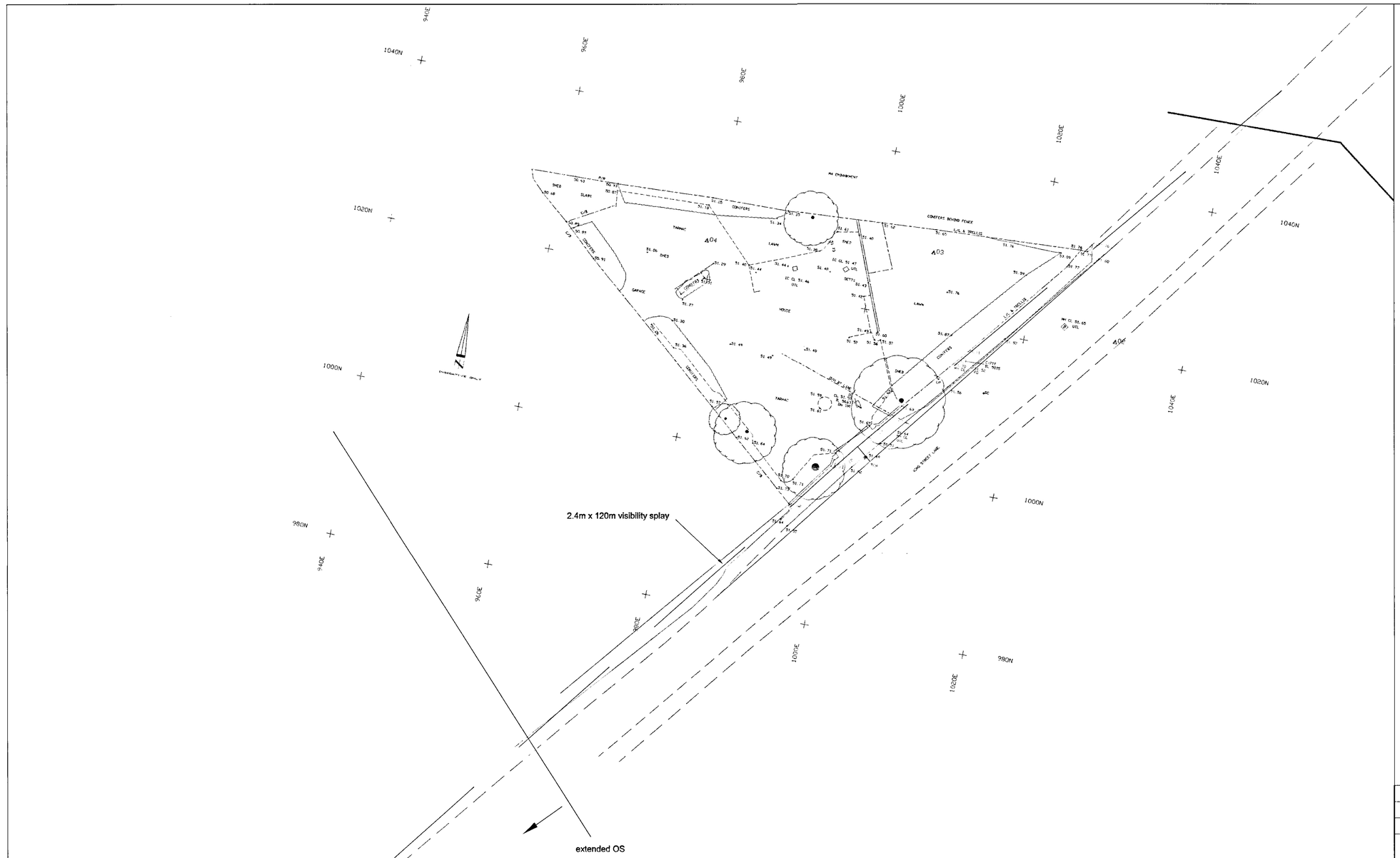

01.NOV.2001 5210

REV	AMENDMENT	DRAWN	DATE	CHECKED

THE BELLAMY ROBERTS PARTNERSHIP

KINGS ST. LANE
WINNERSH

VISIBILITY SPLAYS

DRAWING NO.	2471/01	REVISION	
SCALE	1:250	DATE	
DATE	OCT 2001	PARTNER	
DRAWN	KA	CHECKED	

Turnpike House
16 Church Road Fleet, Hampshire GU13 9RJ
Tel: 01252 613465 Fax: 01252 626737
Email: brp@dial.pipex.com
Highways and Transportation

EX SYSTEMS LTD
SOUTHPORT U.K. Tel.01704-226868 Fax.01704-225814
LONDON OFFICE Tel.020 7377 1777 Fax.020 7247 6181

APPLICATION NO.5210

Name of appellant:
Mr & Mrs W Elgar

Site address:
56 King Street Lane

Proposal:Outline application for the demolition of existing dwelling & erection of 8 flats, associated parking & highway improvements.

Case Officer:EXC

Allowed
18/02/03

319

DO

Donsanation

Appeal Decision

Hearing held on 14 January 2003
Site visit made on 14 January 2003

by J P Roberts BSc(Hons) LLB(Hons) MRTPI

an Inspector appointed by the First Secretary of State

The Planning Inspectorate
4/09 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail: enquiries@planning-inspectorate.gsi.gov.uk

Date

18 FEB 2003

Appeal Ref: APP/X0360/A/02/1092900
56 King Street Lane, Winnersh

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
- The appeal is made by Mr and Mrs W Elgar against Wokingham District Council.
- The application (Ref.0/2001/5210), is dated 31 October 2001.
- The development proposed is the demolition of an existing dwelling, the erection of 8 number flats, associated parking and highway improvements.

Summary of Decision: The appeal is allowed and planning permission granted subject to conditions set out in the Formal Decision below.

Procedural Matters

1. The application is in outline with all matters other than access reserved for subsequent approval.

Main Issues

2. I consider the main issues to be:

   i) the effect on the living conditions of the proposed occupiers in respect of noise and air quality, and

   ii) the effect on highway safety, with particular regard to pedestrians.

Planning Policy

3. The development plan for the area includes the Berkshire Structure Plan 1991-2006, incorporating Alterations adopted in August 1997, and the Loddon Area Local Plan adopted in May 1995. Structure Plan Policy LD6 seeks to ensure that development proposals provide necessary infrastructure, services and amenities, and contributions from developers may be sought to provide additional facilities in accordance with specified criteria. Policy LD8 indicates that, in considering proposals, opportunities for environmental improvements and other benefits will be sought both for the application site and for the wider area. Policy EN2 seeks to prevent unacceptable increases in environmental nuisances and to protect sensitive uses, including new houses, from unacceptable levels of such nuisances.

4. Local Plan Policy LT5 urges the promotion of road safety and, amongst other things, seeks the highway authority to examine the road safety implications of all development proposals.

5. I have also been referred to the Consolidated Wokingham District Local Plan Incorporating Recommended Modifications, approved in December 2002. The plan has been the subject

of a public inquiry and proposed modifications have been made in response to the Inspector's report and recommendations. The site lies within the settlement boundary of Sindlesham identified in the Plan where Policy WOS2 indicates that subject to other policies in the plan, development within the boundaries of identified settlements will be allowed. Policy WOS3 sets out a number of criteria against which all development proposals will be assessed. Policy WH1 favours, amongst other things, the redevelopment of sites within identified settlements for residential use, subject to a number of detailed criteria. Policy WH6 seeks a mix of dwelling types, sizes and densities on sites where residential development is considered to be acceptable, with emphasis on smaller dwellings.

6. Policy WOS4 requires developments that need new or extended public and community services to ensure that such provision is made, where necessary through legal agreements. Policy WOS5 echoes the objectives sought by Structure Plan Policy LD8. Policy WOS6 indicates that development will only be permitted where it does not give rise to an unacceptable pollution of the environment, including serious harm to the amenities of proposed and neighbouring land uses and occupiers. Policy WOS7 concerns noise and, amongst other things, requires proposals for noise sensitive development to have regard to noise from roads and the need for appropriate sound insulation measures. Policy WT7 promotes road safety and requires safety measures to be implemented, where justified, by new development proposals.

7. In view of the advanced stage the Local Plan has reached towards adoption, I afford it considerable weight.

8. I have also been referred to the Council's Supplementary Planning Guidance on Planning Agreements. I am told that it was subject to public consultation and is in support of policies in the adopted Local Plan, and thus I afford it considerable weight. I have also been referred to the Council's Environmental Guidance Note 3 entitled *Noise Considerations for new Residential Developments*. Although it was indicated that the guidance is to be adopted as Supplementary Planning Guidance, it has not been adopted yet. Accordingly the weight I afford it is limited.

Reasons

Living conditions

9. The northern boundary of the appeal site abuts a planted embankment of the M4 motorway. The eastern boundary of the site is flanked by King Street Lane, which links Winnersh and other villages to the south with the main Reading to Wokingham Road. Accordingly, the site is subject to traffic noise from both sources. The appellants have carried out noise surveys and modelled predictive noise levels.

10. There is no disagreement between the main parties as to the existing and predicted noise readings; the appellants contend that it would be possible to achieve a noise reading that falls within the boundary of Noise Exposure Categories (NEC) B and C, referred to in Planning Policy Guidance: *Planning and Noise* (PPG24). The Council argues that the predicted noise readings for the first floor rooms have not been provided, and because the first floor would be nearer to the noise source of the M4, there remains some doubt as to those levels. The appellants indicated that there would be some increase in noise levels, but the increase would be in the order of 1.8 – 2.2 dB(A) compared to those measured 1.2

metres above ground level. Whilst the Council accepted that there would be a small difference, they would prefer that the matter be resolved at this stage.

11. Notwithstanding this, there was agreement between the parties that acoustic treatment of the proposed building, through suitable materials of construction, windows, and ventilation could provide adequate internal living conditions, in line with the limits set out in the Council's Environmental Guidance Note. It was also agreed that a condition could be imposed to require a sound insulation scheme to be implemented to secure appropriate noise protection.

12. The difference between the parties centres on the exterior of the proposed building where it would not be possible to provide substantial mitigation to high noise levels. The appellants suggest that a new boundary enclosure along the boundary with King Street Lane would assist in reducing noise from that source, but little could be done to reduce noise from traffic on the M4. Consequently, much of the proposed garden area would be exposed to noise levels within NEC Category C, above the 55dB(A) limit sought by the Council, except for small parts that might be shielded by the building.

13. The Council maintains that exposure to an external noise environment exceeding 55dB(A) would be unacceptable, adopting the advice in paragraph 17 of PPG24 which indicates that most residents will expect a reasonable degree of peaceful enjoyment of their garden and amenity areas. The appellants suggest that some people do not wish to use garden areas, and the proposed flats would have communal amenity space which would be less likely to be used in the same manner as private gardens for houses.

14. The appellants also argue that the issue of noise has to be weighed in the balance against the benefits of re-developing the site, such as the provision of small units of accommodation, for which there is an identified demand, the contribution the proposal would make in meeting the considerable housing needs of the area, and the efficient use of previously developed land in a sustainable location. The Council acknowledges these positive elements of the proposal and I find them to carry considerable weight.

15. The advice in PPG3 encourages the provision of a wide range of housing types. I take the view that it includes housing where little or no amenity space is provided, or, as in this case, where the ability of occupiers to enjoy the amenity space would be compromised by traffic noise. I consider that small flats are more likely to be occupied by those not wishing to use private garden areas.

16. Thus, in my judgement the inability to achieve the 55dB(A) level sought by the Council would not cause sufficient harm so as to outweigh the undisputed benefits that would ensue from the proposal. The existence of open space in the vicinity of the site that could be used by the proposed residents reinforces my view on this issue.

17. Turning to air quality, the Council is concerned that the occupiers of the proposed flats would be exposed to high levels of nitrogen dioxide (NO_2), which has been shown to be associated with numerous health problems. The site lies in an Air Quality Management Area (AQMA), which has been designated along the M4 and A369(M) corridors, where NO_2 levels exceed Government targets and where the Council is required to prepare an action plan with a view to improving air quality.

18. The Council has provided no evidence to show what NO_2 levels are on the appeal site, but point to the proximity of both the M4 and King Street Lane as a factor that is likely to result in there being high levels of NO_2 on the site. The appellants suggest that the methodology in designating the AQMA is insufficiently rigorous, and refer to it as being more in the nature of an administrative tool on which to base an action plan. They point to the uniformity of the AQMA boundary which they say shows no account has been taken of other factors, such as meteorology and topography, which would affect dispersion of polluted air.

19. Further work is to be carried out by consultants on behalf of the Council on monitoring and modelling. The appellants suggest that more detailed work would be able to take into account the elevated position of the site in relation to the M4 and the national trend towards reduced emissions from vehicles, so that the AQMA boundary might be reduced. The Council suggests it would be wrong to pre-empt the findings of the monitoring exercise, and refer to the possible findings of "hot-spots" where busy roads bisect the motorways, which might require the AQMA boundaries to be widened.

20. The Council has referred to an appeal decision where the Inspector found that living conditions would be harmed because of the poor air quality in an AQMA. I am not aware of all the circumstances of that case, but neither the site location nor the proposal is directly comparable to this case, and thus the weight I attach to that decision is limited.

21. I consider that whilst the designation of an AQMA is indicative of poor air quality in the vicinity of the motorways. However, that in itself does not prevent development in such areas. As no other evidence has been submitted to substantiate the Council's concerns, I am led to the view that the limited scale of development proposed would not justify my dismissing the appeal on this ground.

22. Accordingly, on the first issue I conclude that the proposal would not materially harm the living conditions of the proposed occupiers in respect of noise and air quality, nor would it conflict with Structure Plan policy EN2, or draft Local Plan policies WOS6 or WOS7.

Highway safety

23. The highway authority indicated that they had taken a flexible approach in raising no objection to the proposed access, where the increased number of vehicular movements in and out of the access would normally raise concerns about the effect of slowing traffic and the risk of collision. The highway authority felt that such concerns would be offset, if the proposal made a contribution towards suitable provision for a signal controlled pedestrian crossing. At the Hearing, the Council's highways representative indicated that the most likely shopping destination for the occupiers of the proposed flats would be Sainsbury's supermarket, which was on the opposite side of King Street Lane, some 500m to the north of the site. The only signal controlled crossing point along King Street Lane was close to the supermarket at the junction of Reading Road, where an island crossing exists. The Council took the view that such crossings were unpopular with pedestrians due to long waiting times often experienced in negotiating such crossings.

24. A school crossing patrol operated by a crossing assistant exists close to the site, on the northern side of the M4 bridge over King Street Lane, where a footpath link runs into a housing area. The road in the vicinity of the crossing is subject to a 40 m.p.h. speed limit, and the Council has identified safety concerns with speeding vehicles affecting the safety of

those using the crossing. The Council contends that a contribution towards half the cost of providing a signal controlled crossing in such a location is necessary in order to provide a safe crossing point for the intended residents of the site, and it would also benefit others who use the existing crossing.

25. In my view, an additional signal controlled crossing to provide easier access for residents of the proposed development to the supermarket would be desirable, but is by no means essential. The existing crossing is, in my opinion, adequate, being close to the supermarket and there are several points along the road where most people would find no difficulty in crossing. The financial contribution sought by the Council for a new signal controlled crossing therefore fails the test of necessity set out in Circular 1/97 and therefore there would be no conflict with the Council's policies and Supplementary Planning Guidance on Planning Obligations. Accordingly, I conclude that highway safety would not be materially harmed by the failure to provide additional signal-controlled crossings, nor would it conflict with Structure Plan policy LD6, Local Plan policy LT5 or draft Local Plan policies WOS4, WOS5 or WT7.

Other matters

26. I have had regard to the level of parking provision proposed. Whilst the application is in outline and only an indicative scheme has been provided, I am satisfied that the site is large enough to provide sufficient car parking to serve the needs of intended occupiers.

27. I note the concern of a local resident that flats would be out of character in the area, but I disagree. I find that although houses dominate the area, there is variety in their siting, design and materials, and I feel that a two-storey block of flats would not harm the existing character of the area.

Conditions

28. Both parties suggested a number of conditions. Besides the standard conditions for outline planning permissions, I consider that it would be necessary to control materials and boundary enclosures and to require landscaping, in the interests of the appearance of the development. However, I consider it to be an unreasonable restriction to require that enclosures be retained in perpetuity.

29. Conditions to require the provision and retention of facilities for parking and cycle storage are necessary to provide for the needs of the intended occupiers and in the interests of highway safety, as is a condition to require provision for on-site parking during construction. To my mind, the importance of preventing overspill parking occurring on King Street Lane justifies removing the limited permitted development rights available to flats to ensure that parking areas are retained. A condition is also necessary to ensure that the proposed visibility splay at the access to the site is provided in a satisfactory manner, in the interests of highway safety.

30. Although amendments to Part E of the Building Regulations have been introduced to deal with sound insulation, the requirements for new flats do not come into force until January 2004. Accordingly, I consider it appropriate to require insulation measures to be provided to protect the living conditions of the proposed occupiers, and I shall adopt the wording that was agreed between the parties at the Hearing.

31. I also think it reasonable to limit the hours during which construction and similar work can take place on the site, to protect neighbours' living conditions. The parties also agreed that a condition was required to limit the height of the proposed building to two storeys, in the interests of appearance and because of the increased noise which would affect a higher building.

32. Both parties at the Hearing agreed that the suggested conditions regarding the removal of permitted development rights for overhead cables and a scheme to prevent mud on the highway were unnecessary and I agree. The Council also sought a condition to require a bat survey to be undertaken by a qualified person, but as there is no evidence that bats are present on the site, and because bats are protected under other legislation, I consider such a condition to be unnecessary.

33. I have reworded conditions where necessary in the interests of precision and enforceability.

Conclusion

34. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Formal Decision

35. In exercise of the powers transferred to me, I allow the appeal and grant planning permission for the demolition of an existing dwelling, the erection of 8 number flats, associated parking and highway improvements at 56 King Street Lane, Winnersh in accordance with the terms of the application [Ref. 0/2001/5210] dated 31 October 2001, and the plans submitted therewith, subject to the following conditions:

    1) Approval of the details of the siting, design and external appearance of the building, and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.

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

    3) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

    4) The building shall be constructed in accordance with a scheme to be submitted to and approved in writing by the local planning authority so as to provide an internal noise level in bedrooms between 30 dB(A) and 35 dB(A) in bedrooms and less than 40 dB(A) in all other habitable rooms.

    5) The proposed building shall not exceed two storeys.

    6) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

    7) No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design,

materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building is occupied, or in accordance with a phased scheme to be agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

8) No development shall take place until there has been submitted to and approved by the local planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development

9) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

10) Works related to the construction of the development hereby approved including works of demolition or preparation prior to building operations shall not be carried out other than between 0800 hours and 1900 hours Monday to Friday and between 0800 hours and 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays.

11) The details to be submitted pursuant to condition 1 shall include details of vehicle parking and manoeuvring areas, and secure storage for bicycles. The approved details shall be implemented prior to the first occupation of any part of the development and shall thereafter be retained. Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995, no development shall be carried out which would obstruct vehicular access to the approved parking and manoeuvring areas.

12) Development shall not begin until details of the junction between the site and the highway have been approved in writing by the local planning authority; and the building shall not be occupied until that junction has been constructed in accordance with the approved details.

13) Prior to the commencement of development, provision shall be made for the parking, loading, unloading and turning for site operatives, visitors, construction and delivery vehicles in accordance with a scheme to be submitted to and approved in writing by the local planning authority. The agreed scheme shall be retained whilst construction work takes place.

Information

36. An applicant for any approval required by a condition attached to this permission has a statutory right of appeal to the Secretary of State if that approval is refused or granted conditionally or if the authority fails to give notice of its decision within the prescribed period.

37. This decision does not convey any approval or consent that may be required under any enactment, by-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.

38. Attention is drawn to the requirements of section 76 of the Town & Country Planning Act 1990 concerning provisions for the benefit of the disabled.

39. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court.

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr M Leedale, MSc, DipTP, B.Ed (Hons), MRTPI
Gregory Gray Associates
Agent for the Appellant

Mr M Sugiura, C.Eng, BSc, MSc (Tech), MIOA, MIMA
Acoustics Consultant

Mr S Tapper, BSc(Hons) Build.Surv
Tapper Associates

Mr W Elgar
Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Ms E Circuit MSc, Dip UD, MRTPI
Senior Planning Officer

Mr J Mullaney
Senior Environmental Health Officer

Mr S McMillan, MSc, MIHT
Parkman Ltd.

DOCUMENTS

Document 1	-	List of persons present at the Hearing
Document 2	-	Copies of the Council's letters of notification and list of persons notified
Document 3	-	List of Proposed Modifications to the Local Plan submitted by Ms Circuit
Document 4	-	Appendices to the Mr Leedale's statement
Document 5	-	Tables and appendices to Mr Sugiura's statement
Document 6	-	Appendices to the Council's statement on planning issues
Document 7	-	Appendices to the Council's statement on noise and air quality
Document 8	-	Appendix to Mr McMillan's statement

PLANS

Plans 1-5	Application plans

The Planning Inspectorate

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PLANNING SERVICES 166303
POL
APP
CS
10 FEB 2003
COPIES TO
FILE

Ms D Gumbrell (Planning Department)
Wokingham District Council
Po Box 157
Wokingham
Berkshire
RG41 1BN

Your Ref: 02/2001/5210

Our Ref: APP/X0360/A/02/1092900

Date: 18 February 2003

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR & MRS W ELGAR
SITE AT 56 KING STREET LANE, WINNERSH, BERKSHIRE, RG41 5AZ

I enclose a copy of our Inspector's decision on the above appeal.

If you have any queries relating to the decision please send them to:

Quality Assurance Unit
The Planning Inspectorate
4/09 Kite Wing
Temple Quay House
2 The Square, Temple Quay
Bristol BS1 6PN

Phone No. 0117 372 8252

Fax No. 0117 372 8139

E-mail: Complaints@pins.gsi.gov.uk

Yours faithfully

Mrs Margaret Pocock

COVERDL1

INFORMAL HEARING APPEAL

CASE OFFICER: EXC

APPLICATION NUMBER: 5210

APPELLANT: Mr & Mrs W Elgar

SITE: 56 King Street Lane, Winnersh

APPEAL REF: APP/X0360/A/02/1092900

START DATE: 26/06/02

DATE OF HEARING 14 Jan 2003

ALLOWED 18/02/03

Progress Record	Date Actioned	Initials
Appeal Logged:	27/06/02	
Entered on Access:	04/07/02	DG
Notification Letters Due:	**10/07/02**	
Notification Letters Sent:	05/07/02	DG.
Questionnaire Due:	**10/07/02**	
Questionnaire Sent:	08/07/02	DG.
Venue Booked:	✓	
Statement Due:	**07/08/02**	
Checked by Team Leader:	—	
Statement Sent:	31/07/02	DG
Comments Due:	28/08/02	
Comments Sent:	—	
Hearing Date Notification sent:	30/12/02	DG
Decision Letter circulated:	24/02/03	DG
Decision entered on Access.	24/02/03	DG

Tel. (0118) 974 6448 (Direct Line)
Date: December 31, 2002
My ref: O/2001/5210
Your ref: APP/X0360/A/02/1092900

Mrs M Pocock
The Planning Inspectorate
Room 3/03 Kite Wing
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Environmental Services Department
Planning Services
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Minicom No: (0118) 974 6991
DX: 33506 – Wokingham

Dear Mrs Pocock

APPEAL BY: Mr & Mrs W Elgar
SITE: 56 King St Lane, Winnersh

Since the Council's statements relating to the above appeal were submitted, progress has been made towards adoption of the emerging local plan. Proposed modifications to the Wokingham District Local Plan (Deposit Draft) were considered and agreed by the Executive at a meeting on 4 December 2002.

Two copies of relevant extracts from the minutes of this meeting and from the Wokingham District Local Plan (as proposed to be modified) are enclosed.

Yours sincerely

Denise Gumbrell (Mrs)
Appeals Assistant

Enc

WOKINGHAM DISTRICT COUNCIL



WOKINGHAM UNITARY
Aiming for Excellence

WOKINGHAM DISTRICT LOCAL PLAN

CONSOLIDATED MODIFIED LOCAL PLAN

November 2002

A) BE APPROPRIATE IN SCALE OF ACTIVITY AND CHARACTER TO THE AREA IN WHICH THEY ARE LOCATED AND BE INTEGRATED INTO THEIR LOCAL CONTEXT WITHOUT DETRIMENT TO THE AMENITIES OF ADJOINING LAND USES AND OCCUPIERS

B) ~~RETAIN~~ HAVE NO SIGNIFICANT DETRIMENTAL IMPACT UPON IMPORTANT MAN-MADE, LANDSCAPE AND NATURE CONSERVATION FEATURES AND PROVIDE FOR FURTHER LANDSCAPE TREATMENT WHERE RELEVANT TO THE TYPE OF DEVELOPMENT AND/OR THE PROTECTION OF LOCAL VISUAL AMENITY (M/1/19)

C) BE BOTH LOCATED AND DESIGNED SO AS TO REDUCE THE NEED TO TRAVEL AND ENCOURAGE THE USE OF WALKING, CYCLING AND PUBLIC TRANSPORT AS ALTERNATIVES TO THE CAR

D) HAVE NO SIGNIFICANT EFFECT ON ROAD SAFETY OR CAUSE HIGHWAY, TRAFFIC GENERATION OR TRAFFIC RELATED ENVIRONMENTAL PROBLEMS

E) PROVIDE BUILDINGS, FACILITIES AND SPACES THAT ARE SUITABLE FOR~~CAPABLE OF~~ USE BY PEOPLE WHO HAVE MOBILITY OR SENSORY IMPAIRMENT (M/1/20)

F) BE OF HIGH QUALITY OF DESIGN THAT RESPECTS THE LOCAL CONTEXT BY VIRTUE OF SITING, LAYOUT, MASSING, MATERIALS, COLOUR AND TEXTURE.

Implementation: Through the development control process.

Monitoring: Planning applications determined.

Services, Amenities and Infrastructure

1.13 It is a principle of good planning that new development should provide the necessary infrastructure, including services and amenities, needed to support the development. This could include infrastructure required to provide necessary statutory services. This is a material consideration in considering planning applications (as set out in Circular 1/97, *Planning Obligations* and PPG12 paragraph 6.16). An explicit assessment must be made of infrastructure requirements arising from the development and how these should be met. Such provision is a key element in the quality of life or new and existing residents. Supplementary planning guidance has been produced setting out the implementation of Policy WOS4 below. (M/1/21)

POLICY WOS4: SERVICE, AMENITIES AND INFRASTRUCTURE REQUIREMENTS FOR NEW DEVELOPMENT

WHERE DEVELOPMENT IS ACCEPTABLE IN PRINCIPLE, UNDER THE POLICIES OF THIS PLAN, DEVELOPMENT PROPOSALS WILL BE EXPECTED TO HAVE REGARD TO EXISTING LEVELS OF INFRASTRUCTURE, SERVICES AND AMENITIES.

WHERE THE DEVELOPMENT GIVES RISE TO THE NEED FOR THE PROVISION OF NEW OR EXTENDED PUBLIC AND COMMUNITY SERVICES, THE COUNCIL WILL ASSESS THE NATURE AND EXTENT OF PLANNING OBLIGATIONS

REQUIRED AS A RESULT OF NEW DEVELOPMENT IN ACCORDANCE WITH NATIONAL PLANNING GUIDANCE. PLANNING PERMISSION WILL NOT BE GIVEN UNTIL THE PLANNING AUTHORITY IS SATISFIED, BY IMPOSING CONDITIONS, OR WHERE THESE ARE NOT APPROPRIATE OR ADEQUATE, BY SEEKING A LEGAL AGREEMENT, THAT AN APPROPRIATE LEVEL OF INFRASTRUCTURE, SERVICES AND AMENITIES REQUIRED AS A CONSEQUENCE OF, AND DIRECTLY RELATED TO, THE DEVELOPMENT IS CAPABLE OF BEING, AND WILL BE, PROVIDED WITHIN THE TIMESCALE OF THE PROPOSED DEVELOPMENT IN ACCORDANCE WITH AN AGREED PHASING PROGRAMME. (M/1/22)

~~THE COUNCIL WILL PRODUCE SUPPLEMENTARY PLANNING GUIDANCE REGARDING THE IMPLEMENTATION OF THIS POLICY.~~ (M/1/23)

Implementation: Through the development control process and in consultation with service providers.

Monitoring: Planning applications determined and reporting to Services, Amenities and Infrastructure Working Party.

Environmental Improvements

1.14 It is important that wherever possible development makes best use of existing resources and enhances the existing area to reduce impacts on amenities and preserve non-renewable resources such as greenfield sites. This accords with Central Government advice and policies contained within the Berkshire Structure Plan 1991 - 2006. Such opportunities may occur both on and off the development site when they are directly related to the proposal.

POLICY WOS5: ENVIRONMENTAL IMPROVEMENTS

WHEN CONSIDERING PROPOSALS FOR DEVELOPMENT, OPPORTUNITIES WILL BE SOUGHT TO SECURE ENVIRONMENTAL IMPROVEMENTS, BOTH ON AND OFF-SITE. THESE MAY FOR EXAMPLE INCLUDE:

A) MAXIMISING THE USE OF EXISITNG LAND AND BUILDINGS, AND EXPLOITING THE POTENTIAL OF PREVIOUSLY DEVELOPED LAND WITHIN IDENTIFIED SETTLEMENTS BEFORE THE COUNTRYSIDE IS BUILT UPON~~THE USE OF BROWNFIELD SITES IN PREFERENCE TO GREENFIELD SITES~~ (M/1/24)

B) LANDSCAPING, INCLUDING MAJOR STRUCTURAL LANDSCAPING ON SENSITIVE AND EXPOSED SITES

C) PROVISION OF RECYCLING FACILITIES

D) WHERE APPROPRIATE, THE COUNCIL WILL SEEK THE RE-USE AND REFURBISHMENT OF EXISTING BUILDINGS IN PREFERENCE TO COMPLETE REDEVELOPMENT SCHEMES (M/1/25).

E) UPGRADING OF THE EXISTING URBAN FABRIC

F) THE RELOCATION OF BAD NEIGHBOUR TYPE USES THAT CAUSE DETRIMENTAL IMPACTS AND REDEVELOPMENT FOR MORE APPROPRIATE USES. (M/1/26)

Implementation: Through the development control process.

Monitoring: Planning applications determined and assessment of land involved.

Environmental Nuisance and Pollution Control

1.15 Development proposals, particularly of a commercial nature, can give rise to nuisances that affect adjoining properties, passers-by, wildlife/conservation interests and the local environment. It is important therefore to control pollution levels to prevent unacceptable impacts from new development or to control and limit nuisance from existing sources. Environmental nuisance and pollution in the context of this policy refers to smells, dust, fumes, light or noxious emissions and to air and water pollution. In considering proposals consideration should be given to both the individual and cumulative impacts of development. Whilst noise is also a form of pollution, this is considered separately in Policy WOS7.

POLICY WOS6: ENVIRONMENTAL NUISANCE AND POLLUTION CONTROL

THE COUNCIL WILL ONLY PERMIT DEVELOPMENT PROPOSALS WHERE THEY DO NOT GIVE RISE TO AN UNACCEPTABLE POLLUTION OF THE ENVIRONMENT, INCLUDING SERIOUS HARM TO THE CHARACTER AND AMENITIES OF AN AREA, OR THE AMENITIES OF PROPOSED AND NEIGHBOURING LAND USES AND OCCUPIERS. IN ORDER TO REDUCE ADVERSE IMPACTS DEVELOPMENT PROPOSALS SHOULD:

A) HAVE REGARD TO THE NEED TO ENSURE THE ADEQUATE STORAGE AND DISPOSAL OF WASTE MATERIALS; AND

B) HAVE REGARD TO THE HARMFUL OR NUISANCE EFFECTS OF EMISSIONS INCLUDING THE CUMULATIVE EFFECT ON EXISTING AIR QUALITY; AND

C) HAVE REGARD TO THE HOURS OF OPERATION; AND

D) INCLUDE LOCATION OF POTENTIAL NUISANCE OR POLLUTION ACTIVITIES ON THE LEAST SENSITIVE PARTS OF THE SITE OR WHERE THE IMPACTS CAN BE BEST CONTAINED BY PHYSICAL OR OTHER APPROPRIATE MEASURES; AND

E) INCLUDE THE INVESTIGATION AND TREATMENT OF CONTAMINATED SUBSTANCES TO ENSURE THAT THE SITE IS FIT FOR ITS INTENDED USE.

THE COUNCIL WILL SEEK TO MINIMISE LIGHT POLLUTION. DETAILS OF ANY EXTERNAL LIGHTING SCHEME THAT REQUIRES PERMISSION AS PART OF A NEW DEVELOPMENT WILL BE EXPECTED TO BE THE MINIMUM NEEDED FOR SECURITY AND WORKING PURPOSES AND SHOULD MINIMISE POTENTIAL POLLUTION FROM GLARE AND SPILLAGE, PARTICULARLY TO NEARBY DWELLINGS, ROADS AND RURAL AREAS. (M/1/27)

Implementation: Through the development control process.

Monitoring: Planning applications determined.

Noise

1.16 Noise can have a significant effect on the environment and on the quality of life enjoyed by individuals and communities. Planning Policy Guidance Note 24 (PPG 24), *Planning and Noise* sets out that the impact of noise can be a material consideration when considering development proposals. It is important that noise sensitive development such as residential, educational and hospital uses are separated from major sources of noise and that new development that involves noisy activities should be located away from noise-sensitive land uses. In certain circumstances it may be possible to incorporate appropriate attenuation measures to control, reduce or mitigate noise impacts through the use of planning conditions or planning obligations. The Council's Environmental Guidance 3: 'Noise Considerations for new Residential Developments' provides further information on the noise standards for dwellings. (M/1/28)

POLICY WOS7: NOISE

~~THE COUNCIL WILL HAVE REGARD TO THE ADVICE SET OUT IN PPG 24 (AND ANY SUBSEQUENT ADVICE) WHEN CONSIDERING DEVELOPMENT PROPOSALS. WHERE APPROPRIATE~~ THE COUNCIL WILL REQUIRE APPROPRIATE MEASURES TO BE TAKEN IN THE LOCATION, DESIGN, LAYOUT AND OPERATION OF DEVELOPMENT PROPOSALS IN ORDER TO MINIMISE ANY ADVERSE IMPACT AS A RESULT OF NOISE GENERATED. IN ADDITION, PROPOSALS FOR NOISE SENSITIVE DEVELOPMENTS SHOULD HAVE REGARD TO THE FOLLOWING: (M/1/29)

A) EXISTING SOURCES OF NOISE E.G. FROM ROADS, RAILWAYS AND OTHER FORMS OF TRANSPORT, INDUSTRIAL AND COMMERCIAL DEVELOPMENTS, SPORTING, RECREATION AND LEISURE FACILITIES

B) THE NEED FOR APPROPRIATE SOUND INSULATION MEASURES

C) THE NEED TO NOT EXACERBATE THE NOISE LEVELS EXPERIENCED BY EXISTING RESIDENTS AS A RESULT OF THE PROVISION OF NOISE ABATEMENT MEASURES TO PROTECT OTHERS.

~~IN THE CONTEXT OF THIS POLICY NOISE SENSITIVE USES INCLUDE RESIDENTIAL, EDUCATIONAL AND HOSPITAL USES.~~ (M/1/30)

Implementation: Through the development control process.

Monitoring: Planning applications determined.

Renewable Energy and Energy Efficiency

1.17 Renewable energy relates to those energy flows that occur naturally and repeatedly in the environment, such as the sun, the wind and the fall of water. Plant material is also an important source of renewable energy as is combustible or digestible industrial, agricultural and domestic waste materials. Renewable energy sources can help to alleviate the problems associated with waste and disposal, help to reduce harmful emissions released into the environment and reduce reliance on non-

~~streets a more pleasant place in which to be. There is, however, concern about the detail of some of the traffic calming schemes that have been implemented. Speed humps have been opposed by the emergency services who consider that they increase response times; they are a problem for patients in ambulances. The bus operators have also opposed speed humps for reasons of passenger comfort and safety. Concern has been expressed about the effect of traffic calming measures on roads that are used as an alternative to avoid such measures, particularly road humps, and the lack of alternative approaches to traffic calming. Offset parking areas, for example can reduce the speed of traffic. Other approaches include footway widening, width restrictions and variation in surface treatments. Traffic calming schemes, however modest, do incur a cost. In view of this, and the fact that schemes can arouse opposition, they will only be undertaken where clearly justified.~~

The control and design of proper vehicular access to the public highway can have an important effect on safety. The Council wishes to ensure that all new accesses are designed to a good standard incorporating adequate visibility for vehicles and pedestrians, pedestrian facilities and signing where appropriate. On primary, secondary and other busy routes it is important to ensure that accesses are designed to permit vehicles to turn round on site, thereby avoiding the need for reversing on to the highway, which is a particularly dangerous activity. In considering the location of accesses for new development, decisions will be taken having regard to the proximity to other road junctions, traffic signals, pedestrian crossings, other highway features and the access arrangements for adjoining properties.

~~10.40 Although there has been opposition to traffic calming, the issue of excessive speed is a matter of great public concern, although generally resolution of the problem is outside the scope of land use planning. Speed is a major influence on the severity of accidents.~~

The formation of certain vehicular cross-overs requires planning consent. In determining applications for cross-overs, the Council will pay particular attention to their implications for the safe flow of traffic and pedestrian safety. All schemes will be expected to provide adequate visibility.

The Council will seek to ensure that all new developments incorporating local or access roads are designed, in particular, to minimise speed and create safe conditions on the highway as well as an attractive environment. In the majority of cases this should be achieved by layouts and careful design, avoiding where possible the need to introduce superimposed features such as humps. (M/10/25)

POLICY WT7: ROAD SAFETY

~~THE COUNCIL WILL TAKE APPROPRIATE MEASURES TO PROMOTE ROAD SAFETY FOR ALL ROAD USERS INCLUDING:~~

~~a)MONITORING OF ACCIDENT STATISTICS TO IDENTIFY BLACKSPOTS~~

~~b)GIVING HIGH PRIORITY TO IMPROVEMENTS THAT WILL REDUCE ACCIDENTS INCLUDING THOSE INVOLVING PEDESTRIANS AND CYCLISTS~~

~~c)ENSURING THAT ALL RELEVANT INVESTMENT CONFORMS TO BEST PRACTICE IN RESPECT OF ROAD SAFETY~~

~~d)EXAMINING THE ROAD SAFETY IMPLICATIONS OF ALL PROPOSALS FOR DEVELOPMENT, AND~~

~~e)~~a) ~~THE IMPLEMENTATION OF TRAFFIC CALMING SCHEMES WHERE JUSTIFIED.~~

IN ORDER TO PROMOTE ROAD SAFETY FOR ALL ROAD USERS, THE ROAD SAFETY IMPLICATIONS OF ALL PROPOSALS WILL BE EXAMINED AND SAFETY MEASURES IMPLEMENTED WHERE IT IS JUSTIFIED BY A NEW DEVELOPMENT PROPOSAL.

Implementation: Through ~~the annual capital programme of transport investment and environmental improvement.~~ development control. (M/10/26)

Monitoring: Through road safety and accident monitoring and the *Road Safety Plan.*

Street Lighting

10.41 The provision of street lighting is an important aid to safety at night and promotes security and a feeling of well being. It is, however, an extremely sensitive issue in rural areas. There can be strong opposition to the introduction of street lighting into presently unlit rural areas. In considering whether to introduce street lighting it is important to consult the local community and its representatives.

10.42 Any lighting scheme must be well designed taking into account the character of the location. This is particularly necessary in areas of environmental quality and conservation areas. In a number of places street lighting is not continuous leading to problems for motorists arising from the alternation of lit and unlit areas.

~~**POLICY WT8: STREET LIGHTING**~~

~~THE PROVISION OF STREET LIGHTING IN PRESENTLY UNLIT AREAS WILL BE SOUGHT WHERE JUSTIFIED FOR SAFETY AND SECURITY REASONS HAVING REGARD TO:~~

~~a)THE VOLUME OF PEDESTRIAN AND VEHICULAR FLOWS~~

~~b)THE EFFECT ON THE CHARACTER OF THE LOCATION, PARTICULARLY IN RURAL AREAS~~

~~c)THE VIEWS OF THE LOCAL COMMUNITY.~~

~~Implementation: Through the annual capital programme of transport investment and environmental improvement.~~

~~Monitoring: Through road safety statistics, information on traffic flow and liaison with the Community Safety Officer.~~ (M/10/27)

ALTERNATIVES TO THE PRIVATE CAR

Pedestrians

ACT FROM THE MINUTES OF THE MEETING OF THE EXECUTIVE, 4 DECEMBER 2002.

DECISION SHEET **ACTION BY**

2. LOCAL PLAN MODIFICATIONS

DECISION

1) That, subject to the following, the proposed modifications to the policies, proposals, supporting text and maps of the Deposit Draft of the District Plan be agreed:- **Anna Cronin**

a) that the Executive is not minded to discontinue the use of the term "rat-running";

b) that in relation to the land at Chatsworth Avenue, Winnersh:-

i) the line of the proposed Winnersh Relief Road from King Street Lane to Lower Earley Way be indicative only;

ii) the officers be requested to further examine the layout of the Loddon Bridge roundabout in conjunction with the Relief Road;

iii) the officers consult local Members and others whose Wards are likely to be affected about how the local community might be involved in discussions in relation to the development;

iv) Appendix 3(C), be amended to clarify the issues of pedestrian access to the public open space and parking;

c) that the issue of density in Category B settlements be clarified following further discussions with the Government Office for the South East;

d) that the Twyford Parking Zone map be amended;

e) that the proposed sites at Dowles Green be shown as two separate sites but with a single access off Keephatch Road;

2) That the publication of the supporting papers be agreed;

3) That the Head of Planning and Transportation, in consultation with the Executive Member for Planning, Transport and the Environment and the Opposition spokesperson, be authorised to agree any further minor changes which do not affect the substance of the plan prior to the advertisement of the modifications;

4) That the Proposed Modifications to the Deposit Draft District Plan be placed on deposit for public inspection and objection in accordance with statute;

5) That the Deposit Draft of the District Plan as proposed to be modified be implemented as the policy of the District Council for development control purposes with immediate effect;

6) That the timetable for the remaining stages of the plan be agreed;

7) That the Conservation Area at Remenham be designated and an illustrative leaflet be prepared;

8) That the petition be noted;

9) That if no objections are received during the period given for making objections, the plan be adopted on the expiry of that period.

Reasons for Decision
It is necessary to consider proposed modifications to the plan, if the plan is to be advance to the next stage and the Council is to have an adopted plan.

Alternative options considered and rejected at time of the decision
None. If the Council is to have an adopted plan it needs to decide and advertise proposed modifications.

Any conflict of interest declared by any Executive Member
None.

Any dispensation granted by the Standards Committee in respect of any declared conflict of interest
None.

Tel. (0118) 974 6448 (Direct Line)
Date: December 30, 2002
My ref: /2001/5210
Your ref: APP/X0360/A/02/1092900

Mrs M Pocock
The Planning Inspectorate
Room 3/03 Kite Wing
Temple Quay House
2 The Square
Temple Quay
BRISTOL
BS1 6PN

Environmental Services Department
Planning Services
P.O. Box 157
Shute End, Wokingham
Berkshire RG40 1WR
Tel: (0118) 974 6000
Fax: (0118) 974 6484
Minicom No: (0118) 974 6991
DX: 33506 – Wokingham

Dear Mrs Pocock

APPEAL BY: Mr & Mrs Elgar
SITE: 56 King St Lane, Winnersh

With reference to this appeal, I enclose 2 copies of the Hearing notification letter.

Yours sincerely

Denise Gumbrell (Mrs)
Appeals Assistant

Enc

Tel. (0118) 974 6448 (Direct Line)
Date. December 30, 2002
My ref: O/2001/5210
Your ref:

The Owner / Occupier
67
C & R SERVICES
KING STREET LANE
WINNERSH
WOKINGHAM
BERKSHIRE
RG415BA

WOKINGHAM UNITARY
Aiming for Excellence

Environmental Services Department
Planning Services
P.O. Box 157
Shute End, Wokingham
Berkshire RG40 1WR
Tel: (0118) 974 6000
Fax: (0118) 974 6484
Minicom No: (0118) 974 6991
DX: 33506 – Wokingham

Dear Sir/Madam

NOTICE OF INFORMAL HEARING

APPEAL BY: Mr & Mrs Elgar
SITE: 56 King Street Lane Winnersh Wokingham
PROPOSAL: Outline application for the demolition of existing dwelling and erection of 8 flats, associated parking and highway improvements.

This is to inform you that an Inspector appointed by the Secretary of State for the Environment, Transport and the Regions, will hold an Informal Hearing into this Appeal at the Civic Offices, Shute End, Wokingham commencing at 10.00 on **14/01/2003**

If you wish, you may attend the Hearing and, at the Inspector's discretion, take part in the discussion.

Documents relating to the appeal may be inspected in the Environmental Services Department (Planning) at the Civic Offices, Shute End, Wokingham, Berkshire during normal office hours (8:30 –17:00 Mondays to Thursdays & 8:30 – 16:00 on Fridays).

Anyone with a disability who wishes to attend the Hearing is advised to contact the Council to check that suitable provisions are available.

If you wish to be notified of the decision, you should write to Mrs M Pocock, The Planning Inspectorate, Room 3/03 Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Please quote reference number **APP/X0360/A/02/1092900 .**

Yours faithfully

Denise Gumbrell

Appeals Assistant

The Planning Inspectorate

3/23 Hawk Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
http://www.planning-inspectorate.gov.uk

Direct Line 0117-3728901
Switchboard 0117-3728000
Fax No 0117-
GTN 1371-8901

PLANNING SERVICE 637-29
20 NOV 2002
COPIES TO

Ms D Gumbrell (Planning Department)
Wokingham District Council
Po Box 157
Wokingham
Berkshire
RG41 1BN

Your Ref: 02/2001/5210

Our Ref: APP/X0360/A/02/1092900

Date: 26 November 2002

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR & MRS W ELGAR
SITE AT 56 KING STREET LANE, WINNERSH, BERKSHIRE, RG41 5AZ

NOTIFICATION OF INSPECTOR

I am writing to inform you that the Inspector appointed to hold the hearing into the above appeal will now be:

Mr Jon Roberts BSc(Hons) LLB(Hons) MRTPI.

You have already been given notice of the arrangements for this hearing.

Yours faithfully

Mr Richard Paul

NB: All further correspondence should be addressed to the case officer mentioned in the initial letter.

206C

Gregory Gray Associates

CHARTERED TOWN PLANNING CONSULTANTS
'Redcliffe', 17 Dinorben Close, Fleet, Hants, GU52 7SL.
Telephone: 01252 624004 Fax: 01252 684160
E-Mail: info@ggassociates.co.uk

PLANNING SERVICES | HPT 63531
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DC EXC | ENF
22 NOV 2002
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FILE:

Ms. E. Circuit,
Wokingham District Council,
Shute End,
Wokingham,
Berks, RG40 1WR.

21st November 2002

Our Ref: KSL/00/192

Dear Ms. Circuit,

DEMOLITION OF EXISTING DWELLING & ERECTION OF EIGHT FLATS, ASSOCIATED PARKING AND HIGHWAY WORKS
56 KINGS STREET LANE, WINNERSH.
O/2001/5210

In advance of the Hearing in relation to the above, I write to inform you that the appellants may refer to application F/2001/3209, by way of pointing to inconsistency in the Councils decision making in this locality.

3 St Catherines Close
decision date 23/4/01

Yours sincerely,

Mark Leedale.

Enc.

DEFRA
Department for **Environment, Food & Rural Affairs**

Head of Air Environment Quality Division, 4/D12 Ashdown House, 123 Victoria Street, London SW1E 6DE
Telephone: +44 (0)20 7944 6270 GTN: 3533 6270
Direct line: FAX: +44 (0)20 7944 6279
E-mail: martin.williams@defra.gsi.gov.uk

TW/JD pl. liaise with Chas (see * over)

Copied to Jim

PLANNING
POL
DC
APP
CS
18 OCT 2002
COPIES TO:

Your reference:
Our reference:

Chief Planning Officers (England only)

Date: 18 October 2002

Dear Chief Planning Officers

LOCAL AIR QUALITY MANAGEMENT (LAQM): REVISED DRAFT STATUTORY GUIDANCE ISSUED UNDER SECTION 88(1) OF THE ENVIRONMENT ACT 1995

I am writing to bring to your attention our revised draft LAQM policy guidance note: LAQM.PG(02)), which has been sent out this week, along with the draft technical guidance note, LAQM.TG(02), to the Chief Environmental Health Officers for comment. As you know local authorities must "have regard to" this guidance when carrying out their LAQM duties under Part IV of the Environment Act 1995.

This updated policy guidance note will replace the series of four LAQM policy guidance notes (LAQM.G1 to G4) issued in March 2000. Following feedback from users of the guidance, we have merged the documents into one separate policy document.

Links to land-use planning

The draft guidance on "Air quality and land use planning" in chapter 7 of the policy guidance reflects the messages set out in the consultation draft of Planning Policy Guidance Note 23, Planning and Pollution Control", issued in July 2002. This guidance may be material in preparing development plans and in determining planning applications.

The land use planning system is integral to improving air quality and land use planners should look to integrate air quality considerations within the planning process at the earliest possible stage.

Air quality as a corporate issue

The Government expects air quality issues to be dealt with in a corporate and multi-disciplinary way. It is therefore up to local authorities to ensure that air quality is taken into account in other policy areas and in local authority plans, such as local and unitary development plans, community strategies, Local Agenda 21, etc.. We also encourage the need for effective consultation and liaison amongst local authority departments when dealing with air quality matters and in particular, action plans and local air quality strategies.

INVESTOR IN PEOPLE

We would therefore encourage land use planners to become proactively involved in air quality issues, by liaising with their colleagues in the environmental health/pollution control teams, particularly where the authority has an Air Quality Management Area.

Comments on the guidance

For budgetary reasons, we have only sent out one copy of the policy and technical guidance note to the Chief Environmental Health Officers. It would be extremely helpful if land use planners could read chapter 7 of the policy guidance and make any comments, as necessary. Further copies of the policy guidance note can be found on our web site at www.defra.gov.uk/environment/airquality/laqm

Please could you send any comments or suggestions on the draft guidance by email to carol.tidmarsh@defra.gsi.gov.uk or post them to Zone 4/E12, Ashdown House, 123 Victoria Street, London SW1E 6DE **by 9 December 2002.**

When the final guidance is issued, which is likely to be in January 2003, we will provide each local authority with two hard copies of the policy guidance: one copy for the environmental health/pollution control teams and the other for the land-use planners. It will also be available on the Defra web site. Extra hard copies will be available at a charge from Defra Publications.

Please note that we have also written similar letters to the Chief Executives and the Chief Environmental Health Officers for information.

Yours faithfully

Martin Williams

DR MARTIN WILLIAMS

The Planning Inspectorate

3/03 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
http://www.planning-inspectorate.gov.uk

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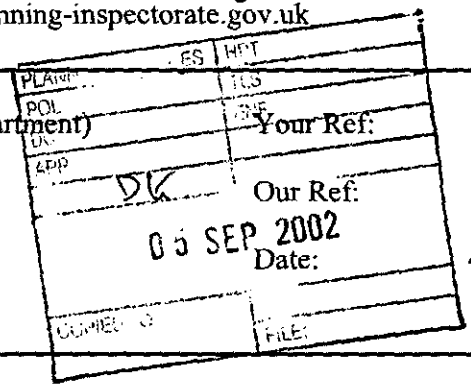
60648



Ms D Gumbrell (Planning Department)
Wokingham District Council
Po Box 157
Wokingham
Berkshire
RG41 1BN

Your Ref: 02/2001/5210

Our Ref: APP/X0360/A/02/1092900

Date: 4 September 2002

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR & MRS W ELGAR
SITE AT 56 KING STREET LANE, WINNERSH, BERKSHIRE, RG41 5AZ

I enclose for your information a copy of the appellant's final comments on the above appeal. Normally, no further comments, from any party, will now be taken into consideration.

Yours faithfully

Mrs M Pocock

217L(BPR)

Gregory Gray Associates

CHARTERED TOWN PLANNING CONSULTANTS
'Redcliffe', 17 Dinorben Close, Fleet, Hants, GU52 7SL.
Telephone: 01252 624004 Fax: 01252 684160
E-Mail: info@ggassoociates.co.uk

The Planning Inspectorate,
Room 3/23 Hawk Wing,
Temple Quay House,
2 The Square,
Temple Quay, Bristol, BS1 6PN.

RECEIVED
20 AUG 2002
PINS AA PL

19th August 2002

Our Ref: KSL/01/192

Dear Sir,

APPEAL BY MR & MRS W ELGAR
SITE AT 56 KING STREET LANE, WINNERSH, BERKSHIRE, RG41 5AZ.
APP/X0360/A/02/1092900

I am in receipt of statements from the Council relating to the above appeal. The following sets out a brief rebuttal of the Council's written case.

Planning Statement

(1) The Council make no reference whatsoever to adopted and emerging policy pertaining to residential development in sustainable urban locations and identified settlements. This is indicative of their failure to balance all material considerations in determination of the application.

not part of Council's case. DC report addressed but did not form part of reason for refusal.

(2) In this context we submit, in the light of PPG3, that policies SH1 of the Adopted Plan (my appendix 1) and WH1 along with the agreed round table policy (my appendix 2), should be afforded considerable weight. Indeed the emerging Local Plan, in line with PPG3, is predicated on the basis that 60% of the Council's housing requirement will be provided on previously developed land. The Plan has reached an advanced stage of preparation with the Inspector's Report being issued in October 2003. As such it may be afforded weight in accordance with PPG1.

need to balance with other considerations

(3) There is no suggestion whatsoever that a road safety issue exists in relation to this site. As such I am at a loss as to why the Council is referring to adopted Local Plan policy LT5 and emerging Local Plan policy WT7 (road safety). Moreover, the Council's, would be, reasons for refusal do not contain any indication that there is a road safety objection.

basis of assessment + request for contributions.

Continued/....

(4) During the course of determination and when Officers considered that the proposal was acceptable, there was mention of a contribution towards a pelican crossing to the north of the appeal site. Despite numerous letters requesting justification for this request in accordance with Circular 1/97, no response has been received. In the absence of the same the Appellants will not be submitting a unilateral undertaking for "highway safety measures in the vicinity". Put simply this is because none have been suggested which fairly and reasonably relate to the proposed development, in scale and kind.

Environmental Health Officer's Statement

(1) The Environmental Health Officer (EHO) makes no reference to an Action Plan addressing matters of pollution. This is a statutory requirement from the Council and their identification of an AQMA Order is simply a statement that the Council will be unable to meet its statutory requirement within the requisite period. In accordance with PPG23 this is a matter to be balanced against policy set out in PPG3 and all other material considerations. The Council have singularly failed to undertake this balancing exercise.

(2) Setting aside the principle that each application must be determined on its merits, the appeal decision at appendix 7 is not in any way comparable to the proposed development. In the first instance, there is already a dwelling on the appeal site and the proposal is for a net increase of 7 units. Critically, the Appellant's acoustic noise consultant has established that the site fails at the boundary of NEC B and C with the façade being within NEC B. Fundamentally, it is concluded (page 15) that with careful design and orientation of the building an acceptable internal noise standard (in accordance with PPG24) can be achieved without recourse to forced ventilation systems. As such, considerations relating to the Blackheath appeal are not directly comparable to my Client's case.

(3) It is noteworthy that the local authority have not undertaken any noise readings or acoustic modelling. In the light of the further modelling and detailed assessment of noise undertaken on behalf of my Clients, the Local Authority have again been asked to withdraw this objection to the proposed development.

(4) Notwithstanding the acoustic consultants findings, the appointed Inspector will be invited to assess conditions within the existing dwelling. In our view this demonstrates a satisfactory position, even though there is no specialist acoustic glazing in place.

The Appellant reserves the right to make further representations at the informal hearing.

An additional copy of this letter is enclosed for despatch to the Local Authority.

Yours faithfully,

Mark Leedale

Enc.

Tel: (0118) 974 6479 (Direct Line)
Fax: (0118) 974 6484
Email: Emy.Circuit@wokingham.gov.uk
Date: 3 September 2002
My ref: EXC/O/2001/5210
Your ref: KSL/00/192

Mark Leedale
Gregory Gray Associates
'Redcliffe'
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Fleet
Hampshire
GU52 7SL

Environmental Services Department
Planning Services
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Tel: (0118) 974 6000
Fax: (0118) 974 6484
Minicom No: (0118) 974 6991
DX: 33506 – Wokingham

Dear Mr Leedale

PROPOSED REDEVELOPMENT OF 56 KING STREET LANE, SINDLESHAM – APPEAL REF APP/X0360/A/02/109290

I note that your statement for the above appeal refers to the lack of justification for the financial contribution that was requested in relation to the proposal. Please find enclosed details, provided by the Highway Officer, regarding this matter. I apologise for the delay in letting you have this information which I have copied to the Planning Inspectorate.

I also enclose relevant extracts from the Council's supplementary planning guidance, "Planning Obligations: Principles and Practice", which were sent to the Planning Inspectorate with the questionnaire. The complete document is available on the Council's web site or can be purchased from the Policy and Plans team.

Yours sincerely

Emy Circuit
Senior Planning Officer, Development Control

cc: the Planning Inspectorate

Emy Circuit

From: Keith Rogers
Sent: 08 July 2002 16:09
To: Emy Circuit
Subject: FW: King Street Lane Flats

Emy
Does this answer your query and enable you to respond to Gregory Gray Associates in respect of O/2002/5210?
Keith.

-----Original Message-----
From: Steven McMillan [SMTP:smcmillan@parkman.co.uk]
Sent: Tuesday, July 02, 2002 12:34 PM
To: Keith. Rogers (E-mail)
Subject: King Street Lane Flats

Keith

King Street Lane Flats
I spoke to Mark Leedale on 08/03/02. There was some discussion about access from the rear of the properties but this turned out not to be possible. Explained the need for a contribution towards sustainable transport and he was quite happy with this concept.

I phoned him on 12/03/02 but couldn't get hold of him.

I phoned again on 13/03/02 and left a message that a £12,000 contribution would be required towards the cost of a crossing in the area of the existing school crossing patrol site. — where is this

The risks associated with the existing crossing arrangements had been identified in a report of July 2001 (enclosed) as fast moving traffic on a busy road - The Crossing patrol Assistant felt particularly vulnerable. The report concluded that the speed limit should be reduced (from 40mph to 30mph) and that various other improvements should be made to the signing etc.

No decisions had been made on the recommendations at the time of my discussions with Mark Leedale but the consensus (me and Steph) was that reducing the speed limit would have little or no impact on the prevailing traffic speed in the absence of some kind of traffic calming.

Traffic calming was not considered (by me and Steph) to be an option.

Signals was considered (by me and Steph) to be the only solution. The concept of a signalised crossing was also being discussed with Bovis (Chatsworth Avenue) at the time.

The full cost of providing the crossing was considered (by me) to not be in scale with the size of the development. Half the cost (£12,000) seemed (to me) to be reasonable and the five tests of 1/97 were therefore satisfied.

I remain confident that the rest of the money required will be

forthcoming through developer contributions within five years and that the crossing will be in place to the delight of the children of Bearwood Primary School and the relief of the Crossing Patrol Assistant.

<<Bearwood.doc>>

Steve

STEVE MCMILLAN
Parkman Ltd - Wokingham
Tel: 0118 936 7325 Fax: 0118 936 7340

****
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Client: WOKINGHAM DISTRICT COUNCIL

Title:

BEARWOOD PRIMARY SCHOOL CROSSING PATROL

Date:

July 2001

Report Ref:

51300/50/OA/022

PARKMAN
26-28 Market Place
Wokingham
Berks. RG40 1AP
Tel: 0118 936 7300 Fax: 0118 936 7340

PROJECT NAME: School Crossing Patrols
REPORT TITLE: Feasibility Report

REPORT REFERENCE: 51300/50/OA/022

Version	Detail	Prepared by & date	Checked by & date	Approved
A	1st Draft	KB 27/06/01	SK 27/06/01	MT 27/06/01
B	Final Report			

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EXECUTIVE SUMMARY

This report is in accordance with Client Brief SWR 43 dated 19th April 2000 it sets out proposals to do the following:

I. Review all existing sites annually to ensure they are confirming to the Council's current guidelines (allow for up to 30 sites annually)
II. Prepare reports to Client.

1.0 INTRODUCTION

1.1 School Crossing Patrol No 382, is situated on Kings Street Lane, Winnersh just under the motorway bridge. It is approximately a 10-minute walk to Bearwood Primary. New Wokingham Road next to Ellis Road. The patrol officers operating hours are between 08.20 – 09.0 and 15.05 – 15.45.

1.2 This report looks into the risks that the patrol officer faces, any improvements that can be made to improve the current situation, and an assessment (the PV^2 assessment) to see if the school crossing patrol point is justified according to the current guidelines.

2.0 HISTORICAL FACTS

2.1 None.

3.0 EXISTING SITUATION

3.1 Photos 1 to 4 are enclosed for visual information.

3.2 The school crossing patrol is situated on King Street Lane just next to the bridge over the M4, see photo 1. There is a footpath that leads from the school crossing site to Eden Way and a residential area just south of Winnersh crossroads.

3.3 Kings Street Lane is used as a through route between the A327 (Arborfield) and the A329 (Winnersh). It is a busy road with a wide carriageway and has a high level of visibility.

3.4 During the AM peak (the time the survey was carried out) the road became heavily congested, especially for traffic travelling into Winnersh.

3.5 The Bearwood Primary School is situated about a 10-minute walk, approximately 500 metres, from the site.

3.6 The speed limit changes from a 30mph/40mph near to where the school crossing patrol site is located. The school crossing patrol operates in the

40mph zone, to the west of the site the road then changes to a 30 mph limit, see photo 1.

3.7 There is currently a restriction to prevent Sainsbury lorries from travelling along King Street Lane.

3.8 The signing on both approaches to this site are standard and have amber flashing lights that are operated manually.

3.9 A two-way traffic count was conducted as part of the PV^2 assessment at the school crossing patrol point. A total of 1123 vehicles were counted during the AM peak. (08.00 – 09.00)

4.0 ACCIDENTS

4.1 There have been no reported accidents around the school crossing patrol site between 01/01/1997 – 13/12/2000.

5.0 RISK ASSESSMENT

5.1 The site is situated on a very busy road and the patrol officer and parents who were crossing their children at the site raised concerns about vehicle speeds.

5.2 The crossing patrol used to be in the 30mph zone, however the patrol site was moved to be closer to the public footpath, see photo 3 and as a result is located in the 40mph zone. This has had an impact on safety at the crossing.

5.3 The patrol officer is vulnerable to speeding vehicles, as the road is very straight and cars have a tendency to speed. The patrol officer has no facilities to aid him/her besides the existing signage. There are no additional road markings.

5.4 The site is located approximately 500 metres away from Bearwood Primary, and there is concern that the patrol has little support, as he/she is isolated away from the school.

5.5 There is a hedge next to the site that if it not properly maintained can affect the visibility of the officer, the patrol officer expressed concern about this.

6.0 PV^2 ASSESSMENT

6.1 Appendix B is the site record form and PV^2 value, which was undertaken on the 30th March 2001 at 08:00am - 09:00am.

6.2 A count of child pedestrians crossing the road, and a count of the traffic that passed the crossing, were conducted in accordance with the guidelines. The PV^2 assessment records the total number of children who cross the road at or within 50m of the site, during the time of the heaviest traffic flow (which was during the morning peak). The task of identifying those children who were 'accompanied' by an adult and those who were unaccompanied is also a necessary part of the assessment. This is because those children that are not accompanied by an adult are at more of a risk when crossing the road. Under the criteria set out for assessing the School crossing Patrol the number of accompanied children during the busiest 30 minutes of the count are totalled and then halved, and then included into the PV^2 calculation.

6.3 Due to the Transport Act 2000 having now changed sections 26 and 28 of the Traffic Regulations Act 1984, from the 30th January 2001 school crossing patrol officers can now cross any member of the general public under the jurisdiction of the Transport Act. Therefore the number of adults crossing was also counted. If the PV^2 calculation did not meet the criteria under the original guidelines set out for School crossing patrol, it was agreed that the number of adults and the total number of accompanied children are to be taken into account.

6.4 From the PV^2 assessment the results showed that that the patrol crossing was justified under the original guidelines set out by the council. There was no need to include the number of adults and the total number of accompanied children. Adjustment factors would not have had an impact on the overall sum.

7.0 POSSIBLE IMPROVEMENTS

7.1 It is recommended that the 30 mph zone should be extended to include the school crossing patrol site. A further investigation should look into the speeds along King Street Lane and whether the area would benefit from speed reducing features

7.2 The site could be made more conspicuous to motorists, measures should include:

- Upgrade the existing signage to include yellow backing boards
- Introduce road markings and coloured surfacing around the site

7.3 Also the current amber flashing lights should be modified so they operate on a timer.

8.0 COST OPTIONS

8.1 The following costs are approximate and may vary.

8.2 Patrol signs with yellow backing board = £290 each

8.3 Flashing amber warning lights on timers = £296 each

8.4 Sign posts, ducting & cabling etc = £370 each

8.5 Anti - skid = £26per m^2

8.6 'Slow' markings = £6.20 - £8.70 per letter

8.7 Speed investigation = £330

9.0 SUMMARY AND CONCLUSIONS

9.1 Based on the original guidelines specified by the council the school crossing at King Street Lane is justified. The risk assessment highlights the concern about speeding vehicles; it is therefore strongly recommended that vehicle speed be investigated further.

9.2 It is suggested that the an investigation should be made to see if the 30mph speed limit could be extended to include the Patrol Officer. Perhaps by extending the 30mph zone past the bridge?

9.3 Other improvements should include making this site more conspicuous to the motorist.

9.4 This school will be involved with a Safer Routes to School scheme in the near future and this site should be considered to be a main crossing location for the pupils of Bearwood Primary.

Photo 1 – Crossing location and change in speed limit

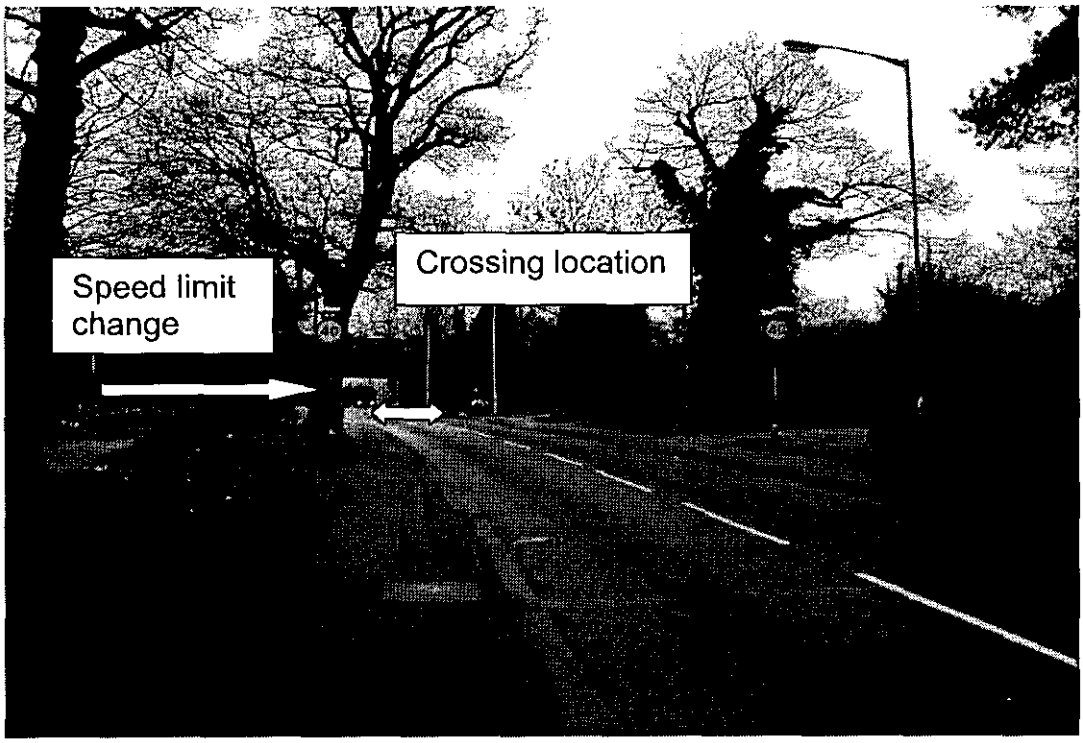


Photo 2 – Crossing location

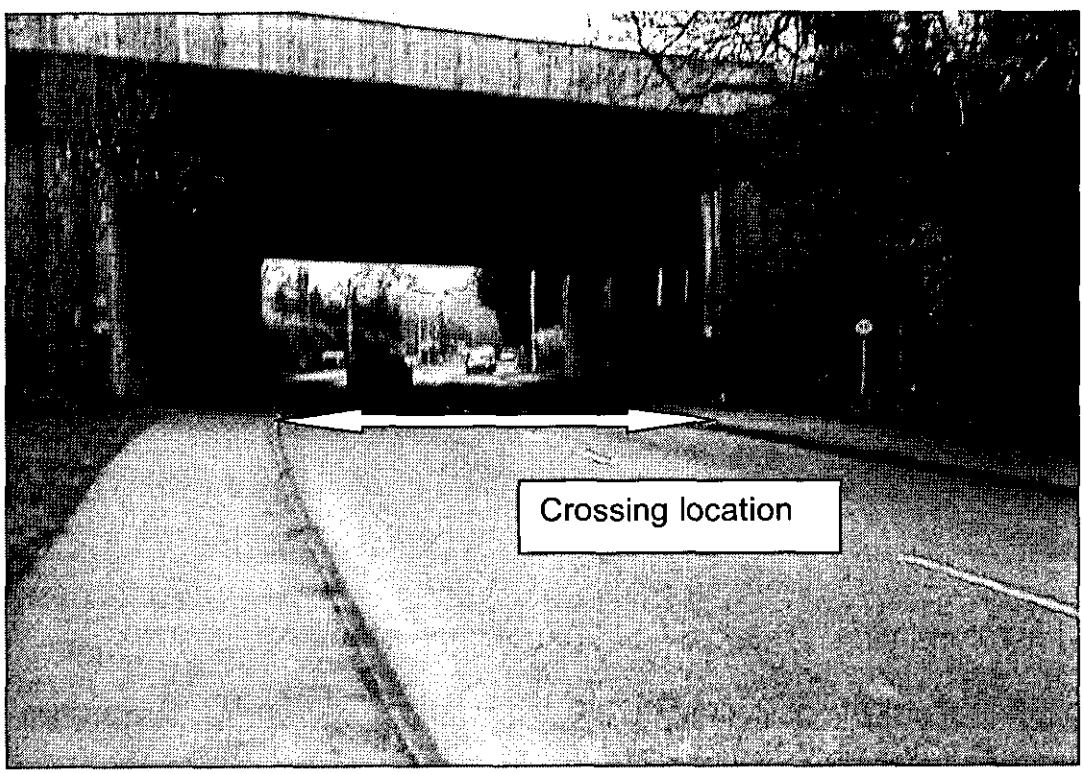
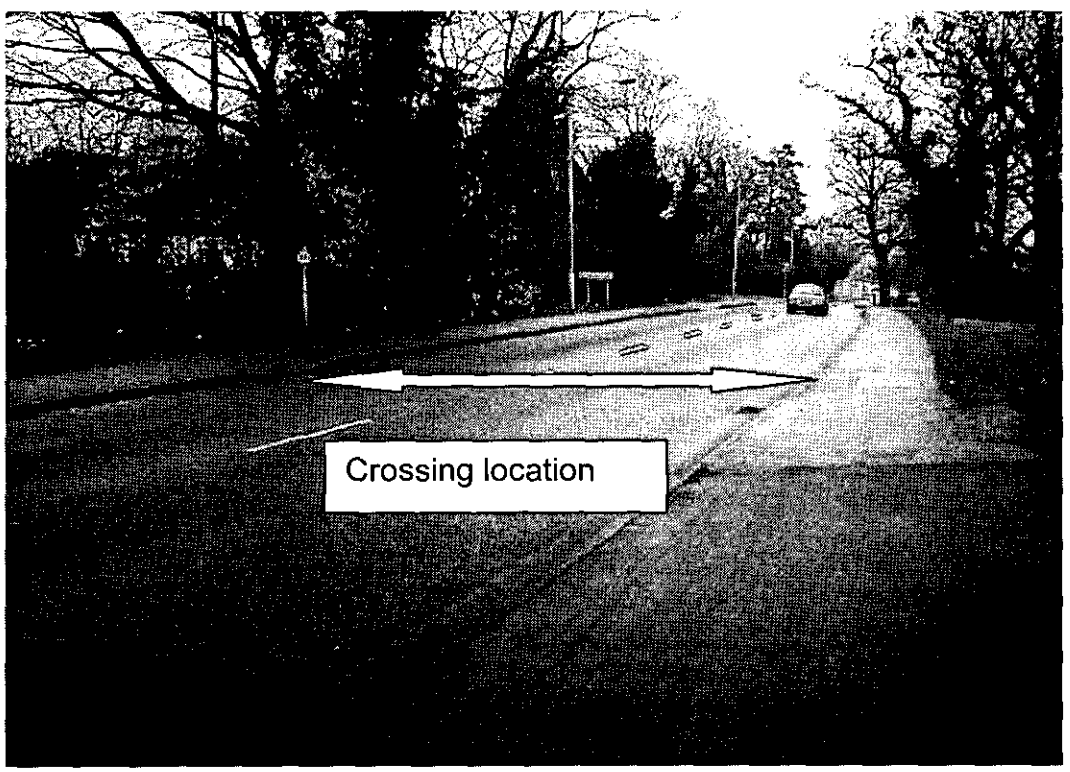


Photo 3 – Footpath that the school crossing leads to



Photo 4 – Location of crossing



Gregory Gray Associates
CHARTERED TOWN PLANNING CONSULTANTS
'Redcliffe', 17 Dinorben Close, Fleet, Hants, GU52 7SL.
Telephone: 01252 624004 Fax: 01252 684160
E-Mail: info@ggassociates.co.uk

PLANNING SERVICES 59988
EXE
19 AUG 2002
COPIES TO ACK FILE

Ms. E. Circuit, Planning Department,
Wokingham District Council,
Shute End,
Wokingham,
Berks, RG40 1WR.

26th April 2002
Our Ref: KSL/00/192
0118 974 6484 (1 page)

Dear Ms. Circuit,

DEMOLITION OF EXISTING DWELLING & ERECTION OF EIGHT FLATS, ASSOCIATED PARKING AND HIGHWAY WORKS
56 KINGS STREET LANE, WINNERSH.
O/2001/5210

I am in receipt of written statements on behalf of the Local Planning Authority.

You will shortly receive from the Inspectorate a copy of a brief rebuttal. In the meantime I note from your statement that there is reference to supplementary planning guidance entitled "Planning Obligations: Principles and Practise". In accordance with the Regulations I would ask you to provide me with a copy of this document.

May I suggest that it might also be useful for the Inspector to have a copy?

Yours sincerely.

Mark Leedale.

cc Client

The Planning Inspectorate

3/03 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
http://www.planning-inspectorate.gov.uk

Direct Line 0117-3726079
Switchboard 0117-3728000
Fax No 0117-3728624

GTN 1371-6079

PLANNING SERVICES HPT 59882 TLS ENF DC PP
15 AUG 2002
COPIES TO FILE:

Ms D Gumbrell (Planning Department)
Wokingham District Council
Po Box 157
Wokingham
Berkshire
RG41 1BN

Your Ref: 02/2001/5210

Our Ref: APP/X0360/A/02/1092900

Date: 14 August 2002

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR & MRS W ELGAR
SITE AT 56 KING STREET LANE, WINNERSH, BERKSHIRE, RG41 5AZ

I enclose a copy of the appellants statement relating to the above appeal. Please accept my apologies for the delay in forwarding the document.

To take account of the above I am extending the 9 week deadline. If you have any comments on the points raised, please send 2 copies to me **by 4 September**. You should comment solely on the representations enclosed with this letter.

You cannot introduce new material or put forward arguments that should have been included in your earlier statement. If you do, your comments will not be accepted and will be returned to you.

Comments submitted after the **4 September** deadline will not be seen by the Inspector unless there are extraordinary circumstances for the late submission.

Yours faithfully

Mrs M Pocock

211AL(BPR)

The Planning Inspectorate

3/23 Hawk Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
http://www.planning-inspectorate.gov.uk

Direct Line 0117-3728775
Switchboard 0117-3728000
Fax No 0117-3728804
GTN 1371-8775

59627 D9

Ms D Gumbrell (Planning Department)
Wokingham District Council
Po Box 157
Wokingham
Berkshire
RG41 1BN

Your Ref: 02/2001/5210

Our Ref: APP/X0360/A/02/1092900

Date: 6 August 2002

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR & MRS W ELGAR
SITE AT 56 KING STREET LANE, WINNERSH, BERKSHIRE, RG41 5AZ

I am writing to advise you that the hearing into this appeal will start at 10:00 on Tuesday 14 January 2003 at the Council Offices, Shute End, Wokingham. Please arrange a car-parking space for the Inspector. Could you send the details, together with a location plan of the venue, to the case officer quoting our appeal reference number.

done D9/08/02

The name of the Inspector will be confirmed to you at a later date.

Please write to all those other than the appellant, with an interest in the land, and all those who made representations at the planning application stage i.e. including any interested third parties, telling them about the hearing details at least 2 weeks before the hearing date. Your letter should cover:

- An Inspector has been appointed by the Secretary of State to determine this appeal;
- The location of the site and a description of the development;
- Where your, and the appellant's, statements and future comments can be inspected;
- that they may attend the hearing, and at the Inspector's discretion, give their views;
- that we will send a copy of the decision letter only to those who ask for one in writing;
- what facilities are available for people with disabilities e.g. parking spaces, access and seating arrangements etc.

done 27/12/02

If you have not already done so, please send 2 copies of your written statement to the case officer and one copy to any statutory party. We must receive it within 6 weeks of the starting date.

If you consider it appropriate, please notify the press of the hearing. Please also note that people with disabilities who may be concerned about facilities at the hearing venue have been advised to write to, or contact your Council to confirm that proper provisions are in place.

We aim to issue decisions within 7 weeks of the close of the hearing. If there is likely to be significant delay, we will let you know.

Yours faithfully

Miss Kate Hallett

206J(BPR)

Tel: (0118) 974 6448 (Direct Line)

Fax: (0118) 974 6484

Date: August 9, 2002

My ref: O/2001/5210

Your ref: APP/X0360/A/02/1092900

Environmental Services Department
Planning Services
P.O. Box 157
Shute End, Wokingham
Berkshire RG40 1WR
Tel: (0118) 974 6000
Fax: (0118) 974 6484
Minicom No: (0118) 974 6991
DX: 33506 – Wokingham

Mrs M Pocock
The Planning Inspectorate
Room 3/03 Kite Wing
Temple Quay House
2 The Square
Temple Quay
BRISTOL
BS1 6PN

Dear Mrs Pocock

APPEAL BY: Mr & Mrs W Elgar

SITE: 56 King Street Lane, Winnersh

HEARING DATE: TUESDAY 14 JANUARY, 2003

Enclosed with this letter is a leaflet showing the venue for the Hearing & the car park recommended for the Inspector's use. Both are circled in red.

Please forward this letter & the leaflet to the Inspector concerned.

I hope this is helpful, and that the Inspector finds a parking space without a problem.

Yours sincerely

Denise Gumbrell (Mrs)
Appeals Assistant
Enc.

Tel. (0118) 974 6448 (Direct Line)
Date: July 31, 2002
My ref: O/2001/5210
Your ref: APP/X0360/A/02/1092900

Mrs M Pocock
The Planning Inspectorate
Room 3/03 Kite Wing
Temple Quay House
2 The Square
Temple Quay
BRISTOL
BS1 6PN

Environmental Services Department
Planning Services
P.O. Box 157
Shute End, Wokingham
Berkshire RG40 1WR
Tel: (0118) 974 6000
Fax: (0118) 974 6484
Minicom No: (0118) 974 6991
DX: 33506 – Wokingham

Dear Mrs Pocock

APPEAL BY: Mr & Mrs W Elgar
SITE: 56 King Street Lane, Winnersh

With reference to this appeal, I enclose 2 copies each of the Authority's statements of case.

Yours sincerely

Denise Gumbrell (Mrs)
Appeals Assistant

Enc

The Planning Inspectorate

3/23 Hawk Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
http://www.planning-inspectorate.gov.uk

Direct Line 0117-3728775
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GTN 1371-8775

PLANNING APPEAL RECEIVED 68458
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CS
10 JUL 2002
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ACK:

Ms D Gumbrell (Planning Department)
Wokingham District Council
Po Box 157
Wokingham
Berkshire
RG41 1BN

Your Ref: 02/2001/5210

Our Ref: APP/X0360/A/02/1092900

Date: 9 July 2002

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR & MRS W ELGAR
SITE AT 56 KING STREET LANE, WINNERSH, BERKSHIRE, RG41 5AZ

I am writing to tell you that we propose to hold a hearing into this appeal at 10:00 on Tuesday 14 January 2003 at a venue to be arranged.

It is now our policy to allow only one refusal of a hearing date, before we fix a date, time and place for a hearing. If you refuse the date offered you should give a good reason for doing so.

If you cannot accept the date offered you may agree a reasonable alternative with the other party. The availability of the Inspector is a crucial factor in this process. We will let you know whether we can supply an Inspector for any date you agree between yourselves, but it must meet with our general aim of deciding appeals quickly.

You can reply to me by telephone or letter. If I do not hear from you by Thursday 18 July 2002, I will assume that the proposed hearing date is acceptable, and that you are not intending to negotiate an alternative hearing date with the other party.

You should not assume that the hearing date offered here is the one that will eventually go ahead. We will write to you again to confirm final arrangements.

Yours faithfully

Miss Kate Hallett

NB: Only correspondence concerning the hearing date (and venue) should be addressed to the above room. All other correspondence should be addressed to the case officer mentioned in the initial letter.

TOWN AND COUNTRY PLANNING ACT 1990

SECTION 78 APPEAL

APPELLANT:	**Mr and Mrs Elgar**
APPEAL SITE:	**56 King Street Lane, Sindlesham**
REASON FOR APPEAL:	**Non-determination of planning application for the demolition of the existing dwelling and erection of eight flats, associated parking and highway improvements.**

LOCAL PLANNING AUTHORITY REFERENCE : O/2001/5210

DEPARTMENT OF THE ENVIRONMENT, TRANSPORT AND THE REGIONS REFERENCE : APP/X0360/A/02/1092900

1.00 SITE DESCRIPTION

1.01 The application site is a 0.12 hectare piece of land, located on the north-western side of King Street Lane, adjacent to the M4 Motorway. The site lies in a predominantly residential area, within the Identified Settlement of Sindlesham and is currently occupied by a two-storey detached dwelling. The motorway forms the boundary between the Identified Settlements of Sindlesham to the south and Winnersh, to the north.

1.02 A site location plan at scale 1:1250 is contained in Appendix 1.

2.00 RELEVANT PLANNING HISTORY

2.01 The erection of the existing dwelling predates planning records. During the 1950s, planning permission was granted for extensions and a vehicular access (planning applications 255/55 and R/158/59) and in 1971 outline consent was granted for residential development on part of the site (O/155/70). This land has now been developed and forms part of the adjacent residential street, St Mary's Road. There have been no previous applications for redevelopment of the existing dwelling.

3.00 POLICY BACKGROUND

3.01 The development plan for the area comprises of the Berkshire Structure Plan and the South East Area Local Plan. There is also an emerging district wide local plan. Copies of the relevant policies have already been provided.

3.02 The Berkshire Structure Plan (1991-2006) (BSP) was adopted on 4 November 1995. The following BSP policies are relevant to this appeal:

LD6 Provision of Infrastructure, Services and Amenities

EN2 Protection from Environmental Nuisance

3.03 The Loddon Area Local Plan (LALP) was adopted on 5 May 1995 and, on 26 November 1996, the Planning and Transportation Committee resolved that it should continue to carry weight as the most up to date adopted plan, except in relation to housing provision. The following Loddon Area Local Plan policies are relevant to this appeal.

LT5 Road safety

3.04 The emerging local plan is the Wokingham District Local Plan Deposit Draft (WDLPDD). Berkshire County Council issued a statement of

general conformity with the structure plan in May 1997 and the plan was placed on deposit in 21 October 1997. The Public Local Inquiry into the emerging plan took place in two phases, between October 1998 and October 1999 and between February and November 2000. The Inspector's report became public in November 2001 and is currently being considered by the Council. The following policies are relevant to this appeal:

WOS4 Service, Amenity and Infrastructure Requirements for new development
WOS6 Environmental nuisance and pollution control
WOS7 Noise
WT7 Road Safety

The Local Plan Inspector's recommendations in relation to them are contained in Appendix 2.

The Council will also make reference to Planning Policy Guidance Note 23, Planning and Pollution Control and Planning Policy Guidance Note 24 Planning and Noise. The Council's supplementary planning guidance Planning Obligations: Principles and practice, which was adopted in January 2002, will also be referred to.

4.00 THE APPLICATION

4.01 The application that is the subject of the appeal was registered by Wokingham District Council on 1 November 2001.

4.02 Copies of consultation responses, including one letter of objection from a local resident have already been provided.

4.03 The appeal against non-determination of the application was received by the Council on 26 June 2002. A report was submitted to the Development Control Committee on 24 July 2002, informing Members

of the appeal and what the determination of the appeal would have been, had the appeal not been lodged. The committee resolved that the application would have been refused for the following reasons:

1. *The application site lies within an Air Quality Management Area, where government targets for air quality are unlikely to be met. Given this location, any intensification in the residential use of the site would be inappropriate and detrimental to the living conditions of future residents. As such the proposal is contrary to Policies EN2 of the Berkshire Structure Plan, WOS6 of the Wokingham District Local Plan (Deposit Draft) and PPG23 Planning and Pollution Control.*
2. *It has not been demonstrated that occupants of the proposed flats would not experience excessive levels of traffic noise. Therefore, the proposal is contrary to Policies EN2 of the Berkshire Structure Plan, WOS7 of the Wokingham District Local Plan (Deposit Draft), and PPG24 Planning and Noise.*
3. *The proposal does not include appropriate contributions to infrastructure needs, specifically local highway safety and sustainable transport initiatives, which would arise as a result of the proposed development. The proposal is, therefore, contrary to Berkshire Structure Plan Policy LD6, Loddon Area Local Plan Policy LT5, Wokingham District Local Plan (Deposit Draft) Policies WOS4 and WT7 and the Council's Supplementary Planning Guidance on Planning Obligations.*

5.00 THE COUNCIL'S CASE

5.01 The first and second reasons for refusal relate to noise and air quality and how these would affect the living conditions of future residents. These issues will be addressed in a separate statement by the Environmental Health Officer.

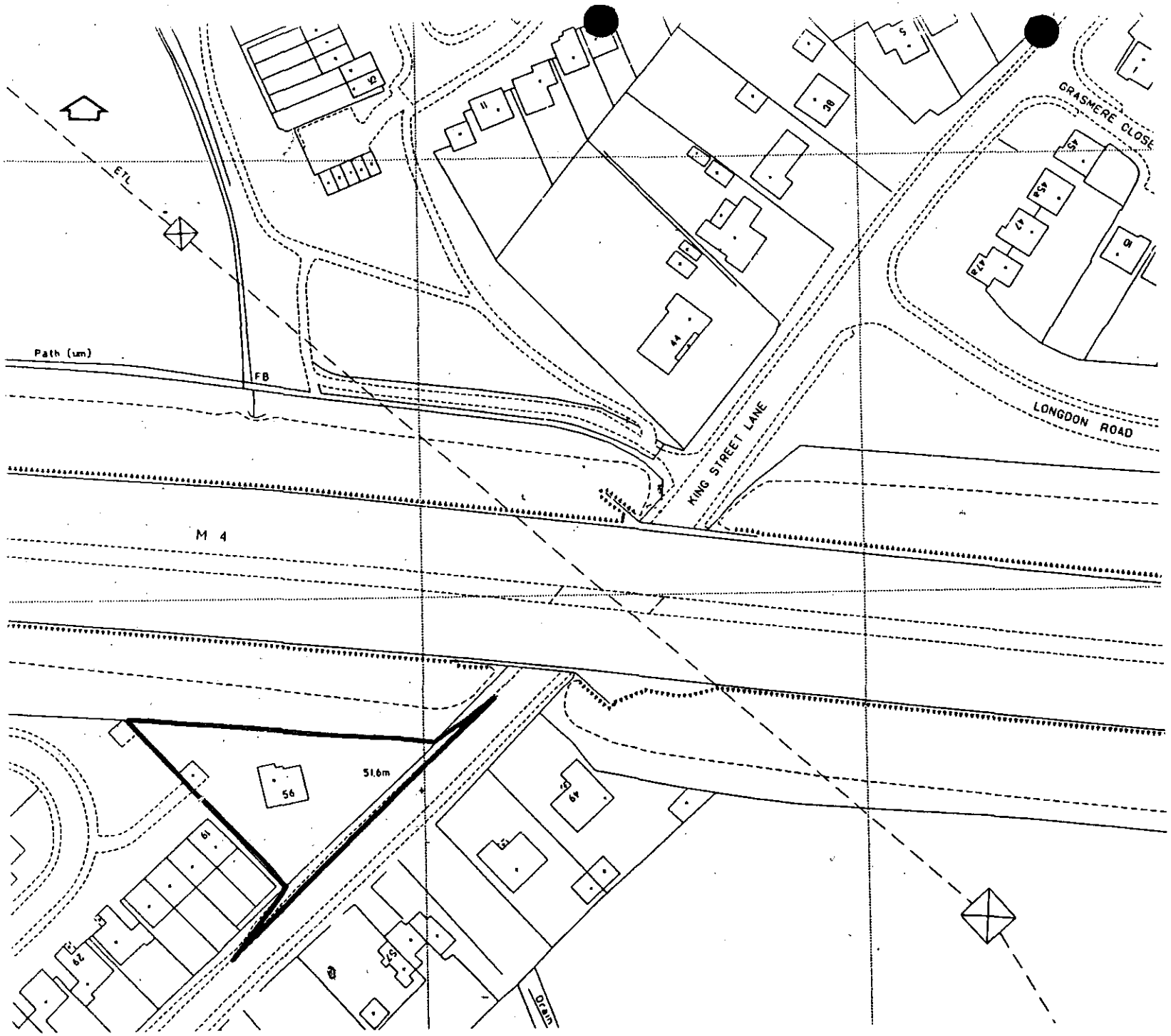
5.02 The third reason for refusal relates to contributions towards local infrastructure requirements. Had the application been considered acceptable in other respects and been determined prior to submission of the appeal against non-determination, a contribution of £12,000, towards highway safety measures in the vicinity, would have been sought. The Council will be seeking a unilateral undertaking by the appellant with regard to this contribution.

LIST OF APPENDICES

1. Location plan at 1:1250.
2. The Local Plan Inspector's recommendations in relation to relevant Wokingham District Local Plan (Deposit Draft) policies.
3. Suggested conditions if appeal is allowed.

APPENDIX 1 -

Location plan at 1:1250.



Notes
Do not scale except for Planning and Building Regulations purposes.

— Site

01.NOV.2001 * 5210

Revision Details			
E			
D			
C			
B			
A			

Gregory Gray Associates
Chartered Town Planning Consultants
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17 Dinorben Close,
FLEET,
Hants, GU52 7SL.
Telephone: 01252 624004
Fax: 01252 684160
E-Mail: info@ggassociates.co.uk

Client
W Elgar Esq.

Job Title
Residential development

Drawing Title
Location Plan

Scale
1:1,250

Date
August 2001

Drawn By
ML

Drg. No.
KSL/00/192/01

Rev.

APPENDIX 2 -

The Local Plan Inspector's recommendations in relation to relevant Wokingham District Local Plan (Deposit Draft) policies.



WOKINGHAM UNITARY
Aiming for Excellence

WOKINGHAM DISTRICT LOCAL PLAN

INSPECTOR'S REPORT

PART TWO

CHAPTERS OTHER THAN HOUSING

Mr D Hollis
October 2001

Identified Settlements will therefore be divided into two categories as follows:

Category A - Those settlements that possess a range of services, facilities and public transport opportunities that would permit residents to occupy a reasonably self-contained community without the need to use a private motor car to reach those services in larger settlements. It will be within and on the edge of these settlements that the Council will seek new housing allocations:

Wokingham, Spencers Wood/Three Mile Cross, Twyford, Winnersh, Shinfield, Earley/Woodley and Pinewood (Crowthorne).

Category B - Those settlements which have a reasonable amount of development in a compact form and may be physically and socially cohesive, but possess a lower range of basic services. In these settlements only limited infilling and small windfall development will be permitted:

Arborfield Cross, Barkham Hill, Charvil, Sonning, Finchampstead, Finchampstead North, Hurst, Riseley, Sindlesham, Swallowfield and Wargrave.

Outside of the identified settlements it is intended to limit development to that which is appropriate to the countryside or for which a rural location is essential. Areas of sporadic development .....(as per paragraph 1.10).

POLICY WOS2

REPRESENTATIONS

334	D & S Nurseries Garden Centre (O)
1017	Mrs B Gibson (O)
1019	D & M Autos (O)
1033	The Hurst Village Society (O)
1342	Mr N Jackson (O)
1457	Miss D Lewis (O)
1478	St Nicholas Hurst Parish Council (O)
1495	St Nicholas Hurst Parish Council (O)
1588	Stratfield Saye Estates (O)
1592	Mr & Mrs C Adams (O)
1657	Linden Homes South East Ltd (O)
1662	Linden Homes South East Ltd (O)
1663	Linden Homes South East Ltd (O)
1667	Linden Homes South East Ltd (O)
1673	Alfred McAlpine Dvpts Ltd (O)
1685	Hicks Development Ltd (O)
1691	Bancroft Developments (O)
1693	Thatching Advisory Services (O)
1709	The Tstees of Twyford Orchards (O)
1710	The Tstees of Twyford Orchards (O)
1711	The Tstees of Twyford Orchards (O)
1719	Bewley Homes PLC (O)
1723	Bewley Homes PLC (O)
1724	Bewley Homes PLC (O)
1727	Bewley Homes PLC (O)
1732	Linden Homes South East Ltd (O)
1736	Sonning Developments (O)
1737	Sonning Developments (O)
1753	Mr L Nemeth (O)
1754	Mr L Nemeth (O)
1761	Westfield Homes Ltd (O)
1762	Westfield Homes Ltd (O)
1770	Hicks Persimmon Ltd (O)
1772	Hicks Persimmon Ltd (O)
1781	The Landowner (O)
1783	Mr E Gale (O)
1836	Mr G Hunter (O)
1848	Persimmon Homes (TV) Ltd (O)
1868	Westbury Homes (Holdings) Ltd (O)
1879	South Wokingham Consortium (O)
1883	Bryant Homes Tech Services Ltd (O)
1888	T A Fisher & Sons Ltd (O)
1891	Charles Church Developments Ltd (O).
1901	Mrs B Madge & Mr G F Bayles (O)
1905	Mrs B Madge & Mr G F Bayles (O)
1945	Mr & Mrs F Wicks (O)

1948 Mrs A Murrell & Mrs E T Thorn (O)
1950 Mr P Daniel (O)
2008 Thames Water Property (O)
2035 The House Builders Federation (O)
2059 University of Reading (O)
2097 University of Reading (O)
2098 University of Reading (O)
2099 University of Reading (O)
2100 University of Reading (O)
2101 University of Reading (O)
2102 University of Reading (O)
2119 Trustees of Mrs A Hutchinson (O)
2136 Meakins Transport (O)
2152 Beazer Strategic Land (O)
2153 Beazer Strategic Land (O)
2154 Beazer Strategic Land (O)
2188 Mr I Johnson (O)
2191 Mr H Bowyer (O)
2195 Mr R Gwinn (O)
2198 Mr K Warwick (O)
2202 Mrs G Childerhouse & Mr H M S Bowyer (O)
2205 Mr C Evans (O)
2208 Mr C Evans (O)
2212 Wokingham United Charities (O)
2231 Mr & Mrs A Gosden (O)
2233 Mr A Godsal (O)
2237 Trustees of R H R Palmer Dcd (O)
2245 Trustees of R H R Palmer Dcd (O)
2249 Trustees of R H R Palmer Dcd (O)
2253 T A Fisher Ltd (O)
2312 Hudscott Estates (East) Ltd (O)
2328 C Edwards & G J Couling (O)
2343 Rousay (O)
2344 Mr J Marino (O)
2348 The Guide Dogs for the Blind Assn (O)
2350 Mr D Bishop (O)
2361 Thames Water Property (O)
2476 Wargrave Parish Council (O)
2543 S Grundon Ltd (O)
2545 Martin & Pole Nicholas (O)
2646 Mr N Jackson (O)
2647 Mr N Jackson (O)
2681 Old Redingensian Assn (O)
2682 Old Redingensian Assn (O)
2683 Old Redingensian Assn (O)
2710 Sonning Developments (O)
6047 Mr A Bailey (O)
6048 Mr D Alder (O)
6106 Miss D Lewis (O)
6176 Bewley Homes PLC (O)
6270 University of Reading (O)
6271 University of Reading (O)
6272 University of Reading (O)
6273 University of Reading (O)
6274 University of Reading (O)
6286 Miss H Fogden (O)
6278 University of Reading (O)
6281 University of Reading (O)
6275 University of Reading (O)
6282 University of Reading (O)
6283 University of Reading (O)
6279 University of Reading (O)
6280 University of Reading (O)
1266 Mrs J Pottinger (S)
2180 Dr & Mrs A Busby (S)
2360 Thames Water Property (S)
6223 Bovis Homes Ltd (S)

PREAMBLE TO POLICY WOS2

1.33 A number of objectors asked for amendments to settlement boundaries unassociated with any other proposal. Those cases are recorded under this section. Where there was also a proposal to remove a gap or wedge designation, the objection has been dealt with in the Omissions Section of Policy WCC2. Where a site has been proposed for housing development, the objection is recorded under the Omissions Section of Policy WH2. Where a site has been proposed for employment use, the objection has been recorded under the Omissions Section of Policy WEM1.

OBJECTION ISSUES

1.34 The wording of the policy was said to be too rigid and restrictive and would stifle development. New wording was suggested to allow development outside settlements where it can be demonstrated that significant benefits would result and other policies of the Plan would not be adversely affected. Concern was expressed at the inclusion of the words "in exceptional circumstances" and it was felt that this would be stricter than the Government's approach to development in green belts. Another objector thought such circumstances should only be agreed after close consultation with the Parish Council.

1.35 Many objectors asked for the Council to take a proper and systematic review of settlement boundaries as the application of the policy relied on the appropriateness of the definition. An objector asked that to ensure a proper supply of unidentified housing sites, settlement boundaries should be drawn to allow "rounding-off" development on the edges of built-up areas. It was also pointed out by an objector that reference to "rounding-off" in paragraph 7.40 of the Structure Plan meant that careful scrutiny of settlement boundaries was required and a more realistic view of the contribution made by small sites taken. Some objectors considered that the Plan had too many designations that did not assist in the interpretation of national planning guidance. The effects of Policies WLL6 and WH1 were unclear and land designations excessive. Only policies with clear justification should be included.

1.36 The Plan made insufficient provision for housing on identified sites and the Council did not have a 5 year supply of housing land. An objector thought that the presumption against development outside settlement boundaries would run counter to the need for the Council to meet housing targets. The policy was considered by some to be too prescriptive and contrary to Government advice. The Council should replace "will only be allowed" with a more flexible approach. Others thought that the word "normally" should be included in the policy wording. It was also considered that the policy wording should be changed to more accurately reflect Structure Plan policies and those elsewhere in the Local Plan.

1.37 With regard to site specific objections, 1342 considered that the settlement boundary to the rear of properties in Nine Mile Ride was illogical and should be changed. Objection 1033 thought that as the allotments in Tape Lane, Hurst were within the settlement, they should also be designated as "setting of settlement" to protect them from development pressure. Objection 2136 sought the inclusion of the southernmost part of Spencers Wood. Objections 1457 and 6106 considered that the southern boundary of Sonning should include the gardens of Thatched Cottage, The Cottage and Sonning Place. 1781 asked for a change to the boundary and removal from "gap" policy. 1883 suggested a change to allow for development, as did 2119. Objection 2476 suggested allotments, recreation areas and other land at Wargrave should be within the boundary. 6047/6048 asked for a more logical boundary line at the properties at King Street and Bearwood Road,

Sindlesham. Objection 6286 asked for land in Park Drive, Charvil to be included in the settlement. 2647 was concerned that land at Finchampstead North should be within the settlement.

CONCLUSIONS

1.38 Most of the objections and the Council's policy have been overtaken by the publication of PPG3 and as I have a basic objection to the allocation of additional housing in some settlements, I make no further comments on those suggestions that require boundary changes in those locations. Clearly, where development proposals are accepted by the Council, then settlement boundaries will need to be amended. Furthermore, the Council does need to undertake a proper assessment of the settlement boundaries. However, there are some sites that because of my consideration of other policies, it will be necessary for me to make comment. It will be necessary to re-word the policy on the basis of the way in which new development schemes will be assessed when determining the location of additional development. Previously developed land within category A settlements should be developed first, followed by development on the edges of those areas. Category B settlements should only accommodate limited infilling in accordance with Policy WCC1 and small windfall developments based on the advice in Policy WH1. Given the advice in PPG3 and my recommendations regarding the location of new housing allocations, I suggest that this policy should be re-titled to refer specifically to proposals for housing developments.

1.39 Regarding objection 2136, I do agree with this objector that this southernmost part of Spencers Wood should be included within the boundary of the settlement. It provides a more logical and better defensible boundary by including this largely developed locality. I have also recommended the acceptance of a site just to the north of this area as a housing allocation because of its proximity to services and facilities. Objection 6048 has been satisfied by the Council's PA A/13 and objection 2647 by PA P/1. Regarding objection 6286, given the line of the existing hedge, I do not accept that the settlement boundary should be changed. However, as far as 6047 is concerned, the Council should look again at the representation as there does appear to be credence in the points made. Given my comments on the location of new housing, as well as existing developments and services, I do not agree the boundary should be changed in the way expressed in objections 1342, 1457, 6106, 1781, 2119 and 1883. I note the concerns in objection 1033, but the fact that allotments are within the boundary does not mean that residential development would be permitted. The Parish Council at Wargrave appear to have the opposite situation with those allotments outside of the boundary. Perhaps it would be better for the Council to look again at the situation and adopt a consistent approach.

RECOMMENDATION

1.40 That Policy WOS2 is deleted and replaced as follows:

"When determining new housing development proposals a sequential approach will be applied whereby:

A) previously developed land and buildings within the boundaries of category A settlements will be developed first;

B) secondly, land and buildings on the edge of category A settlements that are served by good public transport corridors will be considered;

C) lastly, development proposals for land and buildings in category B settlements will only consist of limited infilling and small windfall development.

1.41 That the Council extends the boundary of the Identified Settlement of Spencers Wood to include the development near to Lambs Lane and adopt PA P/1 and PA A/13.

1.42 That the Council carry out a thorough review of all settlement boundaries before the next review of the Plan.

1.43 That Policy WOS2 is re-titled "Housing Development Principles"

NEW PARAGRAPH 1.12A

(Proposed Amendment 1/5)

OBJECTION ISSUES

1.44 Although there were no objections recorded against this proposed amendment, objectors to other parts of this Chapter have asked for such a change.

CONCLUSIONS

1.45 I concur with the Council's proposed amendment as it would clarify its objectives.

RECOMMENDATION

1.46 That the Plan is amended in accordance with PA 1/5.

POLICY WOS3

(Proposed Amendment 1/6)

RECOMMENDATION

4.5 That no changes are made to the Plan in response to these objections.

PARAGRAPH 4.4

REPRESENTATIONS

1775 Hicks Persimmon Limited (O)

OBJECTION ISSUES

4.6 This objection was concerned that there is no policy directed towards the key objective of improvement of poor/degraded land through the control of new development and the implementation of improvement schemes. This was contrary to PPG 12. A new policy was suggested to identify such sites and, where appropriate, to allocate them for development to secure environmental improvements.

CONCLUSIONS

4.7 The objective of securing environmental improvement is established in Policy WOS5. To my mind, enhancement should be a benefit to flow from the development of poor and degraded landscapes as part of the overall package. I do not agree with the implication in the proposed new policy that such benefits should necessarily outweigh other considerations. Just because land is degraded does not necessarily mean that an alternative use would be acceptable. For example, within a countryside location redevelopment of such a site may run counter to the principles of sustainability. In such cases proposals would have to be considered on their merits, as exceptions to the Plan. I do not therefore agree that a new policy is required.

RECOMMENDATION

4.8 That no changes are made to paragraph 4.4.

POLICY WBE1

REPRESENTATIONS

2493 George Wimpey Plc (O)
2566 Martin & Pole, Nicholas (O)
1308 Ms L Erler (S)

OBJECTION ISSUES

4.9 The policy was thought to be too restrictive and the words "will require" should be replaced with "will seek". It was also considered that the policy is a corporate mission statement and has no development control function. It should be deleted or relegated to subtext.

CONCLUSIONS

4.10 Fostering good design is an important objective in national planning guidance and is strongly endorsed in PPG 1, PPG 3 and PPG 13 as well as the recently published Urban White Paper. Developing sustainable environments at higher densities and reducing the need to travel are key themes. I therefore support the policy in principle and must emphasise the message needs to be strongly conveyed that poor designs will be rejected. However, the present wording is not sufficiently specific and conveys the impression that new development should mirror its immediate surroundings. This may not be appropriate and the policy needs to be retitled and restructured to give clear guidance of what is expected in terms of design and sustainability.

4.11 I would also suggest removing reference to supplementary planning guidance from the policy itself. This can be referred to in the supporting text, but an attempt to afford it Section 54A status should be resisted.

RECOMMENDATION

4.12 That reference to supplementary planning guidance is removed from the policy and inserted into the supporting text. That this is supplemented by a reference to development briefs as I have recommended under Policy WBE19.

4.13 That Policy WBE1 is deleted and replaced as follows:

"Policy WBE1: Design and new development

New development will be expected to achieve high standards of design and layout, which makes efficient use of land and buildings. A scheme should create its own identity, whilst taking account of the wider locality, including the surrounding townscape and landscape. In addition, development proposals will be expected to have regard to the following principles:

A) a reduction in the level of car parking below maximum standards wherever possible in order to promote sustainable transport choices;

B) encouragement of measures that promote accessibility to services and facilities by public transport, cycling and walking;

C) incorporation of features that maximise the safety and security of people living in or using the development;

D) creation of easily accessible and attractive open spaces".

POLICY WBE2

REPRESENTATIONS

2487 Slough Properties Ltd (O)
2567 Martin & Pole, Nicholas (O)

OBJECTION ISSUES

4.14 It was considered that there were some areas such as Winnersh Triangle, which although they do not have particularly pronounced or historic architectural styles, do not have poor architectural quality. In such cases further development should be compatible and not used to create artificial visual interest. It was also felt that the policy has no development control function and should either be deleted or relegated to the supporting text.

CONCLUSIONS

4.15 There are many built-up parts of the District of mediocre quality but I do not agree that such circumstances should necessarily be perpetuated in new development. Policy WBE1 calls for better quality in the design of individual developments and this should reinforce local identity and result in improvement of the wider urban area. To my mind Policy WBE2 is a reasonable objective but the point is adequately covered by my recommended rewording of Policy WBE1.

RECOMMENDATION

4.16 That Policy WBE2 is deleted.

POLICY WBE3

REPRESENTATIONS

2494 George Wimpey Plc (O)
2568 Martin & Pole, Nicholas (O)

OBJECTION ISSUES

4.17 The policy was considered to be unreasonable in that it requires details that were likely to change as a result of market demand. The only requirement should be for a master plan. The other objection felt that the policy has no development control function and should be deleted or relegated to the subtext.

WOKINGHAM UNITARY
Aiming for Excellence

WOKINGHAM DISTRICT LOCAL PLAN

INSPECTOR'S REPORT

PART TWO

Chapter 5: Housing

Mr D Hollis
October 2001

RECOMMENDATION

5.154 That no amendment is made to the Plan as a result of this objection.

POLICY WH1 (AND POLICY WH1(A))

(Proposed Amendments 5/3, 5/4)

NOTE PA 5/5 re Policy WH1A inserted March 99 deleted September 99.

REPRESENTATIONS

1560	Mr C Bradish (O)
1865	Westbury Homes (Holdings) Ltd (O)
1910	British Telecommunications plc (O)
2096	University of Reading (O)
2123	Trustees of Mrs Hutchinson Dcd (O)
2155	Beazer Strategic Land (O)
2156	Beazer Strategic Land (O)
2157	Beazer Strategic Land (O)
2229	Mr & Mrs A Gosden (O)
2230	Mr & Mrs A Gosden (O)
2238	Trustees of R H R Palmer Dcd (O)
2239	Trustees of R H R Palmer Dcd (O)
2240	Trustees of R H R Palmer Dcd (O)
2316	McCarthy & Stone (Dvpts) Ltd (O)
2489	George Wimpey Plc (O)
2500	Scottish Metropolitan Property Plc (O)
2505	Joint Strategic Planning Unit (W)
2649	Miss D Lewis (O)
2650	Miss D Lewis (O)
6036	Sport England (South Region) (O)
6051	Robin Bradbeer Ltd (O)
6068	Earley Town Council (O)
6069	Earley Town Council (O)
6094	Arborfield & Newland Par Council (O)
6098	Thames Water Property (O)
6107	Miss D Lewis (O)
6108	Miss D Lewis (O)
6120	Martin & Pole, Nicholas (O)
6121	Martin & Pole, Nicholas (O)
6153	Shinfield Parish Council (O)
6154	Shinfield Parish Council (O)
6203	Mr G Cowan (O)
6289	Mr J Heggadon (O)
2637	English Nature (S)
2654	Great Langborough Res Assen (S)
6253	University of Reading (S)

OBJECTION ISSUES

5.155 Infill with single storey buildings could be between existing housing and in long rear gardens thereby preventing overlooking and preserving the frontage appearance. The Council has identified insufficient land, over-estimated the supply of small sites and there should be a discount to compensate. When seeking affordable housing matters such as the economics of that provision and site suitability should be considered; criterion h) should be amended. Criterion a) is inflexible as there is a need to provide sustainable development and improve the character of settlements. Criterion g) should recognise the potential for improvements to the highway system and alternative modes of transport.

5.156 Criterion h) makes no reference to the assessment of local needs. It elevates the status of Supplementary Planning Guidance, which should not form part of the Plan. The reference to parking criteria is not based on sustainable principles. The last sentence of criterion g) should be deleted and the words "insofar as those requirements directly relate to the proposed development" added to the last sentence of h). The criterion of the policy is too restrictive in respect of garden areas, allows no opportunity for planning gain or surplus land and does not reflect

need or Government advice. Criterion a) and reference to Conservation Areas in b) should be deleted.

5.157 The policy should state the number of affordable homes that will be provided in the Plan period and that a financial contribution may be preferable; the policy should be amended to refer to both rented and dwellings for sale. The policy should make the distinction between new development in settlements and redevelopment and changes of use within and outside such boundaries. The word "inappropriate" should be deleted from criterion a); another objector asked for the insertion of that word. Under objections 6253/2096 it was suggested that criterion g) be re-worded to include the test of "no adverse impact" upon highways and infrastructure from both committed and proposed developments; also to determine what additional provision would be necessary to accommodate the new scheme. Objection 2316 is dealt with in association with objection 2317 under Policy WH7.

5.158 The word "public" should be deleted from criterion f) of Policy WH1(a). The criteria are too broad and open to a wide degree of subjective assessment; all criteria should be deleted. Many new development schemes could be built under Policy WH1(a); affordable housing could not be included as there is little public transport available. Wording should be more specific and reference to Circular 1/97 should be included. This policy would permit or risk sporadic development. Objection was raised to green gaps and wedges being excluded from Policy WH1(a)

5.159 The tightly constrained settlement boundaries have led to a shortfall in the contribution from small unidentified sites during the last Local Plan period. A review of all settlement boundaries is needed in order to provide greater flexibility and they should be more loosely drawn to include areas of undeveloped land that were not specifically identified under Policy WH2. Another objector considered the policy would lead to developers overdeveloping rural areas; the former policies should be retained. Criterion h) makes no reference to minimum numbers of affordable houses or to a variety of sizes and mixes; this would not be a good policy. No provision for local community needs. Social housing creates greater demand on local services. For example, each household would generate more children than allowed for in normal circumstances. It would also be unacceptable to have high concentrations of social housing as that would not allow for a balanced community. Affordable housing would be better in urban areas with proper public transport and sustainable environment. The intent of Policy WH9 should be incorporated into WH1(h).

5.160 Criterion g) is misleading as it implies a proposed development should rectify existing deficiencies, whereas it was sufficient to ensure that it did not make matters worse. Rewording is suggested to cover this point. Criterion h) should make it clear that service, amenity and infrastructure requirements should be in accordance with Circular 1/97 and relate directly to the proposed development. This has been accepted in relation to Policy WOS4. Objection 6253 sought the re-

instatement of PA 5/5 because it was intended to bring the Plan into line with PPG7.

CONCLUSIONS

5.161 As far as the suggestions made under objections 6253/2096 are concerned, I acknowledge the concerns of the objectors but it is necessary for a Planning Authority to ensure there is adequate highway and other infrastructures directly associated with any new development. Furthermore, in assessing such schemes, it is sensible to look at the cumulative effects of development. I do not consider the objectors wording would improve the situation. In respect of objection 2316, I have given a full response to the matter under Policy WH7. Suffice to say that I disagree with the suggestions raised. Because of the level of demand found in the District for affordable housing, the loss at Grazeley which was the largest concentration of that type of development and the likely low number of large development sites, I have concluded the threshold levels should be lower than suggested by the Council.

5.162 Most of the objections to this policy have been overtaken by the publication of PPG3 and I have dealt with that position in earlier parts of this Chapter. I also deal with the question of infilling within groups of dwellings in Chapter 2 under Policy WCC1. Under Policy WCC1 I have commented that it is important to ensure that the interface between the built up area and the countryside is correctly drawn. I have recommended changes in response to site specific objections. However, in order not to unduly delay the adoption of this Local Plan I have concluded under Policy WOS2 that an overall review of settlement boundaries should be carried out before the next review of the Plan.

5.163 But perhaps more importantly, since the publication of PPG3, it will be necessary for the Council to completely revise the wording and approach to new housing development schemes under this policy. It is most important that the Council ensure as high a level of density as possible commensurate with good layout and design. It is only in this way that it will avoid the need to expand further into the countryside with greenfield site developments. As Government advice makes clear, the Council should refuse poor designs and insist that developers produce high standards of design to minimise any perceived detriment to the character or appearance of a locality from high-density schemes. Because of the high level of demand for affordable housing in the District, the Council should also provide for adequate levels of this type of accommodation. I do not accept that it is impossible to design both high-density development and affordable housing schemes within some of the lower density areas of the District and still avoid detriment to the character of those localities.

5.164 There is also a need to consider the impact on the social and physical infrastructure of an area from the cumulative effects of several development schemes in one locality. The Council is quite able to monitor such effects and if necessary provide a balanced approach at the next Review. I have recommended that Policy WOS4

should refer to the need to take account of national planning guidance, whereby requirements for such matters as infrastructure should relate directly to the proposed development. I agree with the Council that it is unnecessary to make the same point again at the end of criterion h).

RECOMMENDATION

5.165 That Policy WH1 and PA 5/3 and 5/4 be deleted and replaced by the wording in paragraph 5.118 and the following policy to be renumbered Policy WH1(A):

"Within Identified Settlements proposals for using land and buildings for housing will be determined in accordance with the following sustainable development criteria:

1) Development proposals will make the most efficient use of land and buildings, having regard to the need to maximise densities, a proper mix of housing and adequate levels of affordable housing;

2) The extent that future residents would be car dependent or have good access to alternative means of transport;

3) How successful the design and layout of the proposals would be in minimising any adverse impact on the character of adjoining buildings and/or the landscape and ecology of open areas;

4) The extent to which the proposals would make more efficient use of existing social and physical infrastructure, having regard to the cumulative impact of development."

5.166 That PA 5/5 (Policy WH1(A)) is not reinstated.

PARAGRAPH 5.13

(Proposed Amendment 5/6)

REPRESENTATIONS

1877	South Wokingham Consortium (W)	6196	Trustees of R H R Palmer Dcd (O)
2017	Hall Aggregates (SE) Ltd (O)	6254	University of Reading (O)
6031	Mr I Chalmers (O)	6290	David Wilson Homes Ltd (O)
6155	Shinfield Parish Council (O)		
6182	Mr A Godsal (O)		
6189	Mr & Mrs A Gosden (O)		

OBJECTION ISSUES

5.167 The basis for selecting housing sites is challenged; the methodology is flawed and the number of dwellings at Grazeley should be re-assessed. The Plan should identify the environmental criteria and the performance of all allocated and

"Based on information provided by the Housing Needs Survey there is a need for about 700 affordable housing units during the remainder of the Plan period. The Council will use its best endeavours to meet this requirement through the application of Policies WH7 and WH9."

POLICY WH7

(Proposed Amendment 5/13)

REPRESENTATIONS

1639	Government Office for the SE (O)	2501	Scottish Metropolitan Property Plc (O)
1867	Westbury Homes (Holdings) Ltd (O)	2508	Joint Strategic Planning Unit (W)
1997	Hart District Council (O)	6123	Martin & Pole, Nicholas (O)
2030	Fairview New Homes Plc (O)	6134	Spencers Wood Consortium (O)
2051	The House Builders Federation (O)	6184	Mr A Godsal (O)
2146	Beazer Strategic Land (O)	6191	Mr & Mrs A Gosden (O)
2317	McCarthy & Stone (Dvpts) Ltd (O)	6198	Trustees of R H R Palmer Dcd (O)
2337	David Wilson Homes Ltd (O)	6214	David Wilson Homes Ltd (O)
2359	Thames Valley Housing Assn (O)	6257	University of Reading (O)
2491	George Wimpey Plc (O)	2177	Wokingham Without Parish Council (S)

OBJECTION ISSUES

5.1015 For Housing Round Table and other additional representations, please see objection issues/conclusion sections at the start of this Chapter. Objection 2317 accepted that an objection based on the exclusion of sheltered housing for the elderly from the requirements of the policy was no longer feasible given the advice in Circular 6/98. However, no Government guidance advocates that affordable housing should take priority over other types of housing development; neither does regional, strategic or local planning guidance. It is important to recognise that sheltered housing provides significant social and planning benefits with the type of site normally developed not being of a substantial scale in terms of PPG3 or Circular 6/98. This type of housing does maximise the use of small urban sites which follow sustainable objectives and such matters have been recognised on appeal. A re-wording of Policies WH1(h) and WH7 were requested in order to bring them into line with Government guidance.

5.1016 Other objectors mentioned that Circular 13/96 has now been updated by Circular 6/98 and there is a lack of reference in the Plan to a housing needs survey. It is unrealistic to base an affordable housing policy on a Housing Needs Survey carried out in or prior to 1997 and which is based on potentially

doubtful or irrelevant data. The policy should state the number of affordable dwellings to be provided in the Plan period. Reference to thresholds should be deleted in order to make the policy more robust. A change should be made to the policy wording to replace "under 3,000" with "3,000 or fewer". The text should be amended to clarify the settlements to which the higher threshold level would apply. The policy exceeds Government guidance and should be amended to reflect appropriate advice.

5.1017 Reference to 20% affordable housing provision should be deleted and replaced with "will seek to negotiate for the inclusion of an element". There should be further explanation of the need to achieve more than the 20% figure, having regard to the local context affecting the need for affordable housing. That figure is a starting point and should be viewed as a minimum. The policy should be amended to achieve not less than 30% affordable housing on appropriate sites. Whilst the Council may 'seek' 20% of all new dwellings to be for affordable housing it cannot expect such provision as a pre-requisite for planning permission. A figure of up to 25% as affordable housing for all new dwellings granted planning permission is unrealistic. The policy should state that where appropriate, commutation of affordable housing is allowed. Policy WH7 should be deleted as it duplicates Policy WH1.

5.1018 There is no justification for requiring a contribution of up to 25% when the Council accepted 20% at Grazeley, which was the main allocation in the Plan. No justification has been given for a different level to be applied to the remainder of the District. Furthermore, that figure has been accepted in respect of the Lane End Farm appeal and by the Council when granting permission for the Hollow Lane site. It is logical and fair that the requirement should be changed to "up to 20%".

CONCLUSIONS

5.1019 Policy WH7 should provide the mechanism with which the Council can negotiate for an element of affordable housing on appropriate sites to meet an identified need. Much of the content of the policy and supporting text has been modified by Proposed Amendments in response to the publication of Circular 6/98. I am satisfied that in general the Council has amended the Plan in response to the most up to date guidance.

5.1020 Circular 6/98 makes it clear that any local plan policy for affordable housing should be based on a good understanding of the needs of an area over the period of the development plan. The Council justifies the inclusion of affordable housing policies in the Plan through evidence attained as a result of their Housing Needs Survey (published in 1997) carried out by David Couttie Associates and referred to in paragraphs 5.17 and 5.20A of the Plan. Although a new survey is likely to be carried out imminently, the Council has indicated that the 1997 Survey currently provides the most recent comprehensive information on housing need and therefore remains highly relevant. I note that

the Council contends it is inappropriate to simply dismiss it as being "out of date".

5.1021 Both the Draft Housing Strategy (2000) and the Affordable and Local Needs Housing Proof of Evidence (2000) have been based on the Housing Needs Survey information. Although there is to be an up-dated Survey, given the time constraints before the end of the Plan period, the policies of this Plan will have to be based on the 1997 Survey material. Although it is regrettable that the information has not been able to be up-dated sooner, I am satisfied that it is still possible to establish proper policies on the current information. It seems to me that the combination of these three documents provides a proper in-depth assessment of the current nature of housing need in Wokingham. Furthermore, the assessment has been based on a large amount of evidence gained from various sources. These include an analysis of the housing market in Wokingham and the wider area of Berkshire, population and growth projections, housing waiting lists; projections of housing demand by tenure, sector and type, homelessness statistics and levels of, and reasons for, inward and outward migration.

5.1022 Through the Housing Needs Survey and later reports, the Council has in my opinion demonstrated an understanding of the range of needs for different types and sizes of housing, the availability of housing land and the ways in which existing stock might be better utilised to meet the needs of the District. To my mind, it seems there is a clear need for affordable housing in the District and that demand is likely to increase. Furthermore, it is the value of the housing market in Wokingham, coupled with the nature of its housing stock and the pattern of demands placed upon it by the local population that has increased the need for affordable housing in the District.

5.1023 A major issue of concern revealed by the Housing Needs Survey is that home ownership was beyond the reach of around 50 – 60% of new households, even when lower cost market housing was available. In the Council's evidence it is shown that the average semi-detached property price was £138,450, some 26.5% higher than in the two previous years. Although incomes have risen since that survey, I am in no doubt that house prices have risen even further. Inevitably such circumstances make it very difficult for people to enter the housing market.

5.1024 Evidence indicates that house prices in the former County of Berkshire are high with that area ranked as the 4th most expensive out of 62 in the UK. Furthermore, the Council has identified that the average property price in Wokingham is even higher than the Berkshire average resulting in there being a significant number of people unable to resolve housing needs in the general housing market because of the relationship between housing costs and incomes. Furthermore, the Council has cited that at March 1999, there were 1,359 households on the housing waiting list and in addition, statistics indicate that between 1997 and 2002 over 1,000 households were planning to leave the

District because of a shortage of affordable housing. Furthermore, Wokingham has one of the largest proportions of owner occupied housing in the country (85%). The proportions of Local Authority dwellings (7%), those under Registered Social Landlord (RSL) control (1%) and those in the rented private sector (7%) are among the lowest in the country. If this situation continues, it is likely that the social cohesion of the District will be threatened and the labour supply constrained.

5.1025 While the Council has amended Policy WH7 to reflect Circular 6/98 and address matters of need, circumstances in the District have recently changed because the Council can no longer rely on the 500 affordable homes that would have been provided at Grazeley. That site would have provided some 70% of the 700 units identified in PA A8 as being needed in the District. Therefore, even greater pressure has now been placed on development land and on all identified and windfall sites for the provision of more affordable housing.

5.1026 Based on the evidence before me, I consider that the Council faces exceptional constraints in the provision of affordable housing. There is a high level of need coupled with a limited amount of land available, pressure on brownfield land and an imbalance in the type and tenure of existing housing stock. These circumstances lead me to the conclusion that the need is so acute that the Council should negotiate vigorously for an element of affordable housing on all suitable sites.

5.1027 In introducing the policy, the Plan has paid close regard to the requirements of paragraph 9a of Circular 6/98. It identifies affordable housing as applying to both low cost market housing and subsidised housing. However, for the reasons I have already given, I am of the view that whilst low cost market housing may meet the needs of some people who are on relatively modest incomes, it should not be generally equated with affordable housing in Wokingham. Given the high cost of house prices in the locality, I believe that low cost market housing in the District does not satisfy the Council's own definition of affordable housing. If people have insufficient income to be able to afford even low cost market housing, it would not be appropriate to seek that type of housing under this policy. I therefore consider that reference to low cost market housing in the definition of affordable housing should be deleted.

5.1028 As far as threshold levels are concerned, the policy correctly sets out a minimum size of site where it would be appropriate to negotiate for an element of affordable housing. The original levels have been amended by PA 5/13, which reflects the advice in Circular 6/98. However, because the District is experiencing exceptional local constraints in its provision of affordable housing, I am in no doubt that the Council should adopt even lower threshold levels.

5.1029 In the light of the loss of the Grazeley site, allocated land within the District is limited in size and quantity. Furthermore, given the tight knit character of the towns and villages, the opportunities for large windfall sites to come forward

are restricted. Therefore, it seems to me that the thresholds stated in the proposed amendment would exclude many of the smaller allocated sites and windfall sites likely to come forward, and would place greater pressure on the rural exceptions procedure. As it stands, Policy WH7, or the proposed amendment, could lead to missed opportunities for an element of affordable housing in areas of need.

5.1030 I therefore consider that an element of affordable housing should be sought by negotiation on all development sites of 15 dwellings or more or 0.5 hectares or more. The threshold should be applied to all allocated and suitable windfall sites and the Council should take into account the proximity of local services and facilities, access to public transport and the need to achieve a balanced community.

5.1031 Furthermore, in settlements of 3,000 people or less, it seems to me that the threshold level should be more rigorous. An objective of the Plan is to conserve and enhance the pattern of town and parish communities by retaining and emphasising the balance between towns and villages. I appreciate that in rural areas the Council does not anticipate a great level of development taking place and it therefore seems to me that the most new development will occur on small windfall sites in rural locations, rather than as specific allocations. While I do accept that rural exception sites may provide the principle contribution to affordable housing provision, I consider that in this instance opportunities for further provision should be taken from windfall sites within defined settlement limits. For these reasons I propose that in settlements of 3,000 people or less, all sites of 0.25 hectares or more or 5 or more dwellings should fall to be considered under the affordable housing policy.

5.1032 I now turn to the question of whether targets should be set for specific suitable sites. Policy WH7 as drafted requires all sites covered by the policy to provide 20% affordable units. PA 5/13 has increased this requirement to up to 25% to take account of representations received. Structure Plan policy states that "as a starting point at least 20% of all dwellings granted permission in each District should be for low cost housing and in some Districts this may be significantly higher". In my opinion, given the demand for affordable housing across the District the Council's amended figure is not unreasonable. The 25% should be the level of affordable housing the Council seeks on each appropriate housing site across the District. It is of course a matter that the Council should negotiate with a developer, but based on the evidence before me, I consider that level of housing to be appropriate for Wokingham District.

5.1033 A further related point regarding the indicative target concerns the matter of wording. As currently drafted, the proposed amendment indicates that the Council "expects" up to 25% of all new dwellings granted planning permission to be for affordable housing. However, it is for both developers and the Council to ensure that a development proposal is designed to achieve affordable housing on appropriate sites through a process of negotiation. The word "expects"

should be deleted and replaced with 'seeks' in order to reflect the process of negotiation.

5.1034 Legal agreements or conditions can be used for the retention of affordable housing and for controlling occupancy. Policy WH7 requires that arrangements should be made to ensure the benefits of affordable housing are enjoyed by successive as well as initial occupiers of the property. This approach of ensuring that affordable housing is provided in perpetuity is advocated in Circular 6/98 and in PPG3. In my opinion, while the preferred approach to controlling occupancy should be placed in the policy, the reasoned justification should make it clear that the means of controlling occupancy will vary depending on whether or not a registered social landlord is involved. Where a social landlord is involved, stringent application of occupancy conditions/controls may not be necessary. However, if there is no social landlord this requirement may be necessary to ensure the control exists in perpetuity and be of value in meeting continuing local needs for affordable housing. It is therefore important that the Plan provides clear and unambiguous eligibility criteria, in order to monitor conformity with occupancy criteria and to take appropriate enforcement action. As a starting point, the Policy should indicate that either legal agreements or conditions may be suitable to effect adequate control.

5.1035 Circular 6/98 also expects the Plan to meet the need for affordable housing through other policies. For example, bringing vacant homes back into use; conversion of larger houses into units more suited to smaller household sizes; and of former office and other buildings and flats; and making full and effective use of vacant and derelict land. The Plan contains policies for existing residential uses (Policy WH3), conversions and sub-divisions of housing (Policy WH4) and vacant floorspace above shops (Policy WH5). While Policy WH4 promotes conversions to cater for the continuing increase in single person households and Policy WH5 is aimed at making a useful addition to the quantity and range of the District's housing stock, no specific mention is made of affordable housing considerations. This is a matter where the Plan should pay greater attention to such provision and in particular provide more reasoned justification about the specific contribution these policies can make to affordable housing needs. I have dealt with affordable housing in my recommendations for these policies. With regard to the objection that this policy duplicates Policy WH1, I agree with the Council that while the latter refers to unidentified sites within settlements, Policy WH7 has a more general applicability.

5.1036 As far as objection 2317 is concerned, it was accepted at the Inquiry that sheltered housing for the elderly is a type of development that should include an element of affordable housing under the advice in Circular 6/98. In respect of the threshold levels, I have already made clear my view that because of the circumstances in the District, there should be lower levels than advocated in the Circular. That guidance also states that it is desirable to obtain a mix and

balance of housing types. But if that is to be achieved on any one particular site, it inevitably means the site will have to be larger in size than the type of development mentioned by this objector. However, because the Grazeley scheme is unlikely now to proceed, the affordable housing will have to be made up on other smaller sites, including the sort of scheme described by this objector.

5.1037 In such circumstances, Circular 6/98 allows the alternative of a developer making financial provision subject to the Council undertaking to provide the development in the locality and within a stipulated and reasonable time scale. In my opinion, that is the likely course that the Council should take with any smaller site. The supporting text should make it clear that in certain cases a financial contribution would be more appropriate than on-site provision in accordance with the advice in Circular 6/98. I do emphasise however, that such provision should be the exception rather than the rule and development should be within the close locality and in as short a time span as possible. If local people need affordable homes, they need them quickly and not in several years time.

5.1038 I recommend this approach be taken rather than the Council's suggestion of amending the text to record that provision would be according to varying circumstances. Given the findings of the Council's Housing Needs Survey, every practical opportunity must be taken if the Council is to reach anything like the level needed in the District. To my mind the re-wording mentioned in objection 2317 would be too vague and not meet the demand within the District or the level of threshold I consider should be sought by the Council.

RECOMMENDATION

5.1039 That the Plan is amended in accordance with PA 5/10, 5/11, PA A8 and 5/13 subject to the following changes:

(i) deletion of the wording "low cost market housing" from PA 5/11.

(ii) amendment of threshold levels in PA 5/13 to 5 dwellings or 0.25 hectares for settlements of 3,000 people or less and 15 dwellings or 0.5 hectares elsewhere for seeking an element of affordable housing.

(iii) amendment within PA 5/13 that the Council should seek up to 25% of all new dwellings as affordable units on sites falling within the threshold levels.

(iv) the wording "However, the proportion .....Survey 1997" is deleted.

5.1040 That the supporting text contain advice on the circumstances of providing affordable housing on small sites and the alternative of financial arrangements in accordance with the advice in Circular 6/98.

5.1041 That the supporting text contains a much fuller explanation of the reasoning for the changes in threshold and target levels and the need to seek affordable housing on all suitable sites in the District. Also the circumstances and reasoning for the exclusion of low cost housing from the definition of affordable housing.

5.1042 That the supporting text contains a full and clear explanation of eligibility criteria for occupancy of affordable housing in the circumstances of where there is a Registered Social Landlord or not.

POLICY WH9

REPRESENTATIONS

1286	Holme Park Sonning Ltd (O)	2509	Joint Strategic Planning Unit (O)
2457	Envt Agency (Thames Region) (O)	2274	Ruscombe Parish Council (S)

OBJECTION ISSUE

5.1043 One objector suggested that a site in Sonning was suitable for a housing allocation. It was said to be desirable for affordable housing and in particular for small households. Another objection wanted Policy WIC16 to apply to sites considered under Policy WH9 and under objection 2509, it was argued that there is no definition of "small scale" or a list of settlements to which the policy applies.

5.1044 In written representations to the HRT session, objectors suggested that if housing were provided under this policy, there would be no need for affordable housing; also that the policy is too restrictive and has little relevance because there are few rural areas.

CONCLUSIONS

5.1045 PPG7 advises that pressures on the limited housing stock from people outside the local community can result in a serious shortage of affordable housing for those with a modest income who already live and work in an area. Annex B to PPG3 advocates a "rural exceptions" policy in Local Plans where there remains a lack of affordable housing to meet local needs and which cannot be met by other means of provision in the Plan. Such small sites within or adjacent to existing villages and where there may be policies of restraint, may be permitted provided the housing is to meet local needs at an affordable level and in perpetuity. These are sites released as an exception to usual planning policies for general housing and criteria should be set out against which proposals would be considered. The criteria should include a definition of "local", but not identify or allocate sites as such land cannot be predicted in advance; environmental considerations are also to be taken into account. Government

Other relevant Policies of the Wokingham District Plan: It is recommended that these policies be altered or replaced but this would not alter the principles involved or the assessment of this proposal.

APPENDIX 3 -

Suggested conditions if appeal is allowed.

Conditions

1. a) Approval of the details of the siting, design including floorspace, height, massing, internal planning and refuse storage and disposal facilities, and external appearance of the buildings, ~~the means of access t~~hereto and the landscaping treatment of the site)(hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

   b) Application for approval of the reserved matters referred to in a) above shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

   c) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the later.

2. Before the building operations hereby permitted are commenced, samples and details of the proposed external materials shall be submitted to and approved in writing by the Local Planning Authority and no external materials shall be used other than those approved.

3. The development shall not commence until details of all boundary treatment(s) has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of the development or phased as agreed in writing by the Local Planning Authority. The approved scheme shall be maintained in perpetuity.

4. Provision shall be made for services, including cable TV pre-ducting, to be placed underground. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no overhead wire cables or other form of overhead servicing shall be placed over or used in the development of the application site or subsequently.

5. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development; the approved landscaping scheme (with the exception of planting, seeding and turfing) shall be implemented prior to the occupation of any of the building(s) hereby approved and retained.

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of

the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the landscaping die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

7. Works related to the construction of the development hereby granted, including works of demolition or preparation prior to building operations, shall not take place other than between the hours of 8 am and 7 pm Monday to Friday and 8 am to 1.30 pm Saturdays and at no time on Sundays or Bank or National Holidays.

8. Development shall not begin until a scheme for protecting the proposed dwellings from noise from the M4 and King Street Lane adjacent to the proposed development has been submitted to and approved in writing by the Local Planning Authority . All works which form part of the approved scheme shall be completed before any dwelling hereby approved is occupied, unless an alternative period is agreed in writing by the Local Planning Authority.

9. The details to be submitted in pursuance of condition (01) above shall show details of land reserved for the parking and turning of motor vehicles. The approved details shall be implemented prior to the occupation of any of the approved development, and thereafter be retained. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) or not; shall be carried out on the land so shown or in such a position as to preclude vehicular access to the reserved spaces.

10. The details to be submitted in pursuance of condition (01) above shall show details of secure, covered cycle parking. The approved details shall be implemented prior to the occupation of any of the approved development, and thereafter be retained.

11. Before any other part of the development hereby permitted is commenced, the vehicular access proposed shall be formed and provided with visibility splays shown on the approved drawing number 2471/01. The land within the visibility splays shall be cleared of any obstruction exceeding 0.6 metres in height and maintained clear of any obstruction exceeding 0.6 metres in height at all times.

details to be submitted.

12. Prior to commencing work on site, provision shall be made to accommodate all site operatives' visitors and construction vehicles loading, off-loading, parking and turning within the site during the construction period, in accordance with details to be submitted to and agreed in writing by the Local Planning Authority. The provision should be maintained and used at all times.

Health + safety may cover

13. Precautions shall be taken for the duration of the construction period to prevent the deposit of mud and similar debris (including blown litter) on the adjacent public highways, in accordance with details to be

submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

Reasons

1. a) No such details have been submitted.

   b) & c) In pursuance of Section 92(2) of the Town and Country Planning Act 1990.

2. To ensure that the external appearance of the building is satisfactory.
3. To safeguard the visual amenities of neighbouring properties and the locality.
4. To safeguard visual amenities.
5. In the interests of visual amenity.
6. In the interests of visual amenity.
7. To protect the occupiers of neighbouring properties from noise and disturbance outside the permitted hours during the construction period.
8. To ensure that the occupants do not suffer from unacceptable high noise levels within the proposed dwellings.
9. To ensure a satisfactory form of development and to avoid adverse impact on the public highway in the interests of highway safety.
10. In order to ensure bicycle parking facilities are provided and encourage use of sustainable modes of travel.
11. In the interests of highway safety and convenience.
12. To prevent queuing and parking off site, in the interests highway safety and convenience.
13. In the interests of highway safety and convenience.

TOWN AND COUNTRY PLANNING ACT 1990

SECTION 78 APPEAL

PROOF OF EVIDENCE
Of
Thomas Payne

Appellant:	**Mr and Mrs W Elgar**
Appeal Site:	**56 King Street Lane, Sindlesham**
Reason for appeal:	**Non-determination of planning application for the demolition of the existing dwelling and erection of eight flats associated parking and highway improvements.**

LOCAL PLANNING AUTHORITY REFERENCE: O/2001/5210

DEPARTMENT OF THE ENVIRONMENT, TRANSPORT AND THE REGIONS REFERENCE: APP/X0360/A/02/1092900

1.0 QUALIFICATION AND EXPERIENCE OF WITNESS

1.1 I am a Senior Environmental Health Officer at Wokingham District Council. I have a BSc Honours in Environmental Health from King's College London and I am currently reading a MSc in Environmental Management and Health. I am a Corporate Member of the Chartered Institute of Environmental Health and have worked in Environmental Health for over 5 years.

2.0 SITE DESCRIPTION

2.1 The application site is a 0.12 hectare piece of land, located on the north-western side of King Street Lane, adjacent to the M4 Motorway. A site location plan at scale 1:1250 is contained in Appendix 1.

2.2 The boundary of the application site is approximately 20 metres from the kerbside of the M4 Motorway. The M4 is elevated in this area and has a 2 metre high noise barrier to mitigate noise on both sides of the Motorway. Given the proximity of the road I have two main issues, noise and air quality. These issues are discussed in turn in the following sections.

3.0 NOISE

3.1 An environmental noise report (Appendix 2) accompanied the planning application. This report was based on noise measurements taken in April 2001.

3.2 On 15 April 2002, I wrote to the Appellant's planning agent with a number of queries concerning the report (Appendix 3).

3.3 The Appellant's acoustic consultant, Mr M Sugiura, responded to my letter on 16 April 2002 (Appendix 4). Point 2 of this letter states that 3dB had been deducted because the acoustic conditions are not "free field". However paragraph 6; point 4 of the noise report states "Measurements of the ambient noise levels were taken ... under 'free-field' conditions".

3.4 Point 3 of Mr Sugiura's letter states that average readings should be rounded up. However, as stated in point 2 of my letter dated 15 April 2002, the lowest readings were used to determine the Noise Exposure Category (NEC) for the site. Taking the average noise readings from the measurements contained within Mr Sugiura's noise report, it follows that the NEC of the site are as follows:

3.5 Daytime NEC

Location	Noise level, LAeq, 16 hour (free-field)	NEC
Locations 6, 7 & 8 (Ground Floor)	65	C

3.6 Night-time NEC

Location	Noise level, LAeq, 8 hour (free-field)	NEC
Location 5 (Ground Floor)	59	C

3.7 PPG24 states planning applications for sites that fall into NEC C should not normally be granted.

3.8 As the M4 is elevated, flats on the first floor will be afforded less protection by the M4 noise barrier. Consequently noise levels will be greater. However, noise levels have not been measured and assessed at first floor level. This information is essential in order to make an informed decision as to the suitability of the site for the proposed development.

3.9 On 17 April 2002, I met Mr Sugiura at 56 King Street Lane to discuss the nature and extent of a further more detailed noise report. At the meeting I advised Mr Sugiura that detailed plans were submitted with the application showing the proposed building. Mr Sugiura had not been provided with these plans, nor had the Appellant sought his advice at the design stage of the proposal.

3.10 Further to this meeting I wrote to Mr Sugiura to confirm what we had discussed on site (see Appendix 5). Together with this letter I sent Mr Sugiura a copy of an Environmental Guidance Note 3: Noise considerations for new residential developments. This is in the process of being adopted by the Council as Supplementary Planning Guidance.

3.11 The external noise criterion of 55dB LAeq (16-hour, free field) is a World Health Organisation level at which serious annoyance is caused. The Appellant's appeal statement states that this noise level cannot be achieved in the amenity/garden area of the proposed development. No indication is given as to what noise level is likely to be achieved, and what noise protection measures are necessary.

3.12 The Appellant has failed to demonstrate that the site is suitable for residential development from a noise perspective.

4.0 AIR QUALITY

4.1 Under Section 82 of the Environment Act 1995, Local Authorities are required to review and assess air quality. This process identifies areas where national policies and instruments to reduce air pollution alone are unlikely to meet the Government's air quality standards. Where this is the case and the public is exposed, authorities are required to designate Air Quality Management Areas (AQMAs).

4.2 The conclusions of Wokingham District Council's Stage 3 Review and Assessment of Air Quality was ratified by the Department of the Environment, Transport and the Environment on 11 April 2001. The Council then agreed (Environmental Services Committee 2 July 2001) to designate AQMAs because in certain areas the annual mean air quality objective for Nitrogen dioxide is not being met now and is not likely to be met by 31 December 2005.

4.3 Nitrogen dioxide affects human health. Inhalation of the gas can damage cells and proteins in the body. Exposure to high concentrations of nitrogen dioxide can cause acute health effects as it causes inflammation of the airways. Short exposures may also affect the body's immune response leaving individuals more susceptible to respiratory infections. Nitrogen dioxide is also thought to have long term, chronic health effects, particularly in people with asthma.

4.4 Wokingham's AQMA encompasses the whole of the application site (see Appendix 6). Therefore it would not be practical or desirable to introduce a mechanical ventilation system to draw less polluted air into the building from an area outside of the AQMA.

4.5 A similar proposal was considered on appeal for a development at 6-42 Blackheath Road, Deptford, Greenwich (Appeal reference: APP/E5330/A/01/1066472 – Appendix 7). In paragraphs 52-67 the inspector considered the impact that noise and air pollution would have

on the future occupants of these dwellings. He concluded that exposure to air and noise pollution would prevent the occupiers of the dwellings from enjoying satisfactory living conditions.

4.6 The annual average daily traffic (AADT) flow along the Blackheath Road was reported as 60,000 (paragraph 54). In 2000, the AADT flow between Junctions 10 and 11 of the M4 was 124,171. Consequently both noise and air pollution generated by road traffic on the M4 is likely to be worse than that from Blackheath Road.

4.7 The Association of London Government published guidance to assist local authorities in determining planning applications for sites within AQMAs. This states that careful consideration should be given to proposed developments within AQMAs and to locate housing away from roads where air pollution levels are high (see Appendix 8 – page 5, paragraph 1).

4.8 The Department of the Environment, Transport and the Regions Local Air Quality Guidance Note G4(00) "Air Quality and Land Use Planning" refers to a case in Surrey Health. Here Surrey Heath had their proposals within their draft Local Plan to allow housing near the M3 rejected by the DETR because they could not be sure that the Government's air quality standards would be met by 2005.

4.9 I object to the intensification of the residential use of the site given that health based air quality standards are not currently and are not likely to be met by December 2005.

APPENDICES

1 - Site Plan

2 - Noise Report (May 2001) produced by Michael Sugiura.

3 - Letter dated 15 April 2002 (reference 20015345) from Tom Payne to Gregory Grey Associates.

4 - Letter dated 16 April 2002 from Michael Sugiura to Tom Payne.

5 - Letter dated 17 April 2002 (reference 20015345/tp1) from Tom Payne to Michael Sugiura.

6 - Wokingham District Council's Air Quality Management Area Order 2001, and map 18 showing 56 King Street Lane, Sindlesham.

7 - Appeal Decision dated 21 November 2001, reference APP/E5330/A/01/1066472 – land at 6-42 Blackheath Road, Deptford, Greenwich.

8 - Association of London Government (Transport and Environment Committee). *January 2001. Air Quality Management Areas: Planning Guidance.*

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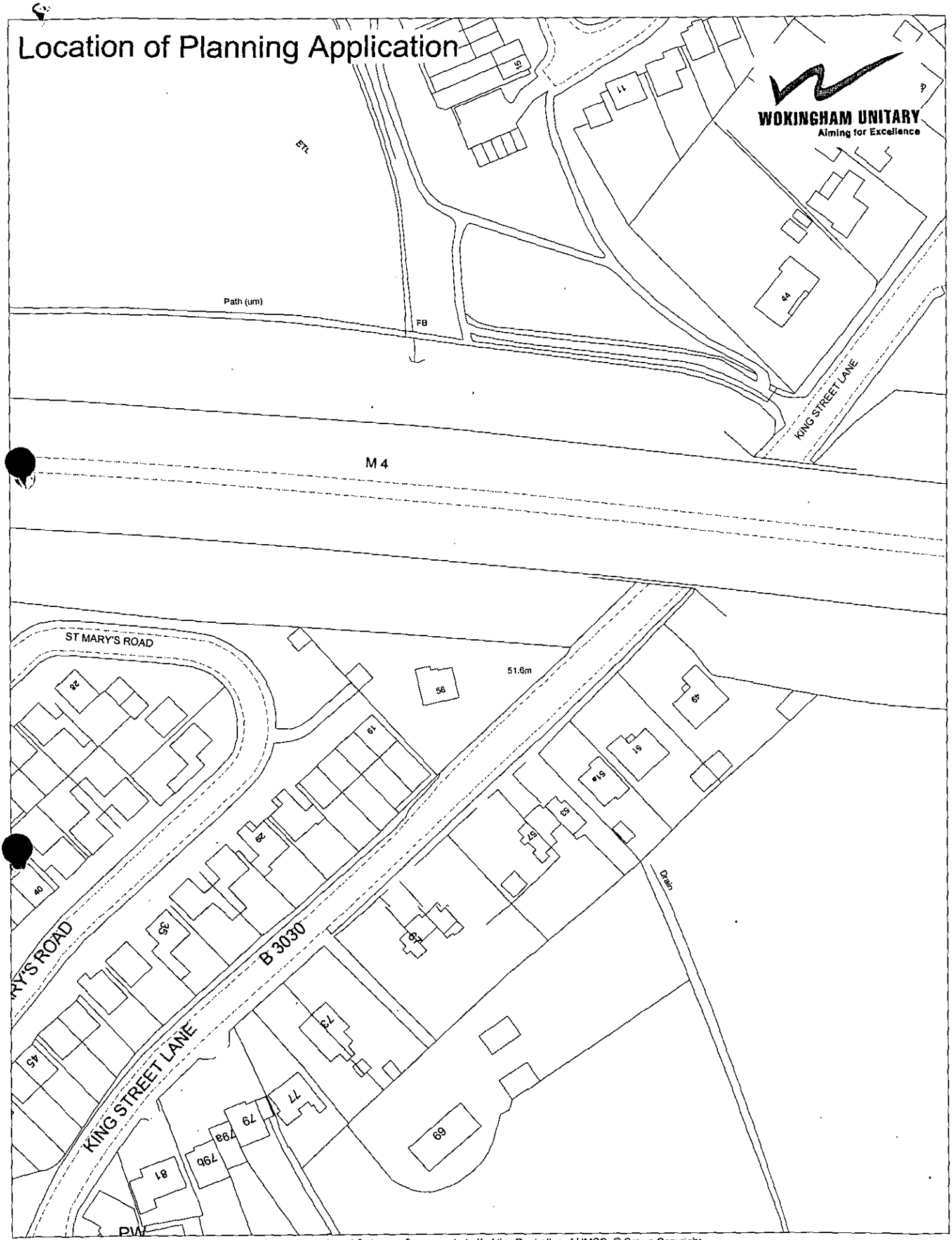
APPENDIX 1

Location of Planning Application



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Environmental Health Section, Wokingham District Council.

26 July 2002

Scale: 1 : 1250

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APPENDIX 2



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01.NOV.2001 5210

TOWN AND COUNTRY PLANNING ACT 1990 (As Amended)

LAND AT
56 KING STREET LANE, WINNERSH

NOISE REPORT

May 2001

Contents

1. Preamble
2. Introduction
3. Noise Assessment Criteria
4. Noise Surveys
5. Discussion of results
6. Conclusions

References

Tables

Table 1 Noise Survey Results 2 April 2001

Table 2 Noise Survey Results 24 April 2001

Table 3 Noise Survey Results 27 April 2001

Table 4 Summary of $L_{A10,18hr}$ and derived $L_{Aeq,16hr}$ Road Traffic Noise Levels

Table 5 Predicted Road Traffic Noise Levels and Adjusted Noise Level $L_{Aeq,16hr}$

Figures

Figure 1 Plan showing Noise Survey Locations

Appendices

Appendix 1 Noise Measurement Units - Terminology

Appendix 2 Noise Survey Equipment and Certificate of Calibration 10 November 2000

1. Preamble

My name is Michael Sugiura. I am a Chartered Engineer and hold a Bachelor of Science Degree in Mathematics from the University of Sheffield and the Master of Science Degree in Technology Control Systems Engineering. I have also been awarded the Diploma in Acoustics and Noise Control. I am a member of the Institute of Acoustics and the Institute of Mathematics and its Applications.

I am an Acoustics Consultant and have had over nineteen years experience in acoustics and vibration studies of development related noise and have worked for both consultants and local authorities. I have previously appeared as an expert witness at numerous hearings and public inquiries. From October 1995 I established my own independent practice.

2. Introduction

I was instructed by Gregory Gray Associates on behalf of Mark and William Elgar to undertake a study of the noise for a development of flats on land at 56 King Street Lane, Winnersh.

Following initial consultations with Wokingham District Council's (WDC) by Gregory Gray Associates the Council's Planning Officer requested a noise report be prepared in relation to noise matters.

This report estimates the effects that road traffic has on noise levels at the site and the potential exposure of the proposed new dwellings to this source.

In Section 3 I review the appropriate noise assessment criteria for the site. Additional information is presented in Section 4 on noise surveys I carried out at the site.

In Section 5 the results of the noise surveys of the existing noise climate are discussed as are predicted noise levels as a result of site development. Comparison is made against proposed noise criteria.

In Section 6 I present my conclusions based on my survey of existing conditions and predictions. Definitions of the noise measurement units used in this report are contained in Appendix 1 - Terminology.

3. Noise Assessment Criteria

The site and surrounding area lie within Wokingham District (WDC). I have therefore consulted WDC Environmental Health Authority in order to determine the appropriate noise assessment criteria for the development.

WDC Noise Criteria

The current policy is for the Environmental Health Officers (EHO) to refer to the guidance in Planning and Noise PPG24 (Ref.1). WDC consider each site on an individual basis and refer to the suggested criteria contained in the PPG for new housing development.

The Council's Local Plan has not adopted specific noise limits for new housing as a development control standard. Furthermore, no specific noise exposure category (NEC) for new housing has been adopted by the Council since PPG24 (Ref.1) was issued. Where a planning application is approved, the Council may include conditions for noise relating to barriers, separation distances, or a scheme of noise insulation in order to achieve certain limits for a dwelling's internal noise levels and external noise levels in gardens.

The criteria adopted by a number of other local authorities is a maximum external $L_{A10,18\ hour}$ index of 68 dB(A). It is my view that this criterion is 'best practice' to be aimed for by a development in areas affected by high levels of traffic noise.

These authorities usually expect developers to ensure that housing layout, landscaping and noise screening are arranged so that the dwelling itself and a reasonable part of the garden of each dwelling is not subject to excessive noise. WDC aspire to " general daytime outdoor noise levels of less than 55 dB L_{Aeq} as being desirable to prevent any significant community annoyance".

Planning Policy Guidance (PPG24) (Ref.1)

PPG24 describes new mechanisms and guidelines for local planning authorities to adopt. It outlines the relevant considerations to be taken into account when determining new development that results in new development being exposed to existing noise sources, including road traffic.

The planning objective is to keep increases in ambient noise levels around noise sensitive residential properties to acceptable levels.

The guidance is drawn together in an assessment table where noise from various sources including road traffic is classified according to its predicted or measured noise level. Noise is expressed in terms of continuous equivalent noise level (L_{Aeq}) and four assessment categories, A to D are defined each with a separate noise level for day (07:00 -23:00) and night (23:00-07:00).

For Category A, it is advised that noise will not generally be a determining factor in the granting of planning permission. Where, however, noise levels are higher and fall into bands B, C or D noise is likely to be a relevant planning consideration. Depending on the noise level, planning permission is likely to be either conditional upon noise protection measures being implemented (Category B and C) or refused (Category D). I summarise below the noise levels for each exposure category for road traffic noise sources as defined in PPG24 Annex 1.

Noise Exposure Category	Noise Level ($L_{Aeq,T}$) dB	
	Day (07:00 -23:00)	Night (23:00-07:00)
A	less than 55	less than 45
B	55 -63	45-57
C	63-72	57-66
D	greater than 72	greater than 66

The noise exposure categories are based on predicted or measured outdoor noise levels in the absence of buildings - generally referred to as the 'free field noise level'. The PPG emphasises that there is room for flexibility and local authorities are free to set their own standards criteria within the general framework of the guidance. Annex 6 of the PPG provides guidance on acceptable internal noise levels and the likely insulation provided by different types of window glazing.

World Health Organisation Guidance

Guidelines provided by the World Health Organisation (Ref.2) is that for daytime and evening on a 16 hours time base few people are highly annoyed at L_{Aeq} levels below 55 dB(A), and few are moderately annoyed at L_{Aeq} levels below 50 dB(A). Sound levels during the evening and night-time should be 5-10 dB lower than during the day. Internal noise levels should be no greater than 35 dB(A) on the $L_{Aeq,16hour}$ index for all habitable rooms indoors for speech intelligibility and moderate annoyance, daytime and evening and no greater than 30 dB(A) on the $L_{Aeq,8hour}$ index inside bedrooms at night.

4. Surveys of the Existing Noise Climate

The noise surveys were carried out on a number of dates in April 2001. A manual survey was undertaken on 2nd April to the rear of the existing dwelling, along its northern boundary that lies at the bottom of an embankment of the M4 westbound motorway. A manual survey was undertaken on 27th April at the front of the existing property to King Street Lane. The survey on 24th April employed automatic noise monitoring equipment to record noise levels during the night-time period 23:00-07:00hrs in a position at the rear of the property.

Measurements were obtained under generally stable conditions. The road surfaces of King Street Lane and the M4 motorway were dry during all of the survey periods except after a short period of light showers in the early morning of 24 April. Wind speeds were typically less than 5m/s.

Tables 1, 2 and 3 details the Noise Survey results. Appendix 1 details the noise survey equipment used for the survey.

Measurement procedures were in accordance with British Standard 7445:1991 "Description and Measurement of Environmental Noise" (Ref.3) and the Shortened Measurement Method of "Calculation of Road Traffic Noise" (CRTN) (Ref.4)

Measurement locations at the rear of the property were generally taken 3.5m from the façade or in the garden 2.5m from the northern boundary fence and were screened by the existing continuous 2.05m noise barrier located at the top of the embankment. Measurement locations in respect of King Street Lane were 10m from the edge of the carriageway. Measurement positions are shown on Figure 1 and fully detailed in the noise survey notes.

Noise Report
56 King Street Lane, Winnersh

The tripod-mounted noise measurements of road traffic noise were taken at 15minute intervals over 1hour periods. Measurements of the ambient noise levels were taken with microphone 1.5m above ground under "free-field" conditions. These are assumed to be typical of the hour in which they were recorded. This information forms the basis of the acoustic analysis. Noise measurements of the background L_{A90}, L_{Aeq} and L_{Amax} noise levels were recorded simultaneously.

Measurements of background noise levels L_{A90} included occasional higher transients from passing helicopters and aircraft.

5. Discussion of results

The noise survey identified that the existing noise climate at the development site is affected by principally the road traffic on the M4 which lies on embankment some 20m from the sites northern boundary. Road traffic on King Street Lane also affects the southern part of the site where at its closest point it is less than 5m from the site's southern boundary.

At the proposed built-line of the new flats which would be affected by road traffic noise from the M4 on its northern elevation the majority of hourly ambient noise levels lie in the range 67-70 dB L_{A10} , 66 - 68 dB L_{Aeq} during the daytime. The corresponding hourly ambient noise levels at night-time lie in the range 60-68 dB L_{A10} , 57 - 62 dB L_{Aeq} .

On the King Street Lane frontage the majority of hourly ambient noise levels lie in the range 69-72 dB L_{A10} , 67 - 68 dB L_{Aeq} during the daytime.

The shortened measurement procedure of CRTN (Ref.4) enables the value of $L_{A10\ 18\ hour}$ to be calculated from a 3 hour period of road traffic noise measurements. [L10(18hr) = L10(3hr)-1dB(A)] where L10(3hr) =1/3L10(hourly) noise levels. The results (extracted from Tables 1 and 3) for the northern site boundary/M4 and the southern boundary/King Street Lane are as follows:

Northern boundary/M4

Period ending	Location 1	Location 2	Location 3
15:00	69.1dB$L_{A10,1hr}$	67.3dB$L_{A10,1hr}$	67.5dB$L_{A10,1hr}$
16:00	69.5dB$L_{A10,1hr}$	67.4dB$L_{A10,1hr}$	67.6dB$L_{A10,1hr}$
17:00	69.5dB$L_{A10,1hr}$	67.4dB$L_{A10,1hr}$	67.2dB$L_{A10,1hr}$
$L_{A10\ 18\ hour}$	**68.4 dB(A)**	**66.4 dB(A)**	**66.4 dB(A)**

Southern boundary/King Street Lane

Period ending	Location 6	Location 7	Location 8
11:00	71.6dB$L_{A10,1hr}$	69.4dB$L_{A10,1hr}$	70.4dB$L_{A10,1hr}$
12:00	70.7dB$L_{A10,1hr}$	68.8dB$L_{A10,1hr}$	70.7dB$L_{A10,1hr}$
13:00	70.6dB$L_{A10,1hr}$	68.5dB$L_{A10,1hr}$	70.9dB$L_{A10,1hr}$
$L_{A10,18\ hour}$	**70.0 dB(A)**	**67.9 dB(A)**	**69.7 dB(A)**

The assessment of traffic noise in accordance with CRTN requires consideration of forecast high growth traffic flows 15 years after development. In an urban area where this site is located such flows are unlikely to occur in practice. Therefore the predictions will be overly pessimistic and low growth can be assumed.

Estimation of future values requires information on traffic flows not only for the current year 2001 but also future years after development.

The maximum correction factor is likely to be no more than 2dB(A) ie. future value of $L_{A10,18\ hour}$ is less than 70dB(A) (Location 1) and 68dB(A) (Locations 2 and 3) at the northern boundary.

Future values o $L_{A10,18\ hour}$ is less than 72dB(A) (Locations 6 and 8), and 70dB(A) (Location 7) at the southern boundary.

Table 4 details a summary of the predicted $L_{A10,18\ hour}$ road traffic noise levels derived from the measurement results as they exist in 2001.

Table 5 shows the noise exposure category (NEC) derived from the road traffic noise measurements into which the proposed development is likely to fall. The NEC for the new dwellings exposure to noise from road traffic noise indicates the site falls into category B.

6. Conclusions

The noise assessment has determined the sites exposure under free-field conditions falls into Category B.

An external criteria of 68 $dBL_{A10,18hr}$ at a façade is proposed as an acceptable standard which can be achieved by the proposed development.

From the available data, it is estimated that the new dwelling would be well within a 68 $dBL_{A10,18hr}$ traffic noise contour for the indicative site layout drawing.

Although the exact construction of the dwellings is not known at this stage of the planning process, assuming the use of thermal double glazing [typical noise reduction of a dwelling with windows set in a brick/block wall 33dB(A)] the worst case interior noise levels based on the values of $L_{A10,18hr}$ would be substantially below 40 $dBL_{A10,18hr}$ and likely achieve 35 $dBL_{A10,18hr}$

By careful design and orientation of the dwellings the internal noise standard referred to above can be achieved without recourse to forced ventilation systems.

The design of the block of flats would ensure that there are areas that would have a reasonable standard of external amenity these being screened from the effects of noise from the M4 and King Street Lane.

The design and orientation of the dwellings, as shown on the application drawings (Drg.Nos. NPS/103/P1), will achieve the internal noise standard referred to above without recourse to forced ventilation systems.

In addition, I have examined plans which incorporated a three storey development. In principle I could not support this scheme as the third floor storey would be above the existing M4 noise barrier and consequently exposed to higher noise levels from the motorway. A development of this type would be exposed to noise levels exceeding the criterion referred to above.

It is suggested a 2.0m high acoustic barrier replaces the existing open lattice fence on the southern King Street Lane boundary.

References

1. Planning Policy Guidance: Planning and Noise PPG24 1994

2. "Guidelines for Community Noise" Birgetta Berglund, Thomas Lindavall, Dietrich H Schwela World Health Organisation 1999

3. BS7445:1991 "Description and Measurement of Environmental Noise" Parts 1-3

4. "Calculation of Road Traffic Noise" CRTN 1988 Department of Transport Welsh Office

Table 1 Noise Survey Results

Name:	M S Sugiura	M-Time:	15 min
Time of download:	19:12:27	Actual M-Time:	00:15:00:00
Date:	02/04/01	Measurement mode:	Lx
Location:	56 King Street Lane-rear	Lmax/Lmin type:	AP
Instrument:	NA-27	T-weight (Sub) :	Fast
Store mode:	Manual		
Description:	Ambient noise levels		

		Lmax	Leq	L10	L50	L90
Location 2	Store No.88					
Time of measurement:	14:22:09					
All-pass (Sub)	A	72	65.6	67.3	65.4	63.5
Location 3	Store No.89					
Time of measurement:	14:38:34					
All-pass (Sub)	A	77.3	66.0	67.5	65.7	63.8
Location 1	Store No.90					
Time of measurement:	14:54:21					
All-pass (Sub)	A	71.6	67.4	69.1	67.2	65.2
Location 2	Store No.91					
Time of measurement:	15:09:49					
All-pass (Sub)	A	72.7	65.8	67.4	65.7	63.8
Location 3	Store No.92					
Time of measurement:	15:25:34					
All-pass (Sub)	A	83.9	66.2	67.6	66.0	64.2
Location 1	Store No.93					
Time of measurement:	15:41:21					
All-pass (Sub)	A	74.0	67.6	69.5	67.3	65.2
Location 2	Store No.94					
Time of measurement:	15:56:38					
All-pass (Sub)	A	74.0	65.9	67.4	65.6	63.8
Location 3	Store No.95					
Time of measurement:	16:12:22					
All-pass (Sub)	A	74.6	65.6	67.2	65.5	63.6
Location 1	Store No.96					
Time of measurement:	16:28:06					
All-pass (Sub)	A	73.6	67.6	69.5	67.4	65.5
Location 4	Store No.97					
Time of measurement:	16:44:12					
All-pass (Sub)	A	72.1	67.5	69.0	67.5	65.8
Location 5	Store No.98					
Time of measurement:	16:59:41					
All-pass (Sub)	A	71.3	67.7	69.0	67.7	66.3

Table 2: **Noise Survey Results**

Name: M S Sugiura
Time: 20:22:48
Date of download: 25/04/01
Location: 56 King Street Lane, Winnersh
Instrument: NA-27
Store mode: Auto store 1
Description: Night-time ambient noise levels at rear of property
Location 5

M-Time: 15 min
Measurement mode: AP
Lmax/Lmin type: Flat
T-weight (Sub) : Fast

Date of measurement: 24/04/01
Time of measurement: 22:52:18

Period			Lmax	Leq	L10	L50	L90
1	22:52:00	All-pass (Sub)	85.2	63.5	65.3	61.8	58.1
2	23:07:00	All-pass (Sub)	68.0	61.9	64.6	61.4	56.8
3	23:22:00	All-pass (Sub)	68.3	61.8	64.6	61.2	57.0
4	23:37:00	All-pass (Sub)	68.3	61.0	63.9	60.5	55.9
5	23:52:00	All-pass (Sub)	70.6	60.3	63.4	59.2	54.5
6	00:07:00	All-pass (Sub)	67.7	59.8	63.4	58.6	53.0
7	00:22:00	All-pass (Sub)	70.8	59.7	63.2	58.1	52.9
8	00:37:00	All-pass (Sub)	68.3	59.6	63.3	58.0	51.9
9	00:52:00	All-pass (Sub)	71.2	58.3	62.5	55.7	49.9
10	01:07:00	All-pass (Sub)	68.1	58.0	62.4	54.8	48.9
11	01:22:00	All-pass (Sub)	67.3	57.5	61.5	54.7	48.8
12	01:37:00	All-pass (Sub)	67.9	57.4	61.1	55.6	49.5
13	01:52:00	All-pass (Sub)	67.8	57.4	61.7	54.2	47.7
14	02:07:00	All-pass (Sub)	68.2	57.1	61.4	54.2	46.4
15	02:22:00	All-pass (Sub)	73.0	58.0	61.9	55.4	47.4
16	02:37:00	All-pass (Sub)	68.3	55.9	60.1	51.9	44.9
17	02:52:00	All-pass (Sub)	68.1	57.2	61.9	53.3	47.0
18	03:07:00	All-pass (Sub)	68.2	57.7	62.0	54.8	47.6
19	03:22:00	All-pass (Sub)	67.0	56.8	60.7	54.2	47.3
20	03:37:00	All-pass (Sub)	69.2	59.0	63.1	57.0	50.7
21	03:52:00	All-pass (Sub)	69.3	58.9	62.5	57.2	50.7
22	04:07:00	All-pass (Sub)	68.5	58.4	62.0	56.9	49.1
23	04:22:00	All-pass (Sub)	68.3	59.2	62.7	57.7	52.3
24	04:37:00	All-pass (Sub)	68.1	60.4	63.4	59.5	54.9
25	04:52:00	All-pass (Sub)	69.0	60.8	63.9	59.7	55.4
26	05:07:00	All-pass (Sub)	75.1	61.7	64.4	60.7	56.6
27	05:22:00	All-pass (Sub)	70.6	62.8	65.4	62.5	58.9
28	05:37:00	All-pass (Sub)	69.4	63.3	65.7	62.9	59.6
29	05:52:00	All-pass (Sub)	69.9	64.4	66.6	64.1	61.1
30	06:07:00	All-pass (Sub)	71.8	65.3	67.4	65.1	62.4
31	06:22:00	All-pass (Sub)	74.7	65.9	67.9	65.6	63.1
32	06:37:00	All-pass (Sub)	71.7	66.6	68.3	66.5	64.5

Table 3:	**Noise Survey Results**		
Time:	20:56:35	M-Time:	15 min
Date of download:	27/04/01	Actual M-Time:	00:15:00:00
Location:	56 King Street Lane-front	Measurement mode:	Lx
Instrument:	NA-27	Lmax/Lmin type:	AP
Store mode:	Manual	T-weight (Sub) :	Fast
Description:	Ambient noise levels		

		Lmax	Leq	L10	L50	L90
Location 6	Store No.147					
Time of measurement:	10:05:31					
All-pass (Sub)	A	81.5	67.8	71.6	64.6	61.3
Location 7	Store No.148					
Time of measurement:	10:21:12					
All-pass (Sub)	A	77.4	67.2	69.4	66.6	64.1
Location 8	Store No.149					
Time of measurement:	10:37:19					
All-pass (Sub)	A	78.4	67.0	70.4	65.1	62.3
Location 6	Store No.150					
Time of measurement:	11:02:14					
All-pass (Sub)	A	78.8	67.1	70.7	64.9	61.5
Location 7	Store No.151					
Time of measurement:	11:18:08					
All-pass (Sub)	A	81.2	66.9	68.8	66.4	64.4
Location 8	Store No.152					
Time of measurement:	11:34:08					
All-pass (Sub)	A	79.1	67.6	70.7	66.0	63.1
Location 6	Store No.153					
Time of measurement:	12:14:09					
All-pass (Sub)	A	83.0	67.2	70.6	65.0	61.9
Location 7	Store No.154					
Time of measurement:	12:29:55					
All-pass (Sub)	A	75.3	66.6	68.5	66.3	63.9
Location 8	Store No.155					
Time of measurement:	12:45:27					
All-pass (Sub)	A	81.6	67.6	70.9	65.8	62.5

Notes to Daytime Noise Survey Record on 2.4.01

(i) 14:22 Location 2 – Corner of dog compound facing M4 embankment and 2mhigh noise barrier –15m from NW corner of garden. Aircraft passes over microphone position.

(ii) 14:38 Location 3– 7m from ground floor rear living room, corner of grass facing M4 embankment and noise barrier.

(iii) 14:54 Location 1– Corner of garden facing M4 embankment and noise barrier –2m from fence (approx.8m from King Street Lane.

(iv) 15:09 Location 2 – Continuous traffic on M4.

(v) 15:25 Location 3

(vi) 15:41 Location 1

(vii) 15:56 Location 2 – Helicopter passes over microphone position.

(viii) 16:12 Location 3 – Bird song.

(ix) 16:28 Location 1

(x) 16:44 Location 4 – External space – 1m from existing kitchen façade, 10m from back fence.

(xi) 16:59 Location 5 – External space – 1m from existing dining room façade, 10m from back fence.

Notes to Night-time Noise Survey Record on 24.4.01

(xii) 22:50 Location 5– External space – Microphone position 1m from façade of existing dining room, 10m from back fence.

(xiii) 22:52 1st period affected by barking dog until personnel left site, equipment unattended. L_{Amax} 85.2

(xiv) 06:45 Noise monitoring stopped.

Notes to Daytime Noise Survey Record on 27.4.01

(xv) 10:00 Location 6 – Microphone position 4.5m from front façade of living room, 10m from curb.

(xvi) 10:21 Location 7 – Microphone position in garden.

(xvii) 10:37 Location 8 – Microphone on edge of drive 4.5m from corner of property, mid-way between Locations 6 & 7.

Table 4: Summary of $L_{A10,18hr}$ and derived $L_{Aeq.,16hr}$ Road Traffic Noise Levels

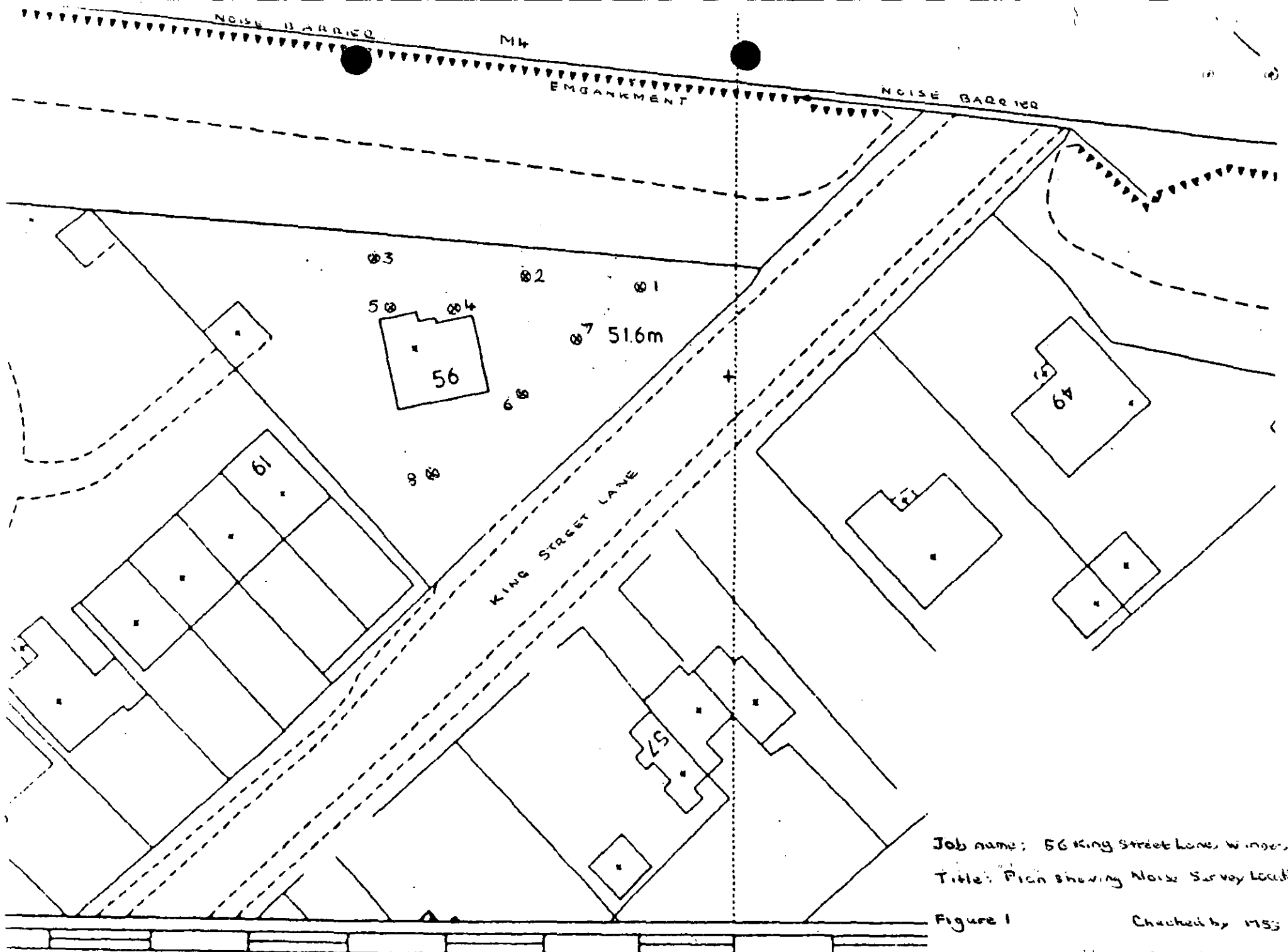
Location	M4 (2.0m from boundary fence)		King Street Lane (10m from road)	
	$L_{A10,18hr}$	$L_{Aeq.\ 16hr}$	$L_{A10,18hr}$	$L_{Aeq.\ 16hr}$
1	68.4	63.4		
2	66.4	61.4		
3	66.4	61.4		
6			70.0	65.0
7			67.9	62.9
8			69.7	64.7

Table 5 Predicted Road Traffic Noise Levels LA10,18hr and Adjusted Noise Level LAeq,16hr

Elevation	Prevailing 2001 LA10,18hr	Adjusted Noise Level LAeq,16hr	NEC
M4 facade (GF)	66.4	61.4	B
King St Lane facade (GF) (35m)	66.0	61.0	B

Notes

Predictions are for ground floor (GF) window level in a facade.
Adjusted noise levels are "free-field", 1.5m above the ground.
LAeq,16hr = LA10,18hr - 5dB


NOISE BARRIER
M4
EMBANKMENT
NOISE BARRIER
3
2
1
5
4
7
51.6m
56
6
8
61
KING STREET LANE
64
57
Job name: 56 King Street Lane, Winner
Title: Plan showing Noise Survey Locati
Figure 1
Checked by MSS
Scale 1:500
May 01

Appendix 1 : Noise Measurement Units - Terminology

Decibel (dB): The logarithmic measure of sound level. 0dB is the threshold of normal hearing, 140dB is the threshold of pain. A change of 1dB is detectable only under laboratory conditions.

dB(A): Decibels measured on a sound level meter incorporating a frequency weighting (A weighting) which differentiates between sounds of different frequency (pitch) in a similar way to the human ear. Measurements in dB(A) broadly agree with people's assessments of loudness. A change of 3dB(A) is the minimum perceptible under normal conditions, and a change of 10db(A) corresponds roughly to doubling or halving the loudness of a sound.

$L_{A10,T}$: The 'A-weighted' noise level exceeded for the 10% of the specified measurement period (T). It has been shown to be a good indicator for traffic noise intrusion and is used in assessing the effect of traffic on residential or commercial premises. It gives an indication of the upper limit of fluctuating noise.

$L_{A90,T}$: The 'A-weighted' noise level exceeded for the 90% of the specified measurement period (T). In BS:4142 it is used to define the background noise level, including occasional higher transient levels, such as individual passing cars or aircraft.

$L_{Aeq,T}$: The Equivalent Continuous Sound Level can be considered as the continuous steady noise level which would have the same total A-weighted acoustic energy as the real fluctuating noise over a specified measuring period (T). It is a measurement unit suited to many types of noise excluding intermittent noises such as those associated with construction plant. It can be measured directly with an integrating sound level meter.

Free-field: Free-field measurements are measurements carried out where reflective surfaces are not present to influence results, for example on open ground with no nearby buildings.

Tonality: The degree to which a noise contains audible pure tones. Broad-band noise is generally less annoying than noise with identifiable tones.

Appendix 2 : Noise Survey Equipment

The following acoustic measurement instrumentation was used:

- Precision (Type 1) Integrating Sound Level Meter RION Type NA-27

- Microphone Preamplifier (Free-field) RION Type NH-20

- Microphone windshield

The sound level meter was calibrated prior to commencement of the survey and the calibration checked regularly during and on completion of the survey to ensure accuracy. No change was found to have occurred.

- Pre-set Time 15 minutes for road traffic noise measurements

Certificate of Calibration

AAD
applied
acoustic
design

INSTRUMENT SERVICES
16 SCARDALE CRESCENT
SCARBOROUGH
NORTH YORKSHIRE
YO12 6LA

TELEPHONE: 01723 500779
FACSIMILE: 01723 500094
E Mail: mail@aad.co.uk

Precision Integrating Sound Level Meter

Certificate Number: 2135

Instrument Make:	**Rion**	***Microphone Make:***	**Rion**
Instrument Model:	**NA-27**	***Microphone Model:***	**UC-53**
Serial Number:	**01070594**	***Serial Number:***	**76958**
Preamplifier Make:	Rion	*Extension Cable:*	not supplied
Preamplifier Model:	NH-20		
Serial Number:	7355		
Calibrator Make:	not supplied	**Third-Octave Band Filter:**	
Calibrator Model:		Make:	Rion
Calibrator Serial Number:		Model:	Digital Filter built into NA-27
Calibrator Adaptor:		Serial Number:	
Calibrator Certification Ref:		Tests Performed:	BS EN 61260: 1996 Class 0 at 125Hz, 1kHz, 8kHz

Calibrated on Linear-Weighting at 112.99dB @ 250Hz

This is to certify that the above instrument, whose calibration records are enclosed in this file, has been tested in accordance with MTS Consultancy Test Procedures. The instrument as configured above has been found to be in compliance with the specifications published in its instruction literature except as noted below. The measurements were carried out using equipment whose calibrations are traceable to UK National Standards. The management controls of MTS Consultancy and MTS Consultancy are registered in its Quality Manual Issue A/5, August 1999, which are certified to be in conformity with ISO 9002:1994, by the Electrical Equipment Certification Service of the Health and Safety Executive (Approval 97/5015). Copies of the relevant test procedures and test results, together with the traceability of test equipment to National Standards and ISO 9002 Certificates, are filed with MTS Consultancy, and are available on request.

This instrument was tested in accordance with the recommendations of BS 7580: Part 1 1997 (not all tests were performed) with the following results:

	Relative to BS EN 60651 Type 1
Self-Generated Noise:	**See Dynamic Linearity Chart**
Dynamic Linearity – electrical response:	**Complies over range 22 to 140 dB (1/3 Octave)**
Frequency Weightings A, C and Lin – electrical response:	**Complies**
Frequency Weighting A – acoustic response:	**Complies**
"Fast" and "Slow" Response	**Complies**
RMS Accuracy at various Crest Factors	**Complies**

The instrument was within the above specification as received. No adjustments were made.

Test Equipment:

Equipment	Manufacturer	Model	Serial No.	Traceability Ref.		Cal. Due
Condenser Microphone	Bruel & Kjaer	4133	1093782	TE 101	*	February 2001
Acoustic Calibrator 250Hz	Larson Davis	CA 250	0695	TE 104	*	October 2001
Digital Multimeter	Hewlett Packard	34401A	3146A63804	TE 105	**	October 2001
Real-Time Frequency Analyser	Larson Davis	2900	0492	TE 108		November 2000
Microphone Calibration System	Larson Davis	9700ES	0103	TE 119 - 122		November 2000

* *Calibrated by NPL*

* *Calibrated by other NAMAS-accredited laboratory*

Tested by.....
David Marsh

Date of Certificate: 10th November 2000

HEAD OFFICE: THE GREEN BUSINESS CENTRE, THE CAUSEWAY, STAINES TW18 3AL
TELEPHONE: 01784 464404 FACSIMILE: 01784 465447

APPENDIX 3

Tel. 0118 9746361
Fax. 0118 9746401
E-mail: environmentalp&h@wokingham.gov.uk
Date. 15 April 2002
My ref. 20015345

Mr M Leedale
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17 Dinorben Close
Fleet
Hampshire
GU52 7SL

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Environmental Services Department
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Tel: (0118) 974 6000
Fax: (0118) 974 6401
Minicom No: (0118) 974 6991
DX: 33506 – Wokingham

Dear Mr Leedale

NOISE REPORT DATED MAY 2001 (MICHAEL SUGIURA)
O/2001/5210 – PROPOSED ERECTION OF 8 FLATS
56 KING STREET LANE, WINNERSH

The proximity of this site to the M4 makes noise a critical issue. The potential impact on the future occupants of these flats must be fully assessed prior to formally determining this planning application. On the basis of the noise report dated May 2001, I have insufficient information to make an informed judgement as to the suitability of this site for residential development.

I make the following comments on the noise report. Until these points have been addressed I am unable to provide a formal recommendation to Emy Circuit (Senior Planning Officer).

1. Table 5 of the noise report states that a 5dB deduction was made from the LA10, 18-hour figures to derive the LAeq, 16-hour figure. PPG24 states that the LAeq, 16 hr = LA10, 18 hr – 2dB. I am unclear as to why a further 3dB has been deducted given the report states free-field measurements were taken. The LAeq, 16 hr (free-field) being the figure to determine the appropriate Noise Exposure Category for the site.

2. In determining the appropriate NEC for this development the lowest LA10, 18 hr at both assessment locations was used. I believe it is more appropriate for the worst case measurements to be used.

3. Taking into consideration points 1 and 2 above, the LAeq, 16 hr at location 1 equals 66.4dB and at location 6 is 68.0dB. This would put the site into the middle to upper end of NEC C (daytime), as opposed to NEC B.

4. All predictions are for ground level only. Predictions for first floor level should also be provided.

5. Full justification should be given to assumptions made in respect of future traffic levels over the next 15 years and any correction should be used to derive a corrected NEC for the site (ground and first floor level).

6. Although night-time measurements were taken no assessment has been made of these readings. The night-time NEC has not been derived or commented upon in the report. Based on the information given in Table 2 it would appear the site would fall into NEC C (ground floor, night-time). Again predictions should be given for ground and first floor levels.

7. As quoted in the report the Council's noise standard for garden/amenity areas is 55dB LAeq (16 hour, free field). The readings in Tables 1 and 3 indicate the LAeq is likely to be between 65.6 - 67.8dB. Therefore a noise reduction of 10 – 13dB would be needed to achieve this standard. Mr Sugiura recommends a 2m high acoustic barrier along the Southern boundary of the site. Predictions should be given as to the effectiveness of this proposal and further consideration should be given to further noise mitigation measures to protect the amenity areas.

I would be happy to set up a meeting with Mr Sugiura to discuss these points. Please contact me if you have any queries.

Yours sincerely

TOM PAYNE
SENIOR ENVIRONMENTAL HEALTH OFFICER
ENVIRONMENTAL PROTECTION & HOUSING

cc.
Mr M Sugiura, 20 Merryweather Close, Wokingham, Berks, RG40 4YH.
Emy Circuit, Senior Planning Officer, Development Control.

APPENDIX 4

Tom Payne
Senior Environmental Health Officer
Wokingham District Council
Environmental Protection and Housing
Shute End
Wokingham
Berkshire
RG40 1WW

16 April 2002

Dear Tom

Town and Country Planning Act 1990 (As Amended)
Re: Land at 56 King Street Lane, Winnersh (Your ref. 20015345)

Further to our telephone discussion earlier today regarding your letter to Gregory Gray Associates dated 15 April I clarify the status of the report and deal with your comments.

1. The scope of the May 2001 study was to prepare an initial report on an assessment of road traffic noise levels. This was based on the Shortened Measurement Method of CRTN 88 taking manual recordings of daytime noise levels for a 3hr period front and rear of the existing dwelling. Automatically recorded measurements were also taken during the night 1m from the rear living room of the dwelling.

2. I agree that to derive the $L_{Aeq,16hr}$ a 2-dB deduction is made from the $L_{A10,18hr}$ figure. The additional 3dB correction I made was because of the site conditions. The site noise measurement positions on the King Street Lane and M4 boundaries are located in a type of retained cut. This is formed by the embankment along the M4 boundary, the M4 overbridge and properties on the opposite side of King Street Lane. The acoustic conditions are in my submission not "free-field" at any of the chosen measurement locations and I therefore applied a correction for site layout.

3. In determining an appropriate NEC for the existing site PPG24 does not use 'worst case' measurements. The guidance advises the average of recorded readings should be rounded up, as does CRTN.

4. All values in the recommended Noise Exposure Categories for new dwellings near existing sources are specified 1.2m to 1.5m above the ground. The NEC's in effect provide for higher noise levels at first floor level and above.

5. The guidance of PPG 24 does not require predictions at higher floor levels for the purposes of determining noise-sensitive developments at the outline application stage. Such assessments would in practice be done at detailed design.

6. The night-time measurements at a ground floor façade shown in Table 2 when converted to "free-field" away from the rear of the dwelling determine an $L_{Aeq,8hr}$ 58.1 dB on the boundary between NECB/C ground floor level for the existing building. This is likely to be less for the proposed position of the new building.

7. It is my view that your requirement for a full justification of the assumptions made in respect of future traffic levels is unreasonable at this stage of the planning process. I have used a correction that Highways Authorities use as an estimate for low traffic growth over the next 15 years and refer to this in the report.

8. Finally, the indicative scheme proposes improved boundary treatment on King Street Lane and provision of a walled garden. Predictions as to the effectiveness of this proposal and further consideration to protect amenity areas could be dealt with by condition at the later stage of the planning process.

I confirm our meeting on site at **10am on Wednesday 17 April** to discuss the above and look forward to meeting you.

Yours sincerely

Michael Sugiura

cc. Mark Leedale - Gregory Gray Associates

APPENDIX 5

Tel. 0118 9746361
Fax. 0118 9746401
E-mail: environmentalp&h@wokingham.gov.uk
Date. 17 April 2002
My ref. 20015345/tp1

Mr M Sugiura
20 Merryweather Close
Wokingham
Berks
RG40 4YH

Environmental Health Service
Environmental Services Department
P.O. Box 155
Shute End, Wokingham
Berkshire RG40 1WW
Tel: (0118) 974 6000
Fax: (0118) 974 6401
Minicom No: (0118) 974 6991
DX: 33506 – Wokingham

Dear Mr Sugiura

O/2001/5210 – PROPOSED ERECTION OF 8 FLATS
56 KING STREET LANE, WINNERSH

Thank you for your letter dated 16 April 2002. I write to comment on the points made in your letter and to confirm those matters discussed during our site meeting on 17 April 2002.

Given the proposed development is situated adjacent to an elevated section of the M4 it is in my view appropriate for the noise levels on the first floor to be measured/predicted. You state the night-time ground floor façade level, when converted to "free-field", equals $L_{Aeq,8hr}$ 58.1 dB. Following the method given in PPG24 this level when rounded up is 59 dB. This places the site into the night-time NEC C (between 57 – 66 $L_{Aeq,8hr}$ dB) which is itself grounds for refusal.

As we discussed, the Council is in the process of adopting Supplementary Planning Guidance (SPG) - Appendix I: Securing Good Air Quality and Appendix L: Flooding and Pollution. In addition, I enclose a copy of a draft Environmental Guidance Note for Planning applicants entitled 'Noise Considerations for New Residential Developments'. This details the specific noise criteria, which must be shown to be achievable. It is my view that a further more detailed noise assessment is needed to show how these noise levels are to be achieved.

I understand that in order to carry out this more detailed assessment traffic flow information is required. Tim Nicholson, Highways Agency can be contacted via email for the M4 traffic data at the following address: tim.nicholson@highways.gsi.gov.uk or by phone on 01306 878433.

If I can be of any further assistance please contact me.

Yours sincerely

TOM PAYNE
SENIOR ENVIRONMENTAL HEALTH OFFICER
ENVIRONMENTAL PROTECTION & HOUSING

cc.
Emy Circuit, Senior Planning Officer, Development Control.
Mr M Leedale, Gregory Grey Associates, 17 Dinorben Close, Fleet, Hampshire, GU52 7SL

ENVIRONMENTAL GUIDANCE NOTE 3

Noise Considerations for new Residential Developments

This guide provides advice on noise protection measures that should be considered for proposed residential developments that are located near a noise source. Noise sources such as road traffic, railways, industrial operations and noise from other commercial operations such as pubs, car parks etc should be considered at the early stages of design in order to minimise the impact of noise.

Acoustic Assessments

WHEN WILL AN ASSESSMENT BE REQUIRED?

If the proposed development is located near a busy road, a railway line or any commercial operation that is likely to produce significant levels of noise then a noise assessment should be carried out. It is advisable that this is completed at the early stages as the results may influence the design and layout of the development.

Table 1 below can be used as a guide to the proximity from the noise source that is likely to require an assessment to be carried out. However specific circumstances of individual sites will need to be considered so these distances should only be taken as a rough guide.

Table 1

Noise source	Distance from development
Road traffic • Motorways • "A" roads • "B" roads	 < 200m < 100m < 50m
Railway lines	< 100m
Noisy operations	< 100m

WHAT SHOULD AN ASSESSMENT CONSIST OF?

The report should contain predictions of the likely impact of the noise source on the development. It should set out: a large scale plan of the proposed development; noise sources and measurement/prediction points marked on a plan; a list of noise sources; a list of assumed noise emission levels; details of noise mitigation measures; description of noise calculation procedures; noise levels at a representative sample of noise sensitive locations; comparison of noise levels with appropriate criteria.

Where there is a relevant method and/or criteria for the assessment of the particular noise source this should be followed in carrying out the assessment. Table 2 below lists relevant standards that should be applied in the assessment of various types of noise sources. However in all cases the guidance contained in Planning Policy Guidance 24: Planning and Noise (1994) should be considered and in cases of transport noise a Noise Exposure Category needs to be calculated for the site.

Table 2

Noise source	Relevant Guidance
Road Traffic	Calculation of Road Traffic Noise DOT 1988
Railway	Calculation of Railway Noise DOT 1995
Commercial noise of industrial nature	BS 4142: 1997 Method of rating industrial noise affecting mixed residential and industrial areas
General	BS 8233: 1999 Sound insulation and noise reduction for buildings – Code of practice BS 7445: 1991 Description and measurement of environmental noise Guidelines for Community Noise, Geneva, WHO (1999)

Where criteria are exceeded at any location the applicant should explain why that excess is immaterial or what further mitigation will be undertaken to ensure that criteria will be met. Any report shall include raw measurement data so that the conclusions may be thoroughly evaluated and calculations checked.

WHAT CRITERIA WILL BE APPLIED?

PPG 24

The Council will have regard to guidance provided in relation to Noise Exposure Categories set out in PPG 24, as summarised in table 3 below.

Table 3 - Summary of PPG24 guidance for NEC's

NEC	
A	Noise need not be considered as a determining factor in granting planning permission, although the noise level at the high end of the category should not be regarded as desirable
B	Noise should be taken into account when determining planning applications and where appropriate conditions imposed to ensure an adequate level of protection against noise
C	Planning permission should not normally be granted. Where it is considered that permission should be given, for example because there are no alternative quieter sites available conditions should be imposed to ensure a commensurate level of protection against noise.
D	Planning permission should normally be refused

The development should be designed so as to achieve the noise criteria set out in Table 4 within each of the dwellings. The specified criteria for bedrooms should be met during the daytime hours as well as at night.

Table 4

	Noise level dB(A)
Bedrooms	30 – 35
Living areas	<40
Gardens	< 55

Each dwelling should be provided with a garden area which has a predicted noise level of less than or equal to 55dB L_{Aeq} (16 hr, free-field).

Generally the design and site layout should aim to reduce the impact of the noise both internally and externally (in gardens for example). This may be achieved by careful positioning of structures so that they act as noise barriers, positioning of sensitive rooms furthest from noise sources, the use of single aspect dwellings and siting of gardens furthest from the noise source.

Where it is not possible to protect sensitive rooms by careful design it will be necessary to provide acoustic attenuation measures to those rooms. It must be possible to meet the internal noise requirements whilst still providing adequate ventilation to the rooms.

A modern sealed window with 6mm single glazing will, when closed, provide sound insulation of about 26dB(A). A partially open window provides a noise reduction from outside to inside of about 10-15dB. Therefore no acoustic insulation measures are necessary if the external noise levels are no more than 10 to 15dB higher than the internal noise criteria. Where external noise criteria exceed these values, acceptable internal noise levels will not be achieved when the windows are open and so there is a need to provide acoustically attenuated ventilation. The ventilation provided should be sufficient to replace that provided by opening windows.

Details of the sound reduction levels and the level of ventilation provided by the proposed double glazing and ventilation system will need to be provided to demonstrate that the required internal noise levels will be achieved.

For further advice on noise control please contact the Environmental Health (Environmental Protection and Housing) Team on 0118 974 6766/65.

APPENDIX 6

WOKINGHAM DISCTRICT COUNCIL

ENVIRONMENT ACT 1995 - SECTION 83

AIR QUALITY MANAGEMENT AREA ORDER 2001

Wokingham District Council ("the Council"), Civic Offices, PO Box 155, Shute End, Wokingham Berkshire, RG40 1WW in exercise of powers conferred upon it by section 83(1) of the Environment Act 1995 makes the following order.

This order may be cited as the 'Wokingham District Council Air Quality Management Area Order 2001'. It will come into operation on Friday 28th day of September 2001.

Following a three stage review and assessment of air quality in Wokingham, it appears to the Council that the air quality objectives for nitrogen dioxide are not likely to be met by relevant objective date, in the area described below, and hatched green on the attached maps (1-59). The boundary of the air quality management area extends around the curtilage of properties within this area. These properties along with the following list of roads shall be designated as air quality management areas ("the designated areas"):

i) The A329 Berkshire Way, A329(M) and A3290, from the borough boundary with Bracknell Forest Borough Council up to and including the roundabout with the A4 London Road, Earley (maps 32-59).

ii) The M4 motorway within the District, from the borough boundary with Reading Borough Council to the borough boundary with the Royal Borough of Windsor and Maidenhead (maps 2-31).

This order may be varied or revoked by a subsequent order.

The Council may revise the designated area from time to time.

Dated: 27th September 2001

THE COMMON SEAL of
WOKINGHAM DISTRICT COUNCIL
was hereunto affixed in the
presence of:

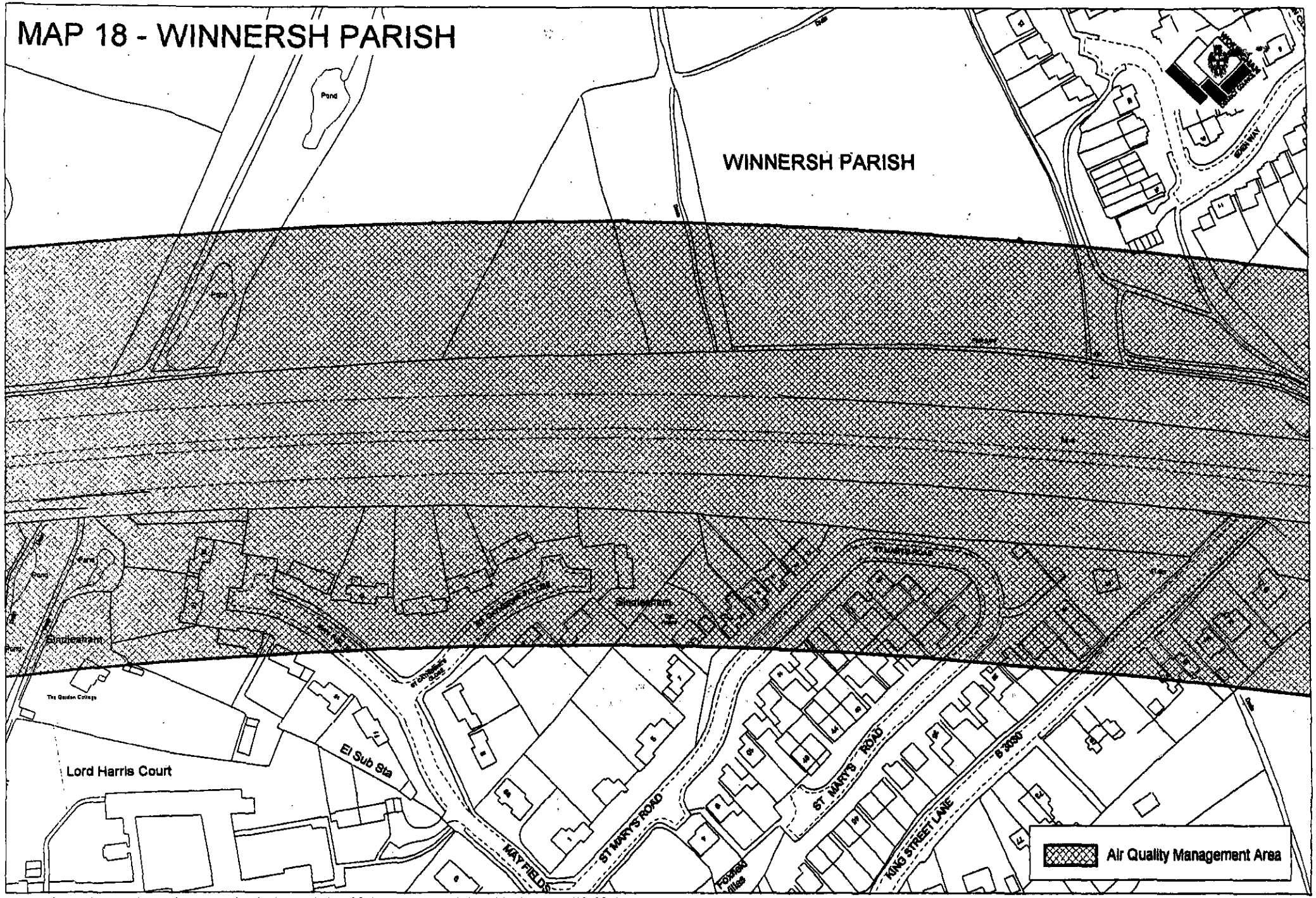
C.J.

SOLICITOR

14895

T E Kingswood (ref. KKC)
Solicitor to the Council
Wokingham District Council
P O Box 151
Civic Offices
Shute End, Wokingham
Berkshire RG40 1WH

MAP 18 - WINNERSH PARISH



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Environmental Health Section, Wokingham District Council.

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C.S.W

14896

APPENDIX 7



Appeal Decision

Inquiry held on 30 October 2001

WOKINGHAM DISTRICT COUNCIL
30 JUL 2002
PUBLIC PROTECTION

The Planning Inspectorate
4/09 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6572
e-mail enquiries@planning-inspectorate.gsi.gov.uk

by Philip Wilson DipArch DipTP RIBA MRTPI

an Inspector appointed by the Secretary of State for Transport, Local Government and the Regions

Date 21 NOV 2001

Appeal Ref: APP/E5330/A/01/1066472
Land at 6-42 Blackheath Road, Deptford, Greenwich

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by St James Homes Ltd against the Greenwich London Borough Council.
- The application (Ref.01/0609F), is dated 19 March 2001.
- The development proposed is the provision of 148 one and two bedroom flats, 894 square metres of B1 floorspace, 200 square metres of A1/A3/B1 floorspace and 84 parking spaces, accessed via Deals Gateway.

Summary of Decision: The appeal is dismissed.

Procedural Matters

1. The Inquiry opened on 30 October 2001 and closed on 2 November 2001. I undertook my formal site inspection on 2 November 2001.

2. The description set out above is of the development initially proposed. Discussion between the main parties before and after the appeal was lodged resulted in changes to the nature and amount of the development proposed. Amendments reduced the number of dwellings, reduced the number of parking spaces, increased the amount of B1 floorspace and omitted the A1/A3 uses. These amendments are illustrated by revised drawings.

3. At the commencement of the Inquiry, I was invited by both parties to consider the revised proposals in place of those that formed the basis of the original application. I took the view that the interest of no third party would be seriously and adversely affected if the Inquiry proceeded on the basis of the revised scheme.

4. My decision therefore relates to the revised scheme for 130 one, two and three bedroom flats, 3,222 square metres of B1 floorspace, 80 parking spaces, accessed via Deals Gateway. That scheme is illustrated by drawings listed under Plan A in the schedule at the end of this document. My decision takes into account information provided in support of the initial application, to the extent that it remains relevant. It also takes into account the purpose and effect of a planning obligation submitted by the Appellant at the Inquiry, oral representations made by the occupier of one of the existing commercial units on the site, all written representations and all other matters raised during the course of the Inquiry.

The Site and its Surroundings

5. The appeal site has an area of about 0.58 hectare. It lies to south of Blackheath Road, part of the A2, and to the east of its junction with Deals Gateway. To the south is land in the Borough of Lewisham currently being developed mainly for housing but with some B1 floorspace. This development is also known as Deals Gateway. It includes land upon

which the Stephen Lawrence Technocentre – a scheme comprising a mix of educational, community and commercial uses - is expected to be built.

6. The main part of the appeal site is, at present, occupied by six commercial units. These are plainly constructed, shed-like buildings erected in the 1970s. Two of the six units were vacant at the time of the Inquiry. The occupied units are in use mainly for vehicle repair, maintenance or cleaning. A single vehicular access, from Blackheath Road, serves the site. A 3-storey office building, apparently constructed in the 1920s, occupies a prominent position at the junction of Blackheath Road with Deals Gateway.

7. To the east of the appeal site is Greenwich Academy, a Grade II listed building, formerly the West Greenwich Boys School but now converted into apartments. To the north of Blackheath Road is an area of predominantly residential character designated by the Council as the Ashburnham Triangle Conservation Area. On the frontage to Blackheath Road is the locally listed Magistrates Court. A short distance to the east of this building is a row of Grade II listed houses.

8. To the north-west of the junction of Blackheath Road and Greenwich High Road is an area of older, mixed use development. The large bulk of Mumford's Flour Mills, also listed in Grade II, lies to the rear of these buildings. The Docklands Light Railway (DLR) is carried on a bridge across Blackheath Road, to the west of Deals Gateway. Deptford Bridge Station is on the bridge itself. The Borough of Lewisham lies to the south and west. The appeal site is within an area identified in the Council's Unitary Development Plan as an Industrial Improvement Area (IIA) and designated as such under the provisions of the Inner Urban Areas Act 1978.

Main Issues

9. Having heard the evidence, I consider the main issues in this appeal to be:

- First, whether the development proposed would seriously undermine the purpose of Council policies and initiatives designed to make or keep land in the Borough available for employment purposes.

- Second, whether the development proposed would, by reason of its height, bulk, scale or form, detract from its surroundings, having particular regard to its proximity to the Ashburnham Triangle Conservation Area.

- Third, whether exposure to air or noise pollution would prevent the occupiers of the dwellings proposed from enjoying satisfactory living conditions.

- Fourth, whether the development proposed would harm the amenity of the occupiers of Greenwich Academy through loss of privacy or by appearing visually oppressive.

- Fifth, whether the development proposed would preserve an appropriate setting for the Grade II listed Greenwich Academy.

Planning Policy

10. The development plan for the area is the Greenwich Unitary Development Plan 1994 (UDP). The plan's key aims are job creation, promoting a healthy and sustainable environment, revitalising run-down areas, fostering development that meets community

needs, enhancing economic activity and employment, and achieving good quality development.

11. UDP policies J1 to J7 collectively seek to promote the economy of the Borough through retaining employment land, increasing job opportunities and improving the physical attractiveness of this part of east London. Specifically, policy J2 seeks to retain and expand existing economic activity and to resist changes in the use of existing employment land if the location of that land makes it especially suitable for employment use.

12. Within Defined Industrial Areas identified in the UDP, policies J13, J14 and J15 give support and priority to Class B2 industrial uses. Class B1 uses, other than offices, may be permitted in the absence of any realistic prospect of B2 uses coming forward. Proposals are expected to have regard to accessibility and their environmental consequences.

13. Policy J26 advises that, on existing sites in employment use outside defined Employment Areas, planning permission will normally be granted for a replacement employment use where that use would not have a detrimental effect on the local environment or cause highway safety problems. Planning permission for non-employment uses will be granted only when the site is considered to be unsuitable for employment use or where there is little prospect of an employment use materialising. Policy J29 seeks a comprehensive upgrading of selected older areas by encouraging refurbishment, selective clearance and rebuilding, and by promoting improvements to access and to the environment.

14. The Council's general approach to design and conservation is set out in UDP policies D1 to D7. The aim is to protect areas of good character and to ensure that new development harmonises with its surroundings. Policy D6 refers specifically to the preservation of listed buildings and their settings.

15. Policy D8 requires new development to be of a high standard of design and respectful of the character and appearance of its surroundings in terms of bulk, scale, massing, layout and materials. Factors to be taken into account are set out in the policy. They include relationship with other townscape features, adequacy of daylight and sunlight, visual interest at street level and sensitivity to the development capacity of sites.

16. Policy D14 directs high buildings to particular locations in the Borough. Deptford is not one of these. The supporting text to the policy explains that high buildings and structures are not considered appropriate in most areas, due to their scale in relation to their surroundings. Policy D18 indicates that planning permission will only be granted for development that preserves or enhances the character or appearance of conservation areas, taking into account local scale, development patterns, built form and materials.

17. Environmental protection policy E2 sets out the Council's objective to control development to limit the impact of problems of air and water pollution, noise, smell and toxic materials, especially from transport and industrial processes. E6 advises that permission will normally not be granted where a proposed development or change of use would generally have a significant and adverse effect on the amenities of adjacent occupiers. Policy E7 states that housing or other sensitive uses will not normally be permitted on sites adjacent to existing problem uses unless ameliorating measures can reasonably be taken. Policy E14 states that the Council will give high priority to air pollution matters when considering development proposals and will seek reductions in the levels of specific airborne pollutants where

possible, especially when new sources of pollution are identified, or when new evidence indicates that current levels are too high.

18. UDP Housing policies H1 to H6 set out the Council's objectives with regard to housing. Specifically, policy H3 expects new housing to be built to acceptable design standards with policy H4 requiring a high quality environment to be provided in residential areas. Housing policy H18 sets out particular factors to be taken into account when considering proposals for new residential development. They include privacy, aspect and orientation and design as well as consistency with other UDP policies.

Reasons

- First Main Issue – Employment

19. The appeal site is at present, wholly in commercial use. Discussion at the Inquiry concerning the Use Class - or Classes - into which present activities fall was, in my opinion, inconclusive. For the purposes of this appeal I see no reason why they should not be considered either B1 or B2. Whatever the position, it is clear that the appeal site is currently a source of employment and has been for many years. Information provided by the Appellant suggests that present uses generate between 40 – 45 jobs, or their full time equivalents. If a similar employment density is assumed, the two vacant units have a potential to generate a further 15 – 20 jobs.

20. I note that the currently vacant units have not been occupied for several years, notwithstanding efforts that have been to let them. I draw no strong conclusions from this. The units concerned appear to me to be the least conveniently located on the site and there may well be other factors that make them less attractive as commercial premises than business floorspace in other locations. There is no evidence to suggest that any of the businesses currently operating from the site are not viable. Third party evidence indicates that one of the units has been established for eight years and has built up working and educational ties with the local community. I note, also, that the making of grants and loans in an IIA is on the basis that the area will remain predominantly industrial or commercial in character.

21. The broad thrust of UDP employment policies is to be found in policies J1 to J7. I heard nothing in evidence to suggest that there has been, or should be, a fundamental change in the objectives underlying those policies as part of the forthcoming UDP review. Notwithstanding the fact that the UDP dates from 1994 and may well have drawn upon data, trends and Ministerial advice from an earlier period, the Council's policy objectives remain, in my opinion, consistent with most recent RPG 3 guidance that advises London Boroughs to adopt policies to encourage business and industry to locate or remain in their areas.

22. RPG 3 also recommends that London Boroughs should keep under review the demand, and potential demand, for industrial and business land in their area. While circumstances may arise that will place a higher priority on the use of land for other than employment use, I note that there is, in this case, no obvious shortfall in local housing supply or a serious deficiency of land for any other purpose identified in the UDP. It seems to me, also, that initial proposals for the Mayor of London's Spatial Development Strategy places as much emphasis on maintaining and generating economic activity and employment as on providing housing.

23. I have considered evidence concerning the present and possible future requirement for employment land and buildings in the Borough and in London generally. A 1999 LPAC Report on Industrial Land Demand in London confirms that there is a reducing demand for industrial land to accommodate B2 and B1(c) uses. That is, to some extent, confirmed by the Council's own studies, but with an indication that the demand for industrial and manufacturing land in the east of the Borough will persist. That might well allow land in other parts of the Borough to be released for alternative uses, but it is clear that there continues to be a demand for B1 accommodation in particularly favoured locations.

24. I take a favoured location to be one convenient to other business uses, well served by public transport and accessible to a local workforce. There is no dispute that the appeal site is highly accessible. It is also close to other businesses and is in an area where the Council is taking positive steps to retain and promote commercial activity. Much of the surrounding area, in Greenwich and in Lewisham, is residential in character.

25. I have considered evidence concerning the amount of employment land in the Borough that may be vacant at any one time. Whether it is at the 9% or the 15% end of the range put forward at the Inquiry, I do not consider that to be a particularly high percentage in an area where employment is undergoing structural change and where old jobs are being replaced by new. I find evidence concerning the general availability of employment land and floorspace inconclusive. There is no dispute that land and buildings are available, but size and location will almost certainly have a bearing on take up. The Appellant accepts that figures produced for employment land should be taken only as a broad indication of the present situation. I find no strong evidence of a general decline in the demand for employment land in Greenwich. It is, however, important to recognise that the nature of employment is changing.

26. That brings me to the UDP policies with which the Council alleges conflict. On the question of whether the UDP is to be regarded as an up-to-date document, it clearly cannot be taken as a recent statement of Council policy; but I note that it is one that the Secretary of State, in his decision on appeal APP/E5330/A/00/1046845 issued in October 2001, accepted as being not significantly out of date. That appeal raised employment issues in circumstances where it was proposed that retail and ancillary development should take place on land identified as being suitable for B1(c), B2 or B8 use. The circumstances of that case are not identical to this appeal but the decision supports the view that employment policies adopted in 1994 and intended to remain in force until 2001 may be relied upon.

27. Policy J2, a general policy, seeks to retain and encourage the expansion of existing economic activity. To the extent that the proposed development would incorporate B1(a/b) floorspace with a potential generate more jobs that the existing use of the site, that objective could be said to be satisfied. However, if a B1(a/b) is to be considered an acceptable alternative to the present use or uses, the redevelopment potential of the appeal site as a whole must, in my opinion, be taken into account. On the matter of locational suitability of the appeal site, that has quite obviously been enhanced by the DLR. The site is, as previously indicated, also close to other land in business use and near to residential areas.

28. Policy J26 is a detailed and permissive policy that accepts the replacement of one employment use with another. To suggest that provision of equivalent floorspace or a modest increase in floorspace, coupled with a non-employment use, would satisfy this policy is, in my opinion, to misinterpret the policy's purpose. The reasoning given at

paragraph 2.71 clearly indicates that it will be important to *maximise* the potential of existing employment sites. The appeal site is an employment site and the appeal scheme clearly demonstrates that it can accommodate more usable floorspace than at present. Issues of environmental impact and highway safety are not, in my opinion, insurmountable obstacles to making more effective use of the site.

29. With regard to the second part of policy J26, I see no reason why, in principle, the appeal site should not continue to be used for employment purposes. The last part of policy J26 allows consideration of a non-employment use where there is no realistic prospect of an employment use materialising. It is the case that a substantial proportion of the site is in employment use. That two units have remained empty for several years does not lead me to conclude that the site, as a whole, is unsuitable for employment purposes.

30. While I consider that the emphasis must be on employment, I do not consider that policy J26 entirely rules out a non-employment use, provided that the employment potential of the site could be shown to have been - in UDP terms - maximised. That is a matter of judgement, to be exercised by the local planning authority in the first instance. It falls outside the scope of this appeal. On the matter of cross subsidy from a higher value use, I have considered information concerning rental values and development costs I am not convinced that a need for subsidy has been demonstrated conclusively. I am inclined to the Council's view that, where opinions differ, the proper test of a site's potential for employment use is a marketing exercise. No such exercise has been carried out in this case. I accept that Deals Gateway is a separate scheme that, although being undertaken by the Appellant company, should not be expected to subsidise redevelopment of the appeal site.

31. I share the Council's concern that planning permissions for uses generating higher land values would be likely to discourage commercial investment and lead to uncertainty regarding the Council's resolve to retain land in the Borough in employment use. If there is to be a change in the balance between employment and other land uses, that is a matter that should, in my opinion, be considered as part of a review of the development plan for the area. In that context, all factors relevant to the suitability, supply, demand for and location of employment land could be considered. As an approach, it is consistent with advice contained in Planning Policy Guidance note 1 *General Policy and Principles* and in Planning Policy Guidance note 4 *Industrial and Commercial Development and Small Firms* (PPG4).

32. With regard to UDP policy J29, there is no evidence that the appeal site has benefited directly from the provisions of the Inner Urban Areas Act 1978 but I note the initiatives that have been taken by the Council in pursuing IIA objectives in the Deptford area. It is also clear that co-ordinated measures are being taken to bring about regeneration of the wider, West Greenwich, area. It seems to me that maximisation of job opportunities will almost certainly continue to feature in Council initiatives. I note, in this connection and from information provided to the Inquiry, that unemployment in the Borough of Greenwich exceeds twice the average for Greater London.

33. I have considered accounts given at the Inquiry of meetings held between representatives of the main parties in connection with the development proposed. While records exist, recollections of what was said vary, and it is impossible to establish conclusively what may or may not have been agreed or understood in discussion. I have, however, no reason to

doubt that the Council consistently drew attention to the employment status of the appeal site.

34. Taking all the above considerations together, I conclude on the first main issue that the development proposed would seriously undermine the purpose of Council policies and initiatives designed to make and keep land in the Borough available for employment purposes.

- Second Main Issue – Effect on Surroundings

35. Buildings that presently occupy the eastern part of the appeal site have no intrinsic architectural merit. They are similar to many buildings constructed in the 1970s for commercial purposes. They do nothing to complement the design, form or appearance of other development in the vicinity of the appeal site but they cause no visual offence, mainly because of the blandness of their design and their recessive colouring.

36. The 3-storey office building at the western end of the site has the virtue of being designed for its corner situation, and its vaguely Art Deco detailing raises it above the very ordinary. I accept, however, that it is an unfashionable building that has outlived its commercial usefulness. In all, I find nothing in existing buildings on the site to suggest that they could not be replaced by other development of better quality.

37. The height and disposition of buildings on the site appears to me to be a simple and direct response to existing buildings nearby. I find no fault in this approach and I note that there has, without prejudice, been dialogue between the parties concerning form and elevational treatment of the development.

38. While Block A, the tower, would be the tallest building on the site, Blocks B and C would, in my judgement, have the greatest impact on views from Blackheath Road. The combined buildings would present to Blackheath Road a continuous façade, about 60 metres long - well over half the length of the appeal site frontage. The proposed setting-back of Blocks B and C from the front boundary coupled with recessed ground, fourth and fifth floors would reduce the apparent height and bulk of the building. It would, however, be a building of considerable and obvious mass, rising to a height exceeding most other buildings in the area. In these respects, the development proposed would, in my opinion, appear distinctly at odds with its surroundings.

39. Block D is shown contained well within the site and it is a building that would, in my opinion, have very little public impact. A building in this position would give purpose to the interior of the site and introduce activity and interest into the central area. The drawings are not especially informative on matters of detail, but I find the pavilion-like form and appearance of Block D attractive.

40. The form, height and proportions of Block E have clearly been influenced by the relationship of this building to the Greenwich Academy. The overall height of Block E would be lower than the Academy building. This, combined with the roughly 16 metre gap separating the Academy from the main bulk of Block E, would allow the Academy building to continue to dominate its situation. That, in my opinion, is an important consideration. In considering the relationship between the two buildings, I have taken into account the eastward extensions at the base of Block E for depths of between 6 and 12 metres.

41. I turn now to Block A. A key consideration in assessing the impact of Block A on its surroundings is the Lewisham resolution to grant planning permission for the Stephen Lawrence Technocentre on land immediately to the south of Block A. Were the Technocentre development to take place – and I have no reason to doubt that it will - it would exceed the height of the building on this part of Deals Gateway for which planning permission was previously granted, and the height of proposed Block A, by about 10 metres.

42. I understand that Greenwich Council was consulted on the Technocentre proposal, but no objection was raised to its height. Whatever the reason, there is now a real prospect of a tall building being erected in this situation. I regard the Lewisham decision as an important planning consideration when considering the impact and acceptability of a high building in the position of Block A.

43. As a proposal for a high building, Block A is in direct conflict with UDP policy D14. However, I consider the relationship between the western end of the appeal site, the major road intersection immediately to the north, the concentration of other development about the intersection and the physical presence of the DLR factors that support a case for permitting a tall building in this location. The conditions I have described are unlikely to be repeated in the exactly same combination elsewhere in the Borough. I ma not, therefore concerned about an undesirable precedent becoming established.

44. Taking the above considerations together, I am satisfied that – although in conflict with UDP policy D14 - a building of the height of Block A would not offend or seriously undermine the overall objectives of UDP design and townscape policies. That said, I am conscious that neither the Technocentre nor the appeal scheme was prepared with certain knowledge of the form of development that might take place on the adjacent site.

45. The illustrations of Block A indicate an intention to achieve a building of good architectural quality. While that may be so, I am concerned that its generally rectilinear form would sit uncomfortably alongside the curved shape of the Technocentre tower. I find the absence of a considered relationship between two tall and closely related buildings a factor that weighs heavily against the appeal scheme.

46. In considering the effect of the development proposed on the Ashburnham Triangle Conservation Area, I have borne in mind the duty imposed by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires special consideration to be given to the desirability of preserving the character or appearance of the conservation area. UDP policy D18 reflects that duty. I have also had regard to advice contained in Planning Policy Guidance note 15 *Planning and the Historic Environment* (PPG15), particularly advice that planning decisions should have regard to the effect of development on the setting of a conservation area, or views into or out of a conservation area.

47. There is broad agreement between the parties concerning the character and appearance of the conservation area, a mainly residential area where most houses are of two or three storeys high with, occasionally, buildings of four or more storeys. Significantly, Maurice Drummond House, an eight storey building close to the centre of the Ashburnham Triangle, is excluded from the conservation area, but is widely visible from within it.

48. The conservation area has a distinctive and pleasing architectural character. Guildford Grove and Egerton Drive offer views in the direction of the appeal site. The conservation

area's southern boundary corresponds with Blackheath Road. Prominent among buildings on this frontage are the locally listed Magistrates Court and the Grade II listed row at 23-45 Blackheath Road.

49. By reason of its position, I do not consider that the development proposed would seriously impinge upon views important views into the conservation area. While the proposed development would be concealed in views from many positions within the conservation area, Blocks A, B and C would be prominent in views from around its southern edge. The fact that Block A might, in some views, be seen rising above the roofscape of buildings in the conservation area does, in my opinion, automatically rule out a tall building on this part of the appeal site.

50. Looked at in isolation, I do not consider that Block A would have any greater impact of Maurice Drummond House or add significantly to the impact of high buildings on the conservation area. I am, however, concerned that Block A and the Technocentre would, for the reason already explained, form a visually disturbing composition. I am also concerned that this part of Blackheath Road would be dominated by a building of the combined bulk and scale of Blocks B and C. The consequences of this, in my opinion, are that the setting of the conservation area, around its southern edge, would be adversely affected and that the contributions made by the Magistrates Court and nearby listed buildings to the character and appearance of the conservation area would be much reduced.

51. I therefore conclude, on the second main issue, that the development proposed would, to the extent that I have indicated and contrary to the underlying objectives of UDP policies D8, D14 and D18, detract from its surroundings and fail to preserve an appropriate setting for the Ashburnham Triangle Conservation Area.

- *Third Main Issue – Pollution*

52. While comparisons might be made between the exposure to pollution of those living and working on the appeal site, I have, for the purposes of this appeal, taken the view that pollution is to be considered only in relation to the residential element. That is on the understanding that employee protection is the subject of other legislation. Although background levels must be allowed for, the immediate and most obvious source of noise and air pollution in the vicinity of the appeal site is traffic passing along Blackheath Road.

53. An assessment of air quality in the Borough, carried out by the Council, has established that annual mean concentrations of nitrogen dioxide (NO_2) and 24 hour mean concentrations of PM_{10} particulates are likely to breach Government objectives near to major roads in the Borough. As a consequence, the Council has designated the Borough an Air Quality Management Area (AQMA). This, in turn, requires the preparation of an Action Plan to achieve air quality standards and objectives.

54. Blackheath Road carries over 60,000 vehicles each day. There is no dispute that this traffic is the source of high levels of air pollution in the form of NO_2 and PM_{10} and that dwellings fronting Blackheath Road would be exposed to levels pollutants above normal health threshold limits. That, in itself, is not a bar to residential development and permissions granted in other areas for residential development close to major roads indicates that discretion has been exercised by the Council.

55. Initiatives being taken by the Council hold out the prospect of air quality in the Borough improving over the next 5 to 10 years. That assumes accuracy in air quality assessments already undertaken, but new vehicle emission factors issued by Government suggest that factors previously used may have led to vehicle emissions being underestimated. In the circumstances, and until there is certainty in the matter, I consider it proper to take a precautionary approach and assume that current pollutant levels are unlikely to change for the time being.

56. Given the conditions that prevail in this part of Blackheath Road, the occupiers of dwellings at the front of Blocks B and C would be unable to rely on natural ventilation of the kind usually provided by opening windows. The issue, therefore, comes down to whether a suitable mechanical system could be devised to provide adequate ventilation for those dwellings. Such a system would also be relevant to protection against noise.

57. It is relevant, in my view, that the appeal scheme appears to have been designed without regard to a need for mechanical ventilation. That does not make the appeal scheme objectionable but it raises doubts concerning compatibility with the intended buildings and about the effectiveness of any system that might be proposed. The essential features of a system designed to provide dwellings fronting Blackheath Road are illustrated in a report prepared on behalf of the Appellant and sent to the Council shortly before the Inquiry.

58. I heard evidence from both parties concerning the practicality and effectiveness of such a system and, from the Council, reservations concerning the ability of the development proposed to accommodate fan units, ducting and other components - including inlet and outlet grilles set into the external walls of the building and possibly insulated against noise.

59. The system devised by the Appellant would need to meet the requirements of Building Regulations. It would need regular but perhaps only infrequent maintenance. The responsibility for this and for repairs would, I understand, be placed in the hands of a management company. The Appellant's report indicates a service life of 25 years for the type of installation proposed. No indication is given of whether or how equipment would be renewed after that time, nor is there any indication of the financial or practical arrangements that would need to be made for overhauling the system. That, coupled with the possibility that some dwellings might, as affordable housing units, be occupied under different tenure, suggests to me that insufficient consideration has been given to a system without which parts of the development could not function safely and conveniently.

60. I particularly share the Council's concern regarding the need for ventilation ducts that would serve one set of dwellings having to pass through other dwellings, rather than through service voids or common spaces. That, in my opinion, raises questions concerning potential for noise disturbance.

61. Given that it would need to form an integral part of a significant proportion of the total number of dwellings proposed, to leave the matter of mechanical ventilation to be addressed by a planning condition – or by the provisions of a planning obligation - would, in my judgement, be unreasonable. In forming this view, I have had regard to advice set out in Circulars 11/95 and 1/97. Although its emphasis is more on the quality of air introduced mechanically into buildings than on the method of its introduction, my conclusion on the adequacy of information provided by the Appellant is supported by a DETR/BRE report, prepared in 1999 and submitted at the Inquiry. This report points to the need for a well thought out ventilation strategy for buildings, whether by natural or mechanical means.

62. With regard to noise, it is agreed that part of the appeal site falls within Noise Exposure Category D (NEC D), as set out in Planning Policy Guidance note 24 *Planning and Noise* (PPG24), with the remainder falling within NEC C. PPG24 advises that, where it is considered that permission should be given for residential development on land within NEC C, conditions should be imposed to ensure a commensurate level of protection against noise. Where residential development is proposed on land in NEC D, PPG24 advises that planning permission should normally be refused.

63. I heard at the Inquiry evidence concerning other sites and buildings exposed, in varying degrees, to the effects of noise. Setting aside uncertainties regarding the identification of buildings referred to, I do not feel bound by any previous decision taken by the Council. There is no real evidence of the Council having acted arbitrarily, as opposed to adopting a reasonable and flexible approach where circumstances warranted it.

64. In technical terms, I have no doubt that dwellings on the Blackheath Road frontage could be protected against the worst effects of noise. That is agreed by the Council; but only in combination with a practical and acceptable means of mechanical ventilation. Setting aside uncertainties surrounding and possible objections to such a system, I am concerned that the occupiers of dwellings on the north sides of Blocks B and C would effectively be sealed from the outside world. Windows could not be opened without exposure to high levels of traffic noise, as well as air pollution. I do not consider that would provide a reasonable and acceptable living environment.

65. It may well be that only eight of the dwellings proposed, on the north side of the building and at first floor level, would be within NEC D, but PPG 24 makes it clear that permission for residential development in this category should normally be refused. That indicates to me that very special circumstances would need to exist for favourable consideration to be given to proposal incorporating housing. In the absence of a demonstrable need for additional housing in this or any other part of the Borough, and having regard also to the conclusions I have reached on the two preceding main issues, I find nothing to indicate that an exception should be made in this case.

66. I have considered evidence of draft changes to Part E of the Building Regulations. That has a bearing on the technical aspects of sound insulation but I find nothing in the draft text to override the well-founded planning objection I have identified. The fact that the night time exposure of dwellings within NEC D might, by applying a conversion factor, place those dwellings in NEC C does not alter my conclusion concerning the quality of the living environment provided by dwellings on the north side of Blocks B and C.

67. Taking all the above considerations together, I conclude on the third main issue that exposure to air and noise pollution would prevent the occupiers of the dwellings proposed from enjoying satisfactory living conditions. Accordingly, I find the development proposed in conflict with the underlying objectives of UDP policies E2 and E7, policy E14 insofar as it is concerned with air pollution, and housing policies H3 and H4.

- Fourth Main Issue - Amenity

68. In considering the effect of the development proposed on the amenity of the occupiers of the Greenwich Academy, I have had regard to the internal arrangement of Block E and the distance from the main flank wall of Block E to the west facade of the Academy. During

my site visit, I noted the positions of windows serving the main accommodation of apartments in the western part of the Academy.

69. The appeal site and the Academy are situated is an area that has a distinctly urban character. Within such areas, standards of privacy will almost certainly be lower than in other areas. In most cases, the outlook from dwellings will include other buildings. The amended application drawings indicate that to me that opportunities for overlooking from dwellings in Block E will be confined to 2 or 3 rooms at each floor level and from windows lighting a communal staircase. Any perception of overlooking from staircase windows could be addressed by means of a planning condition. The outlook from windows to habitable rooms in Block E would include the west facing windows of dwellings in the Academy building. However, having regard to the distance between the two buildings and angles of visibility, I am satisfied that the development proposed would not seriously interfere with the use or enjoyment of living accommodation in the Greenwich Academy.

70. With regard to outlook, westward views from dwellings in the Greenwich Academy would be altered by the appeal proposals but not to an extent that would, in my opinion, seriously detract from the amenity of the occupiers of the Academy. In forming this view, I have taken into account the quality and extent of views that are likely to be obtainable, at present, from rooms at the western end of the Academy.

71. Privacy and views are subjective issues and I appreciate that the occupiers of some dwellings in the Greenwich Academy will have become accustomed to present levels of privacy and outlook; but I do not consider that the effect of the development would be such as to make the appeal scheme incompatible with the planning objectives of UDP policies E6 or H18.

- Fifth Main Issue – Listed Building

72. On the basis that amended proposals are to be considered, the Council's objection to the development proposed on the grounds that it would adversely affect the setting of the Grade II listed Greenwich Academy was not pursued. Even so, with the duty imposed by Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in mind, I have identified setting as an issue in relation to the Academy building. In determining whether the development proposed would preserve an appropriate setting for the listed building proposed, I have had regard to guidance set out in PPG15.

73. The Academy building dates from 1874. The list description refers to a three storey building with steep gables and a high pitched tiled roof. The building is manly of London stock brick with much red brick dressing. Windows have moulded brick architraves, frieze and segmental pediments. The building was converted to residential use in the mid 1990s. Discrepancies between old and new work can be identified but the conversion retains the essential character of the former school building.

74. The immediate setting of the listed building and evidence of its former use is provided by boundary walls enclosing the site. Beyond, the setting of the listed building takes in a wide range of buildings and land uses. None of these, in my opinion, seriously interferes with the setting of the listed building or detracts from its special interest. The buildings that presently occupy the appeal site are much lower in height and of distinctly different form from the Academy with the nearest building sited about 3 metres from the 2.5 metre high boundary wall. The eaves of this building are about 5.5 metres above ground level.

75. The architectural presence of the development proposed would be much stronger than the existing buildings but its largest components, Blocks A, B and C would be set well away from the listed building. It is apparent from the amended proposals that attention has been paid to the relationship between Block E and the Academy. I note, also, that the materials of which Block E would be constructed would be similar to those of the listed building.

76. Taking all the above considerations into account and having particular regard to the width of the gap that would be left between the two buildings, I conclude that the development proposed would preserve the setting of the Greenwich Academy. The special interest of the listed building would therefore be preserved, in accordance with an objective of UDP policy D6.

Other Material Considerations

- **Sustainability**

77. Given the date of its adoption, it is understandable that UDP policies do not reflect sustainability issues now addressed in Government planning guidance. Sustainability is argued in support of the appeal scheme with particular reference to the mix of uses and the proximity of the site to various modes of public transport. There can be no real dispute that the appeal site is in a location accessible from a wide area by public transport. That, in my opinion, gives as much support for employment as for residential use.

78. In addition, I find nothing in Government guidance to suggest each urban site that comes forward for redevelopment should incorporate a mix of uses. It seems to me, from information provided at the Inquiry and from my site visit, that there is already a reasonable mix and distribution of uses in the locality. While the development proposed would replace employment floorspace, failure to maximise the employment potential of the site could result in job opportunities being denied to an expanding local population. I appreciate that development economics will have a part to play in this, but I have already indicated that I do not consider that site's potential for employment use has been fully tested.

- Urban Design

79. The context in which the appeal site exists provides, in my opinion, considerable scope for reinforcing local identity. Elements of the appeal scheme demonstrate this. However, I am not convinced that the presently poor appearance of the appeal site and its buildings justify permitting development that is, for sound planning reasons, objectionable. Much guidance on urban design issued by Government, or available from other sources, is concerned with places where people will live; but there is no reason why principles of good urban design should not also be applied to other land uses and development.

- Unilateral Undertaking

80. I have considered the purpose and effect of the planning obligation made by the Appellant under the provisions of Section 106 of the Town and Country Planning Act 1990, as amended. The undertaking would become effective only on the grant of planning permission. I note the provision made in the obligation for affordable housing but this is not a benefit that I consider outweighs the objections I have identified. I consider the undertaking's other provisions incidental to the main issues in this case.

- Other Matters

81. I have considered all other matters raised at the Inquiry and in writing, including UDP policies not expressly referred to in my Decision and the balancing exercise that needs to be carried out between objectives underlying all relevant UDP policies. I have also had regard to various appeal decisions drawn to my attention. I mention in my Decision only one that I consider has a bearing on the outcome of this appeal. The fact that the Council has agreed to the residential, or part-residential, redevelopment of some other employment sites in Greenwich does not affect my consideration of the merits of these particular proposals. I find nothing in these or in any other matters raised sufficient to influence my decision in this appeal.

Conclusions

82. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Formal Decision

83. In exercise of the powers transferred to me, I dismiss the appeal and refuse planning permission for 130 one, two and three bedroom flats, 3,222 square metres of B1 floorspace, 80 parking spaces, with access via Deals Gateway.

Information

84. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court within 6 weeks from the date of this decision.

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Patrick Clarkson QC	Queen's Counsel – instructed by Shoosmiths Solicitors, The Lakes, Northampton, NN4 7SH

He called:

Robert Sellwood BA DipTP MRTPI FRICS	Principal – Sellwood Planning, Highgate House, Bambers Green, Takeley, Bishop's Stortford, Herts CM22 6PE
John Stevenson FRICS MCIArb	Director – Grant and Partners, 21 Hanover Street, London W1R 8EE
Robert Macdonald BA(Hons) DipArch RIBA	Director - RMA Architects, 3 Ella Mews, Cressy Road, London NW3 2NH
James Thomas BA(Arch) DipTP FRIBA FRTPI	Principal – Rothermel Thomas, Chartered Architects and Town Planners, 14-16 Cowcross Street, London EC1M 6DG
Mark Broomfield BA DPhil	Environmental Consultant – Enviros Aspinwall, Walford Manor, Baschurch, Shropshire SY4 2HH
Trevor Curson BTech(Hons) MRSH MIOA	Environmental Consultant – Enviros Aspinwall, 16 Crucifix Lane, London SE1 3JW

FOR THE LOCAL PLANNING AUTHORITY:

Timothy Jones	of Counsel – instructed by Head of Legal Services - Greenwich LBC

He called:

Donal Rooney DipEH DipANC	Environmental Health Officer – Greenwich LBC
Andrew Whittles BSc DipEMA	Lead Environmental Health Officer – Greenwich LBC
Jim Smith BA(Hons) MSc DipUPI	Development Control Group Leader – Greenwich LBC

INTERESTED PERSON:

Roy Phelan	108 Brookdene Road, Plumstead, London SE18 1EL

DOCUMENTS

Document	1	List of persons present at the Inquiry each day.
Document	2	Council's letter of notification of the appeal and the Inquiry.
Document	3	Representations received in response to 2 above.

Document	4	Statement of Common Ground submitted at the Inquiry.
Document	5	Unilateral Undertaking dated 2 November 2001 submitted at the Inquiry.
Document	6	Council's list of suggested planning conditions with redraft of Condition 13 and additional condition relating to footway paving.
Document	7	Extract from *Town and Country Planning (Use Classes) Order 1987.*
Document	8	Extract from *Land Use Gazetteer* 2nd Edition 1997.
Document	9	Extract from *Inner Urban Areas Act 1978.*
Document	10	Extract from BRE report *Site Layout Planning for Daylight and Sunlight 1991.*
Document	11	Extract from RPG3 *Strategic Guidance for London Planning Authorities 1996* (pp50 and 51)
Document	12	Extract from RPG3 *Strategic Guidance for London Planning Authorities 1996* (pp34 and 38)
Document	13	Extract from Llewelyn-Davies report *Sustainable Residential Quality Exploring the Housing Potential of large Sites*
Document	14	Extract from BRE Digest 398 (1994) *Continuous Mechanical Ventilation in Dwellings.*
Document	15	Extract from LB Greenwich UDP (p125) Listed Buildings Policy D21 and paragraph 6.49.
Document	16	LB Greenwich *Issue Paper Two – Sustainable Development.*
Document	17	Extract from Roger Tym/GVA Grimley report *Industrial Land Demand in London 1999*
Document	18	Report to Secretary of State and Decision Letter dated 4 October 2001 concerning appeal relating to land at Anchor and Hope Lane and Woolwich Road, Charlton in the London Borough of Greenwich.
Document	19	Copy of LB Greenwich decision on planning application 9800591, dated 19 November 1998.
Document	20	Response of English Heritage to Stephen Lawrence Technocentre proposal – letter dated 19 March 2001 to LB Lewisham.
Document	21	Response of CABE to proposal to develop land at 6-28 Blackheath Road – letter dated 20 August 2001 to LB Greenwich.
Document	22	Letter dated 12 October 2001 from Quadrant Estates to LB Greenwich relating to land at Kidbrook Park Road.
Document	23	Letter dated 22 March 1999 from Trevor Curson (Enviros) to Donal Rooney (LB Greenwich).
Document	24	Mr Sellwood's appendices.
Document	25	Mr Stephenson's appendices.
Document	26	Mr Macdonald's appendices.
Document	27	Mr Thomas' appendices.
Document	28	Dr Broomfield's appendices.
Document	29	Mr Curson's appendices.
Document	30	Mr Rooney's appendices.
Document	31	Mr Whittle's appendices.
Document	32	Mr Smith's appendices.
Document	33	Report by Oscar Faber Group - 12 October 2001 – Mechanical Ventilation
Document	34	Statement and Appendices of G M Heard of WSP – Traffic and Highways
Document	35	Planning Application – Documentation – Volumes I and II/

PLANS

Plan	A	Revised and agreed application drawings: 447.001N, 002P, 003P, 004J, 005L, 006J, 007F, 008J, 010M, 011F, 012H, 013F. 014A and 003/P*.
Plan	B	Superseded drawings: 447.001G, 002G, 003G, 004C, 005E, 006D, 007A, 008D, 010F, 011A, 012D, 013A.
Plan	C	Superseded drawings: 447.001J, 002K, 003K, 004E, 005G, 006F, 007C, 008F, 010H, 011C, 012F, 013C, 014, 015, 016 and 17/P/001.
Plan	D	Superseded drawings: 447.001L, 002M, 003M, 004G, 005J, 006H, 007E, 008H, 010L, 011E, 012G, 013D.
Plan	E	Appellant's drawing 447.034 showing height of Block A as 30 metres.
Plan	F	Perspective view of Stephen Lawrence Technocentre 131-P [29].
Plan	G	Mr Thomas's drawing 2001-35/01 showing limitations on of and from the site.
Plan	H	Bound and reduced set of superseded and agreed drawings.

APPENDIX 8

AJH

Association of
London Government

Transport and Environment Committee

air quality management areas
planning guidance

guidance note for Planners and Environmental Health Officers
on the planning aspects of AQMAs

TEC01/03

January 2001

Association of
London Government

Transport and Environment Committee

To: **Borough Planning Officers and Borough Environmental Health Officers**

Cc: **Members of the ALG Transport and Environment Committee, Chief Executives of London Boroughs and ALG Officers Advisory Panels on Planning and Environment.**

Air Quality Management Areas – Planning Guidance

Contact Officer: Roger Chapman

Tel: 7747 4755 Fax: 7747 4709
e-mail: roger.chapman@tcfl.gov.uk

Dear Colleague,

A number of Boroughs have raised concerns that there is little advice currently available to both environmental health and planning professionals on the likely effect that the designation of Air Quality Management Areas (AQMA's) will have on the consideration of planning applications and policy development for Unitary Development Plans.

The guidance note attached outlines the planning policies that could be adopted in UDP reviews together with guidance on dealing with planning applications in AQMAs. The information could also be used to help produce supplementary planning guidance on this subject. This document has been prepared following consultation with the boroughs by way of a circular (TEC 00/13 dated 4th October) and through discussions with the ALG's Officer's Advisory Panel on Planning (which includes representatives from the GLA and GOL) and at the meeting of Chairs of the pan-London Air Quality Cluster groups. Additional advice on the assessments section of the note was received too late to be included in the agreed committee report but will be incorporated when the document is reviewed. This additional information can be made available to boroughs in the meantime if they contact me.

The ALG Transport and Environment Committee endorsed this guidance note on 15th December 2000. A Technical Guidance Note for developers and environmental consultants on how to undertake an air quality assessment for a new development in London is in preparation and will be released early in the New Year.

Yours sincerely,

Roger Chapman
Planning Policy Officer
Transport & Environment Committee
Association of London Government
New Zealand House
80 Haymarket
London SW1Y 4TE

Air Quality Management Areas – Planning Guidance

Clean air is vital for human health. More people are harmed every year by transport-related air pollution than by road accidents. Figures in the report **On the move**[1] show 226 people died in road accidents in London in 1998 compared to an estimated 380 deaths from transport emissions. This puts pollution-related deaths over a third higher than road accident deaths. The report also estimates that Londoners lose around 34,000 years of life every year from transport-related pollution. The combined effect of road accidents and transport-related air pollution are estimated to be responsible for at least one per cent of the city's total deaths every year.

The Government adopted the UK National Air Quality Strategy (NAQS) in 1997 to deal with the assessment and management of air quality. This was revised as the air quality strategy for England, Wales, Scotland and Northern Ireland in 2000.Local Authorities have to consider the present quality of air and the likely future quality of air to the end of 2005. They then have to assess whether the prescribed objectives are likely to be achieved by dates between the beginning of 2004 and the end of 2009. Where the prescribed air quality objectives are unlikely to be met local authorities must designate such areas as Air Quality Management Areas (AQMAs). London Boroughs have now completed their review and assessment of Air Quality. Where necessary they are defining Air Quality Management Areas and producing Actions Plans for them in order to work towards achieving air quality objectives. The major cause of air pollution in London currently is from traffic although around Heathrow aircraft also are a problem.

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- Identify environmental constraints on pollution activities to ensure the protection of the air, water and land environment
- Set out criteria in respect of different pollutants against which plans and policies can be appraised and proposals assessed, using local knowledge where possible.

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[4] Appeal decisions involving air quality are rare. If you know of any please let Roger Chapman at the ALG have details.

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Ensure all new development makes provision for cycling facilities and in appropriate cases Section 106 Planning Obligations are sought to improve walking and public transport facilities. Seek the submission of Green Travel Plans, which encourage staff and visitors to use more sustainable modes of transport rather than rely on car use.

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Promote the provision at petrol filling stations and other suitable locations of facilities for the sale of alternative cleaner fuels e.g. Liquid Petroleum Gas refuelling and compressed natural gas or electric charging points.

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There is a requirement for certain types of project to be subject to Environmental Impact Assessment (EIA) before planning permission is granted. If the site is in an AQMA or the impacts are likely to affect an AQMA the EIA must analyse in detail the extent of the impact and any mitigation measures to reduce the impact. For other development where Local Planning Authorities consider a development could lead to an adverse impact on air quality an air quality assessment or traffic impact assessment covering air quality issues will be required. Local Planning Authorities may wish to consider if the threshold for requiring traffic impact assessment or air quality assessment should be lower where they will affect an AQMA than outside.

Whether a proposed development will "affect air quality significantly (i.e. where the air quality objectives are likely to be breached)," [5] will be based on matters of fact and degree related to the development being proposed. It may be helpful to take the following considerations into account:

- Within or adjacent to an AQMA should any increase in emissions be considered a significant impact on air quality?
- Is the concentration of ambient pollutants in the area well above, or just above, the objectives?
- Is there a conflict with area initiatives in an Action Plan?
- What are the characteristics of the local area e.g. proximity of the development to air pollution sensitive locations, the number of people potentially affected by the proposal?
- What is the likely cumulative impact of the proposal with other developments in the area?

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Section 106 Planning Agreements and conditions

There is scope to utilise Section 106 agreements and planning conditions to mitigate the impact of emissions. These are some suggestions for areas to be considered:

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- Promote improvements in public transport, walking and cycling
- specifying the number of parking spaces, and their size;
- Restricting or prohibiting the use of specific classes and types of vehicles as well as monitoring the maintenance and emissions testing of the fleet;
- Targets on the proportion of employee trips made by public transport and other alternative modes of transport;
- Encouraging companies to operate Environmental Management Systems and Air Quality Strategies;
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- The control of air quality impacts during the construction phase

Travel Plans covering:

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- safe pedestrian routes;
- facilities for public transport, such as bus stops and lay-bys;
- the management and use of parking spaces, so that, for example, priority is given to certain categories of people, e.g. disabled people, people with children, visitors, or cars with more than one occupant; electric vehicles
- the removal of parking spaces after a specified period, or when access to the site is improved by public transport, walking and cycling (such as when a bus route is introduced to the site);
- the provision of information to staff and visitors about public transport, walking and cycling access to the site;
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- junction and road layouts.

Examples of 'model' conditions that could be included in planning applications are included at Appendix 1.

Cumulative Impact and monitoring

It is clear that major developments can have a significant impact on air quality through the generation of additional traffic. Smaller developments can, cumulatively, also have a significant impact. Within AQMAs local planning authorities should consider close monitoring of all development and assess if particular problems of air pollution are arising from the cumulative impact of

development within an area. If such problems do arise then the Local Planning Authority should consider if a more restrictive approach to certain types of development should be adopted to overcome them.

Conclusions

Tackling air pollution in London requires action on many fronts. Planning has its role and this guidance sets out a number of issues that local planning authorities in London should consider when drawing up their UDP reviews and considering planning applications within Air Quality Management Areas.

References

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Further reading

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Roger Chapman
Planning Policy Officer
Transport & Environment Committee
Association of London Government
New Zealand House
80 Haymarket
London SW1Y 4TE

Tel: 020 7747 4755
Fax: 020 7747 4709
e-mail: roger.chapman@tcfl.gov.uk

(Please see back page for new contact details with effect from 26th March 2001)

Please note that with effect from 26th March the ALG is moving

Our new address:

59½ Southwark Street
LONDON
SE1 0AL

Our new telephone number:

020 7934 5000

Our e-mail addresses:

Firstname.surname@alg.gov.uk

AJH

Association of
London Government

Transport and Environment Committee

air quality management areas

planning guidance

guidance note for Planners and Environmental Health Officers on the planning aspects of AQMAs

TEC01/03

January 2001

Association of
London Government

Transport and Environment Committee

To: **Borough Planning Officers and Borough Environmental Health Officers**

Cc: **Members of the ALG Transport and Environment Committee, Chief Executives of London Boroughs and ALG Officers Advisory Panels on Planning and Environment.**

Air Quality Management Areas – Planning Guidance

Contact Officer: Roger Chapman

Tel: 7747 4755 Fax: 7747 4709
e-mail: roger.chapman@tcfl.gov.uk

Dear Colleague,

A number of Boroughs have raised concerns that there is little advice currently available to both environmental health and planning professionals on the likely effect that the designation of Air Quality Management Areas (AQMA's) will have on the consideration of planning applications and policy development for Unitary Development Plans.

The guidance note attached outlines the planning policies that could be adopted in UDP reviews together with guidance on dealing with planning applications in AQMAs. The information could also be used to help produce supplementary planning guidance on this subject. This document has been prepared following consultation with the boroughs by way of a circular (TEC 00/13 dated 4th October) and through discussions with the ALG's Officer's Advisory Panel on Planning (which includes representatives from the GLA and GOL) and at the meeting of Chairs of the pan-London Air Quality Cluster groups. Additional advice on the assessments section of the note was received too late to be included in the agreed committee report but will be incorporated when the document is reviewed. This additional information can be made available to boroughs in the meantime if they contact me.

The ALG Transport and Environment Committee endorsed this guidance note on 15th December 2000. A Technical Guidance Note for developers and environmental consultants on how to undertake an air quality assessment for a new development in London is in preparation and will be released early in the New Year.

Yours sincerely,

Roger Chapman
Planning Policy Officer
Transport & Environment Committee
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Air Quality Management Areas – Planning Guidance

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(Please see back page for new contact details with effect from 26th March 2001)

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Our new address:

59½ Southwark Street
LONDON
SE1 0AL

Our new telephone number:

020 7934 5000

Our e-mail addresses:

Firstname.surname@alg.gov.uk

WOKINGHAM DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

APPEAL BY: Mr & Mrs W Elgar
SITE: 56 King Street Lane, Winnersh
APPLICATION NO.: 5210
PROPOSAL: Outline application for the demolition of existing dwelling & erection of 8 flats, associated parking & highway improvements.

LIST OF PERSONS CIRCULATED WITH NOTICE OF APPEAL

District Councillor(s) for Winnersh

Mrs P Bray

Mrs E Siggery

Mr D Ball

Clerk(s) of Parish / Town Council of Winnersh

Mrs J Harlin, Winnersh Community Centre, New Rd, Sindlesham, Wokingham RG41 5DU

Environmental Services Department, Engineering Services, Wokingham District Council, PO Box 157, Council Offices, Shute End, WOKINGHAM, Berkshire, RG40 1WR

CPRE, c/o Dr Wilford, 17 Copse Drive, WOKINGHAM, Berkshire, RG41 1NA

Environmental Design, WDC, fao Catherine Brimble

Environmental Health, WDC, fao Tom Payne

The Owner / Occupiers of the following addresses in Sindlesham:

19-29 (odds), 30-36 & 38 St Mary's Rd

49- 57(odds), 63-67(odds), 73-77(odds) & 56 King St Lane

and Mrs C Baker, 7 Drake Close, Wokingham

Tel: (0118) 974 6448 (Direct Line)
Email: Denise.Gumbrell@wokingham.gov.uk
Date: July 4, 2002
My ref: **O/2001/5210**

The Owner / Occupier
21
ST. MARYS ROAD
SINDLESHAM
WOKINGHAM
BERKSHIRE
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WOKINGHAM UNITARY
Aiming for Excellence

Environmental Services Department
Planning Services
P.O. Box 157
Shute End, Wokingham
Berkshire RG40 1WR
Tel: (0118) 974 6000
Fax: (0118) 974 6484
Minicom No: (0118) 974 6991
DX: 33506 – Wokingham

NOTICE OF INFORMAL HEARING

Dear Sir/Madam

APPLICATION No: O/2001/5210
APPEAL BY: Mr & Mrs Elgar
SITE: 56 King Street Lane Winnersh Wokingham
PROPOSAL: Outline application for the demolition of existing dwelling and erection of 8 flats, associated parking and highway improvements.

This is to inform you that an Inspector appointed by the Secretary of State for the Environment, Transport and the Regions, will hold an Informal Hearing into this Appeal at the Civic Offices, Shute End, Wokingham on a date to be advised. The appeal was submitted by the applicant because the Council failed to issue a decision on this submission within the statutory 8 week determination period.

Comments already made, following the original application for planning permission, will be forwarded to The Planning Inspectorate .

If you wish to make further representations, you should, if possible, send three copies to Mrs M Pocock, The Planning Inspectorate, Room 3/03, Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, quoting reference **APP/X0360/A/02/1092900**. Comments received after **07/08/2002** will not normally be seen by the Inspector & will be returned.

The application and the appellant's grounds of appeal can be inspected in the Environmental Services Department (Planning) at the Civic Offices, Shute End, Wokingham, Berkshire during normal office hours (08.30 to 17.00 Mondays to Thursdays, & 08.30 to 16.00 Fridays).

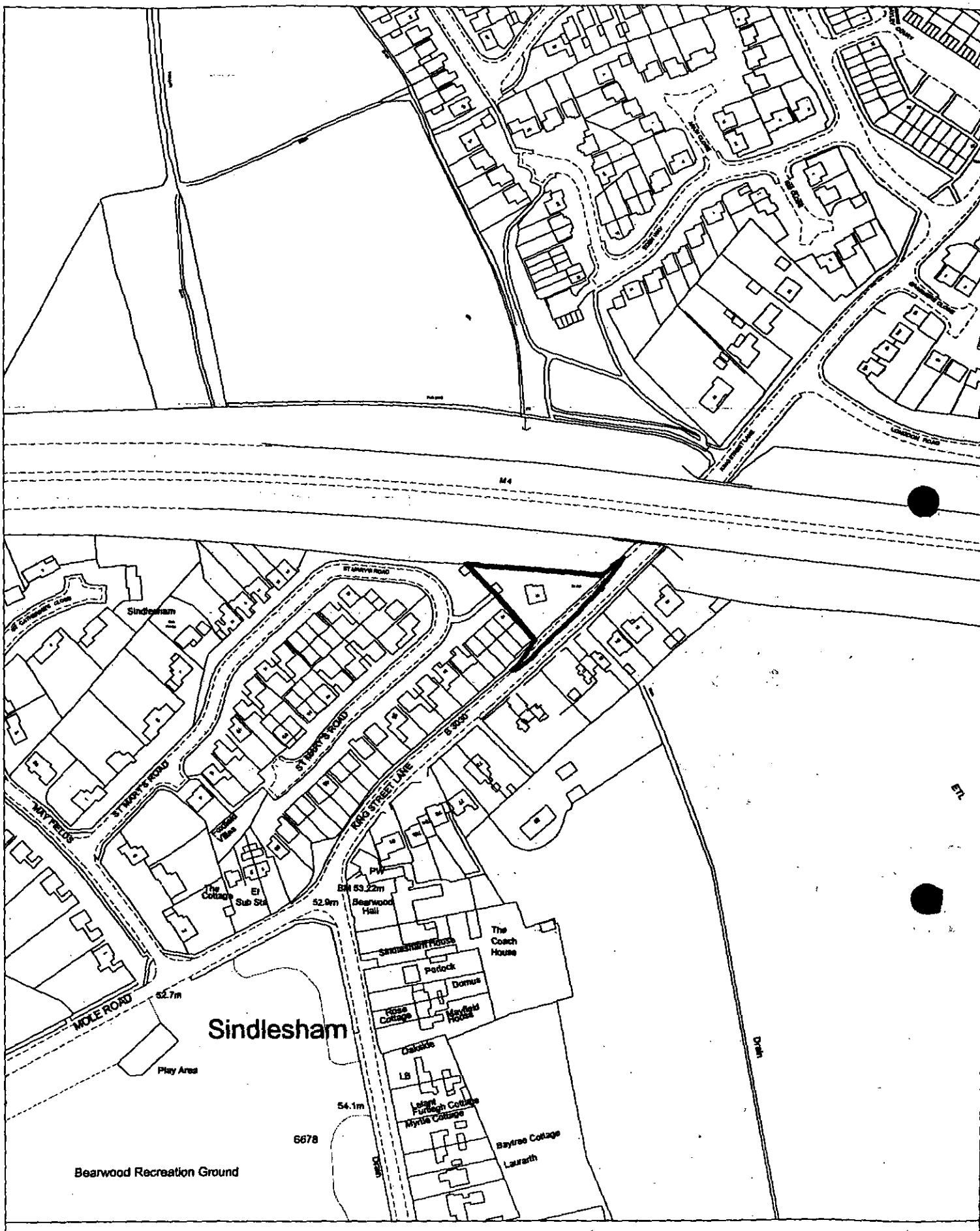
A free booklet, "Guide to taking part in planning appeals" is available from this office.

If you would like a copy of the decision on this Appeal, you should write to Mrs Pocock & ask for one.

Yours faithfully

Denise Gumbrell

Appeals Assistant



Site Plan, Scale: 1 to 2500

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Date: 5 July 2002

N W E S

Tel. (0118) 974 6448 (Direct Line)
Date: July 5, 2002
My ref: O/2001/5210
Your ref: APP/X0360/A/02/1092900

Mrs M Pocock
The Planning Inspectorate
Room 3/03 Kite Wing
Temple Quay House
2 The Square
Temple Quay
BRISTOL
BS1 6PN

Environmental Services Department
Planning Services
P.O. Box 157
Shute End, Wokingham
Berkshire RG40 1WR
Tel: (0118) 974 6000
Fax: (0118) 974 6484
Minicom No: (0118) 974 6991
DX: 33506 – Wokingham

Dear Mrs Pocock

APPEAL BY: Mr & Mrs Elgar

SITE: 56 King St Lane, Winnersh

With reference to this appeal, I enclose a copy of the questionnaire & associated documents.
I have also sent copies to the appellant's agent.

Yours sincerely

Denise Gumbrell (Mrs)
Appeals Assistant

Enc

The Planning Inspectorate

For offical use only
Date received

QUESTIONNAIRE

PLANNING, LISTED BUILDING CONSENT OR CONSERVATION AREA CONSENT

APPEAL REF: APP /X0360/A/02/1092900 **GRID REF:** _____

APPEAL BY: Mr + Mrs W Elgar

SITE: 56 King St. Kare, Winnersh

You must ensure that a copy of a completed questionnaire, together with any enclosures, is received by us and the appellant, within 2 weeks from the 'starting date' given in our letter. **You must include details of the statutory development plan, even if you intend to rely more heavily on some other emerging plan.** Please send our copy to the case officer. Their address is shown on our letter.

If notification or consultation under an Act, Order or Departmental Circular would have been necessary before granting permission and has not yet taken place, please inform the appropriate bodies of the appeal now and ask for any comments to be sent direct to us within 6 weeks of the 'starting date'.

1.	Do you agree to the written representations procedure?	~~YES~~ / NO
OR	Do you wish to be heard by an Inspector at: a. a local inquiry?	~~YES~~ / NO
	or b. a hearing?	YES / ~~NO~~
2.	If the written procedure is agreed, could the Inspector make an unaccompanied site visit? ***(It is our policy that Inspectors make an unaccompanied site visit whenever practicable e.g. the site can be seen clearly from a road or other public land. You must only indicate the need for an accompanied visit when it is necessary to enter the site e.g. to view or measure dimensions from within it.)***	YES / NO
3.	Does the appeal relate to an application for approval of reserved matters?	~~YES~~ / NO
4.	Was an Article 7 (Regulation 6 for listed building or conservation area consent) certificate submitted with the application?	~~YES~~ / NO / ~~NA~~
5.	Was it necessary to advertise the proposals under Article 8 of the GDPO 1995 and/or Section 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990?	~~YES~~ / NO

6. Is the appeal site within an approved Green Belt or AONB? Please specify which	YES / NO
7. Is there a known surface or underground mineral interest at or within 400 metres of the appeal site which is likely to be a material consideration in determining the appeal? (If YES, please attach details.)	YES / NO
8. a. Are there any other appeals or matters relating to the same site or area still being considered by us or the Secretary of State? If YES, please attach details and, where necessary, give our reference numbers.	YES / NO
b. Would the development require the stopping up or diverting of a public right of way? If YES, please provide an extract from the Definitive Map and Statement for the area, and any other details.	YES / NO
9. Is the site within a Conservation Area? If YES, please attach a plan of the Conservation Area. (If NO, go to Q11.)	YES / NO
10. Does the appeal relate to an application for conservation area consent?	YES / NO
11.a. Does the proposed development involve the demolition, alteration or extension of a Grade I / II* / II listed building?	YES / NO Grade I / II* / II
b. Would the proposed development affect the setting of a listed building? If the answer to question 11a or b is YES, please attach a copy of the relevant listing description from the List of Buildings of Special Architectural or Historic Interest. (If NO, go to Q13.)	YES / NO
12. Has a grant been made under Sections 3A or 4 of the Historic Buildings and Ancient Monuments Act 1953?	YES / NO
13.a. Would the proposals affect an Ancient Monument (whether scheduled or not)?	YES / NO
b. If YES, was English Heritage consulted? Please attach a copy of any comments.	YES / NO
14.a. Is the appeal site in or adjacent to or likely to affect an SSSI? If YES, please attach the comments of English Nature.	YES / NO
b. Are any protected species likely to be affected by the proposals? If YES, please give details.	YES / NO

15. Copies of the following documents must, if appropriate, be enclosed with this questionnaire:

a	Is the development in Schedule 1 or column one of Schedule 2 of the Town & Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999? If YES, please indicate which Schedule.	~~YES~~ / NO Sch1 Sch 2 col 1
b.	Is the development within a 'sensitive area' as defined by regulation 2 of the Town & Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999?	~~YES~~ / NO
c.	Has a screening opinion been placed on Part 1 of the planning register? If YES, please send a copy to us.	~~YES~~ / NO

	Number of Documents Enclosed	N/A
d. Any comments or directions received from the Secretary of State, other Government Departments or statutory agencies / undertakers whether or not as a result of consultations under the GDPO;	2	
e. Any representations received as a result of an Article 7 (or Regulation 6) notice;		✓
f. A copy of any notice published under Article 8 of the GDPO 1995; and/or Section 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990; and/or Regulation 5 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990;		✓
g. Any representations received as a result of a notice published under Article 8 and/or Section 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (or Regulation 5);		✓
h. Details of any other applications or matters you are currently considering relating to the same site;		✓
i. **For all appeals, including those against non determination, you must provide details of all relevant development plan policies. *Each extract must include the front page, the title and date of approval or adoption. Where plans & policies have not been approved or adopted, please give the stage or status of the plan.***	3	
j. Any supplementary planning guidance, together with its status, that you consider necessary.	1	
k. Any other relevant information or correspondence you consider we should be aware of. PPG 23, PPG 24.	N/A.	

16. a. What is the date you told those you notified about the appeal that we must receive any further comments by?	07/08/02	
b. Copies of the following documents must, if appropriate, be enclosed with this questionnaire.	Number of Documents Enclosed	N/A
i) representations received from interested parties about the original application	6	
ii) the planning officer's report to committee		✓
iii) any relevant committee minute		✓
17. FOR APPEALS DEALT WITH BY WRITTEN REPRESENTATIONS ONLY		
Do you intend to send another statement about this appeal? If NO, please send the following information:-	YES / NO	
a. In non-determination cases:		
i) what the decision notice would have said;		
ii) how the relevant development plan policies relate to the issues of this appeal.		
b. In all cases:		
i) the relevant planning history;		
ii) any supplementary reasons for the decision on the application;		
iii) matters which you want our Inspector to note at the site visit.		
18. THE MAYOR OF LONDON CASES ONLY		
a. Was it necessary to notify the Mayor of London about the application? If YES, please attach a copy of that notification.	YES / NO	
b. Did the Mayor of London issue a direction to refuse planning permission If YES, please attach a copy of that direction.	YES / NO	

I confirm that a copy of this appeal questionnaire and any enclosures have been sent today to the appellant or agent.

Signature: _____ on behalf of WOKINGHAM UNITARY ~~Council~~ .

Date sent to us and the appellant 08/07/02 our Ref: 0/2001/5210

Please tell us of any changes to the information you have given on this form.

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BERKSHIRE STRUCTURE PLAN 1991-2006

Incorporating Alterations adopted in August 1997





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INFRASTRUCTURE, SERVICES AND AMENITIES

4.19 Many of the concerns expressed in the past about development in Berkshire have been linked to the inadequacy of the supporting infrastructure, services and amenities. Rates of development reached their peak at a time when public spending was constrained. Consequently, there is today often little spare capacity in physical and social infrastructure in many parts of the County, while the ability of the public sector to fund new facilities remains limited. Thus it is important that landowners and developers should make appropriate provision for infrastructure, services and amenities made necessary by new development. In general, the costs will be offset against the development value of the land.

Provision of Infrastructure, Services and Amenities

Policy LD6 **Before proposals for development are permitted, the local planning authorities will require to be satisfied that infrastructure, services and amenities made necessary by the development are provided or will be provided at the appropriate time so as to ensure the proper planning of an area.**

To this end local planning authorities may require contributions to be made by landowners or developers to provide additional infrastructure or facilities where they are :

(i) needed to enable development to take place;

(ii) directly related to the proposed development; and

(iii) fairly and reasonably related in scale and kind to the proposed development.

Local planning authorities may also require an acceptable balance of uses in mixed development or the implementation of local plan policies for a particular area or type of development. Where appropriate, any amenity or resource lost or damaged as a consequence of development should be offset by new provision elsewhere either on or off-site.

4.20 The County Council has produced jointly with the district councils a guide[1] for developers which sets out the general service standards that will be applied in considering the adequacy of any proposal. Account will also be taken of any spare capacity in the existing provision of facilities and services in an area and specific requirements and programmes set out in other policy documents such as local plans, development briefs and the Transport Policy and Programme.

4.21 The guide itself has been drawn up in the light of Government advice (DoE Circular 16/91) and includes references to the provision of public open space and to community facilities such as schools, libraries and halls, as well as to the physical infrastructure required for development to be implemented. This document will be updated on a regular basis. Legal agreements will be sought in appropriate instances to cover the provision of specific services and facilities related to the proposed development.

1 *Infrastructure, Services and Amenity Requirements for New Development in Berkshire*

4.22 In addition to the County and district council services the requirements of other agencies, including the National Rivers Authority, the water companies and health authorities, will need to be taken into account in considering development proposals.

4.23 In considering any legal agreement, local planning authorities will need to consider not only whether the scale of provision is adequate, but also whether the timing of provision meets the needs likely to be generated.

Water Resources

4.24 While it may be possible to identify how additional infrastructure for water, sewerage and sewage disposal may be provided, it will be important to look at the wider environmental consequences of such additional facilities. The County Council is particularly concerned that :

- discharges into rivers are strictly controlled to ensure the maintenance of water quality; and
- water resources are not depleted to the extent that they have an unacceptable impact on river flow, water quality, amenity and nature conservation.

Development and Water Resources

Policy LD7 **Proposals for development will only be permitted where existing water resources are adequate, or where they can be augmented in time to support the proposed development without adversely affecting existing water resources, water quality, amenity or nature conservation.**

4.25 These issues will be considered in consultation with the National Rivers Authority and the appropriate water companies.

4.26 The County Council considers that local planning authorities should be satisfied that adequate resources are available before development is permitted and that where resources need to be augmented, this can be undertaken without any significant adverse environmental effects.

BENEFITS TO THE WIDER COMMUNITY

4.27 As well as minimising the impact of development and remedying the consequences of any unavoidable damage, the County Council considers that it is important to enhance the environment of Berkshire and to further other policies in the Structure Plan wherever appropriate opportunities arise.

Development and Benefits to the Wider Community

Policy LD8 **In considering proposals for development, opportunities will be sought for securing environmental improvements and other benefits both on site and in the surrounding area.**

6.3 In order to secure improvements in the environment of built-up areas, local plans will need to include guidelines on a wide range of matters raised in the policy. Particular public concerns have been raised about the quality of design in new development and about increased densities in the built-up areas. While the latter may help reduce the need for travel and minimise the loss of open countryside, it may also lead to problems of congestion, loss of tree cover and open land, and deterioration in environmental quality in established neighbourhoods.

6.4 Policy EN1 is intended positively to encourage appropriate regeneration in line with Government guidance. It is not proposed that appropriate changes of use of buildings should be restricted whether they are currently vacant or not. Derelict land which has been the subject of contamination may be appropriate for redevelopment, but only if there is no danger created for the new use of the site or through the transport and re-deposit of contaminated matter on a site elsewhere.

Environmental Nuisance

6.5 Certain kinds of development can give rise to nuisance which can affect occupiers of buildings, passers-by or those using outdoor space. There is a need to prevent new problems from arising, and to limit or reduce the nuisance from existing sources. The impact of nuisance may in some circumstances be limited by curbing development in areas affected, and this is appropriate where (as is the case for aircraft noise) little can be done to reduce the nuisance in the short term.

Protection from Environmental Nuisance

Policy EN2 **Development should not give rise to unacceptable levels of noise, smell, dust, fumes, light or noxious emissions affecting areas beyond the site boundary, or to unacceptable levels of air or water pollution. In addition, uses sensitive to disturbance such as new houses, schools and hospitals, should not be located in areas already subject to unacceptable levels of these environmental nuisances.**

6.6 In areas affected by high levels of noise, development should be designed to minimise the nuisance caused to future occupants. Unacceptable levels of environmental nuisance will be defined through the local plan process and by building upon studies such as the County Council's State of the Environment Report. The County Council has also recently published environmental noise planning guidelines to assist with the implementation of Policy EN2 and to help co-ordinate a standardised approach across the County.

Flooding

6.7 Most of Berkshire's rivers have an associated floodplain which is essential for both flood flow and storage. Development within the floodplain would reduce the storage capacity and impede the flow of water, thereby increasing the risk of flooding elsewhere. Therefore in areas at risk from flooding new development or the intensification of existing development will be resisted. It is also necessary to ensure that the surface water run-off from any new development does not exacerbate flooding or drainage problems elsewhere.

LODDON AREA LOCAL PLAN

Adopted 5 May 1995

Published by: Wokingham District Council
Planning Department
Shute End
Wokingham
Berkshire
RG40 1WR

REQUIRED AS A RESULT OF NEW DEVELOPMENTS, SUBJECT TO THERE BEING NO SIGNIFICANT ADVERSE ENVIRONMENTAL EFFECT. ELSEWHERE IN THE PLAN AREA THE DISTRICT COUNCIL WILL SUPPORT ROAD AND JUNCTION IMPROVEMENTS WHERE CONSIDERED NECESSARY, AND WHERE LOCALISED OR RESULTANT ADVERSE ENVIRONMENTAL EFFECTS WILL NOT OCCUR.

THE FOLLOWING MAY BE SUBJECT TO IMPROVEMENT WORKS:

A329/FOREST ROAD: Junction improvement
BETCHWORTH ROAD/WILDERNESS ROAD, EARLEY: Junction improvement
LODDON BRIDGE ROAD/CROCKHAMWELL ROAD, WOODLEY: Junction improvement
LODDON BRIDGE ROAD/HEADLEY ROAD: Modification to roundabout
A329 WOKINGHAM ROAD/WILDERNESS ROAD: Junction improvement
SONNING LANE/A4 BATH ROAD: Junction improvement
WINNERSH CROSSROADS: Improvement
ARBORFIELD CROSS: Junction improvements with A327
BUTTS HILL ROAD BRIDGE OVER RAILWAY: Provision of footbridge
B3349 BARKHAM BRIDGE: New bridge with road realignment
ELM ROAD, EARLEY: Realignment
ELM ROAD/PEPPER LANE: Roundabout improvement
A327 GREENSWARD LANE: Improved alignment.

❖ LT5 ROAD SAFETY

THE DISTRICT COUNCIL WILL URGE THE HIGHWAY AUTHORITY TO TAKE APPROPRIATE MEASURES TO PROMOTE ROAD SAFETY FOR ALL ROAD USERS INCLUDING :

A) MONITORING OF ACCIDENT STATISTICS TO IDENTIFY BLACKSPOTS;

B) GIVING HIGH PRIORITY TO HIGHWAY IMPROVEMENTS THAT WILL REDUCE ACCIDENTS;

C) ENSURING THAT ALL HIGHWAY INVESTMENT CONFORMS TO BEST PRACTICE IN RESPECT OF ROAD SAFETY;

D) EXAMINING THE ROAD SAFETY IMPLICATIONS OF ALL PROPOSALS FOR DEVELOPMENT.

CAR AND MOTORCYCLE PARKING

1.8.10 The increase in the number of cars in the area through growth and high car ownership rates has lead to an increase in demand for parking spaces in shopping centres in the area placing existing facilities under pressure. The District Council recognises the need for car parking in order to maintain the viability of some centres. However new public car parking has environmental implications and may not be acceptable in some more sensitive areas particularly if it is decked.



❖ LT6 PARKING PROVISION

THE DISTRICT COUNCIL WILL SEEK THE PROVISION OF APPROPRIATELY LOCATED PARKING FACILITIES AND CAR PARKING IN ACCORDANCE WITH THE DISTRICT COUNCIL'S ADOPTED STANDARDS, TO BE PROVIDED EITHER IN CONJUNCTION WITH NEW DEVELOPMENT OR BY OBTAINING AN APPROPRIATE LEVEL OF COMMUTED PAYMENT WHERE THERE IS AN INTENTION TO PROVIDE, OR AN IDENTIFIED NEED FOR, PUBLIC PROVISION.

Note 1: The sum required per parking space by way of a commuted payment will be regularly reviewed.



Wokingham District Local Plan
Deposit Draft

With Proposed Amendments Highlighted

February 2000

- **Proposed Amendments April 1999**
- **Additional Proposed Amendments September 1999**
- **Proposed Transport Amendments February 2000**

1.9 For the purposes of this plan the identified settlements are:

ARBORFIELD CROSS	SHINFIELD
BARKHAM HILL	SINDLESHAM
CHARVIL	SPENCERS WOOD
EARLEY/SONNING/WOODLEY	SWALLOWFIELD
FINCHAMPSTEAD	THREE MILE CROSS
FINCHAMPSTEAD NORTH	TWYFORD
HURST	WARGRAVE
PINEWOOD	WINNERSH
RISELEY	WOKINGHAM.

1.10 Areas of sporadic development exist within the plan area which involve very few properties and/or are dominated by areas of undeveloped rural land either between, or to the rear and in front of properties causing them to be characterised by a loose settlement pattern, or to form a narrow strip of development in what is a distinctly rural area. These areas of development have not been included within the identified settlements.

POLICY WOS2: GENERAL DEVELOPMENT PRINCIPLES

SUBJECT TO THE DETAILED PROVISIONS OF OTHER POLICIES CONTAINED IN THIS PLAN, DEVELOPMENT WILL BE ALLOWED WITHIN THE BOUNDARIES OF THE IDENTIFIED SETTLEMENTS SHOWN ON THE PROPOSALS MAP AND LISTED IN THE TEXT.

OUTSIDE THESE SETTLEMENTS DEVELOPMENT WILL ONLY BE ALLOWED IN EXCEPTIONAL CIRCUMSTANCES AND WILL BE STRICTLY CONTROLLED THROUGH THE APPLICATION OF THE DETAILED POLICIES AND PROVISIONS OF THIS PLAN AND STRUCTURE PLAN POLICIES C2 (DEVELOPMENT OUTSIDE BUILT UP AREAS AND SETTLEMENTS) AND C4 (CONTROL OF DEVELOPMENT IN THE GREEN BELT).

Implementation: Through the development control process.

Monitoring: Planning applications determined.

1.11 The most attractive and successful urban environments are those where all the component parts (e.g. buildings, trees, roads, spaces, people, traffic) have been satisfactorily accommodated to create interesting, lively and pleasant places. In order to maintain and enhance the character of the built environment, the appropriateness of the use of existing buildings and the design of new buildings or extensions to existing buildings, are very important.

1.12 The Council is particularly concerned to promote a high standard of design in new buildings, to ensure that new buildings are responsive to their location and to their potential occupants' and/or users' needs. New development needs to be appropriate in terms of function, siting, scale, form, massing, materials, colour and texture in its relationship with adjoining buildings and sites. Accordingly, new development will be expected to make an acceptable and positive contribution to the built environment. In addition new development should be appropriately located so as to reduce the need to travel and to encourage alternative modes of transport to the car.

1.12A LANDSCAPING SCHEMES SHOULD BE COMPRISED PREDOMINANTLY, IF NOT WHOLLY, OF LOCALLY NATIVE SPECIES. **(PA 1/5)**

POLICY WOS3: DEVELOPMENT CONTROL PRINCIPLES

THE COUNCIL WILL REQUIRE ALL DEVELOPMENT PROPOSALS THAT ARE ACCEPTABLE IN PRINCIPLE WHEN ASSESSED AGAINST OTHER POLICIES OF THIS PLAN TO:

A) BE APPROPRIATE IN SCALE OF ACTIVITY AND CHARACTER TO THE AREA IN WHICH THEY ARE LOCATED AND BE INTEGRATED INTO THEIR LOCAL CONTEXT WITHOUT DETRIMENT TO THE AMENITIES OF ADJOINING LAND USES AND OCCUPIERS

B) ~~RETAIN~~ *HAVE NO SIGNIFICANT DETRIMENTAL IMPACT UPON* (PA 1/6) IMPORTANT MAN-MADE, LANDSCAPE AND NATURE CONSERVATION FEATURES AND PROVIDE FOR FURTHER LANDSCAPE TREATMENT WHERE RELEVANT TO THE TYPE OF DEVELOPMENT AND/OR THE PROTECTION OF LOCAL VISUAL AMENITY

C) BE BOTH LOCATED AND DESIGNED SO AS TO REDUCE THE NEED TO TRAVEL AND ENCOURAGE THE USE OF WALKING, CYCLING AND PUBLIC TRANSPORT AS ALTERNATIVES TO THE CAR

D) HAVE NO SIGNIFICANT EFFECT ON ROAD SAFETY OR CAUSE HIGHWAY, TRAFFIC GENERATION OR TRAFFIC RELATED ENVIRONMENTAL PROBLEMS

E) PROVIDE BUILDINGS, FACILITIES AND SPACES THAT ARE CAPABLE OF USE BY PEOPLE WHO HAVE MOBILITY OR SENSORY IMPAIRMENT

F) BE OF HIGH QUALITY OF DESIGN THAT RESPECTS THE LOCAL CONTEXT BY VIRTUE OF SITING, LAYOUT, MASSING, MATERIALS, COLOUR AND TEXTURE.

Implementation: Through the development control process.

Monitoring: Planning applications determined.

Services, Amenities and Infrastructure

1.13 It is a principle of good planning that new development should provide the necessary infrastructure, including services and amenities, needed to support the development. This is a material consideration in considering planning applications (as set out in Circular 1/97, *Planning Obligations*). An explicit assessment must be made of infrastructure requirements arising from the development and how these should be met. Such provision is a key element in the quality of life or new and existing residents. Supplementary planning guidance has been produced setting out the implementation of Policy WOS4 below.

POLICY WOS4: SERVICE, AMENITIES AND INFRASTRUCTURE REQUIREMENTS FOR NEW DEVELOPMENT

WHERE DEVELOPMENT IS ACCEPTABLE IN PRINCIPLE, UNDER THE POLICIES OF THIS PLAN, DEVELOPMENT PROPOSALS WILL BE EXPECTED TO HAVE

Cont.

REGARD TO EXISTING LEVELS OF INFRASTRUCTURE, SERVICES AND AMENITIES.

WHERE THE DEVELOPMENT GIVES RISE TO THE NEED FOR THE PROVISION OF NEW OR EXTENDED PUBLIC AND COMMUNITY SERVICES, PERMISSION WILL NOT BE GIVEN UNTIL THE PLANNING AUTHORITY IS SATISFIED, BY IMPOSING CONDITIONS, OR WHERE THESE ARE NOT APPROPRIATE OR ADEQUATE, BY SEEKING A LEGAL AGREEMENT, THAT AN APPROPRIATE LEVEL OF INFRASTRUCTURE, SERVICES AND AMENITIES REQUIRED AS A CONSEQUENCE OF, AND DIRECTLY RELATED TO, THE DEVELOPMENT IS CAPABLE OF BEING, AND WILL BE, PROVIDED WITHIN THE TIMESCALE OF THE PROPOSED DEVELOPMENT IN ACCORDANCE WITH AN AGREED PHASING PROGRAMME.

THE COUNCIL WILL PRODUCE SUPPLEMENTARY PLANNING GUIDANCE REGARDING THE IMPLEMENTATION OF THIS POLICY.

Implementation: Through the development control process and in consultation with service providers.

Monitoring: Planning applications determined and reporting to Services, Amenities and Infrastructure Working Party.

Environmental Improvements

1.14 It is important that wherever possible development makes best use of existing resources and enhances the existing area to reduce impacts on amenities and preserve non-renewable resources such as greenfield sites. This accords with Central Government advice and policies contained within the Berkshire Structure Plan 1991 - 2006. Such opportunities may occur both on and off the development site when they are directly related to the proposal.

POLICY WOS5: ENVIRONMENTAL IMPROVEMENTS

WHEN CONSIDERING PROPOSALS FOR DEVELOPMENT, OPPORTUNITIES WILL BE SOUGHT TO SECURE ENVIRONMENTAL IMPROVEMENTS, BOTH ON AND OFF-SITE. THESE MAY FOR EXAMPLE INCLUDE:

A) THE USE OF BROWNFIELD SITES IN PREFERENCE TO GREENFIELD SITES

B) LANDSCAPING, INCLUDING MAJOR STRUCTURAL LANDSCAPING ON SENSITIVE AND EXPOSED SITES

C) PROVISION OF RECYCLING FACILITIES

D) RE-USE AND REFURBISHMENT OF EXISTING BUILDINGS IN PREFERENCE TO REDEVELOPMENT

E) UPGRADING OF THE EXISTING URBAN FABRIC

F) THE RELOCATION OF BAD NEIGHBOUR TYPE USES AND REDEVELOPMENT FOR MORE APPROPRIATE USES. **(PA 1/7)**

Implementation: Through the development control process.

Monitoring: Planning applications determined and assessment of land involved.

Environmental Nuisance and Pollution Control

1.15 Development proposals, particularly of a commercial nature, can give rise to nuisances that affect adjoining properties, passers-by, wildlife/conservation interests and the local environment. It is important therefore to control pollution levels to prevent unacceptable impacts from new development or to control and limit nuisance from existing sources. Environmental nuisance and pollution in the context of this policy refers to smells, dust, fumes, light or noxious emissions and to air and water pollution. In considering proposals consideration should be given to both the individual and cumulative impacts of development. Whilst noise is also a form of pollution, this is considered separately in Policy WOS7.

POLICY WOS6: ENVIRONMENTAL NUISANCE AND POLLUTION CONTROL

THE COUNCIL WILL ONLY PERMIT DEVELOPMENT PROPOSALS WHERE THEY DO NOT GIVE RISE TO AN UNACCEPTABLE POLLUTION OF THE ENVIRONMENT, INCLUDING SERIOUS HARM TO THE CHARACTER AND AMENITIES OF AN AREA, OR THE AMENITIES OF PROPOSED AND NEIGHBOURING LAND USES AND OCCUPIERS. IN ORDER TO REDUCE ADVERSE IMPACTS DEVELOPMENT PROPOSALS SHOULD:

A) HAVE REGARD TO THE NEED TO ENSURE THE ADEQUATE STORAGE AND DISPOSAL OF WASTE MATERIALS; AND

B) HAVE REGARD TO THE HARMFUL OR NUISANCE EFFECTS OF EMISSIONS INCLUDING THE CUMULATIVE EFFECT ON EXISTING AIR QUALITY; AND

C) HAVE REGARD TO THE HOURS OF OPERATION; AND

D) INCLUDE LOCATION OF POTENTIAL NUISANCE OR POLLUTION ACTIVITIES ON THE LEAST SENSITIVE PARTS OF THE SITE OR WHERE THE IMPACTS CAN BE BEST CONTAINED BY PHYSICAL OR OTHER APPROPRIATE MEASURES; AND

E) INCLUDE THE INVESTIGATION AND TREATMENT OF CONTAMINATED SUBSTANCES TO ENSURE THAT THE SITE IS FIT FOR ITS INTENDED USE.

THE COUNCIL WILL SEEK TO MINIMISE LIGHT POLLUTION. DETAILS OF ANY EXTERNAL LIGHTING SCHEME THAT REQUIRES PERMISSION AS PART OF A NEW DEVELOPMENT WILL BE EXPECTED TO BE THE MINIMUM NEEDED FOR SECURITY AND WORKING PURPOSES AND SHOULD MINIMISE POTENTIAL POLLUTION FROM GLARE AND SPILLAGE, PARTICULARLY TO NEARBY DWELLINGS, ROADS AND RURAL AREAS. **(PA 1/8)**

Implementation: Through the development control process.

Monitoring: Planning applications determined.

Noise

1.16 Noise can have a significant effect on the environment and on the quality of life enjoyed by individuals and communities. Planning Policy Guidance Note 24 (PPG 24), *Planning and Noise* sets out that the impact of noise can be a material consideration when considering development proposals. It is important that noise sensitive development such as residential, educational and hospital uses are separated from major sources of noise and that new development that involves noisy activities should be located away from noise-sensitive land uses. In certain circumstances it may be possible to incorporate appropriate attenuation measures to control, reduce or mitigate noise impacts through the use of planning conditions or planning obligations.

POLICY WOS7: NOISE

THE COUNCIL WILL HAVE REGARD TO THE ADVICE SET OUT IN PPG 24 (AND ANY SUBSEQUENT ADVICE) WHEN CONSIDERING DEVELOPMENT PROPOSALS. WHERE APPROPRIATE THE COUNCIL WILL REQUIRE APPROPRIATE MEASURES TO BE TAKEN IN THE LOCATION, DESIGN, LAYOUT AND OPERATION OF DEVELOPMENT PROPOSALS IN ORDER TO MINIMISE ANY ADVERSE IMPACT AS A RESULT OF NOISE GENERATED. IN ADDITION, PROPOSALS FOR NOISE SENSITIVE DEVELOPMENTS SHOULD HAVE REGARD TO THE FOLLOWING:

A) EXISTING SOURCES OF NOISE E.G. FROM ROADS, RAILWAYS AND OTHER FORMS OF TRANSPORT, INDUSTRIAL AND COMMERCIAL DEVELOPMENTS, SPORTING, RECREATION AND LEISURE FACILITIES

B) THE NEED FOR APPROPRIATE SOUND INSULATION MEASURES

C) THE NEED TO NOT EXACERBATE THE NOISE LEVELS EXPERIENCED BY EXISTING RESIDENTS AS A RESULT OF THE PROVISION OF NOISE ABATEMENT MEASURES TO PROTECT OTHERS.

IN THE CONTEXT OF THIS POLICY NOISE SENSITIVE USES INCLUDE RESIDENTIAL, EDUCATIONAL AND HOSPITAL USES.

Implementation: Through the development control process.

Monitoring: Planning applications determined.

Renewable Energy and Energy Efficiency

1.17 Renewable energy relates to those energy flows that occur naturally and repeatedly in the environment, such as energy from the sun, the wind and the fall of water. Plant material is also an important source of renewable energy as is combustible or digestible industrial, agricultural and domestic waste materials. Renewable energy sources can help to alleviate the problems associated with waste treatment and disposal, help to reduce harmful emissions into the environment and reduce reliance on non-renewable sources of energy. PPG 22 *Renewable Energy* supports the principle of encouraging renewable energy proposals but advises that development relating to it should be weighed carefully against any potential impact on the environment. Within the plan area there may be only limited potential for developing some renewable energy schemes because of the environmental constraints of the District. However, it is important to encourage schemes where they are considered to be acceptable in the context of other policies of this plan.

POLICY WOS8: RENEWABLE ENERGY

THE COUNCIL WILL PERMIT PROPOSALS FOR RENEWABLE ENERGY SCHEMES IN ACCORDANCE WITH POLICY WOS3 AND OTHER POLICIES OF THIS PLAN.

Implementation: Through the development control process.

Monitoring: Planning applications determined.

1.18 It is also important that new development makes the best use of energy sources by ensuring that new buildings make best use of materials and design to facilitate energy efficiency.

POLICY WOS9: ENERGY EFFICIENCY IN THE DESIGN OF NEW DEVELOPMENT

THE COUNCIL WILL REQUIRE PROVISION TO BE MADE IN PROPOSALS FOR NEW DEVELOPMENT FOR APPROPRIATE DESIGN PRINCIPLES THAT FACILITATE ENERGY EFFICIENCY. THESE INCLUDE:

a) THE APPROPRIATE SITING, FORM, ORIENTATION AND LAYOUT OF BUILDINGS IN ORDER TO MAXIMISE THE BENEFITS OF SOLAR/NATURAL HEATING, LIGHTING AND VENTILATION; AND

b) THE USE OF SOFT LANDSCAPING INCLUDING TREE PLANTING, TO INCREASE SUMMER SHADING AND REDUCE HEAT LOSS IN WINTER; AND

c) THE USE OF ENERGY EFFICIENT TECHNOLOGY FOR HEATING AND LIGHTING WHERE APPROPRIATE; AND

d) THE USE OF APPROPRIATE INSULATING MATERIALS AND TECHNIQUES TO IMPROVE ENERGY EFFICIENCY.

Implementation: Through planning guidelines and establishing best practice.

Monitoring: Assessment of work completed.

The Historic Environment

1.19 PPG 15 *Planning and the Historic Environment* sets out the importance of environmental stewardship and the need to ensure effective protection for all aspects of the historic environment. It is important that the historic environment is properly respected for the contribution that it makes to our cultural heritage and identity. It is an irreplaceable resource, which contributes to our understanding of the present and past and which is also of great importance for leisure and recreation. It is therefore important that the need to protect the historic environment is recognised.

POLICY WOS10: THE HISTORICAL ENVIRONMENT

THE COUNCIL RECOGNISES THE VALUE OF THE DISTRICT'S HISTORICAL ENVIRONMENT AND WILL SEEK TO PROTECT LISTED BUILDINGS AND THEIR SETTINGS, PRESERVE AND ENHANCE THE CHARACTER OF THE CONSERVATION AREAS, AND PROTECT SCHEDULED MONUMENTS, AREAS OF ARCHAEOLOGICAL IMPORTANCE AND HISTORIC LANDSCAPES.

Implementation: Through the development control process, including the use of the Council's planning guidelines.

Monitoring: Quality of the built environment.

POLICY WT5: ACCESS TO TOWN CENTRES

THE CURRENT LEVELS OF OVERALL ACCESSIBILITY TO TOWN CENTRES, PARTICULARLY BY ENVIRONMENTALLY FRIENDLY MODES OF TRANSPORT, WILL BE ENHANCED IN ORDER TO SUPPORT THE LOCAL ECONOMY AND TO MAINTAIN THE VIABILITY AND VITALITY OF THE CENTRES.

THE COUNCIL WILL SEEK TO ENSURE THAT THERE IS GOOD ACCESS TO TOWN CENTRES BY ALL MODES OF TRANSPORT.

PEDESTRIAN ACCESS PLANS WILL BE DEVELOPED FOR THE CENTRES OF WOKINGHAM, WOODLEY, EARLEY AND TWYFORD.

Implementation: Through the annual capital programme ~~of transport investment~~. *AND THE FIVE YEAR LOCAL TRANSPORT PLAN PROGRAMME* {T/10}

Monitoring: Through ~~Travel in Berkshire~~, *THE ROAD TRAFFIC REDUCTION ACT AND THE LOCAL TRANSPORT PLAN*, {T/10} other transport statistics and surveys.

Parking

10.32 In applying the parking standards, set out at Appendix 7, the District Council will have regard to whether a public transport alternative is available, and if so, its quality in terms of frequency and range of destinations served. In some cases, rather than to make provision on site, e.g. where it would lead to a multiplicity of crossings over heavily used footways or where it could only be used for a single purpose such as staff parking in connection with offices, it would be better to make communal provision. Thus in the centres of Wokingham, Woodley, Earley and Twyford, as defined on the inset maps, parking will be provided in communal areas and on-site parking will be restricted to that required for operational purposes only.

10.33 The provision of parking is seen as an important way to control the growth in the use of the private car. Therefore parking standards will treated as maxima and provision in excess of the standard will not be permitted.

10.34 There is already concern about on-street parking, particularly as an impediment to the movement of emergency vehicles. Control of on-street parking is needed in congested areas and in particular in residential areas close to town centres. Also, the space used for on-street parking could be used to increase the width of pavements and other pedestrian areas. However, the policies do not restrict the availability of on-street parking where this is appropriate, for example, for casual visitors to residential properties or for short term parking in shopping areas.

10.35 In making suitable provision for parking, the needs of disabled people require special consideration.

10.36 The quality of car parking is as much a matter of concern as the quantity. If car parking is to be used and thus meet the purpose of the standard, the spaces must be appropriately located. Studies have shown that there is a lack of communal parking close to dwellings for visitors even when quantitative standards have been met. There is also an under use of garages and hardstandings due to poor layout and dwelling design. Within residential areas proper provision will be sought for visitors. Thus some of the parking to meet the standard can be provided by means of communal spaces rather than exclusively within the curtilage. This will be by means of designated spaces rather than simple on-street provision.

10.40 Although there has been opposition to traffic calming, the issue of excessive speed is a matter of great public concern, although generally resolution of the problem is outside the scope of land-use planning. Speed is a major influence on the severity of accidents.

POLICY WT7: ROAD SAFETY

THE COUNCIL WILL TAKE APPROPRIATE MEASURES TO PROMOTE ROAD SAFETY FOR ALL ROAD USERS INCLUDING:

a) MONITORING OF ACCIDENT STATISTICS TO IDENTIFY BLACKSPOTS

b) GIVING HIGH PRIORITY TO IMPROVEMENTS THAT WILL REDUCE ACCIDENTS INCLUDING THOSE INVOLVING PEDESTRIANS AND CYCLISTS

c) ENSURING THAT ALL RELEVANT INVESTMENT CONFORMS TO BEST PRACTICE IN RESPECT OF ROAD SAFETY

d) EXAMINING THE ROAD SAFETY IMPLICATIONS OF ALL PROPOSALS FOR DEVELOPMENT, AND

e) THE IMPLEMENTATION OF TRAFFIC CALMING SCHEMES WHERE JUSTIFIED.

Implementation: Through the annual capital programme of transport investment and environmental improvement *AND THE LOCAL TRANSPORT PLAN PROGRAMME*..

Monitoring: Through road safety and accident monitoring and the Road Safety Plan *AS PART OF THE LOCAL TRANSPORT PLAN PROCESS.* **{T/12}**

Street Lighting

10.41 The provision of street lighting is an important aid to safety at night and promotes security and a feeling of well being. It is, however, an extremely sensitive issue in rural areas. There can be strong opposition to the introduction of street lighting into presently unlit rural areas. In considering whether to introduce street lighting it is important to consult the local community and its representatives.

10.42 Any lighting scheme must be well designed taking into account the character of the location. This is particularly necessary in areas of environmental quality and conservation areas. In a number of places street lighting is not continuous leading to problems for motorists arising from the alternation of lit and unlit areas.

POLICY WT8: STREET LIGHTING

THE PROVISION OF STREET LIGHTING IN PRESENTLY UNLIT AREAS WILL BE SOUGHT WHERE JUSTIFIED FOR SAFETY AND SECURITY REASONS HAVING REGARD TO:

a) THE VOLUME OF PEDESTRIAN AND VEHICULAR FLOWS

b) THE EFFECT ON THE CHARACTER OF THE LOCATION, PARTICULARLY IN RURAL AREAS

Cont.

Adopted Supplementary Planning Guidance.

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PLANNING OBLIGATIONS: PRINCIPLES AND PRACTICE.

The Provision Of Service And Amenity Infrastructure Related To New Development In The Wokingham District.

1.0 INTRODUCTION

1.1 This guide sets out the District Council's requirements for developers' contributions towards service, amenity and infrastructure improvements. The guidance will enable developers to be aware at an early stage in the development process what infrastructure, services and facilities may be sought and how they are to be provided. It will enable developers to take planning obligations into account when formulating their development proposals and costs. This is only guidance and must not be considered a definitive list of potential planning obligations. The Council will regularly review this guidance to take account of, for example:

- Changing Government guidance
- Changing needs of the District
- Adoption of new Development Plans
- Development taking place
- Experience gained through negotiating and securing contributions

1.2 Infrastructure, service and amenity facilities are a key issue within the Wokingham District. The planning system should operate in the public interest and should aim to foster sustainable development, providing homes, investment and jobs in a way that adds to rather than detracts from the quality of the environment. These objectives are achieved through the preparation of development plans and exercise of development control functions. In granting planning permission, or in negotiating with developers, the Council may seek modifications or improvements to the proposals submitted for their approval.



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1.3 The Council may grant permission subject to conditions and where appropriate may seek to enter into planning obligations with a developer regarding the use or development of the land concerned or of other land and buildings. The Council will use planning conditions that satisfy the policy tests of Circular 11/95 and shall not enter a planning obligation that requires compliance with the conditions imposed on a planning permission. Such an approach would entail unnecessary duplication. Planning Obligations shall be sought where they are necessary to make a proposal acceptable in land-use terms and may relate to matters other than those covered by a planning permission, provided that there is a direct relationship between the planning obligation and the planning permission. Further advice on the statutory framework for planning obligations can be found in Annex A of Circular 1/97.

1.4 To address this, the Council is setting out clearly the standards for the provision of common types of infrastructure, services and amenities, which the Council considers, are directly and reasonably related to new development. The Local Plans provide for substantial quantities of new development in the District in the next few years. It is essential that in association with these developments proper provision be made for services, amenities and infrastructure.

1.5 The Council aims to develop, improve and fulfill local social, economic, health and environmental aspirations by leading, advising and supporting our local communities. By seeking to secure the appropriate levels of developer contributions, which are permitted by planning legislation, the Council considers that it is working towards achieving these community aspirations. This guidance has been written following an examination of both experience and examples of best practice used by other Councils in the Country. This guidance has been tailored to local circumstances and does not seek to imitate other guidance.



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1.6 Appropriate contributions will be negotiated with all developers of sites of 10 or more dwellings, or the residential development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development comprises 10 or more dwellings. Non-residential development involving 500 square metres or more of employment/ commercial space or development carried out on a site having an area of one hectare or more. The thresholds are in accordance with the General Development Procedure Order 1995 that define "major" development and those defined as being major sites in Berkshire for monitoring purposes. In addition, where a development of less than 10 dwellings takes place in close proximity to or as an extension to another development then the Council will consider whether any contribution is justified by the cumulative impact of the developments. These thresholds exclude the affordable housing requirements that are subject to separate guidance contained in Circular 6/98.



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2.0 CONTEXT

The National Legislative Framework and Guidelines

2.1 The District Council recognises the legal powers and advice contained in the following documents and other relevant guidance in force. At the time of writing the main elements were:

- **Highways Act 1980 (Sections 38 and 278)**
- **Housing Act 1985 (Sections 8, 9 and 17)**
- **Local Government Act 1972 (Section 111)**
- **Crime and Disorder Act 1998 (Section 17)**
- **DoE Circular 11/95**
- **Town and Country Planning Act 1990 (Sections 106 and 227)**
- **DoE Circular 1/97**
- **Water Industry Act 1991 (Sections 41, 98 and 104)**
- **DoE Circular 5/94**
- **DoE Circular 6/98**

Further advice is provided throughout the Planning Policy Guidance (PPG) documents and Department for Transport, Local Government and the Regions (DTLR) Circulars. These can allow the use of planning obligations for specific land uses or situations. This list is not intended to be exhaustive and other powers may also be appropriate for particular cases.

2.2 Providing a context for the use of obligations is Planning Policy Guidance Note 1 (PPG1) *General Policy and Principles* that states that the availability of infrastructure is a material consideration. PPG 12 *Development Plans and Regional Planning Guidance* states that the development plan has to show how development will be served by infrastructure. In addition it states "*the capacity of existing infrastructure and the need for additional facilities should be taken into account in the preparation of all development plans*".



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2.3 Section 106 of the Town and Country Planning Act 1990 provides for any person with a legal interest in land to enter into certain types of obligation whether by agreement or unilaterally. An obligation may:

- restrict the development or use of land;
- require specified operations or activities to be carried out in, on, under or over the land;
- require the land to be used in a specified way; and
- require a sum or sums of money to be paid to the local planning authority on a specified date or dates, or periodically.

And the obligation may:

- be unconditional or subject to conditions;
- impose any restriction or requirement mentioned in the first three bullet points above either indefinitely or for any such period or periods as may be specified*; and
- if it requires a sum or sums of money to be paid (including periodical sums), require the specified* amount be paid indefinitely or for a specified period.

*In the above cases, the word 'specified' means specified in the instrument by which the planning obligation is entered into (Section 106(13)).

However, the benchmark that the Council will be use, if it comes to a test, will be the relevant policy guidance in Circular 1/97, which presents a much narrower interpretation of these provisions.

2.4 A planning obligation is enforceable by the local planning authority against the person entering into it and any person deriving the title to the property from that original person (See paragraph 3.18). It can subsequently be modified or discharged by agreement, or upon application to the Council (with appeal to the Secretary of State) after a period of 5 years.

2.5 Case law has established that there must be a connection between the planning obligation and the planning permission sought. Where such a connection is demonstrated, the local planning authority can decide the weight to be given to the obligation in determining the application.



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Circular 1/97: Planning Obligations

2.6 This Circular provides advice where local authorities can seek developer contributions to infrastructure, service and amenity requirements arising from new developments. Planning obligations have a positive role to play in the planning system. Circular 1/97 emphasises the need for any contributions that are required from a development to meet five stringent tests. Contributions should be:

- *relevant to planning;*
- *necessary;*
- *directly related to the proposed development;*
- *fairly and reasonably related in scale and kind; and*
- *reasonable in all other respects.*

2.7 Planning Obligations must be operated in accordance with the fundamental principle that planning permission may not be bought or "sold". The Circular indicates that local planning authorities and developers should place more emphasis on the overall quality of a development proposal rather than on the number, nature and value of any planning benefits that can be obtained or offered. Used properly, developer contributions can remedy genuine planning problems and enhance the quality of development. It is not the intention of Circular 1/97 to impose an open-ended "development levy".

CRIME AND DISORDER

2.8 In October 1998 the Government introduced the Crime and Disorder Act. This placed a new statutory duty on the Council and Thames Valley Police to work together in Partnership with other agencies and organisations to address issues of crime and disorder.

2.9 'Levels of Crime' are now included in the Government's headline indicators of sustainability, and the science of designing out crime can now give strategies to address many kinds of offending which are influenced by the design of the built environment.

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2.10 Land-use planning implications are an integral part of a development itself e.g. layout and siting of facilities. The Council in partnership with Thames Valley Police has produced design guidance note A6 "Designing to reduce the opportunity for crime". The Council may seek developer contributions that address these issues and secure a safer environment. Areas where planning obligations may be sought include:

- Proper lighting and physical security measures
- Road Safety
- Safe routes to school
- Youth provision
- CCTV
- Good surveillance from development of the open space and communal areas

2.11 A developer will be expected to provide evidence that issues of crime and disorder have been fully considered as part of a planning application and that this is reflected in the layout etc of a development.

DEVELOPMENT PLANS

Berkshire Structure Plan 1991 - 2006

2.12 The Adopted Berkshire Structure Plan 1991 – 2006 (Incorporating Alterations adopted in August 1997) sets out in Policy LD6 that:

Before proposals for development are permitted, the local planning authorities will require to be satisfied that infrastructure, services and amenities made necessary by the development are provided or will be provided at the appropriate time so as to ensure the proper planning of an area.



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To this end local planning authorities may require contributions to be made by landowners or developers to provide additional infrastructure or facilities where they are:

(i) needed to enable development to take place;
(ii) directly related to the proposed development; and
(iii) fairly and reasonably related in scale and kind to the proposed development.

Local planning authorities may also require an acceptable balance of uses in mixed development or the implementation of local plan policies for a particular area or type of development. Where appropriate, any amenity or resource lost or damaged as a consequence of development should be offset by new provision elsewhere either on or off-site.

Wokingham Local Plans

2.13 Wokingham District's Adopted South East Area Local Plan and Loddon Area Local Plan continue to apply. The District Council does have a more up to date Wokingham District Local Plan, which was placed on Deposit from 21st October to 2nd December 1997. The Local Plan Inquiry commenced on 6th October 1998 and closed on 29th November 2000. The Part One Local Plan Inspector has already reported on Chapter 6.0 "Major Development South of the M4 Motorway". The Part Two Local Plan Inspectors reports on the rest of the Local Plan are expected towards the end of 2001. A version with the current proposed amendments highlighted was published in the District on 1st February 2000.

2.14 The Council is using the policies and proposals contained in the Deposit Draft (As Amended) as the policy of the Council for development control purposes pending its adoption as a statutory local plan. For the sake of clarity both the District Local Plan Deposit Draft and the Loddon Area / South East Area Local Plan policies remain referred to throughout the document.



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2.15 Policy WOS4 of the *Wokingham District Local Plan (Deposit Draft, As Amended)* is the relevant policy and states that:

POLICY WOS4: SERVICE, AMENITIES AND INFRASTRUCTURE REQUIREMENTS FOR NEW DEVELOPMENT
Where development is acceptable in principle, under the policies of this plan, development proposals will be expected to have regard to existing levels of infrastructure, services and amenities.

Where the development gives rise to the need for the provision of new or extended public and community services, permission will not be given until the Planning Authority is satisfied, by imposing conditions, or where these are not appropriate or adequate, by seeking a legal agreement, that an appropriate level of infrastructure, services and amenities required as a consequence of, and directly related to the development is capable of being and will be provided within the timescale of the proposed development in accordance with an agreed phasing programme.

The Council will produce supplementary planning guidance regarding the implementation of this policy.

2.16 Two of the three adopted local plans for the District contain the following infrastructure policy:

LPS1 / SPS1 PHASING OF SERVICES IN NEW DEVELOPMENTS

Where development which is acceptable in principle under the policies of this plan gives rise to the need for the provision of new public and community services, permission will not be given until the District Planning Authority is satisfied, by seeking a legal agreement where necessary, that an appropriate level of infrastructure, services and amenities required as a consequence of and directly related to the development is capable of being and will be provided at the appropriate time in the development process.

2.17 This policy is not contained within the *Green Belt Local Plan for Berkshire (1985).* This was prepared prior to the consideration of planning obligations and policy relating to this. However, the requirements contained in Policy LD6 of the Berkshire Structure Plan 1991 - 2006 supersede this.

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2.18 As Supplementary Planning Guidance (SPG) adopted by the Council, this guidance is a material consideration to be used in the determination of planning applications and the Council expects applicants to consider and meet those infrastructure and community requirements as set out in this guidance. It will form the basis of discussions on individual planning applications with the aim of creating planning obligations.

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3.0 IMPLEMENTATION

Taking requirements into account

3.1 Early notification of the District Council's requirements will allow landowners and developers to take account of the additional costs and resources when undertaking development appraisals of sites. They may have to take into account several types of contribution (E.g. Open Space, Car Parking and Community Facilities) to calculate the development value of a site.

3.2 Staff in the Development Control Section of the Environmental Services Department act as the first point of contact. They will be pleased to discuss the Council's requirements with developers at the preliminary stages of their development appraisals, and to liaise with their colleagues in other services. They will preserve the confidentiality of such contacts and may be able to give further contact names for specialist topic areas in the Council. This guide sets out the general level of planning obligations. However, some proposals may be subject to other requirements such as river maintenance and management or new needs generated by the development.

3.3 Planning obligations prior to the granting of planning permission will cover the District Council's requirements for services, amenities and infrastructure. Developers should allow sufficient time to negotiate and prepare such planning obligations. In making an assessment for any planning obligation, it will be for the Local Planning Authority to make the final decision, having taken into account comments and recommendations made by others.

Action by the Council

3.4 Flowcharts showing all likely procedural stages of the consideration of Planning Obligations from pre-application advice to the granting of a planning permission by the Council are attached to this guidance.



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3.5 Councillors are able to publicly debate the contents of section 106 agreements at the Development Control Committee. There is scope for input by members and effective negotiation by officers with developers depending on the individual planning application. Under the Councils protocol, Councillors cannot negotiate directly with developers or their representatives. In law an individual Councilor cannot make a decision on behalf of the Council. Councillors input must be through Officers in the Development Control Section of the Environmental Services Department or public debate in Committee.

3.6 In accordance with Circular 1/97 the Council will not fetter its judgement of planning obligations because the developer has offered a contribution. A planning application linked with an offer of a contribution that is incompatible with the Council's planning policies will not be considered favourably. Developer's contributions will not "buy" planning permissions and consents on unacceptable schemes or sites.

3.7 The Council will not accept any poorly designed schemes because of potential planning obligations from developers. For example, the quality of building materials and landscaping shall not suffer in order for the developer to meet the Council's requirements for planning obligations such as affordable housing.

3.8 In making provision for Infrastructure, Services and Amenities controlled by this Council, all relevant planning policies, development briefs and planning guidelines and any other relevant strategies such as the Local Transport Plan for example will be taken into account. The areas of provision that would normally be considered by this Council are set out below. Some of these areas of provision are set out in more detail in the separate appendices attached to this guidance. The absence of detailed guidance does not negate a potential need in respect of planning obligations. The ultimate tests for planning obligations are not those set out in this supplementary planning guidance but those within Circular 1/97 and case law. Each application has to be considered on its own merits. The Development Control Case Officer should be the first point of contact in discussions on potential planning obligations. The Case Officer can inform applicants or their agents upon what information a need is based.



3.9 The main areas include the following topics:

- *Affordable Housing*
- *Education Provision*
- *Transport and Movement (including Travel Plans)*
- *Community Facilities (including Health Care & Social Services)*
- *Sport, Recreation and Leisure*
- *Library Services*
- *Landscape and Biodiversity*
- *Waste Disposal & Recycling*
- *Air Quality*
- *Berkshire Fire & Rescue Facilities*
- *Local Plan Sites (To be published later in 2002)*
- *Flood Risk & Pollution (To be published later in 2002)*
- *Community Projects*
- *Archaeology*

3.10 Some planning obligations may require provision on or off-site. Where development requires improvements to transport and movement, proposals should consider measures to meet the needs of motorised travel, public transport, cyclists and pedestrians. Developers should in all cases check the Council's current published documents to establish both policies and local need.

3.11 The majority of developments by themselves may not warrant major investment in new infrastructure, services or facilities. For example, a development of ten houses in itself would be of insufficient size to require an extension to a primary school or health centre. However, a number of small developments are likely to have a cumulative impact on existing infrastructure, services and facilities and those responsible for their provision will find it more cost effective to make a single improvement after a number of small developments have been developed.



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3.12 The level of contributions required will depend on the size and form of the development and the nature, location, extent and use of the existing facilities towards which contributions are being sought. The payments will be subject to legal agreements where by money will be spent locally on improvements to meet the needs of the development from which the payments were sought. In the event of a cash sum being required, this will be placed in a fund controlled by the organisation responsible for the provision of that service or facility, and reserved for that purpose.

3.13 A "Commuted Sum" involves a payment in lieu of services or infrastructure that cannot, or in policy terms should not, be accommodated on site. For example, if parking spaces cannot be accommodated on site, the Council will use a money payment to either provide or improve existing public car parking nearby, or to improve access by modes of transport other than the car.

3.14 It is important that both conditions and legal agreements are clear and transparent to all parties. The type and amount of contributions required, whether material or financial, and the time at which they are to be paid must be clearly and unambiguously stated. The Council will seek that planning obligations are:

- Concise and clear in their purpose.
- Acceptable in all other respects taking account of case law and advice in Circular 1/97.
- Accurate. All those with an interest in land must be signed up to it. The obligation should clearly identify the land, and be clear in its wording.

3.15 With regard to commuted sums, as with any planning obligations, the tests set out in the circular have to be met. As the commencement of development can be delayed and in the case of major schemes which are the subject of section 106 agreements, implementation can take several years. To maintain the value of contributions any payment due to the District Council as the development progresses, will be subject to an increase to reflect changes in the Building Price Index. This additional payment will be calculated by changes in the Index between the date the payment is agreed and the date the payment is made.



3.16 The applicant will be expected to pay the Council's Solicitor legal costs in connection with the preparation and execution of an agreement. The Council's Solicitor will require an undertaking from the Solicitor acting on behalf of the applicant to pay the Council's reasonable legal costs in full whether or not the agreement is completed.

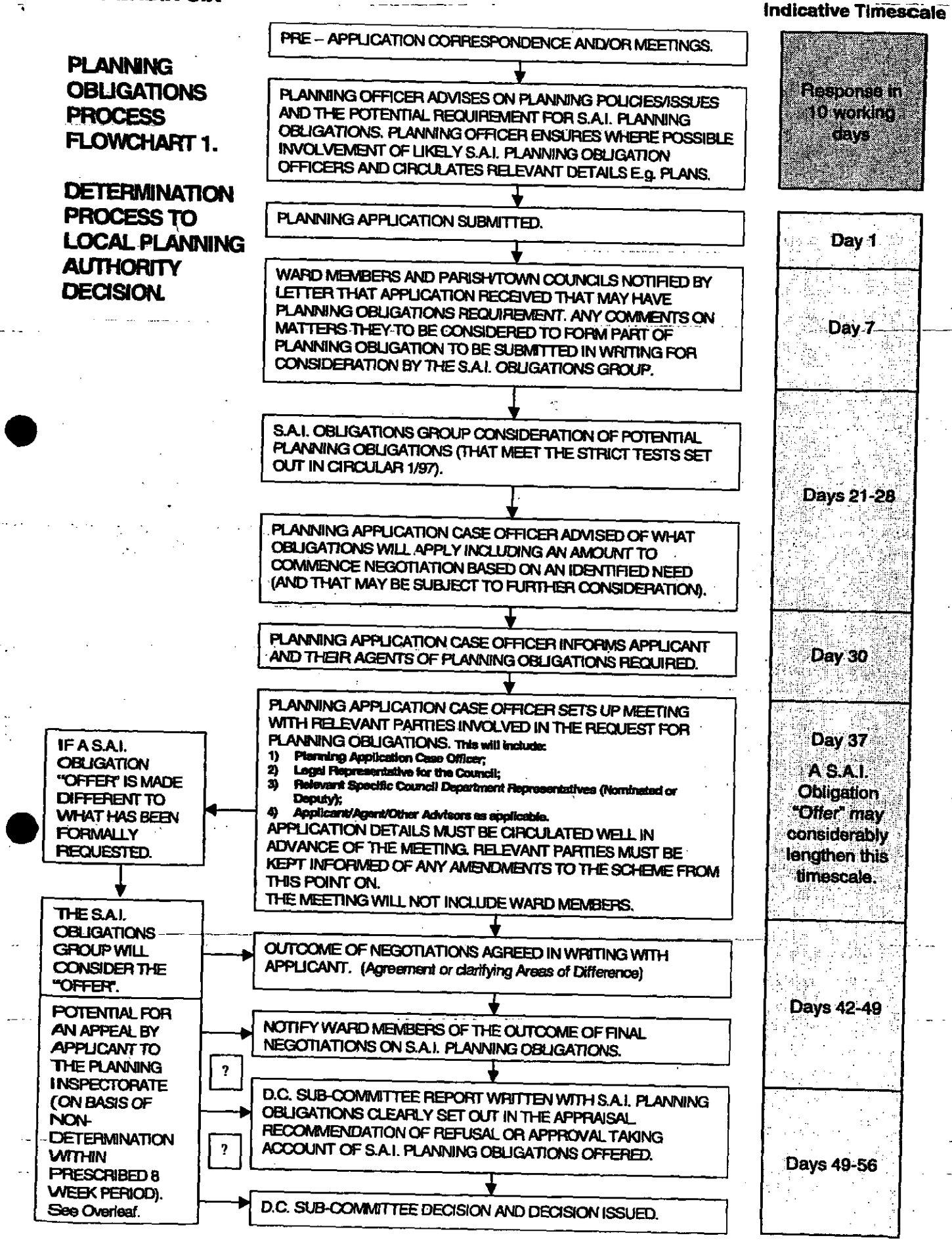
3.17 The developer will be expected to produce unilateral obligations promptly in the event of an appeal(s).

3.18 Any legal agreements requiring developer contributions will be enforceable against any future freehold or leasehold owners of the land who may derive the title from the person who originally entered into the agreement. This would include subsequent freehold or leasehold owners of any property developed on a site but not usually individual householders.

APPENDIX SIX

PLANNING OBLIGATIONS PROCESS FLOWCHART 1.

DETERMINATION PROCESS TO LOCAL PLANNING AUTHORITY DECISION



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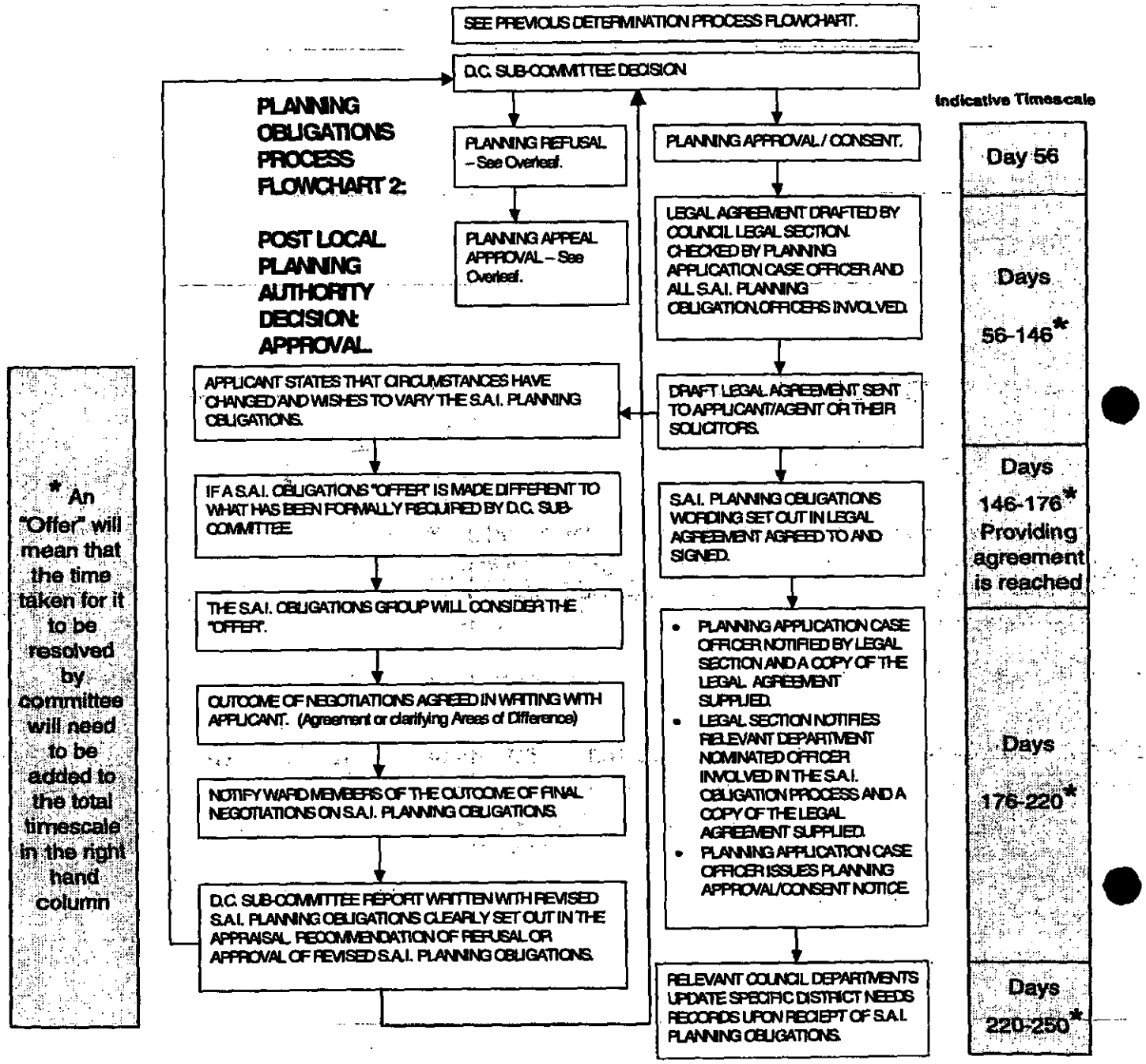

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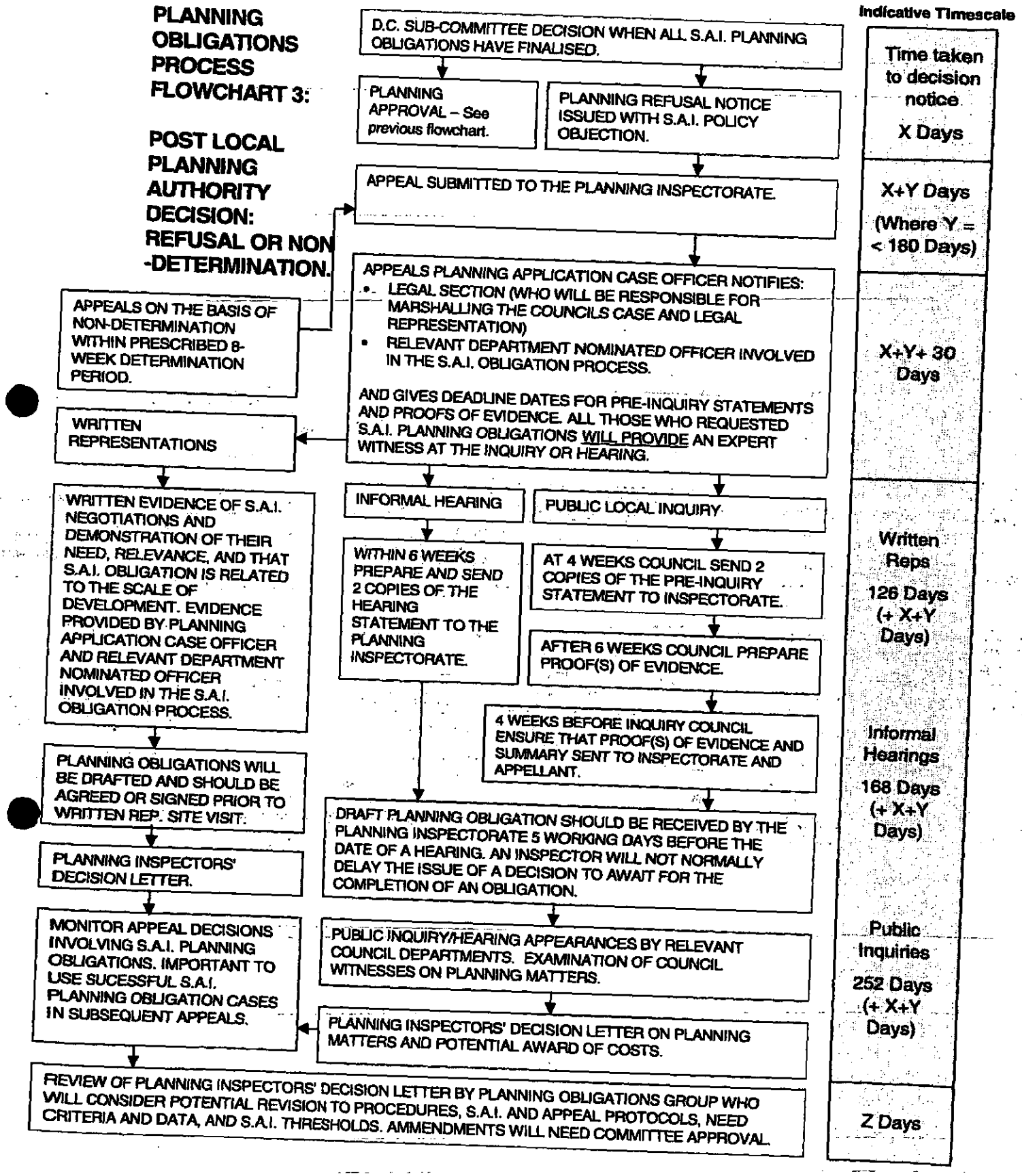

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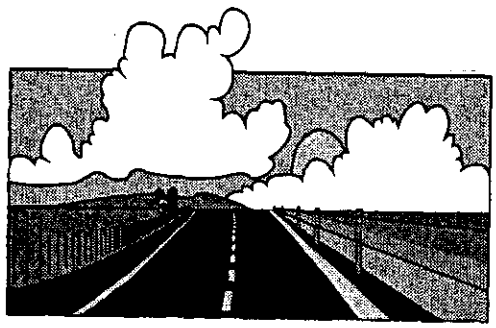

APPENDIX H: MOVEMENT INFRASTRUCTURE PROVISION.

H1.0 INTRODUCTION

National Planning Guidance

H1.1 Planning Policy Guidance Note 13 *Transport* (2001) acknowledges that our quality of life depends on transport and easy access to jobs, shopping, leisure facilities and services. It seeks a safe, efficient and integrated transport system to support a strong and prosperous economy. Land use planning has a key role in delivering the Governments integrated transport strategy. By shaping the pattern of development and influencing the location, scale, density, design and mix of land uses, planning can help reduce the need to travel, reduce the length of journeys and make it easier to access services and places by a variety of means.

Regional Planning Guidance

H1.2 Further policies and advice are set out in the Regional Planning Guidance for the South East (RPG9) – March 2001. Chapter 9 – *Regional Transport Strategy*. Transport planning is a key theme of the regional guidance. Decisions relating to the spatial distribution of land uses, mix and design need to underpin and enhance the viability of public transport. While local circumstances will influence what is possible, it is no longer acceptable to work on the premise that the car will represent the only realistic means of access.

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Development Plans and Other Guidance

H1.3 In accordance with *Wokingham District Local Plan* Policies in the Overall Strategy (Chapter One), Transport (Chapter Ten) and objectives set out in the *Local Transport Plan*, the Council will seek to reduce reliance of the private car and increase the use of alternative forms of transport.

H1.4 The transport aspects of individual development proposals will be assessed taking into account the needs of all users and the constraints of particular locations. For example, in town centre locations, it would not be desirable or appropriate for a development to provide entirely for access by private car and therefore, greater support for public transport alternatives will be sought.

H2.0 PROVISION OF TRANSPORT ASSESSMENTS AND INFRASTRUCTURE.

H2.1 Developers will be required to submit Transport Assessments on schemes likely to require planning obligations using the thresholds set out in the introductory text in paragraph 1.6 in accordance with the guidance contained within Planning Policy Guidance note (PPG) 13 *Transport* (April 2001). Transport Assessment may also be required in areas that are currently heavily congested and further guidance as to when Transport Assessments will be required can be found within PPG 13 (paragraphs 23-27 inclusive). A Scoping Study should be prepared and agreed with the Council's Highways staff via the Planning Case Officer prior to the Transport Assessments being prepared.

H2.2 Developers are expected to provide on site estate roads, footpaths, bridleways and cycleways, parking spaces, lighting and bus stops/lay-bys that are adequately connected to the existing highway network. However, the Highway staff will seek contributions towards off-site highway improvements such as cycleways, footways, road improvements and public transport so as to mitigate the potential traffic impact of the development and promote other forms of transport. Such measures could include:-

- Improved passenger information systems e.g., improved passenger information systems including passenger-waiting facilities



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- Railway stations
- Park and Ride or bus/rail interchanges
- Bus lanes/priority measures
- Capital/revenue support for public transport services
- Traffic management/highway improvements
- Reinstatement of Carriageway and Footway following development.
- An entire package that is capable of forming a Travel Plan.

The effectiveness of measures to promote alternative means of transport to the car will be monitored through the use of appropriate targets. In the case of Travel Plans, the monitoring and review will be the responsibility of the developer/occupier, in consultation with the Local Planning Authority.

H2.3 The Council will require appropriate highway landscaping both on and off site and will expect provision for maintenance of such landscaping for a reasonable period of time. This should be read in conjunction with Appendix C and Appendix J of this document. Contributions will also be sought to provide adequate street lighting both within the development and where necessary on roads leading from the new development to the nearest road where street lighting already exists.

H2.4 Contributions secured by way of a section 106 agreement will include an element of design, checking and supervision fees. The Highway staff will normally require that they undertake the detailed design and supervision of major highway schemes to ensure a consistent standard and to seek a comprehensive approach where a proposal takes land in more than one ownership. The Council may be prepared in certain circumstances, based on site specifics, to let applicants' design their own scheme, subject to highway staff approval.

H2.5 For development involving a large number of heavy goods vehicles, the Highway Authority will require contributions towards the strengthening and widening of roads to carry the anticipated traffic and where appropriate, towards the cost of bringing the roads back to a standard following the completion of the works.



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H2.6 One of the key objectives of the Council's Air Quality strategy is to ensure that the air within the District is of an acceptable quality. The main source of air pollution in the District is traffic. Any material increases in traffic volumes will have consequences for air pollution. This aspect is also referred to in Appendix I.

H2.7 Where the traffic impact of the development is to be monitored as part of any agreement, with a view to taking remedial action if certain targets are not met, then air quality impacts should also be one of the matters monitored.

H3.0 PROVISION OF PUBLIC TRANSPORT FACILITIES

H3.1 To achieve sustainable forms of development, accessibility to public transport facilities will be an important consideration for both travel to and from destinations. The District Council's policies for Public Transport facilities within new developments (that require planning obligations in accordance with Circular 1/97) is set out in the following documents below:

- *The Adopted Berkshire Structure Plan – Policy T4;*
- *Wokingham District Council Local Plan Deposit Draft (As Amended), (February 2000) – Policy WT11*
- *Loddon Area Local Plan – Policies LT11& 12.*
- *South East Area Local Plan – Policies ST10, 11*
- *Local Transport Plan and Accompanying Documents.*

H3.2 All development should be well served by public transport. Where provision is inadequate then the developer will be required to fund provision from the initial occupation of the development for a period whilst travel behaviour is established.

H4.0 PROVISION OF PARK AND RIDE FACILITIES

H4.1 The provision of park and ride schemes encourages the use of public transport and improves the accessibility of urban centres. They are designed so as to avoid excessive urban congestion and reduce the amount of travel undertaken by the private car. Where appropriate and in accordance with Local Plan Policies, financial contributions will be sought towards the improvement of/introduction of park and ride schemes.

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H5.0 TRAVEL PLANS

H5.1 Travel plans are one of the key mechanisms by which the Government expects local authorities to deliver its sustainable transport objectives. The aim of a travel plan is to reduce primarily the amount of single car occupancy journeys and encourage more environmentally friendly means of travel to and from all forms of development. The format and content of travel plans vary, although typically they should incorporate the following measures:-

- Designate a Travel Co-ordinator;
- Carry out survey and identify current travel needs;
- Identify from survey, potential measures and incentives to encourage the use of car sharing, walking, cycling and the use of public transport;
- Do not guarantee new staff a free parking space at the workplace;
- Guarantee non-car driving staff a free ride home in an emergency;
- Provide changing/showering facilities for cyclists;
- Install secure, covered and well lit cycle storage facilities;
- Provision of interest free loan schemes for the purchase of cycles;
- Provision of interest free loans for the purchase of bus and/or rail season tickets;
- Provide walking, cycling and public transport information;
- Structure relocation packages for new staff to encourage them to live closer to the workplace;
- Provide public transport information to visitors to advise of alternative modes of transport to the site other than by private car;



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- Aim to reduce single occupancy car journeys by %targets (to be agreed) over the first five years from date the Travel Plan is approved, together with a further % reduction over the subsequent 3 years and to reduce overall car parking provision by same amount; and
- The occupier(s) thereafter annually review the Travel Plan and ensure that the aforementioned targets are maintained in perpetuity. The occupier(s) responsible to introduce further measures and incentives to achieve the same.

H5.2 The above list is not exhaustive, and it is important that any plan is tailored to suite the specific needs of the future occupiers of new development. Developers will be required to prepare a detailed Travel Plan alongside planning applications that are likely to have significant transport implications. The District Council's policy for the provision of Travel Plans within new development, is set out in the following documents:

- The Adopted Berkshire Structure Plan – Policies LD5, T1;
- Wokingham District Council Local Plan Deposit Draft (As Amended), (February 2000) – Policy WT3
- Local Transport Plan and Accompanying Documents.
- Public Consultation Draft Planning Policy Guidance Note (PPG) 13 *Transport* (Oct 1999)
- DTLR Guidance

H5.3 Developers will be invited to prepare Travel Plans whose implementation would ensure a reduction in private car use compared to what it would have been in an unconstrained situation. Travel Plans should include proposals to promote alternative forms of transport to and from the site, other than the private car, and ensure a reduction in the number of car borne journeys to the site. The effectiveness of the plan will need to be monitored and measures including targets should be agreed.

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H6.0 INFRASTRUCTURE WORKS

H6.1 Roads

The District Council's policy for this provision within new developments, is set out in the following documents:

- The Adopted Berkshire Structure Plan – Policies LD5, T6,T7,T13,T14;
- Wokingham District Council Local Plan Deposit Draft (As Amended), (February 2000) – Policy WT2,WT7,WT15,WT16;
- Loddon Area Local Plan – Policies LT4 & LT5.
- South East Area Local Plan – Policies ST2 & ST3
- Local Transport Plan and Accompanying Documents.

H6.2 Cycling, pedestrian routes, footpaths and public rights of way

The District Council's policy for this provision within new developments, is set out in the following documents:

- The *Adopted Berkshire Structure Plan* –Policies LD5, T2, T3
- *Wokingham District Council Local Plan Deposit Draft (As Amended), (February 2000)* – Policies WBE9, WT9, WT10, WR18
- *Loddon Area Local Plan* – Policies LR11, LT8, LT9, LT10
- *South East Area Local Plan* – Policies SR10, ST7, ST8, ST9
- *Local Transport Plan* and Accompanying Documents
- *Wokingham District Council Cycling Strategy* – June 2000.

H6.3 Where additional traffic generated by the proposed development is such that the development cannot proceed without physical improvements to the road infrastructure, then the developer will be expected to implement such improvements that would mitigate the effects. These should be implemented before the development is occupied.



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H6.4 As part of the proposals, developers should incorporate safer and more attractive routes for pedestrians. Such measures should include traffic calming, provision of wider pavements and pedestrian friendly road crossings which avoid long detours, long waits or underpasses. Where existing pedestrian facilities in the vicinity of the site are deficient, contributions will be sought to upgrade and promote links to and from the site by foot. New development, in particular new housing, will need to take into account the needs of parents and children travelling to and from school by means other than the private car and contribute where necessary to the Authority's Safer Routes to School Strategy.

H6.5 Broad costings of various highway works are available from the Highways staff upon request. Contact details are provided at the end of this document.

H6.6 **Car parking**
The availability of car parking has a major influence on the choice of means of transport, even in locations that are already well served by public transport. However, a certain level of off street parking provision may be necessary for a development to proceed, although it should not be reduced to a level where significant safety or traffic management problems would be caused. The Authority will ensure that parking standards in new development accord to the standards set out within PPG 13.

H6.7 The District Council's current parking standards are set at maximum levels. The Council is however currently reviewing its parking standards to bring them more into line with the standards set out in both PPG3 and PPG13. Until such time as the review is complete and any subsequent amendments adopted, developers will be expected to provide car parking at a level which reflects the sites accessibility public transport, and supports the Council's overall sustainable transport objectives. Consideration should also be given to crime prevention, when designing the layout of car parks and advice of the Crime Prevention Officer, Thames Valley Police, should be sought. The District Council's policy for this provision within new development, is set out within the following documents:

- *Adopted Berkshire Structure Plan* –Policies LD5, T6
- *Wokingham District Local Plan Deposit Draft As Amended* – Policy WT6

- *Loddon Area Local Plan* – Policy LT6
- *South East Area Local Plan* – Policy ST5
- *Local Transport Plan* and Accompanying Documents
- *PPG 3 – Housing*
- *PPG 13 - Transport*

H6.8 Car parking should wherever possible be provided within the curtilage of the new development. However, in the centres of Woodley, Wokingham, Twyford and Earley, on site car parking shall be considered on a site by site basis, so as to make best use of the existing public car parks in those areas and hence best use of the land to be developed.

H6.9 Where parking cannot be provided on site it has been customary for 'commuted payments' to be made to local authorities for the supply of off-site parking. However PPG 13 no longer advocates this approach and therefore commuted payments for parking will no longer be sought. Contributions however, will be sought towards measures to assist public transport or walking and cycling where the Council in accordance with policies justifies the need. This will be particularly relevant where there are no public car parking proposals, when public car parking schemes are unlikely to be implemented within a reasonable time or where there is scope to fund provision for alternative modes of transport to the car.

H6.10 As with car parking, the availability and quality of cycle parking facilities has an influence on the choice and means of travel people may make to and from development. It is therefore important that good quality on site cycle parking provision is made within the development at a standard set out within Wokingham District Council's *Cycle Strategy* document. A copy of this document can be obtained from the Transport Planning Team, on 0118 9746488.

H6.11 **Access for People with Disabilities**
The District Council's policy for this provision within new developments, is set out in the following documents:

- *Berkshire Structure Plan* –Policies LD5, T6
- *District Local Plan Deposit Draft As Amended*– Policy WOS3(e)
- *Loddon Area Local Plan* – Policy LBE 6
- *South East Area Local Plan* – Policy SBE6
- *Local Transport Plan* and Accompanying Documents

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H6.12 It is necessary that as part of any development proper provision is made for people with disabilities and that the requirements of the Disability Discrimination Act are met. Note that this guidance is not explicit and that in many circumstances the infrastructure requirements from new development cannot be identified until the Transport Assessment has been carried out.

H7.0 TRAFFIC AND MOVEMENT INFRASTRUCTURE LEGAL AGREEMENT

H7.1 Applicants or their Agents will be required to enter into a legal agreement with the Council to safeguard the provision of appropriate traffic and movement infrastructure/facilities to meet the requirements of current national guidance, development plan policies and any supplementary guidance used by the Council.

H8.0 FOR MORE INFORMATION

H8.1 For more information about our requirements, or to receive copies of any of the documents referred to in this guideline, then please contact:

Team Leader (Highway Development)
Environmental Services,
PO Box 157
Shute End
Wokingham
Berkshire. RG40 1WR

☎ Tel (0118) 974 6323
Fax (0118) 974 6313

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Source Documents

- Circular 1/97, *Planning Obligations* *
- Wokingham District Council *Cycling Strategy* – June 2000 *
- The *Adopted Berkshire Structure Plan 1991 – 2006 (Incorporating Alterations adopted in August 1997)* *
- The *Wokingham District Local Plan, Deposit Draft As Amended* (February 2000) *.
- The *Wokingham District Local Transport Plan* *.
- DETR PPG 13 *Transport* *
- DETR PPG 3 *Housing* *
- DETR '*Places Streets and Movement a companion Guide to DB32*'*
- IHT Guidance '*Providing for Journeys on Foot*'*

* Available from Wokingham District Council Planning Department.

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APPENDIX I: SECURING GOOD AIR QUALITY.

I1.0 INTRODUCTION

I1.1 National Guidance

Planning Policy Guidance Note 1 (PPG1) *General Policy and Principles* states that the availability of infrastructure is a material consideration. PPG 12 *Development Plans and Regional Planning Guidance* states that the development plan has to show how development will be served by infrastructure. In addition it states

"the capacity of existing infrastructure and the need for additional facilities should be taken into account in the preparation of all development plans".

Guidance on air quality issues can be found in Planning Policy Guidance Note 23 *Planning and pollution control* (1994). Air quality forms an integral part of the guidance. The planning system controls the development and use of land in the public interest. It has an important role to play in determining the location of development that may give rise to pollution. The planning system should also control other development in proximity to potential sources of pollution.

I1.2 Under Section 82 of the Environment Act 1995, Local Authorities are required to review and assess the air quality in their District. This process identifies areas where national policies and instruments to reduce pollution alone are unlikely to meet the Government's air quality standards. Where this is the case and the public is exposed, authorities are required to designate Air Quality Management Areas (AQMAs).

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I1.3 **Regional Planning Guidance**
Regional Planning guidance for the South East (RPG 9) contains Policy Q6 that states health, education and other social considerations and infrastructure requirements need to be taken into account fully in development planning throughout the Region. Criterion b(iv) seeks the management of local air and water quality. This is further detailed in Policy E7.

I1.4 **Development Plans and Other Guidance**
The Adopted Berkshire Structure Plan 1991 – 2006 (Incorporating Alterations adopted in August 1997). Policy OS1 seeks to safeguard the environment and this was one of the County Council's Overall Strategy Key objectives that could be implemented through Policies LD6 & LD8. Policy EN2 expects that development should not give rise to unacceptable levels of emissions or to unacceptable levels of air pollution. Policy LD3 seeks to prevent unacceptable amenity impacts. Transport Scheme impacts are in Policy LD4. Wokingham District Council Local Plan Deposit Draft (February 2000) Policy WOS1 seeks sustainable development that improves the quality of life. Implementation can be through Policies WOS3 criterion (d), WOS4 and WOS6(b).

I1.5 Following Wokingham's formal Review and Assessment of Air Quality, the Council agreed (Environmental Services Committee 2 July 2001) to designate its AQMAs because the annual mean air quality objective for Nitrogen dioxide is not likely to be met by 31 December 2005. Nitrogen dioxide does affect human health. Inhalation of the gas can damage cells and proteins in the body. Exposure to high concentrations of nitrogen dioxide can cause acute health effects as it causes inflammation of the airways. Short exposures may also affect the body's immune response leaving individuals more susceptible to respiratory infections. Nitrogen dioxide is also thought to have long term, chronic health effects, particularly in people with asthma. Wokingham designated its AQMAs in September 2001. These are shown on the map overleaf.

I1.6 The main source of air pollution in the Wokingham District is road vehicle emissions. The AQMAs encompass an area 60 metres either side of the M4 and 10 metres either side of the A329(M). Within these areas it is likely that air quality will not meet the Governments annual mean Air Quality Standard for Nitrogen dioxide by 2005.

I1.7 The Local Transport Plan states that transport is universally acknowledged as having a major impact, particularly air quality. The UK Environment Act 1995 requires that levels of atmospheric pollutants should be reduced to defined levels by the year 2005. These levels should be achieved by the joint action of local authorities. This action could include a reduction in the levels of traffic. This guidance should be read with Appendix H on traffic movement.

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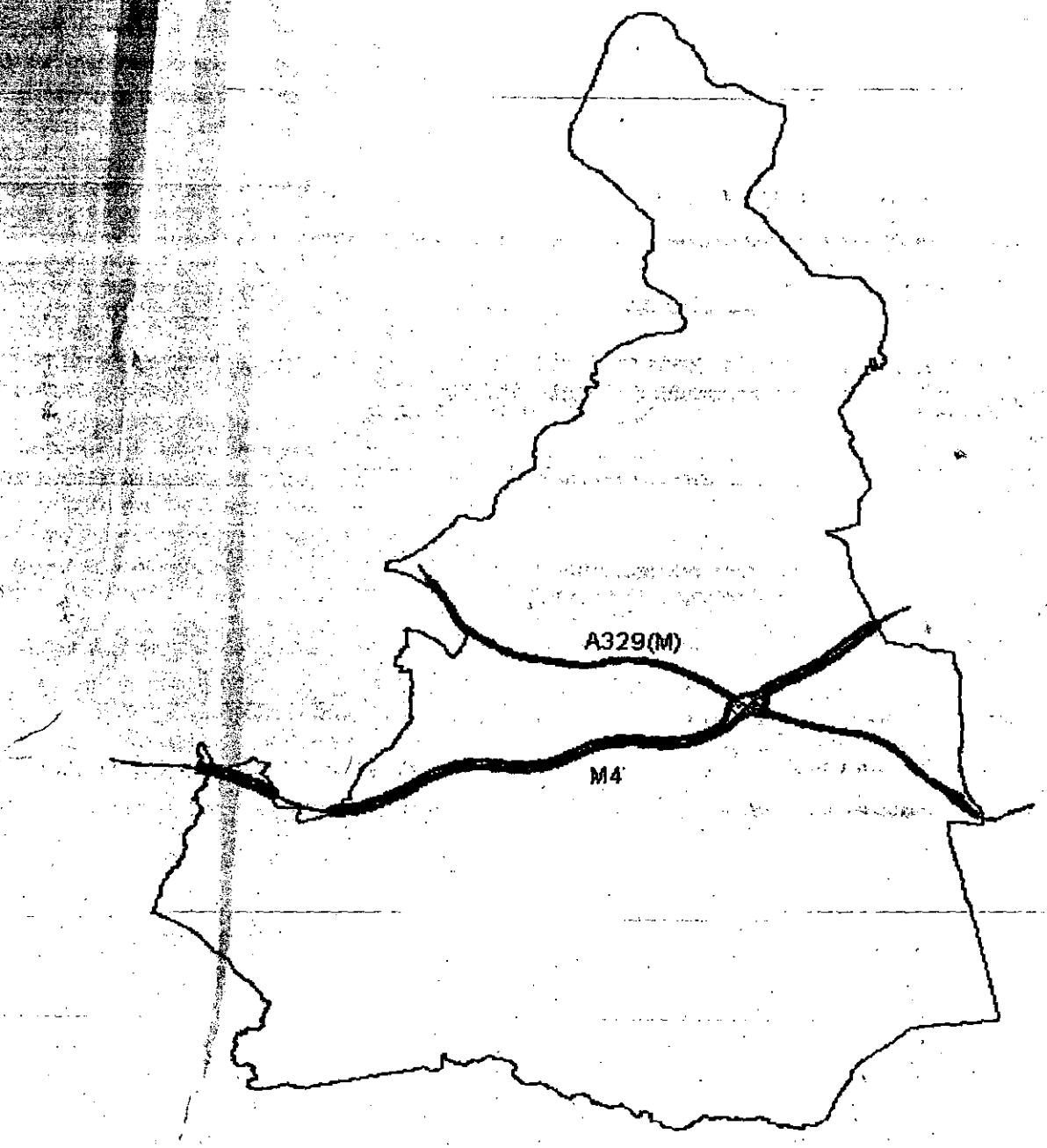

MAP: Wokingham designated AQMAs (September 2001)



I1.8 The Council will review national policy requirements and up date this guidance to ensure that pollutants of concern are measured, and compared with the national standards. The Council will seek to ensure that developments do result in exceedences the objectives or worsen areas of predicted exceedences and that traffic pollution measures will be required to meet the standards in some areas of the District.

I2.0 PROVISION OF AIR QUALITY OBJECTIVES

I2.1 In order to ensure that the national objectives in respect of air quality are achieved it is important that air quality is carefully monitored to ensure that any changes are able to be recorded both in the short and long term. Developments will need to demonstrate that they will have no detrimental effect on air quality within the locality of the development in terms of increased industrial, domestic and transport emission sources, notably benzene, carbon monoxide, nitrogen dioxide, particulate matter and sulphur dioxide. The Council will expect appropriate air quality amelioration measures to accompany any major planning application and advise that the issue be discussed at the earliest stage of the planning process. A contact is given later in this Appendix.

I2.2 There is also likely to be an effect in other areas of the District depending upon the distribution patterns of travel generated by a development. For example a large housing development in Wokingham would be likely to result in increased commuting car travel along the main highways. Industrial and commercial developments will also generate flows of both car and lorry traffic both within the locality of the development and further afield. The monitoring of air quality and appropriate amelioration measures within the locality of the actual development and along identified transport routes likely to be affected by the development is therefore vital in ensuring that national objectives are not exceeded.

I2.3 Planning Obligations may be sought in the light of Government guidance at the time.

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13.0 FOR MORE INFORMATION

13.1 For more information about requirements, or to receive copies of any of the documents referred to in this guideline, then please contact:

Principal Environmental Health Officer (EP&H),
Environmental Services,
Wokingham District Council,
Shute End,
Wokingham.
Berkshire. RG40 1WW.

☎ Tel 0118 974 6355
☎ Fax 0118 974 6401

Source Documents

- The *Wokingham District Local Plan (Deposit Draft, As Amended)* (February 2000)*
- The *Developing Local Air Quality Action Plans and Strategies: The Main Considerations.* LAQM.G2(00)DETR*
- The *Environmental Services Committee Reports on Air Quality* (July 2000, November 2000, March 2001, July 2001 for AQMA designation) *
- The *Wokingham District Local Transport Plan 2001 – 2006* (July 2000).
- The *Framework for Review and Assessment of Air Quality.* LAQM.G1(00)DETR *
- The *Local Air Quality Management Guidance Notes. Air Quality and Land Use Planning.* LAQM.G4(00)DETR *
- The *Good Practice Guide Air Quality and Land Use Planning.* ARUP Environmental/RTPI
- The *Air Quality Management Areas: Turning Reviews Into Action.* NSCA. *

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- The *Adopted Berkshire Structure Plan (Incorporating Alterations adopted in August 1997)* 1991-2006*
- *Wokingham District Council Air Quality Review and Assessment Stage 1 Report. April 1999.*
- *Wokingham District Council Air Quality Review and Assessment Stage 2 & 3 Report. August 2000.*
- *Wokingham District Council Air Quality Review and Assessment – Amended Stage 3 Summary Report. April 2001.*
- *Royal Town Planning Institute. Good Practice Guide on Air Quality and Land-use Planning (1999).*
- *Minutes of a meeting of the Environmental Services Committee held on Monday 2nd July 2001 (Minute number 17).*
- The *Entec UK Ltd. Reports**

HIGHWAYS CONSULTATION SHEET

From: Edward Oteng **Date:** 14 November 2001

Application Number: O/2001/5210

Proposal: Outline application for the demolition of existing dwelling and erection of 8 flats, associated parking and highway improvements.

Parish: WINNERSH PARISH

Site Address:
56, King Street Lane, Winnersh, Wokingham.

Applicant:
Mr & Mrs Elgar C/O Gregory Gray Associates.

Your observations are required in respect of this application within **7 days** of the above date.

✓ below as applicable;

1) ☐ Recommend refusal for the reason(s) **stated below**;
2) ☐ Recommend approval but with condition(s) & reason(s) **stated below**;
3) ☐ Recommend approval with **no** condition(s) or reason(s).

The Highway Authority do not want to see an intensification in use of the existing access onto King Street Lane, and therefore please could we have revised plans showing the proposed development accessed from St Mary's Road.
Although we wouldn't like to see vehicular access onto King Street Lane, pedestrian and cycle access would be welcomed.

Comments superseded. Adam Coggins 21/02/02.

Recommend Conditional Approval subject to suitable financial contribution towards highway safety measures within the vicinity:
1, C122, R122 (parking + turning prior to occupation)
2, C123, R123 (parking not to be restricted)
3, C124, R124 (cycle parking)
4, C126 (INSERT: 2471/01), R126 (visibility splays)
5, C129, R129 (site parking)
6, C130, R130 (mud)
7, C134 (INSERT: 4.8m) and served via a footway crossover (DELETE: kerb radii). (access width)
8, C137 (INSERT: plans), R137 (turning)
9, No ~~gates~~ shall be provided, R: IHSR. NO7.

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HIGHWAYS AGENCY

Room 4A
Federated House
London Road
DORKING RH4 1SZ

http://www.highways.gov.uk

Direct Line: 01306 878149
Fax: 01306 878100

Our ref: SU/778/702
Your ref: O/2001/5210

Mr E Oteng
Development Control Officer
Wokingham District Council
Planning Services
Environmental Services Department
PO Box 157
Shute End
Wokingham
Berkshire RG40 1WR

29 November 2001

Dear Mr Oteng,

Outline Application for the Demolition of an Existing Dwelling and the Erection of 8 Flats Etc.
56 King Street Lane, Winnersh, Wokingham

Thank you for your letter of 14 November 2001 inviting us to comment on the above application.

We would not wish to object to the granting of permission to this development, subject to the provision of an impenetrable secure 1.8 metre high fence between the site and motorway land. A 1.5metre strip of land on the development side of the fence must be kept clear at all times to allow access to the fence.

Yours sincerely,

Colin Ferguson
Engineer
Development Control - Operations Directorate
E-mail: colin.ferguson@highways.gsi.gov.uk

m:\msoffice\wokingham\kingstreet

INVESTOR IN PEOPLE
Recycled Paper
POSITIVE ABOUT DISABLED PEOPLE
DTLR TRANSPORT LOCAL GOVERNMENT REGIONS

Andy Glencross

From: Andy Glencross
Sent: 20 November 2001 12:28
To: Edward Oteng
Subject: Planning Application O/2001/5210 56 King Street lane Winnersh

Hi Edward

All buildings have potential to act as roost sites for bats which are legally protected species. This building is to be demolished and consequently I would advise that the developer must submit a survey of the buildings by a trained and licensed bat worker with their application. **This must be submitted prior to planning permission being granted not attached as a condition**

I have not visited the site.

Andy Glencross
Countryside Officer (Biodiversity)
Wokingham District Council Countryside Service
Dinton Pastures Country Park
Davis Street
Hurst
Berkshire RG10 0TH
Tel: 0118 9342016

FROM: Edward Oteng

DATE: 14 November 2001

DELEGATED

WINNERSH PARISH CONSULTATION SHEET

Application Number: O/2001/5210

Proposal: Outline application for the demolition of existing dwelling and erection of 8 flats, associated parking and highway improvements..

Site Address: 56, King Street Lane, Winnersh, Wokingham.

Applicant: Mr & Mrs Elgar C/O Gregory Gray Associates.

Your observations are required in respect of this application **by 08/12/2001** .

The Committee **OBJECTED** to this application on the following grounds:

1 There would be increased traffic movements onto King Street Lane

PLANNING SECTION	HOT
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DC	CNF
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06 DEC 2001	
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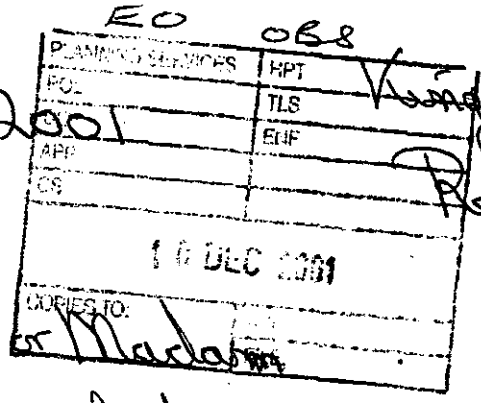
SIGNED: _____ DATE: 06.12.01

Clerk To Winnersh Parish/Town Council.

EO OBS



Dec 14th 2001 King St Lane Residents

Dear Sir or Madam NO ADDRESS

Re-Application No. 0/2001/5210

After viewing above plans for 8 flats etc, we feel there is not adequate parking spaces for the 2 Bed dwellings.
We feel that at least 2 parking spaces for each flat is required, otherwise cars etc, will be parked on King St Lane causing congestion on an already very busy road.

PTO

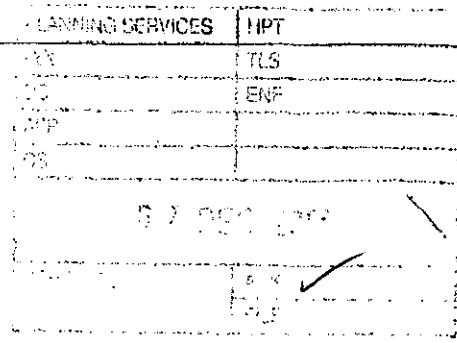
also an added danger for the parents & children using this busy road at last twice a day to attend "Beanwood" Primary School.

We also think that flats are not really in keeping with the village of "Sinclesham"

Yours
Faithfully
Resident & Family
of King St. Lane
Sinclesham

EO OBS

Ian Jordan



From: WebComments@wokingham.gov.uk
Sent: 06 December 2001 08:57
To: ian.jordan@wokingham.gov.uk
Subject: Comments on Planning Applications

****

NatureofEmail: Object
ApplicationNumber: O/2001/5210
Correspondent_FullName: Deborah J Walker
Correspondent_StreetAddress: Stanford Cottage
Correspondent_Address2: 55 King Street Lane
Correspondent_Town: Sindlesham, Wokingham
Correspondent_County: Berks
Correspondent_PostCode: RG41 5BA
Correspondent_Telephone:
Correspondent_Email: debbie_walker@fwuk.fwc.com

Comments:

1. The plans allow for only one parking space per 2-bedroom unit. This is insufficient as their is NO option for on-road parking. King Street Lane is extremely busy at all times of the day and in particular during rush hour. Any parking on the road will further increase this congestion and will in addition, pose a great risk to the large volume of young primary and infant school children who use this road to get to Bearwood School.

2. The proposed plans bring the building line of the property much closer to the road. This is out of keeping with all other properties in the neighbourhood which follow the building lines of the original properties in the area.

3. High Density Housing is totally out of keeping with the properties in the surrounding area, which are all single family homes, many of them period properties. The propsed properties are directly opposite a terrace of 19th century cottages that have been sympathetically restored and maintian their original facades.

WOKINGHAM DISTRICT COUNCIL
ENVIRONMENTAL PROTECTION AND HOUSING

MEMORANDUM

To: Edward Oteng
Development Control

From: Tom Payne
Environmental Health

Your Ref: O/2001/5210

My Ref: 20015345

Date: 26 November 2001

OUTLINE APPLICATION FOR THE DEMOLITION OF EXISTING DWELLING AND ERECTION OF 8 FLATS, ASSOCIATED PARKING AND HIGHWAY IMPROVEMENTS.

56 KING STREET LANE, WINNERSH

These proposals have been evaluated and I have the following comments:

Air Quality
Under Section 82 of the Environment Act 1995, Local Authorities are required to review and assess air quality. This process identifies areas where national policies and instruments to reduce air pollution alone are unlikely to meet the governments air quality objectives. Where this is the case and the public is exposed, authorities are required to designate Air Quality Management Areas (AQMAs).

Following Wokingham's formal Review and Assessment of Air Quality, the Council agreed (Environmental Services Committee 2 July 2001) to designate its AQMAs because in certain areas the air quality objective for Nitrogen dioxide is not being met now and is not likely to be met by 31 December 2005. Nitrogen dioxide does affect human health. Inhalation of the gas can damage cells and proteins in the body. Exposure to high concentrations of nitrogen dioxide can cause acute health effects as it causes inflammation of the airways. Short exposures may also affect the body's immune response leaving individuals more susceptible to respiratory infections. Nitrogen dioxide is also thought to have long term, chronic health effects, particularly in people with asthma.

Wokingham's AQMA encompasses the area of this proposed development (see accompanying map 20).

The Association of London Government recently published guidance to assist local authorities in determining planning applications in AQMAs. This states that careful consideration should be given to proposed developments within AQMAs and to locate housing away from roads where air pollution levels are high.

Surrey Heath had their proposals to allow housing near the M3 rejected by the DETR because they could not be sure that the governments air quality objectives would be met by 2005. They were advised to wait until then to prove that the area meets these objectives.

This site is considered unsuitable for residential development given that health based air quality objectives are not being met. Therefore, I strongly recommend that this application be refused on air quality grounds.

Traffic Noise
In addition, given the sites location 20 metres from the M4, I have concerns that the dwellings will experience excessive levels of traffic noise. In order to fully assess this a noise assessment needs to be carried out in accordance with the guidance contained in PPG 24. It may not be possible to adequately mitigate this noise with the current proposals so an acoustic assessment should be carried out and submitted prior to any consent being granted.

Results should be contained in a report which sets out: a large scale plan of the proposed development; noise sources and measurement/prediction points marked on plan; a list of assumed noise emission levels; details of noise mitigation measures; description of noise calculation procedures; comparison of noise levels with appropriate criteria. Where criteria are exceeded at any location the applicant should explain why that excess is immaterial or what further mitigation will be undertaken to ensure that criteria will be met.

Generally the design and site layout should aim to reduce the impact of road traffic noise both internally and externally (in gardens for example). This may be done by careful positioning of structures so that they act as noise barriers, positioning of sensitive rooms furthest from noise sources, the use of single aspect dwellings and siting of gardens furthest from the noise source.

I would not recommend approval of this application. However, should this application be granted planning consent I recommend that the following conditions be imposed:

1. Development shall not begin until a scheme for protecting the proposed dwellings and gardens/private amenity open space from road traffic noise adjacent to the proposed development has been submitted to and approved in writing by the Local Planning Authority. All works that form part of the approved scheme shall be completed before any dwelling hereby approved is occupied. The approved scheme shall be retained and maintained for the duration of the use.
   Reason - To ensure that the occupants do not suffer from unacceptable high noise levels within the proposed dwellings and garden areas.

2. Works related to the construction of the development hereby granted, including works of demolition or preparation prior to building operations, shall not take place other than between the hours of 8am and 7pm Monday to Friday and 8am to 1.30pm Saturdays and at no time on Sundays, Bank or National Holidays.
   Reason - To protect the occupiers of neighbouring properties from noise and disturbance outside the permitted hours during the construction period.

Should the proposal be refused wholly or partly on grounds given above, I would be grateful to be consulted on the wording of the decision notice relating to my comments.

Please forward these comments to the applicants for their information and should you or the applicant have any queries regarding these points please do not hesitate to contact me to discuss them.

T. Payne.

TOM PAYNE
SENIOR ENVIRONMENTAL HEALTH OFFICER
ENVIRONMENTAL PROTECTION & HOUSING

TO: **DEVELOPMENT CONTROL**
Edward Oteng

FROM: Environmental Design

DATE: 26 November 2001

Location:	56 King Street Lane, Winnersh
Proposal:	Outline application for demolition of existing dwelling and erection of 8 flats, associated parking and highway improvements.
Application Number:	O/2001/5210

In response to your consultation dated 14 November 2001 for the above application, the landscape comments are as follows:

I have no objection to the principle of development within the site as the site is fairly well enclosed by existing vegetation. The size and scale of the type of development proposed will allow for the retention of the conifer screen surrounding the site as well as the majority of other broadleaf trees.

As the existing access is to be retained there will not be any removal of trees at the front of the site.

At a detailed stage the applicant will have to provide details of the tree protection measures they are planning to put into place in order to protect the trees during the construction period.

Catherine Brimble

Catherine Brimble
Landscape Architect

10/7

The Planning Inspectorate

3/03 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
http://www.planning-inspectorate.gov.uk

Direct Line 0117-3726079
Switchboard 0117-3728000
Fax No 0117-3728624
GTN 1371-6079

PLANNING INSPECTORATE RECEIVED 57963
27 JUN 2002

Ms D Gumbrell (Planning Department)
Wokingham District Council
Po Box 157
Wokingham
Berkshire
RG41 1BN

Your Ref: 02/2001/5210

Our Ref: APP/X0360/A/02/1092900

Date: 26 June 2002

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR & MRS W ELGAR
SITE AT 56 KING STREET LANE, WINNERSH, BERKSHIRE, RG41 5AZ

We have decided that a hearing will be held into this appeal and we will now arrange a date.

I am the case officer and, if you have any questions please contact me. Apart from the questionnaire, please always send **2 copies** of all further correspondence, giving the full appeal reference number which is shown at the top of this letter.

I have checked the papers and confirm that the appeal is valid. If it appears at a later stage, following further information, that this may not be the case, I will write to you again.

The date of this letter is the **starting date** for the appeal.

You must **submit** the following documents within this timetable:

Within 2 weeks from the starting date -

You must notify any statutory parties and any other interested persons who made representations to you about the application, that the appeal has been made. You should tell them that:-

i) any comments they made at application stage will be sent to me and if they want to make any additional comments, wherever possible, they must submit 3 copies within **6 weeks of the starting date.** If representations are submitted after the deadline, they will not normally be seen by the Inspector and they will be returned.
ii) they can get a copy of our booklet 'Guide to taking part in planning appeals' free of charge from you, and
iii) if they want to receive a copy of the appeal decision they must write to me asking for one.

You must submit a copy of a completed appeal questionnaire and supporting documents, including relevant development plan policies to the appellant and me.

Within 6 weeks from the starting date -

You and the appellant must submit 2 copies of your hearing statement to me. I will send a copy of your hearing statement to the appellant and send you a copy of their hearing statement. You and the appellant must send a copy of your hearing statements to any statutory parties. I will send you and the appellant a copy of any comments submitted by interested parties.

Within 9 weeks from the starting date -

You and the appellant must submit 2 copies of any final comments on each other's statement and on any comments on any representations from interested parties to me. Your final comments must not be submitted in place of, or to add to, your 6 week statement and no new evidence is allowed. I will forward the appellant's final comments to you at the appropriate time.

You **must keep to the timetable** set out above and ensure that your representations are submitted within the deadlines. If not, your representations will not normally be seen by the Inspector and they will be returned to you. As I have given details of the timetable, I will not send you reminders.

Withdrawing the appeal

If you hear that the appeal is to be withdrawn, please telephone me immediately. If I receive written confirmation of this from the appellant, I will write to you.

Further information about the terms we use in this letter and appeal procedures is on the attached sheet.

Yours faithfully

Mrs Margaret Pocock

H4B(BPR)

Questionnaire

The appeal questionnaire must be sent complete with copies of all necessary documents referred to in it. It is particularly essential to us that details of all relevant development plan policies are included with the questionnaire at this early stage.

Hearing Statement

In your hearing statement you will need to give full details of the case which you will put forward at the hearing. You must include copies of any documents, including copies of maps and plans, to which you intend to refer. Please also include a list of any conditions or limitations you would agree to, if the appeal were to be allowed. The format of a statement for hearing cases is in Annex 2(i) of DETR Circular 05/2000.

Statutory parties

'Statutory parties' are owners or tenants of the appeal site who made comments within the time limit on the application or appeal. You must give details of any statutory parties at application stage in reply to question 15e of the questionnaire. I will tell you about any statutory parties at appeal stage, before your hearing statement is due.

Late Representations

Comments or representations received after any of the time limits will normally be disregarded and we will send them back. Late representations will only be considered in extraordinary circumstances.

Costs

Costs can be awarded in hearing cases. If a hearing is subsequently adjourned because of the submission of late evidence, there is the possibility of a successful claim of costs. DOE Circular 8/93 gives more advice.

Planning obligations - Section 106 agreements

A planning obligation, often referred to as a 'section 106 agreement', is either a legal agreement made between the LPA and a person 'interested in the land', or a legally binding undertaking signed unilaterally by a person 'interested in the land'.

If you intend to rely on an obligation, a final draft must be submitted at least 10 working days before the date of a hearing. Obligations should be completed by the close of a hearing. An Inspector will not normally delay the issue of a decision to wait for the completion of an obligation.

Gregory Gray Associates

CHARTERED TOWN PLANNING CONSULTANTS
'Redcliffe', 17 Dinorben Close, Fleet, Hants, GU52 7SL
Telephone: 01252 624004 Fax: 01252 684160
E-Mail: info@ggassociates.co.uk

57462

PLANNING SERVICES	HPT
POL	TR
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13 JUN 2002	
COPIE	ACK:
	FILE:

Head of Planning,
Wokingham District Council,
Shute End,
Wokingham,
Berks, RG40 1WR.

12th June 2002

Our Ref: KSL/00/192

Dear Madam,

DEMOLITION OF EXISTING DWELLING & ERECTION OF EIGHT FLATS, ASSOCIATED PARKING AND HIGHWAY WORKS
56 KINGS STREET LANE, WINNERSH.
O/2001/5210

I enclose copy correspondence with the Planning Inspectorate.

Yours sincerely,

Mark Leedale.

Enc.

Gregory Gray Associates

CHARTERED TOWN PLANNING CONSULTANTS
'Redcliffe', 17 Dinorben Close, Fleet, Hants, GU52 7SL.
Telephone: 01252 624004 Fax: 01252 684160
E-Mail: info@ggassoociates.co.uk

The Planning Inspectorate,
Room 3/15A,
Eagle Wing,
Temple Quay House to the Square,
Temple Quay, Bristol, BS1 6PN.

12th June 2002

Our Ref: KSL/01/192

Dear Sir,

APPEAL BY MR & MRS W ELGAR
56 KING STREET LANE, WINNERSH, WINNERSH, BERKSHIRE.

We enclose the appeal proforma duly completed along with the relevant plans and particulars.

We confirm that a copy of these papers have been forwarded to the local planning authority.

Yours faithfully,

Mark Leedale.

The Planning Inspectorate

For official use only
Date received

PLANNING APPEAL FORM

Please send each appeal on a separate form

Your appeal and essential supporting documents must reach the Inspectorate within 6 months of the date shown on the Local Planning Authority's decision notice (or, for 'failure' appeals, within 6 months of the date by which they should have decided the application).

Before completing this form, please read our booklet 'Making your planning appeal' which was sent to you with this form.

WARNING: If any of the 'Essential supporting documents' listed in Section J are not received by us within the 6 month period, the appeal will not be accepted.

A. APPELLANT DETAILS

The name of the person(s) making the appeal must be the same as on the planning application form.

Name Mr & Mrs W Elgar

Address c/o the Agent

Your reference

Daytime phone no

Fax no

Postcode

E-mail address

B. AGENT DETAILS (if any)

Name Gregory Gray Associates, Chartered Town Planning Consultants

Address 17 Dinorben Close

Fleet, Hampshire

Your reference KSL/00/192

Daytime phone no 01252 624004

Fax no 01252 684160

Postcode GU52 7SL

E-mail address info@ggassociates.co.uk

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the LPA Wokingham District

LPA's application reference no 0/2001/5210

Date of the planning application 14th November 2001

Date of LPA's decision notice (if issued)

D. APPEAL SITE ADDRESS

Address 56 King Street Lane, Winnersh, Berkshire

Postcode RG41 5AZ

National grid reference

(Please see the key on an Ordnance Survey map for instructions; this should be 2 letters and 6 numbers, eg TQ 298407)

E. DESCRIPTION OF THE DEVELOPMENT

(This must be the same as on the application sent to the LPA, unless minor amendments were agreed)

Demolition of existing dwelling, erection of 8no. flats, associated parking and highway improvements

Size of the whole appeal site *(in hectares)*: 0.15

Area of floor space of proposed development *(in square metres)*: Indicative 600 sq. m.

F. REASON FOR THE APPEAL

This appeal is against the decision of the LPA to:

*Please tick **one** box only* ✔

1. Refuse planning permission for the development described in Section E. ☐
2. Grant planning permission for the development subject to conditions which you do not like. ☐
3. Refuse approval of details listed under a previous outline planning permission. ☐
4. Grant approval of details listed under a previous outline planning permission subject to conditions which you do not like. ☐
5. Refuse to approve any matter required by a condition on a previous planning permission (other than those in 3 or 4 above). ☐

or The failure of the LPA to give notice of its decision within the appropriate period (usually 8 weeks) of an application for permission or approval. ☑

G. GROUNDS OF APPEAL

If you want your appeal dealt with by the written procedure, your **FULL STATEMENT MUST** be made, otherwise we will return the appeal form. You should give a clear explanation of why you disagree with each of the LPA's reasons for not granting permission, if appropriate. Please continue on a separate sheet(s) if you need to and attach them to this form. If you have requested a hearing or an inquiry, please provide a brief outline of your case.

Please refer to attached

G. GROUNDS OF APPEAL (continued)

H. CHOICE OF PROCEDURE

Appeals dealt with by written representations are usually decided more quickly than by the hearing or inquiry methods. It is important that you read our booklet 'Making your planning appeal' about the various procedures used to determine planning appeals.

*Please tick **one** box only* ✔

1. WRITTEN REPRESENTATIONS ☐

Can the whole site be seen from a road or other public land and there is no need for the Inspector to enter the site (eg to take measurements or to enter a building)? If yes, please tick the box. If so, we will arrange an unaccompanied site visit. ☐

2. HEARING ☑

Although you may prefer a hearing, we will decide whether a hearing is suitable for your appeal after consulting the LPA.

3. INQUIRY ☐

Please give reasons why you think an inquiry is necessary.

I. APPEAL SITE OWNERSHIP DETAILS

We need to know who owns the appeal site. If you do not own the appeal site or if you own only a part of it, we need to know the name(s) of the owner(s) or part owner(s). We also need to be sure that any other owner knows that you have made an appeal. YOU MUST TICK WHICH OF THE CERTIFICATES APPLIES. Please read the enclosed *Guidance Notes* if in doubt.

If you are the sole owner of the whole appeal site, Certificate A will apply: *Please tick **one** box* ✔

CERTIFICATE A ☐

I certify that, on the day 21 days before the date of this appeal, nobody, except the appellant, was the owner (see Note (i) of the *Guidance Notes* for a definition) of any part of the land to which the appeal relates;

OR

CERTIFICATE B ☑

I certify that the appellant (or the agent) has given the requisite notice to everyone else who, on the day 21 days before the date of this appeal, was the owner (see Note (i) of the *Guidance Notes* for a definition) of any part of the land to which the appeal relates, as listed below:

Owner's name	Address at which notice served	Date the notice was served
The Estates Officer	Wokingham District Council	12th June 2002
	Council offices,	
	Shute End Wokingham RG40 1WR	

CERTIFICATES C and D ☐

If you do not know who owns all or part of the appeal site, complete either Certificate C or Certificate D enclosed with the accompanying *Guidance Notes* and attach it to the appeal form.

AGRICULTURAL HOLDINGS CERTIFICATE (This has to be completed for all appeals)

We also need to know whether the appeal site forms part of an agricultural holding. Please tick either (a) or (b) **If the appellant is the sole agricultural tenant, (b) should be ticked and 'not applicable' should be written under 'Tenant's name'.**

(a) None of the land to which the appeal relates is, or is part of, an agricultural holding; ☑

OR

(b) The appeal site is, or is part of, an agricultural holding and the appellant (or the agent) has given the requisite notice to every person other than the appellant who, on the day 21 days before the date of the appeal, was a tenant of an agricultural holding on all or part of the land to which the appeal relates, as listed below: ☐

Tenant's name	Address at which notice served	Date the notice was served

PLEASE SIGN BELOW

I confirm that this section has been fully completed and the details of the ownership of the appeal site are correct, to the best of my knowledge.

Signed Gregory Gray Associates . (on behalf of) Mr & Mrs W Elgar

Name (in capitals) Gregory Gray Associates Date 12th June 2002

Please turn over

J. ESSENTIAL SUPPORTING DOCUMENTS

The documents listed in 1–6 below, must be sent with your appeal form; 7–10 must also be sent if appropriate. If we do not receive all your appeal documents by the end of the 6 month appeal period, we will not deal with it. Please tick the boxes to show which documents you are enclosing.

		✔
1.	A copy of the original **planning application** sent to the LPA.	☑
2.	A copy of the **site ownership certificate and ownership details** submitted to the LPA at application stage (this is usually part of the LPA's planning application form).	☑
3.	A copy of the **LPA's decision notice** (if issued).	☐
4.	A **plan showing the site outlined in red**, including two roads clearly named (preferably on a copy of a 1:10,000 Ordnance Survey map).	☑
5.	Copies of **plans, drawings and documents** sent to the LPA as part of the application.	☑
6.	Any **additional plans, drawings and documents** sent to the LPA but which did not form part of the original application (eg drawings for illustrative purposes).	☐

Copies of the following must also be sent, if appropriate:

7.	**Additional plans or drawings** relating to the application but not previously seen by the LPA. Please number them clearly and list the numbers here:	☐
8.	Any relevant **correspondence** with the LPA.	☐
9.	If the appeal is against the LPA's refusal or failure to grant permission for 'details' imposed on a grant of outline permission, please enclose:	
	(a) the relevant outline application;	☐
	(b) all plans sent at outline application stage;	☐
	(c) the original outline planning permission;	☐
10.	A copy of any Environmental Statement plus certificates and notices relating to publicity (if one was sent with the application, or required by the LPA).	☐
11.	If you have sent other appeals for this or nearby sites to us and these have not been decided, please give details and our reference numbers.	☐

K. PLEASE SIGN BELOW

(Unsigned forms will be returned. Signed forms must be received by us within the 6 month time limit)

1. I confirm that I have sent a copy of this appeal form and documents to the LPA – ***N.B.*** *if you do not, your appeal will not normally be accepted.*
2. I confirm that section J has been fully completed.
3. I will send 2 copies of any further documents relating to this appeal to the Inspectorate.

Signed Gregory Gray Associates (on behalf of) Mr & Mrs W Elgar

Name (in capitals) Gregory Gray Associates Date 12th June 2002

The Planning Inspectorate is registered under the Data Protection Act to hold personal data supplied by you.

NOW SEND:

- **1 COPY to us at:**
  The Planning Inspectorate
  Appeals Registry
  Tollgate House
  Houlton Street
  BRISTOL
  BS2 9DJ
  Fax no: 0117 987 8769

- **1 COPY to the LPA**
  Send a copy of the appeal form to the address from which the decision notice was sent (or to the address shown on any letters received from the LPA). There is no need to send them all the documents again as they will have everything which you sent them at application stage, but send them any supporting documents not previously sent to them as part of the application. If you do not send them a copy of this form and documents, we may not accept your appeal.

- **1 COPY for you to keep**

When we receive your appeal form, we will:

1) Tell you if it is valid.

2) Write to you and the LPA and tell you the procedure for your appeal.

3) Tell you the timetable for us receiving further information or representations. **If your representations are received after the deadline, they will not normally be seen by our Inspector and will be returned to you.**

4) Tell you about the arrangements for the site visit, hearing or inquiry.

5) Tell you our Inspector's decision.

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Her Majesty's Stationery Office
St Clements House
2-16 Colegate
Norwich NR3 1BQ

APPEAL BY MR & MRS W ELGAR
56 KING STREET LANE, WINNERSH, BERKSHIRE

G. GROUNDS OF APPEAL

The appellant's case will establish the following:

(1) The proposal represents a sustainable development option in so far as it makes full and effective use of previously developed land and is accessible by other means of transport to the private car. Its development accords with policy and density requirements set out in PPG3 and the emerging Local Plan. The emerging Local Plan has reached an advanced stage of preparation and significant weight may be attached to its policies. The proposed development also accords with policies of the adopted Local Plan and in the absence of other material considerations justifying departure from these policies, the development plan should prevail.

(2) The application is accompanied by an acoustic report which demonstrates that it falls on the boundary of NEC B and NEC C. Additional work is being carried out and will be presented in the course of these proceedings. This will demonstrate that whilst the Council's requirement of an external area of 55dBA cannot be satisfied, the internal noise environment can be achieved which fully accords with the requirements of PPG24. When set against the policy in PPG3 and having regard to the nature of the proposed development for flats, the appellant's are firmly of the view that development of the site is acceptable on its merits.

(3) The local authority have raised the issue of air quality and consider that this justifies the withholding of planning permission. In so doing the planing authority neglect the fact that there is a dwelling on the site and fail to balance consideration of all material circumstances in determining the application.

(4) The Highway Authority have not raised objections to the proposal which incorporates a minor realignment of the kerb to improve visibility to an acceptable standard. Whist mention was made of a financial contribution towards a pelican crossing further to the north, the local authority have not - despite repeated requests - identified how this requirement accords with the provisions of Circular 1/97. In the absence of a reasoned justification, the appellants do not intend to present a s.106 in respect of these matters.

(5) In consideration of the development proposal the local authority, have continued to apply constraints to development and in so doing are sterilising large areas of urban land. This is in direct contradiction to policies of the local plan which are predicated on achieving significant housing development on previously developed land in accordance with PPG3.

Geoffrey Gant
Associates.

ACOUSTICS CONSULTANT



MICHAEL SUGIURA

CEng • BSc • MSc(Tech) • MIOA • MIMA

20 Merryweather Close • Wokingham • Berkshire • RG40 4YH

Telephone: +44(0) 118 973 1497 **Fax:** +44(0) 118 973 7944

Email: mike@sugiura.doctornet.co.uk

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) SECTION 78

Appeal by Mr & Mrs W Elgar

SITE AT 56 KING STREET LANE, WINNERSH BERKSHIRE RG41 5AZ

Hearing Statement of Michael Sugiura Acoustics Consultant CEng, BSc, MSc.(Tech), MIOA

AUGUST 2002

LPA Ref. No. O/2001/5210

The Planning Inspectorate Appeal Ref: APP/X0360/A/02/1092900

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3. Noise Surveys
4. Noise Surveys Results
5. Noise Modelling
6. Discussion
7. Conclusions

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Table 2	Noise Survey Measurements 24 April 2001
Table 3	Noise Survey Measurements 27 April 2001
Table 4	Summary of Measured $L_{A10,18hr}$ and Derived $L_{Aeq,16hr}$ Road Traffic Noise Levels
Table 5	Predicted $L_{A10,18hr}$ and Derived $L_{Aeq,16hr}$ Road Traffic Noise Levels at the Position of the Proposed Building 15m from King Street Lane

Figures

Figure 1	$L_{A10,18hr}$ Noise Contours Existing traffic flow data and bare site
Figure 2	$L_{A10,18hr}$ Noise Contours Existing traffic flow data and existing buildings
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Appendices

Appendix 1	Noise Measurement Units - Terminology
Appendix 2	Noise Survey Equipment
Appendix 3	Traffic Information

1. Introduction

In April 2001 I was instructed by Gregory Gray Associates on behalf of Mark and William Elgar to undertake a noise study in support of an application for planning permission for a development of 8 flats on land at 56 King Street Lane, Winnersh.

Following initial consultations with Wokingham District Council's (WDC) by Gregory Gray Associates the Council's Planning Officer requested a noise report be prepared for the application.

That report (Ref.1) assessed road traffic noise levels at the site by measurement and the potential exposure of the proposed new dwellings to this source by calculation.

In Section 2 I examine noise criteria for the site including that which the Local Planning Authority (LPA) apply. Section 3 discusses the noise surveys undertaken at the application site in April 2001 and Section 4 details an analysis of the noise survey results and noise predictions derived from that information.

Section 5 discusses the construction of a road traffic noise model. It presents the results of the modelling. In Section 6 I discuss my reasoning and a comparison is made to the earlier assessment of site conditions by measurement and prediction.

Section 7 presents my conclusions and in Section 8 I summarise the noise evidence for this Appeal.

Definitions of the noise measurement units used in this report are contained in Appendix 1 - Terminology.

2. Noise Criteria

Wokingham District Local Plan (WDLP) Consolidated Document: February 2000 (Ref.2) highlights proposed amendments in Policy WOS7: NOISE as follows:

"The Council will have regard to the advice set out in Planning Policy Guidance PPG 24 (Ref.3) when considering development proposals. Where appropriate the Council will require the appropriate measures to be taken in the location, design, layout and operation of development proposals in order to minimise any adverse impact as a result of noise generated. In addition proposals for noise sensitive developments should have regard to the following:

A) Existing sources of noise e.g. from roads, railways and other forms of transport, industrial and commercial developments, sporting, recreation and leisure facilities.
B) The need for appropriate sound insulation measures
C) The need to not exacerbate the noise levels experienced by existing residents as a result of the provision of noise abatement measures to protect others.

Later advice is contained in Wokingham District Council's Environmental Guidance Note 3 (Ref.4) headed Noise Considerations for new Residential Developments.

This explains when an assessment will be required and what an assessment should consist of. In all cases the guidance contained in Planning Policy PPG 24 should be considered and in the cases of transport noise a Noise Exposure Category (NEC) needs to be calculated for the site. Where criteria are exceeded at any location the applicant should explain why that excess is immaterial or what further mitigation will be undertaken to ensure that criteria will be met.

When assessing a proposal for residential development near a source of noise, the Council will have regard to Noise Exposure Categories set out in Annex 1 PPG 24 (Ref.3) taking account of both day and night- time noise levels.

NEC	
A	Noise need not be considered as a determining factor in granting planning permission, although the noise level at the high end of the category should not be regarded as a desirable level.
B	Noise should be taken into account when determining planning applications and, where appropriate, conditions imposed to ensure an adequate level of protection against noise.
C	Planning permission should not normally be granted. Where it is considered that permission should be given, for example because there are no alternative quieter sites available, conditions should be imposed to ensure a commensurate level of protection against noise.
D	Planning permission should normally be refused.

The guidance is drawn together in an assessment table where noise from road traffic is classified according to its predicted or measured noise level. Noise is expressed in terms of continuous equivalent noise level (L_{Aeq}) and four assessment categories, A to D are defined each with a separate noise level for day (07:00 -23:00) and night (23:00-07:00).

NOISE LEVELS CORRESPONDING TO THE NOISE EXPOSURE CATEGORIES FOR NEW DWELLINGS $L_{Aeq,T}$ **dB**				
	NOISE EXPOSURE CATEGORY			
NOISE SOURCE	**A**	**B**	**C**	**D**
Road Traffic **0700 – 2300** **2300 – 0700**	**<55** **<45**	**55-63** **45-57**	**63-72** **57-66**	**>72** **>66**
Rail traffic 0700 – 2300 2300 – 0700	<55 <45	55-66 45-59	66-74 59-66	>74 >66
Air traffic 0700 – 2300 2300 – 0700	<57 <48	57-66 48-57	66-72 57-66	>72 >66
Mixed sources 0700 – 2300 2300 – 0700	<55 <45	55-63 45-57	63-72 57-66	>72 >66

Values in the assessment table refer to "free-field noise levels", measured on an open site at the position of the proposed dwellings, well away from any existing buildings and 1.2m to 1.5m above the ground. The arithmetic average of recorded readings should be rounded up. Where that average falls on the boundary between NEC's B and C it will be for the local planning authority to determine which is the more appropriate NEC for the proposal. PPG 24 paragraph 9 explains that in some cases local planning authorities may be able to justify a range of NEC's of up to 3 dB(A) above those recommended.

Guidance Note 3 advises that the development should be designed so as to achieve the noise criteria within each of the dwellings as follows:

Bedrooms 30-35 dB(A)
Living areas < 40 dB(A)
Gardens <55 dB(A)

The specified criterion for bedrooms should be met during the daytime hours as well as at night. Each dwelling should be provided with a garden area which has a predicted noise level of less than or equal to 55 dB $L_{Aeq,16\ hour}$ "free-field."

Guidelines provided by the World Health Organisation (Ref.5) is that for daytime and evening on a 16 hours time base few people are highly annoyed at L_{Aeq} levels below 55 dB(A), and few are moderately annoyed at L_{Aeq} levels below 50 dB(A). Sound levels during the evening and night-time should be 5-10 dB lower than during the day.

Dwellings, indoors should be no greater than 35 dB(A) on the $L_{Aeq,16hour}$ index for all habitable rooms for speech intelligibility and moderate annoyance, daytime and evening and no greater than 30 dB(A) on the $L_{Aeq,8hour}$ index inside bedrooms at night for continuous noise.

3. Noise Surveys

Noise surveys were carried out at the application site on a number of dates in April 2001.

2nd April

A daytime manual survey of ambient noise levels on the rear land at 56 King Street Lane below the embankment of the M4 motorway 2.5m from the boundary fence. Measurement positions are screened from the M4 westbound carriageways by a continuous 2.05m noise barrier at the top of the embankment. Measurement procedures were in accordance with British Standard 7445:1991 "Description and Measurement of Environmental Noise" (Ref.6). . Measurements were taken with microphone 1.5m above ground under nominally "free-field" conditions.

24th April

This survey used automatic noise monitoring equipment to record ambient noise levels during 23:00-07:00hrs 1m from the rear facade of the building. Noise measurements of the background L_{A90}, L_{Aeq} and L_{Amax} noise levels were recorded simultaneously.

27th April

A daytime manual survey of road traffic noise levels 8m from King Street Lane. Measurement positions were screened from the road by a 1.2m fence along the King Street Lane boundary. Measurement procedures were in accordance with the Shortened Measurement Method of "Calculation of Road Traffic Noise" (CRTN) (Ref.7). The tripod-mounted noise measurements of road traffic noise were taken at 15minute intervals over 1hour periods. These are assumed to be typical of the hour in which they were recorded.

Measurements were obtained under stable conditions (wind speeds were less than 5m/s). Tables 1, 2 and 3 details the survey results. Appendix 1 details the noise survey equipment used for the survey. Measurement positions are shown on Figure 1 of the May 2001 report.

4. Noise Surveys Results

The survey at the rear of the application site identified that ambient noise levels are affected principally by road traffic on the M4 motorway.

The majority of daytime hourly noise levels lie in the range 67-70 dB L_{A10}, 66 - 68 dB L_{Aeq}. The majority of hourly noise levels night-time lie in the range 60-68 dB L_{A10}, 57 - 62 dB L_{Aeq} .
The majority of hourly background noise levels night-time lie in the range 46-57 dB L_{A90}.

The front of the site is more affected by road traffic on King Street Lane where at its closest point it is less than 5m from the site boundary. The majority of daytime hourly noise levels lie in the range 69-72 dB L_{A10} , 67 - 68 dB L_{Aeq}.

By applying the shortened measurement procedure of CRTN (Ref.7) an estimate of $L_{A10,18\ hour}$ is calculated from a 3 hour period of road traffic noise measurements where $L_{A10,3\ hour}$ =1/3 $L_{A10,1hr}$ noise levels and $L_{A10,18\ hour}$ = $L_{A10,3\ hour}$ -1dB(A).

Land at rear of 56 King Street Lane

Period ending	Location 1	Location 2	Location 3
15:00	69.1dB$L_{A10,1hr}$	67.3dB$L_{A10,1hr}$	67.5dB$L_{A10,1hr}$
16:00	69.5dB$L_{A10,1hr}$	67.4dB$L_{A10,1hr}$	67.6dB$L_{A10,1hr}$
17:00	69.5dB$L_{A10,1hr}$	67.4dB$L_{A10,1hr}$	67.2dB$L_{A10,1hr}$
$L_{A10,18\ hour}$	**68.4 dB(A)**	**66.4 dB(A)**	**66.4 dB(A)**

Land in front of 56 King Street Lane (8m from road)

Period ending	Location 6	Location 7	Location 8
11:00	71.6dB$L_{A10,1hr}$	69.4dB$L_{A10,1hr}$	70.4dB$L_{A10,1hr}$
12:00	70.7dB$L_{A10,1hr}$	68.8dB$L_{A10,1hr}$	70.7dB$L_{A10,1hr}$
13:00	70.6dB$L_{A10,1hr}$	68.5dB$L_{A10,1hr}$	70.9dB$L_{A10,1hr}$
$L_{A10,18\ hour}$	**70.0 dB(A)**	**67.9 dB(A)**	**69.7 dB(A)**

The assessment of traffic noise in accordance with CRTN normally requires consideration of forecast high growth traffic flows 15 years after development. In an urban area where this site is located such flows are unlikely to occur in practice. Therefore the predictions will be overly pessimistic and low growth can be assumed.

Estimation of future values requires information on traffic flows not only for the base year but also for 15 years after development. The maximum correction factor is likely to be no more than 2dB(A). Future values of $L_{A10,18\ hour}$ are forecast to be less than 68dB(A) and 72dB(A) at the rear and front respectively in the vicinity of the proposed building.

Table 4 details a summary of "free-field" measured $L_{A10,18\ hour}$ road traffic noise levels and derived $L_{Aeq,16\ hour}$ noise levels.

Table 5 shows the noise exposure category (NEC) into which the proposed development is likely to fall at the position of the new dwellings calculated from the measured road traffic noise levels for the base year 2001. The NEC for the new dwellings exposure to road traffic noise indicates the site falls into Categories B/C.

5. Noise Modelling

At my meeting on 17 April with Senior Environmental Health Officer Mr Payne our discussions concerned the noise report and his comments contained in his letter to Gregory Gray Associates dated 15 April 2002. It was agreed that a more detailed analysis of road traffic noise levels at the application site was required.

This was to be in the form of a road traffic noise prediction model. The construction of a modelling domain has comprised existing site and landscape without buildings and a second model that includes existing buildings.

The modelling has applied the methodology of Calculation of Road Traffic Noise 1988 (Ref.7) as a software application running within version 5.6 of SoundPLAN, a proprietary noise-prediction-modelling package.

Noise prediction modelling domains were established using a combination of the CD based spot height information supplied by David J Powell Surveys Ltd and buildings, barrier and topographical data.

Appendix 3 details the traffic information supplied by Parkman Ltd and Babtie Ltd Consultants to the Unitary Authority and the Highways Agency respectively.

Based upon 2001 traffic flow data road traffic noise levels in terms of $L_{A10,\ 18\ hr}$ have been predicted at over the site as a grid noise map of 1m grid size showing noise contours as attached.

Based upon fifteen years hence traffic flow data, two further prediction models have been made, one with the future site and landscape without the proposed building and the second with the proposed building. Road traffic noise levels in terms of $L_{A10,\ 18\ hr}$ have been as a grid noise map of 1m grid size showing noise contours as attached.

Four noise prediction models were created according to:

- Existing traffic flow data and bare site, and
- Existing traffic flow data and existing buildings, and
- Future traffic flow data and bare site, and
- Future traffic flow data and proposed building.

Results are expressed in terms of predicted $L_{A10,18\ hour}$ road traffic noise level contours incident upon the site at 1.5m height above local ground level, in figures 1 through 4.

Figure 1 – it can be seen that $L_{A10,18\ hour}$ road traffic noise level predictions for the existing situation without the existing buildings put the entire site into PPG Noise Exposure Category (NEC) C.

Figure 2 – In the existing situation with the existing buildings, the noise contours show a predicted $L_{A10,18\ hour}$ with the influence of the buildings affording the rear of the site some mitigation.

Figure 3 – For the future without the proposed building, the predicted $L_{A10,18\ hour}$ remains within NEC C with slightly increased noise levels.

Figure 4 – In the future with the proposed building, the noise contours show the predicted $L_{A10,18\ hour}$ with the influence of the proposed building, which affords some mitigation in the immediate vicinity of the building.

6. Discussion

The LPA has recently adopted specific noise limits in Guidance Note 3 for new housing as a development control standard and I have referred to this in Section 2.

Guidance Note 3 advises that 'generally the design and site layout should aim to reduce the impact of the noise both internally and externally, and that this may be achieved by a number of ways as follows:

-Careful positioning of the structures so that they act as noise barriers
-Positioning of sensitive rooms furthest from noise sources
-The use of single aspect dwellings
-Siting of gardens furthest from the noise source'.

The LPA aspires to " general daytime outdoor noise levels of less than 55 dB L_{Aeq} as being desirable to prevent any significant community annoyance". In my view this external criterion is 'best practice' to be aimed for by a development in urban areas affected by noise including exposure to road traffic.

Where a planning application is approved, the Authority may include conditions for noise relating to housing layout, barriers, separation distances, or a scheme of noise insulation in order to achieve certain limits for a dwelling's internal noise levels and external noise levels in a reasonable part of gardens.

The Environmental Health Officers have indicated that their development control policy is generally based on the guidance in PPG 24 "Planning and Noise" (Ref.3) in order to comply with Government advice. Accordingly, that guidance has been taken into account including the effect of mitigation measures where appropriate.

The general guidance contained in PPG 24 is that for sites in NEC C, conditions should be imposed to ensure a commensurate level of protection against noise. Permission should not normally be granted.

Annex 6 of PPG 24 (Ref.3) provides guidance on acceptable internal noise levels and the likely sound insulation provided by different types of window glazing.

A partially open window provides a noise reduction from outside to inside of about 13 dB. It is accepted that no acoustic insulation measures are necessary if external noise levels are no more than 10 to 15 dB higher than the internal noise criteria. As external levels will exceed these values, there is a need to provide acoustically attenuated ventilation.

Where it is not possible to protect sensitive rooms by careful design alone it will be necessary to provide acoustic attenuation measures to those rooms.

The building will be constructed in accordance with BS 8233:1999 Sound Insulation and Noise Reduction for Buildings- Code of Practice (Ref.8) and Approved Document AD E covered by The Building Regulations 2000- Resistance to the Passage of Sound (Ref.9).

7. Conclusions

In the existing situation with the existing buildings, the noise assessment has determined that the site's exposure falls into the boundary of Category B/C with the influence of the buildings affording the rear of the site some mitigation.

In the future, the noise contours in Figure 4 show the predicted $L_{A10,18\ hour}$ influenced by the proposed building, will afford some mitigation resulting in protected areas in the immediate vicinity of the building.

From the available data, it is estimated that the proposed flats would be well within a 68 $dBL_{A10,18hr}$ traffic noise contour.

Although the exact construction of the building is not known at this stage of the planning process, assuming the use of thermal double glazing [typical noise reduction of a dwelling with windows set in a brick/block wall 33dB(A)] the worst case interior noise levels based on the values of $L_{A10,18hr}$ would be substantially below 40 $dBL_{A10,18hr}$ and likely achieve 35 $dBL_{A10,18hr}$.

By careful design and orientation of the building the internal noise standard referred to above can be achieved without recourse to forced ventilation systems.

The design of the block of flats would ensure that there are areas that would have a reasonable standard of external amenity screened from the effects of noise from the M4 and King Street Lane.

8. Summary

The land at 56 King Street Lane in this urban area experiences high levels of road traffic noise because of the close proximity of King Street Lane and the M4 motorway.

The noise assessment has determined the sites exposure under bare site conditions falls into Category C.

In the future, the noise assessment shows that the site's exposure with the influence of the proposed building will afford some mitigation resulting in protected areas (Category B) in the immediate vicinity of the building.

A maximum external criterion of 68 $dBL_{A10,18hr}$ at a façade is proposed as an acceptable standard which can be achieved by the proposed development.

Although the Council's requirement of a garden area of 55 dB(A) cannot be satisfied, the internal noise environment can be achieved. This fully accords with the requirements of PPG 24.

The design of the block of flats would ensure that there are areas that would have a reasonable standard of external amenity these being screened from the effects of noise from King Street Lane and the M4 motorway.

Having regard to the proposed development of flats in this urban location and its exposure to existing and future road traffic noise levels, it is my opinion that the above evidence demonstrates that the development of this site is acceptable on its merits and this appeal should be allowed.

References

1. Land at 56 King Street Lane Noise Report May 2001

2. Wokingham District Local Plan (WDLP) Consolidated Document: February 2000

3. Planning Policy Guidance: Planning and Noise PPG 24 1994

4. Wokingham District Council's Environmental Guidance Note 3

5. "Guidelines for Community Noise" Birgetta Berglund, Thomas Lindavall, Dietrich H Schwela World Health Organisation 2000

6. BS7445:1991 "Description and Measurement of Environmental Noise" Parts 1-3

7. "Calculation of Road Traffic Noise" CRTN 1988 Department of Transport Welsh Office

8. BS 8233:1999 Sound Insulation and Noise Reduction for Buildings – Code of Practice

9. Approved Document AD E – The Building Regulations 2000 – Resistance to the Passage of Sound

Table 1 Noise Survey Measurements

Name:	M S Sugiura	M-Time:	15 min
Time of download:	19:12:27	Actual M-Time:	00:15:00:00
Date:	02/04/01	Measurement mode:	Lx
Location:	56 King Street Lane-rear	Lmax/Lmin type:	AP
Instrument:	NA-27	T-weight (Sub) :	Fast
Store mode:	Manual		
Description:	Ambient noise levels		

		Lmax	Leq	L10	L50	L90
Location 2 Time of measurement: All-pass (Sub)	Store No.88 14:22:09 A	72	65.6	67.3	65.4	63.5
Location 3 Time of measurement: All-pass (Sub)	Store No.89 14:38:34 A	77.3	66.0	67.5	65.7	63.8
Location 1 Time of measurement: All-pass (Sub)	Store No.90 14:54:21 A	71.6	67.4	69.1	67.2	65.2
Location 2 Time of measurement: All-pass (Sub)	Store No.91 15:09:49 A	72.7	65.8	67.4	65.7	63.8
Location 3 Time of measurement: All-pass (Sub)	Store No.92 15:25:34 A	83.9	66.2	67.6	66.0	64.2
Location 1 Time of measurement: All-pass (Sub)	Store No.93 15:41:21 A	74.0	67.6	69.5	67.3	65.2
Location 2 Time of measurement: All-pass (Sub)	Store No.94 15:56:38 A	74.0	65.9	67.4	65.6	63.8
Location 3 Time of measurement: All-pass (Sub)	Store No.95 16:12:22 A	74.6	65.6	67.2	65.5	63.6
Location 1 Time of measurement: All-pass (Sub)	Store No.96 16:28:06 A	73.6	67.6	69.5	67.4	65.5
Location 4 Time of measurement: All-pass (Sub)	Store No.97 16:44:12 A	72.1	67.5	69.0	67.5	65.8
Location 5 Time of measurement: All-pass (Sub)	Store No.98 16:59:41 A	71.3	67.7	69.0	67.7	66.3

Notes to Daytime Noise Survey Record on 2.4.01

(i) 14:22 Location 2 – Corner of dog compound facing M4 embankment and 2mhigh noise barrier –15m from NW corner of garden. Aircraft passes over microphone position.

(ii) 14:38 Location 3– 7m from ground floor rear living room, corner of grass facing M4 embankment and noise barrier.

(iii) 14:54 Location 1– Corner of garden facing M4 embankment and noise barrier –2m from fence (approx.8m from King Street Lane.

(iv) 15:09 Location 2 – Continuous traffic on M4.

(v) 15:25 Location 3

(vi) 15:41 Location 1

(vii) 15:56 Location 2 – Helicopter passes over microphone position.

(viii) 16:12 Location 3 – Bird song.

(ix) 16:28 Location 1

(x) 16:44 Location 4 – External space – 1m from existing kitchen façade, 10m from back fence.

(xi) 16:59 Location 5 – External space – 1m from existing dining room façade, 10m from back fence.

Notes to Night-time Noise Survey Record on 24.4.01

(xii) 22:50 Location 5– External space – Microphone position 1m from façade of existing dining room, 10m from back fence.

(xiii) 22:52 1st period affected by barking dog until personnel left site, equipment unattended. L_{Amax} 85.2

(xiv) 06:45 Noise monitoring stopped.

Notes to Daytime Noise Survey Record on 27.4.01

(xv) 10:00 Location 6 – Microphone position 4.5m from front façade of living room, 10m from curb.

(xvi) 10:21 Location 7 – Microphone position in garden.

(xvii) 10:37 Location 8 – Microphone on edge of drive 4.5m from corner of property, mid-way between Locations 6 & 7.

Table 2: **Noise Survey Measurements**

Name: M S Sugiura
Time: 20:22:48
Date of download: 25/04/01
Location: 56 King Street Lane, Winnersh
Instrument: NA-27
Store mode: Auto store 1
Description: Ambient noise levels at rear of property 1m from façade
Location 5

M-Time: 15 min
Measurement mode: AP
Lmax/Lmin type: Flat
T-weight (Sub) : Fast

Date of measurement: 24/04/01
Time of measurement: 22:52:18

Period		Lmax	Leq	L10	L50	L90	Hrly Leq
1	22:52:00	85.2	63.5	65.3	61.8	58.1	
2	23:07:00	68.0	61.9	64.6	61.4	56.8	
3	23:22:00	68.3	61.8	64.6	61.2	57.0	
4	23:37:00	68.3	61.0	63.9	60.5	55.9	**62.0**
5	23:52:00	70.6	60.3	63.4	59.2	54.5	
6	00:07:00	67.7	59.8	63.4	58.6	53.0	
7	00:22:00	70.8	59.7	63.2	58.1	52.9	
8	00:37:00	68.3	59.6	63.3	58.0	51.9	**60.8**
9	00:52:00	71.2	58.3	62.5	55.7	49.9	
10	01:07:00	68.1	58.0	62.4	54.8	48.9	
11	01:22:00	67.3	57.5	61.5	54.7	48.8	
12	01:37:00	67.9	57.4	61.1	55.6	49.5	**58.7**
13	01:52:00	67.8	57.4	61.7	54.2	47.7	
14	02:07:00	68.2	57.1	61.4	54.2	46.4	
15	02:22:00	73.0	58.0	61.9	55.4	47.4	
16	02:37:00	68.3	55.9	60.1	51.9	44.9	**58.1**
17	02:52:00	68.1	57.2	61.9	53.3	47.0	
18	03:07:00	68.2	57.7	62.0	54.8	47.6	
19	03:22:00	67.0	56.8	60.7	54.2	47.3	
20	03:37:00	69.2	59.0	63.1	57.0	50.7	**57.8**
21	03:52:00	69.3	58.9	62.5	57.2	50.7	
22	04:07:00	68.5	58.4	62.0	56.9	49.1	
23	04:22:00	68.3	59.2	62.7	57.7	52.3	
24	04:37:00	68.1	60.4	63.4	59.5	54.9	**59.3**
25	04:52:00	69.0	60.8	63.9	59.7	55.4	
26	05:07:00	75.1	61.7	64.4	60.7	56.6	
27	05:22:00	70.6	62.8	65.4	62.5	58.9	
28	05:37:00	69.4	63.3	65.7	62.9	59.6	**62.3**
29	05:52:00	69.9	64.4	66.6	64.1	61.1	
30	06:07:00	71.8	65.3	67.4	65.1	62.4	
31	06:22:00	74.7	65.9	67.9	65.6	63.1	
32	06:37:00	71.7	66.6	68.3	66.5	64.5	**65.6**
						8hr Leq	**61.4**

Table 3: **Noise Survey Results**

Time:	20:56:35	M-Time:	15 min
Date of download:	27/04/01	Actual M-Time:	00:15:00:00
Location:	56 King Street Lane-front	Measurement mode:	Lx
Instrument:	NA-27	Lmax/Lmin type:	AP
Store mode:	Manual	T-weight (Sub) :	Fast
Description:	Ambient noise levels		

		Lmax	Leq	L10	L50	L90
Location 6	Store No.147					
Time of measurement:	10:05:31					
All-pass (Sub)	A	81.5	67.8	71.6	64.6	61.3
Location 7	Store No.148					
Time of measurement:	10:21:12					
All-pass (Sub)	A	77.4	67.2	69.4	66.6	64.1
Location 8	Store No.149					
Time of measurement:	10:37:19					
All-pass (Sub)	A	78.4	67.0	70.4	65.1	62.3
Location 6	Store No.150					
Time of measurement:	11:02:14					
All-pass (Sub)	A	78.8	67.1	70.7	64.9	61.5
Location 7	Store No.151					
Time of measurement:	11:18:08					
All-pass (Sub)	A	81.2	66.9	68.8	66.4	64.4
Location 8	Store No.152					
Time of measurement:	11:34:08					
All-pass (Sub)	A	79.1	67.6	70.7	66.0	63.1
Location 6	Store No.153					
Time of measurement:	12:14:09					
All-pass (Sub)	A	83.0	67.2	70.6	65.0	61.9
Location 7	Store No.154					
Time of measurement:	12:29:55					
All-pass (Sub)	A	75.3	66.6	68.5	66.3	63.9
Location 8	Store No.155					
Time of measurement:	12:45:27					
All-pass (Sub)	A	81.6	67.6	70.9	65.8	62.5

Table 4: Summary of Measured $L_{A10,18hr}$ and Derived $L_{Aeq,16hr}$ Road Traffic Noise Levels

Noise Survey Location Ref. No.	Land at rear of 56 King Street Lane below M4 embankment (2.5m from boundary fence)		Land in front of 56 King Street Lane (8m from road)	
	$L_{A10,18hr}$	$L_{Aeq,16hr}$	$L_{A10,18hr}$	$L_{Aeq,16hr}$
1	68.4	66.4		
2	66.4	64.4		
3	66.4	64.4	70.0	68.0
6			67.9	65.9
7			69.7	67.7
8				

Values in the table above refer to noise levels measured on an open site well away from any existing building, and 1.2-1.5m above ground.

Table 5 Predicted $L_{A10,18hr}$ and Derived $L_{Aeq,16hr}$ Road Traffic Noise Levels at the Position of the Proposed Building 15m from King Street Lane

Facade	$L_{A10,18hr}$	$L_{Aeq,16hr}$	NEC
Front	65.0	63.0	B/C
Rear	66.4	64.4	C

Values in the table above refer to noise levels for ground floor (GF) receiverl in a facade.

Figure 1: Existing traffic flow data and bare site

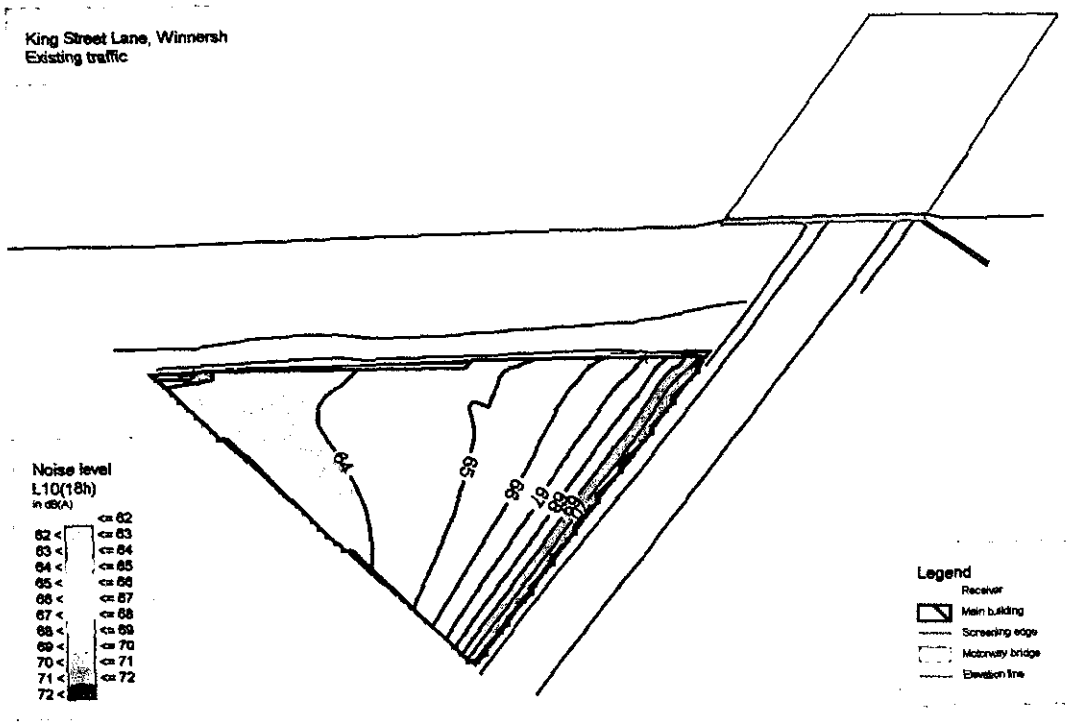


Figure 2: Existing traffic flow data and existing buildings

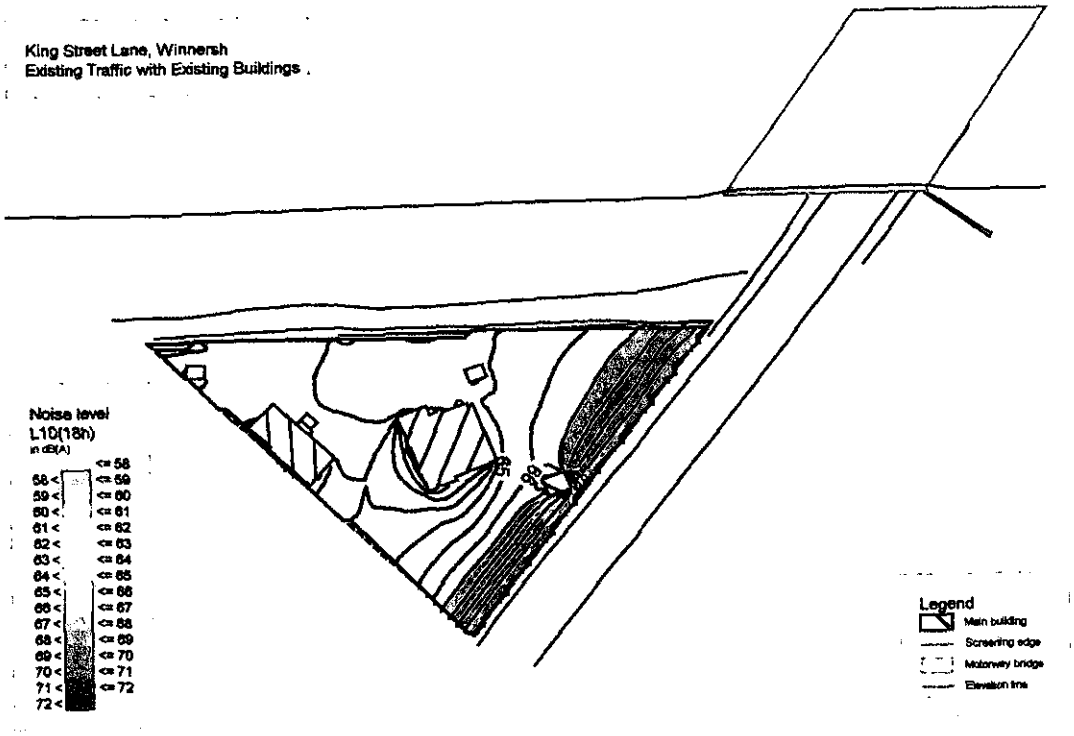


Figure 3: Future traffic flow data and bare site

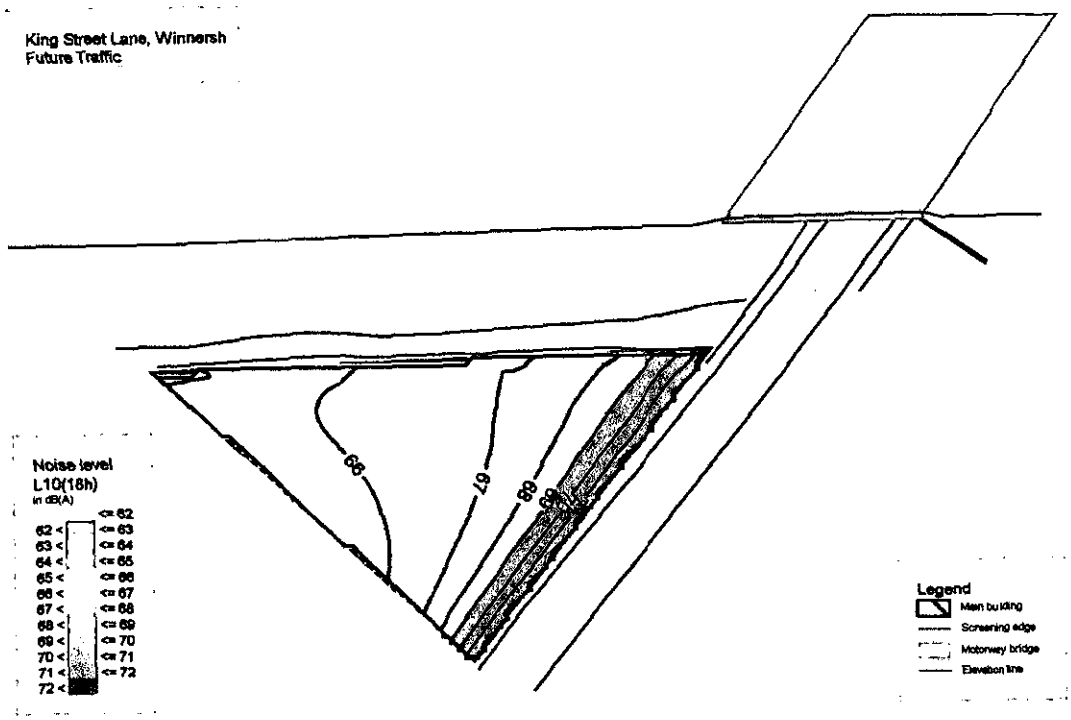
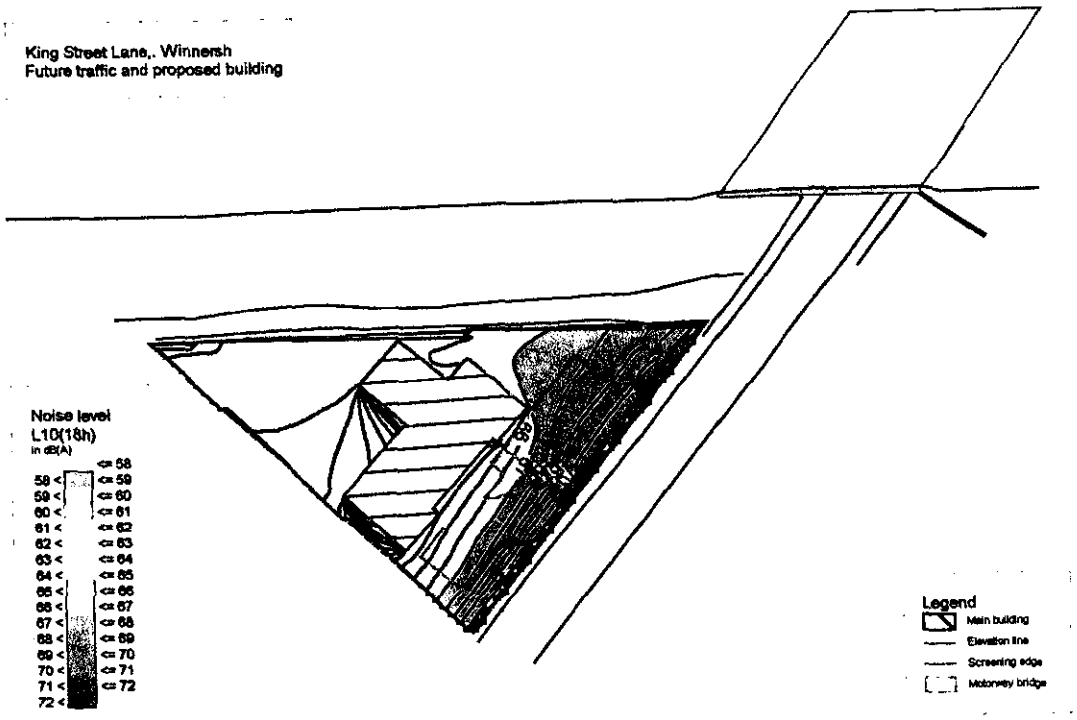


Figure 4: Future traffic flow data and proposed building


King Street Lane,. Winnersh
Future traffic and proposed building
Noise level
L10(18h)
in dB(A)
<= 58
58 < <= 59
59 < <= 60
60 < <= 61
61 < <= 62
62 < <= 63
63 < <= 64
64 < <= 65
65 < <= 66
66 < <= 67
67 < <= 68
68 < <= 69
69 < <= 70
70 < <= 71
71 < <= 72
72 <
68
Legend
Main building
Elevation line
Screening edge
Motorway bridge

Appendix 1 : Noise Measurement Units - Terminology

Decibel (dB): The logarithmic measure of sound level. 0dB is the threshold of normal hearing, 140dB is the threshold of pain. A change of 1dB is detectable only under laboratory conditions.

dB(A): Decibels measured on a sound level meter incorporating a frequency weighting (A weighting) which differentiates between sounds of different frequency (pitch) in a similar way to the human ear. Measurements in dB(A) broadly agree with people's assessments of loudness. A change of 3dB(A) is the minimum perceptible under normal conditions, and a change of 10db(A) corresponds roughly to doubling or halving the loudness of a sound.

$L_{A10,T}$: The 'A-weighted' noise level exceeded for the 10% of the specified measurement period (T). It has been shown to be a good indicator for traffic noise intrusion and is used in assessing the effect of traffic on residential or commercial premises. It gives an indication of the upper limit of fluctuating noise.

$L_{A90,T}$: The 'A-weighted' noise level exceeded for the 90% of the specified measurement period (T). In BS:4142 it is used to define the background noise level, including occasional higher transient levels, such as individual passing cars or aircraft.

$L_{Aeq,T}$: The Equivalent Continuous Sound Level can be considered as the continuous steady noise level which would have the same total A-weighted acoustic energy as the real fluctuating noise over a specified measuring period (T). It is a measurement unit suited to many types of noise excluding intermittent noises such as those associated with construction plant. It can be measured directly with an integrating sound level meter.

Free-field: Free-field measurements are measurements carried out where reflective surfaces are not present to influence results, for example on open ground with no nearby buildings.

Tonality: The degree to which a noise contains audible pure tones. Broad-band noise is generally less annoying than noise with identifiable tones.

Appendix 2 : Noise Survey Equipment

The following acoustic measurement instrumentation was used:

- Precision (Type 1) Integrating Sound Level Meter RION Type NA-27

- Microphone Preamplifier (Free-field) RION Type NH-20

- Microphone windshield

- Pre-set Time 15 minutes for road traffic noise measurements

All acoustic measurement instrumentation has current Certificates of Calibration traceable to UK National Standards.

Appendix 3 : Traffic Information

The traffic volumes were supplied by the Parkman Consulting Engineers and converted to 18 hour flows as required in the method for calculating road traffic noise. The assessment year is 2001.

King Street Lane AM peak period two-way 1371 approximately. This would approximate to around 6500 vehicles 18 hours. In terms of growth, 15 years growth on the local network would be around 15% over the 15 year period.

Mean traffic speeds were taken as the values indicated in the methodology for calculating road traffic noise with 5% HGV.

M4 two way AAWT (24 hour) flow between junction 10 and 11 was 122,300 with 9% HGV. The 18 hours flow would be of the order 119,600 two-way. On the motorway network the growth for the year was 3%.

	Year	%
M4 Eastbound		
	97/98	3
	98/99	1
	99/00	4
	00/01	1
M4 Westbound	96/97	10
	97/98	5
	98/99	2
	99/00	4
	00/01	2

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TOWN & COUNTRY PLANNING ACT 1990 (SECTION 78)
APPEAL BY MR & MRS W ELGAR
IN RESPECTOF NON-DETERMINATION BY WOKINGHAM DISTRICT COUNCIL OF AN APPLICATION FOR DEMOLITION OF EXISTING DWELLING, ERECTION OF 8NO. FLATS, ASSOCIATED PARKING AND HIGHWAY IMPROVEMENTS

AT 56 KING STREET LANE, WINNERSH, BERKSHIRE

GREGORY GRAY ASSOCIATES CHARTERED TOWN PLANNING CONSULTANTS

LPA REF:	**O/2001/5210**
APPEAL REF:	**APP/XO360/A/02/1092900**
GGA REF:	**KSL/00/192**

AUGUST 2002

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2.0. Description of the appeal site and surrounds.

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4.0. Relevant planning policies.

5.0. Further comments supporting the appellant's case.

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7.0. Summary and conclusions.

DOCUMENTS

1. Relevant development plan policies.

2. Relevant emerging local plan policies

3. Proximity of open space to the appeal site

1.0. INTRODUCTION

1.1. This appeal is made under s78 of the Town and Country Planning Act. It is against the failure of Wokingham District Council to determine an application for demolition of the existing dwelling, erection of 8 flats, associates parking and highway improvements. The application is in outline form with all matters reserved apart from access. Illustrative plans and elevations accompany the submission.

1.2. The application was registered on 14th November 2001. During the course of determination the following responses were received:

1. The highway authority raised no objections subject to a suitable contribution towards highway safety measures in the vicinity.
2. The Parish Council raised no objections.
3. The Environmental Health Officer raised objections relating to noise levels and air quality.
4. The Councils landscape officer raised no objections.
5. There were two letters of objection raising issues relating to the adequacy of car parking; proximity of the building to King Street Lane; and character of the area.

1.3. My evidence is confined solely to matters of planning policy and other material considerations. It should be read in-conjunction with the evidence of Michael Suguira who deals with acoustic noise considerations.

1.4. Together the evidence concludes as follows:

(1) The proposal represents a sustainable development option in so far as it makes full and effective use of previously developed land and is accessible by other means of transport to the private car. Its development accords with policy and density requirements set out in PPG3 and the emerging Local Plan.

(2) The emerging Local Plan has reached an advanced stage of preparation. As such significant weight may be attached to its policies. The proposed development also accords with policies of the adopted Local Plan and in the absence of other material considerations justifying departure from these policies, the development plan should prevail.

(3) The application is accompanied by an acoustic report. Additional work is being carried out and will be presented in the course of these proceedings. It will demonstrate that whilst the Council's requirement of an external area of 55dBA cannot be satisfied, the internal noise environment can be achieved. This fully accords with the requirements of PPG24. When set against policy in PPG3 and having regard to the nature of the proposed development for flats, the appellant's are firmly of the view that development of the site is acceptable on its merits.

(4) The local authority have raised the issue of air quality and consider that this alone justifies the withholding of planning permission. In so doing the planning authority neglect the fact that there is a dwelling on the site and fail to balance consideration of all material circumstances in determining the application . In short, the issue of air quality is not of sufficient weight to justify the withholding of planning permission.

(5) The Highway Authority have not raised objections to the proposal which incorporates a minor realignment of the kerb to improve visibility to an acceptable standard. Whist mention was made of a financial contribution towards a pelican crossing further to the north, the local authority have not - despite repeated requests - identified how this requirement accords with the provisions of Circular 1/97. In the absence of a reasoned justification, the appellants do not intend to present a s.106 in respect of these matters.

(6) In consideration of the development proposal the local authority, have continued to apply constraints to development and in so doing are sterilising large areas of urban land. This is in direct contradiction to policies of the local plan which are predicated on achieving a significant amount of housing development on previously developed land in accordance with PPG3.

(7) Whilst not determinative of the issue, it is noteworthy that the Local Plan Inspector has recommended that major housing sites south of the M4 should not be developed and the Council has endorsed this recommendation. As such the Council's land supply situation is unhealthy and this position is exacerbated by further delays in modification of the Local Plan and publication of the urban capacity study.

2.0. DESCRIPTION OF THE APPEAL SITE AND SURROUNDS

2.1. The application site comprises a broadly triangular parcel of land. It is of generally flat topography and accommodates a single dwelling with various outbuildings.

2.2. Adjoining to the north is a steep embankment to the M4 motorway along which there is a noise barrier. To the south west are dwellings served from St. Mary's Road. There are mature evergreen trees along the boundary with King Street Lane and the common boundary with adjoining residential properties. There are also mature oak trees at the frontage.

2.3. In its wider context the site lies in a built up area. To the north and at a distance of some 600 metres is a food superstore and other shops. There are primary and secondary schools within 900 and 500 metres of the site respectively. Winnersh Railway Station which serves Reading and Gatwick Airport; and London Waterloo via Wokingham Station, is 800m from the appeal site. There are bus services along Reading Road which run between Reading, Wokingham and Bracknell. These matters are set out at Diagram 1 of the submitted Design Statement.

2.4. Although the elevations, site plan and floor plans are submitted in illustrative form, they demonstrate the manner in which a building and associated parking can be satisfactorily accommodated on the application site.

3.0. PLANNING HISTORY

3.1. There have been no previous applications relating to the appeal site.

4.0. RELEVANT PLANNING POLICIES

4.1. In the context of planning policy I refer to:

1. National planning policy
2. The adopted South East Area Local Plan
3. The emerging District Wide Local Plan

National Planning Policy

4.2. The key aspect of national planning policy in so far as this appeal is concerned, is PPG3 (March 2001). The requirement to make full and effective use of land at requisite densities of between 30 and 50 dwellings per hectare is well settled. Additionally, the provision of parking at no more than 1.5 spaces per unit is widely acknowledged in order to assist in the achievement of high density development.

4.3. PPG24 deals with proximity of residential development to sources of noise. In this case the appellants recognised that this was likely to be a material consideration to be weighed in the balance. The report of Michael Suguira is submitted with the appeal papers and his further evidence establishes that a satisfactory internal noise environment can be achieved in accordance with PPG24. The appellants acknowledge that the external noise environment does not meet the World Health Organisation guidelines. However, when weighed in the balance and having regard to the nature of the proposal – flats – it is considered that the development is acceptable on its merits.

4.4. In respect of air quality matters, Circular LAQM.G4(97) sets out the manner in which this issue is to be considered. In particular paragraphs 34 – 37 state, inter alia, that the issue is to be balanced against other material considerations.

4.5. PPG23 is primarily concerned with matters of commercial pollution control and contamination. There is reference (for example pg. 1.31) as to the need to direct development, which may give rise to pollution, to appropriate locations. Additionally,

para. 2.13 advises that in formulating policies local authorities should not be over prescriptive and substitute their judgement for that of pollution control authorities.

4.6. The importance of sustainable development and re-use of urban land (PPG3) is spelt out at paragraph 20 of the Consultation Paper of revised PPG23 (July 2002). It states:

> *A balanced and flexible approach is required which addresses the risks of pollution, whilst recognising the benefits of recycling previously developed land and the damage to urban regeneration caused by under investment and urban blight. Planning guidance on housing (PPG3) already advises LPA's to take account of physical and environmental constraints on the development of land when giving priority to re-using urban brownfield sites in preference to green-field land. The principles in this guidance complement those in PPG3*

4.7. It is clear – and I return to this matter below – that there is an inherent contradiction between the requirement to make full and effective use of urban land (PPG3) and, the constraints which inevitably result in urban locations. Furthermore, it is these locations which are more sustainable and help to reduce pollution control by limiting the length and frequency of car journeys. During the 'life' of the application it was apparent that officers of the Council were unable to balance these issues. In so doing the point should not be lost on the decision maker that there is a dwelling on the site which is, of course, subject to the same noise and air quality environment.

4.8. Finally in respect of national policy, I refer to Circular 1/97 which sets out government policy relating to planning obligations. The local authority has requested a financial contribution "towards highway safety measures in the vicinity". It was initially suggested that a contribution of £12,000 would fund/partly fund a pelican crossing north of the appeal site.

4.9. Despite repeated requests for clarification of the matter and how it was justified in accordance with Circular 1/97, no response has been received from the planning authority. In short, any highway safety measures would have to be fairly and reasonably related to the development and, moreover, consequent upon implementation of that development. At the time of writing, the appellants are unable to submit an obligation under s106 as no reasoned justification has been provided in accordance with Circular 1/97.

Adopted Local Plan

4.10. The adopted South East Area Local Plan (SEALP) time expired in 1996. However, as a result of continued delay in the production of a replacement plan, the Council has resolved that it should continue in use for development control purposes.

4.11. Policy SH1 is relevant and sets out the in principle acceptance of housing development on sites within identified settlements. The appeal site is a case in point and I attach the policies as Document 1.

Emerging Local Plan

4.12. The emerging Local Plan has reached an advanced stage of preparation and significant weight may be afforded to its policies. The following policies – attached as Document 2 – are relevant:

WH1	-	Housing within settlements and the policy presented to and accepted by the housing round table at the time of the Local Plan Inquiry.
WH6	-	Variety of housing.
WOS6	-	Environmental nuisance and pollution.
WOS7	-	Noise
WT7	-	Highway safety.

4.13. I also attach at Document 2 an extract from the Local Plan Inspectors report in so far as they relate to these policies. I draw particular attention to the Inspectors comments in relation to the need for full and effective use of urban sites and the sequential approach to housing. Further, I draw attention to his comments in relation to the need for one and two bedroom accommodation and his suggested amendment to policy WH6.

4.14. Key matters of housing policy in the emerging Local Plan are:

(1) Full and effective use of sustainable urban sites.

(2) Within this, the achievement of densities commensurate with those set out in PPG3.

(3) The provision of one and two bedroom accommodation of which there is a perceived shortfall in Wokingham District.

4.15. As a matter of principle, the development proposal entirely accords with the relevant planning policies.

4.16. In respect of noise, the evidence of Michael Suguira establishes that a suitable internal noise environment can be achieved. In so doing I am firmly of the view that there is no prima face conflict with policy WOS7.

4.17. The development proposal can only be contrary to policy WOS6 if the Council can establish that the net increase of 7 units and the related parking/traffic movements, "give rise to an unacceptable pollution of the environment". Notwithstanding the inherent conflict of this approach with the objectives of PPG3 and PPG13, I cannot conceive a position where such a case could be sustained. I return to this below.

4.18. Finally in respect of policy, WT7 (and its proposed amendment by the Local Plan Inspector), is relevant in so far as the Council have provisionally requested a contribution to highway safety measures in the vicinity. Where development is acceptable on its merits – and the Councils highway officer states that this is the case – I cannot foresee a circumstance where a net increase of 7 units justifies such a scheme. The key test is whether the traffic calming measures or the like are "justified by a new development proposal". Accordingly, the absence of an obligation under s106 is not, of its self, good reason to withhold planning permission.

5.0. FURTHER COMMENTS SUPPORTING THE APPELLANTS CASE

5.1. In further support of the appellant's case, I set out the following:

(1) Sustainability.
(2) The capacity of the site.
(3) Noise environment.
(4) Air quality.
(5) Parking and access.
(6) Housing land availability.

Sustainability

5.2. As I set out in section 2.0, the appeal site is in a sustainable location. The close proximity of a food superstore, secondary and primary schools, a railway station and half hourly bus services, are all detailed in the submitted Design Statement. All of these facilities are within easy walking distance – as defined by PPG13 - of the appeal site.

5.3. Along with the fact that the site is previously developed land, it represents a sustainable development option.

Capacity

5.4. The illustrative plans demonstrate the manner in which the site could satisfactorily accommodate a building of 8no. 2 bedroom flats. The site plans shows adequate capacity for parking at 1 space per unit – which accords with government policy – and amenity space for residents.

5.5. Notwithstanding the perceived advantages of providing 2 bed units (policy WH6), the density is circa. 50 dwellings per hectare, which fully accords with government objectives set out in PPG3.

5.6. In respect of general bulk and siting, the illustrative plans demonstrate how a 'domestic' scale building can be accommodated in a manner which reflects the scale of surrounding properties, whilst providing appropriate residential amenity to those properties. In short, there are no grounds for withholding planning permission on this basis.

Noise Environment

5.7. The evidence of Michael Suguira establishes that the internal noise environment, with appropriate ventilation and construction system, is well within acceptable limits. By way of assessing this, the appointed Inspector will be invited to study current conditions within the dwelling. Even with single pane glazing and standard construction, the perception is one of an acceptable circumstance at both ground and first floor level.

5.8. With regard to the external noise environment, the Council are consumed with achieving an area of less than 55dB(A). Whilst the World Heath Organisation guideline is acknowledged, it is not mandatory. Moreover and critically, the difficulty with this approach is that it would sterilise large parts of the urban areas within the District in terms of housing development. In this assessment I include all of Reading Road and the areas alongside the A329 (M) and M4. This approach is in direct contradiction with the objectives of emerging policy in PPG3. Since the emerging Local Plan is predicated on the basis of urban capacity this simply cannot be achieved if such constraints are not balanced with the objectives of making full and effective use of urban land.

5.9. The following should also be borne in mind:

(1) There is a dwelling on the site which is subject to the current noise environment.

(2) The proposal is for flats.

(3) There is public open space within 150 metres of the appeal site – see document 3.

5.10. In respect of point 2 above, it is acknowledged that residents of flats may reasonably expect an acceptable environment both internally and externally. However, it is also reasonable to assume that they will not necessarily expect the same private garden environment as for a dwelling and may use local public open space, as is customary with high density accommodation in urban areas. The local authority do not seem to be embracing the concept of urban living and PPG3 and prefer instead to restrict high density development in sustainable locations.

Air Quality

5.11. In respect of air quality, the Council's position is not entirely clear. It appears they are suggesting that the location of the appeal site is within an area of perceived sub-standard air quality where housing development should be resisted.

5.12. Notwithstanding the fact that there is already a dwelling on the site there is an inherent contradiction with planning policy seeking to make full and effective use of urban land and provide housing in sustainable locations. Whilst the local authority have a duty under the Environment Act to improve air quality, the addition of a net 7 small units with limited parking/traffic movements, could not conceivably undermine that objective to the extent where air quality improvements could not be attained. In addition, I find it difficult to accept that the air quality conditions are so adverse that they would seriously endanger the health of residents, especially given the Councils statutory duty to improve air quality by the year 2005.

5.13. As with the matter of noise, the planning authority have failed to balance matters of air quality with other material planning considerations. The Circular and PPG23 (and consultation draft) require the decision maker to do so. Again this approach will have the effect of sterilising large areas of urban land for housing development purposes.

Parking and access

5.14. The illustrative plans and submitted particulars show 10 parking spaces. Whilst there is space on the site for additional parking, this would impinge upon the areas available for soft landscaping. Moreover, the site is in a sustainable location and the highway authority have accepted that one parking space per unit and 2 visitor spaces is appropriate. There is also provision on the illustrative plans for secure cycle parking and the submitted Design Statement shows the location of cycle routes along Reading Road.

5.15. In terms of access, it was acknowledged at the outset that visibility required improvement for the intensification of use. This is shown on the submitted plans and is acceptable to the highway authority.

5.16. As such there are no material highway considerations which would justify the withholding of planning permission.

Housing land availability

5.17. The net addition of 7 dwellings is not determinative of this appeal in so far as housing land supply is concerned. However, it is worthy of mention that the Local Plan Inspectors considering the Councils preferred option of 1,850 dwellings south of the M4, rejected all three options. The basis for this decision was , inter alia, that none of the proposed sites complied with the PPG3 sequential approach to housing provision. The Council has accepted this recommendation.

5.18. It follows that there is a shortfall in housing supply consequent upon the decision to reject sites south of the M4. The Council's response has been woefully inadequate thus far, with in excess of 12 months delay (at the time of writing) in publication of the urban capacity study. In addition, modifications to the Local Plan have also been further delayed.

5.19. In summary, there are no other material considerations which, on balance, would indicate a case for departure from Development Plan policies; or emerging Local Plan policies which are at an advanced stage of preparation.

6.0. SUGGESTED PLANNING CONDITIONS

6.1. The following planning conditions from circulars 1/85 (which remains extant) and 11/95 are suggested.

Model Condition number

2 - Approval of reserved matters (delete reference to access).

4 - Timing of reserved matter submission.

5 - Statutory period of commencement.

64 - Approval of materials (substitute "building" for "extension")

17 - Development shall not begin until details of the junction improvements with King Street Lane have been approved in writing by the local planning authority; and the building shall not be occupied until that junction has been constructed in accordance with the approved details.

(Cancelled.

The following landscape conditions from circular 1/85 are considered to be more user friendly than those set out in 11/95.

20 - Landscape scheme.

21 - Implementation of landscaping and subsequent maintenance.

The following conditions set out at Annex 4 of PPG24.

To be subject to LPA approved in writing so as to

The building shall be constructed so as to provide sound attenuation against external noise, not less than .....db(A), with windows shut and other means of ventilation provided.

an internal noise level in beds or between 30 dba - 35 dba & other habitable rooms or < 40 dba

or day + night time levels.

7.0. SUMMARY AND CONCLUSIONS

7.1. The following points are submitted by way of summary and conclusion.

(1) The proposal represents a sustainable development option in so far as it makes full and effective use of previously developed land and is accessible by other means of transport to the private car. Its development accords with policy and density requirements set out in PPG3 and the emerging Local Plan.

(2) The emerging Local Plan has reached an advanced stage of preparation. As such significant weight may be attached to its policies. The proposed development accords with these policies and those of the adopted Local Plan. In the absence of other material considerations justifying departure from these policies, the development plan should prevail.

(3) The application is accompanied by an acoustic report. Additional work is being carried out and will be presented in the course of these proceedings. It will demonstrate that whilst the Council's requirement of an external area of 55dB(A) may not be satisfied, the internal noise environment can be achieved which fully accords with the requirements of PPG24. When set against policy in PPG3 and having regard to the nature of the proposed development for flats, the appellant's are firmly of the view that development of the site is acceptable on its merits.

(4) The local authority has raised the issue of air quality and consider that this alone justifies the withholding of planning permission. In so doing the planing authority neglects the fact that there is a dwelling on the site and fail to balance consideration of all material circumstances in determining the application. In short, the issue of air quality is not of sufficient weight to justify the withholding of planning permission.

(5) The Highway Authority have not raised objections to the proposal which incorporates a minor realignment of the kerb to improve visibility to an acceptable standard. Whist mention was made of a financial contribution towards a pelican crossing further to the north, the local authority have not - despite repeated requests - identified how this requirement accords with the provisions of Circular 1/97. In the absence of a reasoned justification, the appellants do not intend to present a s.106 in respect of these matters.

(6) In consideration of the development proposal the local authority have continued to apply additional constraints to development. In so doing are sterilising large areas of urban land. This is in direct contradiction to policies of the local plan which are predicated on achieving a significant amount of housing development on previously developed land in accordance with PPG3. In so doing the local authority are not embracing the concept of urban living and prefer to impose constraints on the ability to supply high density housing in urban locations.

(7) Whilst not determinative of the issue, it is noteworthy that the Local Plan Inspector has recommended that major housing sites south of the M4 should not be developed and the Council has endorsed this recommendation. As such the Council's land supply situation is unhealthy and this position is exacerbated by further delays in modification of the Local Plan and publication of the urban capacity study.

7.2. For the foregoing reasons this appeal should be allowed.

1

LOCAL PLAN

South East Area

WOKINGHAM DISTRICT COUNCIL

Wokingham

Finchampstead North

Pinewood

on smaller sites, are brought forward in response to a variety of local circumstances reflecting individual opportunities and needs, and they arise in most of the built-up areas at one time or another. It is clear that the demand for this form of development will continue and recognition of such a demand is essential in any provision which is to be made for future development. Such development allows for an increase in the diversity of housing in a particular settlement area.

1.2.07 Only a proportion of the housing provision is met by the allocation of specific areas of land for development. The remainder is provided for through the inclusion of policies which allow some development to occur in the identified settlements on unidentified sites in response to needs and opportunities identified by landowners and developers. It is estimated that a further 781 dwellings will be provided in the District on such sites between 1992 and 1998. Details of the basis for this estimation are given in the Planning Fact Sheet: Housing, which is available separately from this Plan.

❖ SH1 HOUSING DEVELOPMENT ON UNIDENTIFIED SITES

WITHIN THE IDENTIFIED SETTLEMENTS RESIDENTIAL DEVELOPMENT IN THE FORM OF INFILLING, ROUNDING OFF AND REDEVELOPMENT, GENERALLY WILL BE CONSIDERED FAVOURABLY SUBJECT TO LOCAL ENVIRONMENTAL CONSTRAINTS AND OTHER PROVISIONS OF THIS PLAN. IN VIEW OF THE SENSITIVITY OF SUCH PROPOSALS AND THEIR POTENTIAL IMPACT THE PREPARATION OF A DEVELOPMENT BRIEF WILL NORMALLY BE NECESSARY IN BRINGING FORWARD SCHEMES ON SITES OVER 0.4 HECTARE. ON SITES OF OVER 0.4 HECTARE, AN ELEMENT OF AFFORDABLE HOUSING WILL BE SOUGHT IN ACCORDANCE WITH POLICY SH8.

IN INTERPRETING THIS POLICY, THE DISTRICT COUNCIL WILL PARTICULARLY WISH TO ENSURE THAT THE FOLLOWING CRITERIA (WHICH ARE AMPLIFIED IN OTHER POLICIES WHERE INDICATED) ARE COMPLIED WITH:

(A) THE PROTECTION OF OPEN AND WOODED AREAS, GAPS AND GARDEN AREAS WHICH ARE IMPORTANT TO THE CHARACTER OF THE SETTLEMENT CONCERNED (POLICY STV6 AND VARIOUS SPECIFIC POLICIES),

(B) NO SIGNIFICANT ADVERSE EFFECT ON THE CHARACTER OF THE AREA (POLICIES STV6, SBE1 & SBE2),

(C) NO SIGNIFICANT ADVERSE EFFECT ON SETTLEMENT BOUNDARIES AND THE SURROUNDING COUNTRYSIDE (POLICY STV5),

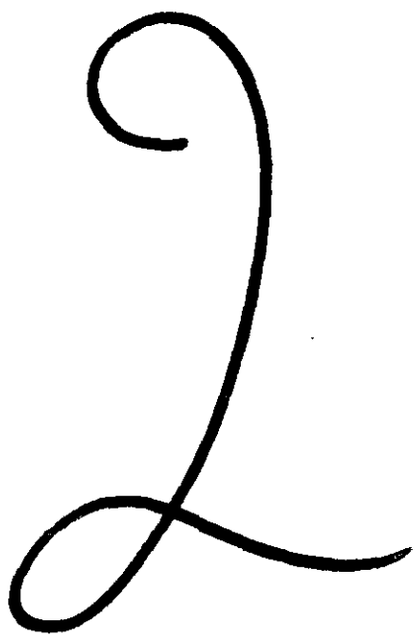
(D) NO LOSS OF PUBLIC OPEN SPACE OR RECREATIONAL FACILITIES (POLICY SR4),

(E) THE PROVISION OF ADEQUATE GARDEN AREAS, SPACE ABOUT BUILDINGS AND OFF-STREET PARKING FOR ALL NEW DWELLINGS.

(F) THE PRESENCE OF ADEQUATE LOCAL HIGHWAY CAPACITY TO CATER FOR TRAFFIC GENERATED BY THE DEVELOPMENT.

1.2.08 The housing requirement for the five year period to 1998 is based on the provision required by the Approved Structure Plan until 1996, and thereafter on that required by the provision to be made in the Draft Deposit Structure Plan. This gives a total requirement 1992-98 of 3590 units for Wokingham District. Of the total provision (1984-1998) some 9630 had been built by March 1992. Permission had also been granted for a further 1785 dwellings on that date and commitments had been entered into subject to legal agreements, for a further 257 dwellings. Together with the 781 houses to be provided on unidentified sites a total of 12229 dwellings have been provided for (taking into account non-implementation of unidentified sites and Lower Earley). Therefore in the entire District, sites remain to be identified for 991 dwellings.

1.2.09 Sites for 726 units have been identified within the District but outside this Plan area, and sites for an additional 336 dwellings





Wokingham District Local Plan

Deposit Draft 1997

Consolidated Document
November 1999

1/2

November 1999

development control reports indicate the density of proposals of 5 or more dwellings.

The following draft policy was submitted to the Inquiry at the Housing Round Table on 3rd and 4th July 2000:-

'IN ORDER TO ENSURE AN EFFECTIVE AND EFFICIENT USE OF LAND, NO RESIDENTIAL DEVELOPMENT ON SITES OVER 0.3 HECTARE WITHIN IDENTIFIED SETTLEMENTS SHALL BE PERMITTED AT A NET DENSITY OF LESS THAN 30 DWELLINGS PER HECTARE, SUBJECT TO DEVELOPMENT AT SUCH A DENSITY NOT COMPROMISING THE QUALITY OF THE ENVIRONMENT.

A NET DENSITY OF BETWEEN 30 AND 50 DWELLINGS PER HECTARE ON NEW RESIDENTIAL DEVELOPMENT WILL GENERALLY BE ACCEPTABLE. HIGHER DENSITIES IN THIS RANGE WILL BE ACCEPTABLE IN LOCATIONS WITH GOOD PUBLIC TRANSPORT CONNECTIONS AND GOOD ACCESS TO LOCAL RETAIL, COMMUNITY AND SERVICE FACILITIES.

IN AREAS WITH PARTICULARLY GOOD ACCESSIBILITY TO PUBLIC TRANSPORT AND FACILITIES, DENSITIES SHOULD BE IN EXCESS OF 50 PER HECTARE.

ALL DEVELOPMENTS, WHATEVER THEIR NET DENSITY, WILL BE EXPECTED TO INCORPORATE A HIGH QUALITY OF DESIGN THROUGHOUT.'

Density should be measured in accordance with the definition set out in Annex C of PPG3 (2000).

This draft policy will be considered by the Local Plan Inspectors, along with all the other representations made to the draft local plan. Their recommendation will hopefully be to include the policy as worded above, but it is open to them to amend the policy wording or even to reject the principle of the policy in its entirety.

For further information please contact Liz Walker, Policy & Plans on ☎ (0118) 974 6458

- ## *California Country Park Paddling Pool*

All news is good news hmmm ... Unfortunately due to technical difficulties the new pool at California Country Park will not be built before this Summer season, for two reasons. Firstly, the tenders for the proposed pool came in higher than the original budget; and secondly, it has come to light that following tests to prove the bearing capacity of the ground in the vicinity of the pool that the structure of the new pool would need to be of a different spec to the original.

However, for those of you waiting to don your woollen cossies, the existing pool is being sorted out to be operational this Summer and we hope that the new pool will be constructed following this busy season ready for a fresh start in 2001.

For further info. contact Chris Buggy, Countryside Management Team Leader on (0118) 934 2016

- ## *Highways Seminar - October 2000*

Just a note to announce a proposed Highways Seminar to which all elected Members of the Authority are to be invited, together with Members of the Town and Parish Councils within the District.

This is advance notice with the intention of holding this evening on **Wednesday, 25th October at 7 pm** in Committee Rooms 1 and 2, and I would ask that those who are interested in attending please set time aside in their diaries.

Details will be sent individually closer to the date, but the evening will include an introduction to our new highways consultants, an invitation to consider fact sheets on various highway issues and the way that they can best be presented to the public, and other frequently asked questions about highways.

It is hoped to make the evening as interactive as possible.

Mark Moon
Head of Engineering Services

POLICIES

5.12 Only part of the District's housing requirement is met through the allocation of specific areas of land for development. Housing will continue to be built on unidentified sites. In accordance with Berkshire Structure Plan Policies (C1 and H5), these sites will be within the boundaries of identified settlements.

POLICY WH1: HOUSING DEVELOPMENT - UNIDENTIFIED SITES

WITHIN THE IDENTIFIED SETTLEMENTS, ON SITES THAT ARE NOT IDENTIFIED IN THE PLAN FOR RESIDENTIAL USE, DEVELOPMENT IN THE FORM OF INFILLING, REDEVELOPMENT AND CHANGE OF USE TO RESIDENTIAL USE WILL BE CONSIDERED FAVOURABLY, SUBJECT TO LOCAL ENVIRONMENTAL AND AMENITY CONSIDERATIONS AND ALL OTHER RELEVANT POLICIES AND PROVISIONS OF THIS PLAN, IN ORDER TO MAKE THE BEST USE OF LAND IN BUILT-UP AREAS.

IN PARTICULAR, THE COUNCIL WILL SEEK TO ENSURE THAT THE FOLLOWING CRITERIA ARE COMPLIED WITH:

a) OPEN AND WOODED AREAS, AND GAPS AND GARDEN AREAS, THAT ARE IMPORTANT TO THE CHARACTER OF THE SETTLEMENT, ARE PROTECTED FROM INAPPROPRIATE DEVELOPMENT

b) THERE IS NO SIGNIFICANT ADVERSE EFFECT ON THE CHARACTER OF THE AREA, INCLUDING ON ANY CONSERVATION AREA

c) THERE IS NO SIGNIFICANT ADVERSE EFFECT ON ANY RESIDENTIAL PROPERTY OR LISTED BUILDING

d) THERE IS NO SIGNIFICANT ADVERSE EFFECT ON THE SETTLEMENT BOUNDARY OR ON THE ADJOINING COUNTRYSIDE

e) THERE IS NO SIGNIFICANT ADVERSE EFFECT ON ANY INTEREST OF NATURE CONSERVATION IMPORTANCE

f) THERE IS NO LOSS OF RECREATIONAL FACILITIES OR PUBLIC OPEN SPACE

g) THERE IS ADEQUATE LOCAL HIGHWAY AND INFRASTRUCTURE CAPACITY TO CATER FOR TRAFFIC AND OTHER DEMANDS GENERATED BY THE DEVELOPMENT, WITH, WHERE SEEN AS NECESSARY, THE PROVISION OF ROAD SAFETY MEASURES. IT WILL BE NECESSARY TO CONSIDER THE CUMULATIVE EFFECT ON ROADS AND INFRASTRUCTURE OF PROPOSED DEVELOPMENTS IN THE SAME AREA, TO DETERMINE THEIR ACCEPTABILITY UNDER THIS CRITERION

Cont.

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h) AN ELEMENT OF AFFORDABLE HOUSING IS PROVIDED IN RESIDENTIAL SCHEMES OF 15 OR MORE DWELLINGS OR OF 0.5 HECTARE OR MORE IN SETTLEMENTS OF 3,000 OR FEWER, AND OF 25 OR MORE DWELLINGS OR OF 1 HECTARE OR MORE ELSEWHERE. THE SETTLEMENTS WHERE THE 25 DWELLINGS REQUIREMENT APPLIES COMPRISE CROWTHORNE (PINEWOOD), EARLEY, NORTH FINCHAMPSTEAD, TWYFORD, WARGRAVE, WINNERSH, WOKINGHAM AND WOODLEY. NEW DEVELOPMENT WILL BE EXPECTED TO COMPLY WITH THE COUNCIL'S SERVICE, AMENITY, AND INFRASTRUCTURE REQUIREMENT (S.A.I.R.).

PROPOSALS FOR RESIDENTIAL DEVELOPMENT WILL BE JUDGED AGAINST THE COUNCIL'S PLANNING GUIDELINES FOR THEIR ACCEPTABILITY UNDER DESIGN AND PARKING CRITERIA.

Implementation: Planning permissions to private and public sector housebuilders, having regard to Planning Guidelines.

Monitoring: Planning applications.

5.13 Assuming that 1,850 dwellings are provided on the major site south of the M4 at Grazeley by 2006, it is necessary to ensure that sufficient land is identified for the development of small sites. The sites that have been identified in Policy WH2 have been selected on the basis of their performance against a number of environmental criteria.

POLICY WH2: HOUSING DEVELOPMENT - IDENTIFIED SITES

IN ADDITION TO THE 1,850 DWELLINGS TO BE BUILT AT GRAZELEY (SEE PROPOSAL WSM1), THE COUNCIL WILL MAKE PROVISION FOR THE DEVELOPMENT OF APPROXIMATELY 867 DWELLINGS IN THE PERIOD 1 APRIL 1996 TO 31 MARCH 2006 ON THE FOLLOWING SITES, SUBJECT TO THE PROVISION OF INFRASTRUCTURE AND PUBLIC AND COMMUNITY SERVICES NECESSARY TO SUPPORT THE DEVELOPMENT. THESE SITES WILL BE SAFEGUARDED FROM OTHER TYPES OF DEVELOPMENT. IN BRINGING FORWARD THE SITES FOR DEVELOPMENT, A DEVELOPMENT BRIEF WILL BE REQUIRED. DEVELOPMENTS AT OR NEAR WINNERSH WILL BE REQUIRED TO CONTRIBUTE TOWARDS SCHEMES PUT FORWARD IN THE WINNERSH TRANSPORT STUDY.

a) WI12 LAND WEST OF MOLE ROAD, SINDLESHAM
b) WI17 FORMER GMU DEPOT, WATMORE LANE, WINNERSH
c) AB05 ARBORFIELD GARRISON, ARBORFIELD
d) SH03 LAND AT GRAZELEY ROAD, THREE MILE CROSS
e) SH13 CHURCH FARM AND CATTLE BREEDING CENTRE, CHURCH LANE
f) SH15 LAND AT HOLLOW LANE, SHINFIELD
g) SH27 LAND AT WILSFORD CLOSE, SHINFIELD
h) SH37 LAND AT LANE END FARM, CUTBUSH LANE, SHINFIELD
i) WI13 LAND AT CHATSWORTH AVENUE, WINNERSH

Implementation: Planning permissions to private and public sector housebuilders.

Monitoring: Monitor release of sites for development, including planning permissions.

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POLICY AS IN THE SAME CIRCUMSTANCES GIVEN UNDER POLICY WH3. FOR ANY SUCH EXCEPTION TO THE POLICY TO BE ACCEPTABLE, THE PROPOSED DEVELOPMENT SHOULD HAVE NO ADVERSE IMPACT UPON THE CHARACTER OF THE ENVIRONMENT OR ON LOCAL AMENITY, AND COMPLY WITH ALL OTHER RELEVANT POLICIES AND PROVISIONS OF THIS PLAN.

Implementation: Planning permissions, and encouragement to owners of property to reinstate use.

Monitoring: Planning applications, and monitoring of numbers of new flats over shops and losses of residential accommodation.

5.17 The provision of a variety of types and sizes of accommodation is desirable so that the housing needs of as many households as possible can be met. The District Local Plan seeks to secure the mix of accommodation that will provide appropriate housing in line with the identified needs. The Housing Needs Survey 1997, carried out by consultants on behalf of the Council, is especially useful in identifying the types of dwelling that the area requires. The survey, based on a sample of the total population of the District, identified proportionate demand by dwelling size as being: one/two bedroomed units - 45%; three bedroomed units - 25%; four + bedroomed units - 30%.

5.18 The Council will also encourage a mix of dwellings as appropriate on individual sites, including for those with particular needs. This approach helps in the achievement of balanced communities, and has the added benefit of assisting in the development of greater townscape variety. (More detailed information on housing mix and densities can be found in the Council's Housing Design Guidelines.)

5.19 The plan also aims to ensure that existing residential accommodation is not lost to other uses, to maintain as wide a variety of dwellings as possible.

POLICY WH6: VARIETY OF HOUSING

ON SITES WHERE RESIDENTIAL DEVELOPMENT IS CONSIDERED ACCEPTABLE BY THE COUNCIL, PROPOSALS WILL BE EXPECTED TO INCORPORATE A MIX AND BALANCE OF DENSITIES, DWELLING TYPES AND SIZES. THE COUNCIL WILL ASSIST DEVELOPERS BY PROVIDING THEM WITH INFORMATION ON THE HOUSING NEEDS OF THE PLAN AREA, INCLUDING THOSE OF PARTICULAR GROUPS IN THE COMMUNITY, SO THAT THEY ARE AWARE OF THE REQUIREMENTS WHEN FORMULATING PROPOSALS. PARTICULAR EMPHASIS WILL BE GIVEN TO THE NEED FOR SMALL (ONE, TWO AND SMALLER THREE BEDROOMED) DWELLINGS.

Implementation: Planning permissions. Supply of information to public and private sector housebuilders.

Monitoring: Planning applications and permissions.

5.20 In terms of this policy, the term 'affordable housing' is taken to mean accommodation that is accessible to people whose incomes or resources are insufficient to enable them to buy or rent housing on the open market. Contributions to meeting housing need can be made by the provision of:

a) Affordable subsidised housing, i.e. housing of all tenures that is provided with subsidy, for people unable to resolve their needs in the general housing market because of the local relationship between housing costs and incomes;

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Environmental Nuisance and Pollution Control

1.15 Development proposals, particularly of a commercial nature, can give rise to nuisances that affect adjoining properties, passers-by, wildlife/conservation interests and the local environment. It is important therefore to control pollution levels to prevent unacceptable impacts from new development or to control and limit nuisance from existing sources. Environmental nuisance and pollution in the context of this policy refers to smells, dust, fumes, light or noxious emissions and to air and water pollution. In considering proposals consideration should be given to both the individual and cumulative impacts of development. Whilst noise is also a form of pollution, this is considered separately in Policy WOS7.

POLICY WOS6: ENVIRONMENTAL NUISANCE AND POLLUTION CONTROL

THE COUNCIL WILL ONLY PERMIT DEVELOPMENT PROPOSALS WHERE THEY DO NOT GIVE RISE TO AN UNACCEPTABLE POLLUTION OF THE ENVIRONMENT, INCLUDING SERIOUS HARM TO THE CHARACTER AND AMENITIES OF AN AREA, OR THE AMENITIES OF PROPOSED AND NEIGHBOURING LAND USES AND OCCUPIERS. IN ORDER TO REDUCE ADVERSE IMPACTS DEVELOPMENT PROPOSALS SHOULD:

A) HAVE REGARD TO THE NEED TO ENSURE THE ADEQUATE STORAGE AND DISPOSAL OF WASTE MATERIALS; AND

B) HAVE REGARD TO THE HARMFUL OR NUISANCE EFFECTS OF EMISSIONS INCLUDING THE CUMULATIVE EFFECT ON EXISTING AIR QUALITY; AND

C) HAVE REGARD TO THE HOURS OF OPERATION; AND

D) INCLUDE LOCATION OF POTENTIAL NUISANCE OR POLLUTION ACTIVITIES ON THE LEAST SENSITIVE PARTS OF THE SITE OR WHERE THE IMPACTS CAN BE BEST CONTAINED BY PHYSICAL OR OTHER APPROPRIATE MEASURES; AND

E) INCLUDE THE INVESTIGATION AND TREATMENT OF CONTAMINATED SUBSTANCES TO ENSURE THAT THE SITE IS FIT FOR ITS INTENDED USE.

THE COUNCIL WILL SEEK TO MINIMISE LIGHT POLLUTION. DETAILS OF ANY EXTERNAL LIGHTING SCHEME THAT REQUIRES PERMISSION AS PART OF A NEW DEVELOPMENT WILL BE EXPECTED TO BE THE MINIMUM NEEDED FOR SECURITY AND WORKING PURPOSES AND SHOULD MINIMISE POTENTIAL POLLUTION FROM GLARE AND SPILLAGE, PARTICULARLY TO NEARBY DWELLINGS, ROADS AND RURAL AREAS.

Implementation: Through the development control process.

Monitoring: Planning applications determined.

Noise

1.16 Noise can have a significant effect on the environment and on the quality of life enjoyed by individuals and communities. Planning Policy Guidance Note 24 (PPG 24), *Planning and Noise* sets out that the impact of noise can be a material consideration when considering development proposals. It is important that noise sensitive development such as residential, educational and hospital uses are separated from major sources of noise and that new development that involves noisy activities should be located away from noise-sensitive land uses. In certain circumstances it may be possible to incorporate appropriate attenuation measures to control, reduce or mitigate noise impacts through the use of planning conditions or planning obligations.

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POLICY WOS7: NOISE

THE COUNCIL WILL HAVE REGARD TO THE ADVICE SET OUT IN PPG 24 (AND ANY SUBSEQUENT ADVICE) WHEN CONSIDERING DEVELOPMENT PROPOSALS. WHERE APPROPRIATE THE COUNCIL WILL REQUIRE APPROPRIATE MEASURES TO BE TAKEN IN THE LOCATION, DESIGN, LAYOUT AND OPERATION OF DEVELOPMENT PROPOSALS IN ORDER TO MINIMISE ANY ADVERSE IMPACT AS A RESULT OF NOISE GENERATED. IN ADDITION, PROPOSALS FOR NOISE SENSITIVE DEVELOPMENTS SHOULD HAVE REGARD TO THE FOLLOWING:

A) EXISTING SOURCES OF NOISE E.G. FROM ROADS, RAILWAYS AND OTHER FORMS OF TRANSPORT, INDUSTRIAL AND COMMERCIAL DEVELOPMENTS, SPORTING, RECREATION AND LEISURE FACILITIES

B) THE NEED FOR APPROPRIATE SOUND INSULATION MEASURES

C) THE NEED TO NOT EXACERBATE THE NOISE LEVELS EXPERIENCED BY EXISTING RESIDENTS AS A RESULT OF THE PROVISION OF NOISE ABATEMENT MEASURES TO PROTECT OTHERS.

IN THE CONTEXT OF THIS POLICY NOISE SENSITIVE USES INCLUDE RESIDENTIAL, EDUCATIONAL AND HOSPITAL USES.

Implementation: Through the development control process.

Monitoring: Planning applications determined.

Renewable Energy and Energy Efficiency

1.17 Renewable energy relates to those energy flows that occur naturally and repeatedly in the environment, such as energy from the sun, the wind and the fall of water. Plant material is also an important source of renewable energy as is combustible or digestible industrial, agricultural and domestic waste materials. Renewable energy sources can help to alleviate the problems associated with waste treatment and disposal, help to reduce harmful emissions into the environment and reduce reliance on non-renewable sources of energy. PPG 22 *Renewable Energy* supports the principle of encouraging renewable energy proposals but advises that development relating to it should be weighed carefully against any potential impact on the environment. Within the plan area there may be only limited potential for developing some renewable energy schemes because of the environmental constraints of the District. However, it is important to encourage schemes where they are considered to be acceptable in the context of other policies of this plan.

POLICY WOS8: RENEWABLE ENERGY

THE COUNCIL WILL PERMIT PROPOSALS FOR RENEWABLE ENERGY SCHEMES IN ACCORDANCE WITH POLICY WOS3 AND OTHER POLICIES OF THIS PLAN.

Implementation: Through the development control process.

Monitoring: Planning applications determined.

7/2

10.40 Although there has been opposition to traffic calming, the issue of excessive speed is a matter of great public concern, although generally resolution of the problem is outside the scope of land-use planning. Speed is a major influence on the severity of accidents.

POLICY WT7: ROAD SAFETY

THE COUNCIL WILL TAKE APPROPRIATE MEASURES TO PROMOTE ROAD SAFETY FOR ALL ROAD USERS INCLUDING:

a) MONITORING OF ACCIDENT STATISTICS TO IDENTIFY BLACKSPOTS

b) GIVING HIGH PRIORITY TO IMPROVEMENTS THAT WILL REDUCE ACCIDENTS INCLUDING THOSE INVOLVING PEDESTRIANS AND CYCLISTS

c) ENSURING THAT ALL RELEVANT INVESTMENT CONFORMS TO BEST PRACTICE IN RESPECT OF ROAD SAFETY

d) EXAMINING THE ROAD SAFETY IMPLICATIONS OF ALL PROPOSALS FOR DEVELOPMENT, AND

e) THE IMPLEMENTATION OF TRAFFIC CALMING SCHEMES WHERE JUSTIFIED.

Implementation: Through the annual capital programme of transport investment and environmental improvement.

Monitoring: Through road safety and accident monitoring and the *Road Safety Plan.*

Street Lighting

10.41 The provision of street lighting is an important aid to safety at night and promotes security and a feeling of well being. It is, however, an extremely sensitive issue in rural areas. There can be strong opposition to the introduction of street lighting into presently unlit rural areas. In considering whether to introduce street lighting it is important to consult the local community and its representatives.

10.42 Any lighting scheme must be well designed taking into account the character of the location. This is particularly necessary in areas of environmental quality and conservation areas. In a number of places street lighting is not continuous leading to problems for motorists arising from the alternation of lit and unlit areas.

POLICY WT8: STREET LIGHTING

THE PROVISION OF STREET LIGHTING IN PRESENTLY UNLIT AREAS WILL BE SOUGHT WHERE JUSTIFIED FOR SAFETY AND SECURITY REASONS HAVING REGARD TO:

a) THE VOLUME OF PEDESTRIAN AND VEHICULAR FLOWS

b) THE EFFECT ON THE CHARACTER OF THE LOCATION, PARTICULARLY IN RURAL AREAS

Cont.

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WOKINGHAM UNITARY
Aiming for Excellence

WOKINGHAM DISTRICT LOCAL PLAN

INSPECTOR'S REPORT

PART TWO

CHAPTERS OTHER THAN HOUSING

Mr D Hollis
October 2001

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of housing land should be available and that is what I hope to show can be achieved by adopting my recommendations in this Chapter of the Report.

RECOMMENDATION

(a) Housing Land Supply

5.110 That the Council's figures in respect of Completions and Outstanding Commitments are adopted.

5.111 That the Council's figures in respect of sites identified in the Plan (Policy WH2 – as amended by PA 5/6) and the additional site at Wokingham Football Club land are adopted subject to the amendments recommended for sites (a), (b), (c), (e) and (i). That the total figure of 1044 dwellings be adopted.

5.112 That subject to the omission of the site at 415-445 Wokingham Road, Earley and the amendment to the Bearwood Park, Winnersh figure, the Council's figure for soft commitments are adopted.

5.113 That the Council's figure for small windfall sites be amended to 553 and adopted. That the text be amended to reflect the approach in assessing such figure; also a commitment by the Council to monitor the figure annually and provide an up to date assessment.

(b) Flexibility Allowance

5.114 That the Council adopt a flexibility allowance of 10% of outstanding commitments, sites identified in the Plan and soft commitments amounting to 175 dwellings.

5.115 That an explanation of such an assessment be given in the text.

(c) Major development south of the M4

5.116 That should the Council adopt a strategy to disperse allocated housing to meet the requirements of Policy WSM1 and should some sites include land already identified and committed under Part 2 housing land allocations, that it seek replacement allocations elsewhere in the District.

5.117 That the Council state within the text that environmental and social consequences of any allocations would be considered in the balance against the need to find homes in sustainable locations.

(d) Site selection methodology

5.118 That the Council adopt as Policy WH1 (and re-number the replaced policy as Policy WH1(A)) the following wording and explain in the text the

background/approach to the policy and a commitment to base site selection upon the policy:

"Policy WH1

The Council will identify new housing allocations based on a sequential approach starting with the re-use of previously developed land and buildings within urban areas. If insufficient land is available from that source, then sites that form urban extensions and then new developments around centres which are served by good public transport corridors will be selected. All allocations will be subject to the Council's objective of creating sustainable forms of development and an assessment based on highway, infrastructure and environmental criteria".

5.119 That the Council include within the supporting text the criteria upon which the site selection will be based and any methods of remedying deficiencies.

5.120 That the Council provide within the supporting text a definition of "urban" for the purposes of the policy along the lines of my recommendations under paragraph 1.6-1.9 and a definition of "previously developed land" based on the advice given in Annex C of PPG3. The Council should make clear that only "previously developed land" in urban areas will be acceptable for housing allocations.

5.121 That the Council give within the supporting text an undertaking to provide a review of housing site selection methods, as well as a review of countryside/landscaping policies recommended in Chapter 2 of this Report, prior to the publication of any future draft Local Plan.

(e) Reserve Sites

5.122 That the Council re-introduce a policy listing reserve housing sites which have been selected on the basis of Policy WH1 and explain within the supporting text the basis and circumstances when such land would be released for development.

5.123 That the Council identify a sufficient number of sites to provide a reserve of dwellings to meet any unexpected shortage of development within the Plan period.

(f) Brownfield development

5.124 See section (d) above.

(g) Density Guidelines

5.125 That the Council adopt the following wording as Policy WH3(a):

"Policy WH3(a)

When determining planning applications for new housing schemes, the Council will refuse planning permission for proposals that make inefficient use of land.

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OBJECTION ISSUES

5.997 The approach made in PA 5/10 is too simplistic and broad brush; the Housing Needs Survey needs a full and careful assessment and the Council's approach based on percentages is flawed.

CONCLUSIONS

5.998 PA 5/10 is a statement of fact. Although the objector considered the use of percentages to be a flawed method of assessment, it is factual. All surveys tend to indicate trends rather than being a precise assessment of a situation and I really do not think the Council could have responded in any other meaningful way. All statistics are capable of being interpreted in different ways, but Policy WH6 does reflect the need to emphasise and concentrate on the supply of smaller units of accommodation in the future, which is a reflection of national planning advice.

RECOMMENDATION

5.999 That the Plan is amended in accordance with PA 5/10.

POLICY WH6

REPRESENTATIONS

1909	British Telecommunications plc (O)	2579	Martin & Pole, Nicholas (O)
2080	University of Reading (O)	2660	Safeway Stores Plc (O)
2145	Beazer Strategic Land (O)	2303	Ruscombe Parish Council (S)
2490	George Wimpey Plc (O)	2627	Ms M Parker (S)

OBJECTION ISSUES

5.1000 The Council should provide developers with information on identified housing needs based on a housing needs survey; developers should not be given a list of requirements. The policy is too restrictive and contrary to Government guidance. The development mix on any residential site is normally left to the market place with developers identifying and fulfilling that need. There should be flexibility in the range of housing mix dependent on site circumstances and the character of the prevailing area. The policy has no development control function and should either be relegated to the supporting text or omitted from the Plan.

CONCLUSIONS

5.1001 The overall objective of the Plan is to provide a variety of types and sizes of accommodation so that the needs of as many households as possible in the District can be met. The intention is that balanced communities can be established. To this end, Policy WH6 seeks to encourage a mix of density, dwelling types and sizes on all sites considered suitable for residential

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development. In order to address one issue, the Council has put forward PA 5/10 which alters the supporting text at paragraph 5.17 in order to explain the findings of the Housing Needs Survey (1997). It identified the particular areas of proportionate housing demand by dwelling size. Given these figures, the Council consider it is justified in asking for emphasis to be placed on certain types of housing such as small dwellings as that approach will assist in the legitimate aim of trying to ensure housing needs are met. Some objectors consider this policy to be unduly restrictive because choice and market demand should be the determining criteria in defining the housing mix on a site.

5.1002 However, household projections for the south east as a whole indicate that not only is there a need for affordable housing, but due to changes in household structure there will be an increasing need for one and two person households. Projections also indicate a rise in the number of households of older people. Thus, it is vital that the housing stock reflects the changing patterns of demand. I do not accept the contention of one objector that the solution in Wokingham District is to rely on a pool of cheaper housing in Reading. Wokingham itself should provide a proper range of dwelling types for its residents.

5.1003 For these reasons I consider that particular emphasis should be placed on the housing type of greatest proportionate demand. While I note that Policy WH6 is worded in general terms to encompass the housing needs of all sections of the community, to my mind it is important that the Policy should clearly reflect the national trend by providing for an adequate number of smaller units. The findings of the Housing Needs Survey supports this approach in that it indicates one and two bedroom units to be in the greatest demand (45%). Therefore I feel that in order to reflect both the local and national pattern of development needs, reference to that section of the market should be emphasised in the policy wording.

5.1004 Turning to another issue, I agree that flexibility is important in the application of this policy. However, although it is common for policies such as WH6 to include threshold levels to indicate the minimum site size where housing variety should be provided, in my opinion this is not appropriate for Wokingham. In the District, pressure for development land is acute and considerable reliance is likely to be placed on smaller allocations and windfall sites to meet the requirements for housing provision. I therefore consider that it is appropriate for developers to endeavour to provide a mix and balance of styles, types and densities on most development sites. Of course this should be in the context of my comments on housing densities made earlier in this Chapter. The policy would then go some way towards ensuring that the requirements of all sections of the community are met. This accords with the guidance of PPG3 which emphasises the Government's commitment to achieving mixed and balanced communities offering a choice of housing and lifestyle.

5.1005 However, in some instances it may be impractical for small developments to provide for all the types of need to which the policy refers. Therefore, it is

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proper for the policy to contain the reference to "balance" in order to allow flexibility. To my mind the most satisfactory outcome is likely to come from negotiation based on the provisions of Policy WH6 and taking into account all material considerations relevant to the particular circumstances. I disagree with objection 2579. The variety and mix of housing types is very much a matter for the Council to seek to control under its planning control duties. Finally, I do not see the need to include within the policy wording that the Council will provide information on housing needs to developers. That is a matter that should be within the supporting text to inform developers of the level of assistance that the Council is prepared to provide.

RECOMMENDATION

5.1006 That the last sentence of Policy WH6 is amended as follows:

"particular emphasis will be given to the need for one and two bedroom dwellings."

5.1007 That the words "The Council will.....formulating proposals" are deleted from the policy and inserted within the supporting text.

PARAGRAPH 5.20

(Proposed Amendment 5/11)

REPRESENTATIONS

2170	Twyford Parish Council (O)	6190	Mr & Mrs A Gosden (O)
2358	Thames Valley Housing Assn (O)	6197	Trustees of R H R Palmer Dcd (O)
6025	Arborfield & Newland Par Council (O)	6255	University of Reading (O)
6183	Mr A Godsal (O)		

OBJECTION ISSUES

5.1008 There should be a policy to promote sheltered housing. Another objector mentioned that affordable housing should be low cost and subsidised; a re-wording of the paragraph was suggested. Some sites may not have the variety of house size in the affordable housing category. Large developments should have a mix of private and affordable homes integrated into the site. There should not be a larger proportion of affordable homes just to meet a shortfall. There is a greater need for rented units in Reading, but these are invariably converted houses. Three objectors asked for the new paragraph to be deleted because the required number of affordable homes is not reasonable or realistic.

5.1009 An objector asked for the previous text to be re-instated. The amended version appears to have been significantly narrowed in terms of scope; shared ownership schemes are not mentioned. Not clear how affordable low cost market housing will be defined without there being a subsidy.

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RECOMMENDATION

10.56 That Policy WT6 is amended in accordance with PA 10/4.

10.57 That PA T/11 is adopted as part of the supporting text.

POLICY WT7

REPRESENTATIONS

327	Arborfield & Newland Par Council (O)	2602	Martin & Pole, Nicholas (O)
1439	Countryside Agency (O)	77	Rose Street Residents Society (S)
1493	St Nicholas Hurst Parish Council (O)	941	Mr D Turtle (S)
1928	South Wokingham Consortium (W/D)	1261	Gt Langborough Res Association (S)

OBJECTION ISSUES

10.58 The roads in Arborfield should have a speed limit. The Policy should avoid road safety and traffic calming measures being intrusive and insensitive. Criterion e) of the Policy should read "the implementation of traffic calming schemes and other speed reducing proposals at all locations where speed is a road safety factor". Whilst the aim of the Policy is sound, it has no development control function and should be put into the supporting text.

CONCLUSIONS

10.59 I appreciate that road safety is a key concern of residents in the District, but the Local Transport Plan has promoted this issue through a Road Safety Plan. It seems to me that is the best forum for implementing road safety schemes. Generally I agree that the policy has limited land use implications save for the last two provisions. It would be inappropriate for the detail of traffic calming proposals for example, Arborfield, to be stated in the Plan. Nor would it be appropriate for the Policy to make a commitment to introduce traffic calming measures at all locations. The Council must be left with discretion to implement schemes, including the remote possibility that such schemes would include new roads that are most urgently required, given the limited finance available. Similarly, whilst I agree that traffic calming measures can have a visually intrusive effect, this is a matter which the Council is aware of and should be taken into account in detailed design. No modification to meet these objections is therefore justified.

RECOMMENDATION

10.60 That Policy WT7 is deleted and replaced as follows:

"In order to promote road safety for all road users, the road safety implications of all proposals will be examined and traffic calming schemes pursued where it is justified by a new development proposal."

PARAGRAPH 1.15

REPRESENTATIONS

1481 St Nicholas Hurst Parish Council (O)

OBJECTION ISSUES

1.65 The objector asked for the insertion in the text of an undertaking that the Council would ensure compliance with Policy WOS6 and monitor/enforce planning conditions.

CONCLUSIONS

1.66 The Council has proposed PA 0/5 in the Introduction Chapter and as it would clarify the Council's commitment, I concur with the amendment.

RECOMMENDATION

1.67 That the Plan is amended in accordance with PA 0/5.

POLICY WOS6

(Proposed Amendment 1/8)

REPRESENTATIONS

2061 University of Reading (O)
2281 Ruscombe Parish Council (O)

OBJECTION ISSUES

1.68 Light should be considered as a pollutant. Objection 2061 suggested the requirement to provide a contamination report prior to consideration of every planning application would not be practicable or sensible. Contamination is a matter capable of technical resolution and the Council could be satisfied at detailed application stage.

CONCLUSIONS

1.69 I would have thought that any prudent developer would have investigated whether a site is contaminated and if so, considered the necessary treatment to remedy the situation. That being the case, I see little wrong with them imparting such information to the Council. If they are satisfied there is no contamination, then a developer would so inform the Council. I concur with PA 1/8 because it clarifies that light may be a source of pollution.

RECOMMENDATION

1.70 That the Plan is amended in accordance with PA 1/8.

POLICY WOS7

REPRESENTATIONS

2282 Ruscombe Parish Council (O)
174 Rose Street Residents Society (S)

OBJECTION ISSUES

1.71 The objector suggested light should be considered as a pollutant.

CONCLUSIONS

1.72 This matter is included as part of the amended Policy WOS6. The last sentence of the policy is advisory and should be transferred to the supporting text.

RECOMMENDATION

1.73 That the last sentence of Policy WOS7 is deleted and transferred to the supporting text.

PARAGRAPH 1.17

REPRESENTATIONS

357 ETSU (for DTI) (S)

CONCLUSIONS

1.74 As there were no recorded objections to this paragraph, I make no comments.

POLICY WOS8

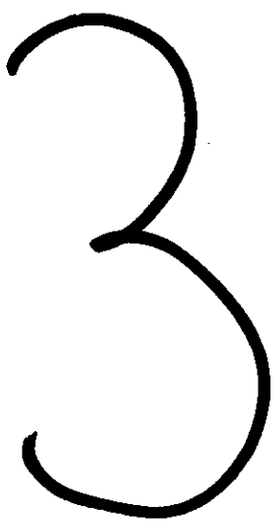
REPRESENTATIONS

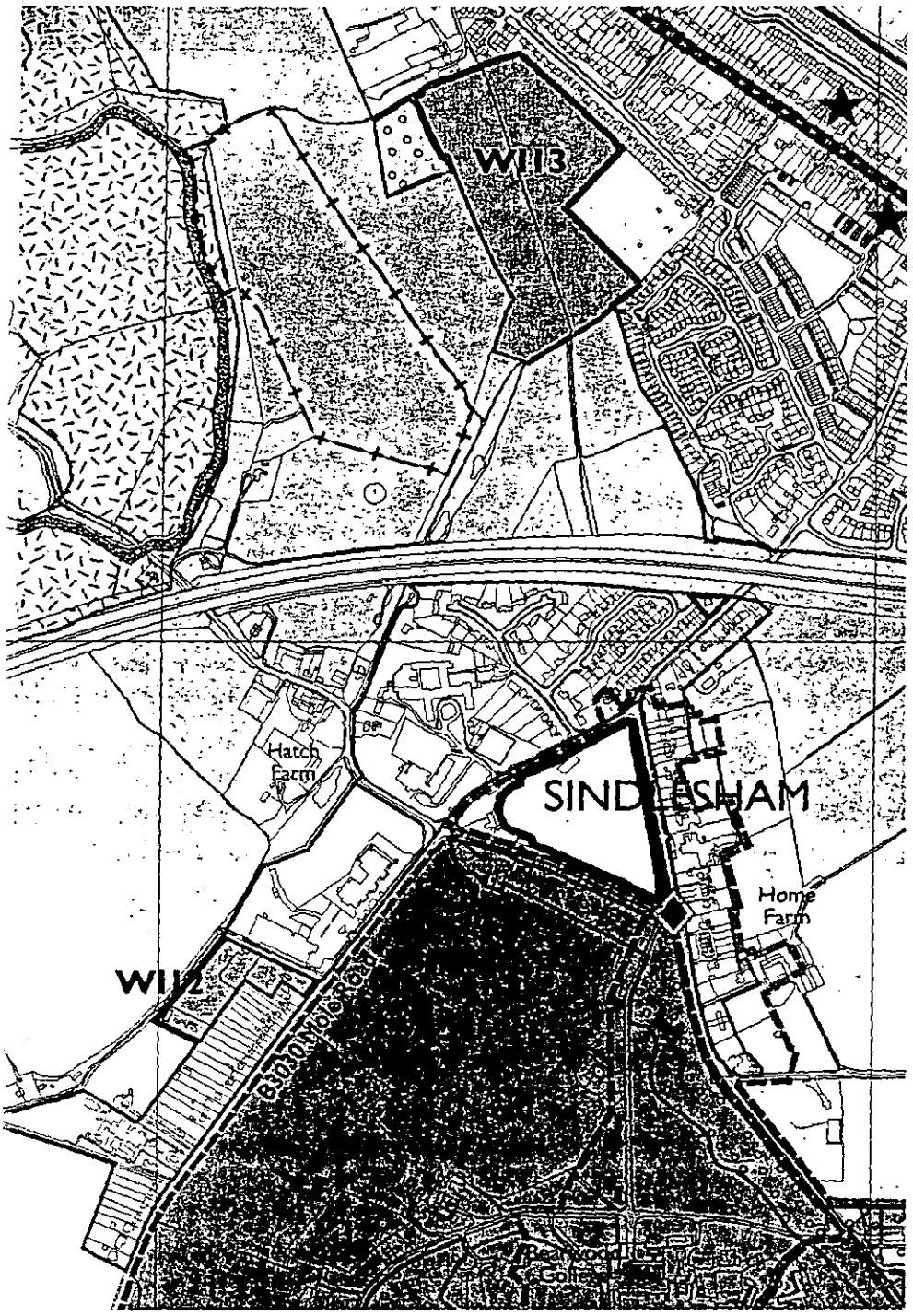
358 ETSU (for DTI) (S)
2391 Wokingham Friends of the Earth (S)

CONCLUSIONS

1.75 As there were no recorded objections to this policy, I make no comments.

17/2





Notes
Do not scale except for Planning and Building Regulations purposes.

Appeal site

Public Open Space

Revision Details			
E			
D			
C			
B			
A			

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Client	Mr and Mr W Elgar
Job Title	56 King Street Lane, Winnersh
Drawing Title	Public open space
Scale	1:10,000
Date	June 2002
Drawn By	ML
rg. No.	GGA1
Rev.	