

MAC MIC
GROUP

Appellants Statement of Case

Appeal against refusal of planning
application ref: 242067 which relates Land
Between Lodge Road and Tape Lane,
Hurst, RG10 0EG

On behalf of Mactaggart and Mickel Strategic Land



Contents

Executive Summary	2
1. Introduction	3
2. Appeal Site Location and Description	4
3. Planning History	6
4. Previous Appeal Overview	9
5. Appeal Proposals	11
6. Planning Policy Context	12
7. Housing Land Supply Position	13
8. Overcoming the Reasons for Refusal	14
9. Main Appeal Matters	20
10. S106 and Conditions	29
11. Summary and Conclusions	30

Planning Potential Ltd
London
 Magdalen House
 148 Tooley Street
 London SE1 2TU
 T: 020 7357 8000

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Executive Summary

This Statement of Case supports an Appeal for outline planning permission *“for the proposed erection of up to 99 no. dwellings, green infrastructure, open space, pedestrian and cycle links, recreational facilities and other associated infrastructure and access points on Lodge Road and Tape Lane with required improvements. (All matters reserved except for means of access.)”* The proposals were refused by Wokingham Borough Council Planning Officers (under delegated powers) on 29th November 2024.

The appeal will allow for;

- The delivery of 99 much needed, high quality, family sized homes;
- The provision of much needed affordable housing, totalling 50% of the units;
- Creation of much improved sustainable transport connections, including through the provision of an additional bus service, delivery of a much sought after cycle link to Twyford Station in line with the WBC LCWIP, and improvements to pedestrian safety and amenity throughout Hurst including footpath widening and traffic calming measures.
- The provision of a footway that will tie into the existing footway provision on Lodge Road which commences c. 150m to the north of the Site and will provide a continuous walking route from the Site to the existing residential area in Hurst and nearby Elephant & Castle Public House.
- High quality design and landscaping, which responds well to the character of Hurst and enhances the biodiversity of the site by more than 10%.

The Site has recent planning history, with an appealed application being dismissed in 2023 for up to 200 dwellings and associated infrastructure, however this Statement of Case sets out the differences both in terms of the planning proposals before you and the planning context (National Planning Policy Framework changes and increased housing pressures namely).

The significant benefits that allowing this Appeal will bring about, demonstrably outweigh any perceived harm that may arise from the proposed development.

Overall, and in the balance of planning judgment, it is considered that the Appeal proposals are consistent with policy provisions, when taken as a whole, and deliver substantial benefits. On this basis, the Appeal should be upheld, and planning permission be granted.

1. Introduction

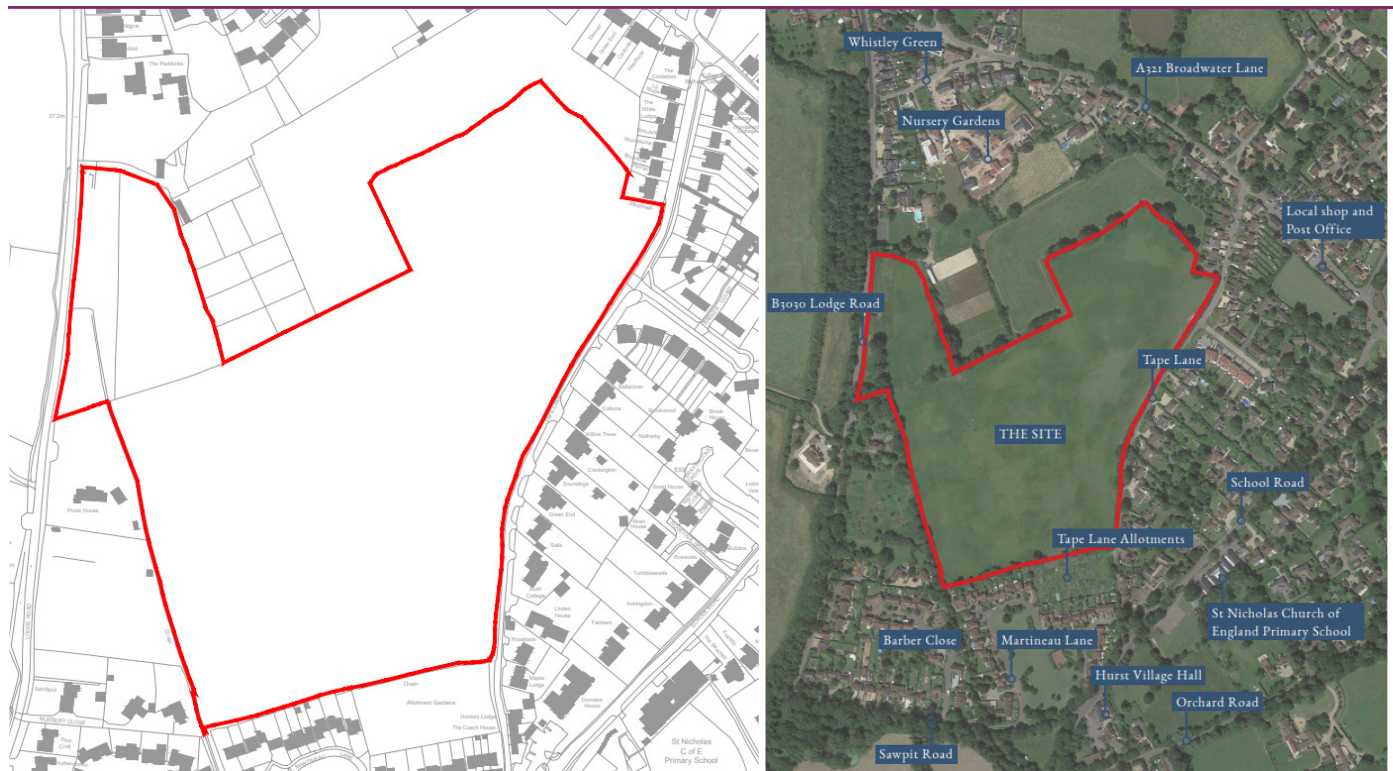
- 1.1. This appeal is made on behalf of the Mactaggart and Mickel Strategic Land, (hereafter referred to as 'the appellant' or 'Mac Mic'). Mac Mic, established in Scotland in 1925, has a strong track record of delivering housing. The company, established as a construction firm initially, has transitioned over the years to include the promotion of land, gaining of planning permission, the delivery of housing and the management of rental properties. The business is extremely well placed to demonstrate true deliverability of the Site.
- 1.2. This Statement of Case ('SoC') is prepared and submitted by Planning Potential Ltd in support of the appeal against the decision by Wokingham Borough Council ('WBC') to refuse an outline planning application for "*the proposed erection of up to 99 no. dwellings, green infrastructure, open space, pedestrian and cycle links, recreational facilities and other associated infrastructure and access points on Lodge Road and Tape Lane with required improvements. (All matters reserved except for means of access.)*"
- 1.3. The application was refused under delegated powers by WBC Planning Officers on 29th November 2024.
- 1.4. The Decision Notice lists eleven reasons for refusal, detailed in Chapter 3 of this SoC (Decision Notice enclosed in Appendix 1, with the accompanying Officer's Report enclosed at Appendix 2).
- 1.5. The Land between Lodge Road and Tape Lane, Hurst, RG10 0EG (hereafter referred to as 'the appeal site') is a large, generally flat, greenfield Site, well bounded on all sides by hedgerows and trees – please refer to Figure 2.1 below.
- 1.6. Matters relating to appearance, landscaping, layout and scale would be the subject of a Reserved Matters planning submission in due course. However, the appeal proposals are the result of a considered approach, taking account of Site development parameters. The illustrative masterplan is informed by professional guidance from ecology, landscaping, highways, arboriculture, and drainage and infrastructure experts.
- 1.7. It is the case that WBC cannot demonstrate a 5 Year Housing Land Supply (5YHLS). Paragraph 11 (d), and the accompanying footnotes, of the National Planning Policy Framework (NPPF), states that, where this is the case, policies which are most important for determining the application should be deemed out-of-date. In such cases, the NPPF's presumption in favour of sustainable development should be applied.
- 1.8. In accordance with the PINS Guidance on the preparation of a SoC, this SoC responds to the Council's reasons for refusal as set out in their Decision Notice dated 29th November 2024 and sets out a summary of the overarching conclusions.
- 1.9. The main planning issues are considered to be as follows:
- 1.10. The site location outside the settlement limits;
 - The preserved 'Harm to the Character of the Area'; and,
 - Whether the Proposed Development is in a 'Sustainable Location'.
- 1.11. Whilst the lack of a S106 securing employment opportunities, affordable housing, a package of highways measures and sports and recreation provision led to four further reasons for refusal 8-11 respectively, these matters are anticipated to fall away ahead of the Inquiry. Furthermore, technical matters relating to loss of agricultural land, the provision of a satisfactory Flood Risk Assessment, a satisfactory baseline for Biodiversity Net Gain and an agreeable ecological position should all be overcome ahead of the Inquiry, through the provision of additional information. Accordingly, this SoC focuses principally on Reason for Refusal 1, 3 and 4. Should remaining matters not be suitably overcome in advance of the Inquiry then they shall be addressed in evidence. The main appeal matters, as we see them, are likely to be an amalgamation of the location of housing, landscape impact, and sustainability.

2. Appeal Site Location and Description

Site Description

- 2.1. The Site comprises 10.68Ha of agricultural fields located between Lodge Road to the west, and Tape Lane to the east, in the village of Hurst.
- 2.2. The Site is largely flat and is used for the grazing of farm animals, predominantly horses. The Site is well bounded on all sides by hedgerows and trees, which also feature on other areas of the Site. There is a band of mature trees, which run from east to west on the northern boundary of the Site. There is also an area of mature trees at the west of the Site. Six English oak trees are considered to meet the criteria of a Veteran tree, located sporadically on the Site boundary.
- 2.3. The Site comprises private land, and no Public Rights of Way (PRoW) feature on the Site. There are existing access points along both Lodge Road and Tape Lane via gates associated with the existing and previous farming uses. The Site is designated as Countryside and outside of settlement boundaries. The Site is located in Flood Zone 1, low risk of flooding, according to the Environment Agency mapping tool. There are no Listed buildings on the Site and it is not located within a conservation area.
- 2.4. The Site is located in an area for the following designations.
 - Area of Search for Sand and Gravel
 - Mineral Safeguarding Area
 - Groundwater Consultation Zone
 - Great Crested Newt Impact Risk Zone
 - Sites of Special Scientific Interest Impact Risk Zone

Figure 2.1 Site Location



Source: Mosaic

Surrounding Area

- 2.5. The Site is located in the village of Hurst, which is located 1.7miles south of Twyford and 1.6miles north of Winnersh. The village of Hurst surrounds the Site in a 'reverse C' shape, to the north, east and south.
- 2.6. Residential areas directly border Tape Lane at the east of the Site, predominantly comprising two storey semi-detached dwellings. Rear gardens and Tape Lane Allotments directly abut the south of the Site.

- 2.7. Further residential properties are found at the north of the Site, including the more recent Valley Nursery development.
- 2.8. To the west of the Site, beyond Lodge Road sits further fields and wetlands – the open countryside.
- 2.9. The Site's location, a 10-minute cycle from Winnersh train station, an 8-minute cycle from Twyford train station, and connected by a well-established bus service, demonstrate that it is a sustainable one. Twyford station is on the recently introduced Elizabeth Line, providing regular access into London, and Reading. Twyford and Winnersh are both also served by Great Western services, providing quick and regular access to London and surrounding areas.
- 2.10. Twyford and Winnersh further provide a wide range of services and facilities, which serve Hurst. The village of Hurst itself contains essential facilities including a Post Office and Village Shop (temporarily closed), Village Hall, Sports Clubs, Primary School, Recreation areas, Nursery and Pubs.
- 2.11. Road access to the Site is also good, providing good quality routes to the M4, whilst the Site is located on the A321, connecting Twyford and Wokingham.
- 2.12. Although there are no Listed buildings on the Site, there are several Grade II Listed assets found across the village of Hurst, particularly to the north of the Site. There is a row of Grade II Listed houses along Broadwater Lane to the north of the Site, the closest approximately 60m. However, all listed buildings are screened from the Site through existing trees and therefore are not visible to or from the Site.

3. Planning History

3.1. The Site has recent planning history, beyond this appeal scheme, which is set out below:

- 1986 appeal – no online records available.
- F/1999/70600 | Proposed Erection of Building For Use As Farm Shop And Equipment Store And Siting Of One Mobile Home. Refused December 1999
- F/2001/3149 | Proposed erection of an agricultural building incorporating farm shop, parking and access. Refused and Appeal dismissed September 2002
- CLE/2004/1099 | Application for certificate of existing lawful use of field for keeping of horses. Approved April 2004
- F/2007/2154 | Proposed erection of stables and barn to form equine treatment centre with menage, access and horse walkers. Storage building for tree nursery. Refused October 2007
- F/2008/1748 | Proposed siting of a mobile home. Refused and Appeal dismissed February 2009.
- F/2008/1017 | Proposed erection of stables and barn to form equine treatment centre with menage, access and horse walkers. Refused and Appeal dismissed February 2009.
- 212986 | Screening Opinion application for an Environmental Impact Assessment for a proposed development of up to 300 homes, open space, pedestrian and cycle links and other associated infrastructure and primary vehicular access via the existing Lodge Road gated access with required improvements. Land East of Lodge Road, Hurst. No EIA Required 21/09/21
- 220458 | Outline application for the proposed development of approximately 200 homes, open space, pedestrian and cycle links, recreational facilities (Use Class E) and other associated infrastructure and primary vehicular access via the existing Lodge Road gated access with required improvements (all matters reserved except for access). Land East of Lodge Road, Hurst. Refused 22/06/2022
- APP/X0360/W/22/3309202 | Outline application for the proposed development of approximately 200 homes, open space, pedestrian and cycle links, recreational facilities (Use Class E) and other associated infrastructure and primary vehicular access via the existing Lodge Road gated access with required improvements (all matters reserved except for access). Land East of Lodge Road, Hurst. Dismissed March 2023.
- 242067 | Outline application for the proposed erection of up to 99 no. dwellings, green infrastructure, open space, pedestrian and cycle links, recreational facilities and other associated infrastructure and access points on Lodge Road and Tape Lane with required improvements. (All matters reserved except for means of access.) Refused 29/11/2024 (subject of this appeal)

Local Planning History

3.2. There have been several planning applications of note within Hurst, including the following.

- 153431 | Full application for the proposed erection of 12no dwellings, garages and creation of new vehicular access off lodge road. Land at Lodge Road, Hurst. Refused May 2016
- 172894 | Full application for the proposed erection of 5 no. new dwellings and garages with creation of a new vehicular and pedestrian access to Lodge Road and footway provision. Land at Lodge Road, Hurst. Refused December 2017
- 162219 | Full planning application for the proposed erection of 16no. dwellings with garages and parking spaces with new access to Whistley Green following demolition of derelict greenhouses. Valley Nurseries, Whistley Green. Refused December 2016, Appeal allowed June 2017.
- 211532 | Full planning application for the proposed erection of 2 no. four bedroom detached dwellings and 2 no. three bedroom semi-detached dwellings, with associated site access, car parking, home offices and landscape. Land at Junction of Sawpit Road and School Road. Refused July 2021. Allowed after Appeal August 2022.
- 230074 | Land adjacent to School Road and Orchard Road, Hurst, Reading Proposal: Outline planning application for the proposed erection of 23 dwellings with associated access and 15 carparking spaces for the local Primary school. Access only to be considered (with Appearance, Landscaping, Layout and Scale to be reserved). Land adjacent to School Road and Orchard Road, Hurst. Refused February 2024. Allowed after Appeal (Hearing) October 2024.
- 240583 | Outline application for the proposed erection of 9No dwellings and associated access, (with Landscaping, Layout, scale and Appearance reserved) and only Access to be considered. Revised plans and information received to provide biodiversity net gain, details of bat surveys, landscape information, highways information, road safety audit, pedestrian improvements inside and outside of the site, street scene visuals and sustainability measures. Land north-west of Hogmoor Lane, Hurst. Refused 29th November 2024.

3.3. WBC have notable appeal decisions of relevance, which are set out below:

Langley Common Road, Arborfield

- 3.4. An application was approved (resolution to grant) at planning committee, November 2024, for an Outline development of up to 50 dwellings in Arborfield (ref 232490)
- 3.5. The site is located within a countryside location and the development will result in the delivery of 50 dwellings, including 40% affordable housing, and open space. The site is outside the settlement limits of Arborfield Garrison, resulting in the loss of field between two urban areas.
- 3.6. It is also noted within the Officer Report (Appendix 3) that *"The policies that establish settlement limits are however out of date by reason of the absence of a NPPF compliant housing land supply and this effectively reduces the weight of this spatial conflict."*
- 3.7. The Arborfield site bears similarities to the site subject of this Appeal in terms of its existing and surrounding environment, but the application was approved citing the council's inability to demonstrate a four-year supply of deliverable housing sites and the weight therefore given by Paragraph 11d of the NPPF and the tilted balance towards the grant of consent.

Swallowfield (Appeal Decision found at Appendix 4)

- 3.8. An Appeal, reference APP/X0360/W/24/3340006, was allowed in Swallowfield, Wokingham in July 2024. The development proposed is the erection of 81 dwellings (including 40% affordable homes), open space, SuDS, landscaping, biodiversity enhancements, new vehicular access off Trowes Lane, pedestrian and cycle links, and associated infrastructure.
- 3.9. The main issues of the Appeal were:
 - The spatial objectives of the Local Plan as regards the location of new development
 - Landscape
 - Accessibility to facilities and services
 - Housing land requirement and supply
- 3.10. Similarly to our appeal Site, the Swallowfield site falls within what the Local Plan refers to as a "limited development location", and the Site lies outside the development limits of Swallowfield. It was considered by the Inspector that the development would on its face conflict with the spatial strategy of the development plan and runs counter to its approach to the location of new residential development.
- 3.11. This Appeal Site also comprises an arable field and it was considered that a housing estate would inevitably harm its contribution to the landscape by introducing built development on what is currently open agricultural land. However, the effect on the landscape would be largely confined to the Site itself but the effect of the development on the landscape would be moderately adverse in terms of its local impact, and at most slightly adverse in terms of its wider impact on the landscape. It was concluded that the proposal would cause harm to the landscape.
- 3.12. The Inspector also gave weight to the lack of capacity of local services and facilities, which also conflicts with the Local Plan in terms of the impact of development. In doing so the Inspector recognised that the Site would occupy a location that is not as accessible for a development of the scale anticipated as required by the spatial strategy (it being an LDL), but determined that the conflict is lessened because of the basic facilities and services that are available in the village, and because appropriate opportunities have been secured to promote the limited sustainable transport modes that are available.
- 3.13. With regards to Best Most Versatile Agricultural Land (BMV), it is stated in this Appeal that *"part of the appeal site used as an arable field is classified as best and most versatile agricultural land, containing grade 2 and grade 3a soils. No objection has been raised by the Council to the loss of the field in terms of agricultural production. As any development on agricultural land in the area is likely to result in the loss of best and most versatile land, I do not consider that the loss of this parcel of land carries material weight."*
- 3.14. The Inspector applied the tilted balance and given the inability of WBC to demonstrate an adequate housing land supply, the presumption carried significant weight.
- 3.15. The benefits of the scheme, particularly the provision of affordable housing were deemed to outweigh the harms of the development and the Appeal has been allowed.

Twyford (Appeal Decision found at Appendix 5)

- 3.16. On 5th February 2025 an appeal against WBC's decision to refuse David Wilson Homes Southern Limited's outline application for up to 230 homes at Land to the north of the A4, New Bath Road, Twyford (ref: APP/X0360/W/24/3350170) was allowed. The main appeal matters were; whether the appeal Site is in an adequate location for residential development (sustainability and physical separation) and whether the proposal adequately provides for sustainable transport measures including pedestrian and cycle movement.
- 3.17. The Inspector found that due to the shops and services available, as well as the transport connection links available, the Site would present a sustainable location for residential development.
- 3.18. The Inspector confirms that the scheme would be outside the settlement boundary and therefore in conflict with Policy CP9 and CP11 of the Core Strategy and CC02 of the Managing Development Delivery Local Plan. However, the Inspector confirmed that these policies present a more restrictive approach to development outside of defined development limits than the Framework. As such, this reduces the weight he attached to this development plan conflict.
- 3.19. The Inspector considered that whilst some people may still choose to travel by private car, there were walking routes available that provided sustainable alternative means of travel.
- 3.20. There was agreement between the Council and the appellant that the Council are unable to demonstrate a five-year housing supply. The Council recognised that the agreed position of 3.2 years supply in March 2023 is now reduced based on the changes made to the standard method for calculating local housing need as well as the deletion of the four year requirement. The appellant set out that using the same methodology contained within the Housing Land Supply SoCG and utilising the most up to date local housing need figure, the housing land supply is in the region of 1.81 years.
- 3.21. In the case of this appeal, the presumption in favour of sustainable development applies as set out within the Framework. This states that where a Council cannot demonstrate an adequate housing supply, as is the case here, then permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes, individually or in isolation.
- 3.22. The Inspector attached significant weight to the delivery of the market housing and in addition, very significant weight to the delivery of the affordable housing in this sustainable location. Moderate weight was afforded to the economic benefits, limited weight to the environmental benefits, moderate weight to the provision of in excess of 10% BNG and moderate weight to the highways benefits. The Inspector concluded that he could not find any adverse impacts which would significantly and demonstrably outweigh the benefits of granting planning permission.

4. Previous Appeal Overview

4.1. The Site has a recent and relevant earlier appeal decision, Ref: APP/X0360/W/22/3309202 (Appeal decision included at Appendix 6), for 200 units on the same land.

4.2. The planning application (Ref: 220458) was refused by the Local Authority for the following reasons:

- **Principle of development** (Unsustainable pattern of development; Development of an area of Best and Most Versatile agricultural land and no justification has been provided regarding the loss of the grade 3a land; The application results in the development of land with sand and gravel deposits).
- **Impact on character and appearance** of the area and landscape.
- The application Site is within an **unsustainable location** that would not encourage a modal shift towards sustainable modes of transport.
- Insufficient and contradictory information has been submitted that does not demonstrate an acceptable **impact on existing trees and hedgerows**.
- The application has failed to demonstrate the proposed development will have an acceptable **impact on ecology** and biodiversity.
- The application fails to demonstrate that the proposed **vehicle access** is acceptable.
- Absence of a completed legal agreement / affordable housing **S106**.

4.3. The Appeal was then subsequently dismissed in March 2023, with the main considerations set out below:

Sustainable Location and Highways

4.4. The Inspector found the Site to be unsustainably located to support the scale of development proposed, and in that context failed to offer a genuine choice of transport. The Inspector found that the level of development proposed impacted on the sustainability of the location, and therefore the quantum of development would result in unsustainable impacts on local transport and highways.

4.5. In addition to this, the facilities that would serve the development within Hurst were not deemed to be accessible through the existing highways network, as footways across the village are often non-existing or insufficient in width. The facilities available in Hurst were also considered insufficient to support the proposed level of development.

4.6. Access to Twyford station was considered achievable by cycling, however evidence of adequate cycling facilities were deemed as insufficient. This, in combination with the existing bus service and rail services, led the Inspector to conclude that the Site's location is not *"sustainable for a development **of the size and scale proposed** through this appeal, nor do I believe it would be made sustainable by the improvements and contributions offered by the appellant through the appeal proposal itself."* (our emphasis added)

4.7. The Inspector referenced that a development of the size and scale proposed was not sustainable but did not rule out that some level of development could be sustainable in this location.

4.8. The revised application fully and directly addresses the shortcomings of the earlier scheme by:

- Reducing the scale of the scheme to 99 dwellings, less than half the earlier proposal. In the context of local service provision, this scale of scheme is appropriate.
- Promoting a substantial package of transformational transport improvements, namely:
 - Delivery of a critical cycle connection to Twyford in line with the WBC LCWIP Proposal
 - Promoting meaningful and deliverable enhancements of the pedestrian network in the village, enhancing footways, crossings and the public realm.
 - Establishing a long-term improvement to public transport provision, improving the quality and frequency of connections between the village and Twyford for residents
 - Implementing travel planning measures designed to promote sustainable movement.

Views / Landscape Harm

- 4.9. The Appeal was also dismissed for the adverse impact that was perceived on the surrounding landscape by the Inspector. The Site is located within the C2 Hurst River Terrace Landscape Character Area within the Wokingham Borough Landscape Character Assessment.
- 4.10. The Inspector viewed that the development would contribute towards the formerly separate settlements of Hurst and Whistley Green reading as one. Reference was made to the gap that the Site largely comprises between Lodge Road and Tape Lane. The Inspector did not agree with the council that the Site should be considered as valued landscape as the Site does not feature any unusual or special elements and should be classed as 'ordinary' countryside.
- 4.11. However, the Site was considered to make a significant contribution to the rural setting of Hurst by the Inspector, and that development would *"transform the appeal Site from an undeveloped field of medium/ moderate landscape value, outside the settlement boundary, to a relatively densely-developed residential area."*, whilst also changing the experience of users of nearby road users, reducing the rural feel of the area.
- 4.12. This led the Inspector to conclude that *"the appeal proposal would have an adverse impact on the rural character and appearance of the appeal Site, and would inevitably have an adverse impact on the visual experience of users of Tape Lane and Lodge Road by bringing a more developed feel to the whole area."* And that *"**Because of the scale** of the proposed development and the fact that its impact would be experienced from many different locations...the harm caused in landscape character and visual terms should be categorised as being at the upper end of the moderate scale."* (our emphasis added)
- 4.13. Overall, the proposals were deemed to *"have a moderate adverse impact, at the upper end of the scale, on the rural character and appearance of the appeal Site and surrounding area, and would fail to conserve the low-density pattern of settlement centred around Hurst and Whistley Green."*

Other Reasons

- 4.14. Other reasons that factored into the Inspectors decision include;
- Consistency with the development plan, and policy weight.
 - Loss of Best and Most Versatile Agricultural Land (BMV)
 - The effect on trees and hedgerows.
 - The effect of the proposed development on highway safety.
 - Failure to agree the planning obligations.
- 4.15. Hurst falls within the 'other settlements' category of Wokingham's adopted spatial vision and in line with the spatial policy, development of this Site falls outside a developable location.
- 4.16. The Inspector only gave modest weight to the BMV matter, as there is no indication that the land will be returned to agricultural use, however the loss of BMV would be a disbenefit of the proposed development. As seen in a more recent Appeal decision in WBC (Swallowfield, above), an Inspector considered the loss of BMV to carry no material weight. The NPPF states at Footnote 65 that "Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality." Compliance with footnote 65 is detailed in the accompanying Agriculture Land Considerations Letter.
- 4.17. The effect on trees and hedgerows was not considered an issue by the Inspector and could be resolved through detailed planning or planning condition.
- 4.18. The Inspector also found that highways was not a reason to dismiss the appeal, however, as with the debate on the Site being a sustainable location, consideration must be given to access and current highways in and around the Site.
- 4.19. An acceptable S106 agreement was also deemed necessary to overcome other matters.

5. Appeal Proposals

5.1. This appeal seeks planning permission for:

“Outline application for up to 99 new homes, green infrastructure, open space, pedestrian and cycle links, recreational facilities and other associated infrastructure and access points on Lodge Road and Tape Lane with required improvements (all matters reserved except access).”

- 5.2. The proposed development will be subject to detailed design and technical work to be considered at Reserved Matters stage, following the grant of outline planning permission. The appeal is supported by a Parameter Plan (ref: 002 C), Illustrative Masterplan (ref: 003-01B) and Access Drawings (ref: ITB19328-GA-001 Rev D and ITB19328-GA-003 Rev C).
- 5.3. The residential provision will comprise up to 99 new homes, which will provide a mix of tenure, which responds to planning policy and local need. The homes will be provided as houses, predominantly 2-storey. The development will provide an on-site provision of 50% affordable housing, exceeding local policy requirements and the mix will also respond to local need and planning policy.
- 5.4. A significant proportion of the Site, 62%, will be kept free from development and retained as open space and enhanced with green infrastructure features.
- 5.5. The proposed development consists of two distinct clusters of residential buildings at the northern and southern ends of the site, with the central area remaining undeveloped. The new central ‘common’ will feature a species rich meadow, enhancing the landscape for enjoyment and access by both new and existing residents. The majority of the Site would be transformed into publicly accessible open space and allotments, with existing trees retained and hedgerows enhanced. The Site will secure in excess of 10% Biodiversity Net Gain.
- 5.6. Vehicular access will be provided onto Lodge Road, of which the arrangements mirror those presented as part of the earlier Appeal scheme, which were considered acceptable to WBC. A 3.7m wide emergency vehicle / bus only access is also proposed onto Tape Lane at the north-eastern extent of the Site.
- 5.7. Pedestrian access is proposed onto Lodge Road, through the delivery of the proposed Site access junction which comprises a new footway that will tie into the existing provision along the eastern side of Lodge Road. Additionally, two points of pedestrian/cycle access onto Tape Lane are proposed at the north-eastern and south-eastern boundaries respectively. Parking is to be provided in line with WBC policy standards.
- 5.8. A comprehensive suite of pedestrian infrastructure improvements is proposed to be delivered, to ensure there are improved opportunities for both existing and future residents of Hurst to access local facilities and services on foot. These proposals include footway improvements along: Lodge Road, leading north from the proposed Site access; at the southern extent of Tape Lane and along School Road and along the northern extent of Tape Lane and along Broadwater Lane.
- 5.9. The development proposals will deliver a comprehensive cycle improvement scheme between Hurst and Twyford Railway Station. The route improvements will cover an approximate 2km length of Lodge Road, Broadwater Lane and Hurst Road between the application Site and Twyford Railway Station. This improvement is a key recommendation of WBC’s Local Walking and Cycling Improvement Strategy and will benefit existing and future residents.
- 5.10. In conjunction with the improvements to cycle infrastructure along Lodge Road, Broadwater Lane and Hurst Road, the scheme proposes substantial improvements to the existing cycle and bus infrastructure at Twyford Railway Station by: introducing improved covered cycle parking facilities within the vicinity of the station; relocating the existing bus stop layby adjacent to the station and providing a bus shelter to create an improved interchange; providing a new bus shelter for westbound services towards Hurst from Twyford and Providing an improved pedestrian interface at the station, and through the delivery of footway improvements along the railway station frontage.
- 5.11. The Appeal proposals are also supported by a long term commitment to deliver improved bus connections between the Appeal Site and Twyford, providing regular and attractive access to Twyford Station, the centre of Twyford and its services and the Piggot School. This will ensure long term good levels of public transport provision and provide access to the rail network.

6. Planning Policy Context

- 6.1. The planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework is a material consideration in planning decisions. It also provides guidance on how to draw up Development Plans and policies.

National Planning Policy Framework

- 6.2. A revised NPPF was published on the 12th of December 2024 after a consultation over the summer of 2024 once Labour were voted into power in July. The revised NPPF makes significant changes to the Framework in a move towards boosting housing delivery.

Development Plan Policies

- 6.3. WBC's Development Plan documents are comprised of the following:

- Core Strategy (2010)
- Managing Development Delivery Plan (2014)
- Joint Minerals and Waste Plan (2023)

- 6.4. The relevant Supplementary Planning Documents (SPDs) are:

- Infrastructure Delivery and Contributions SPD
- Sustainable Design and Construction SPD
- Affordable Housing SPD
- A Design for Hurst SPD

- 6.5. The adopted plan is out of date. Paragraph 34 of the NPPF requires LPA's to review their Local Plan at least once every five years. In the previous Appeal decision (ref: APP/X0360/W/22/3309202), the Inspector recognises, at Paragraph 28, that the policies and settlement boundaries must be regarded as being out-of-date and the presumption engaged. A consistent approach has been taken in all recent appeals (see above).

Emerging Local Plan

- 6.6. WBC have commenced the process of working on a New Local Plan. The New Local Plan will replace the current Core Strategy and Managing Development Delivery Plan.
- 6.7. Wokingham Borough Council's Emerging Local Plan has now been submitted for Examination (28th February 2025). Two Local Plan Inspectors have been appointed: T Hatfield and M Philpott. At the point of writing, no hearing sessions have been arranged.
- 6.8. According to the latest Local Development Scheme the Council anticipate Stage 1 Hearings in June 2025 (adjusted to account for a 2-month delay in submission). Stage 2 Hearings would then be anticipated for November 2025 (adjusted accordingly). The Council anticipate that the Local Plan will then be adopted by July 2026 (adjusted).
- 6.9. Within the previous Appeal decision for the Site (APP/X0360/W/22/3309202), the Inspector gave significant weight to the work that WBC were undertaking in terms of the progress of the New Local Plan and meeting the 5-year housing land supply requirement. However, with limited progress since this time, it can be seen that significant weight can no longer be attributed to this, as is confirmed by appeal decision Ref: APP/X0360/W/24/3350170 – Twyford, whereby as of February 2025, only limited weight was afforded to the emerging policy position.
- 6.10. As set out in Chapter 9 of this Statement, the appellant raises concern with the deliverability of the Local Plan in its current form, whereby housing numbers are substantially below the identified need. In any event, should the emerging Local Plan be adopted, it will be subject to an immediate review, under the latest NPPF (paragraph 236), given the extent of the shortfall in planned housing delivery against the need, rendering policies controlling the delivery of housing still out of date, until said review has taken place. An immediate review would be required as the housing requirement in the plan to be adopted meets less than 80% of local housing need as set out in the standard methodology (in accordance with paragraph 232 of the NPPF). A Local Plan review is unlikely to conclude until Summer 2028 and housing supply needs to be maintained in the interim.

7. Housing Land Supply Position

- 7.1. At the time of writing, the most recent appeal decision commenting on Five Year Housing Land Supply, is that of appeal Ref: APP/X0360/W/24/3350170 (Twyford), Dated 5th February 2025.
- 7.2. The appeal decision states that *“There is agreement between the Council and the appellant that the Council are unable to demonstrate a five year housing supply as required by paragraph 78 of the Framework. The Council recognise that that the agreed position of 3.2 years supply at 31 March 2023 is now reduced based on the changes to the standard method for calculating local housing need as well as the deletion of the four year requirement. However, the Council have not quantified what these changes mean. Conversely, the appellant has set out, adopting the same methodology contained within the Housing Land Supply SoCG, and utilising the most up to date local housing need figure, the housing supply is in the region of 1.81 years.”*
- 7.3. The Inspector goes on to state that *“The Council and Rule 6 party have suggested that the housing position in Wokingham demonstrates the Council is performing well given its historic over delivery and as a result, the weight to be afforded to housing delivery should be tempered. In my view, the housing land supply figure does not present a ceiling which should not be exceeded.”*
- 7.4. The appellant wishes to monitor the housing supply position over the coming months and reserve the right to provide evidence on the extent of the housing land supply shortfall at Inquiry.
- 7.5. Irrespective of this, WBC cannot demonstrate a Five Year Housing Land Supply, and the shortfall must be considered significant at well below 3 years. The Framework’s presumption is therefore engaged.

8. Overcoming the Reasons for Refusal

- 8.1. There are 11 reasons for refusal (RfR) listed on the decision notice. The appellant considers that a number of these reasons can be resolved by way of agreement and / or provision of a S106 Planning Obligation Agreement. The appellant's Case is that RfR 2 (agricultural land), RfR 5 (flooding), RfR 6 (Biodiversity Net Gain (BNG)) and RfR 7 (ecology surveys) can be overcome by way of the provision of additional information and that RfR 8, 9, 10 and 11 would all fall away by way of process (through S106 drafting). Detailed below is an explanation as to how these matters are resolvable, leaving reason 1, 3 and 4 for further discussion in Chapter 9.

Overcome by way of additional information

- 8.2. Reason for Refusal 2 states that:

The application results in the loss of an area of Best and Most Versatile agricultural land contrary to Core Strategy policy CP1 and section 15 of the NPPF

- 8.3. Reading Agricultural Consultants have prepared a letter in response to Reason for Refusal 2, found at Appendix 7. The letter states that the Site extends to 10.7ha of which 10.2ha is grassland, which has been used for grazing horses, ponies and donkeys, and occasionally cattle for the past forty years.
- 8.4. The Site is provisionally mapped as Grade 3 agricultural land. Detailed ALC survey has classified the Site as 5.6ha of Subgrade 3a and 4.6ha of Subgrade 3b.
- 8.5. National policy does not preclude the loss of BMV land but indicates that decisions should recognise the economic and other benefits of BMV agricultural land. In this case, the economic benefits of BMV land are, and have been, very limited. The Site is farmed as a single block with no differentiation in management between the Subgrade 3a and the Subgrade 3b land, and the land managed in accordance with the lowest grade present. The land has not been able to achieve the land uses and yields expected of Subgrade 3a land.
- 8.6. The previous appeal on the Site accepted that there is little likelihood of an agricultural use starting up again on this land. Therefore, the ability of the Site to ever achieve its inherent Subgrade 3a potential is very limited.
- 8.7. Core Strategy policy seeks to avoid areas of BMV agricultural land (although this policy carries reduced weight as it is not consistent with the NPPF). However, it is evident that it is not possible to avoid BMV land in meeting local development needs around Hurst and that, of the known ALC, the Site between Lodge Road and Tape Lane represents the lowest quality land available.
- 8.8. With the housing pressures nationally and locally, it is unfortunately unavoidable to lose some BMV agricultural land.
- 8.9. We ask the Inspector to refer to Appendix 7 for further details.
- 8.10. Reason for Refusal 5 states that:

In the absence of a satisfactory Flood Risk Assessment and the Environment Agency objection, the proposed development has failed to demonstrate it would have an acceptable flooding and drainage impact contrary to Core Strategy policy CP1 and CP3, MDD Local Plan Policy CC09 and CC10 and Section 14 of the NPPF.

- 8.11. Following discussion with the Environment Agency (EA), it is understood that their grounds for objection were as follows:
- Provide a design flood level for the 1% Annual Exceedance Probability Flood extent plus an appropriate allowance for climate change (1%AEP+CC), therefore it is unclear what the impact of the development may have on flood risk, and whether or not the development would be safe for its lifetime.
 - Take the impacts of climate change on fluvial flood risk into account
 - Demonstrate that finished floor levels will be set above the 1% annual exceedance probability (AEP) Flood level with an appropriate allowance for climate change.
 - Demonstrate that the development would not adversely impact floodplain storage
 - Demonstrate that the requirement for a buffer strip of at least 8m to than main river has been met.

- Consider the impact of the proposed new crossing over the main river.
- 8.12. A meeting was held with the EA Planning team on the 17th March 2025 to discuss the above points of objection through the planning process. During the call the EA position was discussed, and the following methodology was agreed:
- Modelling report will provide the basis and technical background and a summary will be provided which will present the required return periods for the review.
 - Climate change has been included in the modelling and will be included in the flood maps.
 - A recommended floor level will be provided, based on the peak water level from the modelling works.
 - Flood maps will show the extent of the baseline flood risk and where necessary areas of compensation will be provided.
 - A plan with the 8m buffer strip will be included.
 - The new crossing will be explicitly modelled. It is anticipated that this will be a box culvert construction with appropriate design criteria to ensure passage of water and animals is appropriately mitigated.
- 8.13. Accordingly, the applicant has commissioned SLR to create a hydraulic model of the watercourse, named Hatchgate Ditches which runs to the west of the site and is designated as a Main River. The modelling work carried out is subject to a review and confirmation that it is suitable for use by the EA. Once this has occurred, the points identified by the EA can be addressed.
- 8.14. It was agreed in the EA meeting that the model, hydrology and validation reports, along with an updated FRA addressing each point in term will be submitted to the EA for full review. Following the full review and subject to the relevant information being suitable, the EA will remove their objection prior to the Inquiry.
- 8.15. Accordingly, we consider the matter is likely to be resolved prior to the Inquiry and no further evidence on flooding will be required.
- 8.16. Reason for Refusal 6 states that:
- By virtue of a lack of accurate information, an assessment date for baseline biodiversity value cannot be agreed. Therefore an assessment of how 10 percent biodiversity net gain will be achieved is not possible and as such, if granted planning permission, there is no guarantee if 10 percent biodiversity net gain will be achieved, hence would be contrary to Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).*
- 8.17. The concerns raised were in relation to the classification of 'modified grassland g4' instead of 'other neutral grassland g3c' and 'ruderal/ephemeral' under the UK Habitat Classification system. Parts of the grassland in the northwest of the site were previously categorised as other neutral grassland and ruderal/ephemeral in previous ecology reports by Ecology Solutions Limited. Further information on this classification can be found in the Ecological Impact Assessment justifying the classification of the grassland on site as 'modified grassland g4' for this application. Principally, the UK Habitat Classification system was revised in July 2023, which changed the definitions of the habitats in question. Under the latest guidance, which the Statutory BNG metric must follow, the grassland has been assessed to be 'modified grassland g4'.
- 8.18. Further, the classification as 'modified grassland g4' does not constitute "degradation" under the Biodiversity Gain Regulations, as this change has not come about (as defined in legislation) by the "carrying on of activities" by a person.
- 8.19. Tyler Grange Ltd are the appellants appointed ecologist and arboriculturist to support the planning application and appeal. The two trees were removed prior to the appellant and Tyler Grange Group Ltd's involvement. It has been assumed that the two trees have been of veteran status in the absence of any survey data for the trees. An Irreplaceable Habitat Compensation Strategy will be provided as further information. This will provide specific measures to compensate for the loss of the trees and the associated habitat. Compensatory measures will include:
- Management of existing trees to create and promote veteran tree features (i.e. 'veteranisation' techniques), where appropriate.
 - New tree planting that secures future standalone parkland trees, using species and specifications with potential to reach veteran status.

- Re-creation of habitats associated with veteran trees, such as deadwood, habitat piles, cavities and crevices.
- Commitment to a minimum 30-year management plan that safeguards existing and new habitats associated with veteran trees.
- Appropriate management of recreational impacts towards existing and new habitats associated with veteran trees.

8.20. It's also pertinent to note that at outline stage the only BNG information that is essential is the baseline value of the site. Detailed landscape plans, a Biodiversity Gain Plan, finalised BNG metric, and Habitat Management and Monitoring Strategy would all be expected to follow at RM stage. The post-development habitats shown in the BNG metric are based on the Illustrative Masterplan, and is intended to demonstrate the likely BNG score at RM. At RM stage, if any minor changes in the landscaping strategy result in 10% net gain not being achieved on site, purchase of units from a private habitat bank (or as a last resort, purchase of statutory credits) would be available to the scheme.

8.21. As such, the Supplementary Ecology Report being provided, along with the Irreplaceable Habitat Compensation Strategy, show that the scheme can guarantee that 10% net gain will be met.

8.22. Reason for Refusal 7 states that:

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

8.23. RfR 7 relates to both bat activity and bat roosts. The former was due to survey timings, and a Bat Activity Report (reference 16452/R03) has since been provided to give assurance that the scheme will have an acceptable impact on commuting and foraging bats, as long as recommended mitigation is followed.

8.24. The Ecological Impact Assessment Report (reference 16452/R02b) provides information on the trees with Potential Roost Features (PRFs). Further information on the type and condition of each PRF is provided in the Supplementary Ecology Report, alongside cross-referencing with the data collected during bat activity surveys. No tree loss is proposed, and the only potential impact to protected species would be via disturbance – this is proposed to be controlled via planning conditions including inputs to a Construction and Environmental Management Plan (CEMP) during the construction phase and a bat-sensitive lighting strategy during the operational phase. As per the Ecological Impact Assessment Report, Supplementary Ecology Report, and Bat Activity Report, the development thereby has an acceptable impact on ecology in line with planning policy and legislation.

8.25. Whilst the loss of trees was not directly referenced in the reason for refusal, the Officer's Report accompanying the decision notice, raised concerns. We address the comments raised in the Officer's Report below for completeness.

8.26. Summary of Landscape and Trees Officer comments from Officer report:

- Loss of hedgerow to facilitate access that is alleged to detrimentally impact the character and appearance of Lodge Road and Tape Lane.
- Insufficient information to understand the full extent of removal and protection of hedgerows and trees to the north of the proposed access at Lodge Road.
- Further removal to what was reported to facilitate the emergency access at Tape Lane.
- Lack of arboricultural impact assessment information relating to 'potential' offsite footpath and highway works.
- Alleged premature deterioration of two existing Veteran trees.

8.27. Addressing each point in turn:

Loss of hedgerow to facilitate access that is alleged to detrimentally impact the character and appearance of Lodge Road and Tape Lane.

8.28. The officer highlights that the hedgerow along Lodge Road appears wider than that shown on the submitted tree survey plans. The tree survey has used the topographical survey to map hedgerow extents, and the hedgerow has grown in width since the

topographical survey was completed. On reviewing Streetview images from previous years, the hedgerow was maintained at its sides and top in previous years (See image 1 and 2 below). The verge between the road and the hedge is more apparent in the earlier image. The fact that the hedgerow has grown does not mean that more hedgerows would need to be removed from that set out in the arboricultural report / plans. It would mean some additional cutting back, however, this would be to the original maintained extent, which would be required in the future irrespective of the development to maintained the hedgerow along the existing highway.



Figure 8. 1 Recent (2023) Street view of hedgerow indicating no recent management.



Figure 8.2 Street view of hedgerow indicating the hedge was previously maintained (image from 2018).

The majority of the existing hedgerow will be retained in addition to existing trees on the site (which feature in the backdrop of the hedgerow) and woodland on the western side of the road. The loss of the section of hedgerow is localised and can be suitably compensated.

Insufficient information to understand the full extent of removal and protection of hedgerows and trees to the north of the proposed access at Lodge Road.

- The submitted arboricultural report addressed this point at sections 3.11 and 3.12. No tree losses are anticipated to facilitate this section of footpath. The path will be located on top of the roadside verge. It will adopt a no-dig construction method to mitigated impacts towards the RPAs of trees which is also highlighted on the submitted transport plans. The path has been designed to include 500mm spacing between the path edge and tree stems which allows space for their future growth. The proposed approach is considered consistent with the industry guidance (section 7.4.2 of BS5837). Further details of tree protection measures can be provided as part of a full Arboricultural Method Statement (secured by condition) which will also be required for the wider site.

Further removal to what has been reported to facilitate the emergency access at Tape Lane.

- 8.29. Vegetation located along Tape Lane to the north of the two veteran trees (T32 and T33) is of low arboricultural quality and value (Category C and Category U). In our view, it is of insufficient value to have a material impact on the character and appearance of the area if it were to be removed. The vegetation present around the emergency access includes a stretch of dead / dying elm trees (affected by Dutch elm disease) to the south the emergency access (G37), and 'shrubby' components to the north of the access (G38 and G39). Some parts of the boundary vegetation comprised very limited woody species, but are formed of low level bramble and other non-woody plants. These sections are reflected on the tree survey plans via gaps shown between the surveyed groups. While the visibility splay measures approx. 80m, this would not involve 80m of predominantly removed established hedgerow as suggested by the LPA. The loss and pruning of any material vegetation is contained to the section of G38 as shown and pruning back of G39 for the visibility splay / pedestrian link.

Lack of arboricultural impact assessment information relating to 'potential' offsite footpath and highway works.

- 8.30. Tyler Grange have not assessed any offsite highway / footpath works other than that north of the Lodge Road access. Assessment of areas in question to be completed as part of appeal process.

Alleged premature deterioration of 2 Veteran trees

- 8.31. Development buffer zones have been applied to both trees in line with the NPPF Standing Advice and are therefore considered sufficient to prevent any potential deterioration of the trees from development in the short and long-term. Following consultation with the appointed transport engineers, the likely 'construction envelope' to form the new access road between the trees is as follows:
- A 6.5m carriageway width (to ensure the route can comfortably accommodate a bus).
 - A 3.0m shared-use footway/cycleway on the eastern side of the carriageway.

- 8.32. Up to a 1.0m construction margin on either side of the access road.

- 8.33. Total corridor width = c. 11.5m

- 8.34. Assuming the road is positioned centrally between the veteran trees, this would leave c. 2.5-3.0m of space either side of the access road. This is understood to be sufficient for any groundworks, which in this case are not anticipated to be extensive as the existing ground level does not change significantly through this section of the layout – with no more than a c. 200-300mm difference between spot heights. At this stage, the proposed access corridor is considered feasible without impacting the buffer zones of the trees.

Overcome by way of process

- 8.35. Reason for Refusal 8 states that:

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

- 8.36. Please see Unilateral Undertaking Drafting which accompanies this appeal submission which includes provisions addressing the requirements set out in RfR 8.

- 8.37. Reason for Refusal 9 states that:

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

8.38. Please see Unilateral Undertaking Drafting which accompanies this appeal submission which includes provisions addressing the requirements set out in RfR 9.

8.39. Reason for Refusal 10 states that:

In the absence of a completed Legal Agreement, the development fails to secure a schedule off-site highway works for pedestrian and sustainable travel infrastructure and the management/adoption of internal estate roads and public open spaces, contrary to Core Strategy policy CP1, CP3, CP4 and CP6 and MDD Local Plan policy CC03 and TB08 and sections 4, 8, 9 and 12 of the NPPF

8.40. Please see Unilateral Undertaking Drafting which accompanies this appeal submission which includes provisions addressing the requirements set out in RfR 10.

8.41. Reason for Refusal 11 states that:

In the absence of a completed Legal Agreement, the proposed development fails to make adequate contributions to sport and recreational facilities, contrary to MDD Local Plan policy TB08, Core Strategy policy CP4 and Sections 4 and 8 of the NPPF.

8.42. Please see Unilateral Undertaking Drafting which accompanies this appeal submission which includes provisions addressing the requirements set out in RfR 11.

9. Main Appeal Matters

- 9.1. In light of the findings of Chapter 8, the Appellant considers that the main issues for the appeal relate to the location of the proposed development in 'Countryside outside of settlement limits' (reason for Refusal 1), the impact of the development on landscape and character (Reason for Refusal 3) and appropriateness of the location of the development with regards to sustainability (reason for refusal 4).

Development outside of settlement limits

- 9.2. Reason for refusal 1 states that:

The proposal results in an unsustainable pattern of development by reason of the creation of a new unplanned large housing estate on a greenfield site in the countryside outside of settlement limits. It would be significantly out of scale with neighbouring small village of Hurst and the level of existing infrastructure within the village. The development is contrary to the spatial objectives of the development plan and policies CP1, CP2, CP3, CP6, CP9 and CP11 of the Core Strategy, CC01, CC02, CC03 and TB21 of the MDD Local Plan, the Borough Design Guide SPD and section 2, 4, 8, 9, 12 and 15 of the NPPF.

- 9.3. The Site is located outside of development limits as per Policy CC02 Development Limits and Policy CP11 Proposal Outside Development Limits (including Countryside). However, the adopted local plan is now outdated, and little weight can be given to its spatial strategy.
- 9.4. In addition to this, Wokingham are not able to demonstrate a 5-year housing land supply, with the Council's most recently published position being 3.2 years, based on the now outdated 4 year requirement, extrapolating this data against the most recently published housing need figures, over a five year requirement, results in 1.8 years supply being available. The appellant on the Twyford appeal concluded the same in their assessment (Twyford ref: APP/X0360/W/24/3350170). Therefore, it is established that WBC require further housing.
- 9.5. In the context of the Government announcing plans to build 1.5 million homes over the current Parliament and an increased emphasis on housebuilding being directed from a national level through the revised NPPF and Planning Practice Guidance changes, there has been a considerable shift in the way LPA's should assess planning proposals, with regard to existing 'out-of-date' settlement limits. In the absence of a five year housing land supply, the settlement limits restricting the location of developmental growth in and around Hurst should be considered 'out-of-date', a considered approach should therefore be given to individual planning applications, outside settlement limits, and the assessment of acceptability carried out in the context of the presumption in favour having been engaged.
- 9.6. Turning to the emerging local plan, which has recently been submitted for examination, it is seen that there is a significant shortfall in housing proposed. The proposed plan stipulates a housing need of 751 dwellings per annum. A revised NPPF was published in 2024 alongside new standard methodology figures for proposed housing targets for local authorities. As seen through the new housing figures, WBC are required to deliver 1,336 dwellings per annum. The proposed 751 dwellings per annum would therefore demonstrate a shortfall of 585 dwellings per annum, or 44% of the required need. Accordingly, as per the findings of appeal ref: APP/X0360/W/24/3350170 only limited weight can be afforded to the emerging Local Plan and we would suggest that specifically only very limited weight can be afforded to emerging policies controlling the location and delivery of housing at this stage.
- 9.7. The revised NPPF further states in Paragraph 234a) that –
- For the purpose of preparing local plans, the policies in this version of the Framework will apply from 12 March 2025 other than where one or more of the following apply:*
- a. the plan has reached Regulation 19 (pre-submission stage) on or before 12 March 2025, and its draft housing requirement meets at least 80% of local housing need*
- 9.8. Whilst WBC have surpassed Regulation 19 stage, the draft housing requirement does not meet at least 80% of local housing need. Therefore, WBC are subject the policies of the new framework from the 12th December 2024. This includes the updated housing numbers.
- 9.9. Paragraph 237 of the revised NPPF states –
- Those local plans that reach Regulation 19 (pre-submission stage) on or before 12 March 2025 and whose draft housing requirement meets less than 80% of local housing need should proceed to examination within a maximum of 18 months from 12 December 2024.*

- 9.10. As it stands, the weight given to the adopted plan should be limited due its outdated nature and the emerging local plan fails to deliver against the required housing numbers, therefore resulting in limited weight being afforded to its spatial strategy and the emerging policies also.
- 9.11. The emerging Local Plan will be subject to an immediate review, under the latest NPPF policies upon its adoption, rendering the policies controlling the delivery of housing out-of-date until said review has taken place. The timing for a Local Plan Review, at best, can be anticipated to take place in Summer 2028. Under the currently published standard methodology for objectively assessed need, we are already in a position to understand that WBC are planning housing delivery woefully below the need set out in the 2024 NPPF and we urge the Inspector to support the interim supply of housing until such a time that the immediate Local Plan review forces the Council to plan for the housing needed.
- 9.12. The appeal site can deliver 99 much needed homes ahead of the Local Plan, on the basis that the full scheme would be completed by 2028. The emerging Local Plan in its current form, is reliant on Loddon Valley Garden Village, whereby delivery of homes will be significantly delayed due to the complexities associated with such large scale proposals. At present the plan seeks to deliver the first 2,700 homes at Loddon Valley by 2040. The appeal proposals can commit to pursuing immediate delivery, with occupation of homes anticipated in 2028, following Reserved Matters and build out. Immediate housing delivery, particularly in the absence of a five year housing land supply, is a significant benefit of the appeal scheme.
- 9.13. With all of this considered, assessing the proposals in this location, the application package comprise a significant raft of benefits, which contribute toward delivering a sustainable form of development.
- 9.14. The application is tested under Paragraph 11 of the NPPF. Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 9.15. We therefore set out the benefits of the development below:
- The proposal would deliver up to 99 new, high-quality family homes – in accordance with the Twyford appeal decision significant weight should be afforded to the delivery of market housing;
 - 50% of the housing will be affordable, above the 40% policy requirement – in accordance with the Twyford appeal decision very significant weight should be delivered to the provision of affordable housing, as there is a need for 352 additional affordable dwellings per annum as per the Local Housing Need Assessment (2023);
 - Delivery of a critical cycle connection to Twyford Railway Station (in line with the WBC LCWIP Proposals) – significant weight afforded;
 - Improvements to pedestrian infrastructure throughout Hurst (Lodge Road, Broadwater Lane and Tape Lane) including the provision of new footways, widening of existing footways, improved crossing provision and traffic calming measures – moderate weight afforded;
 - The proposals would deliver economic benefits in the form of employment during the construction phases of the development, as well as increased spending within the borough as a result of the new occupiers – in accordance with the Twyford appeal decision moderate weight should be afforded to this;
 - Delivery of a Bus Improvement Strategy – limited weight afforded;
 - The proposals deliver environmental benefits through the provision of a new central ‘common’ will feature a species rich meadow, enhancing the landscape for enjoyment and access by both new and existing residents – in accordance with the Twyford appeal decision limited weight should be afforded to the environmental benefits;
 - The proposals deliver amenity benefits to the existing and proposed residents, with the majority of the Site being transformed into publicly accessible open space and allotments, and existing trees and hedgerow will be enhanced. 62% of the Site will be retained as open space, opening it up to the public, whereas the current Site is not accessible - in accordance with the Twyford appeal decision limited weight should be afforded to the local amenity benefits;

- The proposals would also deliver BNG in excess of the 10% mandatory target – in accordance with the Twyford appeal decision moderate weight should be afforded to this benefit;

- 9.16. Accordingly, permission should be granted, as, in accordance with NPPF paragraph 11, any adverse impacts of doing so would not be outweighed by the benefits. Although the Site is considered outside of the development limits, WBC are not able to demonstrate a 5-YHLS, which will not be addressed through the emerging local plan.
- 9.17. The proposed development and wider package of benefits will ensure that the surrounding infrastructure will be invested into to support the proposed level of housing, ensuring that the quantum can be supported within Hurst. It is also worth the Inspector being aware that the proposals received a letter of support from the Berkshire Local Enterprise partnership, which can be found at Appendix 8.

Landscape and Character

- 9.18. Reason for Refusal 3 states that:

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

- 9.19. The Appellant acknowledges that the proposed development lies outside the settlement boundary as defined in the MDD Local Plan. However, in light of the demonstrable housing shortfall, it is necessary to consider sites beyond the development limits as currently defined on the Policies Map. Consequently, Policy CC02: Development Limits is out of date. In line with Policy CC01: Presumption in Favour of Sustainable Development, the Appellant will demonstrate in their planning evidence that the localised adverse landscape impacts of the proposed development upon landscape character would be outweighed by other benefits in the planning balance.
- 9.20. The Appellant will describe in their landscape evidence how the development proposals have considered and could achieve the criteria set out in Policy CC03: Green Infrastructure, Trees and Landscaping with reference to the Parameters Plan, Illustrative Landscape Masterplan and Design and Access Statement submitted with the application. In particular, the Appellant will set out how the landscape mitigation proposals could promote accessibility, linkages and permeability across the Site through the creation of new public open space. The Appellant's landscape evidence will also describe how protection of existing trees, hedges and other retained landscape features has been secured in the Parameters Plan. Localised hedgerow loss for access would be minimised. The Appellant's landscape evidence will also set out how the Parameters Plan would provide sufficient space for high quality native planting and landscaping as an integral part of the scheme, with reference to the Illustrative Landscape Masterplan.
- 9.21. With reference to Policy TB21: Landscape Character, the Appellant's landscape evidence will demonstrate how the proposals have addressed the requirements of the Wokingham Landscape Character Assessment (2019), in consideration of landscape sensitivity, quality and strategy. The evidence will also describe how the proposals would maintain the separate character of Hurst and Whistley Green, to the extent that one perceives them as separate today, for the following reasons:
- Hurst and Whistley Green are already joined by continuous housing along Tape Lane and Broadwater Lane;
 - The undeveloped land between Hurst and Whistley Green whilst recognised in the Landscape Character Assessment, is not designated as a local gap;
 - The appeal Site is currently not publicly accessible, and has limited visibility from public locations near the Site perimeter, even in winter, due to the tall perimeter hedgerows;
 - The Site is not highly tranquil and is influenced by adjoining housing. Evidence will be provided with reference to surveys carried out by CPRE.
 - The proposals would not be visible from the conservation area or other assets of historical value in Hurst or Whistley Green;
 - The historical growth of Hurst has been piecemeal, and the village has experienced significant 20th century expansion resulting in coalescence of Hurst and Whistley Green (see page 28 of the Design and Access Statement);

- g) Notwithstanding the fact that the settlements of Hurst and Whistley Green are already conjoined, the Parameters Plan allows for the retention of a significant tract of a 'common' between the proposed development areas, with open space comprising 62% of the Site area. This 'common' will have a countryside character and a greater biodiversity and amenity value than currently exists.
- 9.22. In terms of the Core Strategy Policy CP1: Sustainable Development the Appellant will describe in their landscape evidence how the appeal scheme could, with reference to the Illustrative Landscape Masterplan could provide landscape enhancements to the undeveloped land and maintaining a countryside character to the central 'common'.
- 9.23. Policy CP3: General Principles for Development requires proposals to be of an appropriate scale of activity, mass, layout, built form, height, materials, and character. It will be demonstrated in the landscape evidence with reference to the Design and Access Statement how the parameters of the appeal scheme could deliver a development that would respect the local context.
- 9.24. Policy CP9: Scale and Location of Development Proposals states that the scale of development proposals in Wokingham borough must reflect the existing or proposed levels of facilities and services at or in the location, together with their accessibility. Hurst is listed as a 'limited development location'. The Planning evidence of the Appellant will describe how the appeal proposals comply with this policy.
- 9.25. Policy CP11: Proposals outside Development Limits (including countryside) is concerned with protecting the separate identity of settlements and maintaining the quality of the environment. The Appellant will describe in their landscape evidence how the proposed development would reflect the existing built development context and would be cognisant of adjoining land-uses.
- 9.26. The Wokingham Design Guide SPD and Hurst Village Design SPD have been referenced in the evolution of the appeal proposals as set out in the submitted Design and Access Statement. The Appellants will draw out the key points in their evidence to explain how the Parameters of the scheme could deliver a successful and well-designed development.
- 9.27. The Appellant considers that the appeal proposals would comply with the relevant sections of the NPPF (Dec 2024), and in the landscape evidence will reference section 12. Achieving well-designed places and 15: conserving and enhancing the natural environment with reference to the submitted Design and Access Statement that references the National Design Guide.

Sustainable Location

- 9.28. Reason for Refusal 4 states that:
- The application site is within an unsustainable location where residents would be reliant on private vehicles for basic day-to-day needs, by reason of the countryside location outside of settlement limits, distances to facilities and services, limited public transport links and poor quality of the walking/cycling environment, contrary to policies CP1, CP2, CP3, CP6 and CP11 of the Core Strategy, CC01 and CC02 of the MDD Local Plan, the Borough Design Guide SPD and section 8 & 9 of the NPPF.*
- 9.29. The Inspector of the earlier appeal did not agree with the case put forward in terms of the Site being situated in a sustainable location and offering a genuine choice of transport for the scale of development then proposed. The Inspector found that the level of development proposed impacted on the sustainability of the location, and therefore the quantum of development would result in unsustainable impacts on local transport and highways.
- 9.30. In addition to this, the facilities that would serve the development within Hurst were not deemed to be accessible through the existing highways network, as footways across the village are often non-existing or insufficient widths. The facilities available in Hurst were also considered as not sufficient to support the proposed level of development.
- 9.31. Access to Twyford station was agreed as achievable by cycling, however evidence of cycling facilities were deemed as insufficient. This, in combination with the existing bus service and rail services, led the Inspector to conclude that the Site's location is not *"sustainable for a development **of the size and scale proposed** through this appeal, nor do I believe it would be made sustainable by the improvements and contributions offered by the appellant through the appeal proposal itself."* (our emphasis added)
- 9.32. The Inspector referenced that a development of the size and scale proposed was not sustainable but did not rule out that some level of development could be sustainable in this location.
- 9.33. The Site is located within the vicinity of a good range of local services and facilities that can be expected in a village location, giving future residents the opportunity to travel by sustainable transport modes. However, it is acknowledged from the outcomes of the

recent Appeal for the previous scheme at the application Site that an appropriate package of sustainable transport measures is necessary to ensure that these opportunities can be taken up.

9.34. Whilst the reduction in the proposed development quantum has the effect of significantly reducing the overall impacts of the development on the village of Hurst and the wider local highway network, the delivery of a comprehensive and much enhanced sustainable transport offer is proposed to ensure opportunities for sustainable movement are taken up.

9.35. Evidence will be provided that demonstrates that:

9.36. Hurst is a sustainable location for some development, seen in the context of existing and improved sustainable transport measures.

9.37. Hurst provides a range of facilities which offers a number of important everyday services within a walkable distance, and is also well connected to key service centres, including by sustainable modes.

9.38. Whilst the previous scheme was dismissed, the revised proposals are fundamentally different in both scale and size of the development and the transport package proposed to support the development is significantly enhanced.

9.39. The scheme actively and fundamentally addresses the earlier shortcomings of the dismissed 200 homes scheme by:

- Delivering a strategic cycle route connection between Hurst and Twyford, providing delivery on a key priority scheme of the WBC LCWIP strategy.
- Providing enhanced cycle parking and bus stop facilities at Twyford Railway Station.
- Providing enhanced bus connectivity between Hurst and Twyford for residents.
- Delivering substantial local enhancements to the walking and cycling infrastructure within the village, addressing the shortcomings the earlier Inspector noted.
- Implementing a robust Travel Plan, which includes a Car Club, mobility hub and significant travel incentives.

9.40. Below we take each matter in turn and provide a summary of the position:

1) Hurst is a Sustainable Location for Development

9.41. Hurst is identified by WBC in its Core Strategy as a 'Limited Development Location', recognising that smaller scale development can be considered acceptable. It is therefore explicitly a location that is considered by WBC as a suitable (and so sustainable) location for some development to occur.

9.42. The Core Strategy specifically identifies that Hurst provides "access to the majority of key services", but it is recognised (including by the Core Strategy) that it has limited access to higher-order facilities and public transport. Therefore, development is accepted by WBC in Limited Development Locations on the understanding that some higher-order facilities and services will be provided in other service centres, consistent with paragraph 83 of the Framework. This also reflects the NPPF position (Para 110) that sustainability expectations in rural areas should be adjudged in their context.

9.43. RfR4 alleges that the Site is in an unsustainable location owing (in large part) to the lack of services and facilities available within Hurst. This position is inconsistent with the Core Strategy and is contrary to recent relevant decisions in Hurst and the wider Borough, which will be provided within evidence.

9.44. The dismissal of the previous scheme confirmed that development for 200 homes is not acceptable owing to its scale, however the Core Strategy is explicit in stating that Hurst is a location that is suitable for some development to occur. The revised proposals for 99 homes will be demonstrated to strike the right balance in providing much needed housing at an appropriate scale, aiding viability and vitality, and supported by the necessary improvements to ensure sustainable development.

2) Local facilities in Hurst

9.45. Hurst village provides access to a good range of facilities in the context of a village location which cover many everyday services:

- Primary education and pre-school provision.

- Wide ranging community facilities including a thriving village hall, allotments, scout operation and places of worship.
- Leisure and recreation facilities, including play areas, green spaces, and sports provision.
- Some limited employment opportunities.

9.46. A local shop was present in the village until December 2024. The tenant has subsequently ceased operations of the shop, but it is understood that alternative tenants are being sought for the premises.

9.47. A plan showing the local facilities and services available within Hurst in relation to the Appeal Site is provided at Figure 2.1, while Table 9.1 demonstrates that many of these facilities are accessible within a 'comfortable' walking distance (800m as defined by the National Design Guide and Manual for Streets), and all within a reasonable walking distance (2km). This includes the bus stops on Broadwater Lane and important local services comprising the active village hall, pre-school, play areas and primary school. All the village facilities are located within a short cycle journey of less than 5 minutes, using generally quiet village roads.

Table 9.1 Local Services and Facilities (walking and cycling journey times – actual walking distance)

Purpose	Destination	Distance (metres)	Walk Time (mins)	Cycle Time (mins)
Employment	Orchard Nursery Business units	615	7	2
	Lea Farm Business Unit	1,100	13	4
	Broadwater Lane Business units	810	10	3
	Beech Court Business Centre	1,300	15	5
Education	St Nicholas C of E Primary School	450	5	2
	St Nicholas Pre-School	450	5	2
Leisure	Hurst Village Hall	425	5	3
	Scout Hut	435	5	2
	Local Area of Play	400	5	2
	Allotments	200	2	1
	The Castle Inn Public House	1,025	12	4
	Recreation Ground	400	5	2
	Hurst Cricket Club	500	6	2
	The Green Man Public House	750	9	3
	Elephant and Castle Public House	850	10	3
Misc.	St Nicholas Church	1,025	10	3
	Hurst Gospel Hall	650	8	2
Transport	Wards Cross Bus Stop	330	4	1

Walk speed of 1.4m/s (MfS) / Cycle speed of 15km p/hour (MfS2). Distances are actual distance from the centre of the site.

	Comfortable walking distance (800m)
	Reasonable walking distance (1.6km)
	Maximum walking distance (3.2km)
	Reasonable cycling distance (5.0km)

Source: National Design Guidance, Manual for Streets, and National Travel Survey

- 9.48. Residents of the Appeal Site would have easy and comfortable access to important everyday facilities and services by a choice of transport modes, including primarily walking and cycling.
- 9.49. The Transport Assessment (section 6.6) provides evidence that where journeys are short (less than one mile) most (around 80%) trips are made on foot. There is strong potential for sustainable travel patterns to develop at the Site.

3) Improvements in the Village

- 9.50. Hurst village provides access to a good range of facilities that can be accessed within a comfortable walking / cycling distance. However, the propensity for people to walk and cycle is influenced not only by distance, but also the quality of the routes available. The shortcomings of the previous application are recognised, including the limitations on local connectivity within Hurst to ensure these opportunities are taken up.
- 9.51. The revised proposals directly address this issue and propose the delivery of a much-enhanced sustainable transport offer. Part of this strategy includes a comprehensive suite of pedestrian infrastructure improvements within the village, to ensure there are improved (and in their own right safe, direct and attractive) opportunities for both existing and future residents to access local facilities and services by active modes. The proposals are detailed in the Transport Assessment (Section 7.2) and further detail on the improvements will be provided within the Transport Evidence.

Lodge Road

- The delivery of a new 2.0m wide length of footway along the eastern side of Lodge Road, leading north from the proposed Site access.
- 9.52. The footway will tie into the existing footway provision on Lodge Road which commences c. 150m to the north of the Site and will provide a continuous walking route from the Site to the existing residential area in Hurst and nearby Elephant & Castle Public House. This will improve connections for existing and future residents.

Tape Lane and School Road

- The delivery of new lengths of 2.0m wide footways along the southern extent of Tape Lane and School Road – including tactile paving crossings over School Road.
- 9.53. The footways will facilitate improved pedestrian connections to the nearby St Nicholas Pre-School and St Nicholas Primary School and the Village Hall.

Tape Lane and Broadwater Lane

- Widening the existing footway (on the eastern side of the carriageway) at the northern extent of Tape Lane to 2.0m – providing a continuous connection from the Site to Broadwater Lane.
 - Widening the existing footway on the northern side of Broadwater Lane and delivering two new uncontrolled pedestrian crossing points (as build outs) – providing a significant betterment over the existing provision.
 - Implementing a 20mph zone and associated gateway signage along Broadwater Lane – to improve the environment for all users.
- 9.54. This package of works will deliver significant improvements within the centre of the village for both existing and future residents and will ensure safe connections are provided to local facilities and services along Broadwater Lane.

4) Wider Accessibility

- 9.55. Hurst is well related to other local service centres, namely Twyford, Winnersh, Wokingham and Woodley, and to Reading itself. The wider accessibility is demonstrated in Figure 2.1 (TA Table 6.1).
- 9.56. For travel to higher order facilities, including secondary education, there is a regular bus connection to Twyford, Winnersh, Wokingham and Reading which provides residents with a choice of how they travel.

- 9.57. The Site is located directly on the local bus route serving Hurst village (the 128/129 service operated by Thames Valley Buses) which offers regular (broadly hourly) services to Twyford, Winnersh, Wokingham and Reading, providing important access to higher order facilities. Bus stops are located on Broadwater Lane, a 4-minute walk for site residents, well within the guidelines (generally 400m).
- 9.58. Bus service 128/129 provides a direct connection to Twyford Railway Station and stops immediately outside of the station. The first bus to depart Hurst for Twyford Station is at 07:23 and has a 11-minute journey time, arriving at 07:34 at Twyford Station. This enables residents of Hurst to access destinations further afield such as Reading, Maidenhead, Slough, and London Paddington for employment journeys (including utilising the now open Elizabeth Line which provides substantially improved connections to London). Train services to London depart at 07:50, 07:54 and 07:59. These services arrive in London Paddington between 08:21 and 08:43 providing reasonable opportunities for residents to access their destination before the start of the typical working day. Train Services to Reading depart at 07:39 and 07:47, with a 7–10-minute rail journey. There are similar return opportunities that enable access to London and Reading by train and bus connections.
- 9.59. The application ensures that these choices are available to residents by proposing significant pedestrian infrastructure improvements within the village, thereby providing good connectivity to the bus services on Broadwater Lane, and through proposing fundamental improvements to enhance the connectivity of Hurst to wider destinations, including:
- Realising the aspirations of WBC's LCWIP through the delivery of a comprehensive cycle improvement scheme between Hurst and Twyford Railway Station – covering a c. 2km length of Lodge Road, Broadwater Lane and Hurst Road. The proposals are detailed in the Transport Assessment (Section 7.3) and further details will be provided in the Transport Evidence.
 - The delivery of a Bus Improvement Strategy that will provide significant local bus enhancements. This will include a 'Bus Improvement Plan' to be secured in the s106 agreement which would commit the Appellant to delivering improved bus services for the Site over a long-term period, including to deliver service frequency enhancements that achieve a better than half-hourly service. Options for how the Bus Improvement Plan will be delivered, secured and funded will be provided in the Transport Evidence.
- 9.60. Evidence will be presented to demonstrate how these improvements fundamentally improve accessibility in the area for existing and future residents.

Promoting Sustainable Transport Choices

- 9.61. In line with the NPPF (paragraph 115) and local policy requirements, particularly Core strategy Policy CP1 and CP6, the proposals include delivery of a comprehensive Sustainable Transport Strategy to promote sustainable travel choices, which will be secured within the s106 agreement for the scheme.
- 9.62. The scheme embraces these opportunities through the delivery of 'hard' infrastructure measures (as detailed above) and 'soft' measures. These are summarised in Section 7 of the Travel Plan submitted alongside the application and have been replicated below for ease.

Table 9.2 – Sustainable Transport Strategy Measures

Measure	Delivery
Travel Plan Measures (Secured by Condition)	
Appoint Travel Plan Co-ordinator	Developer
Travel Planning Promotion Measures (Welcome Pack, Posters, Leaflets, Website, Social Media)	Appointed Travel Plan Co-ordinator
Sustainable Travel Voucher for use on public transport tickets or cycle purchase/equipment (£500 per dwelling)	Appointed Travel Plan Co-ordinator
Broadband Infrastructure	Developer
Parcel drop-off/pick-up facilities	Developer
Promotion of home delivery services	Appointed Travel Plan Co-ordinator
Delivery of Car Club (at Mobility Hub)	Appointed Travel Plan Co-ordinator

Measure	Delivery
Promotion of Lift share measures	Appointed Travel Plan Co-ordinator
Establish Cycle User Group	Appointed Travel Plan Co-ordinator
Negotiate discounts with cycle stores	Appointed Travel Plan Co-ordinator
Infrastructure Measures	
Delivery of pedestrian access onto Tape Lane	To be delivered by the developer
Deliver footway improvements on Lodge Road	
Footway improvements on Tape Lane to School Rd	
Footway improvements along Tape Lane and Broadwater Lane to local services	
Strategic cycle improvement scheme to Twyford Railway Station, including cycle improvements along Lodge Road, Broadwater Lane and Hurst Road	
Improvements at Twyford Railway Station	To be delivered by the developer through the Bus Improvement Plan
Delivery of new bus service to Twyford	
Delivery of on-site mobility hub	To be delivered by the developer
Other Measures	
Local Infrastructure Improvements	CIL
My Journey Contribution	Contribution to WBC
Provision of EV Charging for all dwellings	Delivery by developer

9.63. A visual representation of the comprehensive sustainable transport package is also provided as **Figure 4** of the Transport Assessment.

Other matters

9.64. The WBC Officers Report summarises the various representations that were made to the application (including those from the St Nicholas Hurst Parish Council). These were considered by Officers in forming their Decision (under Delegated Powers).

9.65. In addition to accessibility matters that will be addressed in the Transport Evidence, various other highway and transport matters were raised including in relation to:

- Transport and highway safety, including the feasibility of the proposed infrastructure improvements.
- Traffic impacts, volumes and speed data.
- Access to the development Site.

9.66. None of these matters were raised by the WBC Highways Officers nor did WBC refuse the application for any traffic or safety reasons, having carefully reviewed the submission material.

9.67. The Transport Assessment and Addendum consider fully the access, safety, and likely traffic impacts of the scheme, concluding that safe and suitable access to the Site will be provided, and that the traffic impacts are not unacceptable. This is confirmed by the WBC Highways Response to the application and the Officer Delegated Report itself.

10. S106 and Conditions

- 10.1. Should the Appeal be upheld and planning permission granted; the resulting planning permission would be subject to a S106 Obligation and Conditions.
- 10.2. The Appellant will work to agree the S106 Obligations and Conditions to be imposed with the Council. Further detail of this will be detailed in the Statement of Common Ground, however the Appellant sets out below a set of proposed Draft Heads of Terms.

Draft Heads of Terms

- 10.3. It is anticipated that appropriate control mechanisms will be incorporated into suitably drafted Section 106 Obligations. These provisions are anticipated to cover, but not be limited, to the following heads of terms:
- Affordable Housing;
 - Employment and Skills Plan / Contribution;
 - Transport improvements including on and off site highway works comprising footway, cycle and bus improvements, estate road provision, sustainable travel measures such as travel voucher obligation, car club and funding for WBC's My Journey programme, and bus service provision through the delivery of the Bus Improvement Plan;
 - Biodiversity Net Gain;
 - SuDs scheme;
 - Play Facility Contribution;
 - Sports Facilities Contribution;
 - Amenity Greenspace Contribution;
 - Details of Management Plan (orchard and allotments); and,
 - Travel Plan.

11. Summary and Conclusions

- 11.1. The Appeal proposals provide a high-quality development of up to 99 dwellings at Lodge Road, Hurst. This Statement of Case presents a planning balance, which has considered the economic, social and environmental benefits of the proposal against its impacts.
- 11.2. The appeal proposals are clearly different from the earlier appeal scheme, alleviating the pressures on the Site by more than halving the development, whilst also maximising the benefits package. The planning context has also changed considerably since the previous appeal and as such we ask the Inspector to consider the proposals in light of the contribution they can make to national and local housing pressures at this current time.
- 11.3. It is submitted that the Appeal proposals are acceptable in terms of policy and provide sustainable development. The proposals, if allowed, will deliver much needed family and affordable housing, in a well-designed, proportionate scheme, which protects the character of Hurst.
- 11.4. The proposals bring forward a raft of benefits:
- The proposal would deliver up to 99 new, high-quality family homes;
 - 50% of the housing will be affordable, above the 40% policy requirement;
 - Delivery of a critical cycle connection to Twyford Railway Station (in line with the WBC LCWIP Proposals);
 - Improvements to pedestrian infrastructure throughout Hurst (Lodge Road, Broadwater Lane and Tape Lane) including the provision of new footways, widening of existing footways, improved crossing provision and traffic calming measures;
 - The proposals would also deliver BNG in excess of the 10% mandatory target;
 - The proposals would deliver economic benefits in the form of employment during the construction phases of the development, as well as increased spending within the borough as a result of the new occupiers;
 - Delivery of much improved sustainable transport opportunities, including through the provision of Bus Improvement Strategy;
 - The proposals deliver environmental benefits through the provision of a new central 'common' will feature a species rich meadow, enhancing the landscape for enjoyment and access by both new and existing residents;
 - The proposals deliver amenity benefits to the existing and proposed residents, with the majority of the Site being transformed into publicly accessible open space and allotments, and existing trees and hedgerow will be enhanced. 62% of the Site will be retained as open space, opening it up to the public, whereas the current Site is not accessible;
 - A comprehensive package of highways and transport improvements are proposed as part of the proposals; and
 - High quality design which responds to the existing settlement of Hurst, retaining views across the Site.
- 11.5. All other matters can be overcome either by way of detailed design, the submission of additional information or through process – leaving no justification for the proposals to not be found acceptable.
- 11.6. It is respectfully requested that the Appeal is upheld.