



Appeal Decision

Inquiry Held 27-29 September 2022

Accompanied site visit made on 30 September 2022

by I Jenkins BSc CEng MICE MCIWEM

an Inspector appointed by the Secretary of State for Levelling-up, Housing and Communities

Decision date: 20 December 2022

Appeal Ref: APP/X0360/W/22/3297645

**Land to the west of St Anne's Drive and south of London Road,
Wokingham, RG40 1PB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Beaulieu Homes South Ltd against the decision of Wokingham Borough Council.
 - The application Ref. 203544, dated 8 December 2020, was refused by notice dated 13 January 2022.
 - The development proposed is the erection of 54 units (including 19 affordable homes) with associated access road from St Anne's Drive, landscaping and open space.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 54 units (including 19 affordable homes) with associated access road from St Anne's Drive, landscaping and open space at land to the west of St Anne's Drive and south of London Road, Wokingham, RG40 1PB, in accordance with the terms of the application, Ref. 203544, dated 8 December 2020, subject to the Schedule of Conditions set out in Appendix 3 to this decision.

Procedural matters

2. At the start of the session on 28 September 2022, I adjourned the Inquiry for the day in order to investigate concerns regarding the risk of intimidation of witnesses at the Inquiry. I asked that if anyone had any concerns about intimidation by others they contact the Planning Inspectorate's case officer urgently that morning. Although concerns were raised by some, each person confirmed that they had not themselves been deterred from giving the evidence they wanted to give. I concluded that whilst there were some grounds for concern, the situation had not gone so far as to prejudice the integrity of the proceedings. I announced my findings at the start of the session on 29 September 2022 and warned those present against any behaviour which may be construed by others as intimidatory, before continuing with the proceedings. No further incidents were reported to me or to the Planning Inspectorate that I consider would have prejudiced proceedings and I am therefore satisfied that I have all the evidence necessary upon which to make my decision.
3. The description of the proposal given on the planning application form is 'erection of 55 units (including 19 affordable homes) with associated access

road from St Anne's Drive, landscaping and open space'. However, at the Inquiry, Wokingham Borough Council (WBC) and the appellant confirmed that, while the planning application was before WBC for determination, the description was changed to *'erection of 54 units (including 19 affordable homes) with associated access road from St Anne's Drive, landscaping and open space'*. WBC's Decision Notice reflected that change. Therefore, I have considered the appeal on the basis of the revised proposal and the amended description is set out in the summary information and decision above.

4. At the Inquiry, an objector indicated that the company named as appellant on the planning appeal form, 'Beaulieu Homes Limited', was dissolved some time before planning application Ref. 203544 was made. The appellant confirmed that the full name of the company which made both the planning application and appeal is 'Beaulieu Homes South Limited', a company registered with Companies House in 2012. It indicated that the shorter versions of the Company's name given on the planning application form (Beaulieu Homes) and planning appeal form (Beaulieu Homes Limited) amounted to typographical errors. There is no evidence to show otherwise. I share the view of WBC and the appellant it is unlikely that the interests of anyone have been prejudiced by these errors, nor would they be likely to be by the use of the full name in this decision. Therefore, I have used the identified full name, Beaulieu Homes South Limited, in the summary information above.
5. Shortly before the Inquiry, the appellant confirmed that WBC's Property Department and Highways Department had mistakenly been omitted from the *Certificate of Ownership-Certificate B* attached to the planning application form. However, it indicated that those additional parties had been fully informed throughout the process and so their interests had not been prejudiced; a position which was not disputed by WBC when asked at the Inquiry.
6. During the Inquiry, it was identified that the southern tip of the application site, as shown on the planning application location plan (drawing no. 650.020.009) considered by WBC, extends across the shared boundary between the administrative areas of WBC and Bracknell Forest Borough Council (BFBC). However, notwithstanding the 'cross-boundary' extent of the original application site, a parallel planning application, normally required in cases where an application straddles such a boundary, had not been submitted to BFBC. In order to address this matter the appellant requested that the appeal be determined on the basis of a revised 'red line' site boundary shown on location plan drawing no. LP-01, dated 28 September 2022, which omits the section of the site within the administrative area of BFBC. It indicated that this modification would be unlikely to prejudice the interests of anyone, as the development comprising the appeal scheme, which is shown on the other application plans, does not extend beyond the administrative boundary of WBC. Furthermore, the area which would be omitted is not needed for the implementation of the appeal scheme. None of these matters was disputed by WBC and there is no compelling evidence before me to indicate that the interests of anyone would be prejudiced by the proposed amendment.
7. In my judgement, as the area to be omitted is small and appears not to be needed for the implementation or mitigation of the proposed development, the revision of the site 'red line' boundary would not materially alter the scheme from that considered by WBC, and on which interested people's views were sought. It is unlikely that anyone's interests would be prejudiced by the

requested modification. Therefore, I will consider the appeal on the basis of the removal of that area of the site within the administrative area of BFBC.

8. At a late stage in the planning application/appeal process, after the close of the Inquiry, a local resident who had appeared at the Inquiry identified that a small area of land within the appeal site is recorded at HM Land Registry as owned by Vantage Investments Limited, who was not notified of the planning application or appeal application according to the notification certificate B that accompanied those applications. Companies House records indicate that Vantage Investments Limited was dissolved in 1985 and so could not have been notified. Nonetheless, as it follows that notification certificate C should have been completed (followed by publication of a notice in a local newspaper), rather than certificate B, a technical defect in the notices/notifications remains.
9. However, for the reasons that follow, I consider it is unlikely that the outcome would have been different had the correct certificate been used. Although it is within the original red line boundary of the appeal site, it appears to me that no development is proposed on that area of land registered to Vantage Investments Limited, which is located to the south of the proposed access road and to the east of the proposed housing, and it is not otherwise required for the implementation or mitigation of the appeal scheme. Furthermore, the small area of land registered to Vantage Investments limited is insignificant in terms of the appeal scheme. To my mind therefore, the notice defect/lack of notification is unlikely to have prejudiced any party whether having a private interest in the land or public interest in the scheme. In addition, this could be ensured by amending the red line boundary of the site to exclude the small area of land registered in the name of Vantage Investments Limited. In my judgement, that would amount to a minor modification, which would not materially alter the scheme from that considered by WBC, and on which interested people's views were sought. It would be unlikely to prejudice the interests of anyone. A suitably amended 'red line' site location plan, drawing no. LP-01 rev A, dated 15 December 2022, has been provided by the appellant and is attached at Appendix 4 to this decision. Under the circumstances, I consider that the error in the notices/notification is not fatal to the appeal and that the above approach is a proportionate response.
10. For the avoidance of doubt, in my judgement, even taken together, the changes to the red line boundary of the site referred to above would not materially alter the nature of the development subject of the planning application, it remains essentially what was considered by WBC and on which interested people's views were sought, and cumulatively the changes would be unlikely to prejudice the interests of anyone. I will consider the appeal on the basis of the revised red line boundary shown on drawing no. LP-01 rev A, dated 15 December 2022, which also reflects the modification of the southern boundary of the site referred to above, which was shown on drawing no. LP-01, dated 28 September 2022. I will refer to that revised site area, shown on drawing no. LP-01 rev A, dated 15 December 2022, as the appeal site in the remainder of my decision.
11. In support of the appeal proposal, the appellant has submitted a formally completed agreement pursuant to section 106 of the *Town and Country Planning Act 1990*, which contains obligations intended to address the WBC's third and fourth reasons for refusal. I have taken it into account.

Main Issues

12. Prior to the Inquiry, WBC confirmed that following changes in its housing land supply position, which I will return to below, it had reviewed its case and resolved not to offer evidence at the Inquiry in support of the first and second reason for refusal set out in its Decision Notice. Nonetheless, evidence has been provided by others in support of those reasons for refusal, which are reflected in the following main issues 1) and 2).
13. I consider that the main issues in this case are:
- 1) The effect of the proposal on the character and appearance of the Green Route and local area, with reference to protected trees, amongst other matters;
 - 2) The effect of the proposal on the Spatial Development Strategy for the area, with particular reference to the separation between Wokingham and Bracknell;
 - 3) The effect on the supply of Affordable Housing and housing land;
 - 4) Whether the proposal makes adequate provision for infrastructure, on and off-site services, amenities and financial contributions to mitigate the impacts of the development on the local area; and,
 - 5) The planning balance.

Reasons

1) The effect of the proposal on character and appearance

14. The appeal site is an irregular shaped area of land, around 3.33 hectares in size, which fronts onto the southern side of London Road and tapers to the south. The largest part of the site comprises grassland, which is managed as horse paddocks and exercise areas. However, towards the middle of the site, it also contains a stable block, yard area and a number of open fronted sheds. The northeastern corner of the site includes a short section of St Anne's Drive adjoining London Road.
15. The appeal scheme involves the erection of 54 dwellings within the site, with access off St Anne's Drive close to its junction with London Road. The scale of development would be 2-storeys for the most part, with two 2.5-storey blocks within the northern part of the site, set back from London Road beyond landscaped open space.
16. The appeal site is separated from the recent Montague Park development, situated to the west, by an area of Suitable Alternative Natural Greenspace (SANG) known as Buckhurst Meadows. Links between that SANG and the appeal site would be provided at a number of locations along the shared boundary between the two. To the east of the site there are a small number of dwellings, with the wooded grounds of St Anne's Hotel located beyond, all of which are accessed off St Anne's Drive. A short distance to the south of the site there is an area of ancient woodland.
17. Policy TB21 of the *Wokingham Borough Development Plan-Adopted Managing Development Delivery Local Plan, 2014* (MDD) requires proposals to demonstrate how they have addressed the requirements of WBC's Landscape

Character Assessment and to retain or enhance the condition, character and features that contribute to the landscape. Furthermore, in the vicinity of the appeal site, London Road is identified on the Policies Map as a Green Route, part of the Borough's green infrastructure networks. MDD Policy CC03 indicates that development proposals should demonstrate how they have considered and achieved a number of identified criteria within the scheme related to green infrastructure, trees and landscaping. To those ends, the documents submitted in support of the appeal scheme include, amongst others, a *Landscape and Visual Impact Assessment (LVIA)*, an *Arboricultural implications assessment, method statement and tree protection plan, December 2020 (AIA)* and a *Landscape Masterplan Strategy (LMS)*.

18. The appeal site boundaries are lined with planting for the most part, including trees, hedging and scrub, and some of the trees within the appeal site and on adjoining land are the subject of Tree Preservation Orders (TPO trees). The AIA indicates that the appeal scheme would require 32 individual trees to be removed as well as the removal of 3 groups and the cutting back of 3 further groups. This would conflict with the *South Wokingham Strategic Development Location Supplementary Planning Document, 2011 (SWSPD)* and the more recent MDD Policy CC03 insofar as they seek to retain existing trees.
19. The most significant impact would involve the removal of 20 trees, including 7 TPO trees, forming part of a cluster of trees towards the eastern end of the London Road frontage of the appeal site, in order to make way for the proposed access road off St. Anne's Drive. However, in my view, the impact would be limited to a short section of the Green Route at a transition point between a relatively long, dense woodland frontage to the east of the site and the remainder of the appeal site frontage, which is predominantly characterised by a mix of scrub, hedgerow and individual trees. It would be sufficiently limited so as not to result in fragmentation of the Green Route, which MDD Policy CC03 seeks to avoid, and the proposed replacement planting close to the site entrance would be likely to partially mitigate the loss of trees there. Furthermore, to the west of this small section of frontage, the contribution of the appeal site to the character and appearance of the Green Route would be likely to be enhanced by tree planting within a proposed adjoining area of open amenity space, which would extend across much of the northern edge of the site. This would accord with MDD Policy CC03 and the SWSPD insofar as they seek the enhancement of the Borough's Green infrastructure, including the need to mitigate potential impacts of new development, and the incorporation of native planting as an integral part of the scheme.
20. I consider overall that the appeal scheme would have a minor adverse effect on the character and appearance of the Green Route and trees in the short term, and whilst in the longer term the harm would be negligible due to the likely benefits of replacement and additional tree planting, it would nonetheless conflict with MDD Policy CC03 and the SWSPD.
21. The LVIA identifies that the appeal site is located at the northern edge of *Wokingham Borough Landscape Character Area N1- Home Green Pastoral Sandy Lowland (LCAN1)*. Only limited landscape characteristics of the LCAN1 are exhibited by the appeal site, such as woodland habitats around the perimeter of the site and small sized enclosed fields used as paddocks. However, the equestrian use, which includes stables, sheds and other facilities results in a decrease in 'rural intactness', one of the key issues identified for

the LCAN1. Perceptual qualities, such as tranquillity, are limited by the proximity of London Road to the north. Furthermore, in my view, due to the enclosed nature of the site and its limited size, it contributes little to openness. For example, trees and dense undergrowth along the northern section of the western boundary of the site add to the sense of enclosure of the adjacent section of Buckhurst Meadows SANG, which itself is dominated by tree and other planting. Whilst the southern section of the western boundary is more open, the southern section of the appeal site is narrow and backed by woodland to the east and south. It adds little to the more open and expansive character of the southern section of the neighbouring SANG.

22. Against this background, I share the view of the LVIA that the site is of low/moderate landscape sensitivity. Furthermore, a medium magnitude of change would result from the introduction of the proposed development, limited by the existing land use and proximity of the suburbs of Wokingham, including Keephatch Gardens to the north and Montague Park to the west as well as London Road. In my judgement, given the limited contribution of the existing site to the sense of openness within the SANG, the retention of boundary planting for the most part and the relatively low housing density proposed, the effect of the scheme on the character of Buckhurst Meadows would be negligible. Overall, whilst the proposed residential development would have a minor adverse effect on local landscape character in the short term, this would reduce to a negligible effect in the medium/long term as a result of the proposed reinforcement of boundary planting.
23. As reflected in the LVIA, the principal public vantage points with views of the appeal site are close by, from within the neighbouring SANG and Keephatch Gardens as well as from the neighbouring section of London Road and a short length of St Anne's Drive. Longer distance views are restricted by woodland to the south and east, and built development to the north and west. I consider that, of the receptors at the principal public vantage points, the visual sensitivity of those within the SANG would be greatest, as they are more likely to be focussed on the landscape than, for example, those travelling along London Road. However, even from vantage points within the SANG other existing development, such as buildings within Montague Park, can already be seen to an extent.
24. With few exceptions, from the principal public vantage points, views of the proposed built development would be likely to be at least filtered by existing intervening planting and would become more limited as proposed planting within the appeal site matures. More direct views would be likely to be restricted to those around the proposed site entrance, footpath links between the site and Buckhurst Meadows, and from short sections of London Road. In my judgement, consistent with the LVIA, overall the proposal would be unlikely to have more than a minor adverse visual impact in the short term, reducing as proposed infill/replacement planting matures to negligible.
25. I consider on balance that whilst the appeal scheme would have a detrimental effect on the character and appearance of the local area, contrary to MDD Policy TB21, the level of harm would be minor/negligible.
26. I have had regard to the concern raised by an objector that a number of the root protection areas (RPAs) identified by the AIA have been understated and as a result there may be an overlap between proposed building works and RPAs

which would lead to the loss of more trees than anticipated. Regarding the examples drawn to my attention¹, as well as some others², dimensional checks were carried out during the Inquiry accompanied site visit. Based on what I have heard, read and seen, a number of the RPAs identified by the AIA have been understated. However, in the examples drawn to my attention, the discrepancies associated with trees within the appeal site, which could be surveyed directly for the AIA, are relatively small. Trees outside the site on private land could not be surveyed directly for the AIA and the associated RPAs were based on estimates of trunk diameter. Whilst, unsurprisingly, the errors associated with those RPAs appear to be greater, those trees tend to be further from the proposed location of built development within the site.

27. For example, in my view, although the corrected RPAs associated with neighbouring tree nos. 71 and 69 would extend further into the appeal site than shown on the AIA Tree Impacts Plan, the position of proposed buildings would be unlikely to encroach upon them. Whilst towards the edge of those RPAs, they would be crossed by proposed garden fencing, I share the view of the appellant's arboricultural expert that fence posts would be unlikely to cause material harm. The corrected RPA's associated with tree nos. 82 and 123, which are located within the appeal site, would overlap proposed access roads/footways to a marginally greater extent than shown on the AIA Tree Impacts Plan. However, the percentage incursion would be small and well below the BS 5837³ recommendation that new permanent hard surfacing should not exceed 20% of any existing unsurfaced ground within the RPA.
28. Against this background, I consider it is unlikely that the impact of the scheme on trees would be significantly greater than anticipated by the AIA.
29. I have also had regard to the concern raised that new proposed planting may not survive. However, according to the LMS, the number of trees planted would exceed the number to be removed and, in my view, adequate assurance can be provided that the anticipated benefits would be realised through the imposition of a condition that requires any new tree planting which dies within 5 years to be replaced.
30. I conclude that the proposal would have an adverse effect on the character and appearance of the Green Route and the local area, contrary in that respect to *Wokingham Borough Core Strategy, 2010* (CS) Policies CP1, CP3 and the *Borough Design Guide Supplementary Planning Document, 2012*, as regards maintaining the quality of the environment, as well as MDD Policies CC03 and TB21 and the SWSPD. However, the harm would be limited.

2) The effect of the proposal on the Spatial Development Strategy for the area

31. The proposed residential development is situated within the South Wokingham Strategic Development Location (SWSDL), in its northeastern corner. CS Policy CP21 indicates that within the SWSDL a sustainable, well designed mixed use development will be delivered by 2026 including, amongst other things, measures to maintain separation from Binfield/Bracknell. Clearly the intention is not to maintain some separation between the administrative boundaries of

¹ ID/32-tree nos. 69, 71, 82 and 123.

² Tree nos. 64-67.

³ CD 3.7 para 2.7.5 and ID/34 BS 5837:2012 para 7.4.2.3.

WBC and BFBC, as they already share a common boundary to the east of the SWSDL. The SWSPD emphasises, with reference to CS Policy CP21, the importance of maintaining the separation of Wokingham from the Binfield /Bracknell settlement, which is illustrated by the CS's Key Diagram. In the vicinity of the appeal site the CS Key Diagram identifies the area between the eastern edge of the SWSDL and development further east that forms part of Bracknell as 'settlement separation'. The eastern section of this settlement separation, to the east of the A329(M) is also supported by Policy set out in the *Bracknell Forest Local Plan Submission Version* (March 2021).

32. The SWSPD indicates that settlement separation was a key concern in the initial preparation of the masterplans, and detailed landscape and master planning work was undertaken to ensure an appropriate solution was found. To the west of the appeal site the SWSDL has been developed in accordance with the Preferred Spatial Framework Plan (PSFP) set out in the SWSPD. This includes the Buckhurst Meadows SANG, which adjoins the western boundary of the appeal site, and to the west of that SANG is the Montague Park residential area. Whilst the appeal site is shown as potential open green space by the PSFP, I acknowledge the PSFP states '*exact development areas to be agreed through ongoing discussions with LPA*' and that that indicated a degree of flexibility with respect to the use of the land within the SWSDL.
33. However, the SWSPD identifies that the MDD is expected to be adopted during the lifetime of the SWSPD and will form part of the Development Plan. Furthermore, it will translate high level policies of the CS into more detailed development management principles. It will define the development limits within the boundaries of the allocated sites within the Strategic Development Locations (SDL) and provide further clarification regarding where the development envisaged within each SDL would occur. It indicates that in defining the development limits WBC will have regard to the guidance in the adopted SDL Masterplan Supplementary Planning Documents.
34. The MDD was adopted in 2014. In keeping with the aim of CS Policy CP21 regarding measures to maintain separation from Binfield/Bracknell, MDD Policy CC02 establishes the development limits of the SWSDL, which the reasoned justification for the Policy indicates provides further clarification on where built development envisaged within each SDL can occur. The updated Policies Map indicates that whilst the appeal site and Buckhurst Meadows SANG are situated within the boundary of the SWSDL, they are situated outside and to the east of the development limits established by MDD Policy CC02 and are located within the countryside.
35. Criterion 3 of MDD Policy CC02 indicates that development proposals within the areas allocated as SDL in the adopted CS will be permitted that are within the identified development limits unless an acceptable alternative has been agreed through the granting of planning permission accompanied by, amongst other things, a deliverable SDL-wide comprehensive masterplan. My attention has not been drawn to a current deliverable SDL-wide comprehensive masterplan that includes residential development of the appeal site. Whilst WBC's *Local Plan Update-Revised Growth Strategy consultation* (2021-22) (LPU) proposes the allocation of the appeal site for residential development, I understand that the emerging plan is at an early stage towards adoption, with representations for and against allocation of the site. Therefore, there is significant uncertainty as to whether it will be taken forward and so I give it little weight. In my

judgement therefore, the proposed development outside of the development limits would not accord with MDD Policy CC02.

36. CS Policy CP11-*Proposals outside Development Limits (including countryside)* indicates that in order to protect the separate identity of settlements and maintain the quality of the environment, proposals outside of development limits will not normally be permitted except under certain identified conditions. There is no dispute that the appeal scheme does not fall within the exceptions identified there. It would not accord with CS Policy CP11.
37. I consider that the appeal scheme, which would not accord with CS Policy CP11 and MDD Policy CC02, would conflict with Development Plan measures to maintain separation between Wokingham and Bracknell contrary to CS Policy CP21, in that regard. As a result, it would undermine the Spatial Development Strategy for the area.
38. However, opposite the appeal site on the northern side of London Road, the highway frontage is dominated by built development forming part of the recent Keephatch Gardens scheme, which whilst predominantly residential, also includes a public house and a park and ride facility. In common with the appeal site this development occupies an area of land which is designated by the Development Plan as part of a SDL, the *North Wokingham Strategic Development Location*, outside of the associated development limits established by MDD Policy CC02 and in the countryside. The Officer's report to Committee indicates that it was also identified as potential green open space in the Preferred Spatial Framework Plan of the *North Wokingham Strategic Development Location Supplementary Planning Document*. In my view, as a result of that existing development, the SWSDL development limit to the west of the appeal site is of little value now as a measure to maintain the separation between Wokingham and Bracknell. Now, when travelling from Wokingham to Bracknell, the experience is of leaving the urban area of Wokingham once passed the appeal site and the prominent London Road frontage of Keephatch Gardens. Beyond that point the London Road approach to the A329(M) roundabout is flanked by areas of woodland and to the east of that junction London Road rises up along a tree lined cutting before the urban area of Bracknell is encountered. These woodlands and tree belts, to the east of the appeal site and Keephatch Gardens, provide a strong visual break between the settlements of Wokingham and Bracknell and form part of the area of settlement separation indicated by the CS Key Diagram. Furthermore, the separation distance between the appeal site and development to the east within Bracknell is similar to that between the neighbouring Keephatch Gardens development and Bracknell.
39. I conclude that the proposal would undermine the Spatial Development Strategy for the area, with particular reference to CS Policies CP11, CP21 and MDD Policy CC02. However, in my judgement, as a result of its close physical and visual relationship with the Keephatch Gardens development, the appeal scheme would not materially alter the experience of the existing gap between Wokingham and Bracknell thereabouts or diminish its integrity to any significant degree.

3) The effect on the supply of Affordable Housing and housing land

40. There is no dispute that there is a need for more Affordable Housing within the Borough. 19 of the 54 units proposed would comprise Affordable Housing.

This equates to just over 35% of the proposed units, in keeping with the requirement of CS Policy CP5 with respect to sites in Strategic Development Locations. Furthermore, WBC has confirmed that the proposed Affordable Housing mix and tenure would also be appropriate, having regard to the underlying character of the area and the needs of households, in keeping with the requirements of MDD Policy TB05. The provision of the proposed Affordable Housing units would be secured by the submitted section 106 agreement, in accordance with WBC's *Affordable Housing Supplementary Planning Document, 2013* and *Infrastructure Delivery and Contributions Supplementary Planning Document for the Strategic Development Locations, 2011* (IDCSPD).

41. I conclude that the proposal would make a positive contribution towards meeting Affordable Housing requirements in the Borough, consistent with MDD Policy TB05 and CS Policy CP5.
42. WBC is currently unable to demonstrate a 5 year supply of deliverable housing sites. Whilst the *Housing Land Supply Statement of Common Ground* agreed between WBC and the appellant indicates that the level of supply is likely to fall within the range 4.34-4.84 years, a recent appeal decision identified a level of supply of 4.92 years.⁴ In any event, I regard the shortfall, in the range 4.34-4.92 years, to be limited.
43. Cumulative housing completions over the period 2006/7 to 2020/21 have exceeded the cumulative CS Policy CP17 annual requirement for that period. Furthermore, cumulative housing completions over the period 2018/19 to 2020/21 have exceeded the cumulative annual local housing need calculated using the Standard Method, with Housing Delivery Test (HDT) results, published by the Government, ranging from 157%-200% over that period. To my mind, this indicates a strong housing delivery performance, which can be said to have significantly boosted the supply of housing, in keeping with the *National Planning Policy Framework* (Framework) objective to do so. This is consistent with the findings set out in a number of recent appeal decisions.⁵ I also acknowledge that the shortfall in housing land supply looking forward is likely to have resulted, at least in part, from the higher than planned rate of delivery in the past.
44. Whilst the emerging LPU would be expected to provide for the development needs of the Borough moving forward, it is at a relatively early stage towards adoption.
45. Under these circumstances, I consider that moderate weight is attributable to the modest contribution that the appeal scheme would make towards housing land supply in the area and reducing the shortfall in the 5 year supply of deliverable housing sites, which is itself limited.
46. The Officer's Report to Planning Committee confirms that, in keeping with MDD Policy TB05, the overall housing mix proposed would be appropriate, having had regard to the character of the area and WBC's most up to date information in its *Local Housing Needs Assessment, 2020*. The slightly greater than recommended number of 2-bed properties reflects the requirement for Affordable Housing provision.

⁴ CD8.5 Appendix 1 para 2.3 and CD1.6-Statement of Common Ground Housing Land Supply para 1.6.8

⁵ CD8.5 Appendix 1 paras 3.12-3.14.

47. I conclude that the proposed development would have a positive effect on the supply of housing land in the Borough and in that respect would accord with CS Policies CP2, CP4, CP5 and CP21 as well as MDD Policy TB05 insofar as they seek to ensure that housing needs are met.

4) Whether the proposal makes adequate provision for infrastructure, on and off-site services, amenities and financial contributions

Thames Basin Heaths Special Protection Area

48. The appeal site is located around 3.5 Km from the Thames Basin Heaths Special Protection Area (SPA), a European designated site. Regulation 63 of *The Conservation of Habitats and Species Regulations, 2017* (Habitats Regulations) indicates that a competent authority, before deciding to give permission for a project which: a) is likely to have a significant effect on a European site (either alone or in combination with other plans or projects), and b) is not directly connected with or necessary to the management of that site, must make an Appropriate Assessment of the implications of the project for that site in view of that site's conservation objectives.
49. The SPA is a network of rare heathland sites which are designated for their ability to provide a habitat for the internationally important species of woodlark, nightjar and Dartford warbler. Natural England's *Thames Basin Heaths-Strategic Access Management and Monitoring Project Tariff Guidance* confirms that both local evidence and that from other areas has demonstrated the damaging effects of human disturbance (and people with their dogs) on the three heathland bird species. Furthermore, without appropriate and proportionate avoidance mitigation measures, residents of new housing development around the SPA would be likely to use it for recreation, to the detriment of the populations of these birds breeding within the SPA, contrary to the Habitats Regulations.
50. Consistent with Policy NRM6 of *The South East Plan*, CS Policy CP8 indicates that development which alone or in combination is likely to have a significant effect on the SPA will be required to demonstrate that adequate measures to avoid and mitigate any potential adverse effects would be delivered. The reasoned justification for CS Policy CP8 indicates that in order to ensure that residential development of 50 or more residential units within 7 Km avoids its likely significant impact on the SPA, it will need to provide avoidance and mitigation measures. There is no dispute in this case that, without appropriate and proportionate avoidance mitigation measures, the appeal scheme would be likely to have a significant effect on the SPA (either alone or in combination with other plans and projects).
51. The reasoned justification for CS Policy CP8 identifies that where avoidance and mitigation measures are required to address likely significant effects, this is likely to involve Suitable Alternative Natural Greenspace (SANG) together with funding towards monitoring the effectiveness of the agreed solution.
52. WBC's *Regulation 122 Compliance Schedule* (R122CS) sets out what would be necessary in order to ensure that the proposal would make adequate provision for SANG and Strategic Access Management and Monitoring (SAMM) measures. As regards SANG, WBC and BFBC have each confirmed that, subject to receipt of an identified contribution, they are able to make SANG capacity available in their areas to serve needs associated with the appeal scheme. In this respect

no reliance is placed on Buckhurst Meadows SANG. I understand that capacity for 42 dwellings would be provided by WBC at Keephatch Meadows SANG by bringing the standard of that SANG up to its maximum capacity. Capacity for the other 12 dwellings proposed would be provided by BFBC at Piglittle Field SANG or an alternative SANG capable of serving the appeal site. Natural England has been consulted and has not objected to this approach.

53. I do not share the concern raised by some members of the public that Keephatch Meadows SANG and Piglittle Field SANG would not be suitable to serve the needs of the appeal site, due to the time it would take to walk to them and the need to cross busy roads. I found the walk between the appeal site and each of those SANG's to be reasonably short and facilitated by signal controlled road crossings. I acknowledge that some residents of the proposed development may use Buckhurst Meadows SANG. However, it does not follow that the level of use would encourage local residents to travel to the SPA instead, not least as other SANGs, such as Keephatch Meadows SANG, are available close by. I am content that the overall level of SANG provision proposed would satisfactorily safeguard the interests of the SPA.
54. The contributions and terms of payment required to provide the required SANG facilities have been secured by the section 106 agreement and in my judgement, WBC and BFBC, who are both members of the SPA Joint Strategic Partnership Board, can be relied upon to deliver them. These arrangements would ensure the provision of adequate Suitable Alternative Natural Greenspace to meet the needs arising from the appeal scheme. In addition, the section 106 agreement would also secure an appropriate contribution, calculated following Natural England's guidance, towards SAMM.
55. With reference to Regulation 63(5) of the Habitats Regulations, I am satisfied that the above measures would ensure that the appeal scheme would not have an adverse effect on the integrity of the SPA. Furthermore, the requirements of CS Policy CP8 and SEP Policy NRM6 would be met.

Other planning obligations

56. The R122CS also sets out the other contributions which WBC considers would be necessary in order to ensure that the proposal would make adequate provision for infrastructure, on and off-site services and amenities. They include contributions associated with: employment creation and skills development; promotion of sustainable travel; bus services; strategic highway and footpath improvements; play area and open space maintenance; outdoor sports facilities; allotments/community gardens; and, monitoring/inspection fees. The justification for each set out in the R122CS was supplemented by evidence given at the Inquiry, which in a number of cases resulted in adjustments to the sums sought, all of which were agreed by WBC and the appellant. Payment of the agreed contributions would be secured by the section 106 agreement.
57. With reference to the tests set out in paragraph 57 of the Framework, I share the view of WBC and appellant that the planning obligations included in the section 106 agreement are: necessary to make the development acceptable in planning terms; directly related to the development; and, fairly and reasonably related in scale and kind to the development. The appellant has also provided evidence to show that the appeal scheme, including the identified planning obligations, would be financially viable; a matter which is not disputed. WBC

has indicated that the proposal would be subject to CIL payments with regards to securing any necessary mitigation of other identified impacts on local services.

58. I conclude that the appeal scheme would make adequate provision for infrastructure, on and off-site services, amenities and financial contributions and in this regard would accord with Policies CP4, CP6, CP7, CP8, CP10, CP21 and Appendix 7 of the CS as well as SEP Policy NRM6, MDD Policies CC01, CC03 and TB21, the IDCSPD and the SWSPD.

Other matters

Highways

59. A number of objectors to the appeal scheme have indicated that there have been some serious accidents on London Road in the last few months and they consider that the additional traffic associated with the proposal together with that from recent developments in the area would make London Road more dangerous. However, I have not been provided with any compelling evidence in support of those views. In contrast, the *Transport Assessment, November 2020* (TA), which was undertaken by Transport Planning and Highway Consultants Peter Evans Partnership, makes reference to official accident records provided by WBC and identifies that whilst a small number of accidents occurred at the junction of St Anne's Drive with London Road in the period 2015-2020, they occurred before the junction was signalised. Furthermore, the TA confirms that the road safety audit of the proposed site access arrangement did not identify any issues that could not be satisfactorily addressed at detailed design stage and it concludes that the appeal scheme would not materially affect existing or future traffic and safety conditions on London Road. WBC's Highways Officer also considers the proposed arrangements to be acceptable in principle. I give greater weight to these expert assessments, as opposed to the generalised concerns of objectors on this matter. As requested by an objector at the Inquiry, I observed traffic conditions along St Anne's Drive and London Road between 08:00 hrs and 09:00 hrs on 30 September 2022. I found traffic conditions to be uncongested and orderly. In that time, a small number of children walked up to the London Road junction along St Anne's Drive, which does not have a kerbed footway. They did so without incident. In my view, visibility at the proposed site entrance would be likely to be sufficient to ensure that pedestrians are able to cross it safely. I also note that the site would be well served by public transport, with existing bus stops located on either side of London Road close to its junction with St Anne's Drive.
60. I conclude that the effect of the appeal scheme on the safety and convenience of highway users would be likely to be acceptable, consistent with the requirements of CS Policies CP1, CP3 and CP6.

Ecology and biodiversity net gain

61. I have had regard to the concern raised by an objector that the ecological surveys which informed the appellant's *Ecological Assessment, August 2018* (EA) are too dated to be relied upon. However, the *Ecological Assessment Update, 2021*, confirms that the site was revisited in September 2020 by an Ethos Environmental Planning Senior Ecologist to determine whether there had been any significant changes to the site. Whilst there may have been changes in the wider area over time, it was concluded that the appeal site was in a

similar condition to that previously surveyed and that the value of the site for protected species is likely to have remained the same as that found by the earlier report. Whilst updated mitigation measures were identified, no additional surveys were recommended. The findings were accepted by the WBC's Ecology Officer and I have no compelling reason to take a different view.

62. WBC's Ecology Officer accepts, based on evidence received, that a potential pond location some distance to the south of the site, identified in the EA as pond 6, was not subject to detailed survey as it was found to be dry during all survey visits. He concluded that the location is unlikely to be harbouring Great Crested Newts which were not found during surveys of other ponds in the area. I consider that is a reasonable conclusion and give little weight to the unsupported assertion to the contrary by an objector at the Inquiry, who acknowledged his own lack of expertise in the field.
63. Notwithstanding development of the appeal site, wildlife corridors between the woodland to the east of the site and Buckhurst Meadows to the west would be available to the south of the site where the woodland abuts the SANG.
64. The appellant's *Biodiversity Net Gain Assessment, July 2021* (BNGA) indicates that the proposed habitats on the site would generate a biodiversity net gain significantly greater than 10%. A concern has been raised by objectors that the BNGA may have underscored the 'woodland and forest' baseline value of the appeal site, with particular reference to its finding that there is 'no notable deadwood over 20 cm diameter' present. There is no dispute that deadwood can provide a valuable habitat for a number of species. However, the only feature drawn to my attention that might meet the criteria was a pile of deadwood located in woodland to the south of the site. Following the revision of the appeal site boundary, referred to above, it is likely to fall outside the appeal site. In my view, the description 'no notable deadwood' is applicable to the area within the revised 'red line boundary' of the site, where I saw very little deadwood. In any event, there is no evidence before me to show that if notable deadwood was accounted for within the site, a biodiversity net gain of more than 10% could not be achieved. Assurance in that respect would be provided through the imposition of suggested condition no. 15 set out in the *Statement of Common Ground*, which requires a Biodiversity Net Gain Assessment to be undertaken and submitted for approval to WBC prior to the commencement of the development. Furthermore, if it were determined that a 10% net gain could not be achieved within the site, the section 106 agreement includes a mechanism to secure adequate biodiversity net gain off-site.
65. I conclude that the proposal would be likely to comply with the requirements of CS Policy CP3 and CP7 with respect to safeguarding interests of nature conservation importance and MDD Policy TB23 as regards net gains in biodiversity.

Economic benefits

66. The proposal would give rise to a number of benefits for the local economy, such as job creation during the construction phase, a New Homes Bonus and expenditure associated with future occupants. However, benefits associated with construction would be short-term and I understand that the Borough is already relatively economically buoyant and so I give these benefits limited weight.

Consistency of decision making

67. With reference to consistency of decision making, an objector has referred to a recent refusal of WBC to grant planning permission for development at Meldreth Way that was found to be in conflict with CS Policy CP11. However, whilst I do not know the full circumstances of that case, WBC has confirmed that the site was not located within a Strategic Development Location and so it is not directly comparable to the appeal scheme. Therefore, I give the decision in that case little weight.

Climate change

68. I acknowledge that the removal of trees from the site would not assist in the aim of combating climate change in the short term. However, to my mind, as the number of trees proposed to be planted would be greater, over time any adverse impact in that respect would be likely to be mitigated. I give limited weight to the shorter-term adverse impact of the scheme in this respect.

Air quality

69. The *Air Quality Assessment* undertaken by Air Quality Consultants Ltd concludes that future residents of the appeal site would be likely to experience acceptable air quality, with concentrations below air quality objective levels throughout the site. Furthermore, the impact of development-generated traffic both within and outside of the nearest Air Quality Management Area would be negligible. I have no reason to dispute these findings, which are consistent with the aims of CS Policy CP6 insofar as it seeks to ensure that development does not lead to traffic related environmental problems.

Privacy and outlook

70. I consider that the proposed residential units would be sufficiently distant from existing neighbouring dwellings to ensure that the proposal would not have an unacceptable impact on the privacy or outlook of existing residents.

5) The Planning Balance

71. The appeal scheme would have an adverse impact on the character and appearance of the Green Route and the local area, contrary in that regard to CS Policies CP1 and CP3 as well as MDD Policies CC03 and TB21. It would also undermine the Spatial Development Strategy for the area, with particular reference to CS Policies CP11, CP21 and MDD Policy CC02. Whilst the scheme would meet the requirements of Development Plan Policy in relation to the provision of Affordable Housing and making adequate provision for infrastructure, on and off-site services, amenities and financial contributions, I conclude on balance that it would conflict with the Development Plan taken as a whole. However, that is not the end of the matter.
72. Whilst since 2018 WBC has performed well against the HDT, there is no dispute that it is currently unable to demonstrate a 5 year supply of deliverable housing sites. The Framework confirms that, for applications involving the provision of housing, in circumstances where the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites the policies which are most important for determining the application are out of date. The Framework indicates that, where this is the case, the application of a presumption in favour of sustainable development means granting planning

permission 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.

73. Turning first to the benefits of the appeal scheme. The proposed Affordable Housing would contribute towards meeting the identified needs in the Borough, in keeping with the aim of the Framework to ensure that the needs of groups with specific housing requirements are met. It attracts significant weight. Having regard to the Government's objective of boosting the supply of homes, given WBC's strong record of housing delivery, the modest contribution that the appeal scheme would make towards reducing the shortfall in the 5 year supply of deliverable housing sites attracts only moderate weight. Whilst the Framework indicates that significant weight should be placed on the need to support economic growth, the economic benefits associated with the scheme, which would be modest, attract limited weight.
74. The appeal scheme would make adequate provision for infrastructure, on and off-site services, amenities and financial contributions. However, these provisions are necessary to support and mitigate potential effects of the scheme and so, to my mind, they do not amount to benefits and are neutral in the balance.
75. Turning now to the adverse impacts of the scheme. The proposal would be located outside of the development limits of the SWSDL, in the countryside. The Framework seeks to ensure that development is sympathetic to local character and, in decision making, the intrinsic character and beauty of the countryside is recognised, including the benefits of trees. Whilst the scheme would have an adverse impact on the character and appearance of the Green Route and the local area, the harm would be limited and attracts limited weight. It would also undermine the Spatial Development Strategy for the area. However, it would not materially alter the experience of the gap between Wokingham and Bracknell or diminish its integrity to any significant degree. This also attracts limited weight, as does the short-term adverse impact of the scheme as regards climate change.
76. I consider that the adverse impacts of granting planning permission in this case would not significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. It follows that the presumption in favour of sustainable development, identified by the Framework, weighs in favour of the proposal.
77. I conclude on balance that material considerations exist to outweigh the identified conflicts with the Development Plan and the associated harm. A decision other than in accordance with the Development Plan is justified in this case and therefore the appeal should be allowed.

Conditions

78. I have had regard to the suggested planning conditions (SPC), nos. 1-40, set out in the *Statement of Common Ground* agreed between WBC and the appellant. I have considered them along with the advice given in paragraph 56 of the Framework and the guidance contained in the national *Planning Practice Guidance* concerning the 'use of planning conditions'. Where necessary I have amended the suggested conditions in the interests of clarity, precision, or enforceability.

79. In addition to the normal commencement condition, a condition would be necessary in relation to the approved plans, in the interests of certainty (SPC nos. 1 and 2). As I indicated earlier, I have determined the appeal on the basis of the amended 'red line' site boundary shown on drawing no. LP-01 rev A, dated 15 December 2022. I consider that in the interests of certainty it would be necessary to make clear that the boundary of the site for which planning permission is granted is shown on drawing no. LP-01 rev A, dated 15 December 2022, which supersedes the site boundary details shown on other application plans and drawings.
80. In order to safeguard the character and appearance of the area, conditions would be necessary to control: materials used in the external surfaces of the proposed buildings; landscaping; earthworks; as well as ground and floor levels (SPC nos. 9, 10, 11, 14).
81. In order to safeguard the character and appearance of the area as well as to safeguard habitats of acknowledged importance, conditions would be necessary to ensure: that trees, shrubs and hedgerows to be retained within the site are not removed and are replaced if damaged; and, that adequate measures would be in place to safeguard trees, shrubs and hedgerows to be retained within and adjacent to the site from site clearance, preparatory work and development activity (SPC nos. 16 and 17). The requirements would include, amongst other things, the need to submit a tree protection plan for approval, as the previously submitted Tree Impacts Plan (drawing no. TIP(P)03) included in the AIA has been found to be unreliable, with particular reference to understating some RPAs. For the same reasons, a condition would be necessary to control boundary treatments (SPC no. 12).
82. Conditions would be necessary, in the interests of the living conditions of future residents: to assess and remediate as necessary any contaminated land within the site; to mitigate environmental noise; to control flood risk and ensure that the site is adequately drained; to provide for waste storage; and, to ensure the provision of emergency water supplies (SPC nos. 4, 6, 21-25, 33). In order to protect the living conditions of neighbouring residents as well as the safety and convenience of highway users, conditions would be necessary to control construction related activities (SPC no. 7, 8, 35). I agree with WBC that the operating hours restrictions set out in SPC no. 35 would be likely to satisfactorily safeguard the living conditions of local residents from noise and disturbance potentially associated with construction activities. Further restricting activity between 08:00-09:00 hrs Monday-Saturday, as suggested by an objector, would be unduly onerous in my view, as during that period the potential for sleep disturbance is likely to be small and such a restriction would be likely to prolong the building programme.
83. In order to ensure that an appropriate balance is struck between safeguarding the interests of wildlife and the amenity of residents/highway safety, it would be necessary to impose conditions to control external artificial lighting within the site (SPC nos. 7, 13, 27 and 37). Conditions would be necessary to ensure biodiversity net gain and to safeguard the interests of protected species (SPC nos. 15 and 18).
84. In the interests of the safety and convenience of highway users, conditions would be necessary to control the details of the access routes to and around the site from St Anne's Drive, visibility splays and parking arrangements

(SPC nos. 26, 29, 31, 32, 40). In the interests of promoting sustainable travel, conditions would be necessary to secure: links from the appeal site westwards towards existing facilities; electric vehicle charging points and bicycle storage/parking facilities (SPC nos. 19, 20, 27, 28 and 30). A condition would also be necessary to secure energy efficiency and water efficiency measures, in the interests of limiting climate change and promoting the sustainable use of resources (SPC no. 34).

85. In order to mitigate any potential impact on archaeological heritage, a condition would be necessary to secure the provision and implementation of a written scheme of archaeological investigation (SPC no. 3).
86. There is no dispute that SPC no. 5 is no longer required, following the provision of the *Air Quality Assessment* and its findings, set out above. Furthermore, whilst WBC has confirmed that SPC no. 24 is not required, as Thames Water has not objected to the connection of the scheme to its drainage network, it would be necessary to ensure that the site is adequately drained, as set out above. The Framework indicates that planning conditions should not be used to restrict national permitted development rights without clear justification. In my judgement, there is no clear justification for the broad restriction of permitted development rights set out in SPC no. 36. The restricted nature of those permitted development rights are likely to be sufficiently limited to satisfactorily safeguard the character of the area and neighbouring amenities. In contrast, it would be necessary to seek to ensure that the proposed garages/carports remain available for parking and that gates/barriers are not erected on shared vehicular accesses, in order to reduce the risk of on-street parking at levels which would harm the safety and convenience of highway users (SPC nos. 38 and 39).

Conclusions

87. I have found that the proposal, which would harm the character and appearance of the Green Route and local area as well as undermine the Spatial Development Strategy for the area, would conflict with the Development Plan taken as a whole. However, material considerations exist to outweigh the identified conflicts with the Development Plan, such that a decision other than in accordance with it is justified in this case. For the reasons given above, I conclude that the appeal should be allowed.

I Jenkins

INSPECTOR

APPENDIX 1-APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Cain Ormondroyd of Counsel

He called

Fiona Jones

BSc(Hons) BTP MRTPI

Duncan Fisher

Frances Haywood

Ian Church

Joanna Carter

Rebecca Brooks

Vincent Healy

Planning Consultant

Ecology Officer

Head of Strategic Housing, Economic
Development and Growth

Team Manager, Growth and Delivery

Senior Planning Officer, Development Delivery
Team

Community Transport Manager

Senior Planning Solicitor (Strategic Development
Locations)

FOR THE APPELLANT:

Paul Cairnes KC

Assisted by

Sioned Davies of Counsel

He called

Kay Collins

BSc (Hons) MPhil MRTPI

Robert Hughes BSc(Hons)

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Mark Mackworth-Praed,

BA (Cantab), MSc, AMInstLM,

MEWI, MICFor, FArborA,

RCArborA

Mathew Spilsbury

MRICS MRTPI

Emma Cartledge-Taylor,

LLB, MSc

Associate Director, Solve Planning Limited

Director, Incola Landscape Planning

Senior Arboricultural Consultant, David Archer
Associates

Senior Director, CBRE Ltd

Senior Associate, Gowling WLG

INTERESTED PERSONS:

David Stack

MMed Sci

Peter Dennis

Maria Gee

Local resident

Westcott Ward Borough Councillor

Westcott Ward Borough Councillor

APPENDIX 2-INQUIRY DOCUMENTS

- A Letter notifying interested parties of the appeal
- B Consultation responses to the appeal notification letters.
- 1 Appellant's list of proposed appearances
- 2 Council's list of proposed appearances
- 3 Updated draft agreement pursuant to section 106
- 4 Landscape masterplan Strategy drawing no. LLD1822-LAN-DWG-001
- 5 Council's opening statement
- 6 Appellant's opening statement
- 7 Development Plan Policies Map extract
- 8 Council's Note on the origin of the contribution towards land for outdoor sport
- 9 Council's justification for biodiversity net gain unit cost
- 10 BCIS Report-Housing development: the economics of small sites-the effect of project size on the cost of housing construction
- 11 Council's section 106 'trigger' schedule
- 12 Notification of appeal proceedings arrangements
- 13 Appellant's Viability Addendum
- 14 Figures 1-4 Robert Hughes' proof of evidence (A3 copies)
- 15 Council's note-My Journey contribution note
- 16 Council's Explanatory note on SANG (Bracknell Forest Borough Council) contribution
- 17 Council's SAMM contribution supporting documents
- 18 Council's note-Footpath works maintenance sum
- 19 Council's note-Local Plan Update-Revised Growth Strategy consultation (2021-22)
- 20 Bracknell Forest Local Plan-Submission version (March 2021) extract
- 21 Development Plan Policies Map extract
- 22 South Wokingham Strategic Development Location Supplementary Planning Document, October 2011
- 23 Statements of Common Ground-signed/dated copy
- 24 Council's note-Indicative costings for provision of a allotment site in Wokingham Borough
- 25 Council's note-Bus contributions
- 26 Proposed site access with retained St Anne's Drive junction drawing no. 2767.27A
- 27 Updated draft agreement pursuant to section 106
- 28 Council/appellant's response to Inspector's queries on the draft agreement pursuant to section 106
- 29 Council's plan indicating the extent of Development Plan development limits local to the appeal site
- 30A Baroness Cumberlege of Newick and another v Secretary of State for Communities and Local Government and another [2018] EWCA Civ 1305
- 30B Suffolk Coastal District Council v Hopkins Homes Ltd and another, Richborough Estates Partnership LLP and another v Cheshire East Borough Council [2017] UKSC 37
- 31A Appellant's amended 'red line boundary' site location plan drawing no. LP-01, dated 28 September 2022
- 31B Appellant's note-Red line relevant legislation, 29 September 2022

- 32 David Stack's note-Diagram showing a selection of root protection area (RPA) violations
- 33 David Stack's email dated 28 September 2022-(tree felling on-site, root protection area and importance of dead wood)
- 34 BS 5837:2012 Trees in relation to design, demolition and construction-Recommendations
- 35 Development Plan Policies Map extracts
- 36 Bracknell Forest email dated 22 September 2022 (SANG)
- 37 Natural England-SANG correspondence
- 38 Certificate of Incorporation of a Private Limited Company-Beaulieu Homes South Ltd
- 39 Appellant's section 106 'trigger' schedule
- 40 Updated draft agreement pursuant to section 106
- 41 Updated draft agreement pursuant to section 106-Appendices 5 and 8
- 42 Bracknell Forest email dated 29 September 2022
- 43 Formally completed agreement pursuant to section 106

APPENDIX 3-SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The boundary of the site for which development is hereby permitted is limited to the red line boundary shown on Location Plan drawing no. LP-01 rev A (dated 15 December 2022), which supersedes the details shown on other plans and drawings listed in the schedule below. Subject to that qualification, the development hereby permitted shall be carried out in accordance with the following approved plans and drawings.

Drawing Title	Drawing Number	Rev
Location Plan ⁶	LP-01	A
Site Plan	650.020.003	I
Storey Heights	650.020.008	D
Tenure Plan	650.020.007	D
Car Parking Space Designation	2767.32	A
Landscape and Open Space Strategy	September 2021	-
Landscape Design Strategy	LLD1822	06
Landscape Masterplan Strategy	LLD1822-LAN-DWG-001	06
Open Space Typology Plan	BOW_001	A
Affordable Apartments - Plots 12-20 Elevations	650.20.043	B
Affordable Apartments - Plots 12-20 Floor Plans	650.20.044	C
Affordable House Type 2 Bed & 3 Bed - Plots 8-11 & 21- 24 Elevations	650.20.065	B
Affordable House Type 2 Bed & 3 Bed - Plots 8-11 & 21- 24 Floor Plans	650.20.066	B
Affordable House Type 2 Bed 83 - Plots 25, 26 Elevations	650.20.047	B
Affordable House Type 2 Bed 83 - Plots 25, 26 Floor Plans	650.20.048	B
House Type 89 - Plots 2, 3, 5, 6, 36 & 37 Elevations	650.20.025	A
House Type 89 - Plots 2, 3, 5, 6, 36 & 37 Floor Plans	650.20.024	A
House Type 89, 92 - Plots 33, 34 & 35 Elevations	650.20.026	A
House Type 89, 92 - Plots 33, 34 & 35 Floor Plans	650.20.027	A
House Type 106 - Plots 29, 30, 38 AS & 41 OPP Elevations	650.20.030	A
House Type 106 - Plots 29, 30, 38 AS & 41 OPP Floor Plans	650.20.029	A
House Type 109 - Plot 32 Only Elevations	650.20.022	A
House Type 109 - Plot 32 Only Floor Plans	650.20.023	A
House Type 109c - Plot 40 Only Elevations	650.20.063	-
House Type 109c - Plot 40 Only Floor Plans	650.20.064	-
House Type 125 - Plots 28, 51 AS & 31, 50 OPP Elevations	650.20.032	A
House Type 125 - Plots 28, 51 AS & 31, 50 OPP Floor Plans	650.20.031	A
House Type 126 - Plots 39, 45, 47 AS & 49 OPP Elevations	650.20.033	A
House Type 126 - Plots 39, 45, 47 AS & 49 OPP Floor Plans	650.20.034	A
House Type 127c - Plot 27 Only Elevations	650.20.061	-
House Type 127c - Plot 27 Only Floor Plans	650.20.060	-

⁶ See Appendix 4 to this decision.

House Type 138 - Plots 7, 46 AS & 48 OPP Elevations	650.20.035	A
House Type 138 - Plots 7, 46 AS & 48 OPP Floor Plans	650.20.036	A
House Type 139 - Plots 43 & 52 AS Elevations	650.20.020	A
House Type 139 - Plots 43 & 52 AS Floor Plans	650.20.021	A
House Type 140 - Plots 1 & 42 AS Elevations	650.20.038	A
House Type 140 - Plots 1 & 42 AS Floor Plans	650.20.037	A
House Type 141 - Plots 4 & 44 AS Elevations	650.20.040	A
House Type 141 - Plots 4 & 44 AS Floor Plans	650.20.039	A
House Type 155 - Plots 53 AS & 54 OPP Elevations	650.20.041	A
House Type 155 - Plots 53 AS & 54 OPP Floor Plans	650.20.042	A
Bin Store - Plan and Elevations	650.020.20	-
Car Barn - Plan and Elevations	650.020.18	-
Cycle Store	650.020.019	-
Double Garage	650.020.016	-
Single Garage	650.020.015	-
Sub Station	650.020.021	-

- 3) Prior to commencement of the development hereby permitted and any demolition works commencing on site, a Written Scheme of Archaeological Investigation, which shall include a programme of archaeological work, shall have been submitted to and approved in writing by the Local Planning Authority. No development/demolition works shall take place other than in accordance with the approved Written Scheme of Archaeological Investigation.
- 4) Prior to commencement of the development hereby permitted, a noise impact assessment (hereinafter referred to as Noise Impact Assessment) for the development hereby permitted shall have been submitted to and approved in writing by the Local Planning Authority. The Noise Impact Assessment shall include a scheme of mitigation (hereinafter referred to as Noise Mitigation Scheme) as required which shall demonstrate how appropriate internal and external noise levels, reflecting the noise limits set out in BS8233:2014, will be achieved. The Noise Mitigation Scheme shall ensure that all noise implications, specifically including noise implications of the A329 London Road and A329(M), are appropriately mitigated. The Noise Mitigation Scheme shall be implemented in full prior to first occupation of the development hereby permitted and the mitigation measures contained therein shall be retained thereafter.
- 5) Not used.
- 6) No development hereby permitted other than that required to be carried out as part of an approved scheme of remediation shall take place until sub-conditions a) – c) (below) have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition d) has been complied with in relation to that contamination.

a) Site characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, shall be completed in

accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme shall first be submitted to and approved in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with *British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice* and the Environment Agency's *Model Procedures for the Management of Land Contamination* (CLR 11) (or equivalent British Standard and Model Procedures if replaced). A written report of the findings must be submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:

- i. A survey of the extent, scale and nature of contamination;
- ii. An assessment of the potential risks to:
 - human health,
 - property (existing and proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters, and
 - ecological systems.

b) Submission of Remediation Scheme

Where (following the risk assessment) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, a detailed remediation scheme (hereinafter referred to as Remediation Scheme) to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority. The Remediation Scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The Remediation Scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use.

c) Implementation of Approved Remediation Scheme

The approved Remediation Scheme shall be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be given two weeks written notification of commencement of the Remediation Scheme works. Following completion of measures identified in the approved Remediation Scheme, a verification report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority.

d) Reporting of Unexpected Contamination

Any contamination that is found during the course of construction of the development hereby permitted that was not previously identified shall be reported immediately in writing to the Local Planning Authority. An investigation and risk assessment shall be undertaken in accordance with the requirements of sub-condition a), and where unacceptable risks are found a Remediation Scheme shall be prepared in accordance with the requirements of sub-condition b), which shall be submitted to and approved in writing by the Local Planning Authority. The approved Remediation Scheme shall be carried out in accordance with its terms before the development is resumed or continued.

Following completion of measures identified in the approved Remediation Scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority in accordance with sub-condition c) before the development is resumed or continued.

- 7) No development shall take place, including any works of demolition, until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. Construction of the development shall not be carried out otherwise than in accordance with the approved CEMP. The CEMP shall include the following matters:
- a) A construction travel protocol or Green Travel Plan for the construction phase including details of parking and turning for vehicles of site personnel, operatives and visitors;
 - b) Loading and unloading of plant and materials;
 - c) Storage of plant and materials;
 - d) Programme of works, including measures for traffic management and operating hours;
 - e) Piling techniques;
 - f) Provision of boundary hoarding and lighting;
 - g) Protection of important trees, hedgerows and other natural features;
 - h) Relevant ecological mitigation measures during construction phase for protected species (e.g. bats, birds, reptiles, amphibians);
 - i) Control measures to prevent the spread of invasive non-native plant species;
 - j) Control of rats and other vermin particularly during site clearance;
 - k) Protection of the aquatic environment in terms of water quantity and quality;
 - l) Details of proposed means of dust suppression and noise mitigation;
 - m) Details of measures to prevent mud from vehicles leaving the site during construction;
 - n) Details of any site construction office, compound and ancillary facility buildings. These facilities shall be sited away from woodland areas;
 - o) Lighting on site during construction;
 - p) Measures to ensure no on-site fires during construction;
 - q) Monitoring and review mechanisms;
 - r) Implementation of the CEMP through an environmental management system;
 - s) Details of the haul routes to be used to access the development;
 - t) Details of temporary surface water management measures to be provided during the construction phase;

- u) Details of the excavation of materials and the sub-surface construction methodology; and
 - v) Appointment of a Construction Liaison Officer.
- 8) No site clearance, preparatory work or development hereby permitted shall commence until details of the provisions to be made to accommodate all site operatives, visitors and construction vehicles loading, off-loading, parking and turning within the site and access to the site during the construction period consistent with the approved point of access off St Anne's Drive have been submitted to and agreed in writing by the Local Planning Authority. The approved details shall be implemented prior to the commencement of the development hereby permitted and those provisions shall be maintained as so-approved and used for no other purposes until completion of the development or otherwise as provided for in the approved details.
- 9) Prior to commencement of the development hereby permitted, details of the earthworks shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. The earthworks shall be carried out in accordance with the approved details and retained thereafter.
- 10) Prior to commencement of the development hereby permitted, a measured survey of the site and a plan prepared to scale of not less than 1:500 showing details of existing and proposed finished ground levels (in relation to a fixed datum point) and finished floor levels shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details before first occupation of the approved buildings.
- 11) Prior to commencement of the development relating to the individual dwelling plots (works in respect of foundations to serve the dwellings) hereby permitted, samples and details of the materials to be used in the construction of the external surfaces of the buildings shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 12) Prior to works above slab level of the dwellings hereby permitted, details of all boundary treatments and other means of enclosure, which shall include provision of ecological permeability measures appropriate for protected species and species of principal importance, shall first have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the first occupation of the development or phased as agreed in writing by the Local Planning Authority. The boundary treatments and other means of enclosure shall be maintained in the approved form thereafter.
- 13) Prior to commencement of the development hereby permitted, a lighting strategy shall have been submitted to and approved in writing by the Local Planning Authority. The lighting strategy shall:
 - a) Include location, height, type and direction of light sources and intensity of illumination for all external lighting strategies including

details of lighting for all highways, cycleways, footpaths, public areas and any non-residential buildings;

- b) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access such key areas; and show how and where external lighting will be installed through the provision of appropriate lighting contour plans and technical specification so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using such key areas; and
- c) All external lighting shall be installed in accordance with the specifications and locations set out in the lighting strategy and these shall be maintained thereafter in accordance with the lighting strategy. Under no circumstances shall any other external lighting of key areas be installed without the prior written consent of the Local Planning Authority.

14) Prior to commencement of the development hereby permitted:

- a) Details of both hard and soft landscape proposals shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include, as appropriate:
 - i. Scheme drawings;
 - ii. Proposed levels and contours;
 - iii. All boundary treatments and other means of enclosure, such as gates or bollards and vehicle restraint systems, which shall include consideration of ecological permeability;
 - iv. Car parking layouts, other vehicle and pedestrian access and circulation areas;
 - v. Hard surfacing materials including samples;
 - vi. Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, external services, etc) including specifications for the product and its installation;
 - vii. Detailed design of sustainable drainage system (SuDS) features in accordance with the SuDS Strategy, demonstrating how they will be integrated into the wider landscape, with attenuation basins having a natural shape and shallow profile (not requiring lifesaving equipment and fence barriers), allowing them to fulfil amenity, ecological and drainage functions;
 - viii. Soft landscaping details including planting plan, specification (including cultivation and other operations associated with plant and grass establishment), schedules of plants (noting species, planting sizes and proposed numbers/densities where appropriate, and implementation timetable);
 - ix. A Landscape Specification document covering soft landscaping (including site preparation, cultivation, plant handling and other operations associated with plant and grass establishment) and hard landscaping including all construction works such as paths, bridges and retaining walls;
 - x. A specification for tree rooting systems and use of structural soils under paving or where rooting volumes are limited.
 - xi. Implementation programme.

- b) Details of quality control measures, including supervision of landscape contract(s) by a suitably qualified landscape specialist and annual Landscape Audits for the five-year period from completion of the landscaping for the development hereby approved shall have been submitted to and approved in writing by the Local Planning Authority. Landscaping shall be carried out in accordance with the approved details including the submission of the annual Landscape Audit to the Local Planning Authority for information prior to the next planting season and replacement planting shall be undertaken in accordance with the Landscape Audit and c) below.
 - c) All hard and soft landscape works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a timetable approved in writing by the Local Planning Authority. Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced in the next planting season with others of species, size and number as originally approved and shall be permanently retained.
- 15) Prior to commencement of the development hereby permitted, a Landscape and Ecological Management Plan (LEMP) shall have been submitted to and approved in writing by the Local Planning Authority. The LEMP shall include:
- a) Long term design objectives, management responsibilities, timescales and maintenance schedules for all landscape areas, other than privately owned, domestic gardens; and
 - b) A biodiversity net gain assessment showing how the development provides a minimum 10% net gain as per DEFRA metric first agreed in writing by the Local Planning Authority.

The LEMP shall be implemented as approved.

- 16) No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without previous written consent of the Local Planning Authority; any trees, shrubs or hedges removed without consent or dying or being severely damaged or becoming seriously diseased within 5 years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species unless the Local Planning Authority gives written consent to any variation.
- 17) No site clearance, preparatory work or development hereby permitted shall commence until a tree protection plan as well as an Arboricultural Method Statement and Scheme of Works which provide for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site in accordance with BS5837: 2012 have been submitted to and approved in writing by the Local Planning Authority. No site clearance, preparatory work or development hereby permitted shall take place except in complete accordance with the details as so-approved (hereinafter referred to as the Approved Scheme).
- a) No operations in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and/or widening or any other

- operation involving use of motorised vehicles or construction machinery) shall commence until the tree protection works required by the Approved Scheme are in place on site.
- b) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within an area designated as being fenced off or otherwise protected in the Approved Scheme.
 - c) The fencing or other works which are part of the Approved Scheme shall not be moved or removed, temporarily or otherwise, until all works including external works have been completed and all equipment, machinery and surplus materials removed from the site, unless the prior approval of the Local Planning Authority has first been sought and obtained in writing.
- 18) Prior to commencement of the development hereby permitted, a detailed strategy for safeguarding the interests of protected species on site shall have been submitted to and approved in writing by the Local Planning Authority. The strategy shall be prepared by a suitably qualified ecologist, include an implementation programme and the minimum quantum of provision shall be that set out in section 5.2 of the submitted *Ecological Assessment Update* (Ethos Environmental Planning, July 2021). The approved strategy shall be implemented in full in accordance with the implementation programme unless otherwise agreed in writing by the Local Planning Authority.
- 19) Prior to commencement of the development hereby permitted, details of works relating to upgrading the footpath within Buckhurst Meadows SANG, that provides a connection between development hereby permitted and William Heelas Way, in accordance with drawing no. 650.20.065 30.11.2021- Connectivity, Pedestrian Movement & Desire Lines⁷, shall have been submitted to and approved in writing by the Local Planning Authority. The upgrading works shall comprise a flexible, bonded aggregate surface, details of which shall be first submitted to and approved in writing by the Local Planning Authority. The upgrading works shall be completed in accordance with the approved details prior to first occupation of the development hereby permitted.
- 20) Prior to commencement of the development hereby permitted, details of four direct links between the development hereby permitted and Buckhurst Meadows SANG, in accordance with approved drawing no. 650.020.003 Rev I-Site Plan, shall have been submitted to and approved in writing by the Local Planning Authority. The details shall have regard to ground levels and the need to minimise negative effects on the landscape and ecological importance of trees and hedgerows. The works shall be completed in accordance with the approved details prior to first occupation of the development hereby permitted.
- 21) No development hereby permitted shall commence until updated and full details of the sustainable drainage system (SuDS) (SuDS Strategy) for the site have been submitted to and approved in writing by the Local Planning Authority. The details shall be in accordance with the *Flood Risk Assessment* (Revision 3 – 15 September 2021) and *Flood Risk Assessment*

⁷ CD 4.9.

Addendum – SUDS update September 2021, unless otherwise agreed in writing by the Local Planning Authority. These details shall include:

- a) Drainage calculations, details of the layout, position and size of attenuation basins, and principles for locally based treatments such as rain gardens, filter strips and swales;
- b) Details of proposed SuDS features in accordance with the CIRIA guidance and the Wokingham SuDS Strategy (January 2017);
- c) Demonstration that the SuDS details are in line with the ecological protection measures and biodiversity net gain provision pursuant to conditions 14 to 18 of this permission.

The approved SuDS Strategy shall be implemented prior to first occupation of the development hereby approved and retained thereafter.

- 22) No dwelling within the development hereby permitted shall be first occupied until a SuDS Management and Maintenance Plan for the lifetime of the development hereby permitted has been submitted to and approved in writing by Local Planning Authority. The plan shall include details of:
- a) Arrangements to secure the operation of the plan throughout the lifetime of the development, including adoption by a Private Management Company, Wokingham Bough Council or a Statutory Undertaker;
 - b) Maintenance access;
 - c) A method statement for safe and sustainable removal and disposal of waste from the drainage system, detailing frequency, materials to be used and standard of work; and
 - d) A GIS shape file for the drainage system serving the site.

The approved SuDS Maintenance and Management Plan shall be implemented in accordance with the details hereby approved.

- 23) Prior to commencement of the development hereby permitted, a routing plan for surface water flows above the 1 in 100+40% climate change storm event (hereinafter referred to as an Exceedance Flow Routing plan) shall have been submitted to and approved in writing by the Local Planning Authority. The Exceedance Flow Routing plan:
- a) Shall identify exceedance flow routes through the development based on proposed topography with flows being directed to highways and areas of public open space;
 - b) Will demonstrate how flow routes avoid passing through gardens and other areas in private ownership;
 - c) Shall be accompanied by an exceedance map with arrows showing the direction of surface water flow in a storm event above 1 in 100+40% climate change or blockage.

The development shall be carried out in accordance with the details hereby approved before the first occupation of the development hereby permitted.

- 24) None of the dwellings hereby permitted shall be occupied until works for the disposal of sewage shall have been provided on the site to serve the development hereby permitted, in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority.

- 25) Prior to first occupation of the development hereby permitted, details of the waste and recycling management arrangements for the development shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until waste and recycling storage facilities to serve it have been provided in accordance with the approved details. These facilities shall be permanently retained thereafter and used for no purpose other than the temporary storage of waste and recyclable materials.
- 26) Prior to commencement of the development hereby permitted, full details of the construction of roads, cycleways and footways, including levels, widths, visibility splays, construction materials, depths of construction, surface water drainage and lighting shall have been submitted to and approved in writing by the Local Planning Authority. The roads, cycleways and footways shall be constructed in accordance with the approved details to base course level before the development is first occupied and the final wearing course shall be provided within 3 months of occupation, unless other minor variations are agreed in writing by the Local Planning Authority.
- 27) Prior to first occupation of the development hereby permitted, details of Electric Vehicle Charging points in accordance with the approved drawing no. 2767.32A-*Car parking space designation* shall have been submitted to and approved in writing by the Local Planning Authority. The Electric Vehicle Charging points shall be implemented in accordance with the approved details before first occupation of the development hereby permitted, and shall be permanently retained in the approved form for the charging of electric vehicles and used for no other purpose.
- 28) Prior to first occupation of the development hereby permitted, details of secure and covered bicycle storage/parking facilities for the occupants of and visitors to the development shall have been submitted to and approved in writing by the Local Planning Authority. The bicycle storage/parking shall be implemented in accordance with the approved details before occupation of the unit it intends to serve within the development hereby permitted, and shall be permanently retained in the approved form for the storage/parking of bicycles and used for no other purpose.
- 29) No dwelling/building within the site shall be first occupied until visibility splays of 2.0 metres by 2.0 metres, have been provided at the intersection of its driveway(s) and the adjacent footway. (Dimensions to be measured along the edge of the drive and the back of the footway from their point of intersection). The visibility splays shall thereafter be kept free of all obstructions to visibility above a height of 0.6 metres.
- 30) Prior to commencement of development hereby permitted, details of internal pedestrian and cycle infrastructure and connections from the development to Wokingham Town Centre and to Buckhurst Meadows SANG shall have been submitted to and approved in writing by the Local Planning Authority. The details shall demonstrate how these routes will be upgraded. The approved details shall be implemented prior to occupation of the first dwelling.
- 31) No dwellings hereby permitted shall be first occupied until vehicle parking and turning space has been provided in accordance with drawing no.

2767.32A-Car parking space designation. The vehicle parking and turning space shall be retained in accordance with the approved details thereafter and the parking space shall remain available for the parking of vehicles at all times and the turning space shall not be used for any purpose other than vehicle turning.

- 32) Prior to first occupation of development hereby permitted, a Parking Management Strategy for the management of the on-site parking shall have been submitted to and approved in writing by the Local Planning Authority. The approved Parking Management Strategy shall be implemented prior to the first occupation of the development hereby permitted and the management of the parking within the site shall be in accordance with the Parking Management Strategy thereafter.
- 33) Prior to first occupation of the development hereby permitted fire hydrants, or other suitable emergency water supplies, shall be provided in accordance with a scheme including details of their location, specification and a programme for their provision which has first been submitted to and approved in writing by the Local Planning Authority.
- 34) Prior to commencement of the development hereby permitted, a scheme:
 - a) Delivering at least a 20% reduction in carbon emissions, from that required by the Buildings Regulations extant on the date that the planning application was made, through renewable energy and/or low carbon technology; and
 - b) Demonstrating how the water consumption targets of 105 litres or less per person per day for new dwellings will be met and how the development is water resilient (including the provision of water vats), shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the development is first occupied and shall remain operational thereafter.
- 35) No work relating to the development hereby permitted, including works of ground clearance or preparation prior to commencement of construction operations shall take place other than:
 - a) Between the hours of 08:00 to 18:00 Monday to Friday; and
 - b) Between the hours of 08:00 to 13:00 on Saturday; and
 - c) At no time on Sundays or Bank or National Holidays; except for
 - d) Individual operations which cannot reasonably be undertaken within the construction working hours defined above the details of which (including details of the nature extent and timetable for the works) have been submitted to and agreed in writing by the Local Planning Authority at least two weeks in advance of the start of the operation.

Where works are agreed by the Local Planning Authority under d) above, details of key stakeholders including residential properties within an identified zone shall have first been submitted to and approved in writing by the Local Planning Authority. The key stakeholders including residential properties within the approved zone, ward members and town/parish councils shall be given written notice at least one week in advance of the start of the works taking place. The notification shall include details of the nature, extent and timetable for the works and telephone number that the party responsible for the works can be contacted on for the duration of the works.

- 36) Not used.
- 37) Notwithstanding the provisions of the *Town and Country Planning (General Permitted Development) (England) Order 2015* (or any Order revoking and re-enacting that Order with or without modification), no external lighting shall be installed on the site or affixed to any buildings on the site except within rear gardens and front door lamps or in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.
- 38) Notwithstanding the provisions of the *Town and Country Planning (General Permitted Development) (England) Order 2015* (or any Order revoking and re-enacting that Order with or without modification), the garages and carports shown on drawing no. 2767.32A-*Car parking space designation* shall be kept available for the parking of vehicles ancillary to the residential use of the site at all times. Carports shall not be enclosed beyond any enclosure shown on the approved drawings without the prior written approval of the Local Planning Authority. Garages and carports shall not be used for any business use nor as habitable space.
- 39) Notwithstanding the provisions of the *Town and Country Planning (General Permitted Development) (England) Order 2015* (or any Order revoking and re-enacting that Order with or without modification), no gates or barriers shall be erected on any shared vehicular access.
- 40) Prior to commencement of the development hereby permitted, details of the proposed vehicular access onto St Anne's Drive, including visibility splays, in general accordance with Appendix 8 of the *PEP Transport Assessment dated November 2020*, shall have been submitted to and approved in writing by the Local Planning Authority. The access shall be formed as so-approved and the visibility splays shall be cleared of any obstruction exceeding 0.6 metres in height prior to the first occupation of the development. The access shall be retained in accordance with the approved details and used for no other purpose and the land within the visibility splays shall be maintained clear of any visual obstruction exceeding 0.6 metres in height at all times.

APPENDIX 4-DRAWING NO. LP-01 REV A

(revised, red-line plan dated 15 December 2022)

