangements embodied within the Drainage Strategy, or within any other period as may subsequently be agreed in writing by the Local Planning Authority.
 - 24) No development shall take place until details have been submitted to and approved in writing by the Local Planning Authority demonstrating that the development will achieve the requirements of "Secured by Design" part 2 (physical security) subject to confirmation by Thames Valley Police on completion of the development.
 - 25) The dwellings shall achieve Code Level 3 in accordance with the requirements of the Code for Sustainable Homes: Technical Guide (or such national measure of sustainability for house design that replaces that scheme). No dwelling shall be occupied until a Final Code Certificate has been issued for it, certifying that Code Level 3 has been achieved.
 - 26) No development shall take place until full details of a reptile and amphibian mitigation plan has been submitted to and approved in writing by the Local Planning Authority. The surveys, mitigation and contingency measures contained within the plan shall be implemented in accordance with the approved plan unless otherwise agreed in writing by the Local Planning Authority.
 - 27) Prior to the commencement of the development hereby permitted details of secure and covered bicycle parking and storage facilities for the occupants of and visitors to the development shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking and storage facilities shall be implemented in accordance with the approved details before occupation of the development, and shall be permanently retained in the approved form for the parking and storage of bicycles and used for no other purpose.
 - 28) Prior to the occupation of the development the proposed vehicular access shall have been formed and provided with visibility splays shown on the approved drawing number 1950/10C. The land within the visibility splays shall be cleared of any obstruction exceeding 0.6 metres in height and maintained clear of any obstruction exceeding 0.6 metres in height at all times.
 - 29) All existing vehicular access to the site shall be stopped up and abandoned, and the footway and verge crossings shall be re-instated within one month of the completion of the new access road in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.
 - 30) No development shall commence until provision has been made to accommodate all site operatives, visitors and construction vehicles loading, off-loading, parking and turning within the site during the construction period, in accordance with details that shall have been submitted to and agreed in writing by the Local Planning Authority. The provision shall be maintained in accordance with the approved details and

used for no other purposes until completion of the development, or otherwise as provided for in the approved details.

- 31) No part of any building hereby permitted shall be occupied or used until a scheme to provide barriers or gates where the pedestrian footpath/cycle link meets Barkham Road has been implemented in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

Richborough Estates

APPEARANCES

FOR WOKINGHAM BOROUGH COUNCIL:

Hugh Flanagan	of Counsel
He called	No witnesses

FOR VORTAL PROPERTIES LIMITED:

Andrew Tabachnik	of Counsel
He called	Douglas C B Bond BA(Hons) MRTPI
	Partner - Woolf Bond Planning
	Chartered Town Planning Consultants

FOR MR AND MRS FALGOWSKI – RULE 6 PARTY:

Ashley Bowes	Barrister
He called	No witnesses

INTERESTED PERSON:

Dr P Wilford	Campaign for the Protection of Rural England
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DOCUMENTS SUBMITTED AT THE INQUIRY

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| Document 1 | Additional Statement of Common Ground |
| Document 2 | Planning Obligation by Unilateral Undertaking by the Appellants |
| Document 3 | Tree Radar Root Scan Report for the Appellants |
| Document 4a-b | Suggested Conditions agreed between the Council and the Appellants |
| Document 5 | Written Application for Costs for Rule 6 Party (Mr and Mrs Falgowski) against the Council |
| Document 6 | Written Response to Application for Costs for the Council |