

## DELEGATED OFFICER REPORT



**WOKINGHAM**  
**BOROUGH COUNCIL**

<b>Application Number:</b>	220458
<b>Site Address:</b>	Land East of Lodge Road, Hurst, RG10 0EG
<b>Expiry Date:</b>	26 June 2022
<b>Site Visit Date:</b>	23.05.2022
<b>Proposal:</b> Outline application for the proposed development of approximately 200 homes, open space, pedestrian and cycle links, recreational facilities (Use Class E) and other associated infrastructure and primary vehicular access via the existing Lodge Road gated access with required improvements (all matters reserved except for access).	

### **PLANNING CONSTRAINTS/STATUS**

Countryside  
TPO Trees  
Badger Setts Consultation Zones  
Contaminated Land Consultation Zone  
Local Authorities  
Affordable Housing Thresholds  
Bat Roost Habitat Suitability  
Borough Parishes  
Scale and Location of Development Proposals  
GC Newt Consultation Zone  
Ground Water Zones  
Minerals Site Consultation Area  
Landfill Gas Consultation Zone  
Landscape Character Assessment Area  
SSSI Impact Risk Zones  
Historic Flooding Points Consultation Zone  
Archaeological Sites Consultation Zone

### **PLANNING POLICY**

<b>National Policy</b>	National Planning Policy Framework (NPPF) National Planning Policy Guidance (NPPG)
<b>Core Strategy (CS)</b>	CP1 – Sustainable Development CP2 – Inclusive Communities CP3 – General Principles for Development CP4 – Infrastructure Requirements CP5 – Housing Mix, Density and Affordability CP6 – Managing Travel Demand CP7 – Biodiversity CP9 – Scale and Location of Development Proposals CP11 – Proposals Outside Development Limits CP17 – Housing Delivery

<b>MDD Local Plan (MDD)</b>	CC01 – Presumption in Favour of Sustainable Development CC02 – Development Limits CC03 – Green Infrastructure, Trees and Landscaping CC04 – Sustainable Design and Construction CC06 – Noise CC07 – Parking CC09 – Development and Flood Risk CC10 – Sustainable Drainage TB05 – Housing Mix TB07 – Internal Space Standards TB08 – Open Space, Sport and Recreational Facilities Standards TB12 – Employment Skills Plan TB21 – Landscape Character TB23 – Biodiversity and Development TB24 – Designated Heritage Assets TB25 – Archaeology TB26 – Buildings of Traditional Local Character and Areas of Special Character
<b>Other</b>	Borough Design Guide Supplementary Planning Document CIL Guidance + 123 List Affordable Housing Supplementary Planning Document Sustainable Design and Construction Supplementary Planning Document A Design for Hurst

<b>PLANNING HISTORY</b>		
Application No.	Description	Decision & Date
212986	Screening Opinion application for an Environmental Impact Assessment for a proposed development of up to 300 homes, open space, pedestrian and cycle links and other associated infrastructure and primary vehicular access via the existing Lodge Road gated access with required improvements.	Replied: 21 September 2021. Not EIA development.
F/2008/1017	Proposed erection of stables and barn to form equine treatment centre with manege, access and horse walkers.	Refused: appeal dismissed. 5 <sup>th</sup> February 2009
F/2008/1748	Proposed siting of a mobile home.	Refused: appeal dismissed. 5 <sup>th</sup> February 2009
F/2007/2154	Proposed erection of stables and barn to form equine treatment centre with manege, access and horse walkers. Storage building for tree nursery.	Refused: 31 October 2007
F/2001/3149	Proposed erection of an agricultural building incorporating farm shop, parking and access.	Refused: appeal dismissed. 23 <sup>rd</sup> September

		2002
F/1999/70600	Proposed Erection Of Building For Use As Farm Shop And Equipment Store And Siting Of One Mobile Home	Refused: 10 December 1999
CLE/2004/1099	Application for certificate of existing lawful use of field for keeping of horses.	Approved: 02 April 2004

## CONSULTATION RESPONSES

### Internal

WBC Environmental Health – No objection subject to conditions.  
WBC Drainage – No objection subject to conditions  
WBC Highways – Insufficient information, objection  
WBC Landscape and Trees – Objection  
WBC Ecology – Insufficient information, objection  
WBC Public Rights Of Way – No objection  
WBC Built Heritage Officer – No objection  
WBC Rights of Way – No objection  
WBC ESP – Employment Skills Plan required.  
WBC Affordable Housing – No objection subject to onsite provision

### External

SSE Power Distribution – There is a LV line to the east of the site.  
Thames Water Utilities Ltd – No objection subject to conditions  
Berkshire Archaeology – No objection subject to a condition.  
Crime Prevention Design Advisor – No objection but concerns raised.  
Natural England – No objection subject to the advice provided.  
SGN – There is a low pressure mains to the east of the site.

## REPRESENTATIONS

Parish/Town Council	<p>Objection for the following reasons:</p> <ul style="list-style-type: none"> <li>• The proposal conflicts with the development plan.</li> <li>• The development plan is up-to-date.</li> <li>• The council has a 5 year housing land supply.</li> <li>• The site is outside of development limits.</li> <li>• The proposal conflicts with policy CP11 and does not fall within any of the exceptions for new development in the countryside.</li> <li>• WBC has consistently over delivered on the required housing supply for the last 3 years, in fact over delivered for the last 5 years.</li> <li>• The quantum of development is out of scale for the village.</li> <li>• A previous appeal decision adjacent to the site was dismissed for housing.</li> <li>• The development does not integrate into its surroundings.</li> </ul>
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	<ul style="list-style-type: none"> <li>• The development does not realistically take into account the existing limited facilities and services in the area.</li> <li>• The site contains best and most versatile agricultural land.</li> <li>• The development is not an appropriate density.</li> <li>• The submitted LVIA is flawed. The sensitivity of receptors will be greater than assumed. The sensitivity to change would be greater. The viewpoints on the visual criteria only include some of the important views.</li> <li>• The development would result in significant adverse impacts.</li> <li>• The development would have a harmful impact on the character and appearance of the area.</li> <li>• Loss of hedgerows.</li> <li>• The development does not protect existing trees and hedges.</li> <li>• Ancient hedgerow along Tape Lane would be removed.</li> <li>• Loss and fragmentation of Green Infrastructure.</li> <li>• It will Impact the tranquillity of the area.</li> <li>• The site is not allocated in current development plan or is a site considered suitable for development in emerging local plan update.</li> <li>• The proposal is not of appropriate scale, activity and mass. The density in the designated countryside of Hurst is 0.7 dwellings per hectare (dph), the village centre has a density of 13 dph. This site has an overall density of 19.34 dph, which is considerably higher; if the green spaces were excluded, then this increased to a density of 36.4 dph.</li> <li>• The proposal would diminish the gap between Whistley Green and Hurst. This was a concern for the previously dismissed appeal decision ref: APP/X0360/W/18/3194044.</li> <li>• Contrary to the submitted EIA, there are protected species located on or adjacent to the site.</li> <li>• Hatchgate Ditch is classified by Environment Agency as a 'Main River' and is has flowing water for large parts of the year.</li> <li>• Negative Impact on protected species and birds.</li> <li>• Contrary to the statement in the EIA, the development site has rough grass during the summer season and the shaded hedgerows entwined with brambles, ditches and drains, provide good foraging and shelter for GCNs.</li> <li>• The EIA fails to mention that this site sits squarely between three areas of DEFRA National Nature</li> </ul>
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	<p>Recovery Network Enhancement Zones 1 and quite rightly is designated as DEFRA Habitat Network Expansion Zone (Figure 3).</p> <ul style="list-style-type: none"> <li>• The site is not overgrazed and the type of grassland has more ecological value than identified in the EIA.</li> <li>• Major adverse impact on bats.</li> <li>• The proposal causes fragmentation of the wider ecological area and compromises the implementation of the National Nature Recovery Network and the Local Nature Recovery Network.</li> <li>• The development will exacerbate existing flooding and drainage problems.</li> <li>• Hurst has been historically in the flood plain.</li> <li>• Hurst is known to have flooding issues.</li> <li>• The impermeable areas will displace food waters.</li> <li>• The site is prone to ground water flooding.</li> <li>• There is limited capacity in the existing sewer network.</li> <li>• This proposal will harm habitats and species of principle importance, including harming existing wildlife corridors directly and indirectly and compromises the implementation of the National Nature Recovery Network.</li> <li>• The site and area has a high water table.</li> <li>• There are no specific details of the proposed attenuation basins.</li> <li>• Roads in the area have flooded on a number of occasions.</li> <li>• The area has poor water pressure, and this will be stressed by the development.</li> <li>• The site is in an unsustainable location.</li> <li>• Wokingham has one of the highest car ownership rates in the countryside and the proposal will not result in a modal shift to sustainable modes of transport.</li> <li>• There are no cycles lanes in the area</li> <li>• The bus service is poor.</li> <li>• There is no genuine choice in sustainable transport modes to access facilities and services.</li> <li>• As the site is within an unsustainable location, the reliance on car journeys will increase vehicle emissions and reduce local air quality.</li> <li>• Poor local walking environment.</li> <li>• The proposal does not provide an accessible or permeable development.</li> <li>• Hurst is defined as a Tier 3 development location and has a very basic range of facilities with no core employment.</li> <li>• The illustrative footways take you directly on to routes</li> </ul>
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	<p>that are unsafe for those with disabilities and reduced mobility.</p> <ul style="list-style-type: none"> <li>• Twyford railway station is not accessible.</li> <li>• The local road network cannot accommodate the development as many of the roads are rural single track carriageways.</li> <li>• The visibility splays and ghost carriageway cannot be accommodated without removing significant vegetation.</li> <li>• The development would not improve sustainable transport provision and facilities in the area.</li> <li>• The site accesses on the TRICs database are not comparative to the application site. There will be a much higher proportion of people driving.</li> </ul>
Ward Member(s)	No comments received
Neighbours	<p>42 letters of support:</p> <ul style="list-style-type: none"> <li>• Hurst has ample space for the development.</li> <li>• The objections are not valid.</li> <li>• Good for jobs and businesses.</li> <li>• It will help people who want to but in the area.</li> <li>• The development will bring new people into the area.</li> <li>• It will help support local businesses.</li> <li>• The field is surrounded by houses.</li> <li>• The development will result in affordable homes.</li> <li>• The site is a logical extension to the village.</li> <li>• More homes are needed in the area.</li> <li>• There has been a lack of new homes in the area.</li> </ul> <p><i>[officer note: some of the responses are a duplicate with the same wording]</i></p> <p>402 letters received objection to the development for the following reasons:</p> <ul style="list-style-type: none"> <li>• Detrimentially impact the rural setting of the village.</li> <li>• The development is not in the right place.</li> <li>• Increase pressure on schools, GP surgeries and services.</li> <li>• Insufficient local infrastructure.</li> <li>• The site is covered by a Tree Preservation Order.</li> <li>• Increase in traffic.</li> <li>• Impact on highway network.</li> <li>• Flooding risk.</li> <li>• Surface water flooding.</li> <li>• The ecology information does not consider grass and smooth snakes that are seen on the site.</li> </ul>

	<ul style="list-style-type: none"> <li>• Impact on Trees.</li> <li>• The site is not allocated or part of the council's housing strategy.</li> <li>• The suburban development is out of keeping with the village.</li> <li>• Detrimental ecological impact.</li> <li>• Loss of wildlife.</li> <li>• An appeal has previously been dismissed on land adjacent to the site.</li> <li>• The site is unsustainably located.</li> <li>• The development would have a negative visual impact.</li> <li>• The council has met its housing requirements and this development is not needed.</li> <li>• The site is not allocated in the development plan or emerging plan.</li> <li>• Scale of the development is unsuited to a small rural village.</li> <li>• Outside of the settlement limits and within the countryside.</li> <li>• It would ruin Tape Lane</li> <li>• Hurst is only suitable for small scale development.</li> <li>• The site is a beautiful field.</li> <li>• Detrimental impact on the character and appearance of the area.</li> <li>• The site is outside the village envelope.</li> <li>• Lighting would impact the dark skies in the locality.</li> <li>• Impact on air quality.</li> <li>• There are no pavements along Lodge Road.</li> <li>• The density is out of keeping.</li> <li>• Urbanising development.</li> <li>• Impact on heritage assets.</li> <li>• The local school does not have capacity.</li> <li>• There is limited public transport to the village.</li> <li>• The area is unsafe for walking and cycling.</li> <li>• More pedestrians would conflict with traffic along Tape Lane.</li> <li>• It is an undeveloped greenfield site.</li> <li>• Surrounding roads are narrow single carriageways.</li> <li>• The site is good quality agricultural land.</li> <li>• Insufficient sewage infrastructure.</li> <li>• The site was not allocated in the local plan update.</li> </ul>
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<b>APPRAISAL</b>
<p><b>Procedure:</b></p> <p>A Screening Opinion issued on September 2021 considered a 300 dwelling housing application was not EIA development that required an Environmental Statement. The</p>

quantum of development is lower for this application and there is no good reason to take a contrary view to the previous Screening Opinion.

**Site Description:**

The site is located on a previously undeveloped open field in the countryside. The land has been used for light grazing. Parts of the site abut the settlement boundary of Hurst and it is in-between Hurst and Whistley Green. Tape Lane is situated to the southeast and Lodge Road (B3030) is located to the west. There are mature trees and hedgerows around the periphery of the site.

**Principle of Development:**

The starting point for decision making is the development plan. Section 70[2] of the TCPA 1990 & 38[6] of the PCPA 2004 states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Paragraph 17 and 20 of the NPPF state the development plan must include strategic policies to address each local planning authority's priorities and an overall strategy for the pattern, scale and quality of development.

The Core Strategy and MDD Local Plan sets out the vision for the borough and the policies to achieve those objectives. The core spatial strategy has been informed through the Local Plan process with the engagement of the community. A priority of the development plan is steer new housing to the most sustainable locations within settlement boundaries and limit development within the countryside. This is, among other things, in order to promote sustainability, maintain the quality of the environment, protect the separate identity of settlements and provide certainty regarding how the borough will developed. It is also well-explained in the Borough Design Guide at pages 6 -7.

Policy CP9 of the Core Strategy and CC02 of the MDD Local Plan states that proposals will be permitted within development limits where the scale of the application reflects the facilities and services within the settlement. The settlements are split into three categories depending on the sustainability of those locations; Major, Modest and Limited development locations. The development plan steers Major developments to sustainable Major settlements with the best services, facilities and infrastructure. The definition of development limits recognises the consistent approach in planning to identify appropriate and sustainable areas for development.

The application site is not within any settlement limits and is within the countryside. The site has never been allocated for any development. The out of settlement and countryside location conflicts the spatial strategy and policies of the development plan.

Parts of the site boarder a Limited Development location. The Core Strategy sets out that the development within limited development locations should generally not exceed 25 dwellings. Therefore even if the site was within the development limits of the village, the 200 unit proposal would be wholly disproportionate in scale to the size



of the village and the limited range of facilities and services within it. This is a point returned to other sections of this report.

Policy CP11 refers to development within the countryside and states '*in order to protect the separate identity of settlements and maintain the quality of the environment, proposals outside of development limits will not normally be permitted*', except for the exceptions listed. The proposed development would not fall within any of the exceptions set out in policy CP11 and would fail to comply with this development plan policy.

An identified objective in the Core Strategy is to '*maintain the distinct and separate identity of the borough's settlements*'. The same objective is reaffirmed in paragraph 2.68 under the heading 'Aspirations and Spatial Issues for the Borough' and also one of the aims of policy CP11. The MDD Local Plan carries through this aim where it is also stated as a core objective.

Whilst the villages of Hurst and Whistely Green fall under the same settlement limits, they are historically and physically separate, and this is set out in the Council's Landscape Character Assessment. The development would infill one of the only remaining open fields separating Hurst and Whistley Green and erode the gap between these two historically separate villages. This consideration is further set out in the Landscape section of this report.

A further objective of policy CP11 and locating development within the settlement limits is to maintain the quality of the environment. Maintaining and protecting the natural environment and the character of the borough is key objective of both the Core Strategy and the MDD Local Plan. The Framework sets out that development should recognise the intrinsic character and beauty of the countryside. A new speculative housing estate on a greenfield site within the countryside would be contrary to this objective. This issue is addressed in greater detail throughout this report.

CP11 seeks to restrict development outside of settlement limits because it is not generally well located for facilities & services and promotes a harmful reliance on private motor cars. Policy CP6 refers to this issue in greater detail and sets out that Wokingham has one of the highest car ownership rates in the country and development should be situated to encourage a modal shift away from a reliance on private motor vehicles. This is a key spatial objective in the Core Strategy '*to concentrate development in the areas with best access to users/occupiers and other services*'. An objective of the MDD Local Plan is increasing the use of non-car based transport. This matter is assessed further in the '*Accessibility*' section of this report. The proposal conflicts with this objective and the relevant development plan policies.

The location of this speculative development on a greenfield site in the countryside conflicts with the clear spatial objectives of the development plan and policies CP1, CP2, CP3, CP6, CP9 and CP11 of the Core Strategy, CC01, CC02 and TB21 of the MDD Local Plan, the Borough Design Guide SPD and sections 2, 4, 8, 9, 12 and 15 of the NPPF.

**Minerals and waste:**

The application site is located on sand and gravel deposits. The settlement areas of Hurst and Whistley Green have the strongest presumption against Sand and Gravel extraction, as set out in the Replacement Minerals Local Plan for Berkshire.

Policy 2 of the MWLP states that the local planning authorities will oppose development proposals which would cause the sterilisation of mineral deposits on the proposed development site, or which would prejudice the future working of minerals on adjacent sites, except where it is demonstrated that:

- (i) the mineral deposit is of no commercial interest, and is unlikely to be so in the future; or*
- (ii) having regard to all relevant planning considerations, there is an overriding case in favour of allowing the proposed development to proceed without the prior extraction of the mineral; or*
- (iii) extraction of the mineral would be subject to such strong environmental or other objection that it would be highly unlikely that it would ever be permitted in any circumstances.*

MWLP Policy 13 of the MWLP states:

*'There will be a strong presumption against allowing the extraction of sharp sand and Gravel ... (ii) which would adversely affect the function of land important to the character or amenities of individual settlements, including land important to the separation of settlements.'*

There is a dichotomy at the heart of the application. If sand and gravel extraction is not appropriate due to the impact on the character and appearance of the area and loss of separation between Whistley Green and Hurst, then it would follow that the proposed development would also have similar detrimental impacts. If the proposed development does not result in those impacts, as alleged by the submission, then it follows that sand and gravel extraction would also have acceptable impacts, and the proposal would therefore sterilise a sand and gravel deposit contrary to the MWLP.

#### **Agricultural land classification:**

The agricultural land is classed as grade 3 and 3a. Approximately 5.9 ha of the site is grade 3a, which is best and most versatile agricultural land in the NPPF. Policy CP1 states development should avoid areas of best and most versatile agricultural land.

No justification has been given for the loss of this best and most versatile land in the planning submission and the proposal therefore conflicts with policy CP1 and para 174 of the NPPF.

#### **Quantum, scale and design:**

##### *Policy and guidance*

Policy CP1 of the Core Strategy states that planning permission will be granted for

development proposals that *'maintain or enhance the high quality of the environment'*. Policy CP3 of the Core Strategy states planning permission will be granted if development is *'of an appropriate scale of activity, mass, layout, built form, height, materials and character to the area together with a high quality of design'* and contributes *'to a sense of place in the buildings and spaces themselves and in the way they integrate with their surroundings (especially existing dwellings) including the use of appropriate landscaping'*. The supporting text to policy CP3 also sets out that development should be of a high standard of design that can integrate with the character of the area as this is important to achieving sustainable development.

The application seeks outline permission with all matters reserved apart from the access. An indicative masterplan has been submitted setting out the scale and quantum of development proposed.

The PPG refers to how design is considered at outline stage:

***'How is design considered in outline planning applications?'***

*Applications for outline planning permission seek to establish whether the scale and nature of a proposed development would be acceptable before fully detailed proposals are put forward. However, design is often considered at this stage in order to assist community engagement, inform an environmental impact assessment or design and access statement (where required) and provide a framework for the preparation and submission of reserved matters proposals.*

[...]

*Outline planning applications allow fewer details about the proposal to be submitted than a full planning application, but can include design principles where these are fundamental to decision making.'*

**Assessment**

Whilst the plans are illustrative, they demonstrate the quantum of development would result in a scheme that would not relate well to the character and appearance of the area and would have a detrimental impact.

The proposed layout has a tighter grain of development than the character of the area. This is apparent by comparing the existing detached houses along Tape Lane with the indicative layout. The image from the illustrative masterplan below shows 11 houses in a similar size area to 3 houses along tape lane and the grain of development is significant more cramped than the existing locality.



Visual comparison with Tape Lane

The indicative drawings show other characteristics synonymous with a tighter grain of development than the context of the area. This includes small front gardens; large areas of hard surfacing to the front of the dwellings; small rear gardens; limited visual separation between the built form; and terraces/linked properties. Visitor parking also does not appear to be integrated into the indicative drawings.

Whilst the layout is indicative, the design features referred to are an indication of an overdevelopment of the site that poorly relates to the character and appearance of the area. Addressing these concerns would not be inconsequential to the quantum of development that could be achieved on site whilst meeting the minimum design requirements and ensuring development does not encroach further into undeveloped countryside and landscaped areas.

Whilst there are some small densely laid out areas in Hurst, these are limited in size and are within the existing envelope of the village. The proposal would introduce a large suburban housing development with limited contextual relationship to the built form and urban grain of neighbouring small villages of Hurst and Whistley Green.

Policy CC02 and section 8 of the Borough Design Guide SPD states that the aim of new development located on the edge of settlements should be to recede and soften in relation to adjoining countryside. This guidance is set out for development in settlements but on the boundary edge. As established, the site is not within settlement limits and therefore the importance to respect adjoining countryside is substantially heightened. The proposal would fail to assimilate into the rural landscape and would create a more urbanising suburban form of development in the countryside that would be out of keeping with the rural character of the area.

The proposal would result in a large insular cul-de-sac that does not integrate well into the existing village layout and does not result in cohesive or legible part of the area. As Tape Lane comprises of single-track sections, the development does not have any vehicular access points onto this road, and it would set well behind the carriage way. Whilst the development does not turn its back onto Tape Lane, equally it doesn't satisfactorily front onto it, or relate to it either. The development would have several footpaths linking to Tape Lane but it would largely feel as an isolate enclave tagged onto the edge of the village.

The quantum and area of the development would be out-of-scale with the small villages of Hurst and Whistley Green. Hurst is a small settlement that is defined as a Limited Development Location and has no defined local centre. The proposed housing estate on the edge of the village would result in an urbanising extension, resulting in a disproportionate addition that would fundamentally alter the character and appearance of the settlement in a harmful way.

The Tree and landscape officer has also raised an objection to the quantum and scale of development proposed on the site.

*'The Tree and Landscape Officer: 'the plots on the proposed development are of a much denser, more urban settlement pattern than other settled areas of the village.'*

[...]

*'development on the edge of settlements should respond to and not harm the setting of the village in the landscape. The density of built form in the countryside should decrease towards the settlement edge rather than increase. The development as proposed will extend the village envelope and as a result completely change the settled character, and the village.'*

In summary, the proposed development will have a detrimental and urbanising impact on the landscape and character & appearance of the area by reason of the quantum, size, scale, density and location of the proposal; the rural setting; the erosion of the separation between existing settlements. The development would be contrary to policies CP1, CP3, CP9 and CP11 of the Core Strategy, CC01, CC02, CC03 and TB21 of the MDD Local Plan, the Borough Design Guide SPD and section 12 & 15 of the NPPF.

## **Landscape**

### Policy

The proposal would fail to comply with the relevant policies which refer to 'contributing' and 'enhancing' the landscape and recognising the intrinsic character and beauty of the countryside - notable extracts from the development plan policies are set out below:

#### **TB21**

*'Proposals shall retain or enhance the condition, character and features that contribute to the landscape.'*

The policy also states the requirement to address the requirements of the council's Landscape Character Assessment.

#### **CP11**

*'In order to protect the separate identity of settlements and maintain the quality of the environment, proposals outside of development limits will not normally be permitted'*

CP1

*'Planning permission will be granted for development proposals that: 1) Maintain or enhance the high quality of the environment.'*

The supporting text states *'as is recognised in both the Community Strategy and the Spatial Objectives, the community values the high quality of the environment within the borough.'*

An underlying objective stated at the beginning of the MDD Local Plan is maintaining and improving the natural environment:

*'Protect the historic and underlying character of the Borough by maintaining/improving the built/natural environment while mitigating the effect of new development on the environment'*.

The requirement to contribute and enhance is also consistent with the clearly stated objective at para 174 of the NPPF:

*'Planning policies and decisions should contribute to and enhance the natural and local environment by:*

*[...] (b) recognising the intrinsic character and beauty of the countryside.'*

#### Landscape Character Assessment

##### *Area C2 – 'Hurst River Terrace'*

The site is located within 'Wokingham Borough Landscape Character Assessment' (WBLCA) Area C2 – 'Hurst River Terrace', a landscape of moderate condition and sensitivity. The western site boundary is adjacent to WBLCA Area B1 'Loddon River Valley with Open Water'.

The Landscape Strategy for the locality is to maintain the landscape character of the area. The rural settlement pattern and openness of the rural landscape are identified as being intact. Key Characteristics are described as:

- *Simple agricultural landscape of mainly arable farmland, with pasture enclosed in relatively large straight-sided fields, including smaller areas of horse and pony paddocks.*
- *Villages located around historic cores including Whistley Green and Hurst, which has a Conservation Area. Newer linear development within these settlements is aligned along the network of roads and rural lanes.*
- *A rural and tranquil area*

Valuable Landscape Attributes are set out as:

- *Peaceful and open character of the undeveloped arable and pastoral landscape when removed from the intrusion of major roads to the south,*

*which provides an escape in close proximity to the urban population.*

- *Rural settlement pattern of small villages with historic cores and farmsteads*
- *A network of narrow rural lanes with characteristic roadside ditches which contribute to scenic quality.*

Key issues established include the following:

- *Demand for residential development increasing linear development along rural lanes and continuing to push towards the amalgamation of close settlements Whistley Green and Hurst impacting rural character. Incremental suburbanisation of buildings.*
- *Increasing traffic on rural lanes has led to creation of informal passing places and consequent demands for upgrading the winding network of rural lanes with new signage, line painting and widening is threatening the intimate rural character of the lanes.*
- *Hedgerow loss associated with past expansion of fields and intensification of agriculture.*

The guidelines for the Landscaped

- *Conserve the open and rural qualities of the landscape.*
- *Conserve and manage hedgerows and hedgerow trees as important wildlife habitats and landscape features, as well as the links they provide across the landscape and between areas of woodland.*
- *Reinstate lost grassland habitats on pastoral land.*
- *Maintain the sparse settlement pattern of villages and dispersed farms through control of new development, avoiding further linear spread of development.*
- *Conserve the peaceful and open rural character of the open landscape between adjacent village centres, to protect the individual identity of settlements, and retain their sense of physical and visual separation. In particular protect the sensitive areas of open land remaining between Hurst and Whistley Green.*
- *Maintain and enhance the character of rural lanes resisting unsympathetic highways modifications, road widening, passing bays, infrastructure and signage.*
- *Protect the strong perceptions of tranquillity in the landscape*

### *Area B1: Loddon River Valley with Open Water*

The adjacent B1 character area to the west, across Lodge Road is a peaceful floodplain landscape that follows a linear course connecting river valley landscapes of A2 and A1. The eastern boundary is defined by the settlement edge of Twyford and the distinct landscape of C2 (Hurst River Terrace) which follows the route of Lodge Road to Davis Street. The 'Valuable Landscape Attributes' of B1 include; lowland landscape with a network of rivers, drainage ditches and restored lakes that provide a strong sense of place. A wooded context of natural and restored woodland areas, fringing carr / pollarded willow vegetation around flooded gravel pits screen development and provide a strong sense of place. There are remnant pockets of traditional pasture edged with pollarded willows along banks and drainage ditches.

Key issues include; changes in structure and species of woodland, and changes in agricultural practice which is leading to loss of traditional pasture and associated features such as hedgerows and hedgerow trees. Demand for new residential development and supporting infrastructure is continuing to push development onto the floodplain, such as at Woodley, impacting landscape character. The Landscape Strategy is to conserve and enhance the restored wetland character of the floodplain, employing management improvements to increase its robustness. In terms of development, the aim is to avoid the spread of development onto the floodplain and avoid the amalgamation of adjacent settlements.

The landscape guidelines are to conserve and enhance the intrinsic character and beauty of the river landscape and consider the impacts of development in highly visible areas. Conserve, enhance and manage grassland and pasture habitats, conserve and enhance scenic value and rural character.

Both character areas value remaining open pasture, hedgerows and hedgerow trees. The open flat rural landscapes of C2 and B1 seamlessly connect at Lodge Road however, this quality has the potential for development to be highly visible, despite the highly valued partial wooded backdrop along Lodge Road.

#### Assessment

The existing site is an undeveloped green and open field within the countryside. It is an important area of open peaceful rural land that forms the visual backdrop to the residential part of the village of Tape Lane, Wokingham Road and Broadwater Lane, much of which is in the 'Area of Special Character'. The site forms the last remaining open area between Hurst and Whistley Green.

The submitted LIVA identifies a range of adverse impacts which would result in a large magnitude of change and major/moderate adverse impacts. Overall, the change is described as irreversible and permanent.

The council's Tree and Landscape Officer has advised that based on the criteria and tables within the LVIA is that the predicted impacts of development are major significant. The Tree and Landscape officer states:

*'The addition of 200 homes in one of the last remaining areas of open land that*



*is so essential to the village setting would be detrimental changing the quality resulting in a very large – large Magnitude of Change, rather than Medium as suggested in the LVIA, as the impact would be a ‘dramatic change’ in the existing view and appear ‘large scale and form dominant elements’ in the view.’*

As stated in the LCA, a key issue for the local area is ‘demand for residential development increasing linear development along rural lanes and continuing to push towards the amalgamation of close settlements Whistley Green and Hurst impacting rural character. Incremental suburbanisation of buildings.’

The proposed development directly conflicts with this key issue and a proposal for a 200-unit housing development would significantly erode the limited remaining gap between these historic villages.

The Inspector for a recent appeal decision (APP/X0360/W/18/3194044) for 5 houses adjacent to the site noted this separation stating:

*‘It is axiomatic that any impact would reduce with distance, but given that the appeal site is important to the gap between the developed areas the impact in the immediate locality would be more keenly felt.*

*[...]*

*In visual terms the site also performs a function in clearly forming part of the gap between developed areas. It is visible from the permissive path to the west, particularly when leaves have fallen from the trees.’*

*[...]*

*the site is an important component of the rural open space between northern and southern arms of the village. It serves a purpose in retaining the rural character along Lodge Road.’*

The proposed development is substantially larger than this previous appeal scheme and the magnitude of change would be significantly greater and more harmful.

The site is in the countryside on the settlement edge where development should be drastically reduced and resemble a more isolated pattern of development seen in rural areas, not excessively encroaching upon it. Therefore, the proposals fail to meet policy CC02 which states that planning permission for proposals on the edge of settlements will only be granted where they can demonstrate that the development including boundary treatments is within development limits and respects the transition between the built-up area and the open countryside by taking account of the character of the adjacent countryside.

The development will introduce an urban character into the village due to the density and quantum of development proposed in the countryside. The setting of the village will be severely compromised, the effect will not diminish over time but will have a harmful effect on the village setting and those special characteristics which contribute to its existing character.

The council's Landscape officer advises that there are features of higher sensitivity than described in the LVIA. These include the high quality Oak trees which include at least 2 veterans and near future Veterans. These Oaks provide beauty and a 'time-depth' to the site illustrating the benefits of the historic pastoral land use where there is no record of any other development on these fields other than the occasional stable. The continuity has provided optimum conditions for uninterrupted growth by the trees with little change to their open growing conditions. The site and its surroundings are of higher sensitivity to this type of development.

The proposed access will involve widening Lodge Road this results in the loss and impact on hedgerows, planting and trees along a 130m western section of the road. This impact has not been fully considered in the application submission. The widening of the road would result in a more urbanising and stark road layout. Trees and hedges would be removed and pushed back from the carriageway for highway works and to maintain safe visibility splays.

In addition to the above referenced appeal on land immediately to the west of the site, there have been two further previous appeals on the site and both were dismissed due to a harmful impact on the character and appearance of the area. The impact of the proposal would be significantly greater.

The proposed development will have a detrimental impact on the character and appearance of the area by reason of developing an open green field in the countryside that has a positive impact to the area and the setting of the Village of Hurst and Whistley Green. The proposed development is contrary to Core Strategy policy CP1, CP3 and CP11, MDD Local Plan policy CC01, CC02, CC03 and TB21, The Borough Design Guide SPD and sections 12 and 15 of the NPPF.

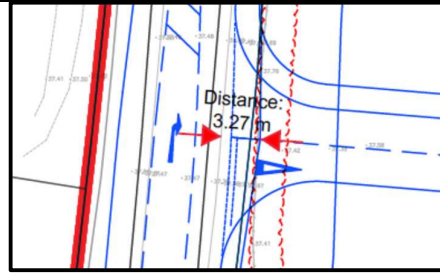
**Trees:**

Most of the trees on the site are located along the site boundaries and are protected by TPO 1781/2021, an 'area' protection order. There are 2 individual Oak trees within the site adjacent to Tape Lane protected by TPO 525/1990.

There is a discrepancy in the new road layout along Lodge Road between the Transport Assessment and the Tree Protection Plan. The TA shows the new right turn and road widening occurring to the east of the existing carriageway, within the application site. Whereas the Tree Protection Plan shows the new right turn lane being more centrally located and the road widening occurring on both sides of the carriageway. This changes the location of the visibility splays by approximately 3.25m and this can be seen by the drawing below.



TA Road Layout.



Tree Protection Plan Toad Layout

If the new road layout in TA is correct, it would result in significantly more hedgerow along Lodge Road being removed to accommodate the development and required visibility splays. The hedgerow to the north would have to be entirely removed and an additional 30m section to the south would also have to be removed.

A group of trees to the north of the site, which have not been surveyed, would also likely fall within the required visibility splays.

If the road layout in the Tree Protection plan is correct, this would result in an encroachment on the western side of the road for 130m section that would require hedgerow, planting and trees to be removed. These have not been surveyed.

From the council's site visit, the hedgerow along the Lodge Road appeared nearer to carriageway than as depicted in the plans. As a result, more of the hedge would have to be removed and cut back, regardless of the discrepancies in the submitted drawings.

There are two mature oak trees outside of the application site that would obstruct the southern visibility splay, and these would likely have to be felled – regardless of which plan is correct. This impact is not identified in the submission.

The access points onto Tape Lane are not shown on the Tree Protection Plan, which would require the removal of existing hedgerows and potentially small trees. Space for pedestrians and cyclists along with visibility would need to be factored into these access points for inclusivity and safety.

As stated in the LCA, trees and hedgerows are scarce in the C2 character area, and the presence of so many mature and high-quality Oaks and other trees and hedgerows around the site periphery provides a greater landscape value than is commonplace in the village.

The Council's Tree and Landscape Officer has raised implication regarding Veteran Trees on the site and Root Protection Area required. Veteran Trees are defined as irreplaceable habitat in the NPPF.

Two veteran trees have been identified along the eastern boundary. And the indicative masterplan shows a play area, footpath and road in close proximity to the trees. The proposed development conflicts with the Government Standing Advice for veteran trees which states the buffer zone should be at least 15 times larger than the diameter of the tree and should be 5 metres from the edge of the tree's canopy if that

area is larger than 15 times the tree's diameter.

The council's Tree and Landscape Officer advises that it is possible there are more Veteran trees such as trees Ref. 36, 67 and 68. A group of substantial oaks (ref: 35) have not been recorded individually and it is possible these could be veteran trees. The EclA identifies that some of the trees have veteran characteristics such as rot holes and dead wood. If this is the case, the buffer zone for these and any other trees will have a greater degree of offset of their root protection areas in soft ground.

The Tree Schedule included on the plans itemises 67 'tree' entries which includes individual trees, several groups of trees and hedgerows. No trees are proposed for removal, although to facilitate the site entrance from Lodge Road a section of mixed species boundary hedge Ref. 28 will be removed. As stated above, a larger section of the hedge would need to be removed/cutback than as set out in the submission.

Insufficient and contradictory information has been submitted that does not demonstrate an acceptable impact on existing trees and hedgerows which have contribute positively to the character and appearance of the area. The proposed development is contrary to Core Strategy policy CP1, CP3 and CP11, MDD Local Plan policy CC01, CC02, CC03 and TB21, The Borough Design Guide SPD, The British Standard 5837:2012, sections 12 and 15 of the NPPF and section 197 of the Town and Country Planning Act.

#### **Neighbouring Amenity:**

Indicative drawings have been submitted depicting the layout of the site, although the scale, layout, landscaping and appearance are reserved matters. Parts of the site will abut existing residential boundaries and the full impact on residential amenity could only be fully assessed at the reserved matters stage.

As referred to above, the proposed public footpaths and areas of the site would be adjacent to existing private rear gardens and would result in a conflict between private and public realms. This is a negative design feature of the location and design of the development.

#### **Amenity of future occupiers:**

Notwithstanding the indicative layout submitted, if approved, the council would be granting permission for a quantum of development of up to 200 houses.

The Borough Design Guide recommends a minimum garden depth of 11 metres to provide usable outdoor amenity space. It also states minimum back-to-back distances of 22 metres and back-to-side separation of 12 to maintain privacy a limit a sense of enclosure.

There are multiple instances where the indicative masterplan fails to demonstrate the development would meet these minimum standards. Many properties rear garden fall below the minimum depth of 11 metres and the minimum separation distances set out. Some of the shortfall in garden sizes are considerable and other conflicts small. However, this is not limited to a handful of plots and achieving the minimum

standards would involve amended the layout which would potentially have a knock effect to other parts of the site, such as open space and landscaping.

Many of the gardens also have boundaries exposed to public roads, footpaths and areas, creating a conflict between public and private space. Whilst some areas of the site have reasonably sized perimeter blocks, many of these are broken by internal access roads and parking courts. There are also areas where houses appear to have been squeezed into small remaining areas that have gardens areas exposed to public spaces on multiple sides. This is an indication of poor design led by an excessive quantum.

Whilst the plans are indicative, this impact would not be inconsequential to the quantum of development that could be achieved on site whilst meeting the minimum design requirements and ensuring development does not encroach further into undeveloped countryside.

Some of the building footprints on the illustrative masterplan would be flats. The Borough Design Guide states that *'all dwellings should have access to some form of amenity space, preferably in the form of private or communal garden space. In practice, upper floor flat dwellers rarely have access to gardens. In such cases, it is important to provide private outdoor space in the form of balconies, upper-level terraces or wintergardens'*. Whilst there is some circulation space around the flats there are no clear usable amenity areas around some of these buildings. The overall consideration of the flats would be reliant on the reserved matter details depicting balconies or terraces that would be provide satisfactorily access to outdoor space.

### **Highways and parking:**

The application is for outline permission with the access as the only reserved matter for consideration. There will be one vehicle access into the site off Lodge Road.

### **Strategic modelling**

No pre-app advice was sought regarding a transport assessment scoping note and to date, no strategic assessment of the development through the Borough's strategic highways model has been undertaken. The impact on the local highway network has therefore not been established.

Approved Trip rates included in the WBC modelling protocol should have been used in the assessment. According to the transport assessment trip rates from TRICS. Normally a comparison is carried out comparing the trips using the approved trip rates to those from TRICS to assess whether or not there would be a difference in trips. However, this cannot be done here as the sites selected are not acceptable.

The TA states that greater London sites were excluded from the assessment. However, the TRICS data in Appendix D does include Greater London as well as Wales which is not an acceptable comparison as they are not representative of this site in relation to size, population and car ownership levels.

The strategic model would identify the junctions that would need to be assessed. The

junctions assessed in the transport assessment were:

- a. Lodge Road and Blackwater Lane Priority Junction
- b. Lodge Road and Sawpit Road Priority Junction
- c. The proposed access.

The junction modelling would need to cover the base year, future year without development and the future year with development. The full modelling output has not been submitted for the existing junctions. The council's Highway Engineer would need to see the geometries of the junctions before the base models are assessed. Once the base models have been agreed, the future year models can be assessed. The geometries of the proposed access will also need to be submitted.

Turning count surveys were undertaken over a 12 hour period on Thursday 21<sup>st</sup> October 2021. The ATC surveys were not carried out at the same time to assess whether or not the surveys on 21<sup>st</sup> October were typical. There was no agreement with the council's Highway Engineer on the location of these surveys or the extent of these surveys. No evidence has been submitted indicating the peak hour periods.

#### Access

Under the current highway's guidance for the Borough, a development of this size would require at least 2 vehicular accesses. It is proposed that there would be only one and the council's Highway Engineer has advised this is not acceptable. There is no reference of an emergency accesses either.

The sole vehicle access to the site would be via Lodge Road. The development includes widening this section of the road so that a central lane would be provided for vehicles turning right into the development.

The visibility splays have been set out in drawing 2101015-01 Rev D. The council's Highway Engineer requires swept paths of a refuse vehicle accessing/egressing the access to have been submitted together with a scaled plan of the access as this application states that everything apart from access is reserved.

The TA states that on Automatic Traffic Count (ATC) including speed survey was undertaken on Lodge Road on the 11th to 18th March 2021. However, this was not included in the transport assessment and is required so that the 85<sup>th</sup> percentile speeds can be assessed.

Highways would need to see a road safety audit stage 1 plus designer's comments be submitted for the proposed access.

According to the illustrative masterplan, there are proposed to be pedestrian and cycle accesses, however these are not mentioned in the transport assessment and there is no detailed drawings of these.

#### Parking

Even though this is an outline planning application, it would be expected that the

borough's parking calculator is used to assess the level of parking based on the illustrative masterplan and illustrative housing mix. Visitor parking doesn't appear to have been included in the indicative layout. This is required to ensure that there is space within the red line for the assumed level of parking. Whilst the drawings are indicative for an outline application, the space required for parking is not inconsequential and is important for demonstrating the quantum of development can be achieved.

Appendix 2 of the adopted Managing Development Delivery Document in the table after section 1.13.9 it sets out the provision for other types of residential parking including cycle parking. This will need to be used to determine the level of cycle parking for this development.

Cycle parking for flats will need to be provided in communal parking area which is secure, sheltered and accessible. Each space would need to be 2m x 0.9m and there would need to be space for safe manoeuvring.

Cycle parking would need to be provided for the proposed recreation facilities, the standards are included in the above document.

#### Site Roads

The council's Highway Engineer has advised that as this is an outline application, they would have expected that swept path analysis was carried out for the site roads that were set out in the illustrative masterplan.

No information has been submitted on whether the site roads will be offered for adoption or not and this could impact the quantum of development that can be achieved.

If the site roads are to be adopted, these would need to be delivered through a S38 agreement with WBC. The council would also require agreement on inspection fees and commuted sums. If the site roads are to remain private, this will need to be included in a S106 agreement including details of the management company set up to look after the roads, the maintenance of the roads, the Borough's inspection fee and the APC Bond.

#### Conclusion

The application fails to demonstrate that the proposed vehicle access, highway alterations and overall development would have an acceptable impact on highway safety, contrary to policies CP1, CP2, CP3 and CP6 of the Core Strategy 2010, Policy CC07 of the Managing Development Delivery Local Plan, Borough Design Guide Supplementary Planning Document 2012, and sections 9 & 12 of the NPPF.

#### **Accessibility:**

##### Policy & Guidance

Policy CP9 of the Core Strategy states *'the scale of development proposals in*

*Wokingham borough must reflect the existing or proposed levels of facilities and services at or in the location, together with their accessibility.'*

Policy CP6 states of the Core Strategy states:

*'Planning permission will be granted for schemes that:*

- a) Provide for sustainable forms of transport to allow choice;*
- b) Are located where there are or will be at the time of development choices in the mode of transport available and which minimise the distance people need to travel;'*

The supporting information in policy CP6 states:

*'Paragraph 2.16 recognises that the borough has one of the highest car ownership rates of any English local authority. To reduce the likelihood that these vehicles will be used and to encourage modal shift, it is important to ensure all proposals achieve sustainable development'*

*'To help achieve sustainable development, proposals likely to generate significant demands for travel movements should be located in areas with best access to existing good services. This means that people can have the widest range of choice in selecting transport modes and help reduce the use of the private car. The availability of good existing public transport services has been considered in drafting the strategy for the Borough.'*

As set out previously in this report, the site is outside of settlement limits and the village to the east is a limited development location with limited amenities.

The Borough Design Guide SPD states *'if places are to be sustainable then the aim should be to create: Walkable neighbourhoods, with a range of facilities within 10 minutes walking distance of residential areas, which encourage people to travel on foot or by bicycle.'* Walkable neighbourhoods are defined in Manual for Streets (MfS) as those typically characterised by having a range of facilities within 10 minutes walking distance from residential areas. Manual for Streets clarifies that 10 minutes walking distance is roughly 800 metres. The Urban Design Compendium further advises:

*'People should be able to walk in 2-3 minutes (250 metres) to the post box or telephone box: the newsagent's should be within 5 minutes (400 metres). There should be local shops, the bus stop, the health centre and perhaps a primary school within a walking distance of (say) 10 minutes (800 metres).'*

The National Design Guide states that a walkable means *'local facilities are within walking distance, generally considered to be no more than a 10 minute walk (800m radius).'*

The Chartered Institution of Highways and Transportation (CIHT) document 'providing for journeys on foot' states approximately 80% of walk journeys are less than one



mile. The average length of a walk journey is one kilometre (0.6 miles). The location of local facilities would fall outside of this norm.

The document further advises that 400 metres is a desirable walking distance outside of city centres; 800 metres is stated as acceptable and 1,200 metres is the preferred maximum. The document further states that these suggested walking distances are for pedestrians without a mobility impairment. The definition of a pedestrian MfS includes people of all ages, sizes and abilities. Therefore the maximum distance in the CIHT document does not take into account disabled, elderly or small children and is referred to as an upper limit: the maximum threshold would not result in an inclusively located development where people of all ages, sizes and abilities would be encouraged to walk to local services.

Along with distances, the movement framework should be safe, convenient and inclusive. This is set out in CS policy CP2, Manual for Streets and the National Design Guide.

Policy CP6 refers to encouraging a modal shift away from the use of private motor vehicles. Therefore, whilst the upper walking distances recommend what could be deemed walkable, the policy aim is not just to locate development where some individuals may choose to walk: it is to locate development in areas with best access to existing good services to actively encourage a modal shift where the whole community would be encouraged to utilise sustainable modes of transport.

### Assessment

#### *Pedestrians*

There is only one footpath that links the site to the local area. This is at the northern end of Tape Lane. There are no footpaths along the B3030 that would link into the main access and none on southern section of Tape Lane. The lack of footpaths linking into the east or southern part of the site result in a poorly permeable development and would fail to encourage walking.

The single footpath at the northern end of Tape Lane is only on one side of the road and is appreciably less than the minimum footpath width of 2 metres, set out in MfS. It has no street lighting. Pedestrians with mobility aids; pushchairs or walking side-by-side would have to divert into the carriageway or grass verge when facing another pedestrian. Therefore, the only footpath serving a site of 200 houses and future occupants is not fit for purpose for any development.

An appeal for 5 dwellings on adjoining land was dismissed in 2020 by Inspector Phillip Major because of the poor accessibility of the area. He noted the poor quality of the local walking environment due to narrow intermittent pavements, lack of street lighting and the requirement to walk along carriageways of roads. He specifically included Tape Lane in his criticism of the accessibility of the area:

*'The walk to the village store could of course take a detour along Tape Lane, but this involves further walking along a stretch of road with no footway. Tape Lane serves a number of residential properties and is unlikely to be a reasonable*

*option because of the likelihood of conflict with vehicular traffic.'*

The footpath from Tape Lane connects into the A321 which has intermittent and narrow footpaths. There are multiple sections of the pavement that are narrow where wheelchair or pushchairs would not be able to pass side by side. The pavement also abruptly stops at points, causing pedestrians to cross the A road and then back again – there are no crossing points in this location. The A321 is a busy road and the narrow footpath next to the carriageway along with requirement to cross the road and walk in a single file would not result in an attractive or inclusive walking environment to all pedestrians.

As stated, there is no footpath along the southern part of Tape Lane and pedestrians would have the walk along the singletrack unlit carriageway for approximately 135m. There is also a blind corner into School Road with limited visibility to oncoming traffic. The submitted Transport Assessment (TA) incorrectly shows a footpath along this section of Tape Lane – the inspector's decision stated above clearly set out the unsuitability of tape lane to be relied upon as a pedestrian access for a scheme of 5 dwellings and the proposal here is for 200.

In addition to the poor pedestrian access to the site, there is a very limited network of footpaths in the area. The TA indicates footpaths in the area that do not exist or are trodden rights of way not suitable for day-to-day travel. There is no footpath along Lodge Road (B3030). There is a right of way set off this road but this does not link into the site and it is a typical countryside right of way path. There is no footpath along Hoog Lane, Orchard Road, Church Hill or Lines Road, which are single track unlit roads.

Overall, opportunities for pedestrians are very limited with a single narrow pavement connecting into this site of 200 houses. The walking environment and experience would be a poor one that would fail to deter the use of private motor vehicles and encourage a modal shift to walking and cycling.

The site would not be connected to any local centre of employment areas. Some limited facilities are within 800m include a small bakery, convenience store and public house. There is a Primary School to the south and a community hall but as aforementioned, there are no footpaths linking the site to School Road and parents and children would have to walk down a single track road with no street lighting and a blind corner. There is no information in the submission regarding the schools capacity for children from the development.

The indicative layout of the scheme includes lots of footpaths detached from carriageways without limited or no passive surveillance. This is not conducive to encourage walking and cycling as these would be poorly overlooked areas.

The local network of footpaths is limited, and the walking environment is poor. The local facilities are very limited and do not fulfil minimum day-to-day needs.

#### *Buses*

There are bus stops along the A321. The frequency of service does not however

meet the good service as set out in policy CP6:

*'a) At least a thirty minute service frequency during peak times (7:00 to 9:00 and 16:00 to 19:00 Monday to Saturday); and*

*c) At least an hourly service frequency during off-peak hours (9:00 to 16:00 and 19:00 to 22:00 Monday to Saturday and between 7:00 and 22:00 on Sundays).'*

There are no services on Sundays or during evening periods. Services during peak hours do not have a frequency of 30 minutes. There's a two-hour gap between the first bus of the day at 7.22 and the next bus at 9.23. There is not a service every hour as stated in the submitted TA. The infrequency of the service has also been raised by the Council's Highway Engineer.

The bus stops along the A321 would be approximately 450m from a central point of the site. There are bus stops along School Road but, aforementioned, there is no continuous footpath for pedestrians to walk to School Road. These stops would be approximately 380m from the centre of the site. There are no shelters or seating at these stops.

The TA refers to children being able to get the bus to the Piggot School but the service does not go near this school with the nearest stop in Twyford is 1.5km away. The infrequency of the service would also make it unpractical for school children. Morning busses would either result in pupils being significantly early or considerably late.

The 2020 Inspector considered that bus service would not be convenient enough to result in a modal shift away from private vehicles:

*'I do not consider that the service through Hurst in either direction would encourage the potential occupants of the appeal site to use it other than for occasional non essential purposes even with the provision of subsidised travel for an initial period. It is simply not convenient enough to be able to replace the reliance on private vehicles.'*

#### *Cycling*

There are no cycle lanes along the road network that connect to the site. The council's Highway engineer has stated *'on the illustrative masterplan there appears to be a footpath/cycle way in the north west corner linking with Lodge Road. However, there are no pedestrian facilities on Lodge Road at this location.'* The nearby A and B roads are busy and this would impact the attractiveness of cycling.

The 2020 Inspector also made this observation *'cycling is not likely to be a significant alternative mode of transport used by occupants of the appeal site.'*

#### *Rail*

Twyford railway station would be an approximately 2.5km walk from the centre of the

site. The footpaths along the A321 are only one side of the road for large sections and are less than the minimum 2m metre width set out in Manual for Streets. Large section of the road have no street lighting and benefit from no passive surveillance due to the rural location.

### Summary

The assessment on the accessibility of the site is consistent with the 2020 previous appeal decision, where the Inspector concluded:

*'Residents of the site would not be likely to take advantage of walking, cycling or public transport to any significant degree. In my judgement this is not an accessible location as required by Policy CP9.'*

[...]

*'The likely reliance on private vehicles would not be in tune with the NPPF objectives and would be in conflict with most important policy CP9 and Core Strategy Policies CP1 and CP6 which, taken together, seek to ensure that development provides for sustainable forms of transport to allow choice (amongst other things). In this instance I do not accept that there would be a realistic and viable choice for the majority of people.'*

The quantum of the proposed development is substantially greater than the above appeal decision and the poor accessibility of the site would be compounded by the number of residents relying on private motor vehicles for basic day-to-day trips, services and facilities.

The application site is poorly located regarding facilities and services and the occupiers of the 200 dwellings would be overly reliant on private motor vehicles. The development fails to encourage a modal shift away from private car use and conflicts with policies CP1, CP2, CP3, CP6 and CP11 of the Core Strategy, CC01 and CC02 of the MDD Local Plan, the Borough Design Guide SPD and section 8 & 9 of the NPPF.

### **Flooding and Drainage:**

The site is within Flood Zone 1. There are pockets of the site that historically suffer from surface flooding and areas around the edge of the site, including Tape Lane, have a risk of surface water flooding. The Parish Council have submitted photographs show surface water on the site.

Further information was requested by the council's Drainage Engineer and this was submitted. They have advised that this satisfies the requirements for outline permission, but further information would be required at the reserved matters stage, including a final layout and drainage strategy. The proposal also needs to update all SuDS features and exceedance route plan in case there is change in layout. Drawing no. 2101015-0500-01 shows Surface water drainage strategy showing connections to ditch or watercourse to be confirmed at detail design stage.

Thames Water have no objection to foul water being discharge into the existing network. They have also raised no objection to surface water as the application states it will not be discharged into the public network.

Thames Water have stated that there is an inability of the existing water network infrastructure to accommodate the needs of this development proposal and therefore recommend a condition. Had the application been acceptable, a condition would have been recommended to ensure any works or agreements are implemented so that there is sufficient water infrastructure for the development.

There is Thames Water infrastructure crossing, and close proximity of, the site in the form of a pumping station and mains pipeline. Any reserved matters would need to adhere to the appropriate easement distances to protect existing infrastructure.

### **Ecology:**

#### *Impact and net gain*

National Planning Policy Framework (NPPF) paragraph 174 sets out that it is appropriate to seek biodiversity net gain in the course of development. NPPF paragraph 180 makes it clear that if significant harm to biodiversity cannot be avoided, mitigated, or compensated then the application should be refused. Local plan policy TB23 also seeks to incorporate biodiversity features and enhance existing. It is therefore reasonable for the local planning authority to request the submission of a biodiversity impact assessment calculator to consider the baseline habitat value of the site and how the indicative plans will achieve a net gain on this baseline.

A biodiversity impact assessment calculator, such as the Defra metric 3.0, has not been submitted with this application. It has therefore not been demonstrated what the biodiversity impact would be and whether a net gain could be achieved.

The council's Ecologist has stated:

*'The EclA has mapped the site using a Phase 1 survey method. This will need to be converted to UK Habs and care should be taken to ensure that an accurate translation is made. Looking at the number of species listed in paragraph 4.7 of the EclA, the poor semi-improved grassland may well be better categorised as 'other neutral grassland' rather than 'modified grassland'. The biodiversity impact assessment calculator must be supported by a technical note that justifies the habitat type and condition scores applied.*

*The biodiversity impact assessment calculator will need to account for linear habitat features as well as the habitat areas. Figure 2 in the EclA shows linear habitat features such as lines of trees that will need to be included as well as the hedgerows.*

*The user guide and technical supplement for Defra metric 3.0 provide a definition for ancient and veteran trees to be used in categorising linear habitat types. The EclA and Arboricultural Assessment have not considered whether*

*any of the trees on or adjacent to the site meet the ancient or veteran tree definition that Natural England give. Further information is required as to whether any of these trees meet the definition and therefore require greater buffering or other mitigation measures to be secured.*

*In the absence of submission of a biodiversity impact assessment calculator, I have made an approximate estimate of the habitat changes proposed and am of the view that this proposal would lead to a significant net loss in habitat biodiversity.'*

It has therefore not been demonstrated that the proposed development would have an acceptable ecological impact.

### Hedgerows

The council's Ecologist has identified that the hedgerows on and bordering the site are likely to qualify as habitat of principal importance. Local plan policy CP7 expects that the need for loss of habitat of principal importance is justified and that the mitigation hierarchy is applied so that adequate compensation is provided if loss cannot be avoided or mitigated.

The Arboricultural Assessment measures the proposed development as resulting in a hedgerow loss of 42m, but as described above, the removal of existing hedgerows is likely to be greater than this. In addition, this appears to be a reference to direct loss where the road crosses rather than where infrastructure imposes within a buffer zone to the hedge, so is an underestimate of the impact on habitat of principal importance.

The EclA does not attempt to measure a direct loss or indirect deterioration of the hedgerow retained. However, it does state that the proposal will result in a minor adverse residual effect, taking into account the mitigation measures proposed. This is admission that the proposal will not meet the requirements of local plan policies CP7 and TB23.

Insufficient information has been submitted regarding the mitigation and compensation proposals for hedgerow habitat of principal importance and any changes necessary to provide adequate mitigation and compensation. The council's Ecologist states:

*'Looking at the Indicative Masterplan and development framework set out in the Design and Access Statement, I am concerned that the public open space buffers to the retained hedgerows and lines of trees are not of a sufficient size to provide all the functions expected. The wildlife corridor function and biodiversity gains proposed will be compromised by the need for footpath and cycleways proposed. The indicative LAP provision in these buffer zones will further compromise management for biodiversity. The indicative attenuation basin locations also indicate another pressure for the space. I recommend that further information is requested as to the minimum widths of the hedgerow buffers and how conflicts with these functions will be avoided or mitigated in order to provide high quality hedgerow habitat of principal importance. A design principles cross section for hedgerow and green infrastructure, as provided in section 6.6 of the*

*Design and Access Statement for street hierarchy, should be provided.'*

The proposed access will involve widening Lodge Road this results in the loss and impact on hedgerows, planting and trees along a 130m western section of the road. This impact has not been addressed in the EclA.

### Bats

The EclA reports that ten species of bat were returned in the local records centre search using a 2km radius. There is no evaluation of this result nor the proximity of known bat roosts to the site and whether this is important commuting and foraging habitat to and from those roosts. There is no explicit evaluation of the suitability of the site to provide commuting and foraging habitats in line with table 4.1 of the current bat survey guidelines. The councils ecologist advises *'I am not currently convinced that the site has low suitability nor that sufficient survey effort has been undertaken'*.

The combination of transects and static detector surveys undertaken so far have recorded seven species using the site. No evaluation is made of the significance of this assemblage. One particular species identified as using the site is Serotine bat which was classified as Vulnerable in England on the IUCN list. The EclA needs to provide more information regarding the needs of this species and the impacts of the development proposal on it.

The EclA is not clear which features on site are of importance to bats. There is little evidence provided to support the evaluation that there will be minor beneficial effects for the local bat population as a result of the development.

The static detector results have not been adequately evaluated. There is no weather information provided for the dates that the static detectors were deployed. This means that limitations of the weather conditions have not been taken into consideration in reviewing the activity levels. It is not appropriate to compare activity between species alone. Activity levels for each individual species (or species grouping where this is the level identified to) need to be given context using the free online Ecobats tool.

Nathusius Pipistrelle bat was identified as being present on site late in the active season. This overlaps with the mating period. No evaluation has been given as to the importance of the site, in particular the mature trees on site and for advertisement calling for this species. Further information is required regarding what social calls were recorded on site and what is this indicating about the use of the site.

Paragraph 4.22 of the EclA mentions that a number of the mature oaks were assessed to provide moderate bat roost potential. There is no further information about the number, location, and type of potential roost features observed. Whilst there may be a presumption that the mature trees on site will be retained, it is relevant to consider whether any of these potential roost features are at risk from tree work required to make the trees safe given the increased human presence in the created public open space.

Paragraph 5.25 of the EclA recommends that a sensitive lighting strategy is provided

at the design stage. Whilst this can be a reserved matters, the impact on bats has not been established and this will impact the key sensitive receptors; corridors that are should remain dark and the general principles for the sensitive lighting strategy.

The layout shows footpaths around most edges of the site, in close proximity to existing trees. The EclA states '*the boundaries of the site should remain unlit, where practical.*' However, in practical terms, the footpaths around the edges of the site would have to be lit for safety and to promote walking and cycling. These would result in very few, if any, boundaries and parts of the site not being influenced by artificial lighting. It is not demonstrated that the quantum of development can be achieved whilst maintaining an acceptable layout.

In the absence of further information about the bat surveys and evaluation of the results so far, it has not been demonstrated that the development would have an acceptable impact on protected species.

#### Great Crested Newts

The EclA confirmed the presence of the species at the off-site ponds numbered 3, 5, and 6. Several of the nearby ponds have not been surveyed and the EclA has not explicitly considered the limitations of not being able to survey ponds 1, 2, 8, 9, and 10 and their connection to the site via the watercourse that flows towards the application site.

Neither has the EclA considered that there may be positive Great Crested Newt records from ponds closer to site that do not appear on the Ordnance Survey maps (e.g. because they are garden ponds). Council records show that there is at least one garden pond within 100m of the site that has had a positive record.

Little weight can be given to the notion that the proposed drainage strategy will act as an enhancement by providing new breeding habitat on site because there is no detail to show that the attenuation basins will be designed to hold water for long enough to support breeding.

The council's Ecologist has advised a more detailed risk assessment for this species should be carried out, taking into account the limitations of the current survey access to better consider whether, unmitigated and unlicensed, the development proposal is likely to commit an offence regarding this protected species. It may be that a district licence approach for Great Crested Newts becomes available prior to determination of outline or reserved matters. If this is the case then it may be that entering into such a scheme best resolves the ambiguity of the survey limitations.

#### Reptiles

Three of the widespread reptile species were returned in the local records centre data search. These are then dismissed as remote and fragmented from the site on the EclA. The council's Ecologist has advised that the desk top search does not demonstrates likely absence of a nearer more connected population of the widespread reptile species.



The application site is largely dismissed as being unsuitable for providing habitat for reptile species. Whilst ecologist agrees that the tightly grazed field is less suitable for reptiles, it has not been demonstrated that the site has no suitability. Photographs 3 and 4 in Appendix C show grassland and marginal habitat that looks suitable for reptiles.

Paragraph 4.25 of the EclA mentions that reptiles were searched for under refugia. There is no accompanying information to describe the number, location, or type of refugia that were searched nor whether they were searched during appropriate weather conditions and seasons. Further information would be required in order to understand whether this survey result has any significance.

The council's Ecologist has stated:

*'I am not convinced that sufficient survey effort has been submitted to be confident of likely absence of reptiles on site. If reptiles are present, I am inclined to think that the risk to reptiles during construction could be adequately mitigated through measures secured in a CEMP condition. However, I recommend that the local planning authority seek further information about the proposed green infrastructure on site to consider whether the development would lead to a greater quantum of suitable habitat for reptiles being present in order to understand the operational stage implications on the local conservation status of reptile species of principal importance.'*

### Birds

The data search returned a number of bird records of protected and priority species. The EclA did not attempt any analysis of these records to consider which of these species may be supported by the habitats on site. In particular, ground nesting birds such as Skylark and Lapwing are returned in the desktop survey but the EclA has not considered whether these species are present and, if so, the impact of the proposed development.

The council's Ecologist has recommended that more information as to the breeding birds on site and the impact of the development on amber and red listed species and species of principal importance is provided - a view can then be formed as to whether the proposal is in line with policies CP7 and TB23.

### Badgers

Badgers have been confirmed as present and using the site. Paragraph 4.21 mentions that a number of mammals runs were recorded on site but these are not shown in any of the figures in the EclA (and there appears to be an error in the labelling of the two target notes in Figure 2).

Table 9 of the EclA states that the residual effect on badgers in the operational stage is neutral, accounting for mitigation measures. The council's ecologist that they are not convinced that this is the case. More substantial reasoning should be provided for this assertion factoring in the change in foraging habitat on site and ecological permeability across the site to the wider foraging area.

Whilst this is an outline application, the further information requested above is necessary to receive prior to determination and cannot be resolved during reserved matters as it may well be pertinent to include ecological avoidance and mitigation measures within approved parameter plans and/or secure mitigation and compensation through conditions and/or planning obligations agreed at this outline stage.

#### Drainage Strategy

The proposal sets out the intention to utilise swales and attenuation basins. However, it is not clear whether the proposal is for these attenuation basins to be pond features, as the EclA assumes, or if they will only hold water for short periods after intense rainfall. It is therefore not possible to evaluate the biodiversity value of these features.

#### Lodge Wood and Sandford Mill SSSI

The Ecological Impact Assessment (EclA) evaluation considers the risk to the SSSI from increase recreation in a general sense. It has not provided specific information about the important features of this nearest SSSI nor what the specific risks to this SSSI are.

#### Summary on Ecology

Overall, there is insufficient information demonstrating an acceptable ecological impact. The submitted EclA concludes there would be a neutral residual impact, however, as stated above, no Defra metric has been submitted demonstrating this.

The EclA states '*certain areas of the site could be managed sympathetically for the benefit wildlife*'. Not only is this sentence open-ended by the use of the word '*could*', the areas of the site that would be managed for wildlife are undefined in the submission. Much of the green infrastructure is intended as open space for the human occupants rather than natural wildlife areas. The Green Infrastructure Plan submitted omits footpaths, the true size of attenuation basins and other hard surfaced areas such as a tennis court and play areas – when these features are factored in, the natural areas of the site are largely pushed into thin fragments along the site periphery, which would likely be influenced by artificial lighting from proposed footpaths and houses.

The application has failed demonstrate the impact of the development on wildlife and ecology and also the mitigation, avoidance or compensation measures that would be provided. The proposal conflicts with policy CP1, CP3 and CP7 of the Core Strategy, CC01 and TB23 of the MDD Local Plan and section 15 of the NPPF.

#### **Heritage:**

The site lies to the west and south of the Hurst Area of Special Character, which has within it a number of dwellings that are listed buildings, including a group situated north of the site on the southern side of A321/Broadwater Lane. The intervening

distances between the site and those listed buildings (60+ metres from Elder Cottage, the closet of the listed properties to the site) is believed to be such that the proposed residential development would not unduly affect the setting of those designated heritage assets. The council's Conservation Officer raises no objection to the impact on heritage assets.

**Archaeology:**

Areas of High Archaeological Potential, as defined in the Wokingham Local Plan, are located immediately west of the study site along the western side of Lodge Road and 200m west of the study site, as well as c.300m north of the study site.

An Historic Environment Desk-Based Assessment has been submitted with the application. Berkshire Archaeology that the proposal has an archaeological implication, on account of impacting a greenfield site with archaeological potential. Berkshire Archaeology have recommended that an archaeological condition is attached to secure a scheme of archaeological works. Had the application been acceptable, a condition requiring a phased scheme of archaeological works would have been recommended.

**Public Rights of Way:**

There are no public rights of way on the site that will be impacted by the development. The Public Rights of Way Officer raises no objection.

**Affordable Housing:**

To meet the requirements of Policy CP5 of the Core Strategy, a minimum of 40% of the total number of units (net) should be provided as affordable housing. This equates to 80 units.

The Affordable Housing Officer has advised that onsite affordable homes should be provided with a policy compliant tenure mix of: 25% First Homes, 70% social rent and 5% shared ownership. The council's shared ownership model is for a 35% minimum equity share on initial purchase and rent capped on the unsold equity at 1.5% per annum.

In the absence of a completed Legal Agreement, the scheme fails to make adequate provision for affordable housing, contrary to policy CP5 of the Core Strategy and section 6 of the NPPF.

**Environmental Health:**

The site is opposite Whistley Court & Lea Farm Landfill site therefore there could be a risk of landfill gas migration which requires investigation. The Environmental Health Officer has requested that a condition requiring landfill gas investigation and mitigation where necessary.

They have also recommended a condition regarding hours of operation for the construction phase, along with a construction management plan. This will minimise

noise and disturbance to neighbouring residents.

These conditions would have been recommended if the application was acceptable.

**Employment Skills Plan:**

Policy TB12 of MDD Local Plan requires planning applications for all major development (both commercial and residential) in Wokingham Borough to submit an Employment Skills Plan (ESP) with a supporting method statement. ESPs are worked out using the Construction Industry Training Board (CITB) benchmarks which are based on the value of construction.

The Economic Prosperity and Place Team have advised that the ESP would require the following employment opportunities to be secured.

<b>220458 - Land East Of Lodge Road, Hurst</b>	
<b>Project value</b>	<b>£19,048,897.25</b>
<b>Community Skills Support</b> E.g. work experience or CSCS training courses	<b>11</b>
<b>Apprenticeship starts</b>	<b>7</b>
<b>Jobs created</b>	<b>7</b>

ESPs are worked out using the Construction Industry Training Board (CITB) benchmarks which are based on the value of construction. The value of the construction has been calculated as £19,048,897.25. This is calculated by multiplying the interior floor space of 18,584.29m<sup>2</sup> by £1025, which is the cost of construction per square metre as set out by Building Cost Information Service of RICS.

If for any reason the applicants/owners bound by the planning obligation is unable to deliver the plan (or elects to pay the ES Contribution) as set out above they can provide the ES Contribution in lieu. This is based on the cost to WBC supporting the employment outcomes of the plan. The cost to WBC oversee and support each employment target is £3,750. So a total of £52,500 (£3,750 x 14) would be required in lieu of an ESP on this application. Payment of this sum is required before commencement on site.

In the absence of a completed legal agreement, the proposal fails to secure opportunities for training, apprenticeships and other vocational initiatives to develop local employability skills contrary to MDD policy Local Plan TB12.

**Thames Basin Heaths SPA:**

The site is 10km from the TBH SPA and is not likely to have a significant effect on the Thames Basin Heaths Special Protection Area due to this distance. No mitigation measures are required.

### **The Public Sector Equality Duty (Equality Act 2010):**

In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. There is no indication or evidence (including from consultation on the application) that persons with protected characteristics as identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application and there would be no significant adverse impacts as a result of the development.

### **Weight to the development plan:**

The starting point for decision making is the development plan. Section 70[2] of the TCPA 1990 & 38[6] of the PCPA 2004 states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The plan-led approach advocated by law is reinforced numerous times throughout the NPPF including paragraph 47:

*'Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.'*

### **Housing Land Supply**

The latest Local Housing Need figure for Wokingham Borough stands at 768 additional homes per annum from 1 April 2021, using the government's standard method. Performance against the Housing Delivery Test requires the 5% buffer to be applied. This takes the annual requirement to 806 dwellings, and the five-year requirement to 4,032 dwellings (figure rounded).

The most up-to-date Five Year Housing Land Supply Statement establishes that at 31 March 2021, the council can demonstrate a deliverable supply of 4,115 dwellings over the next five years. This equates to a deliverable housing land supply of 5.10 years against a LHN of 768 homes per annum plus the 5% buffer.

At the time of the HLS Statement, performance against the Housing Delivery Test was 200% for the preceding 3 years (2017 – 2020). This represents significant delivery over and above the Standard Method requirement. This builds on the 2018 and 2019 results of the Housing Delivery Test, where the performance of Wokingham Borough Council was 157% and 175% respectively.

Since the publication of the HLS Statement, the Housing Delivery Test results for 2020 – 2021 were published, showing a delivery of 189% of the home required for the preceding 3 years.

Recent housing delivery in Wokingham Borough has been high, which has resulted in the bank of sites with planning permission reducing at a faster rate than may ordinarily be expected. For example, in the five years from 2016/17 to 2020/21 a total of 6,474 dwellings were completed, resulting in an average of 1,295 dwellings per

annum. The current deliverable supply of housing should therefore be viewed in the context of this recent housing growth, which as shown by the Housing Delivery Test results, has significantly exceeded housing requirements.

Since the council can demonstrate a five-year supply of deliverable sites at 31 March 2021, the presumption in favour of sustainable development as outlined in NPPF paragraph 11, does not apply. Further, and notwithstanding the presumption in favour of sustainable development, the fact that the council can demonstrate a five-year supply and has a strong delivery record against the Housing Delivery Test shows there is no compelling pressure by reason of unmet housing need which requires adopted planning policies to be overridden.

A Local Plan Update: Revised Growth Strategy Consultation (November 2022) started on 22 November 2021 and ran until 24 January 2022. This Regulation 18 consultation focuses on key areas of change since the Draft Local Plan Consultation (February 2020), including the proposal for a new 4,500 home garden community at Hall Farm / Loddon Valley, alongside additional development sites across the borough. This shows clear commitment to seeking to plan appropriately, addressing housing needs in a plan led way, which includes engagement with stakeholders and it scheduled to be adopted in late 2023.

Two recent appeal decisions at Willow Tree House and Baird Tree Road considered the Housing land supply position was 4.84 years. The council disagree with this conclusion but the decisions could not be challenged as the appeals were ultimately dismissed and the HLS position was not determinative. The 5.1 year position set out in Five Year Housing Land Supply Statement is the latest robust assessment of HLS.

Notwithstanding the disagreement with the HLS conclusion, the Inspector did recognise the council strong performance against the housing delivery test and considered the council's strategy for housing growth is not failing to deliver the government objectives to significantly boost the supply of housing.

#### *Basket of most important policies*

The basket of the most important policies for determining this application is not out of date.

The Planning Statement challenges that CP9, CP11, CP17 and CP02 are not consistent with the NPPF and should be afforded less weight. No reasons are provided for this claim and even in the applicant's best-case scenario, the overall basket of policies most important for determining the application would not be out-of-date: there are a numerous other important policies relevant to the application which are up-to-date.

The plan has not expired and goes up to 2026. The Core Strategy was adopted in 2010 and the MDD Local Plan in 2014. The NPPF and PPG refer to strategic policies looking ahead over a minimum 15-year period from adoption and both plans are squarely within this range. Furthermore, it is clear that para 213 allows saved policies to be afforded full weight even after the expiry of the relevant period.

Previous Inspectors had considered that because the housing requirement set out in the CP17 was based on the South East Plan requirement, this policy not fully up-to-date and as a knock effect CP9, CP11 and CC02 were also out of date. Policies CC02, CP9 and CP11 are otherwise consistent with Framework with regard to the protection of the intrinsic character of the countryside and setting out broad locations for development.

Inspectors for the following appeals concluded that the basket of policies is up-to-date (ref: APP/X0360/W/18/3194044; APP/X0360/W/19/3240232; APP/X0360/W/19/3238048 and APP/X0360/W/19/3235572).

Whilst the Inspector for the Willow Tree House and Baird Tree Road appeals considered the basket of policies to be out-of-date, this is the outlier when considering the previous Inspector decisions referred to above.

When reviewing the basket of most important policies for the determination of this application, the basket is not out-of-date. The application should therefore be considered against the flat planning balance.

### **Conclusion**

As with all housing development, the proposal would result in some benefits. This includes the delivery of market and affordable housing. The level of affordable housing provision is the minimum requirement under the development plan policies. There would also be consequential economic benefits from the development.

In addition to affordable housing, other social benefits set out in the Planning Statement include the provision of amenity space, including play areas and tennis courts. Additional cyclist and pedestrian links are also proposed.

The Planning Statement sets out sustainability benefits in the form of accessibility to facilities in service. This would be related to the merits of the proposal rather than tangible benefits delivered as consequence of the development.

The appeal proposal would result in fundamental and significant conflicts with the spatial strategy of the development plan and policies therein. These include the out of settlement location of the development; over-development regarding quantum of development; impact on the countryside and an unsustainable location. Momentary putting aside some of the technical objections set out in this report, given the magnitude of conflict within each of these topic areas, anyone of these would amount to notable conflict with the development plan as a whole and in an unsustainable development.

As stated, in addition to the above there are also other technical objections regarding highways, trees and ecology.

The adverse impacts of the development would significantly and demonstrably outweigh the benefits. There is no foreseeable scenario where such a significant conflict with the development plan and adverse impacts would not demonstrably outweigh the benefits. The NPPF supports sustainable development, not any

development.

The recommendation is consistent with the previous dismissed appeal decision (APP/X0360/W/18/3194044) immediately to the west of the application site for the erection of 5 houses. Much of the harm established in that decision would be compounded by the significantly greater scale of this proposal.

Appeal decisions (APP/X0360/A/08/2081892, APP/X0360/A/08/2086663 and APP/X0360/A/02/1091001) on the site have also been dismissed for much smaller developments due to the harmful impact on the character and appearance of the area: the determination is also consistent with these decisions.

The application is contrary to the development plan as a whole and would result in significant material harm that demonstrably outweighs those limited identified benefits. There are no other material circumstances that warrant a different conclusion being reached. The application is recommended for refusal for the following reasons:

#### Principle of development

1. The proposal results in an unsustainable pattern of development by reason of the creation of a new unplanned large housing estate on a greenfield site in the countryside outside of settlement limits. It would be significantly out of scale with neighbouring small village of Hurst and the level of existing infrastructure within the village. The development is contrary to the spatial objectives of the development plan and policies CP1, CP2, CP3, CP6, CP9 and CP11 of the Core Strategy, CC01, CC02, CC03 and TB21 of the MDD Local Plan, the Borough Design Guide SPD and section 2, 4, 8, 12 and 15 of the NPPF.
2. The application results in the development of an area of Best and Most Versatile agricultural land and no justification has been provided regarding the loss of the grade 3a land, contrary to Core Strategy policy CP1 and section 15 of the NPPF.
3. The application results in the development of land with sand and gravel deposits and insufficient information has been submitted demonstrating the sterilisation of mineral deposits is acceptable, contrary to Policy 2 Replacement Minerals Local Plan for Berkshire (incorporating the alterations adopted in December 1997 and May 2001) and section 17 of the NPPF.

#### Impact character and appearance of the area and landscape

4. The proposed development will have a detrimental impact on the landscape and the character & appearance of the area by reason of the quantum, scale, density and location. It would erode the separation between existing villages and their rural setting. The development is contrary to policies CP1, CP3, CP9 and CP11 of the Core Strategy, CC01, CC02, CC03 and TB21 of the MDD Local Plan, the Borough Design Guide SPD and section 12 & 15 of the NPPF.

#### Unsustainable location



5. The application site is within an unsustainable location that would not encourage a modal shift towards sustainable modes of transport, by reason of the countryside location outside of settlement limits, distances to facilities and services, limited public transport links and poor quality of the walking/cycling environment, contrary to policies CP1, CP2, CP3, CP6 and CP11 of the Core Strategy, CC01 and CC02 of the MDD Local Plan, the Borough Design Guide SPD and section 8 & 9 of the NPPF.

#### Trees and landscape features

6. Insufficient and contradictory information has been submitted that does not demonstrate an acceptable impact on existing trees and hedgerows which have contributed positively to the character and appearance of the area. The proposed development is contrary to Core Strategy policy CP1, CP3 and CP11, MDD Local Plan policy CC01, CC02, CC03 and TB21, The Borough Design Guide SPD, The British Standard 5837:2012, sections 12 and 15 of the NPPF and section 197 of the Town and Country Planning Act.

#### Ecology

7. The application has failed to demonstrate the proposed development will have an acceptable impact on ecology and biodiversity by reason of the impact on protected species, wildlife and habitats, contrary to policy CP1, CP3 and CP7 of the Core Strategy, CC01 and TB23 of the MDD Local Plan and section 15 of the NPPF.

#### Highways

8. The application fails to demonstrate that the proposed vehicle access, highway alterations and overall development would have an acceptable impact on highway safety, contrary to policies CP1, CP2, CP3 and CP6 of the Core Strategy 2010, Policy CC07 of the Managing Development Delivery Local Plan, Borough Design Guide Supplementary Planning Document 2012, and sections 9 & 12 of the NPPF.

#### Employment Skills Plan S106

9. In the absence of a completed legal agreement, the proposal fails to secure opportunities for training, apprenticeships and other vocational initiatives to develop local employability skills contrary to MDD policy Local Plan TB12.

#### Affordable housing S106

10. In the absence of a completed Legal Agreement, the scheme fails to make adequate provision for affordable housing, contrary to policy CP5 of the Core Strategy and section 6 of the NPPF.

<b>RECOMMENDATION</b>	
<b>Conditions agreed:</b>	Not required
<b>Recommendation:</b>	Refuse
<b>Date:</b>	9 May 2022
<b>Earliest date for decision:</b>	1 April 2022

<b>Recommendation agreed by: (Authorised Officer)</b>	<i>BJC</i>
<b>Date:</b>	<b>22.06.22</b>