The Planning Inspectorate

Appeal Decision

Inquiry held on 23 April, 4-7 and 11-12 November, 15-16 December 2014 and 27-29 January 2015

Site visits made on 22 April 2014 and 27 January 2015

by Jessica Graham BA(Hons) PgDipL

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

Decision date: 9 June 2015

Appeal Ref: APP/X0360/A/13/2209286
Land west of Beech Hill Road, Spencers Wood, Berkshire RG7 1FQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Gladman Developments Ltd against the decision of Wokingham Borough Council.
- The application Ref O/2013/1221, dated 19 June 2013, was refused by notice dated 19 September 2013.
- The development proposed is up to 120 residential units, associated infrastructure and defined access.

Decision

1. The appeal is allowed and outline planning permission is granted for up to 120 residential units, associated infrastructure and defined access on land west of Beech Hill Road, Spencers Wood, Berkshire RG7 1FQ in accordance with the terms of the application, Ref O/2013/1221, dated 19 June 2013, subject to the 17 conditions set out in the Schedule attached to this Decision Letter.

Procedural matters

2. The application was made in outline, with access details provided, but matters of scale, layout, landscaping and appearance reserved for future determination. My consideration of this appeal proceeds on that basis.

3. Policies of the Wokingham District Local Plan referred to in the Council's Refusal Notice have been superseded by the more recent policies of the *Managing Development Delivery Local Plan* (MDDLP) adopted in February 2014. In assessing the extent to which the appeal proposal accords with the Development Plan, I have had regard to the current relevant policies.

4. The University of Reading, Taylor Wimpey Developments Ltd and David Wilson Homes (Southern) Ltd, collectively known as "the South of M4 Consortium", sought and were granted Rule 6 status under the relevant Inquiry Procedure Rules. The South of the M4 Consortium was professionally represented at the inquiry, and played an active role in discussions about the S.106 planning obligations.

5. I opened the inquiry on 23 April 2014, and heard submissions as to whether or not I should allow the appellant to present evidence about housing need. I was told that the appellant had lodged a S.113 challenge to the

adoption of the MDDLP, the grounds of which would require the High Court to review the extent to which my colleague Inspector, who conducted the Examination in Public of the MDDLP, had considered the objectively assessed need for housing in the Borough. With the agreement of all three main parties, I adjourned proceedings until 4 November 2014, to allow sufficient time for the judgment to be issued, and for the parties then to reflect on its implications for their respective cases in the current appeal.

6. The judgment was duly issued on 11 July 2014. One of its conclusions was that "…it is clear from the Inspector's report that he was not intending to endorse the figures in the Core Strategy as the figures for housing that would reflect an objective assessment of the current need for housing in the Borough". [1] On 9 September 2015 the Council and the appellant provided updates to their original Statements of Case. The Council took the view that in the light of the High Court's findings, no evidence on housing need should be considered in the context of this current appeal.

7. I disagreed with that view: briefly, this was because, for the purposes of assessing the soundness of the MDDLP, the Inspector had considered it appropriate (having noted the absence of any better credible figure) to rely on the housing requirement set out in the 2010 Core Strategy. It does not necessarily follow that (a) there will subsequently remain a continuing absence of any better credible figure, or (b) that the Core Strategy figure must be relied upon for the very different purpose of determining a S.78 appeal.

8. In the interests of fairness and to avoid the need for further adjournment, I considered it appropriate to give the parties early notice of my views on the matter and my consequent intention to hear evidence about housing need at the resumed inquiry, so that the Council would have an opportunity to produce any evidence it might consider necessary in that regard. I issued a Pre-Resumption Note to this effect [ID 4] on 18 September 2014.

9. In the ensuing weeks, the Council made a number of requests to adjourn the inquiry. These are detailed in the appellant's application for an award of costs against the Council, which forms the subject of a separate Decision Letter. The Planning Inspectorate did not consider any of the reasons cited by the Council sufficient to merit a further adjournment of the inquiry. The inquiry duly resumed on 4 November 2014.

10. The Council's representatives criticised, on a number of occasions, what they interpreted as my decision to run a "mini housing need assessment" inquiry[2]. As I explained in considerable detail at the inquiry, and record again here, that allegation is misguided. The courts have made it very clear that it is not for an Inspector on a S.78 appeal to seek to carry out some sort of Local Plan process, so as to arrive at a constrained housing requirement figure[3], and I have not attempted to do so.

11. Rather, the purpose of my inquiry was to determine whether planning permission should be granted for the specific development proposed. In order

[1] *Gladman Development Ltd v Wokingham Borough Council* [2014] EWHC 2320 (Admin), paragraph 50
[2] An allegation made in a letter from the Council to the Planning Inspectorate dated 27 October 2014 and repeated, among other places, in a letter from Cllr J Kaiser to the Secretary of State for Communities and Local Government dated 24 December 2014.
[3] *City and District Council of St Albans v R (oao) Hunston Properties Ltd & SoS CLG & anor* [2013] EWCA Civ 1610

to make that decision I am obliged to consider, among many other things, whether the Council is able to meet the government's National Planning Policy Framework (NPPF) requirement to demonstrate a five-year supply of deliverable housing sites. The Council's own evidence is that it cannot currently identify its objectively assessed housing need. That being so, the housing requirement against which its five-year supply should be assessed is in question, and is a key area of contention between the appellant and the Council. It was therefore necessary for me to hear and consider the parties' respective evidence as to the housing requirement figure that should be used for the purpose of determining this appeal.

12. In the course of the inquiry I was provided with copies of a S.106 Agreement made between the Council, the appellant, the land owners and the University of Reading [ID 60], and a S.106 Undertaking given by the appellant and the land owners to the Council [ID 61]. I have taken both of these legal deeds into account in my consideration of the appeal.

13. On 27 February 2015, after the inquiry closed, the government published its latest set of Household Projections, for the period 2012-2037. In view of their importance to the issue of considering the Borough's housing need, I gave the Council and the appellant the opportunity to submit written representations as to the implications of these latest projections for their respective cases [PID 6 & 7], and then to comment on each other's representations [PID 8 & 9]. I have taken all of these further representations into consideration in my determination of the appeal.

14. After the inquiry closed, the Council wrote to the Planning Inspectorate to advise that its Community Infrastructure Levy (CIL) Charging Schedule would be implemented with effect from 6 April 2014. In view of the potential implications for the S.106 planning obligations provided by the parties, I gave them the opportunity to submit written representations as to the consequences for their respective cases [PID 10 & 11], and have taken these into account in my consideration of the appeal.

15. Shortly before the date by which the parties had been notified that I would issue my decision, the Council sent the Planning Inspectorate, by e-mail dated 2 June 2015, a copy of its new Strategic Housing Land Availability Assessment (SHLAA) which set out its assessment of deliverable housing land as at 31 March 2015 [PID 12]. I have taken this most recent SHLAA, and the appellant's comments thereon [PID 13] into account in my determination of the appeal.

Main issues

16. The Council's reasons for refusing planning permission included concerns about highway safety, the provision of affordable housing, and the provision of Suitable Alternative Natural Greenspace (SANG) to mitigate the impact the proposed development would have on the Thames Basin Heaths Special Protection Area. At the inquiry the Council confirmed that in the light of further information provided by the appellant, and the provisions of the S.106 Agreement [ID 61], it considered these concerns could be adequately addressed by appropriately worded conditions. I agree. Having regard to the Council's remaining reasons for refusal, and concerns raised by others, I consider the four main issues in this appeal to be:

1) whether the Council is able to demonstrate a five-year supply of housing, and the implications of that in terms of national and local policy;

2) the effect that the proposed development would have on the character and appearance of the area;

3) the extent to which the proposed houses would be accessible by sustainable modes of transport; and

4) whether the proposal makes adequate provision to address any adverse impacts it would have on local infrastructure and services.

Reasons

First main issue: the ability to demonstrate a five-year supply of housing

17. Paragraph 49 of the NPPF explains that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites. This in turn has implications for how development proposals should be determined, because paragraph 14 of the NPPF states that where relevant policies are out of date, planning permission should be granted unless the adverse impacts of so doing would significantly and demonstrably outweigh the benefits.

18. In order to establish whether a five-year supply of housing can be demonstrated here, I shall begin with the question of the housing requirement against which the five-year supply should be assessed, and then go on to consider whether sufficient deliverable sites are available to meet that need.

Housing need

19. Paragraph 47 of the NPPF requires local planning authorities to use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for housing in the housing market area, as far as is consistent with the policies set out in the NPPF. The Council accepts that it is currently unable to identify its objectively assessed need for housing.

20. On a literal interpretation of the provisions of the NPPF, that would in itself be sufficient to indicate that the Council could not comply with the requirement of paragraph 49: since it does not know what its objectively assessed need for housing is, it cannot demonstrate that it is able to meet that need. I note that this was the approach adopted by a colleague Inspector who determined a recent appeal in Fairford,[4] and it seems to me a perfectly valid interpretation. If I were to adopt that approach here, it must follow that I would conclude the Council is unable to demonstrate a five-year supply of housing.

21. The Council argues that I would be wrong to do so. It contends that in the absence of an objectively assessed housing need figure, it is appropriate to use the housing requirement figure set out in Policy CP17 of the Core Strategy. I have a number of concerns about that approach.

The Core Strategy housing requirement

22. Firstly, Policy CP17's figure of "at least 13,230 dwellings in the period 2006-2026" is identified in the Core Strategy as a housing target based on

[4] Ref: APP/F1610/A/14/2213318, decision dated 22 September 2014 [CD 72]

achieving the overall requirements of the former Regional Strategy known as the South East Plan (SEP), together with the backlog against the requirements of the former Structure Plan. The SEP, which has since been revoked and no longer forms any part of the Development Plan, was prepared in accordance with the requirements of Planning Policy Statement (PPS) 3, which has since been superseded by the NPPF. Further, the projections that informed the SEP housing requirement are now nearly a decade old.

23. Secondly, the Core Strategy was adopted in January 2010, well before the advent of the NPPF in March 2012. Like the SEP, it was prepared in accordance with the national planning policy set out in PPS 3, which required provision of a sufficient quantity of housing taking into account need and demand. The emphasis has changed in the NPPF, which now advises at paragraph 47 that local planning authorities should use their evidence base to ensure that their Local Plan meets the full, objectively assessed need for housing, in order to "boost significantly" the supply of housing.

24. The Courts have described these changes as significant, and radical.[5] In *Gallagher Homes*,[6] the High Court held that paragraph 47 requires full housing needs to be objectively assessed, and then a distinct assessment made as to whether (and if so, to what extent) other policies dictate or justify constraint. Upholding this judgment, the Court of Appeal described the two-step approach enjoined by paragraph 47 as "a radical change", concluding that "The previous policy's methodology was essentially the striking of a balance. By contrast paragraph 47 required the Objective Assessment of Need to be made first, and to be given effect in the Local Plan save only to the extent that that would be inconsistent with other NPPF policies".[7]

25. Thirdly, the Council places considerable weight on the fact that the Inspector who examined the MDDLP decided that in that particular context, it was appropriate to rely on the Core Strategy housing requirement. The Council points out that the MDDLP Inspector had before him all the up-to-date and best evidence, including detailed reports from a wide range of representors, the (then) latest household projections, and the 2010 Housing Options Advice commissioned from GL Hearn by the Council.

26. However, it is important to be clear about the purpose for which the MDDLP Inspector decided to rely on the Core Strategy requirement figure. Lewis J, in deciding the outcome of the appellant's challenge to the Council's adoption of the MDDLP, identified the first issue thus: *Did the Inspector consider what the objectively assessed need for housing in Wokingham was, or did he simply consider whether the MDDLP was sound in so far as it dealt with the allocation of the number of houses proposed in the Core Strategy?* He concluded that *[The MDDLP Inspector] did not determine whether the number of houses to be provided under the Core Strategy would be sufficient to ensure the objectively assessed need for housing during the relevant period… Rather, the Inspector considered that it was appropriate to consider whether the MDDLP was sound in its allocation policies for [the Core Strategy requirement figure].*

[5] *Solihull Metropolitan Borough Council v (1) Gallagher Homes Ltd (2) Lioncourt Homes Ltd* [2014] EWCA Civ 1610, paragraphs 14 and 16
[6] *Gallagher Homes v Solihull MBC* [2014] EWCA 1283 (Admin)
[7] Ibid#5

27. The MDDLP Inspector, then, did not assess whether the Core Strategy figure did or did not reflect an objective assessment of the current need for housing in the Borough. He did not need to. His task was to assess whether the MDDLP allocated the right amount of land, in the most appropriate sites, for the provision with which it was dealing: he was not required to determine whether that provision constituted an objective assessment of need.

28. The Council contends that the MDDLP Inspector tested the Core Strategy figures against the up-to-date evidence, and was satisfied that they were the best assessment in the absence of a SHMA. However, there is nothing in the MDDLP Inspector's report to suggest that he undertook the rigorous testing of such figures, and all alternative evidence, that would have been necessary were he examining a Development Plan Document which involved the assessment of housing need. The *Gladman* judgment confirms that he was not required to do so.

29. To the extent that he did consider housing need, it is clear that the MDDLP Inspector had concerns. Paragraph 49 of the *Gladman* judgment notes: *The evidence produced generally appeared to indicate that the [Core Strategy figure] might well not reflect the current need for housing in the Borough. The indications are, generally, that that is likely to be an underestimate of the amount of housing necessary. The Inspector noted that he was concerned that there was "no comprehensive evidence in the form of an up to date [Strategic Housing Market Assessment] to support the overall housing requirement." He noted that the Core Strategy figure for the provision of at least 13,230 dwellings between 2006 and 2026 may be an under-estimate.*

30. It is plain from this that the *Gladman* judgment cannot be read as endorsing the Core Strategy figure as the next best thing to, or even an adequate proxy for, an objective assessment of the Borough's housing need.

Other evidence concerning housing need

31. Paragraph 159 of the NPPF advises that local planning authorities should have a clear understanding of housing needs in their area, and should prepare a Strategic Housing Market Assessment to assess their full housing needs. As noted by the MDDLP Inspector, the Council does not have an up-to-date SHMA. The last one dates from 2007, and does not in any event offer conclusions on the overall requirement for housing. More recently, following the revocation of the SEP, the Council commissioned GL Hearn to undertake an independent and objective evidence-based assessment of housing need and demand, based on the most up-to-date evidence, to enable the Council to consider whether it should review the Core Strategy and the housing supply policies it contains.

32. The comprehensive Housing Options Advice report, produced by GL Hearn in October 2010, noted that the existing Core Strategy made provision for development of 13,230 dwellings over the 2006-26 plan period (661 per annum), but concluded that "Should the Council review the Core Strategy, the research indicates a housing need for 700-790 dwellings per annum". Paragraph 7.2 of the report recognised that the Council consistently sought to limit new housing to the minimum which could be considered essential, but made it clear that the independent research undertaken had not been constrained by a particular policy position and was thus "policy neutral".

33. At the inquiry I asked the Council how it had responded to the findings of this Housing Options Advice report, and was provided with copies of the minutes of an Extraordinary Meeting of the Council's Executive held on 21 October 2010 [ID 42], and the "Core Strategy Housing Figures" report that was considered at that meeting [ID 43]. This latter report concluded that there was no need for a review of the Core Strategy, "…largely because numbers below 623pa would not comply with PPS 3; likewise figures above 661pa are untested against infrastructure, environmental sustainability and capacity tests". I make no criticism of the Council for adopting that position: in the context of the pre-NPPF "striking a balance" approach to housing requirement, it was not unreasonable to do so. However, in the current context of the NPPF two-step approach of first establishing objectively assessed need, and only secondly considering infrastructure, environmental and other constraints, it is relevant to note that an independent and objective assessment of need carried out in 2010 arrived at a figure considerably higher than that set out in the Core Strategy.

34. The government's Planning Practice Guidance (PPG), first published online in March 2014, recognises that establishing future need for housing is "not an exact science" and that no single approach will provide a definitive answer. It advises that household projections published by the Department for Communities and Local Government should provide the starting point estimate of overall housing need, and now confirms that "the 2012-2037 Household Projections… are the most up-to-date estimate of future housing growth."

35. The Council and the appellant agree that using these most recent estimates, household growth for Wokingham is projected to be 726 dwellings per year for the period 2012-2026. The Council pointed out that when calculated for the period 2006-2026 (the Core Strategy period), projected household growth would be 643 dwellings per year. I appreciate that this latter calculation facilitates comparison with previous sets of household and population projections, but for the purposes of establishing a starting point for estimating overall future housing need, it seems to me that it is of limited assistance to include years which have already passed, and which precede the 2012 base date of these projections.

36. The PPG makes it clear that a household projection-based estimate of housing need is only a starting point, and may require adjustment to reflect factors affecting local demography and household formation rates which are not captured in past trends. It goes on to identify other considerations which can be used to inform assessments of housing need. These include employment trends and economic forecasts, and "market signals" such as land and house prices, affordability, and overcrowding.

37. The appellant has submitted a considerable amount of information and analysis in respect of all of these matters. I must emphasise once again that it is not for me, in the context of this s.78 appeal concerning one specific development proposal, to attempt to address in detail the extent to which local circumstances and market signals might justify adjustment of the government's household projections: that is a matter for those responsible for formulating the Development Plan. I am also mindful of the Council's position: again, in the context of a s.78 appeal, it is not proportionate for a local planning authority to produce such detailed evidence (or invest such time in

analysing and addressing opposing evidence) as would be required in the context of a Local Plan inquiry. What follows is therefore, necessarily, a very broad overview.

38. As the appellant notes, the government's methodology note for the 2012-2037 household projections points to a short-term trend since 2001 in which household formation rates, among younger age groups in particular, have fallen markedly: an effect to which affordability, the impacts of recession, the under-supply of new housing and restraints on mortgage lending are all likely to have contributed. This means that the new projections carry forward a comparatively short-term trend over a 25 year period. There is therefore an argument that the figures should be adjusted upward, to reflect a return to pre-recession household formation rates over the longer term.

39. The appellant carried out modelling which, based on Oxford Economics forecasts suggesting employment growth of 1,200 jobs per year over the period 2011 - 2026, pointed to a requirement of 1,060-1,295 dwellings per year. The Council took issue with the work of this forecasting house, preferring that of Cambridge Econometrics, as used by the Thames Valley Berkshire Local Enterprise Partnership to formulate its Strategic Economic Plan, but did not argue that any of the available economic forecasts indicate that the household projection figures should be adjusted downward. It pointed out that the Strategic Economic Plan contains a commitment for an objective assessment of housing need to be completed.

40. The appellant contends that there is a range of adverse market signal evidence which indicates that an upward adjustment to the household projections should be made. It points out that based on CLG evidence of housing markets and house prices, affordability ratios (house price:earnings) in Wokingham are significantly higher than the national average, and that of the South East region. It also produced evidence that the Borough has consistently under-delivered against its identified need for affordable dwellings. The Council produced a graph comparing changes in lower quartile housing affordability in Wokingham, England and the South East. However, this is of little assistance since it only compares the rates of change in affordability, rather than the actual numerical differences in affordability in each of these areas.

41. The Council's approach of looking at comparative rates of change is of more assistance when considering house prices. However, the evidence in this regard is far from conclusive. I note the Council's contention that since summer 2002, house prices within the Borough have risen at a slower rate than those both regionally and within the housing market area. But that is not the full picture. The graph produced by the Council shows that from January 2008 to 2009 the house prices in all of these areas fell sharply, and from January 2011 to January 2014 (the latest date for which figures are provided), house prices in Wokingham Borough have risen at a higher rate than in England and Wales as a whole.

42. The appellant points out that evidence from the 2011 Census indicates that at that time, 1,200 households in the Borough were overcrowded (that is, they stated that they were at least one bedroom short of their requirements) and that there were 700 concealed households (that is, living within other households). The Council did not dispute this evidence, but pointed out that

changes in homelessness in the Borough are less than the changes in homelessness in other areas of the country. Again, such information is of limited value in the absence of information as to what the respective figures on homelessness, for each of these areas, actually are.

43. In summary, none of the evidence before me in respect of economic forecasts, employment trends, market signals identified as potentially relevant by the PPG, or any other factors affecting local demography and household formation rates, points to the need for a downward adjustment to the rate of housing growth identified in the government's latest household projections. Rather, there is evidence that an upward adjustment is probably required. However, given the concerns I have outlined above about the limitations of this evidence in the context of the current appeal, I am not in a position to reach a conclusion as to the extent of the probable uplift. Instead, I proceed on the basis that taking all of this evidence into account, the annual growth in households within the Borough for the next five years is likely to be a minimum of 726 per year.

44. In order to convert the projected number of households to the projected number of dwellings, it is necessary to apply a vacancy rate. The Council contends that this vacancy rate should be 0.6%, on the basis of information (derived from Council Tax liability) contained in the "New Homes Bonus determination statement for April 2014". The appellant originally contended that the vacancy rate should be 3.5%, on the basis of information contained in the 2011 Census, but then based the calculations in its later submissions [PID 7] on a vacancy rate of 2% - 3%. In my experience, a vacancy rate of 0.6% is unusually low, and I am concerned that information derived from Council Tax liability provides too narrow a focus: the snapshot of occupancy rates provided by the 2011 Census is more likely to reflect the wide range of reasons why dwellings might be vacant (for example, during a change of tenancy, renovations, or when newly completed but not yet occupied). Applying a conservative, and not unusual, vacancy rate of 2% results in a dwelling requirement of 741 per year.

45. It is perhaps worth pausing here to address the Council's argument that the appellant has not carried out an NPPF-compliant objective assessment of the Borough's housing need because (among other reasons) it did not prepare its evidence in cooperation with the relevant authorities and bodies; a requirement that local planning authorities must comply with when preparing evidence to inform their Local Plans.

46. The appellant rightly acknowledges that its attempts to carry out an objective assessment of need cannot be afforded the same weight as would be the case with an assessment that had been consulted upon, examined and approved as part of the Local Plan evidence base. But the lack of cooperation or consultation with other bodies cannot, on its own, reasonably be found to render the appellant's evidence invalid. The Council is currently unable to identify its objectively assessed need for housing, and does not have an up-to-date SHMA. In such circumstances, it is hardly surprising that an appellant in a S.78 appeal should see a need to put forward its own evidence concerning housing need. The weight to be placed on that evidence remains a matter for the decision maker.

Conclusions on housing need

47. As set out in some detail above, the housing requirement contained in the Core Strategy was based on a housing target that has now been superseded, calculated in accordance with guidance that has also been superseded, on the basis of evidence that is now considerably out of date.

48. The Council does not yet have an up-to-date SHMA. However, other evidence relevant to the Borough's housing need, of more recent vintage than the Core Strategy housing requirement figure, is available. The Council's 2010 Housing Options Advice report, commissioned from GL Hearn, was an objective assessment which indicated a need for 700-790 dwellings per year, rather than the Core Strategy's 661 per year. More importantly, and more recently, the Household Projections published by DCLG in February 2015 indicate a need for 741 dwellings per year.

49. The Council pointed out that the MDDLP Inspector's decision to continue to rely on the Core Strategy requirement figure was informed by his observation that there was a wide range of variation in national projections over the years, suggesting that reliance on a single projection would be unwise. There clearly has been considerable variation, and in its ongoing work to establish the objectively-assessed housing need for the Borough, the Council will no doubt give careful consideration to the question of how past projections, and their degree of accuracy, might be used to assist the prediction of future trends. But for present purposes, it is important to bear in mind PPG advice that it is the Household Projections published by DCLG that should provide the starting point for estimating housing need, and that local needs assessments should be informed by the latest available evidence.

50. The PPG makes it clear that a household projection-based estimate of housing need is only a starting point, and may require adjustment to reflect local circumstances. Again, the Council's ongoing work to establish the objectively-assessed housing need for the Borough will no doubt give careful consideration to all of the relevant factors which may indicate that an adjustment is required. In the meantime, I am not in a position to reach a properly informed conclusion on the extent to which any adjustment may be necessary, and simply note that I have seen no evidence which suggests there should be any downward adjustment to the household projection-based estimate of housing: rather, the evidence currently before me suggests that an upward adjustment is likely to be necessary.

51. Taking all of this into account, I conclude that for the purpose of considering whether the Council is currently able to demonstrate a supply of sites sufficient to provide five years worth of housing against the Borough's housing requirement, it is appropriate to proceed on the basis that the housing requirement is likely to be at least 741 dwellings per year.

52. In order to calculate the housing requirement for the next five years, it is necessary to include the deficit of 1,896 dwellings for the period 1 April 2006 to 31 March 2015, identified in the March 2015 SHLAA [PID 12, p17]. There is also an undisputed requirement to include a 20% buffer, as set out in paragraph 47 of the NPPF, to reflect the fact that the Council has a record of persistent under-delivery of housing. This results in a five-year requirement figure of 6,721 dwellings.

Housing supply

53. The Council conducts a biannual update of its SHLAA, based on its monitoring of the implementation of planning permissions and other sources of information. The March 2015 SHLAA now constitutes the Council's most recent assessment of its supply of deliverable housing sites. The most recent assessment at the time of the inquiry was the October 2014 SHLAA, although I understand that this document was not made available to the appellant prior to the exchange of proofs, such that while the appellant's witness was able to address its contents orally at the inquiry, her written evidence related to an earlier version (the April 2014 SHLAA).

54. It is unfortunate that the various adjournments and delays in the course of the inquiry, and in my determination of the appeal, have involved the parties in the necessity of submitting, and responding to, updated evidence in respect of the Borough's housing supply situation. However it is important, in the interests of fairness, that I base my determination of the appeal on the most up-to-date information available at the date of my decision. The March 2015 SHLAA was submitted some considerable time after the inquiry closed. I have taken into account the updated information it contains, but share the appellant's view that it does not represent a material change of circumstance which should either require a further round of written submissions, or delay the determination of the appeal [PID 13].

55. The October 2014 SHLAA set out the Council's calculation of deliverable housing sites sufficient to supply 6,855 dwellings in the five-year period 1 October 2014 – 30 September 2019, and the March 2015 SHLAA updates this calculated supply to 7,154 dwellings in the five-year period 1 April 2015 – 31 March 2020. The components of the supply include, but are not limited to, the four defined Strategic Development Locations to which the Core Strategy allocates the majority of the Borough's new housing (the Arborfield Garrison SDL, the South of the M4 SDL, the North Wokingham SDL and the South Wokingham SDL), and windfalls. The appellant disputed the Council's assessment of the expected delivery from these particular components, so it will be helpful to consider each in turn.

56. Before doing so, I note the appellant's more general concern that on a number of previous occasions, when the Council claimed to have a five-year supply on the basis of forecasts undertaken by its Delivery Team, the claimed supply had retrospectively been proven wrong when the Council conducted its next assessment 6 months later. However, in my experience, this is not unusual, and illustrates the difficulty of the task. The Council is effectively charged with attempting to predict future housing supply on the basis of evidence provided by third-party developers: beyond the decision to grant or withhold planning permission, its "Delivery Team" can have little real control or influence over the delivery rate and timing of housing on sites owned and developed by others.

57. Consequently, I see no convincing reason why the fact that past forecasts have proven to be mistaken, or the undisputed evidence of previous slippage in the delivery of the SDLs, should necessarily lessen the weight that attaches to the current SHLAA. These considerations suggest that the forecasts should be viewed with caution, as tending to present a "best case" scenario, but do

not in my view warrant any in-principle deductions from the figures presented.

58. It is also necessary to address the disputed matter of how much time is likely to elapse between the grant of outline planning permission for a site and the delivery of the first dwellings on that site. The Council's evidence to the inquiry on this point, and that which it used to inform the delivery assessments then current, is contained in various appendices of the October 2014 SHLAA. Appendix 24 consists of extracts from a report entitled "Build Out Rates & Lead In Periods of Major Residential Schemes" (1999). Table 2 is headed "Examples of Large Scheme Lead-In Periods", and identifies the time taken from the grant of outline planning permission to first completions. In the absence of any further detail about the sites and schemes concerned, the most useful information that can be extracted for current purposes is that the time period involved was, on average, 25 months.

59. Appendix 25 contains an extract of an appeal decision made in 2001 concerning the proposed residential development of land to the south of the M4. In his report to the Secretary of State, the Inspector observed that of the 17 examples produced, only 3 sites produced dwellings within one year of approval of *details* [my emphasis] but conversely, 9 sites took over 2 years.

60. The Council's witness referred in oral evidence to Appendix 10 of the October 2014 SHLAA, which is titled "Summary of time taken from planning permission to first sale of medium/ large sites". However, it is important to note that the average of 16.5 months is calculated there from the date of approval of Reserved Matters on some sites, rather than the original grant of outline planning permission. If the date of outline or full permission is used, the average is again around 2 years. That accords with the evidence of the appellant's witness on this point.

61. Appendices 24 and 25 of the October 2014 SHLAA are not reproduced in the March 2015 SHLAA but an updated version of Appendix 10, titled "Time to implement a permission", is provided at Appendix 9. This calculates the average length of time from approval to first sale for medium/large sites as 13 months, but again, if the date of outline or full permission is used for all sites, rather than the date of subsequent reserved matters approval for some, the average is instead around 18 months.

62. Taking all of this into account, I consider it appropriate to proceed on the basis that for medium and large sites in the Borough, the most up-to-date evidence indicates that once outline or full planning permission has been granted, the average time to reach first sale will generally be between 18 months and 2 years.

Arborfield Garrison

63. The Arborfield Garrison SDL is allocated by Policy CP18 of the Core Strategy for the phased delivery of around 3,500 dwellings.

64. An application for outline planning permission for the construction of 2,000 dwellings on part of the SDL ("the AGL site") was approved by the Council on 1 April 2015. The most recent information on delivery rates, provided in April 2015 by the developer of that site to the Council, was that 70 dwellings could be completed in 2016/17, and this would increase to 200 annually thereafter.

A planning application has also been validated on 6 October 2014, but not yet determined, for the construction of 1,500 dwellings on the remaining part of the Arborfield Garrison SDL (known as "land at Hogwood Farm").

65. The appellant contends that it would be unrealistic to expect any completions on this SDL before 2017/18, given the timescales usually involved in obtaining planning permission, resolving technical issues, and discharging conditions precedent. That is not greatly at odds with the Council's revised trajectory in the October 2014 SHLAA, which forecast completion of only 40 dwellings from this SDL in 2016/17, a figure which rose to 265 in 2017/18, and 340 in 2018/19. The March 2015 SHLAA similarly assessed the overall deliverability of the SDL as 70 dwellings in 2016/17, rising to 210 in 2017/18, and 265 in 2018/19.

66. That seems to me a reasonable assessment. Planning permission for the construction of 2,000 dwellings on the AGL site having now been granted, and bearing in mind the average timescales for implementation discussed above, I see no reason to doubt the developer of that site's view that 70 of those dwellings could feasibly be delivered towards the end of the 2016/17 period. Given the existence of the Council's Delivery Team, which was set up specifically to oversee delivery of the SDLs and ensure the swift progress of planning applications on these sites, it is highly likely that the application submitted for the Hogwood Farm site will be dealt with expeditiously. That being the case, the modest prospect of 10 completions being achieved on that site in 2017/18 and 65 in 2018/19 seems possible, notwithstanding the fact that the applicant is not a housebuilder. I saw no evidence that would suggest there is likely to be any difficulty in finding a willing developer for this area of the SDL.

67. I therefore consider that while the March 2015 SHLAA assessment of delivery from the Arborfield Garrison SDL is very optimistic, it is not unfeasible.

South of the M4 SDL

68. The South of the M4 SDL is allocated by Core Strategy Policy CP19 for the phased delivery of around 2,500 dwellings by 2026. This SDL is sub-divided into different areas, which are the subject of a number of separate planning permissions and applications. The appellant drew my attention to Area C (land west of Shinfield), for which outline permission for 1,275 dwellings was granted on appeal in 2012. The appellant contends that expected delivery from this site has been the subject of slippage, such that the SDL as a whole will supply 115 fewer dwellings, over the five year period, than the Council calculated in its October 2014 SHLAA.

69. I heard that the evidence of the appellant's witness was informed by communication with the agent acting for the owner of the land (the University of Reading). I do not in any way doubt the veracity of the witness, who I found to be both credible and helpful. However, I attach more weight to the evidence of the Council, since that was informed by direct discussions with the South of the M4 Consortium (the Rule 6 Party in this current appeal), with whom the Council's Delivery Team have an ongoing working relationship, rather than by a conversation with an agent acting for a single member of that Consortium. The Council's evidence to the inquiry was that in October 2014 it sought the Consortium's views on the validity of its assumptions for

delivery, and as a consequence of concerns raised about the number of homes that could be completed in 2015/16, revised its forecast of completions for this period downward.

70. More recently, the current SHLAA records that the Council contacted the South of the M4 Consortium in April 2015 to seek views on the validity of the authority's assumptions for delivery. It goes on to state that a detailed response providing forecasts of completions was provided, which envisaged development a year earlier than had been expected by the Council, and with higher rates. The trajectory set out by the Council in the March 2015 SHLAA reflects that advised by the developer. I have not been provided with a copy of the Consortium's detailed response, nor any explanation as to why, having revised the forecast downward in October 2014, the Consortium and the Council now consider that development of this site will take place earlier, and at a faster rate. However, in the absence of any alternative evidence, I have no reason to depart from that approach.

North Wokingham SDL

71. The North Wokingham SDL is allocated by Policy CP20 of the Core Strategy for the phased delivery of around 1,500 dwellings by 2026. This SDL is also sub-divided into different areas, which are the subject of a number of separate planning permissions and applications. The appellant takes issue with the Council's assessment of Area A (land at Matthews Green Road). An outline application was submitted in October 2014 for the development of 760 dwellings which, at the close of the inquiry, had yet to be determined. The appellant contended that delivery from the site was unlikely before 2017/18.

72. The Council's forecast completions from this site, as set out in the October 2014 SHLAA, were taken from a "planned phasing" table contained in the "Infrastructure Delivery Plan" submitted as part of an outline application submitted in November 2013, for housing elsewhere within the SDL. At that time, 810 dwellings were proposed on the land at Matthews Green, with the first 50 to be completed in 2015/16. The October 2014 SHLAA records that the Council contacted the promoter of the site to seek validation of its continuing use of these figures, but received no response.

73. The March 2015 SHLAA notes that the outline application for planning permission was approved on 1 April 2015, and updates the forecast completions to commence in 2016/17 rather than 2015/16, which accords with the view taken by the appellant at the inquiry. It is not clear to me why the Council amended the projected delivery rates from those set out in the developer's Infrastructure Delivery Plan, but since the March 2015 SHLAA records that the Council contacted the applicant in April 2015 to seek views on the validity of its delivery assumptions, and that the response of the applicant indicated the authority's forecasts were appropriate, I see no reason to depart from them.

South Wokingham SDL

74. The South Wokingham SDL is allocated under Core Strategy Policy CP21 for the phased delivery of around 2,500 dwellings by 2026. The area of the SDL that lies to the north of the Wokingham-London railway line received outline planning permission in December 2012 for up to 650 dwellings. The appellant's concern is with the area south of the railway line, forecast by the

Council in its October 2014 SHLAA to deliver 700 of the remaining 1850 dwellings within the next 5 years. This figure is reduced to 380 in the March 2015 SHLAA.

75. Planning applications have yet to be submitted for this area. The Core Strategy, and the Council's South Wokingham SDL Supplementary Planning Document, highlight the need for phased delivery to ensure that the necessary infrastructure (which includes a new South Wokingham Distributor Road (SDR), and a road bridge crossing the railway) is provided to serve the housing that is built. The appellant reports that negotiations with Network Rail are not close to resolution, and that since such negotiations can take many years, there is no realistic prospect of delivery, within the next 5 years, from the parts of the SDL affected by the need for this additional infrastructure.

76. During the inquiry, in response to the oral evidence of the appellant's witness, the Council submitted a note [ID 46] about the deliverability of dwellings on the part of this SDL that lies to the south of the railway line. This advises that the "current consortium timetable" has "outline applications programmed for September 2015 and a build programme commencing by spring 2016." The note goes on to advise that delivery of 200 dwellings at the western end of the SDL is not dependent on resolution of the railway issues or connection to the new Distributor Road, but that delivery of a further 500 dwellings on land between Easthampstead Road and Waterloo Road would be "…subject to delivery of the road over Rail Bridge and the SDR connection with Waterloo Road". No delivery date was provided for the rail bridge, but a planning application for the SDR was said to be "programmed during 2016".

77. I appreciate that the Council is itself confident in its ability to deliver both of these important new pieces of infrastructure, but at the inquiry I was not provided with any evidence, other than the cited ongoing relationship with Network Rail and the consortium/ land owners, to explain the reasons for that confidence. The note put in by the Council simply referred to dialogue with Network Rail and discussions with land owners, and stated that the land required for the rail bridge, and the SDR connection to Waterloo, "is to be released to the Council".

78. The summary position for this SDL set out in the March 2015 SHLAA records much the same state of affairs, noting ongoing dialogue with Network Rail, relationships and discussions with the consortium and landowners, and the observation that the land required is to be released to the Council. It refers to a decision by the Council's Executive to progress preliminary matters "to allow the authority to submit a planning application", but no applications appear to have been made as yet. The March 2015 SHLAA also records that when the Council contacted the South Wokingham Consortium in April 2015 to seek views on the validity of its delivery assumptions, the response of the Consortium was that the authority's earlier forecasts were not appropriate, and that construction was not anticipated to commence until early 2018. No mention was made, in this context, of any intention to submit a separate application for 200 dwellings at the western end of the SDL in advance of any other applications.

79. Since negotiations are still ongoing, it is understandable that no estimate of the timescales for acquisition of the necessary land, and subsequent construction of the railway bridge and the new road, have been provided. But

until such details are known, there can be no certainty as to when the dwellings dependent on the delivery of this important infrastructure will be provided. Given the complexities involved, the fact that the process of delivering the necessary infrastructure is still only in its preliminary stages, and the consideration that no planning applications have yet been submitted, I share the appellant's view that it is unlikely that any dwellings will be delivered within the next five years on the area of this SDL that lies to the south of the railway line.

80. I therefore conclude that the Council's calculation of its five year supply of deliverable sites from this SDL should be reduced by 380 dwellings.

Windfalls

81. Paragraph 48 of the NPPF advises that local planning authorities may make an allowance for windfalls (defined as sites which have not been specifically identified as available in the Local Plan process) in the calculation of their five year housing supply, if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. The appellant points out that the Council has considerably increased its reliance on windfalls: the April 2014 SHLAA allowed for 193 dwellings, whereas the October 2014 SHLAA includes an allowance of 368. The March 2015 SHLAA has a windfall allowance for 370 dwellings.

82. The October 2014 SHLAA provides helpful clarification of the Council's revised approach to windfalls. It explains that it reviewed evidence on residential development of small previously-developed sites, and concluded that it had been unduly pessimistic in previously excluding such sites from its housing land supply calculation. The evidence which informed that review indicates that between 1 April 2010 and 31 March 2014 an average of 68 dwellings each year were approved on small previously-developed sites (Appendix 13 of the October 2014 SHLAA), and between 1 April 2006 and 30 September 2014 an average of 56 dwellings each year were completed on such sites (Appendix 5 of the October 2014 SHLAA). These figures have been updated in the March 2015 SHLAA: Appendix 6 shows an annual average of 75 approvals, and 53 completions.

83. The Council's approach is to include a windfall allowance for small previously-developed sites, based on the annual average approvals, and starting after 18 months. The appellant contends that the Council's windfall allowance, insofar as it relates to small previously developed sites, is not robust. I have two specific concerns with the Council's approach. Firstly, relying on the annual average approval rate is inaccurate, since the data shows the average annual completion rate is lower: the past annual average delivery rate for small previously-developed sites has been calculated, and it is more appropriate to use this as a basis for forecasting future delivery rates. Secondly, the Council has calculated a lead-in period of 18 months before including its windfall allowances, based on the assumption of 13 weeks to determine an application, and 13 months to reach the first sale of a dwelling from that site. However, as discussed above, the Council's evidence at Appendix 9 to the March 2015 SHLAA indicates that from the grant of full or outline permission, the average time taken to achieve the first sale is 18-24 months, rather than 13 months.

84. Including a windfall allowance for small previously developed sites at an annual rate of 53 rather than 75, and providing for a lead-in period of 2 years rather than 18 months for windfalls, results in an overall windfall allowance of 252 dwellings. I therefore conclude that the Council's five-year supply calculation of expected dwellings from this source should be reduced by 118.

Conclusion on the supply of deliverable housing sites

85. Drawing all of this together, I conclude that the Council's assessment of housing sites, calculated in the March 2015 SHLAA as sufficient to deliver 7,154 dwellings over the next five years, should be reduced by 498. This gives a figure of 6,656 dwellings.

Conclusion on the Borough's housing supply position

86. For the reasons set out above, I have concluded that it is appropriate to proceed on the basis that the housing requirement for the next five years will be, at its lowest, 6,721 dwellings. I have also concluded that, at its best, the supply of housing sites is sufficient to deliver only 6,656 dwellings over that five-year period.

87. The apparent shortfall is slight, at only 65 dwellings. Forecasts of future delivery can never be exact and in some circumstances, for example where the objectively-assessed housing need had been calculated and adopted in accordance with NPPF and PPG guidance, and the housing supply figure had been robustly tested during the Examination in Public of the Local Plan, it might be appropriate to regard this figure as falling within the margin of error.

88. However, it is important to be clear that in the circumstances of this particular case, the identified figure is the absolute minimum by which the supply of housing sites falls short of what is required, and the actual shortfall is likely to be considerably greater. That is because the Council, as it admits, does not yet know what its objectively assessed housing need is, and in the context of this s.78 inquiry, I am unable to establish the precise figure: as detailed above, I have found that all the relevant evidence suggests it will be more than the calculated minimum of 6,721 dwellings. Similarly, past records indicate that the predicted housing supply is likely to be a "best-case" scenario: I retain concerns that the Council may have been over-optimistic with its delivery forecasts for the Arborfield Garrison and South of the M4 SDLs in particular, such that the actual delivery of housing could well be considerably lower.

89. For the purposes of determining this appeal, I consider it clear that on the basis of the best currently available evidence of requirement and supply, the Council is not able to demonstrate a five-year supply of deliverable housing sites.

90. It is important to emphasise that my findings are not, and should not be interpreted as, definitive and conclusive identifications of the Borough's housing requirement and housing supply. They are simply the figures that result from my assessment of the evidence provided in this particular appeal.

91. Since I have found that the Council is unable to demonstrate a five year supply of deliverable housing sites it follows, by operation of paragraph 49 of the NPPF, that "relevant policies for the supply of housing" should not be considered up-to-date.

92. I shall address the consequences of this when I come to the overall conclusions in this case. Before I do that, I need to consider the other main issues in this appeal.

Second main issue: the effect that the proposed development would have on the character and appearance of the area

93. The appeal site consists of around 6.7ha of pasture land, adjacent to the south-western edge of Spencers Wood. The eastern boundary of the site adjoins Beech Hill Road, and on the opposite side of that road is the recent residential development of Beatty Rise. White House Lane runs alongside the southern boundary of the appeal site, beyond which lie small-scale fields. To the west, an intervening field separates the appeal site from a substantial copse which is designated as a Local Wildlife Site. The eastern end of the northern boundary adjoins farmland interspersed with areas of woodland, while the western end abuts the two-storey residential development around Diana Close.

94. The appeal site is part of a character area identified by the Council's adopted Landscape Character Assessment (LCA) as "Spencers Wood Settled and Farmed Clay", which is described as being of "moderate" quality and "moderate" sensitivity. The appeal site and its immediate surroundings display many of the key characteristics associated with this character area, including a small-scale irregular field pattern, predominantly pastoral use, intact hedgerow boundaries, and proximity to rural lanes and footpaths. Other features which inform the character of the appeal site include the presence of adjoining residential development to the north and east, on Diana Close and Beatty Rise.

95. The Council contends that the appeal site is a "valued landscape" in the terms of paragraph 109 of the NPPF. However, it is not subject to any national or local designation, and has not been identified within the MDDLP or elsewhere as having any specific value worthy of additional protection beyond that afforded to other parts of Wokingham's landscape (such as is the case for other areas within the Borough, for example the defined "Sites of Urban Landscape Value" which MDDLP Policy TB22 seeks to protect).

96. That is not, of course, to say that the landscape of the appeal site is without worth: as the Landscape Institute and Institute of Environmental Management & Assessment's *Guidelines for Landscape and Visual Impact Assessment* ("GLVIA3") notes, the fact that an area of landscape is not designated either nationally or locally does not mean that it does not have any value. GLVIA3 goes on to list factors that are generally agreed to influence value.

97. With regard to these, the landscape quality of the appeal site accords with the LCA description of "moderate". It does not have any particular scenic quality, and does not contain any landscape elements or features which are rare. Its contribution to the historic field pattern, its intact hedgerow boundaries, and the opportunity it currently provides for views from Beech Hill Road over the adjoining lowlands are representative of the key characteristics of this area, but I see no convincing reason to regard them as particularly important examples of their kind. The appeal site does not have any particular features of wildlife, earth science, archaeological, historical or cultural interest, is not available for recreational activity, does not appear to be

particularly valued for its perceptual aspects, and no associations with particular people, or events in history, have been drawn to my attention.

98. Taking all of this into account, I consider that while the green and open aspect of the appeal site, and its pleasant pastoral character, are clearly appreciated and valued by those who live in and travel through the area, it does not amount to "valued landscape" within the meaning of paragraph 109 of the NPPF.

99. The appeal site is well-contained by the existing vegetation and landform of the area. The wooded ridgeline to the west, and built development along and off Beech Hill Road and Basingstoke Road, screen the site to views from the wider landscape in every direction except the south. When travelling out of Spencers Wood along Beech Hill Road, once past Diana Close, views of the wider rural landscape open up over the appeal site, providing a sense of departing from a built-up area and moving into the countryside. The effect is not so marked when travelling north, since the appeal site is a relatively small part of the pastoral landscape that foregrounds the settlement, and filtered views of the existing houses on Beatty Rise, and clear views of those on Diana Close, are available alongside it for most of the length of the approach.

100. The proposed development would retain the existing hedgerow boundaries of the appeal site, with sections along Beech Hill Road re-planted or translocated to facilitate access, and no woodland, or individual trees, would be lost. Residential development on this site would not result in the actual, or perceived, amalgamation of Spencers Wood with other nearby settlements. In these respects the proposal would accord with the landscape strategy and "key issues" identified by the LCA for this area.

101. Nevertheless, the construction of housing on what is currently a green and open field would clearly result in the loss of that greenness and openness, which would be detrimental to its existing character. As I saw at my site visit, the pastoral aspect of the appeal site provides continuity of the rural character of the countryside to the south west of Spencers Wood, right up to the existing development limit of the settlement. I note the appellant's contention that there would be an opportunity to "improve" the current edge of the settlement, through buffer planting to provide a greener, softer edge. This would provide some mitigation, but the built-up part of the settlement would still extend beyond its existing boundary at the expense of the adjoining countryside.

102. The Council pointed out that the appeal site incorporates many of the identified key characteristics of the "Spencers Wood Settled and Farmed Clay" Character Area, in particular its use for pasture; field pattern; intact hedgerow system and its small-scale and intimate landscape character. The proposed development would result in the complete loss of the existing pasture use. While the field pattern and the hedgerow boundary that defines it would remain, the presence of the built development would make it much harder to appreciate these characteristic features of the area; nevertheless, containment within the existing field boundary would help to prevent any significant harm to the overall small-scale and intimate character of the landscape.

103. For those travelling south out of Spencers Wood along Beech Hill Road, this extension of the existing built-up area of the settlement would delay, but not

remove, the sense of moving out into the countryside: the open fields beyond the southern boundary of the appeal site, and views over them, would remain. On the northern approach to Spencers Wood, the edge of the settlement would appear closer, with a consequent reduction in the extent of the pastoral foreground, but the proposed development would largely be seen against the backdrop of the existing housing, enabling its visual integration, over time, into the settlement. The character of the northern approach to Spencers Wood would therefore be largely unchanged, and the proposed development would not cause any significant harm to the setting, or the character, of the settlement.

104. The development would be visible from footpaths and bridleways which pass in the vicinity of the appeal site, but the separation distances involved, and the presence of intervening vegetation, would prevent any significant harm to the overall experience of those using these recreational public rights of way. The development would also be visible from some of the windows and outdoor areas of the dwellings on the southern side of Diana Close and the westernmost dwellings of Beatty Rise. However, it is important to bear in mind that the application for residential development of the site was made in outline, with details of landscaping and layout, among other things, reserved for future determination. Careful consideration of these details at reserved matters stage would ensure that living conditions at existing dwellings were not significantly harmed through loss of privacy or adverse visual impacts.

105. Similarly, I see no reason to suppose that important design considerations such as a suitably active frontage and appropriate visual connection between the development and Beech Hill Road – the perceived absence of which formed the Council's third reason for refusal – could not be adequately addressed at the reserved matters stage.

106. Taking all of this into account, I conclude that the loss of this existing field at the edge of the settlement would result in limited and localised harm to the character of the landscape and the features that contribute to it, and in this respect would conflict with the aims of MDDLP Policy TB21. However, the extent of the harm would be limited by the fact that the appeal site is visually well-contained, such that the new development would not be particularly noticeable in long and medium distance views: to the extent that it was visible, it would be seen in the context of other adjoining residential development, and so would not appear out of keeping with its surroundings.

107. The proposed development would have no detrimental impact upon important ecological, heritage, landscape or geological features. Nor is there any reason to suppose that it would not be possible to achieve, at Reserved Matters stage, a high-quality design of appropriate scale and layout, for buildings and spaces that contributed to a sense of place and integrated well with their surroundings. I am therefore satisfied that the proposal would not conflict with these aims of Core Strategy Policy CP3, nor be at odds with the objective of Core Strategy Policy CP1 to maintain the high quality of the environment.

Third main issue: the extent to which the proposed houses would be accessible by sustainable modes of transport

108. The Core Strategy states that the scale of development proposals in Wokingham Borough must reflect the existing or proposed levels of facilities

and services at the location in question, together with their accessibility. It divides the Borough's settlements into three categories: major development locations, modest development locations, and limited development locations. Policy CP 9 identifies Spencers Wood as a modest development location, where development within the designated development limits will be considered acceptable. This category of settlement is described as having "access to some facilities and services either within them or through good public transport services to major development locations or centres in neighbouring areas, e.g. Bracknell, Crowthorne and Reading." The appeal site lies outside the designated development limit of Spencers Wood, but it does not automatically follow that it must therefore occupy an inaccessible location.

109. The facilities and services available in Spencers Wood itself include a convenience store, bakery, post office, pharmacy, and a veterinary surgery. There is also a pub, beauty salon, library, primary school and village hall. In addition, there are two Industrial Estates and a Business Park, which provide job opportunities locally. With the exception of the pub, library and village hall, all of these would be within the 800m "preferred maximum" walking distance from the appeal site advised by the Chartered Institution of Highways and Transportation (CIHT) publication *Guidelines for Providing for Journeys on Foot*.

110. The Council rightly points out that in addition to the distances involved, other factors such as topography and safety will influence whether journeys will be made on foot or by car. Here, the routes are level and well-maintained, and the highway improvements that would be provided as part of the proposed development, including the installation of a footpath along the site frontage on Beech Hill Road, together with street lighting, and two pedestrian crossing points, would help to encourage the choice of walking rather than driving to local facilities.

111. In terms of access to the facilities and services of Reading, there are a number of bus stops along Basingstoke Road, the closest of which would be between 350m – 600m from the proposed dwellings. This means that some of the houses would be further from a bus stop than the CIHT preferred maximum of 400m, but Spencers Wood is provided with a good level of service: buses to Reading run from early morning to late evening, with two services per hour in each direction during peak hours, and hourly throughout the day in each direction. I note the Council's concern that the timing of the early morning buses might be inconvenient, in that passengers on some of them would arrive in Reading well before 9am, but such services would of course be convenient for those whose working day starts earlier than 9am.

112. Residents of the proposed new dwellings would be able to access the local services and facilities by bicycle, and in addition there is a dedicated and publicised cycle route from Spencers Wood to Reading. I saw at my site visit that while accessible, this route is not particularly attractive: as the appellant accepted, those who chose to commute by this route would likely be serious enthusiasts, rather than casual cyclists.

113. The NPPF advises that Travel Plans will be key tools in protecting and exploiting opportunities for the use of sustainable transport modes, and states that all developments which generate significant amounts of movement should be required to provide a Travel Plan. I note the Council's concern

about deficiencies within the appellant's suggested "Framework" Travel Plan, but in the light of the NPPF advice, it seems to me that the appropriate response is not, as advanced by the Council's witness, to reject the use of a Travel Plan altogether. Rather, as the appellant proposed, a condition could be imposed requiring the submission, approval by the Council, and subsequent implementation of a fully detailed Travel Plan.

114. It is also material to note that however close new houses may be built to shops, bus stops, and other facilities, there is no guaranteed method of predicting how their occupiers will choose to travel; some people like to walk, some do not, and some simply cannot. The important thing, and the thrust of the guidance contained in the NPPF, is that a choice be made available, so that those who are unwilling or unable to walk do not have to be reliant on the use of a private car but are instead able to access more sustainable methods of transport.

115. In this case, I am satisfied that the services and facilities necessary to meet the needs of future residents would be accessible from the appeal site either on foot, by bicycle or by bus. As a consequence, the location of the appeal site could not reasonably be considered so inaccessible by sustainable modes of transport as to be the cause of over-reliance by future occupiers on the use of private motor vehicles.

116. For these reasons, and in this respect, I find that the proposed development would not conflict with the objectives of Policies CP1, CP3 and CP6 of the Core Strategy, which together seek to ensure that development is accessible, and provides the choice to travel by sustainable modes of transport.

Fourth main issue: whether the proposal makes adequate provision to address any adverse impacts it would have on local infrastructure and services

117. One of the Council's reasons for refusing to grant planning permission was that the proposed development would fail to make "satisfactory provision of adequate services, amenities and infrastructure needs and consequently would have an unacceptable adverse impact upon the amenities of the area", such that it would conflict with Development Plan policies aimed at securing the satisfactory mitigation of any such adverse impacts.

118. In the course of the inquiry, the appellant submitted a S.106 Undertaking executed by the relevant parties [ID 61]. This makes provision for the laying out of public open space within the appeal site, to be transferred to a Management Company, and to be retained for public recreational use in perpetuity. It also makes provision for the payment of financial contributions, requested by the Council, toward the Borough Travel Plan scheme; libraries; education; SPA management and monitoring; play areas; country parks; biodiversity; playing pitches and recreation grounds; sports halls; swimming pools; the Basingstoke Road Corridor works; and a monitoring fee. In addition, it made provision for payment of financial contributions requested by the R6 party toward bus stop improvements; the Council's Public Transport Strategy; works at Basingstoke Road / Church Lane; and works at Hyde End Road / Basingstoke Road.

119. The appellant did not accept that all of these financial contributions were necessary, and so included a "blue pencil" clause in the S.106 Undertaking,

which would effectively negate any of the obligations contained in that deed if I were to reach, in my decision letter, the conclusion that that particular obligation was incompatible with the tests set out in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). That being the case, a considerable amount of inquiry time was spent on hearing and testing evidence as to whether or not various contributions complied with the requirements of CIL Regulation 122.

120. The need for me to reach a conclusion on the compatibility of each of the contested obligations has been somewhat overtaken by the Council's subsequent adoption of a CIL Charging Schedule, which came into force on 6 April 2015 [PID 4]. CIL is effectively a mandatory charge on development, intended to provide a funding source for the infrastructure required to support development in the Borough, and is calculated by reference to the change in net additional floorspace. While S.106 obligations can still be used to secure site-specific mitigation and other non-infrastructure planning obligations, they are no longer needed to secure contributions toward the infrastructure projects listed in the Council's CIL Regulation 123 List [PID 4], since these items will now be funded by the CIL collected.

121. In this particular case, the Council has confirmed that the previously requested financial contributions toward biodiversity; country parks; education; libraries; playing pitches and recreation grounds; play areas; sports halls; swimming pools and the Basingstoke Corridor works are no longer required, since these are all items of infrastructure which are included in its Regulation 123 List, and so will now be funded by CIL instead [PID 10]. I agree with that analysis. I also consider that the contributions toward bus stop improvements and the Public Transport Strategy, requested by the R6 party, are not needed since these infrastructure projects fall within the "Public Transport Network Improvements" included on the Council's Regulation 123 List.

122. The remaining two financial contributions sought by the R6 party were towards works at Basingstoke Road / Church Lane, and works at Basingstoke Road / Hyde End Road. It is not clear to me, from the evidence provided, whether or not these works could reasonably be described as "Corridor Improvements", in the terms used in the Regulation 123 List. The Council's alternative suggestion was that I might consider them "Strategic Road Network Improvements", but the wording of the Regulation 123 List is limited to "Strategic Road Network Improvements *outside the Borough*" [my emphasis].

123. In any event, whether or not these particular works form part of the list of infrastructure items intended to be funded wholly or in part by CIL, it is material to note the Council's position that no financial contribution from this appellant is necessary, because sufficient funding has already been secured from other developers. I can readily understand why the R6 party seeks to recover a proportion of that funding from the appellant: it made a strong argument that all developers of sites in the area should contribute a "fair share". However, in circumstances where the Council has already secured funding of the works in contention, under a binding commitment which would remain unchanged regardless of whether this particular appeal succeeds or fails, a planning obligation requiring the appellant to pay to the Council

further – unwanted – sums towards those works is not the appropriate means of pursuing an "equitable split".

124. It remains open to the R6 party to explore with the Council exactly what was meant by the latter's agreement, in the S.106 deed associated with the former's development of housing at Spencers Wood and Three Mile Cross, "to use its reasonable endeavours to ensure the costs of such infrastructure provision is borne fairly between all the developments within the Council's administrative area that have a direct impact on the specific infrastructure and taking into account any funding from other sources". But for the purposes of assessing the S.106 Undertaking currently before me, I find that planning obligations to fund works for which funding has already been secured are unnecessary, and therefore do not comply with CIL Regulation 122.

125. As discussed above, in the context of the third main issue, if I were to grant planning permission I would consider it necessary to impose a condition requiring the submission, approval by the Council, and subsequent implementation of a properly worked-up and fully detailed Travel Plan. As agreed by the Council and the appellant at the inquiry, this would render the obligation to pay a "Travel Plan Contribution" towards the Council's "My journey" scheme unnecessary.

126. At the request of the Council, the S.106 Undertaking also included provision for payment of a monitoring fee at the rate of £200 per dwelling permitted, to be used "…towards the reasonable expenses which will be incurred by the Council in connection with checking that the terms of this Deed are being complied with." The appellant disputes the necessity for this payment, on the grounds that the monitoring of Section 106 obligations is part of a local planning authority's usual statutory function, and there is no evidence to show why the flat rate of £200 per dwelling is fairly and reasonably related to the development in scale and in kind.

127. I appreciate the Council's concern that monitoring the payment of contributions and fulfilment of planning obligations requires a significant amount of work, and its point that decision makers have, in the past, reached differing conclusions as to whether a Monitoring Fee can accord with CIL Regulation 122. In this particular case, it is material to note that I have, for the reasons set out above, concluded that the vast majority of the planning obligations contained in the S.106 Undertaking fail to meet the requirements of CIL Regulation 122. This means that, by operation of Clause 3.2 of the Undertaking, if I were to grant planning permission for the proposed development then each of those obligations would be rendered ineffective. The Council would not then have the work of, or incur any costs in, monitoring them.

128. There is no dispute that the Undertaking contains two obligations which do comply with CIL Regulation 122, and which would take effect if planning permission were granted. The first is payment of the "SPA Access Management and Monitoring Contribution", described as "a contribution towards the costs of the Thames Basin Heaths Strategic Access Management and Monitoring Project". This terminology indicates that the sum involved already makes provision to cover "monitoring" costs. The second is the obligation to lay out public open space within the development in accordance with a specification first approved by the Council, transfer it to a Management

Company, and ensure its retention in perpetuity. This is not by any means an unusual obligation, and I see no reason why monitoring it should prove particularly onerous, or involve the Council in costs equating to £200 per dwelling. I therefore conclude that in this particular case, the obligation to pay a "Monitoring Fee" is not necessary to make the development acceptable in planning terms, and so does not accord with the requirements of CIL Regulation 122.

129. In summary, and to assist interpretation of Clause 3.2 of the S.106 Undertaking, I conclude that the following planning obligations set out in that deed are incompatible with one or more of the tests set out in CIL Regulation 122: namely, contributions toward the Travel Plan; libraries; education; play areas; country parks; biodiversity; playing pitches and recreation grounds; sports halls; swimming pools; Basingstoke Road Corridor works; bus stop improvements; the Public Transport Strategy; works at Basingstoke Road / Church Lane; works at Hyde End Road / Basingstoke Road; and the monitoring fee. These obligations do not, therefore, play any part in my determination as to whether or not planning permission should be granted for the proposed development.

130. I conclude that the planning obligations concerning the provision, management and retention of public open space within the proposed development, and the payment of the SPA Access Management and Monitoring Contribution, meet the CIL Regulation 122 tests. The S.106 Undertaking secures both of these obligations in the event that planning permission were granted.

131. I find that adequate provision is therefore made to address the adverse impact that the development would otherwise have on local services and infrastructure. It would consequently accord with the objectives of Policies CP1 and CP4 of the Core Strategy, which seek to secure appropriate arrangements for the improvement or provision of infrastructure, services, community and other facilities required for the proposed development.

Other matters

132. The Council sought to argue that permitting the currently proposed development could prejudice delivery of the Strategic Development Locations (SDLs). The written evidence of Mr Ritchie expressed the view, "…based on the Core Strategy, MDD and the Secretary of State Inspectors' comments…" that if the currently proposed development were permitted, any completions on the appeal site would result in a corresponding reduction on those included within the Borough's Development Plan.

133. The Core Strategy sets out a "Spatial Vision" for the Borough, which includes locating the majority of the new housing in high quality Strategic Development Locations with excellent infrastructure provision. The Inspector who examined the MDDLP noted that "the *allocation* [my emphasis] of more sites outside the SDLs risks undermining the overall strategy, potentially leading to further shortfalls in delivery from the SDLs" and went on to conclude that "…the risk of harm to the overall strategy through the *allocation* [my emphasis] of more sites outside the SDLs, to provide flexibility in terms of delivery, significantly outweighs any potential benefit".

134. Devising the Spatial Vision, and identifying the best and most appropriate sites for the SDLs, has clearly involved a great deal of careful consideration by the Council and the residents of the Borough, and I can understand why the MDDLP Inspector had concerns that to *allocate* additional sites for residential development might be to risk undermining this strategy. However, a consideration of the *allocations* that should be made in a Development Plan document is very different to a consideration of whether or not the residential development of a specific site should be permitted in circumstances where, as here, the Council is unable to demonstrate a five year supply of housing sites.

135. At the Inquiry, I asked the relevant witnesses for the Council whether, if it were concluded that the Council was unable to demonstrate a five year supply of housing, they would still maintain that permitting the proposed development would prejudice delivery of the SDLs.

136. Mr Spurling, who spoke to Mr Ritchie's evidence, expressed concern that development of the appeal site would not contribute further to the overall five year supply of housing but rather would "cannibalise sales" from the South of the M4 SDL. In response to my question, he was unable to draw my attention to any evidence to support this contention. I note that the "Secretary of State Inspector's comments", referred to in Mr Ritchie's evidence, include the observation that "At the time of writing this report, the South East residential market is the strongest and fastest rising in the United Kingdom and all the Inquiries agreed that there would be little difficulty selling houses anywhere south of the M4." While economic conditions have worsened since the date of that report, I have not been provided with evidence to suggest that there would be any difficulty in selling houses in this area today. It is also material to note that neither the South of the M4 SDL Consortium, who were represented at the inquiry, nor the developers of any of the other SDLs, sought to argue that providing housing on the appeal site would in any way prejudice the delivery of housing on their respective sites.

137. Ms Seaman, the Council's planning witness, expressed concern that the Spatial Vision should not be "diluted" by permitting ad hoc development in advance of the emerging SHMA, which will establish whether more housing sites should be allocated. However, in order to "boost significantly the supply of housing", the NPPF makes it clear that Councils must identify sufficient sites to meet their housing requirements for the next five years. In circumstances where, as here, a Council is unable to demonstrate that it has done so, I am not persuaded that development proposals which could potentially help to address that shortfall should be refused on the basis that they may "dilute" a policy approach which is currently failing to deliver a sufficient quantity of housing. Such an approach would conflict with the advice in paragraph 49 of the NPPF that where a five year supply is not demonstrated, relevant policies for the supply of housing should not be considered up-to-date: a consideration I return to below.

138. Taking all of this into account, I am not persuaded that in the current circumstances, there is any reason to fear that permitting the proposed residential development of the appeal site would in any way prejudice the delivery of the SDLs.

139. A number of those objecting to the proposed development expressed concern that it might set a precedent for other residential development on

sites outside the SDLs. However, that is not how the planning system operates: one decision, whether made on application or appeal, does not form a precedent for others. Even if, as some local residents fear, a finding that the Council is currently unable to demonstrate a five-year supply of housing might encourage other developers to submit applications for residential development on other unallocated sites, the Council (or, on appeal, other Inspectors) would not be obliged to grant permission simply because an application on this site had been successful. Rather, each application, and appeal, would continue to be decided on the basis of its own particular site-specific merits.

Conclusions

The policy context

140. I have found that the Council is currently unable to demonstrate a five-year supply of deliverable housing sites. By operation of paragraph 49 of the NPPF, this means that relevant policies for the supply of housing should not be considered up-to-date.

141. Policy CP11 of the Core Strategy states that proposals outside the defined development limits of settlements will not normally be permitted, other than in certain specified circumstances, none of which apply here. The development limits were informed by the need to provide sufficient housing to meet the requirement set out in the Core Strategy. Since this policy seeks to direct development (including residential development) toward locations within the development limits, and to restrict the amount that takes place outside those limits, it is a policy that is of relevance for the supply of housing. To the extent that it concerns the supply of housing, then, Policy CP11 should not be considered up-to-date.

142. Similarly, Policy CC02 of the MDDLP states that proposals at the edge of settlements will only be permitted where they are within the development limit. Again, this is a policy that seeks to direct development (including residential development) toward locations that are inside development limits, and so is of relevance to the supply of housing: to that extent, it should not be considered up-to-date.

143. The requirement to treat relevant policies for the supply of housing as out-of-date has implications for the application of paragraph 14 of the NPPF, which sets out the presumption in favour of sustainable development said to be "at the heart of" the Framework. The second bullet point of paragraph 14 says that where the Development Plan is absent, silent or relevant policies are out of date, then the presumption in favour of sustainable development means that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This decision-making approach is reiterated, in largely similar terms, in Policy CC01 of the MDDLP.

144. The Council argued, with reference to the *Bloor Homes* judgment[8], that even if policies are to be treated as out of date that does not mean that they can be ignored. I agree. The NPPF has not (as it acknowledges at paragraph 12) changed the statutory status of the Development Plan: proposals must

[8] *Bloor Homes East Midlands Ltd v SoS CLG & Hinckley and Bosworth Borough Council* [2014] EWHC 754 (Admin)

still be determined in accordance with the Development Plan unless material considerations indicate otherwise.[9] The NPPF is a significant material consideration, since it sets out the government's current approach to the delivery of housing. As discussed above this current approach, which post-dates the adoption of the Core Strategy, constitutes a radical change from previous policy.

145. I do not, then, seek to ignore or "disapply" Development Plan Policies CP11 and CC02. But I attach considerable weight to the advice set out in the NPPF: in particular the decision-making approach, set out in paragraph 14 and repeated by the Council's own Policy CC01, aimed at ensuring the proper application of the presumption in favour of sustainable development.

146. The Council contends that the scheme does not constitute sustainable development, and in its closing submissions sought to argue, by reference to the High Court judgments in *William Davis*[10] and *Dartford*[11]*,* that the presumptions in paragraph 14 and Policy CC02 do not therefore apply in any event. However, that argument presupposes that development proposals must be scrutinised for sustainability as a preliminary exercise, and that only once the outcome of that exercise has been established can it be known whether there will be a presumption in favour of the development. But the NPPF does not specify certain criteria against which each scheme must first be assessed, in order to determine that it would constitute sustainable development, before then going on to apply a presumption in that development's favour.

147. Rather, paragraph 14 of the NPPF is drafted so as to be applicable to the determination of all development proposals. Prompt approval of those that accord with the Development Plan (unless material considerations indicate otherwise) equates to applying the presumption, without the need for any prior decision as to whether the proposal would be "sustainable development". Similarly, where the Development Plan is absent, silent or relevant policies are out of date, no separate decision as to sustainability is specified: rather, the decision-taker is enjoined to grant permission unless either the adverse impacts would significantly and demonstrably outweigh the benefits, or specific policies in the NPPF indicate the development should be restricted.

148. If the approach to decision-taking set out in paragraph 14 of the NPPF is taken, then it must follow that the presumption in favour of sustainable development will be correctly applied.

149. The Council also argued that Policies CP11 of the Core Strategy and Policy CC02 of the Local Plan are not solely concerned with limiting residential development to the identified requirement, but also seek to protect the separate identity of settlements and to maintain the quality of the environment. However, for the reasons set out in my consideration of the second main issue, I have found that the proposed development would not lead to the actual or perceived coalescence of any settlements, and the limited and localised impact on the character of the landscape would not

[9] S. 38(6) of the Planning & Compulsory Purchase Act 2004 and S.70(2) of the Town & Country Planning Act 1990
[10] *William Davis Limited, Jelson Limited v Secretary of State for Communities and Local Government, North West Leicestershire District Council* [2013] EWHC 3058 (Admin)
[11] *Dartford Borough Council v SoS CLG & Landhold Capital Ltd* [2014] EWHC 2636 (Admin)

undermine the overall quality of the environment. There would not, then, be any conflict with these policy aims.

150. The Council maintained that the proposed development would conflict with Core Strategy Policy CP9, which states that development proposals within the development limits of settlements including Spencers Wood will be acceptable, provided the scale of the proposals reflect the existing or proposed levels of facilities and services and their accessibility. To the extent that this policy seeks to limit residential development to locations inside development limits, it is out of date. For the reasons set out in my consideration of the third and fourth main issues, I have found that the scale of the proposed development would be in keeping with the level and accessibility of the existing facilities and services, and that adequate provision to improve existing infrastructure where necessary either has been (via the executed planning obligations) or could be (via the imposition of conditions) secured. The proposed development would not, therefore, offend against these aims of Policy CP9.

The overall planning balance

151. The appeal site adjoins, but lies outside, the development boundary for Spencers Wood. The proposed residential development would therefore conflict with the aims of Policies CP9 and CP11 of the Core Strategy and Policy CC02 of the MDDLP, to the extent that those aims are concerned with directing the location of the Borough's housing supply. However, paragraph 49 of the NPPF states that in circumstances where (as here) a Council cannot demonstrate a five-year supply of deliverable housing sites, relevant policies should not be considered up-to-date. That is a material consideration to which I attach a great deal of weight. While these three policies might be argued to have other aims which remain relevant and up-to-date, those are not aims with which the proposed development would conflict.

152. The only other Development Plan policy with which I have identified conflict is Policy TB21 of the MDDLP. The loss of this existing field at the edge of the settlement would result in limited and localised harm to the character of the landscape and the features that contribute to it, and in this respect would conflict with the aims of that Policy. I attach some weight to this adverse environmental impact.

153. However, that is the only adverse impact that would, in my judgment, arise from granting permission for the proposed development. I have found that the new housing would be located in a reasonably accessible location, such that its occupiers would have an appropriate level of opportunity to use sustainable modes of transport. The scheme incorporates adequate provision to prevent any adverse impacts on local infrastructure and services, including public highways and the SPA. There is no evidence to indicate that the delivery of housing on this site would, in the context of the Council's current inability to demonstrate a five-year supply of deliverable housing sites, have any adverse impact on the delivery of housing on the SDL sites.

154. For the reasons set out in detail in my consideration of the first main issue I have concluded, on the evidence currently available to me, that the extent by which the Borough's housing supply falls short of its housing requirement is likely to be considerably more than the figure identified in the course of determining this appeal. In the context of an identified shortfall, the provision

of the currently proposed market and affordable dwellings would have undisputed social and economic benefits, including helping to alleviate the adverse impacts experienced by people unable to find or afford a home of their own; increasing the prospects of working age people being able to move in to the Borough; and creating jobs and increasing spending in the local economy. I attach considerable weight to these benefits.

155. Weighing all of this in the balance, in terms of the decision-making approach set out in paragraph 14 of the NPPF and Policy CC01 of the MDDLP, I find that the limited environmental harm that would result from the proposed development would fall a long way short of "significantly and demonstrably" outweighing the benefits, and this means that planning permission should be granted in order to give effect to the NPPF's presumption in favour of sustainable development. Put another way, I find that there are material considerations in this case that are of sufficient weight to overcome the limited degree of conflict with the Development Plan.

Conditions

156. The appellant and the Council helpfully agreed a suggested list of the conditions that should be imposed if planning permission were granted. The necessity for, and wording of, these conditions were discussed at the inquiry.

157. The standard conditions governing the timescale for submission of reserved matters (1) and commencement of development (2), and compliance with the approved plans (4), are imposed. As agreed at the inquiry, a number of the conditions originally proposed concerned the required provision of information that could usefully be used to inform the determination of reserved matters applications. Where appropriate, these requirements have been incorporated within condition (3), to clarify the information that will need to be submitted at reserved matters stage.

158. It is necessary to protect the amenity of neighbouring residents during the construction period by imposing conditions restricting working hours on the site (5), and requiring the implementation of an agreed Construction Management Plan (6). Given that the site has not previously been developed, and there is no evidence to suggest contamination may be present, I do not consider it necessary to impose the lengthy five-stage 'contamination' condition originally proposed by the Council. The shorter version suggested by the appellant will suffice, although I have included some additional wording to clarify the procedure that should be followed if any contamination were discovered in the course of construction (7).

159. Since the site is identified as having the potential to contain archaeological remains, I have imposed the suggested condition requiring a written scheme of investigation and programme of archaeological work prior to commencement of any development (8). A scheme for the protection of retained trees during construction is necessary, and I have used the form of wording agreed between the appellant and the Council (9). A condition is also needed to secure implementation of the necessary ecological mitigation measures (10).

160. A scheme for the generation of a proportion of the site's required energy from renewable resources is needed, to ensure compliance with adopted sustainable energy policies (11). Similarly, an Employment and Skills Plan is

needed to ensure the development complies with the policy requirement to develop local employability skills, but rather than the Council's suggested separate condition, I have included this as part of the information to be submitted at Reserved Matters Stage (3).

161. A condition to secure the agreed provision and retention of 40% of the proposed dwellings as affordable housing is necessary, and I have adopted the wording worked up between the Council and the appellant, and agreed at the inquiry (12). While the S.106 Agreement between the appellant, the Council, the landowners and the University of Reading [ID 60] secures the provision of Suitable Alternative Natural Greenspace (SANG) to mitigate the impact the proposal would otherwise have on the Thames Basin Heaths Special Protection Area, it is also necessary to impose a condition dealing with the timing of this provision, to ensure it is available prior to occupation of any of the dwellings (13).

162. A condition requiring the implementation of surface water drainage works is needed, to prevent any increase in flood risk (15). Advice from Thames Water is that improvements to local sewage infrastructure are also needed. The parties agreed that this should be addressed by condition, but also agreed that their suggested wording was insufficiently precise. I have amended it accordingly (16). For the reasons discussed in connection with the third main issue, I have attached the agreed condition requiring the implementation of a Travel Plan (14). A condition is also needed to secure the provision of the off-site highway works identified as necessary to accommodate the development (17). In place of the proposed separate condition concerning the site access junction works, I have required the provision of details and a timetable as part of the Construction Management Plan (6), and completion prior to occupation of the dwellings as part of condition 17.

163. A failure to demonstrate that the proposed development could be satisfactorily accommodated on the site, while also providing an appropriate hedgerow buffer zone, originally formed one of the Council's reasons for refusing permission. In the light of further illustrative drawings provided by the appellant, the Council subsequently accepted that both could be satisfactorily achieved, but the appellant and the Council were unable to agree the terms of a suitable condition. Since the layout of the development is a matter that remains to be determined at Reserved Matters stage, I have included the requirement to demonstrate an appropriate hedgerow buffer zone as part of the information to be submitted at that stage (3).

164. I have not imposed the condition suggested by the Council requiring the timed provision and future retention of parking and turning spaces, as this would be more appropriately addressed at Reserved matters stage, once details of layout are known. Similarly, the requirement for a Parking Management Strategy to be approved prior to first occupation of the dwellings can be dealt with by condition at reserved Matters stage, if necessary.

Determination

165. Subject to the conditions discussed above, the appeal is allowed.

Jessica Graham

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Ms S Kabir Sheikh, Queen's Counsel[1]	Instructed by Wokingham Borough Council ("WBC")
She called:	
Mr Ryder BA(Hons) CMLI[2]	Director, Ryder Landscape Consultants Ltd
Mr J Spurling BSc(Hons) DipTP PGDip(Law) PGDip(CMI) MRTPI [3]	Manager of the Land Use and Transport Team, WBC
Ms J Seaman BA(Hons) DipPG MRTPI[4]	Development Management Team Manager, WBC
Mr T Comyn, of Counsel[1]	Instructed by WBC
He called:	
Mr A Glencross MSc BTEC HND	Ecological Adviser, WBC
Ms S Swaine BEng(Hons) MCIHT	Principal Transport Planner, WBC
Mr R Alexander MCLIP MSCL	Library & Information Co-ordinator and Chief Officer for Libraries, WBC

[1] Ms Sheikh QC appeared for the Council on 23 April, 4 November, 11-12 November, 15-16 December 2014 and 27-29 January 2015: Mr Comyn on 5 and 6 November 2014.
[2] Mr Ryder spoke to the proof of evidence prepared by Mr J Overall BA(Hons) CMLI, and his own addendum proof of evidence
[3] Mr Spurling spoke to the (updated) proof of evidence prepared by Mr G Ritchie BSc DipTP MA MRTPI, and his own rebuttal proof of evidence
[4] Ms Seaman spoke to the proof of evidence prepared by Mr N Clark MSc, and her own proof of evidence

FOR THE APPELLANT:

Mr M Carter, of Counsel	Instructed by Mr K Waters of Gladman Developments Ltd
He called:	
Mr N Weeks BSc FACE	Director, Stirling Maynard Transportation
Mr P Hoy BSc(Hons) PgDip MCIEEM	Associate, FPCR Environment & Design Ltd
Mr R Gomez BA MA PhD	Director, Regeneris Consulting
Ms J Mulliner BA(Hons) BTP(Dist) MRTPI	Director, Terence O'Rourke Ltd
Mr T Jackson BA(Hons) DipLA CMLI[5]	Co-Director, FPCR Environment & Design Ltd
Mr K Waters BSc(Hons) MSc MRICS MRTPI	Planning and Development Manager, Gladman Developments Ltd

[5] Mr Jackson spoke to the proof of evidence prepared by Mr P Rech BA BPhilLD CMLI

The South of the M4 Consortium, who had Rule 6 Status, were represented at the Inquiry by Mr I Tant of Barton Willmore LLP (24 April 2014) and Mr N Paterson Nield of Barton Willmore LLP, who was present on various sitting days, and spoke at the S.106 discussion session along with Mr Dimmock and Mr Knowles.

INTERESTED PERSONS:

Mr T Follen	Local resident
Dr P Wilford	CPRE Wokingham District Chairman
Mr M Hill	Local resident
Cllr J Kaiser	Ward member for Barkham

DOCUMENTS SUBMITTED IN THE COURSE OF THE INQUIRY

ID 1 Copy of the Council's letter notifying interested parties of the arrangements for the inquiry (for 23 April 2014)
ID 2 List of appearances for the appellant (23 April 2014)
ID 3 Statement by Natural England dated 8 April 2014
ID 4 Inspector's Pre-Resumption Note dated 18 September 2014
ID 5 List of appearances for the appellant (4 November 2014)
ID 6 Appellant's list of timings for the resumed inquiry
ID 7 Mr Spurling's rebuttal proof of evidence and associated appendices
ID 8 Opening statement made on behalf of the appellant
ID 9 Appellant's updated "Development Framework" plan (position of red line amended) drg. no. 5460-L-102 Rev E
ID 10 Appellant's updated "Location Plan" (position of red line amended) drg. no. 004
ID 11 Appellant's "Preliminary junction layouts" plan, drg. no. 4746/20/03
ID 12 Letter from Natural England to the appellant, dated 14 October 2014
ID 13 Appellant's calculation of SANG requirements and supply
ID 14 Freeholders' confirmation that identified land can be made available for the provision of a SANG
ID 15 Appellant's "Hedgerow mitigation: indicative plan" drg. no. 5460-L-401
ID 16 List of suggested conditions, prepared by the appellant and Council
ID 17 Draft Unilateral Undertaking, provided by the appellant
ID 18 Appellant's SANG update note
ID 19 Opening statement made on behalf of Wokingham Borough Council
ID 20 Additional pages from SEP Panel Report, to be inserted in CD 6
ID 21 Appellant's summary of the provisions included in the Draft Unilateral Undertaking [ID 17]
ID 22 Copy of p.45 of the Manual For Streets, provided by the appellant
ID 23 Ariel photograph identifying locations of services and facilities in Spencers Wood, and accompanying list of their distances from the centre point of the appeal site, submitted by the appellant
ID 24 Copy of Draft s.106 Agreement concerning SANG provision, submitted by the appellant
ID 25 WBC Planning Advice Note: Infrastructure Impact Mitigation Contributions for New Development, Revised March 2014
ID 26 Extract from PPG "Use of Planning Conditions", provided by the Council
ID 27 Copy of e-mail correspondence between the Council and appellant

(forwarded by the appellant to the Planning Inspectorate) dated 6/11/14, concerning the unavailability of Ms Sheikh QC on 7/11/14

ID 28 Copy of Mr T Follen's statement to the inquiry

ID 29 Appellant's suggested condition concerning Local Highways Works

ID 30 Appellant's suggested condition concerning SANG provision

ID 31 Suggested condition requiring compliance with approved plans, agreed by the appellant and the Council

ID 32 Inspector's Report on the Examination of the Draft WBC Community Infrastructure Levy Charging Schedule, dated 29 October 2014 (Ref: PINS/LDF001575)

ID 33 Extracts from PPG "Housing and economic development needs assessments" and "Housing and economic land availability assessment", provided by the Council

ID 34 Extracts from April 2013 SHLAA, April 2014 SHLAA (uncorrected and corrected summaries) and October 2014 SHLAA, collated by the appellant

ID 35 Inspector's report on the Examination in Public into the Further Alterations to the London Plan

ID 36 Agreed map of suggested viewpoints for the Inspector's site visit

ID 37 Route suggested by the appellant for the site visit, and associated figures

ID 38 Extract from leaflet about Reading cycle routes, provided by the appellant

ID 39 Series of photographs, taken by the appellant, of cycling facilities on the route from Spencers Wood to Reading

ID 40 Appellant's list of the products on sale in the Spencers Wood store

ID 41 Information, provided by the appellant, concerning the proposed new station at Green Park

ID 42 Minutes of an Extraordinary Meeting of the Council's Executive, held on 21 October 2010, provided by the Council

ID 43 Copy of the report on Core Strategy Housing Figures considered by the Council at its EM on 21 October 2010 [see ID 42], provided by the Council

ID 44 Copy of appeal decision ref: APP/J0405/A/13/2205858 (Winslow), submitted by the Council

ID 45 Council's note to the inquiry about Appendices 13 & 14 of its October 2014 SHLAA

ID 46 Council's note to the inquiry about the deliverability of dwellings on land south of the railway line in the South Wokingham SDL

ID 47 Draft S.106 Agreement between the Council, the appellant, the University of Reading and the relevant landowners, relating to the provision of SANG

ID 48 Draft S.106 Undertaking, from the appellant and relevant landowners, dealing with other requested planning obligations

ID 49 Copy of the Court of Appeal's judgment in *Solihull Metropolitan Borough Council v Gallagher Estates Ltd & Lioncourt Homes* [2014] EWCA Civ 1610, put in by the appellant

ID 50 Copy of appeal decision ref: APP/J0405/A/13/2210864 (Aston Clinton), put in by the appellant

ID 51 Appellant's updated list of agreed conditions, reflecting changes discussed at the inquiry on 7 November 2014 [ID 16]

ID 52 Copy of the Claim Form filed in the High Court by the appellant to challenge the Winslow appeal decision [ID 44]

ID 53 Copy of the costs application to be made by the appellant

ID 54 Letter dated 6 January 2015, from the Rule 6 Party to the inquiry, setting out concerns in relation to the draft S.106 Undertaking

ID 55 Set of High Court Judgments, provided by the appellant, to which reference will be made in closing submissions: *Tewkesbury Borough*

Council v SoS CLG & Comparo Ltd & Welbeck Strategic Land LLP [2013] EWHC 286 (Admin); *Bloor Homes East Midlands Ltd v SoS CLG & Hinckley and Bosworth BC* [2014] EWHC 754 (Admin); and *South Northants Council v SoS CLG & Barwood Land and Estates Ltd* [2014] EWHC 573 (Admin)

ID 56 Copy of paragraph 30 of the PPG: "What is the starting point for the five-year housing land supply?"

ID 57 Appellant's note to the inquiry for the Planning Obligation Round Table Session

ID 58 Letter dated 27 January 2015, from the Rule 6 Party to the inquiry, providing an update on the position concerning contributions to the Shinfield Eastern Relief Road.

ID 59 Further version of the appellant's updated list of agreed conditions [ID 16], showing tracked changes

ID 60 Certified true copy of the engrossed S.106 Agreement (dated 28 January 2015) between the Council, the appellant, the University of Reading and the relevant landowners, relating to the provision of SANG

ID 61 Engrossed S.106 Undertaking, from the appellant and relevant landowners, dealing with other requested planning obligations

ID 62 Appellant's suggested highway works condition

ID 63 Council's response to the appellant's suggested highway works condition [ID 62]

ID 64 Council's note to the inquiry withdrawing its original reason for refusal relating to SANG provision, subject to a Grampian condition

ID 65 Council's outline response to the appellant's application for an award of costs [ID 53]

ID 66 Set of High Court Judgments, provided by the Council, to which reference will be made in closing submissions: *R (oao) Millgate Development Ltd & Wokingham BC* [2011] EWCA Civ 1062; *William Davis Ltd & Jelson Ltd v SoS CLG & North West Leicestershire DC* [2013] EWHC 3058 (Admin); and *Dartford BC v SoS CLG & Landhold Capital Ltd* [2014] EWHC 2636 (Admin)

ID 67 Note on behalf of the appellant relating to the conditionality of the S 106 Undertaking

ID 68 Closing submissions on behalf of the Council

ID 69 Closing submissions on behalf of the appellant

DOCUMENTS ACCEPTED BY THE INSPECTOR AFTER THE INQUIRY CLOSED

PID 1	Copy of High Court's judgment in *Oxfordshire County Council v SoS CLG & Cala Management Ltd & Ors* [2015] EWHC 186 (Admin)
PID 2	The government's 2012-2037 household projections, published on 27 February 2015
PID 3	Copy of the High Court's judgment in *Crane v SoS CLG & Harborough District Council* [2015] EWHC 425 (Admin)
PID 4	e-mail from the Council, dated 13 March 2015, advising that the Council's CIL Charging Schedule would come into force on 6 April 2015, and attaching a copy of the relevant Committee Report, and subsequent minutes, the CIL Charging Schedule, and the Regulation 123.
PID 5	Letter from the Council, dated 16 March 2015, advising that the Council's CIL Charging Schedul would come into force on 6 April 2015
PID 6	Supplementary Statement of Mr Spurling, for the Council, concerning the

	2012-2037 household projections [PID 3]
PID 7	Appellant's Supplementary Note on the 2012-2037 projections [PID 3]
PID 8	The Council's response to the appellant's Supplementary Note on the 2012-2037 household projections [PID 7]
PID 9	The appellant's response to the Council's Supplementary Statement concerning the 2012-2037 household projections [PID 6]
PID 10	e-mail from the Council dated 25 March 2015 setting out the implications, for the case it presented at the inquiry, of its adoption of a CIL Charging Schedule
PID 11	e-mail from the appellant dated 2 April 2015 setting out the implications, for the case it presented at the inquiry, of the Council's adoption of a CIL Charging Schedule and commenting on the Council's stance [PID 10]
PID 12	The Council's "Wokingham Borough Strategic Housing Land Availability Assessment at 31 March 2015"
PID 13	Note from the appellant in response to the Council's submission of PID 12

SCHEDULE OF CONDITIONS

1) 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 begins and the development shall be carried out as approved.

2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission. The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.

3) The details to be submitted pursuant to condition no. 1 above shall incorporate details of the internal and external spaces for the storage and collection of refuse and recyclable materials for all dwellings; identification of the trees, hedges and shrubs to be retained; existing and proposed ground levels; a detailed scheme to maintain the ecological permeability of the site (with particular regard to reptiles, amphibians and hedgehogs); a detailed hedgerow mitigation and compensation strategy, including (a) details of any buffer zones, free from any development including residential gardens, required to protect the retained hedgerows; and (b) management arrangements for the hedgerows and buffer zones that will secure their long-term future; an Employment and Skills Plan, to show how the development scheme accords opportunities for training, apprenticeships or other vocational initiatives to develop local employability skills; and full details of the accesses, driveways, parking provision and turning areas.

4) The development hereby permitted shall be carried out in accordance with the following approved plans, in so far as those plans relate to matters not reserved for future determination:

   Development Framework Plan 5460-L-102-E

   Revised Redline Plan 03/11/14

   Preliminary Junction Layout 4746/20/03

5) Construction work, including preparatory work prior to building operations, shall not take place outside 0730 hours to 1800 hours Mondays to Fridays and 0830 hours to 1300 hours on Saturdays nor at any time on Sundays or Bank or National Holidays.

6) Prior to the commencement of development a Construction Management Plan (CMP) shall be submitted to, and approved in writing by, the local planning authority. The approved CMP shall be adhered to throughout the construction period. The CMP shall detail matters including:
   i) phasing of construction
   ii) the site access junction works, including a timetable for their provision
   iii) lorry routeing and potential numbers
   iv) types of piling rig and earth moving machinery to be used

v) measures to mitigate the impact of construction operations on nearby residential properties
vi) temporary lighting that will be used during the construction phase of the development
vii) the parking of vehicles of site operatives and visitors
viii) loading and unloading of plant and materials
ix) storage of plant and materials used in constructing the development
x) security fencing where appropriate
xi) measures to prevent mud from vehicles leaving the site
xii) measures to control the emission of dust, dirt and noise during construction

7) No part of the development hereby permitted shall be commenced unless and until:
(a) a site investigation has been designed for the site, using the information obtained from the desktop investigation in respect of contamination submitted with the application, which shall be submitted to and approved in writing by the local planning authority prior to the investigation being carried out on the site; and
(b) the site investigation and associated risk assessment have been undertaken in accordance with the approved details; and
(c) a method statement and remediation strategy, based on the information obtained from (b) above and including a programme of works, have been submitted to and approved in writing by the local planning authority.
The development shall be carried out in accordance with the approved method statement and remediation strategy.
In the event of any contamination of soil and/or ground or surface water being discovered during excavation or development of the site, the local planning authority shall be contacted immediately. Site activities in the area affected shall be suspended until such time as a method and procedure for addressing the contamination is approved in writing by the local planning authority.

8) No development shall commence until a programme of archaeological work (which may comprise more than one phase of work) has been implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.

9) No development, or any other operations, shall commence on site until an Arboricultural Method Statement (including a Scheme of Works) has been submitted to and approved in writing by the local planning authority. The Arboricultural Method Statement shall include detailed provisions for
(i) the retention and protection of trees, shrubs and hedges growing on or adjacent to the site, in accordance with BS5837 (2012); and
(ii) inspection of tree protection works, when in place under (i) above, by the local planning authority; and
(ii) a minimum of seven days' notice to be provided in writing to and received by the local planning authority during which time the tree protection works implemented under (i) will be available for inspection

by the local planning authority prior to the commencement of any other works or operations.

No development or other operations shall take place other than in accordance with the approved details (hereinafter referred to as the Approved Scheme).

No operations shall commence on site in connection with the development hereby approved (including any tree felling, tree pruning, 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 Approved Scheme are in place on the site.

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 Approved Scheme.

The fencing or other works which are part of the Approved Scheme 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 in writing of the local planning authority has first been sought and obtained.

10) The mitigation, contingency and enhancement measures contained within the submitted Ecological Appraisal (FPCR Environment and Design Ltd, June 2013) shall be implemented in accordance with a timetable that has first been submitted to and approved in writing by the local planning authority.

11) Prior to the commencement of development a scheme for generating 10% of the predicted energy requirement of the development from decentralised renewable and/or low carbon sources shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the development is first occupied and shall remain operational for the lifetime of the development.

12) The development shall not begin until a scheme for the provision of Affordable Housing as part of the development, built to meet the Design and Quality Standards required by the Homes and Communities Agency, has been submitted to and approved in writing by the local planning authority. The Affordable Housing shall be provided in accordance with the approved scheme and shall meet the definition of Affordable Housing outlined below. The scheme shall include:

i) the numbers, type, tenure and location on the site of the Affordable Housing provision to be made, which shall be pepper-potted throughout the development and which shall consist of not less than 40% of the dwellings: 60% of which shall be Social Rented Housing, 10% of which shall be Affordable Rented Housing and 30% of which shall be Shared Ownership Housing (or an alternative form of Intermediate Housing agreed with the Council);

ii) an Affordable Housing dwelling mix of 63% 2-bedroom houses, 35% 3-bedroom houses and 2% 4-bedroom houses, unless otherwise agreed in writing by the local planning authority;

iii) the timing of the construction of the Affordable Housing and its phasing in relation to the occupancy of the market housing. No more than 80% of the open market dwellings shall be occupied before the Affordable Housing is completed and ready for occupation;
iv) the arrangements for the transfer of the Affordable Housing to an Affordable Housing provider approved by the Council, or the management of the Affordable Housing if no Registered Social Landlord is involved;
v) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the Affordable Housing; and
vi) the occupancy criteria to be used for determining the identity of occupiers of the Affordable Housing and the means by which such occupancy criteria shall be enforced.

For the purpose of this condition, the following definitions apply:

Social Rented Housing: Rented housing owned and managed by local authorities and registered social landlords, for which guideline target rents are determined through the national rent regime. It may also include rented housing owned or managed by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority, or with the Homes and Community Agency as a condition of grant.
Affordable Housing: Social Rented Housing, Affordable Rented Housing and Intermediate Housing provided to eligible households whose needs are not met by the market. Affordable Housing should:

- meet the needs of eligible households including availability at a cost low enough for them to afford, determined with regard to local incomes and local house prices
- include provision for the home to remain at an affordable price for future eligible households or, if these restrictions are lifted, for the subsidy to be recycled for alternative Affordable Housing provision.

Affordable Rented Housing: Rented housing let by registered providers of social housing to households who are eligible for Social Rented Housing (as such term is referred to in the definition of "affordable housing" contained in the glossary to the NPPF). Affordable Rented Housing is not subject to the national rent regime but is subject to other rent controls that require a rent of no more than 80 percent of the local market rent.
Intermediate Housing: Housing at prices and rents above those of Social Rented Housing, but below market price or rents, and which meet the criteria set out above. This can include shared ownership housing, shared equity products (e.g. HomeBuy), other low cost homes for sale and intermediate rent but does not include Affordable Rented Housing.
Shared Ownership Housing: Housing provided by a Registered Provider where the occupier will initially be offered an equity share in the property of 35% (with an option of purchasing a greater share either initially or subsequently should the occupier so wish) and pays a maximum rent of 1.5% per annum on the value of the unsold equity.

The definition of Affordable Housing does not exclude homes provided by private sector bodies or provided without grant funding. Where such homes

meet the definition above they may be considered, for planning purposes, as Affordable Housing.

13) No development on the site shall take place until there has been submitted to and approved in writing by the local planning authority details of a Suitable Alternative Natural Greenspace (SANG) which ensure the scheme will produce no likely significant effects upon the Thames Basin Heaths Special Protection Area. The details shall include details of the SANG's location, layout, and arrangements for its retention and management in perpetuity. None of the dwellings hereby permitted shall be occupied before the works to create the SANG have been completed and the SANG has been made available for public use.

14) No development on the site shall take place until a full 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 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.

15) None of the dwellings hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

i) provide 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;
ii) include a timetable for its implementation; and
iii) provide a management and maintenance plan 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.

16) None of the dwellings hereby permitted shall be occupied prior to the completion of works for the disposal of foul and water sewage and storm water drainage, necessary to enable the occupation or use of the dwellings, in accordance with a scheme which shall first have been submitted to and approved in writing by the local planning authority. The scheme shall include details of all off-site works.

17) None of the dwellings hereby permitted shall be occupied until the site access junction works and the following local highway measures have been completed:

i) extended street lighting from the northern end of Beech Hill Road down to the junction with Lambs Lane;
ii) a footpath on the western side of Beech Hill Road, outside the properties numbered 6-14, in order to fill the gap in the existing footway. This should be to the widest practical width within the highway boundary if a full 2m width cannot be achieved;
iii) two uncontrolled pedestrian crossing points provided on Beech Hill Road, in locations first agreed in writing by the local planning authority; and
iv) a footpath along the site frontage to Beech Hill Road, located either within highways land or within the site.

These works must be completed in accordance with full engineering details, including surfacing details and details of measures to protect existing trees, which shall first have been submitted to and approved in writing by the local planning authority.