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RAILEX

Marbleboard

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Town and Country Planning Act 1990 (As Amended)

Town and Country Panning (Inquiries Procedures) Rules 2000

Appeal by
Linden Homes South-East Ltd

41 Watmore Lane
Winnersh
Berkshire

Proof of Evidence
of
R D D Grainger Dip Arb (RFS) F Arbor A

APPENDICES

May 2003

Ref: 02062R

tmc
Arboricultural
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BRITISH STANDARD

BS 5837 : 1991

Guide for

Trees in relation to construction

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BSI STANDARDS

Table 1. Protection of trees: minimum distances for protective fencing around trees

Tree age	Tree vigour	Trunk diameter	Minimum distance
		mm	m
Young trees (age less than ⅓ life expectancy)	Normal vigour	< 200	2.0
		200 to 400	3.0
		> 400	4.0
Young trees	Low vigour	< 200	3.0
		200 to 400	4.5
		> 400	6.0
Middle age trees (⅓ to ⅔ life expectancy)	Normal vigour	< 250	3.0
		250 to 500	4.5
		> 500	6.0
Middle age trees	Low vigour	< 250	5.0
		250 to 500	7.5
		> 500	10.0
Mature trees	Normal vigour	< 350	4.0
		350 to 750	6.0
		> 750	8.0
Mature trees and overmature trees	Low vigour	< 350	6.0
		350 to 750	9.0
		> 750	12.0

NOTE 1. It should be emphasized that this table relates to distances from centre of tree to protective fencing. Other considerations, particularly the need to provide adequate space around the tree including allowances for future growth (see 6.3), and also working space (see 6.7), will usually indicate that structures should be further away.
NOTE 2. With appropriate precautions, temporary site works can occur within the protected area, e.g. for access or scaffolding (see 8.3).

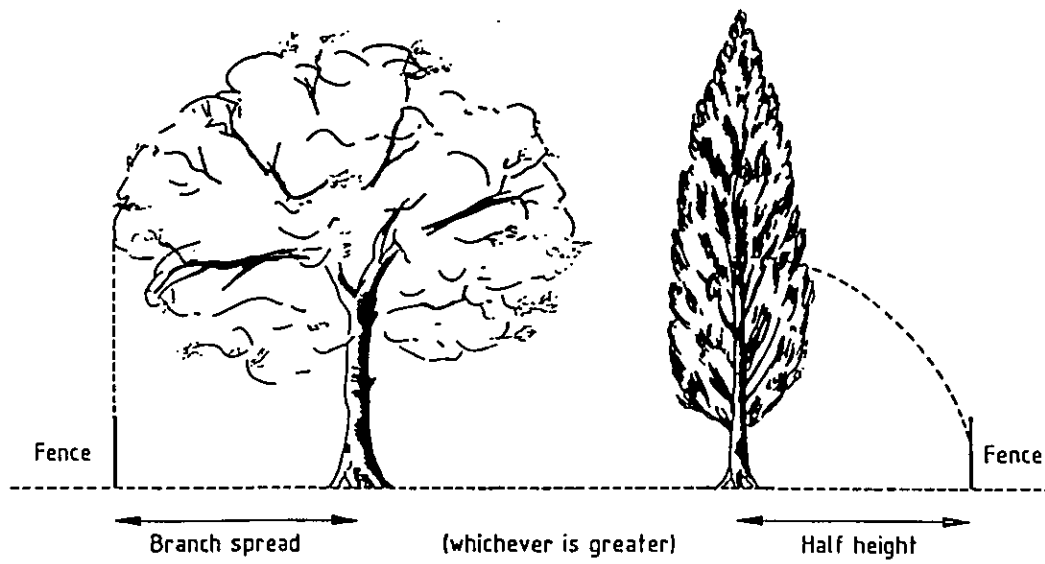


Figure 2. Alternative location for protective fencing

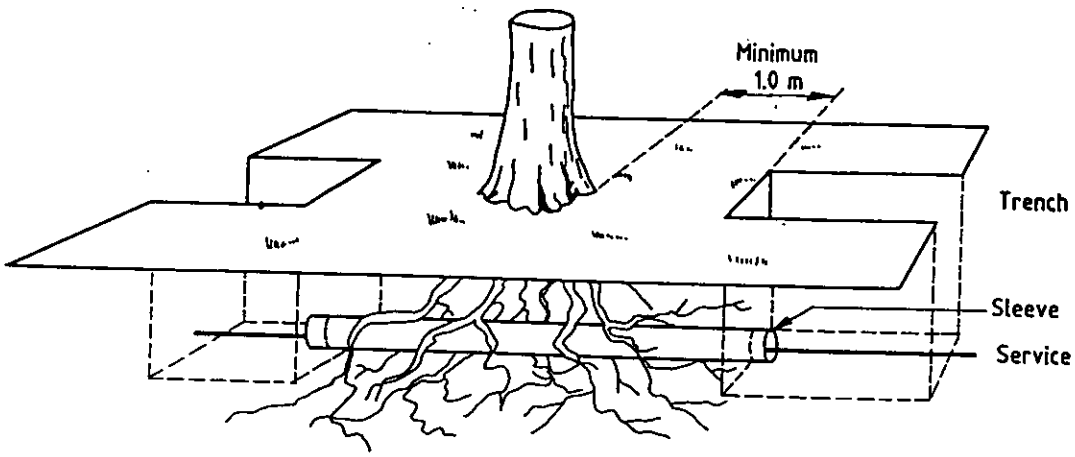


Figure 3. Trenching along radii to minimize damage

7.6.3 Trees can also be damaged by heat. For this reason, fires should not be lit in a position where the flames could extend to within 5 m of foliage, branches or trunk, bearing in mind the size of the fire and the wind direction. With a large fire this may necessitate keeping the fire at least 20 m from the tree.

8 Protection of existing trees against damage on site

8.1 General

8.1.1 All trees which are being retained on site should be protected by stout fencing, enclosing an area as recommended in **7.5**. Such fencing should be erected before any materials or machinery are brought on the site and before any demolition or development, including erection of site huts, is commenced. Once erected, fences should be regarded as sacrosanct, and should not be removed or altered without prior consultation with a specialist in arboriculture.

8.1.2 Occasionally the site will be so sensitive or vulnerable to damage that particular areas need to be protected or treated even before the constructor takes possession of it. In such a case, particular arrangements should be made for hand work by the owner or developer with an arboricultural specialist in the affected areas. Examples might include very old or rare trees, or trees sited unavoidably close to the constructors' access.

8.2 Protective fencing around trees

8.2.1 The fencing should be strong and suitable for local conditions, and should be appropriate to the degree of construction activity taking place on the site.

8.2.2 In most situations it is recommended that fencing at least 1.2 m high should be erected, comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, supporting either cleft chestnut pale fencing (in accordance with BS 1722 : Part 4) or chain link fencing (in accordance with BS 1722 : Part 1) as shown in figure 4.

8.2.3 In circumstances where the concentration of construction activity is particularly intense, or the trees and shrubs to be retained are either particularly valuable or particularly vulnerable, fencing at least 2.4 m high should be erected, comprising a scaffolding framework as in **8.2.2** supporting a minimum of 20 mm exterior grade ply or other robust man-made boards, as shown in figure 5.

8.3 Precautions in respect to temporary work

8.3.1 If temporary vehicle access is required through the protected area, a reinforced concrete slab should be laid over the existing soil surface, with appropriate protection along the road edge.

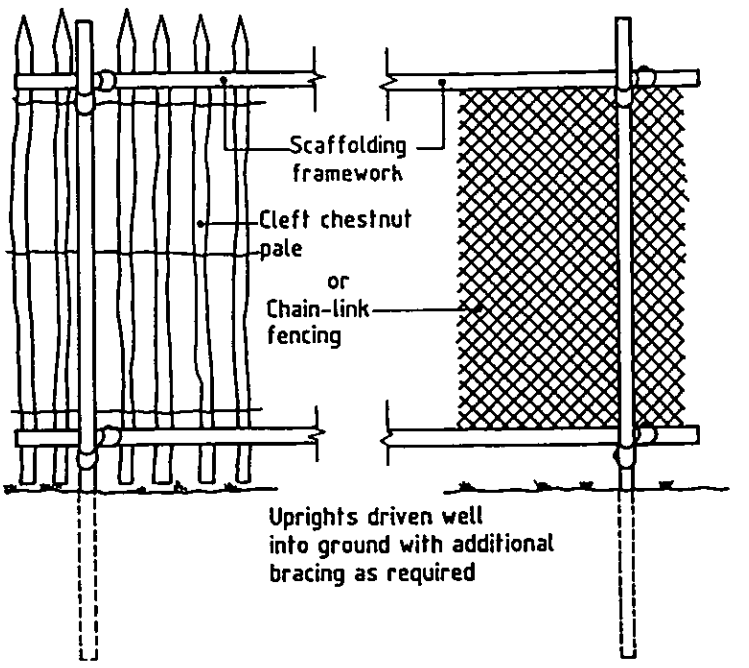


Figure 4. Protective fencing on scaffolding framework

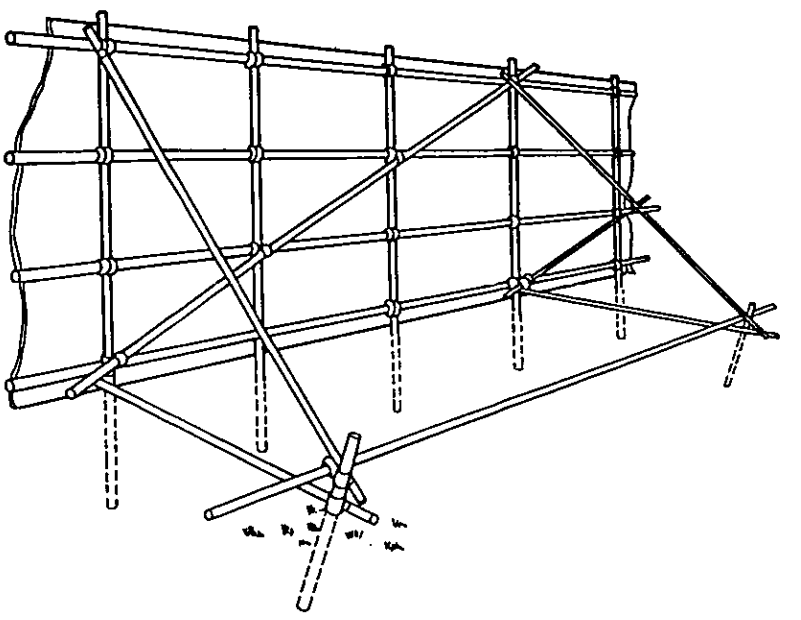


Figure 5. Protective fencing for special conditions

8.3.2 If it is essential for scaffolding to be erected within a protected area, fencing in accordance with **8.2.2** or **8.2.3** should be erected to provide just sufficient space for the scaffolding. The ground between this fencing and the building should be protected by boarding (e.g. scaffold boards) as shown in figure 6. A single thickness of boarding laid on the soil surface will provide sufficient protection for pedestrian loads, but more substantial boarding sufficient to spread the load should be used for heavier traffic. The ground beneath the boarding should be left undisturbed and should be protected with a porous geotextile fabric. If necessary, sand should be laid on the fabric to level the ground. When required, the building scaffolding should be erected. The boarding should be left in place until the building works are finished.

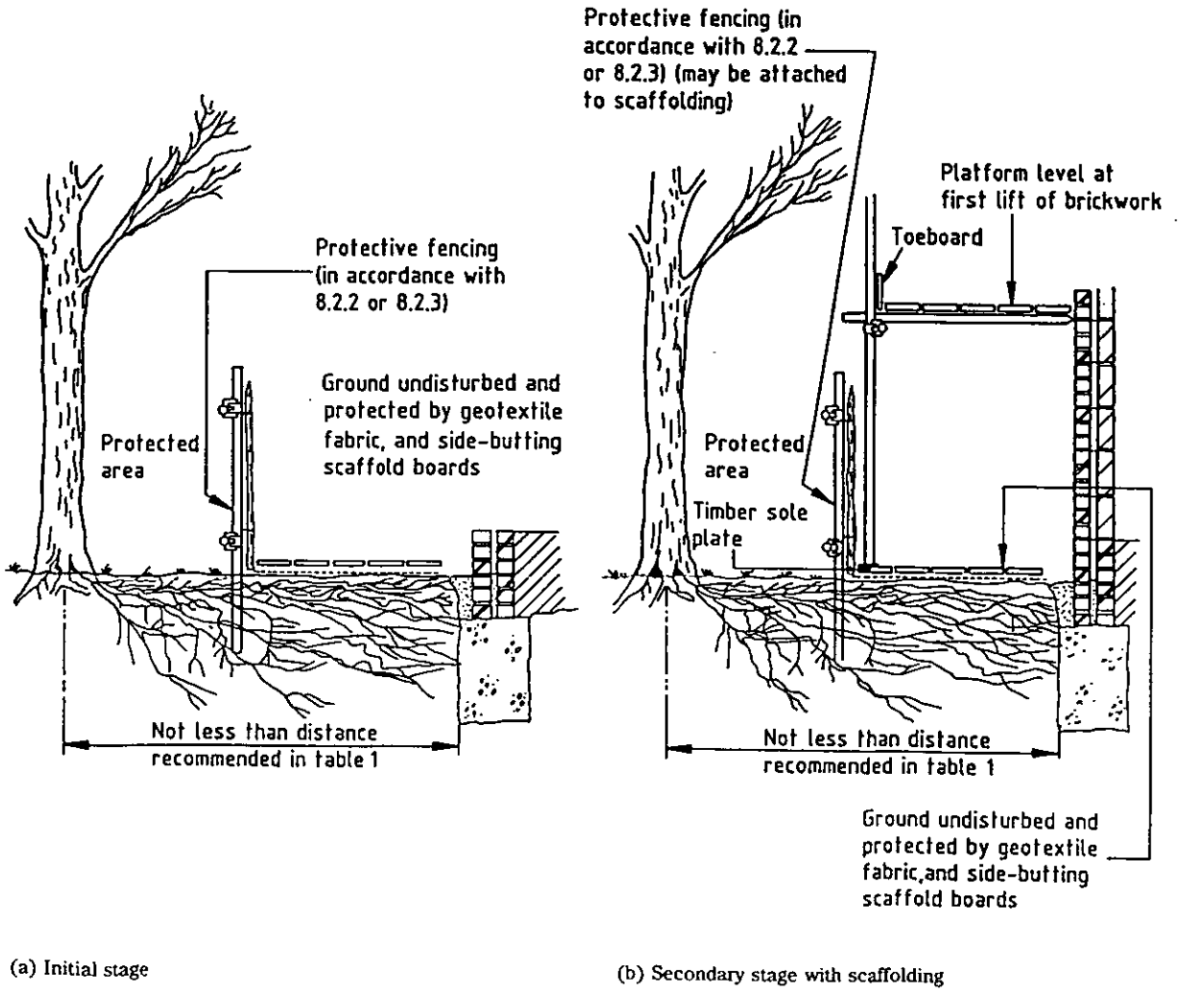
8.4 Additional precautions outside fenced areas

8.4.1 Once the area around trees has been protected by the fencing, any works on the remainder of the site can be carried out, provided such activities do not impinge on the protected areas. Notices should be erected on the fencing with words such as 'Protected area – no operations within fenced area'.

8.4.2 In particular, care is needed to avoid damage in the following ways.

(a) Oil, bitumen, cement or other material likely to be injurious to a tree should not be stacked or discharged within 10 m of a bole, and materials generally should not be stacked or discharged within 5 m of a bole.

(b) Concrete mixing should not be carried out within 10 m of a tree.



(a) Initial stage

(b) Secondary stage with scaffolding

Figure 6. Scaffolding within a protected area (see 8.3.2)

(c) It is essential that fires should not be lit beneath or in close proximity to the canopy of a tree (see **7.6.3**).

(d) If possible, trees to be conserved should not be used as anchorages for equipment used for removing stumps, roots or other trees, or for any other purposes. When this is unavoidable, the trees should be protected in accordance with the recommendations of BS 3998.

(e) Notice boards, telephone cables, or other services should not be attached to any part of a tree.

(f) Care should be exercised when using cranes or similar equipment near the spread of the canopy of a tree.

(g) Trees to be felled that are adjacent to, or that lie within a continuous canopy of, trees to be retained, should be removed with particular care. In some cases a tree may have to be removed in sections to avoid damage.

8.4.3 It is essential that allowance should be made for the slope of the ground so that damaging materials such as concrete washings, mortar or diesel oil cannot run towards trees.

9 Tree removal and surgery

9.1 Planning

9.1.1 On the basis of the tree survey and schedule (see **5.2**) a plan or list should be prepared showing all trees for removal or surgery. This should include:

(a) all trees outside the areas designated for protection;

(b) all trees listed in **5.2.2** (d);

(c) other trees where it is agreed that removal or surgery is appropriate.

9.1.2 Trees for felling should be marked on site (e.g. with paint or a timber scribe), but before felling it should be confirmed that all marked trees correspond with those shown on the schedule or plan.

9.2 Operations

9.2.1 It will normally be more convenient for trees to be felled prior to erection of protective fencing, but contractors should be instructed not to cause damage to protected areas. This should include the exclusion of all vehicles from these areas, except as necessary for operations described in **9.2.2**. Care should be taken to avoid damage to all trees which are being retained. It may therefore be necessary for trees to be felled and removed in sections.

9.2.2 Wherever possible, the stumps of trees left in areas designated for protection should be removed, provided this does not cause damage to remaining trees. The stumps of all trees in areas designated for construction operations should also be removed. Trees to be retained should not be used as anchorages for equipment used in stump removal. (See also **8.4.2** (d).)

9.2.3 Fires should not be lit in a position where the flames could extend to within 5 m of foliage, branches or trunk, bearing in mind the size of the fire and the wind direction (see **7.6.3**).

9.2.4 It is usually preferable for any tree surgery work (to make the tree safe, or for any other reason) to be included at this stage of site clearance in development, prior to commencement of other site works. A full specification of this work following the recommendations of BS 3998 should be prepared, and the work should be implemented as appropriate.

10 Avoidance of damage to structures by trees

10.1 Introduction

10.1.1 This clause identifies particular situations where precautions may prove necessary to ensure harmony between trees and buildings. Many buildings are likely to come into close proximity with planted or self-sown trees during their useful life, so they should be constructed to allow for reasonable future tree growth.

10.1.2 In some situations, trees can adversely affect structures either by their direct action (see **10.2**), or by their indirect action (see **10.3**) in causing shrinkage or swelling of a clay subsoil.

10.2 Direct action of trees on structures

10.2.1 Trees can cause direct damage by:

(a) the growth of roots or the base of the trunk lifting or distorting structures;

(b) the disruption of underground services and pipelines;

(c) the impact of branches with the superstructure;

(d) being blown over.

10.2.2 The growth of the base of the trunk or of roots near the surface only exerts comparatively small forces. Paving slabs or low boundary walls can be lifted or pushed aside very easily, but heavier or stronger structures are more likely to withstand these forces without damage. More commonly the root will distort around the obstruction or the soil will suffer localized compaction or shear failure around the root before damage occurs.

10.2.3 The greatest risk of direct damage occurs close to the tree from the growth of the main trunk and roots, and diminishes rapidly with distance. To minimize the risk of damage, precautions during construction (see **10.2.4**) should be taken when the distance from structure to young trees is less than that given in table 2. New planting should be kept at distances from structure not less than those in table 2.

10.2.4 If building closer than the distances recommended in table 2, precautions should be taken to allow for future growth. For example, foundations should be reinforced to resist lateral thrust; walls or

has ceased (which may take many years) or foundations should be designed to tolerate such swelling. This will usually involve supporting the foundations on stable ground and then incorporating anti-heave precautions within the zone of soil swelling, or extensive reinforcement. Floors should be designed to prevent damage through uplift, usually by ensuring that a void is left beneath them. Where construction is linked to adjoining buildings, appropriate expansion joints should be incorporated in the superstructure to allow relative movement. Tops of piles may need to be sleeved. Ground beams or retaining walls should be designed to allow for the appropriate horizontal movement or to resist forces exerted.

10.4.7 In some small independent buildings such as garages, or in structures such as boundary walls, the effects of more ground movement may be acceptable. Such structures then need to be designed to tolerate such movement without undue distress. Slabs may need to be adequately reinforced and structures may need movement joints of appropriate type and spacing.

10.4.8 Soil movements can also damage underground services, particularly drains. These should be provided with flexible joints to ensure they remain watertight or they should be encased. Care should be taken to permit movement particularly where services enter the structure.

10.4.9 Root barriers are occasionally constructed to prevent roots from encroaching under sensitive buildings. Their construction presents practical problems about which specialist advice should be sought. Root barriers should be deep enough and long enough to prevent roots from passing below or around them, and should extend to the surface to prevent roots growing over the top. Root barriers should also be continuous with no gaps through which roots could penetrate.

11 Hard surfaces around existing trees

11.1 Design considerations

11.1.1 The means of protecting trees from damage during construction work are set out in clauses **7** and **8**. By adhering to them, a retained tree should survive the changes to its environment. However, once the main works are completed, it may be necessary to incorporate the protected area around the tree within the landscape of the new development. This may involve works such as footpaths, drives or parking spaces within this protected area. The provisions of this clause do not imply that there is freedom to carry out any work within this area, but recognize that the ability of the tree to tolerate some work will depend on individual circumstances. Specialist arboricultural advice should be sought for any work within this protected area. In general, the older the tree, the less successfully it will adapt to new conditions, and thus the details of designs incorporating mature trees should be considered with particular care. Likewise, care is needed with clay soils, particularly with any operations or proposed use which might cause compaction.

11.1.2 Where hard surfaces are being constructed, precautions are essential to maintain the condition and health of the root system. In particular, care is needed:

(a) to prevent physical damage to the roots during construction of the surface;

(b) to make provision for water and oxygen to reach the roots;

(c) to allow for the future growth of the root system.

11.1.3 It is essential that the possible consequences of constructing kerbs or edgings to support the edges of hard surfaces within the protected area are appreciated. The excavations needed to accommodate the kerb construction may damage the root system (see **7.4**); depending on the extent of damage which would occur, and the likely consequences for the tree concerned (see **11.1.1**), it may be necessary to move the kerb line to a safe distance from the tree (see table 1) or to consider an alternative, less damaging, form of construction.

11.1.4 In some situations, where it is essential to include a hard surface close to a tree, consideration should be given to constructing the final surface prior to the main building works, so as to provide protection for the roots at subsequent stages.

11.2 Prevention of damage to roots

11.2.1 As the majority of feeder roots occur in the uppermost 600 mm of soil, changes in level should be minimized.

11.2.2 Any vegetation on the existing soil surface should be killed using an appropriate herbicide. Herbicides which can leach through the soil, e.g. products containing sodium chlorate, should not be used in these circumstances.

11.2.3 Lowering of the soil level is particularly damaging, as this will sever the surface roots. For the same reason, the soil surface should not be skimmed to establish new paving at the former ground level except for the careful removal of loose organic matter. It is preferable that new paving should be established above the former ground level, using a granular fill.

11.2.4 Raising the ground level can be accommodated more easily provided a granular material is used which will not inhibit gaseous diffusion. For instance, no-fines gravel or cobbles can be used as a base for paving, leaving the underlying soil intact.

11.2.5 If excavations have to be so close to a tree that roots greater than 50 mm diameter are likely to be encountered, particular care should be taken to avoid damage. Any excavations should be undertaken by hand, avoiding damage to the bark. The roots should then be surrounded with sharp sand before replacing soil or other material in the vicinity.

11.3 Provision for water and oxygen

11.3.1 It is essential to maintain adequate supplies of water and oxygen through the soil. Although the hard surface may be detrimental by restricting the access of rainfall, this is frequently offset by the benefit of not having other vegetation competing for the available water.

11.3.2 The use of no-fines granular materials wherever fill or a sub-base is required will help to ensure adequate gaseous diffusion.

11.3.3 Excess water should be avoided, particularly on clay soils where waterlogging can occur. For this reason, the surface should slope away from the tree to avoid ponding. Provided surface water is not liable to be contaminated by salt or toxic run-off from oil or petrol, it is preferable to use one of the permeable surfaces described in **11.6**. If contamination is likely to be a problem, an impermeable surface should be used to prevent entry of toxic material. In these circumstances it is desirable to incorporate a highly permeable sub-base to allow for lateral diffusion.

11.3.4 If excess water is likely to be a problem, consideration should be given to the provision of suitable land drainage. Such drains should not be nearer to the tree than the distances shown in table 1.

11.4 Allowance for future growth

11.4.1 Future root growth can lift paths or distort light structures such as walls (see **10.2**). Design and construction should allow for such future growth.

11.4.2 Surfaces which will tolerate growth and movement should be provided close to the tree. Washed gravel is ideal, or paving laid on a sand or weak mortar base. Avoid uniform concrete surfaces, unless these are reinforced.

11.4.3 Provision should be made for growth of the base of the trunk by leaving an unpaved 250 mm wide strip around the base of the trunk.

11.4.4 If it is necessary to build a wall or similar structure over a root greater than 50 mm diameter, provision should be made for future diameter growth. This is best achieved by surrounding the roots with uncompacted sharp sand, and by laying an adequately reinforced lintel or raft over the surface (see **10.2.4**).

11.5 Edge supports

The need, or otherwise, for the provision of additional support to paved edges adjacent to trees should be carefully considered. The excavation needed for the placement of kerbs, edgings and their associated foundations and haunchings can easily cause damage to tree roots and should not encroach within the protected area (see clause 8). Deep excavation can be avoided by the use of alternative methods of edge support or supports can be dispensed with entirely (see figure 7).

11.6 Types of hard surface (see also 11.2)

11.6.1 Washed gravel retains its porosity unless excessively consolidated, and is particularly useful where changes of level occur or an irregular shape is needed around the trunk. It is, however, not suitable where there is vehicle or pedestrian traffic, and since it is a loose material, it can be unpopular in, for example, residential areas or adjacent to close mown grass. Gravel is easily renewed or topped up, and compaction by pedestrians can be ameliorated by an annual piercing with a crowbar. Weeds may become established, but can be controlled by chemical or mechanical means. Gravels with a high fines content, such as binding gravels or hoggin, should not be used due to their almost impermeable texture when consolidated.

11.6.2 Paving slabs, including those with perforations, should be laid dry-jointed on a sharp sand foundation to allow air and moisture to penetrate to the rooting area.

11.6.3 Bricks or blocks, when laid butt-jointed directly upon sand, no-fines concrete or another open foundation material, provide enough moisture accessibility and movement of air around the base

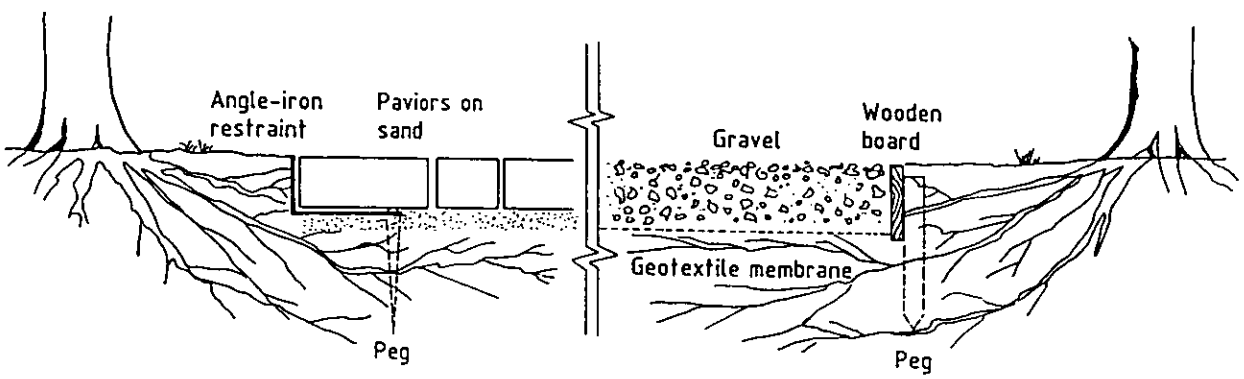


Figure 7. Edge supports for hard surfaces



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THE TREE ADVICE TRUST

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Fax: 01420 22000

Mr R D D Grainger
21 Burpham Lane
GUILDFORD
Surrey
GU4 7LN

Your Ref:

Our Ref: 276

Date: 19 March 2003

Dear Mr Grainger,

Re: Access Across Tree Roots.

I write as you requested at the end of our telephone conversation on Monday 17th *inst.* to confirm the points we discussed.

Your particular concern relates to a situation where there is need to construct an access across the root system of an over mature Oak (*Quercus* species).This tree has died back and growth is now confined almost entirely to epicormic shoots well within the main framework of branches of the original crown. Such a tree has reduced vigour since its main period of significant development and expansion occurred long ago. In these circumstances root activity may be assumed to be much less extensive than would occur in a middle aged/mature tree in which rapid expansion of the tree is still occurring.

The most traumatic damage that can be inflicted on any tree is root severance because the tree cannot respond quickly to such loss of its water absorbing capacity of the root system. It is essential, therefore, that root severance is avoided particularly when dealing with mature/over mature trees.

It is essential, therefore, that there is no excavation within the protected area recommended in British Standard *BS5837:1991 Guide for trees in relation to construction.* This is because any excavation within the protected area is likely to sever major roots which act as the conduit between the fine white roots that absorb water from the soil and the trunk *en route* to the foliage. Severance of even a few brown roots results in extensive damage to the root system of the tree.

However, because the major (brown) roots are not actively absorbing moisture and nutrients, and because they are protected by bark they can withstand conditions of reduced aeration and some soil compaction. It is feasible with precautions, therefore, to make some changes to the soil conditions around these roots without jeopardising the

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tree's health. Nevertheless it remains important to avoid unlimited and traumatic changes in soil conditions within the protected area around a tree.

A tree is able to cope with slow changes in the soil conditions around its roots.

The no-dig construction (Arboricultural Practice Notes No. 1 *Driveways Close to Trees*) provides a means of spreading a load over a wider area than the vehicle wheel contact with the ground. This is achieved by the Geogrid which, with the ballast, acts as a load disperser. This construction may create soil aeration problems if a large area of the root system is covered. However, the addition of ventilation pipes into the ballast and venting to the open air may serve to ease this problem.

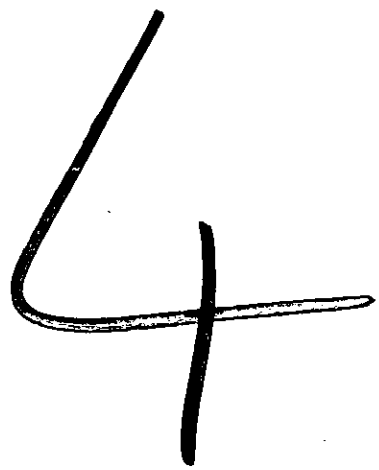
Other methods of construction, which create low ground pressure, are feasible and would rely on reinforced concrete. *In extremis* construction could be designed that would suspend a running surface from pads/piles and beams where the beams are founded at ground level.

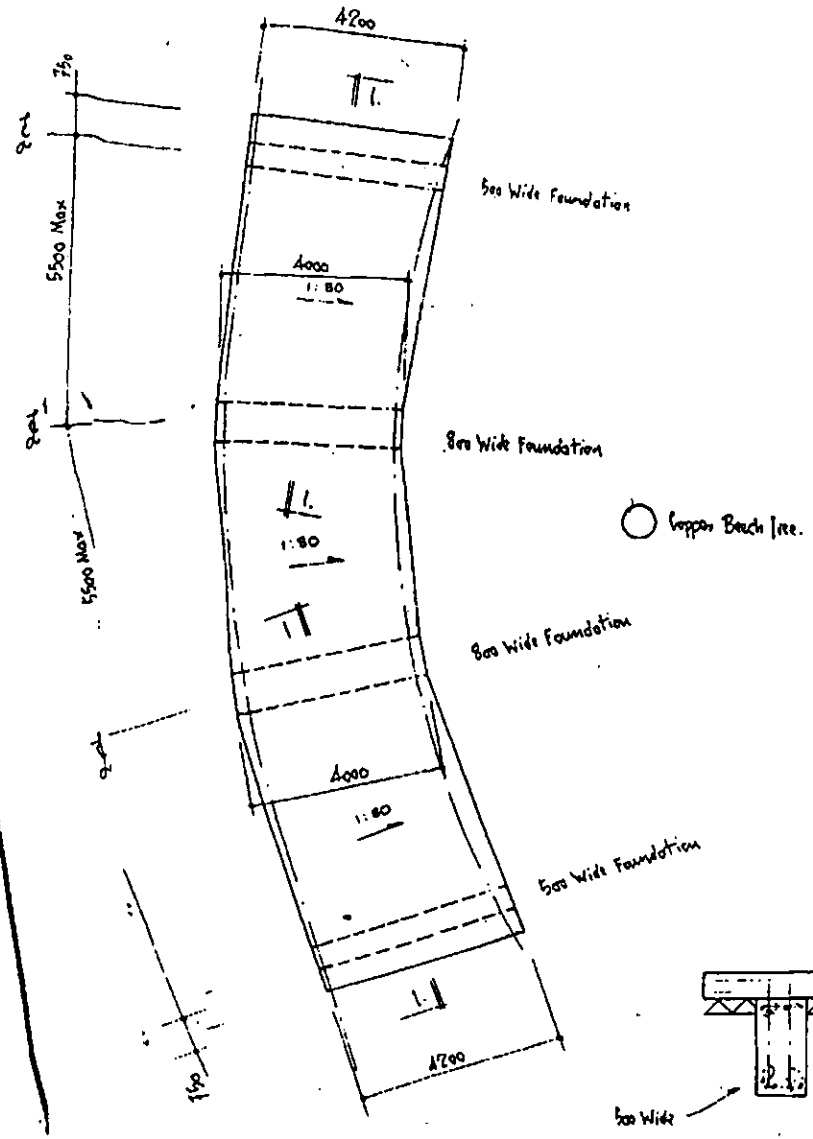
Please let me know if you need further comment or assistance.

Yours sincerely,

Derek Patch

Derek Patch, MSc., NDArb(RFS)





NOTES

FOUNDATIONS HAVE BEEN DESIGNED FOR AN INCREASED GROUND BEARING PRESSURE OF 150KN/m² INTO THE COMPACT SAND AND GRAVEL. WHERE IT IS FOUND NECESSARY TO EXCAVATE LOWER TO REACH AN APPROVED BEARING STRATA THE RESULTANT VOID IS TO BE BACKFILLED WITH MASS CONCRETE GEN 1.

TRENCHES TO BE DUG VERTICAL AND IN ONE OPERATION TO GIVE A SMOOTH FINISH TO THE CONCRETE FOUNDATION.

ALL DISTURBED GROUND AND LOOSENED SOIL AT FORMATION LEVELS IS TO BE REMOVED. BOTTOMS MUST NOT BE PERMITTED TO SOFTEN. FOUNDATIONS SHOULD BE BLINDED OR CONCRETED AS SOON AFTER EXCAVATION AS POSSIBLE.

FOUNDATION WIDTHS TO BE AS NOTED ON PLAN.

FORMATION LEVELS ARE SUBJECT TO SITE CONDITIONS AND THE APPROVAL OF LA/NHBC.

FOUNDATIONS MUST BE DEEPENED WHERE REQUIRED TO AVOID SURCHARGING ANY DRAINAGE SYSTEM.

MASS CONCRETE TO BE GEN 1 USING 275Kg/m³ MIN. CEMENT CONTENT.

AT ALL DAY/CONSTRUCTION JOINTS PROVIDE 2000 LONG 16MM DOWEL BARS, 4 TOP, 4 BOTTOM LOCATED 1000 EITHER SIDE OF JOINT AND WITH 50 COVER.

FOUNDATIONS TO BE REINFORCED WITH 1 LAYER OF A393 MESH TOP AND BOTTOM WITH 50 COVER.

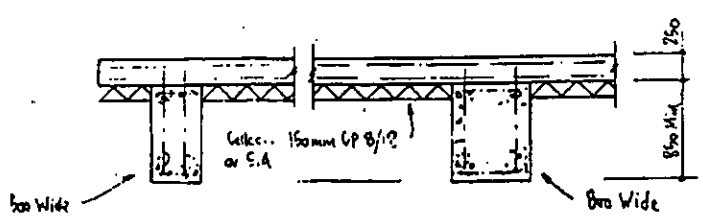
ROAD SLAB TO BE 250 THICK PLACED ON CELLCORE 150mm CP8/12 BY CORDEK. (OR SIMILAR APPROVED)

REINFORCED CONCRETE TO ROAD SLAB TO BE PAV 2. CONSTRUCTED IN ACCORDANCE WITH BS 8110 WITH CONCRETE CUBES TO BS 5328 AND TO RATE RECOMMENDED IN THE NATIONAL BUILDING SPECIFICATION.

CONCRETE COVER TO BE 40 EXCEPT IN TOP. TOP TO BE 50

FOR SETTING OUT REFER DETAILS BY OTHERS.

IF IN DOUBT ASK.



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Rev.	Amendment.	Drn.	Chkd.	Appd.	Date

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Hampshire GU33 7EB Telephone/Fax: 01730 892494

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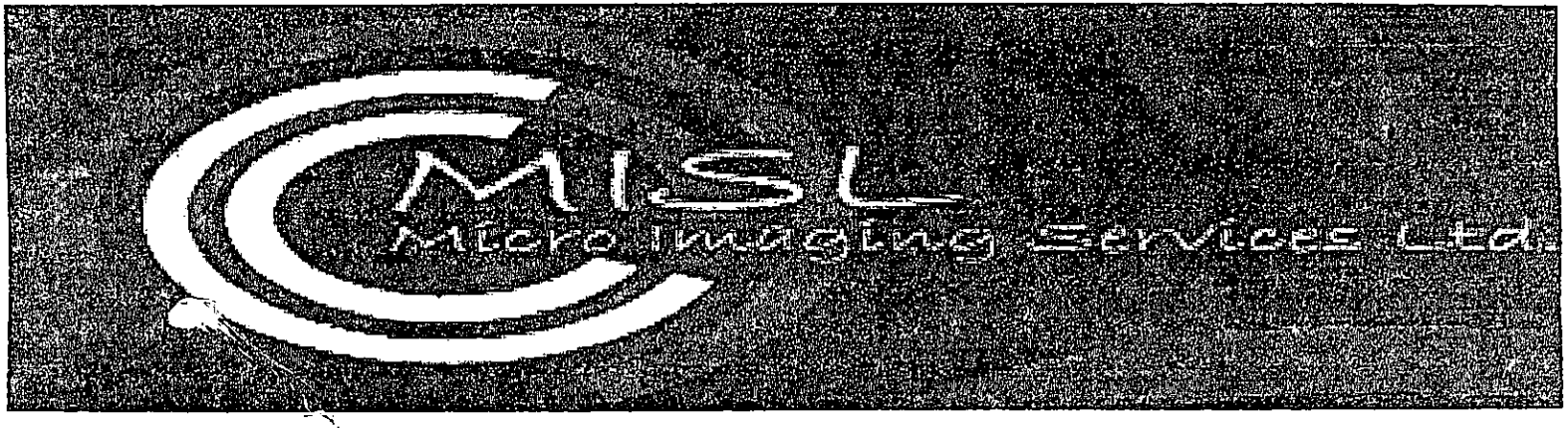

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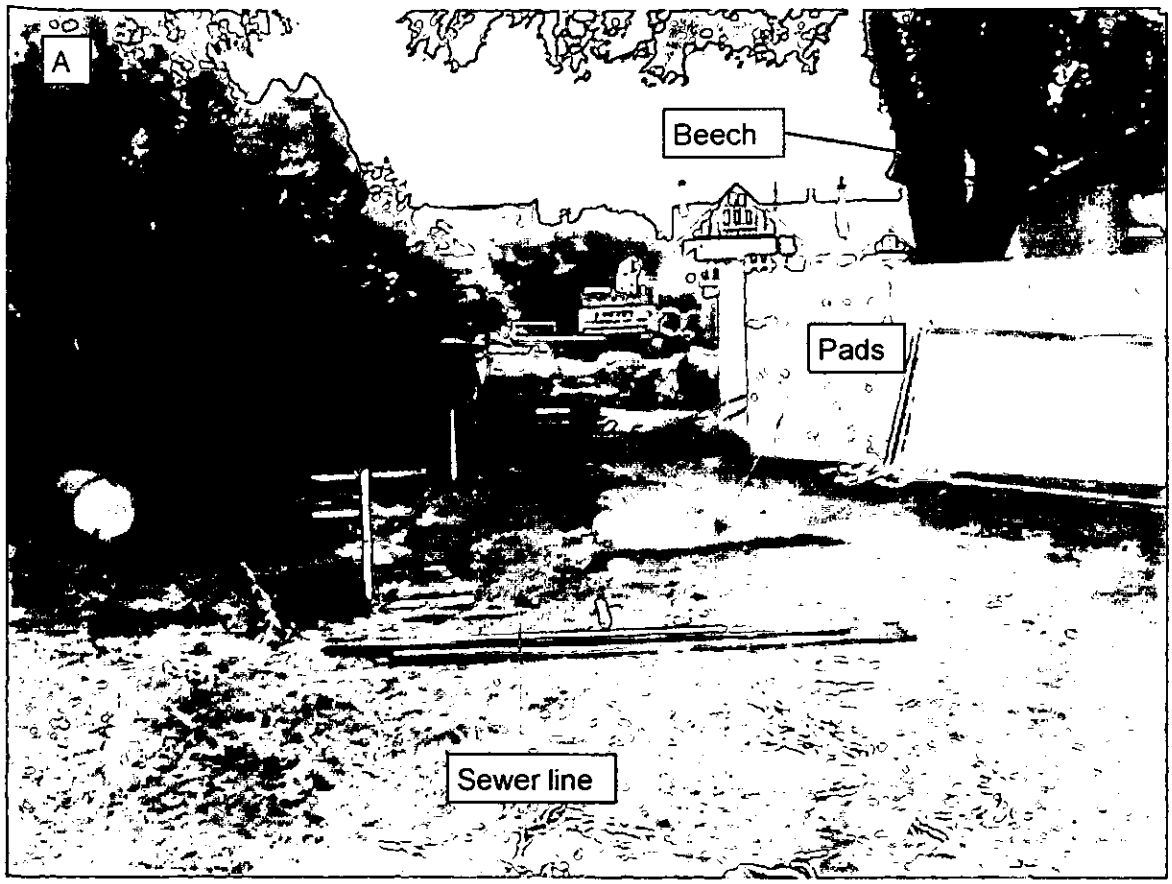
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Beech
Pads
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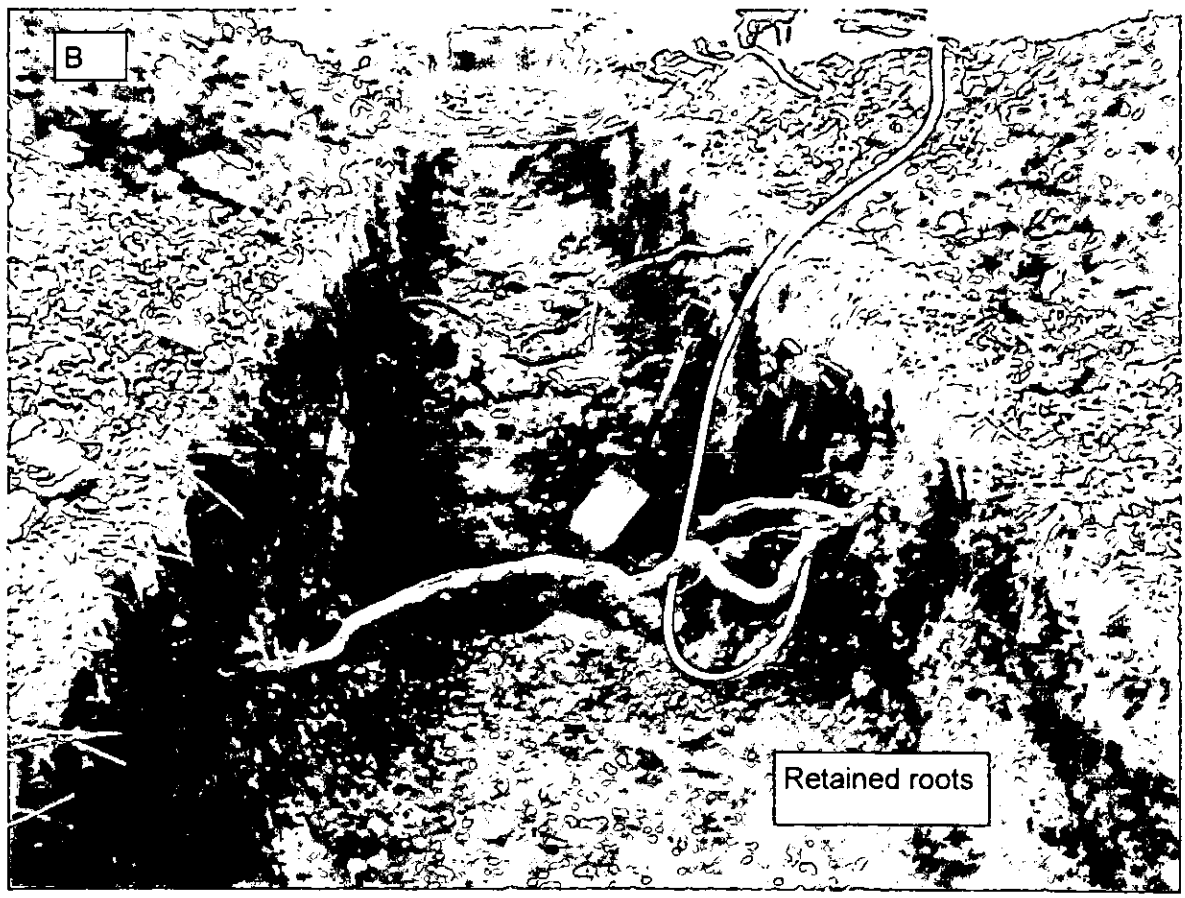
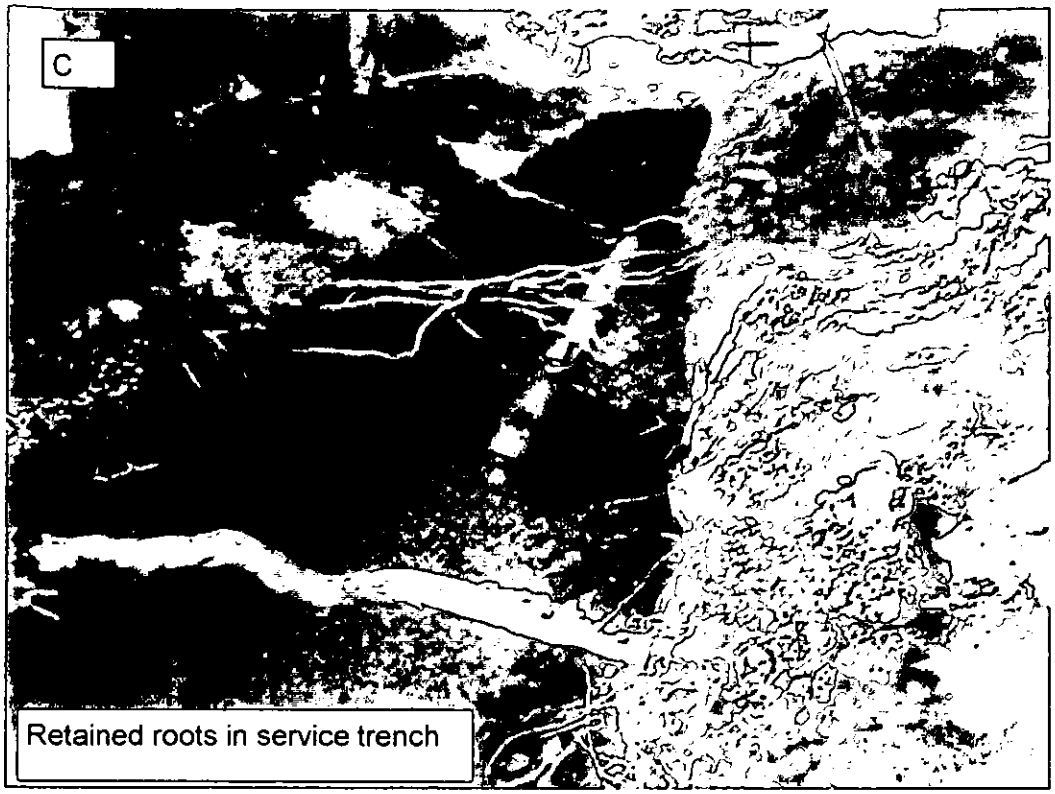
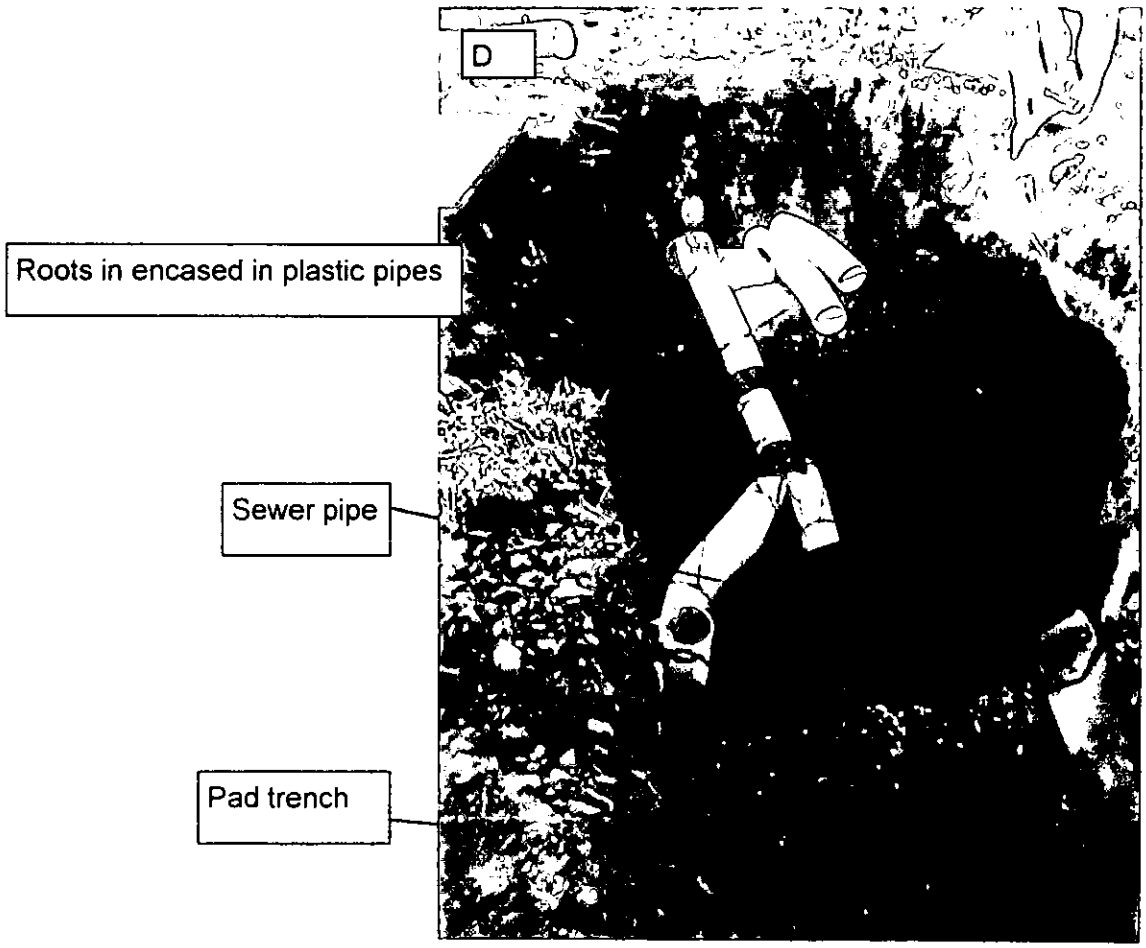
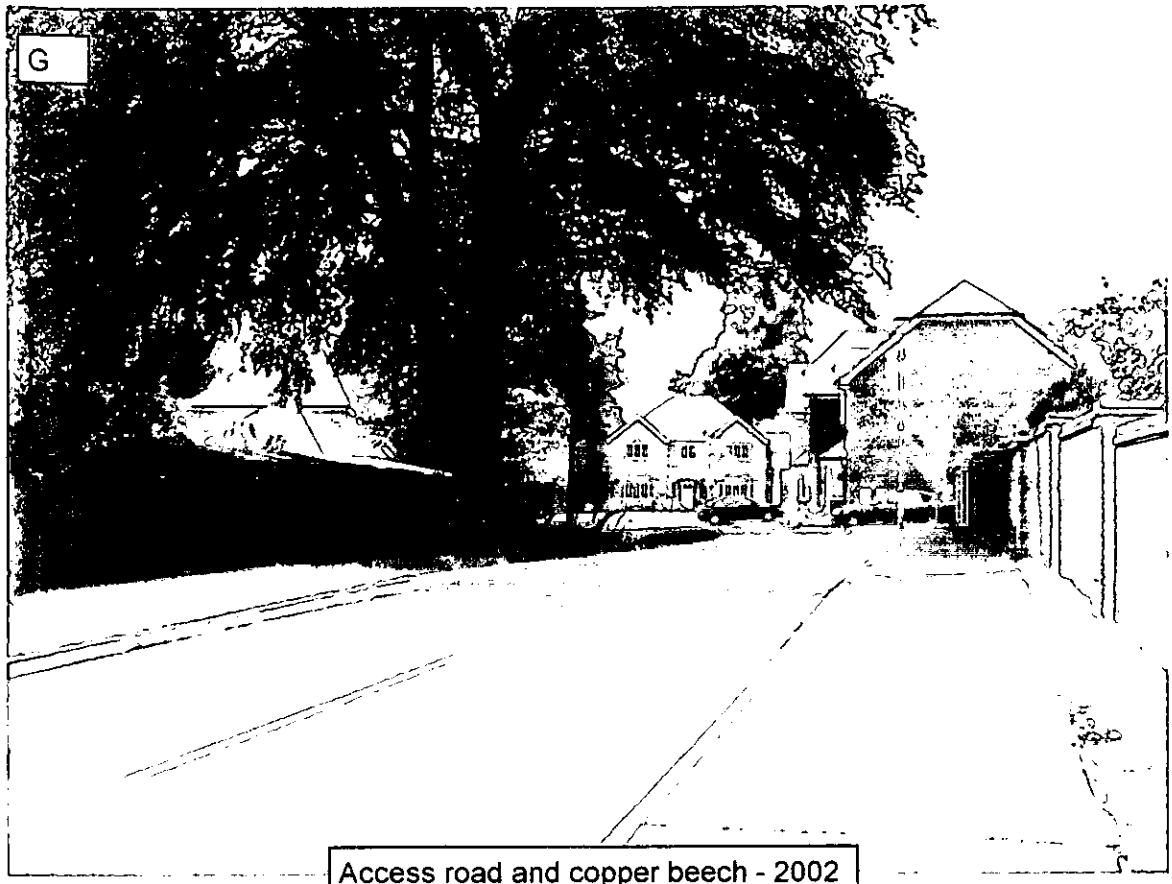

B
Retained roots


C
Retained roots in service trench


D
Roots in encased in plastic pipes
Sewer pipe
Pad trench


E
Beech
Concrete Raft
F
2002

G



Access road and copper beech - 2002

H



TOWN AND COUNTRY PLANNING ACT 1990

SECTION 78 APPEAL

APPELLANT:	LINDEN HOMES SOUTH EAST LTD
APPEAL SITE:	LAND ADJACENT TO WINNERSH PRIMARY SCHOOL, GREENWOOD GROVE AND 41 WATMORE LANE, WINNERSH
REASON FOR APPEAL:	REFUSAL TO GRANT FULL PLANNING PERMISSION FOR THE ERECTION OF 18 DWELLINGS AND FORMATION OF A NEW ACCESS

LOCAL PLANNING AUTHORITY REFERENCE:	F/2002/7309
PLANNING INSPECTORATE REFERENCE:	APP/X0360/A/02/1104039

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1.0 INTRODUCTION

1.1 The appeal has been lodged against the refusal of full planning permission for the proposed erection of 18 dwellings with associated infrastructure on land adjacent to Winnersh Primary School, Greenwood Grove and 41 Watmore Lane, Winnersh.

1.2 The proposal was refused by way of a Decision Notice dated 13/11/2002, for the following reasons:

1. *It has not been demonstrated that the construction of the proposed access road would not adversely affect the oak tree, to the front of 39 Watmore Lane, which is the subject of a Tree Preservation Order. The loss of this tree would be detrimental to the amenity of the area and as such would be contrary to Policy EN1 of the Berkshire Structure Plan, policies LBE1 and LBE2 of the Loddon Area Local Plan and policies WOS3, WBE1 and WBE11 of the Wokingham District Local Plan (Deposit Draft)*

2. *In the absence of satisfactory provision of adequate services, amenities and infrastructure needs, the development would have an unacceptable adverse impact upon the amenities of the area. The proposal is therefore contrary to policy LD6 of the Berkshire Structure Plan, policy LPS1 of the Loddon Area Local Plan and policy WOS4 of the Wokingham District Local Plan (Deposit Draft)*

Main issues

1.3 The Local Planning Authority considers the main issues are:

1. The effect of the access road on the existing tree;

2. Impact on the infrastructure of the area.

2.0 LOCATION AND DESCRIPTION OF THE APPEAL SITE AND SURROUNDING AREA

2.1 The settlement of Winnersh is located to the north west of the town of Wokingham. The settlement is bounded by the A329(M) to the north and the M4 motorway to the south.

2.2 The appeal site measures 0.64 hectares and is located on the eastern side of the settlement of Winnersh. The site backs onto the rear gardens of residential properties on two sides. The appeal site is the western part of an area of open space. On the eastern side of this larger area of open space is a public footpath. To the north the site adjoins and includes part of Winnersh Primary School.

2.3 Access to the site is proposed via 41 Watmore Lane. There is a large oak tree, growing in the front garden of 39 Watmore Lane, adjacent to the boundary with the highway and 41 Watmore Lane. This tree is included in the Wokingham District Council Tree Preservation Order Number 1018/2001.

2.4 A copy of the site plan is attached as Appendix 1.

3.0 THE PROPOSAL

3.1 A total of 18 dwellings are proposed, comprising the following mix:

Unit Type	Private
2 bed houses	8 (45%)
3 bed houses	4 (22%)
4 bed houses	2 (11%)
5 bed houses	4 (22%)
Total.	**18**

4.0 PLANNING HISTORY

4.1 Relevant applications are listed below:

97/66894/F	Erection of 24 dwellings	Refused	March 1998
F/2000/2561	Erection of 16 dwellings	Not determined	
F/2001/3252	Erection of 16 dwellings	Withdrawn	March 2001
F/2001/3458	Erection of 18 dwellings	Allowed on appeal October 2001	
F/2002/7309	Erection of 18 dwellings	Refused	November 2002
		Subject of this appeal	
F/2002/7310	Erection of 19 dwellings	Refused	November 2002
F/2002/7311	Erection of 19 dwellings	Appeal pending	

F/2002/8154	Erection of 19 dwellings	Not yet determined
O/2002/8206	Outline for 24 dwellings	Not yet determined

4.2 Copies of the above decision notices together with the Inspectors Decision notice are attached as Appendix 2.

5.0 PLANNING POLICY

5.1 The Local Planning Authority will refer to relevant planning policy at National, Structure Plan and Local Plan levels. The statutory Development Plan comprises the Berkshire Structure Plan and the Loddon Area Local Plan. The Wokingham District Local Plan as proposed to be modified will replace the adopted Loddon Area Local Plan.

Berkshire Structure Plan

5.2 The Berkshire Structure Plan (1991-2006) was adopted on the 4th November 1995 and is the statutory Structure Plan for the area. The relevant policies are:

EN1	Protection and enhancement of the environment of built-up areas
LD5	Transport considerations in dealing with development proposals
LD6	Provision of Infrastructure, Services and Amenities

5.3 Copies of the relevant policies are attached at Appendix 3.

Loddon Area Local Plan

5.4 The Loddon Area Local Plan was adopted on the 5th May 1995 and is the statutory local plan for the area in which the site is situated. The relevant policies are:

LBE1 Design of New Development

LBE2 Inappropriate Design

LPS1 Phasing of Services in New Development

LT5 Road Safety

5.5 Copies of these are attached as Appendix 3.

Draft Wokingham District Local Plan

5.6 The draft Wokingham District Local Plan was placed on deposit from 21st October to 2nd December 1997 and has formed the basis for development control decisions since 21st October 1997. The County Council issued a statement of general conformity with the Structure Plan in May 1997. The public local inquiry into Part 2 of the plan commenced on 6th October 1998. The Inspectors report on Part 2 of the local plan inquiry has now been received and was published on 22nd November 2001. The Inspector's report was considered by the Council's Executive on 4th December 2002

and the plan as proposed to be modified now forms the basis of Development Control decisions. The relevant policies are:

WOS3 Development Control Principles

WOS4 Service, Amenities and Infrastructure Requirements for new Development

WBE1 Development in its Local Context

WBE11 Protection of Trees and Woodland

WT7 Road Safety

5.7 Copies of these are attached as Appendix 3.

5.8 Copies of the Local Plan Inspector's Report regarding these policies are contained in Appendix 4 and copies of the policies as proposed to be modified are contained in Appendix 5.

6.0 STATEMENT OF CASE

6.1 Section 54A of the Town and Country Planning Act 1990 (as amended) requires Local Authorities to determine applications for development in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.

6.2 The Council accept the principle of residential development, the housing mix, design and density.

6.3 The Council will present evidence on each of the reasons for refusal as follows:

Reason 1: Detrimental effect on the oak tree

6.4 Access is proposed via 41 Watmore Lane. The previous application (F/2001/3458) allowed on appeal showed access via 39 Watmore Lane. A Tree Preservation Order has been placed on the large oak tree to the front of 39 Watmore Lane, close to the boundary with 41 Watmore Lane. The Tree Preservation Order was made on 2nd May 2001 and confirmed on 24th October 2002. The Development Control Committee considered the previous planning application F/2001/3458 at their meeting on 2nd May 2001. Therefore the Tree Preservation Order was in place at that time. In determining the subsequent appeal the Inspector considered that the tree could be adequately safeguarded by conditions attached to the appeal decision.

6.5 This oak tree is highly significant in the landscape. It is estimated that the tree is approximately 400 years old and as such is approaching veteran status. It is extremely valuable for conservation, amenity and heritage.

6.6 The Local Planning Authority will refer to British Standard 5837: 'Trees in relation to construction' 'Veteran Trees: A guide to good management' and 'Veteran trees: A guide to risk and responsibility' as appropriate. In particular, reference will be made to the fact that regardless of how the access road is constructed it is likely to have an adverse impact on the tree.

6.7 Reference will also be made to the arboricultural method statement submitted as part of the application (received 24/10/2002) attached as appendix 6.

6.8 The loss of the tree, or damage to it, is considered to be unacceptable and would be detrimental to the visual amenity of the area.

6.9 The road layout as indicated is acceptable in highway terms and meets the requirements in the Berkshire Design Guide, WT7 of the Wokingham District Local Plan, LT5 of the Loddon Area Local Plan and LD5 of the Berkshire Structure Plan for an 'Accessway'.

6.10 The road construction thickness is dependent on the C.B.R. (California Bearing Ratio) of the ground in which it is to be constructed and the type of traffic the road is expected to cater for. The design thickness of this site has been based on a C.B.R. of 5%, which, using the requirements indicated on Drawing No. SD 900 1 of the Berkshire Design Guide, gives a minimum

total construction thickness of 540mm. This would cater for the general needs of an 'Accessway'.

6.11 Should a soil investigation prove the C.B.R. to be less than 5% the thickness will necessarily increase pro rata as indicated on SD 900 1, (from the geology of the area this is likely).

Reason 2: Effect on Infrastructure

6.12 The Wokingham District Local Plan as proposed to be modified requires that development proposals will be expected to have regard to existing levels of infrastructure, services and amenities. This is expanded upon in adopted supplementary planning guidance. Provision for additional facilities or contributions need to meet the relevant tests as laid down in circular 1/97 'Planning Obligations'.

6.13 With the lack of an agreed level of contributions towards enhancements to the infrastructure of the area, the proposal would have a detrimental impact on the existing facilities in the area.

7.0 CONCLUSIONS

7.1 The Local Planning Authority will supply evidence to substantiate the reasons for refusal and the demonstrable harm to the oak tree that would result from the appeal proposal should it be allowed.

7.2 Evidence to be submitted in support of the reasons for refusal may make reference to Government Planning Policy Guidance Notes and other Government Circulars, publications and statements, as well as Development Plan Policies and the Local Plan Inspectors Report into the Wokingham District Local Plan. A full list of documents that may be referred to is attached as Appendix 7.

8.0 LIST OF APPENDICES

Appendix 1	Site Plan (1:2500)
Appendix 2	Relevant Decision Notices
Appendix 3	Relevant Development Plan Policies
Appendix 4	Inspectors comments on the Policies contained within the Wokingham District Local Plan
Appendix 5	Wokingham District Local Plan Policies as proposed to be modified
Appendix 6	Arboricultural method statement submitted as part of Planning application F/2002/7309.
Appendix 7	List of documents that may be referred to in the Inquiry

WOKINGHAM DISTRICT COUNCIL

PROOF OF EVIDENCE
BARBARA POLNIK BSc (HONS), DipTP, MRTPI

APPEAL BY LINDEN HOMES (SOUTH EAST) LTD, LAND ADJACENT WINNERSH PRIMARY SCHOOL, GREENWOOD GROVE AND 41 WATMORE LANE, WINNERSH, BERKSHIRE

LOCAL PLANNING AUTHORITY REFERENCE	:	(i) F/2002/7309 (ii) F/2002/7311
DEPARTMENT OF THE ENVIRONMENT, TRANSPORT AND THE REGIONS REFERENCE	:	(i) APP/X0360/A/02/1104039 (ii) APP/X0360/A/02/1103643
DATE OF INQUIRY	:	24TH JUNE 2003

Wokingham District Council
Environmental Services Department
Civic Offices
Shute End
Wokingham
Berkshire
RG40 1WR

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Statement of Experience

1.00 Description of Site and Surroundings

2.00 Planning History

3.00 Planning Policies

4.00 Appeal Proposals

5.00 The Council's Case

6.00 Conclusion

7.00 List of Appendices

STATEMENT OF EXPERIENCE

My name is Barbara Lidia Polnik. I am a Chartered Town Planner currently employed by Wokingham District Council as a Team Leader in Development Control.

I have worked as a planner for Wokingham District Council since 1990 and prior to that for other Local Authorities in the south east.

I hold an Honours degree in Geography, Diploma in Town Planning and Membership of the Royal Town Planning Institute.

I am familiar with the site and its surroundings.

1.00 DESCRIPTION OF SITE AND SURROUNDINGS

1.01 The settlement of Winnersh is situated to the north-west of the town of Wokingham. The settlement is bounded by the A329(M) to the north and the M4 motorway to the south. The appeal site is on the eastern side of the settlement and backs onto the rear gardens of residential properties on two sides. The appeal site is the western part of an area of open space. On the eastern side of this larger area of open space is a public footpath. To the north of the site adjoins and includes part of Winnersh Primary School.

1.02 Access to the site is proposed via 41 Watmore Lane. There is a large Oak tree growing in the front garden of 39 Watmore Lane, adjacent to the boundary with the highway and 41 Watmore Lane. This tree is included in the Wokingham District Council Tree Preservation Order Number 1018/2001.

1.03 A copy of the site plan is attached as Appendix 1.

2.00 PLANNING HISTORY

2.01 Relevant applications are listed below:

Application No.	Proposal	Decision	Appeal
97/66894/F	24 dwellings with access via Poplar Lane	Refused 3.98	Appeal in abeyance at request of applicant
F/2000/2561	16 dwellings with access via 39 Watmore Lane	Not determined	
F/2001/3252	16 dwellings with access via 39 Watmore Lane	Withdrawn	
F/2001/3458	18 dwellings with access via 39 Watmore Lane	Refused	Allowed 10.01
F/2002/7309	18 dwellings with access via 41 Watmore Lane	Refused 11.02	Subject of this appeal
F/2002/7310	19 dwellings with access via 41 Watmore Lane	Refused 11.02	
F/2002/7311	19 dwellings with access via 41 Watmore Lane	Refused 11.02	Subject of this appeal
F/2002/8154	19 dwellings with access via 41 Watmore Lane (duplicate of F/2002/7310 and 7311)	Refused 21.5.03	
O/2002/8206	24 dwellings with access via 41 Watmore Lane (duplicate of O/2003/8620)		Appeal against non-determination withdrawn 5.03
O/2003/8620	24 dwellings with access via 41 Watmore Lane (duplicate of O/2002/8206)	Withdrawn	
O/2003/9037	24 dwellings with access via 41 Watmore Lane	Not yet determined	

2.02 Copies of the above Decision Notices together with the Inspector's Decision Notice are attached as Appendix 2.

3.00 PLANNING POLICIES

3.01 The statutory Development Plan comprises the Berkshire Structure Plan (BSP) and the Loddon Area Local Plan (LALP). The Wokingham District Local Plan (as proposed to be modified) (WDLP) will replace the adopted Loddon Area Local Plan.

Berkshire Structure Plan

3.02 The Berkshire Structure Plan (1991-2006) was adopted on the 4th November 1995 and is the statutory Structure Plan for the area. The relevant policies are:

EN1 Protection and Enhancement of the Environment of Built-Up Areas

LD5 Transport Considerations in dealing with Development Proposals

LD6 Provision of Infrastructure, Services and Amenities

H7 Provision of Low-Cost Housing

3.03 Copies of the relevant policies are attached at Appendix 3.

Loddon Area Local Plan

3.04 The Loddon Area Local Plan was adopted on the 5th May 1995 and is the Statutory Local Plan for the area in which the site is situated. The relevant policies are:

LBE1 Design of New Development

LBE2 Inappropriate Design

LPS1 Phasing of Services in New Development

LT5 Road Safety

LH8 Variety of Housing

3.05 Copies of these are attached as Appendix 4.

Draft Wokingham District Plan

3.06 The draft Wokingham District Local Plan was placed on deposit from 21st October to 2nd December 1997 and has formed the basis for development control decisions since 21st October 1997. The County Council issued a statement of general conformity with the Structure Plan in May 1997. The Public Local Inquiry into Part 2 of the plan commenced on 6th October 1998. The Inspector's Report on Part 2 of the Local Plan Inquiry has now been received and was published on 22nd November 2001. The Inspector's report was considered by the Council's Executive on 4th December 2002 and the plan as proposed to be modified now forms the basis of Development Control decisions. The proposed modifications have now been the subject of public consultation and the Council's response is due to be considered at the end of July 2003.

3.07 The relevant policies are:

WOS3 Development Control Principles

WOS4 Service, Amenities and Infrastructure Requirements for new Development

WBE1 Development in its Local Context

WBE11 Protection of Trees and Woodland

WT7 Road Safety

WH7 Affordable Housing

3.08 Copies of these are attached as Appendix 5. Policy WH7 is reinforced by adopted supplementary planning guidance.

3.09 Copies of the Local Plan Inspector's Report regarding these policies are contained in Appendix 6 and copies of the policies as proposed to be modified are contained in Appendix 7.

4.00 APPEAL PROPOSALS

4.01 There are 2 separate proposals being considered at this appeal as the third appeal O/2002/8206 (DETR Ref: APP/X0360/A/03/1111120) for 24 dwellings has now been withdrawn.

(i) F/2002/7309 (DETR Ref: APP/X0360/A/02/1104039)
Full application for 18 dwellings

(ii) F/2002/7311 (DETR Ref: APP/X0360/A/02/1103643)
Full application for 19 dwellings

4.02 Both F/2002/7309 and F/2002/7311 have an identical area of land which would be developed (0.64ha). Part of the existing open space would be lost as a result of the developments. Both planning applications include the demolition of 41 Watmore Lane and provision of access via No. 41 from the proposed housing development to Watmore Lane.

4.03 The details of each proposal is as follows:

F/2002/7309 – 18 dwellings

4.04 The proposal is a full planning application for the erection of 18 dwellings. Refer to Appendix 8 for layout plan (drawing no. 1363 11K). The development would comprise of the following:

8 x 2 bedroom houses
4 x 3 bedroom houses
2 x 4 bedroom houses
4 x 5 bedroom houses

Total = 18 dwellings

Vehicular access to the site would be via 41 Watmore Lane.

4.05 This application was considered by Development Control Committee on 13th November 2002 and refused on the following grounds:

1. It has not been demonstrated that the construction of the proposed access road would not adversely affect the oak tree, to the front of 39 Watmore Lane, which is the subject of a tree preservation order. The loss of this tree would be detrimental to the amenity of the

area and as such would be contrary to policies EN1 of the Berkshire Structure Plan; LBE1 and LBE2 of the Loddon Area Local Plan; and WOS3, WBE1 and WBE11 of the Wokingham District Local Plan (Deposit Draft).

2. In the absence of the satisfactory provision of adequate services, amenities and infrastructure needs, the development would have an unacceptable adverse impact upon the amenities of the area. The proposal is therefore contrary to policies LD6 of the Berkshire Structure Plan, policy LPS1 of the Loddon Area Local Plan and policy WOS4 of the Wokingham District Local Plan.

4.06 A copy of the Committee Report, Minutes and Decision Notice are contained in Appendix 11.

F/2002/7311 – 19 dwellings

4.07 The proposal is a full planning application for the erection of 19 dwellings. Refer to Appendix 9 for layout plan (drawing no. 1363 11L). The development would comprise of the following.

8 x 2 bedroom houses
6 x 3 bedroom houses
3 x 4 bedroom houses
2 x 5 bedroom houses

Total = 19 dwellings

Vehicular access to the site would be via 41 Watmore Lane.

4.08 This application was considered by Development Control Committee on 13th November 2002 and refused on the same grounds as F/2002/7309 (refer to paragraph 4.05 for reasons for refusal).

4.09 A copy of the Committee Report, Minutes and Decision Notice are contained in Appendix 11.

5.00 THE COUNCIL'S CASE

5.01 The principle of development on part of the area of open space has already been established by the previous appeal F/2001/3450 (DETR Ref: APP/X0360/A/01/1065004) for 18 dwellings. A copy of this

Decision is contained in Appendix 2 and Drawing No. 1363/11F is contained in Appendix 10.

5.02 The main differences between these 2 appeal applications and the previous appeal application is the location of the access, housing mix and the red line of the site. However, the site area to be developed for residential development on the previous appeal application is identical to that on both applications, F/2002/7309 and 7311.

5.03 In view of the above the proposals raise the following issues:

(A) Whether there is sufficient evidence to ensure that the Oak tree would not be adversely affected by the proposed developments.

(B) The need for a Section 106 Agreement to cover financial contributions towards education and recreation.

A. Whether or not the development would adversely affect the Oak tree

5.04 The proposed access to the proposed residential development is via 41 Watmore Lane. This is identical on both planning applications (F/2002/7309 & F/2002/7311). The previous application (F/2001/3458) allowed on appeal showed access via 39 Watmore Lane. A Tree Preservation Order has been placed on the large Oak tree to the front of 39 Watmore Lane, close to the boundary with 41 Watmore Lane. The Tree Preservation Order was made on 2nd May 2001 and confirmed on 24th October 2002. The Development Control Committee considered the previous Planning Application F/2001/3458 at their meeting on 2nd May 2001. Therefore the Tree Preservation Order was in place at that time.

5.05 This Oak tree is highly significant in the landscape. It is estimated that the tree is approximately 400 years old. It is extremely valuable for conservation, amenity and heritage.

5.06 It is considered that to date the applicant has not adequately demonstrated that the proposed access road, would not adversely affect the health of this tree resulting in loss of the tree or decline resulting in the eventual loss of the tree. Further evidence is given in Mr Forbes-Laird's Proof of Evidence.

5.07 The loss of this tree would be unacceptable and would be detrimental to the street scene and the visual amenity of the area.

5.08 Policy EN1 of the Berkshire Structure Plan aims to protect and enhance the quality of built-up areas. Criterion (iii) specifically refers to conserving existing tree cover and therefore the loss of this significant Oak tree would be contrary to this policy.

5.09 Policy LBE1 of the Loddon Area Local Plan requires new development to make a positive contribution to the character of the area and under criterion C) retain important natural or landscape features of the site and Policy LBE2 of the Loddon Area Local Plan states that inappropriate development which would adversely affect the character of an area will not normally be permitted. The tree is an important natural landscape feature which is prominent in the street scene and contributes to the character of the area. The loss of the tree would conflict with those policies.

5.10 Policy WOS1 (Sustainable Development) of Wokingham District Local Plan (Deposit Draft as proposed to be modified) aims to ensure that development is sustainable and improves the quality of life by pursuing a number of objectives. Objective D states that new development makes a positive contribution or make no material harm to the character, environment, landscape, heritage within the plan area. Again the loss of the tree would conflict with this objective.

5.11 Policy WOS3 (Development Control Principles) of the Wokingham District Local Plan (Deposit Draft as proposed to be modified) relates to general principles of development. Criterion B (similar to Policy LBE1 of the Loddon Area Local Plan) states that development proposals should not have no significant detrimental impact upon important landscape and nature conservation features. The loss of the tree would not comply with this criterion.

5.12 Policy WBE1 of the Wokingham District Local Plan (Deposit Draft as proposed to be modified) no longer relates to this reason for refusal. The general development control principles are now incorporated in Policy WOS3 (refer to paragraph 5.11 above).

5.13 Policy WBE11 (Trees and New Development) of the Wokingham District Local Plan (Deposit Draft as proposed to be modified) states that the effect of the proposal on existing trees will be taken into account and that loss or damage of trees protected by new or existing Orders will be resisted.

B. Section 106 Agreement to cover financial contributions towards Education and recreation

5.14 As the proposals would result in the need to provide additional school places the following contributions are being sought:

	F/2002/7309 18 dwellings	F/2002/7311 19 dwellings
Primary School	£55,868	£59,154
Secondary School	£33,110	£35,057
Total	£88,978	£94,211

5.15 The proposals would also result in the loss of open space and a requirement for on-site recreational provision. As there is a shortfall in recreational space as confirmed by the Inspector on the previous appeal in paragraph 18 of the Decision Notice and no formal on-site provision is proposed, the following contributions are being sought to ensure the continued provision of facilities in the area:

	F/2002/7309	F/2002/7311
Total	£80,000	£80,000

5.16 Unless it is possible to reach an agreement in relation to contributions towards education and recreation matters it may be necessary to present additional evidence.

C. Section 106 Agreement to secure affordable housing

5.17 At the time when F/2002/7309 and F/2002/7311 were originally considered by Committee in November 2002, the size of development fell below the threshold for affordable housing which was schemes of 40 or more dwellings in settlements of 3,000 people or more. Since 4th December 2002 this has been changed (in accordance with the Local Plan Inspector's recommendation) to schemes of 15 or more dwellings

or of 0.5 hectares or more the Council will seek up to 26% of all new dwellings to be affordable. In the case of these planning applications the requirement would be 5 x 2 bed houses (refer to paragraph 3.17 of statement of common ground).

5.18 Unless it is possible to reach agreement to secure the provision of affordable housing it may be necessary to present additional evidence.

6.00 CONCLUSION

6.01 From the evidence presented to the Local Planning Authority to date it has not been demonstrated sufficiently that the construction of the access road in relation to both proposals would not have an adverse effect on the Oak tree, outside 39 Watmore Lane, that is the subject of a Tree Preservation Order. The loss of this tree, which is significant in the landscape and street scene and contributes to the visual amenity of the area would be unacceptable and contrary to development plan policies.

6.02 It is therefore respectfully requested that the above appeals be DISMISSED.

7.00 LIST OF APPENDICES

Appendix

1 Site plan

2 Decision notices (97/66894/F, F/2001/3458 and Inspectors decision notice, F/2002/7309, F/2002/7311 (F/2002/7310 duplicate of 7311) & F/2002/8154

3 Policies EN1, LD5, LD6 and H7 of Berkshire Structure Plan

4 Policies LBE1, LBE2, LPS1, LT5, LH8 of Loddon Area Local Plan

5 Policies WOS3, WOS4, WBE1, WBE11, WT7, WH7 of Wokingham District Local Plan (Deposit Draft)

6 Local Plan Inspectors comments in respect of policies referred to in Appendix 5

7 Policies WOS3, WOS4, WBE1, WBE11, WT7, WH7 of Wokingham District Local Plan (as proposed to be modified)

8 F/2002/7309: Layout plan (drawing 1363 11K)

9 F/2002/7311: Layout plan (drawing 1363 11L)

10 F/2001/3450: Layout plan (drawing 1363 11F)

11 Committee Report, Minutes and Decision Notice in respect of F/2002/7309 & F/2002/7311

12 Suggested conditions in the event of the appeal being dismissed

Tree Management
Consulting LLP

21 Burpham Lane
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GU4 7LN

Tel: 01483 532786
Fax:01483 534836
E-mail: rdg@tmcllp.co.uk

Town and Country Planning Act 1990 (As Amended)

Town and Country Panning (Inquiries Procedures) Rules 2000

Appeal by
Linden Homes South-East Ltd

41 Watmore Lane
Winnersh
Berkshire

Proof of Evidence
of
R D D Grainger Dip Arb (RFS) F Arbor A

May 2003

Ref: 02062R

tmc
Arboricultural
Consultants

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1 Qualifications and Instructions

2 Tree Inspection

3 Trees and Hard Surface Areas

4 Proposed Method of Construction

5 Surface Construction - Example

6 Summary and Conclusions

APPENDICES

RG1 The Oak Tree - Photograph

RG2 BS5837:1991 (extracts)

RG3 AAIS Letter

RG4 Albert Road - Plans

RG5 Albert Road - Photographs

1 QUALIFICATIONS AND INSTRUCTIONS

1.1 I am Richard Grainger, senior partner of Tree Management Consulting LLP (formally A/F Technical Services) which is an arboricultural consultancy practice at 21 Burpham Lane, Guildford, Surrey GU4 7LN.

1.2 I have been in full time practice since July 1986 following twelve years as senior lecturer and deputy head of the Arboricultural Department at Merrist Wood Agricultural College, four years as a local government arboricultural officer and eight years with an arboricultural/forestry management company. I hold the Professional Diploma in Arboriculture (Royal Forestry Society). I am a fellow of the Arboricultural Association (by examination), a member of The International Society of Arboriculture, the Royal Forestry Society and the Association of Professional Foresters of Great Britain. I am also an approved and registered consultant (by examination) of the Arboricultural Association.

1.3 From 1997 to 2003 I was an Arboricultural Consultant Inspecting Officer for the Office of the Deputy Prime Minister (ODP) undertaking site visits and providing technical advice on tree preservation order (TPO) appeals. I am currently an examiner for the Royal Forestry Society Professional Diploma in Arboriculture.

1.4 I provide evidence as an expert witness and have advised government departments, local authorities, developers, utility service suppliers and private individuals on arboricultural matters for more than 30 years. This includes tree safety, root damage to buildings, tree surveys, the protection of trees on development sites, tree preservation orders and planting. I also undertake Resistograph and Fractometer testing when assessing tree safety.

1.5 During my career I have been a member of numerous committees of the Arboricultural Association including Chairman of the Consultants' Sub-committee. In addition, I have been a member of the interview panel for the Arboricultural Association's Approved Register of Arboricultural Consultants.

1.6 I was instructed by Linden Homes South-East Ltd in December 2002 to inspect and advise on the effect of a proposed access road on an oak tree sited at the front of 39 Watmore Lane, Winnersh. I have visited the site on several occasions and I am familiar with the site and its surroundings. My evidence will be concerned with arboricultural matters.

2 TREE INSPECTION

2.1 The tree is an over mature oak (*Quercus robur*) of 12 metres in height with a mean crown spread radius of 5.6 metres. It is located in the front garden of 39 Watmore Lane and is immediately adjacent to the public footway. It is an ancient pollard (veteran tree) and the lower part of the trunk is burred with indication of some decay between the buttress roots. There is epicormic growth on the trunk, some of which has developed into fairly substantial branches and there is significant dieback and dead wood throughout the crown. An electricity cable is routed through the crown and there are below ground services in the public footway, close to the base of the trunk. A photograph of the tree is appended as **RG1**.

2.2 Old pollarded trees of this type often suffer crown dieback and the resulting reduction in their crown size compensates for loss of vigour. This has occurred in this tree and, in my view, it will continue to survive and decline for many more years.

2.3 A tree's root system is normally proportionate to its crown spread and the tree normally maintains equilibrium between the two. In this case, the rooting may have been additionally restricted by the public highway and, in my experience, it is unusual to find many roots below this type of road. In addition, roots may have been severed during the installation of below ground services in the public highway and to facilitate levelling of the old hedgerow bank parallel to the road. The decay at the base of the trunk does not appear to be significant at the present time but should be properly investigated to determine the tree's safety.

3 TREES AND HARD SURFACE AREAS

3.1 The feeding roots of trees are normally below the topsoil and humus layer (approximately 150mm in depth) to a depth of 600mm. Some water seeking and anchorage roots will extend deeper into the soil but the maximum depth of rooting is normally in the region of 2.5 metres to 3 metres. The spread of roots is unpredictable but unless there is some barrier to their growth or they may have been severed, they will normally extend beyond the crown spread of the tree.

3.2 To determine the effect of construction on adjacent trees it is normal to apply the recommendations of BS5837:1991 'British Standard Guide for Trees in Relation to Construction'. Extracts are appended as **RG2**. Table 1 of the Standard prescribes a minimum distance that should be maintained between trees and excavation likely to sever tree roots. The protected root radius is measured from the centre of the trunk and is based on the size, age and vigour of individual trees (**RG2 - page 13**). In this case the prescribed minimum distance is 12 metres.

3.3 However, this oak is an ancient pollard which is reducing in crown size due to loss of vigour and, as a result, its root activity is also decreasing. Nevertheless, it is important that the recommended protected root area is maintained.

3.4 The Standard further advises, at Section 11 'Hard surface areas close to trees' that hard surface areas such as access roads can be installed within a tree's protected root area provided there is the minimum of excavation and the soil is not compacted (**RG2 - page 20**). In such cases excavation should involve the removal of loose topsoil only, to a maximum depth of 150mm, and the soil should be protected from compaction during the construction process. The principle is to employ a surface raft, requiring no excavation, supported on pads or piles to reduce pressure and compaction of the soil.

3.5 At the outset of my involvement with this project I discussed these principles with the Council's Senior Arboricultural Officer (Mr Neil Etherington) who was familiar with this type of construction but, in this instance, was concerned due to the tree's age.

3.6 Although I have successfully supervised the construction of this type of access road in close proximity to trees I have, additionally, taken the advice of the Arboricultural Advisory and Information Service (AAIS). Mr D Patch MSc ND Arb (RFS) is the Director of the AAIS, which is based at The Alice Holt Research Station at Farnham, Surrey. The AAIS provides arboricultural advice to Government Departments and other public bodies and the arboricultural industry. They also publish guidance and research notes.

3.7 Mr Patch is the co-author of Practice Note 1 'Driveways Close to Trees' which is an accepted 'limited-dig' method of constructing driveways close to trees. I discussed the proposals with Mr Patch who endorsed both the principles I have outlined and the method of construction I have recommended in this case. This report is appended as **RG3**.

4 PROPOSED METHOD OF CONSTRUCTION

4.1 Plans and engineering details of the proposed access road are appended to the evidence of Mr Bignell of the Denis Wilson Partnership.

4.2 Prior to finalising the proposed method for construction it was agreed by the Council's Senior Arboricultural Officer (Mr Neil Etherington) that an investigation should be undertaken to assess the presence of oak tree roots within the area of the proposed access road. On 27 March 2003 a linear trench was hand excavated parallel to the northwest edge of the proposed access road. The trench extended from the back edge of the public footway to some 3.5 metres into the garden of 41 Watmore Lane. The trench was 300mm in width by 400mm in depth. I was present during excavation and confirm that no oak roots were severed. The plans indicating the location of the inspection trench are appended to the evidence of Mr Bignell as Appendix E.

4.3 The trench was located at the only point on the access road where excavation, to a maximum depth of 330mm, will be necessary. As indicated, the trench was excavated to 400m in depth at the closest point of excavation to the trunk and did not reveal any oak tree roots. I jointly inspected the open trench with Mr Etherington who confirmed that no oak tree roots were present in the open trench. In view of this, it was concluded that the construction of the access drive within the protected root area of the oak tree would not require the severance of any oak roots.

4.4 On this basis the final proposals were prepared and are shown on the plan (Dwg. no. 2003-032/02 Rev. A) appended to Mr Bignell's evidence as appendix A. This, together with his report and accompanying appendices, was submitted to the Council. This report describes in detail the method of construction, which is fully in accordance with my advice and concurs with the advice of Mr D Patch of the AAIS.

5 SURFACE CONSTRUCTION - EXAMPLE

5.1 In 1998 I was involved with a similar project at Albert Road, Caversham, Reading where it was proposed to site an access road some 3.5 metres from a mature Copper beech tree. This is considerably closer than proposed at Watmore Lane and, furthermore, Beech is very intolerant to root damage. In addition, a sewer pipe was to be routed below the access road.

soil ameliorant?

5.2 Plans indicating the siting and construction of this access road are appended as **RG4** and photographs as **RG5**.

5.3 In this case, the surface raft was supported on linear pads some 600mm in width by 850mm in depth (**photo A**). These were hand dug within the tree's protected root area and all roots over 25mm in diameter were retained (**photo B**). In addition, a service trench was excavated to a similar depth, through the centre of the access road and, again, this was hand dug and all roots over 25mm in diameter retained (**photo C**). The retained roots were wrapped in plastic tubing filled with sharp sand and encased within the concrete pads (**photo D**). The surface slab was constructed as proposed at Watmore Lane (**photo E**).

5.4 I re-visited the site in 2002, some 3 years after completion of the project. The tree was showing no signs of ill health, which would have been evident had the root system been extensively damaged (**photos F - G**).

5.5 By comparison, the proposed surface raft at Watmore Lane would be supported on piles rather than pads, no oak roots would be severed and therefore excavation and the encasement of roots will not be necessary. From my past experience in projects of this type I am satisfied that the proposals for the construction of the access at Watmore Lane are in accordance with recognised principles of tree protection and would not adversely affect the adjacent veteran oak tree.

6 SUMMARY AND CONCLUSIONS

6.1 The tree is an over mature oak (*Quercus robur*) of 12 metres in height and located in the front garden of 39 Watmore Lane. It is an ancient pollard (veteran tree) and there is significant dieback and dead wood throughout the crown. A photograph of the tree is appended as **RG1**.

6.2 The feeding roots of trees are normally below the topsoil and humus layer (approximately 150mm in depth) to a depth of 600mm. Some water seeking and anchorage roots will extend deeper into the soil but the maximum depth of rooting is normally in the region of 2.5 to 3 metres. The spread of roots is unpredictable but unless there is some barrier to their growth or they may have been severed, they will normally extend beyond the crown spread of the tree.

6.3 To determine the effect of construction on adjacent trees it is normal to apply the recommendations of BS5837:1991 'British Standard Guide for Trees in Relation to Construction'. In this case the prescribed minimum distance is 12 metres (**RG2 - page 13**) and it is important the recommended protected root area is maintained.

6.4 The Standard further advises, at Section 11 'Hard surface areas close to trees' that hard surface areas such as access roads can be installed within a tree's protected root area provided there is the minimum of excavation and the soil is not compacted (**RG2 - page 20**).

6.5 Although I have successfully supervised the construction of this type of access road in close proximity to trees I have, additionally, taken the advice of Mr D Patch of the AAIS. I discussed the proposals with Mr Patch who endorsed both the principles I have outlined and the method of construction I have recommended in this case. This report is appended as **RG3**.

6.6 Plans and engineering details of the proposed access road are appended to the evidence of Mr Bignell of the Denis Wilson Partnership.

6.7 Prior to finalising the proposed method for construction it was agreed by the Council's Senior Arboricultural Officer (Mr Neil Etherington) that an investigation should be undertaken to assess the presence of oak tree roots within the area of the proposed access road. On 27 March 2003 a linear trench was hand excavated parallel to the northwest edge of the proposed access road. I was present during excavation and confirm that no oak roots were severed. The plans indicating the location of the inspection trench are appended to the evidence of Mr Bignell as Appendix E.

6.8 The trench was located at the only point on the access road where excavation, to a maximum depth of 330mm, will be necessary. As indicated, the trench was excavated to 400m in depth at the closest point of excavation to the trunk and did not reveal any oak tree roots. I jointly inspected the open trench with Mr Etherington and it was concluded that the construction of the access drive within the protected root area of the oak tree would not require the severance of any oak roots.

6.9 On this basis the final proposals were prepared and are shown on the plan (Dwg. no. 2003-032/02 Rev. A) appended to Mr Bignell's evidence as appendix A.

6.10 In 1998 I was involved with a similar project in Reading where it was proposed to site an access road some 3.5 metres from a mature Copper beech tree. This is considerably closer than proposed at Watmore Lane and, furthermore, Beech is very intolerant to root damage. In addition, a sewer pipe was to be routed below the access road. Plans indicating the siting and construction of this access road are appended as **RG4** and photographs as **RG5**.

6.11 I re-visited the site in 2002, some 3 years after completion of the project. The tree was showing no signs of ill health, which would have been evident had the root system been extensively damaged (**photos F - G**)

6.12 By comparison, the proposed surface raft at Watmore Lane would not require the severance of oak roots and therefore excavation and the encasement of roots will not be necessary. From my past experience in projects of this type I am satisfied that the proposals for the construction of the access at Watmore Lane are in accordance

with recognised principles of tree protection and would not adversely affect the adjacent veteran oak tree.

TOWN AND COUNTRY PLANNING ACT 1990
SECTION 78(1) APPEAL

PUBLIC LOCAL INQUIRY:

LAND ADJACENT TO WINNERSH PRIMARY SCHOOL AND

41 WATMORE LANE, WINNERSH, BERKSHIRE

PLANNING INSPECTORATE REF: APP/X0360/A/02/1104039 & 1103643
LOCAL AUTHORITY REF: F/2002/7309 & 7311
APPELLANT: LINDEN HOMES LIMITED
HEARING DATE: 24th JUNE 2003

PROOF OF EVIDENCE

OF

JULIAN FORBES-LAIRD, *MICFor, Dip.Arb.(RFS)*
SENIOR CONSULTANT, CBA LTD

IN SUPPORT OF REFUSAL OF PLANNING CONSENT

ON BEHALF OF

WOKINGHAM DICTRICT COUNCIL,

THE LOCAL PLANNING AUTHORITY

CBA Ltd.

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IN SUPPORT OF REFUSAL OF PLANNING CONSENT

ON BEHALF OF

WOKINGHAM DICTRICT COUNCIL,

THE LOCAL PLANNING AUTHORITY

I am Julian Forbes-Laird, Arboricultural Consultant, and I will say:

1 Qualifications and experience

1.1 I am Julian Forbes-Laird *MICFor, Dip.Arb (*RFS) resident in Great Barford, Bedforshire.

1.2 I am an Arboricultural Consultant with over fifteen years' experience in undertaking a variety of arboricultural consultancy work for a wide range of public, corporate and private clients.

1.3 I have had experience in owning an Arboricultural Association approved tree contracting company, where my specific role included writing and implementing the Health & Safety policy for the company.

1.4 I have lengthy experience of arboricultural work concerning highways, and was in fact Consultant Arboricultural Surveyor to the Highways Authority for Trunk Routes Area 8 between 1998 and 2001. My responsibilities covered all aspects of highway tree management over 800 miles of road verge, including a long stretch of the M1.

1.5 I am currently a member of the British Standards Institute Drafting Groups responsible for the forthcoming revisions of the British Standards 'Guide for Trees in Relation to Construction' – BS5837, and 'Recommendations for Tree Work' – BS3998.

1.6 I am an arboriculturist Chartered Forester and I hold the Royal Forestry Society's Professional Diploma in Arboriculture which is the premier degree-level professional qualification in arboriculture in the United Kingdom at present.

1.7 I am a member of the Arboricultural Association and the Royal Forestry Society.

2 Scope of Instructions

2.1 I am instructed by Wokingham District Council to consider a methodology prepared by consultants acting on behalf of the Applicant, and now Appellant, Linden Homes Ltd, for protecting an oak tree from root damage arising from construction. The methodology relates to the installation of a new access road adjacent to the tree, at 41 Watmore Lane, Winnersh, Berkshire.

2.2 The focus of my study is to evaluate the proposals before me, in order to determine whether or not they are likely to be effective in ensuring the healthy retention of the subject tree, such that its remaining longevity is not significantly jeopardised.

2.3 Should my findings be that the proposals would be ineffective, I have further been asked to consider whether the use of Planning Conditions could provide the means by which an alternative and arboriculturally acceptable solution could be reached.

2.4 Lastly, I have been asked to present my findings as a written Proof of Evidence for due consideration by the Planning Inspectorate at a Public Local Inquiry.

3 Site visit and Methodology

3.1 I visited the site on 22nd May 2003, accompanied by the local authority Tree Officer, Neil Etherington. I inspected the tree visually from ground level. I had a telescopic ladder and binoculars available, though they were not required in furtherance of my inspection.

3.2 I also undertook a visual inspection of the area immediately surrounding the tree, and made certain measurements of its relationship to existing site features. On the basis of these measurements, I was able to determine that the site layout plan, showing the proposed access, was of satisfactory accuracy to enable further evaluation. This plan, drawing no. 2003-032/02-A, has been prepared on behalf of the Appellant, by Dennis Wilson Partnership (DWP).

4 Findings of site visit

4.1 The tree

4.1.1 I agree with statements before the Inquiry that the tree is an English or pedunculate oak, *Quercus robur* L. and that it is approximately 400 years old, ie having or at least approaching veteran status. In other words, due to its considerable age, its interest and importance have transcended a purely arboricultural understanding: it is now a thing of significant historical and conservation importance. My assessment of its age is derived from the method devised by John White, Forestry Commission Research Dendrologist, and published as a Forestry Commission Information Note entitled 'Estimating the Age of Large and Veteran Trees in Britain', November 1998. The method relates to *inter alia*, the size of the subject tree's stem, which is approximately 1800mm diameter at 1.3m above adjacent ground level.

4.1.2 I further agree that the tree has a height of approximately 12m (though in my estimate possibly a little more) and a mean radial crown spread of 5.6m.

4.1.3 The tree has several notable features:

1. It shows evidence of past management in the form of a crown reduction. I would characterise this reduction as significant, as it removed the majority of the original crown architecture with the result that the tree now has a simplified and stable structure. The tree thus has a shorter lever arm and a much smaller sail area than formerly, so is at minimal risk of windthrow. Furthermore, the truncation of the branches means that no limbs appear to be at risk of failure due to an excess of mass over strength. The remnants of its original branch network now bear approximately 35-40% of the current foliage.

2. The remainder of the foliage is borne on mature epicormic growth. This growth was probably formed from the stimulation of previously dormant buds due to increased light striking the bark (following the removal of the majority of the crown), and an evolved auto-response to sudden loss of foliated area, for example due to storm damage (or in this case, pruning). These reactions are to be expected in cases where significant crown reductions are performed on healthy trees, ie the tree is likely to have had good vitality at the time of the pruning treatment (which I estimate to have been undertaken in excess of 20 years ago), at least with regards to the lower crown area to which it was reduced. The tree's artificially created structure generally mimics the crown architecture of oak trees of this age, which typically scale back their crowns to lower concentrations of live growth, and it thus has a natural appearance despite the pruning treatment.

3. The current vitality of the tree is excellent. I determined this from an assessment of foliage density, size and colour, all of which are entirely satisfactory, and from measuring annual twig extension growth over the past five years. I recorded a mean value approaching 31cms, which indicates the sort of rapid growth associated with healthy trees that are undergoing a strong growth phase. This indicates to me that the tree's root mass is currently well able to sustain the dynamic (foliage bearing) crown and indeed is facilitating its expansion.

4. I noted an absence both of prolific seed and of emergent epicormic growth, which suggests that the tree is not currently under stress.

5. I also noted a general absence of aggressive pests and diseases; the few pests that I did record, such as gall wasps, have no significance for the health or safety of the tree in the low number observed.

4.1.4 Notwithstanding the above, it is entirely the case that a pedunculate oak tree of this age should be regarded as being 'over-mature' for the purposes of determining the minimum radius for tree root protection during construction, as per the British Standard 'Guide for Trees in Relation to Construction' BS5837:1991, Table 1 (appended at CBA-A). The categorisation of 'overmature' relates to the intolerance of ancient specimens to disturbance to their micro-environments, with even minor impacts being known to have reversed previous good health. As such, I am in agreement with the advice provided the Appellant by its arboriculturist that the tree should have a protective area radius of 12m, measured from the centre of the stem. **It should be stressed that this radial measure equates to a tree rooting area for preservation of 452m^2.**

4.1.5 It is my understanding that the high quality and amenity and conservation values of the tree are not in dispute, nor that it is at least approaching veteran status. The tree is the subject of a Tree Preservation Order, and it is my unequivocal opinion that it is wholly worthy of this Statutory protection.

4.2 Surrounding area

4.2.1 As indicated by the site layout plan referred to at 3.2, the surroundings of the tree are as follows:

Southeast — Unmade ground (garden of no. 41), up to crossover for tarmac drive to no. 41 Watmore Lane, which is 10.2m away

Southwest — Raised soil bank roughly 400mm higher than tarmac pavement adjacent to Watmore Lane, which is 1.5m away

Northwest — Raised soil bank as above and unmade ground (garden of no. 39), up to crossover for tarmac drive to no. 39 Watmore Lane, which is 3.5m away

Northeast — Unmade ground (garden of no. 39) up to gravel drive, approximately 6m away

East to SE — Unmade ground (garden of no. 41) to approximate limit of tree protection radius, down to 10.2m adjacent to drive to southeast, as above

4.2.2 The extent to which roots from the oak tree may have colonised the area beneath the hard surfaces around it is unknown. However, I would not expect significant root proliferation to the southwest. Furthermore, to the northwest, the tarmac drive that serves no. 39 appears in good condition, and is therefore likely to be a sealed surface. This would be inimical to tree root function, and so I would regard this area as being unavailable for root growth. Finally, to the northeast, there is evidence that the gravel drive bears sufficient vehicular use to have severely compacted the soil structure. This is likely to have resulted in an increased bulk

density to the point where the soil has become a relatively inhospitable environment for tree root growth.

4.2.3 It is therefore clearly the case that the area to the southeast and east comprises the majority of the available rooting area in the vicinity of the tree. Accordingly, I would expect the tree to rely on it for sustenance to a considerable and disproportionate extent. In consequence, I would estimate the effective rooting area currently reliably available within the 12m radius to be 182m^2. **This represents a deficit of 270m^2, or roughly 60%, in relation to the advice of the British Standard** (see CBA-A).

5 Review of the proposed access solution

5.1 Design

5.1.1 Details have been submitted by the Appellant that clearly recognise the importance to the tree of the area detailed at 4.2.2. In summary, the design comprises the installation of a pile-supported, in-situ cast, mass-reinforced concrete slab, constructed to full highway specification. It is intended (and has been agreed in principle by all parties) that this slab should form a component of the permanent access road, and that this road should be adopted by the local authority. **The adoptability of the proposed access is explicit within and inseparable from the Planning Application that is before this Inquiry**.

5.1.2 It has been suggested by the Appellants' consultant (DWP report, para. 1.2) that the submitted design is 'tree-friendly', in that it avoids severing tree roots and also ground compaction. These issues are mentioned by way of a somewhat superficial and incomplete summary of the advice of BS5837:1991. I will consider these issues in turn.

5.2 Arboricultural impact: root severing

5.2.1 I note the Appellants' proposal to hand-dig the first 700mm of each pile hole (Price & Myers Method Statement, item 3). Should tree roots be found during this excavation, it is stated that there is scope within the design to alter the location of the pile concerned by up to 300mm. However, it should be noted that this is necessarily subject to case-by-case approval by a consulting engineer (DWP Method Statement, item 6). **In other words, technical considerations may prevent the relocation of a pile**. Presumably this would compel the severing of the root(s) concerned.

5.2.2 Furthermore, whilst the entirely responsible hand-dug trial trench has demonstrated that the necessary 250mm excavation for the access is unlikely to encounter significant tree roots, there is no basis for thinking that roots will not be encountered at greater depths. Indeed, the proposal to hand-dig the first 700mm of each pile hole, **even in the vicinity of the trial trench**, confirms that this is also the Appellants' view. As such, there is no guarantee that tree roots will not be severed as the piles penetrate to greater depths than the 700mm to be explored by hand.

5.2.3 In this regard, it is wholly relevant to consider the findings of the 'Wind Blown Tree Survey' undertaken by Gasson and Cutler (October 1987-1989) and reported in the Arboricultural Journal (Vol.14, No. 3, August 1990). This survey found that most members of this tree species (>65%) were characterised by a root plate morphology known as 'lateral with droppers', which I assume is self-explanatory. For trees with a trunk diameter in excess of 1.5m, the most common maximum rooting depth was 1.5-2m.

5.2.4 Gasson & Cutler's findings should be considered in light of the results of the borehole investigation concerning this site's soil profiles. From within the results of this investigation, I would highlight the presence of clay (commencing directly below a shallow topsoil layer) down to 1.3m, with more gravelly or sandy deposits occupying the stratum 1.3 to 2.4m, with clay again predominating below this depth.

5.2.5 It should be explained that tree roots are 'programmed' to proliferate where conditions are (more) favourable, with this being determined by low(er) soil bulk density (for ease of penetration and greater potential moisture content), and available (percolated) soil water and nutrients. Additionally, tree roots engage in gaseous exchange, respiring to give off carbon dioxide and take in oxygen. The potential for this essential aspect of their function is determined by satisfactorily low soil bulk density, and, ultimately, a gas-permeable surface.

5.2.6 One of the above factors, available soil water, relates also to competition from other vegetation: I would identify the presence of numerous evergreen and other woody plants in the vicinity of the tree as a key component in determining where its rooting preferences would lie. Such competition would predispose the tree to root proliferation towards greater depths rather than shallower, where there would be less competition from the smaller, shallower rooting plants.

5.2.7 A consideration of all of these factors leads me to the view that the subject tree is very likely to be exploiting the (more) favourable conditions of the river terrace deposit gravel, as the clay found down to 1.3m would be a significantly more challenging rooting environment. I would therefore expect the subject tree's roots to have proliferated in the 1.3-2.4m stratum, being both more readily penetrated and having more plentifully available soil water.

5.2.8 I was unable to identify the intended piling depth from the supplied material. However, it would presumably need to be in excess of the 1.3m-2.4m stratum. In other words, while hand digging of the first 700mm of each pile hole is to be welcomed, **there remains the potential for tree root damage at greater depths.**

5.2.9 In theory, there are two possibilities for site assessment to try and define the likely extent of damage: further excavation could be undertaken to below the 2.4m level, or ground penetrating radar could be used to try and map the root system.

5.2.10 Concerning additional excavation, it is my firm opinion that the necessary extent of this would be very likely to result in significant root disturbance, as even careful digging near to trees is likely to exhume and damage roots. Indeed, I am uncertain whether hand-excavating narrow bores to such depths is even a practical proposition. Concerning the use of radar for root mapping, I have had recent experience of this technology and I would identify two obstacles to its efficacy in this case. Firstly, the clay band to 1.3m would make signal propagation difficult. Secondly, the presence of gravel would sponsor many false returns, making the resulting data difficult if not impossible to interpret reliably. It should therefore be stressed that, for all practical purposes, **the likely extent and impact of root damage from the piling operation is indeterminable.**

5.2.11 However, I am mindful that pile-supported root bridges are occasionally recommended as possible solutions for roadways near to trees. It is therefore not my intention to suggest that such solutions should not be applied in any situation. In this case, I would identify two site-specific difficulties: firstly, the tree has already tolerated what I would categorise as an absolute maximum degree of hard surfacing and disturbance in its vicinity. Secondly, where it is important to know the likely extent of root damage, a solution that precludes such knowledge is unsuitable by definition. At issue, therefore, is whether it is important to know the likely extent of any root damage.

5.2.12 As I understand it, roughly 15 no. 220mm diameter piles are proposed within the tree protection area. This equates to 3.3m of linear excavation within a 12m strip. In other words, **it is proposed to transect roughly one quarter of the root-bearing soil in the very area that all parties agree is crucial to the health of the tree.**

5.2.13 It is my firm professional opinion that this would allow for the possibility of intolerable levels of potential root damage. In that the precise likelihood and/or extent of such damage are indeterminable, this solution cannot be implemented with any reliability or predictability in terms of its impact on the tree. This is exacerbated by the presence of existing hard surfaces having compelled the tree towards a disproportionate reliance on the area concerned. As such, I cannot support the proposed solution as being arboriculturally acceptable.

5.3 Arboricultural impacts: compaction

5.3.1 Throughout the material supplied by the Appellant, it is made clear that care would be taken to avoid ground compaction during all phases of the proposed construction. However, at item 9 of the DWP Method Statement, ground protection during construction is proposed 'where possible'. Furthermore, Price & Myers facsimile to DWP of 21st March 2003, discusses the low ground pressure associated with the proposed three tonne tracked piling augur, and implies that ground protection might therefore not be required.

5.3.2 These two matters give me cause for concern: in the first instance, planning for effective (successful) tree protection places the burden on developers of having to know whether or not something that is proposed is practical. It is simply insufficient to say, in essence, 'the tree will be protected if possible'. In the second instance, any suggestion that tracked machines do not compact unmade ground due to low ground pressure is fallacious, as very significant damage to the soil structure usually results from skid-steer turning operations.

5.3.3 It is therefore my clear opinion that the information supplied to date does not go sufficiently far in identifying how compaction damage during construction will be avoided, **or indeed that it is even possible to do so.**

5.4 Arboricultural impacts: starvation and asphyxiation

5.4.1 I have already referred to the supposed summary of the tree root protection advice offered by BS5837:1991, which DWP outline at para. 1.2 of their report (see 5.1.2). However, they neglect to mention that root severing and compaction are only two of three types of root damage covered by the Standard. The third is the

combined damage caused by starvation and asphyxiation, which are discussed in that document 7.3 and at 11.1.2 b).

5.4.2 The former reference deals specifically with asphyxiation damage and how to avoid it. I quote 7.3.1 as follows:

"In order to live and grow, roots need oxygen from the soil. Respiration by the roots and other soil organisms depletes this oxygen and increases carbon dioxide levels in the soil; a correct balance of these gases is normally maintained by diffusion between the soil and the atmosphere. Anything which disturbs this balance will affect the condition of the root system."

I also quote 7.3.2:

"The factors which most commonly affect this diffusion adversely, and therefore damage roots, [include]...(c) Covering the rooting area with impervious surfaces"

And also 11.1.2:

"Where hard surfaces are being constructed, precautions are essential to maintain the condition and health of the root system. In particular, care is needed... (b) to make provision for water and oxygen to reach the roots"

5.4.3 It is both well known and the clear advice of the British Standard that covering essential tree rooting area with impervious surfaces leads to root dysfunction. Depending on the severity of the dysfunction, which in turn is dependant on the proportion of the rooting area that is affected, differing levels of health impact may be expected. In this case, it is my strong conclusion (4.2.3) that the tree is managing to survive on only 40% of the recommended rooting area, and that it relies disproportionately on the unmade ground to the southeast and east. It is this area that is proposed for the new access.

5.4.4 The nature of this access is such that a further 46m^2 of the existing 182m^2 would be covered by an impermeable surface (the concrete slab). **In other words, it is proposed to reduce by a further 25% the already very restricted rooting area.** This reduction is proposed to come from what all parties agree is an area that is crucial to the health of the tree, and which would see the tree compelled to manage with only 30% of the rooting area recommended by BS5837:1991.

5.4.5 This reduction in the availability of percolated moisture and gaseous exchange would, in my opinion, be very likely significantly to adversely affect the health of the tree. It is therefore my unequivocal opinion that the design for the proposed access is arboriculturally unacceptable. Furthermore, **I can see no solution that I**

would support which entailed this additional loss of permeable surface from within this crucial area.

6 Discussion

6.1 It is beyond the scope of my instructions to offer an alternative design for the access. However, it does seem appropriate to offer some general advice, as this illuminates the reasoning behind my final recommendation.

6.2 In addition to the remaining question mark regarding ground protection (5.3.3), here are two aspects of the proposed design that trouble me:

6.2.1 Firstly, the considerable number of piles, which are over twice as numerous as I have encountered in previous similar situations, would be likely to cause unacceptable levels of root damage. Although in the final analysis the degree of impact is indeterminable, there is no question but that the overriding principles of successful tree preservation compel caution in this regard.

6.2.2 Secondly, the proposed additional hard/impermeable surfacing within the crucial rooting area would be very likely to lead to a significant loss of root function. I would expect that this would have severe, and in consideration of the tree's age, irreversible consequences for its health, leading to a significant reduction in its longevity.

6.3 It is therefore apparent that any acceptable design should offer low opportunities for root damage, whilst also leaving the finished surface moisture and gas permeable. I would highlight the use of far fewer piles in the first case, and the use either of cored concrete (see, for example, 'Trees & Development', p. 100, Matheny & Clark 1998) or of porous pavers in the second, as being acceptable alternative solutions.

6.4 I am aware that this would lead to the road being capable of bearing much-reduced loads. This would presumably have consequences for construction access in terms of reduced gross vehicle weights, and thus raise financial issues to do with construction costs. Naturally, this would be a matter for the developer to consider.

6.5 I would also like to highlight the issue of precedent. This was raised as a concern by my clients in the wider sense, being the Wokingham District Council Members, being cited as a reason for the refusal of Planning Consent. I wish to make it clear that I know of no other case where a highway-standard, pile-supported road has been installed near to an overmature tree. Whilst novelty should not, in itself, be allowed rule out the first use of

such a design solution, it is the case that the pre-existence of hard surfacing on two sides of the subject tree certainly should. In essence, we simply do not have enough information available to facilitate a reliable prediction of the effect on the tree of such an installation. However, it is my professional assessment of the biological imperatives that **these effects are very likely to be severely adverse in character**.

7 Recommendation

7.1 In making the following recommendation, I have explicitly considered whether the use of Planning Conditions could ensure the implementation of a suitable alternative design for the access road. It is my firm conclusion that this is option is not available in this case. There are two reasons for reaching this conclusion:

7.1.1 For the reasons set out at 5.2.10, there is no method available for ensuring that the piling does not cause unacceptable damage to tree roots. As such, this matter is clearly not conditionable.

7.1.2 The adoptability of the proposed access is wholly inherent within the Application. However, the design parameters that I offer for an alternative and arboriculturally acceptable solution (see 6.3) would not result in the construction being to an adoptable standard.

7.2 In consideration of all of the above, **it is my final recommendation to this Inquiry that the Appeal be disallowed** on the grounds of adverse and irreparable damage to the subject tree, which would severely prejudice its healthy retention.

JULIAN FORBES-LAIRD MICFor., Dip.Arb.(RFS)
SENIOR CONSULTANT, CBA Ltd.

CB-A

Table 1. Protection of trees: minimum distances for protective fencing around trees

Tree age	Tree vigour	Trunk diameter	Minimum distance
		mm	m
Young trees (age less than ⅓ life expectancy)	Normal vigour	< 200	2.0
		200 to 400	3.0
		> 400	4.0
Young trees	Low vigour	< 200	3.0
		200 to 400	4.5
		> 400	6.0
Middle age trees (⅓ to ⅔ life expectancy)	Normal vigour	< 250	3.0
		250 to 500	4.5
		> 500	6.0
Middle age trees	Low vigour	< 250	5.0
		250 to 500	7.5
		> 500	10.0
Mature trees	Normal vigour	< 350	4.0
		350 to 750	6.0
		> 750	8.0
Mature trees and overmature trees	Low vigour	< 350	6.0
		350 to 750	9.0
		> 750	12.0

NOTE 1. It should be emphasized that this table relates to distances from centre of tree to protective fencing. Other considerations, particularly the need to provide adequate space around the tree including allowances for future growth (see **6.3**), and also working space (see **6.7**), will usually indicate that structures should be further away.
NOTE 2. With appropriate precautions, temporary site works can occur within the protected area, e.g. for access or scaffolding (see **8.3**).

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NOTE 2. With appropriate precautions, temporary site works can occur within the protected area, e.g. for access or scaffolding (see **8.3**).

TOWN & COUNTRY PLANNING ACT 1990

SECTION 77 APPEALS

PRE INQUIRY STATEMENT

Appeals by Linden Homes South-East Ltd

Site adjacent to Winnersh Primary School, Green wood Grove & No. 41 Watmore Lane, Winnersh

PI Ref: APP/X0360/A/02/1103643 & 1104039
LPA Ref: F/2002/7309 & F/2002/7311
LPL Ref: DSD/6096/1598/ljw
December 2002

4 King Street Lane,
Winnersh, Berkshire RG41 5AS
Telephone: 0118 936 6666
Fax: 0118 936 6667
E mail: consultancy@lennon-planning.co.uk

LENNON
planning ltd

CONTENTS

1. Introduction

2. Site and Surroundings

3. Site History

4. Planning Policy Context

5. Case for the Appellants

6. Conclusions

1. INTRODUCTION

1.1 The appeal applications were submitted on 5th September 2002 and proposed the demolition of 41 Watmore Lane and the erection of 18 dwellings (Appeal 1) and 19 dwellings (Appeal 2) respectively on land adjoining Winnersh Primary School, Greenwood Grove and 41 Watmore Lane, Winnersh.

1.2 The applications were accompanied with a number of plans together with supplementary information on ecological, arboricultural issues etc. An appeal decision dated October 2002 was also submitted. This decision allowed the demolition of No. 39 Watmore Lane and the erection of 18 dwellings and associated access on the site.

1.3 The applications were considered by the Development Control Committee in November 2002. The applications were refused for the following reasons:-

> **"It has not been demonstrated that the construction of the proposed access road would not adversely affect the oak tree to the front of 39 Watmore Lane which is the subject of a tree preservation order. The loss of the tree would be detrimental to the amenity of the area and as such would be contrary to Policies EN1 of the Berkshire Local Plan, LBE1 and LBE2 of the Lodden Area Local Plan and WO53, WBE1 and WBE11 of the Wokingham District Local Plan (Deposit Draft).**
>
> **In the absence of the satisfactory provision of adequate services, amenities and infrastructure needs, the development would have an adverse impact upon the amenities of the area. The proposal is therefore contrary to Policy LD6 of the Berkshire Structure Plan, Policy LPS1 of the Lodden Area Local Plan and Policy WOS4 of the Wokingham District Local Plan (Deposit Draft).**

1.4 With regards the second reason for refusal the appellant's had indicated their willingness to enter into a Section 106 Agreement concerning a number of financial contributions etc required as a result of the proposed development. They had provided this undertaking in writing to the Local Planning Authority. Equally they had entered into a Section 106 Agreement in respect of the previous appeal application in October 2002.

2. SITE AND SURROUNDINGS

2.1 A detailed description of the appeal site and its surroundings will be provided at the Inquiry.

2.2 It is anticipated that the description of the site and surroundings will be agreed with the Local Planning Authority.

3. SITE HISTORY

3.1 The relevant site history will be described. It is anticipated that it will be agreed with the Local Planning Authority.

4. PLANNING POLICY CONTEXT

4.1 Reference will be made to the National Planning Policy mentioned within PPGs and Circulars.

4.2 Reference will be made to the relevant policies in the Statutory Development Plan namely the Berkshire Structure Plan 1991 - 2006 and the Lodden Area Local Plan (May 1995).

4.3 Reference will also be made to the relevant policies in the emerging Wokingham District Local Plan.

5. CASE FOR THE APPELLANT

5.1 It will be demonstrated that the proposals will not adversely affect the tree which is protected by a Tree Preservation Order in the front of 39 Watmore Lane.

5.2 It will be demonstrated that the proposals comply with all the relevant policies in the Statutory Development Plan, the emerging Local Plan as well as national planning policy.

5.3 A Section 106 Agreement will be prepared which deals with all the issues relating to Reason for Refusal No. 2. It is anticipated that agreement should be reached with the Local Planning Authority in respect of this issue.

5.4 It will be demonstrated that this site by virtue of the extant permission represents a residential commitment in respect of residential land supply.

5.5 It will be demonstrated that the proposed layouts are acceptable.

5.6 It will be demonstrated that there are no highways or traffic objections to the proposed development.

5.7 It will be demonstrated that there are no other objections to the proposed development.

6. CONCLUSIONS

6.1 It will be demonstrated that having regard to the Development Plan and all other relevant material considerations that the appeal should be allowed and planning permission granted.

LIST OF DOCUMENTS

1. The submitted Planning Application, plans and documents
2. National Planning Policy contained within PPGs and Circulars
3. Berkshire Structure Plan 1996 - 2006
4. Lodden Area Local Plan May 1995
5. Wokingham District Local Plan Deposit Draft (February 2000) and subsequent documents
6. Relevant site history
7. History on public consultation exercise
8. Any other documents that may be referred to by the Local Planning Authority

APPENDICES

WOKINGHAM DISTRICT COUNCIL

APPEAL BY LINDEN HOMES (SOUTH EAST) LTD, LAND ADJACENT WINNERSH PRIMARY SCHOOL, GREENWOOD GROVE AND 41 WATMORE LANE, WINNERSH, BERKSHIRE

LOCAL PLANNING AUTHORITY REFERENCE	:	**(i) F/2002/7309** **(iii) F/2002/7311**
DEPARTMENT OF THE ENVIRONMENT, TRANSPORT AND THE REGIONS REFERENCE	:	**(i) APP/X0360/A/02/1104039** **(iii) APP/X0360/A/02/1103643**
DATE OF INQUIRY	:	**24TH JUNE 2003**

Wokingham District Council
Environmental Services Department
Civic Offices
Shute End
Wokingham
Berkshire
RG40 1WR

APPENDICES

APPENDIX 1

APPENDIX 2

WOKINGHAM DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACTS

Notification of Refusal of Permission

Linden Homes SE Ltd
C/O Lennon Planning
4 King Street Lane
Winnersh
Berks
RG41 5AS

Application Number: F/2002/8154

Parish:	**WINNERSH**
Location:	**Land Adjacent To Winnersh Primary School, Greenwood Grove, & 41 Watmore Lane, Winnersh, Wokingham.**
Proposal:	**Proposed residential development consisting of 19 dwellings, new access road and demolition of 41 Watmore Lane.**

The Wokingham District Council in pursuance of their powers under the above Acts and Regulations hereby **Refuse Permission** for carrying out the above development in accordance with the application and the accompanying plans submitted to the Council, the reason for which is specified hereunder.

Reasons

1. It has not been demonstrated sufficiently that construction of the access road would not have an adverse effect on the veteran oak tree outside 39 Watmore Lane that is subject to a Tree Preservation Order. The loss of this tree would be detrimental to the amenity of the area and as such would be contrary to policy EN1 of the Berkshire Structure Plan, policies LBE1 and LBE2 of the Loddon Area Local Plan and to policies WOS3, WBE1 and WBE11 of the Wokingham District Local Plan (as proposed to be modified).

T. G Watson

Trevor Watson
Development Control Manager
Date: 22/05/2003

Notice checked by: _____

If this notice grants permission to proceed with the proposal the applicant is reminded that it relates to planning permission only and does not constitute approval under any other legislation including Building Regulations.

WOKINGHAM DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACTS

NOTIFICATION OF REFUSAL OF PLANNING PERMISSION

Linden Homes South East Ltd
C/O C A Lennon Associates
Oxford House 2a Oxford Road East
Windsor
Berkshire
SL4 1EF

Application No : 97/66894/F

Parish : WINNERSH PARISH

Proposal : PROPOSED ERECTION OF 24 DWELLINGS ACCESS ROAD AND DEMOLITION OF EXISTING CARETAKERS DWELLING

Location : Land adjoining Winnersh Primary School Greenwood Grove Winnersh

The Wokingham District Council in pursuance of their powers under the above Acts and Regulations hereby **REFUSE PLANNING PERMISSION** for carrying out the above development in accordance with the application and the accompanying plans submitted to the Council subject to compliance with the following conditions, the reasons for which are specified hereunder.

REASONS(S) :

01
The proposal would result in the loss of an existing recreational facility, detrimental to the amenity of local residents, and so is contrary to policies LH1 and LR4 of the Loddon Area Local Plan and WH1 and WR2 of the Wokingham District Local Plan (Deposit Draft) and Policy R4 of the Berkshire Structure Plan.

02
The proposal does not make provision for amenity/open space within the scheme which would be detrimental to the amenity of future occupiers, and so is contrary to Loddon Area Local Plan Policy LR2 and Wokingham District Local Plan (Deposit Draft) Policy WR7, and Policy R5 of the Berkshire Structure Plan.

03
The proposal lacks an appropriate mix of dwellings, and so is contrary to Policy LH8 of the Loddon Area Local Plan and WH6 of the Wokingham District Local Plan (Deposit Draft) and Policy H9 of the Berkshire Structure Plan.

04
The proposal by virtue of its scale and form is considered to be inappropriate in terms of its local context, and would detract from the character of the area. It is therefore contrary to policies LBE1 and LBE2 of the Loddon Area Local Plan, and policies WOS3 and WBE1 of Wokingham District Local Plan (Deposit Draft).

05
The proposal would adversely affect the water environment and prejudice the flood defence and interests and environmental obligations of the Environment Agency. It would therefore be contrary to Policy LPS5 of the Loddon Area Local Plan and Policy WIC18 of the Wokingham District Local Plan (Deposit Draft).

06
The proposed access to the site falls short of Highway Authority standard by way of substandard turning head and junction, and inadequate improvements to width of Poplar

Lane, lack of provision of 2 metre footway and 2 metre verge, resulting in a highway safety hazard to existing users.

C.E. Kimmer

Head of Development Control

Date 12 March 1998

Note Would you please ensure that the Red Public Notice relating to this planning application which the Council sent to you to put on display is now removed, if this has not already been done. This will avoid any confusion by local residents as to whether further applications have been made, and will assist in keeping the country side and townscapes tidy.

THE FOLLOWING SCANNED IMAGES ARE DOCUMENTS OF BAD QUALITY OR ARE PHOTOCOPIES.



FOR THIS REASON THEY MAY APPEAR UNREADABLE ON SCREEN

(BP)

WOKINGHAM DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACTS

Notification of Refusal of Permission

Linden Homes (S E) Ltd
C/O Lennon Planning Ltd
13 Hermitage Parade
High Street
ASCOT
Berkshire
SL5 7HE

Application Number: F/2001/3458

Parish: **WINNERSH**

Location: **Land adjacent Winnersh Primary School, Greenwood Grove & 37/39 Watmore Lane, Winnersh, Wokingham**

Proposal: **Proposed residential development of 18 dwellings, construction of new access and demolition of 39 Watmore Lane.**

The Wokingham District Council in pursuance of their powers under the above Acts and Regulations hereby **Refuse Permission** for carrying out the above development in accordance with the application and the accompanying plans submitted to the Council subject to compliance with the following conditions, the reasons for which are specified hereunder.

Reason

1. The proposal would result in the loss of recreational open space, detrimental to the character of the area and amenity of local residents. As such the proposal is contrary to Policies LH1 and LR4 of the Loddon Area Local Plan, WH1 and WR4 of the Wokingham District Local Plan and R4 of the Berkshire Structure Plan.

Informative

1. You are advised, in compliance with The Town and Country Planning (General Development Procedure) (England) (Amendment) Order 2000, that the following policies and/or proposals in the development plan are relevant to this decision:

Berkshire Structure Plan Policies EN1, R4, R5, H9, LD6
Loddon Area Local Plan Policies LTV1, LR4, LBE1, LBE2, LH8, LPS1, LBE22, LBE23
Deposit Draft Wokingham District Local Plan Policies WOS1, WOS2, WOS3, WBE1, WBE11, WH6, Density Policy, WOS4, WNC3, WHE15

John Mitchell
Development Control Manager
Date: 02/05/2001

Notice checked by: _____

If this notice grants permission to proceed with the proposal the applicant is reminded that it relates to planning permission only and does not constitute approval under any other legislation including Building Regulations.

Appeal Decision

Inquiry held on 18 and 19 September 2001

by S J Papworth DipArch(Glas) RIBA

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

The Planning Inspectorate
4/04 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail: enquiries@planning-inspectorate.gsi.gov.uk

Date

30 OCT 2001

Appeal Ref: APP/X0360/A/01/1065004
Land adjacent to Winnersh Primary School, including 37 and 39 Watmore Lane, Winnersh, Berkshire.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Linden Homes (South East) Limited against Wokingham District Council.
- The application (Ref.F/2001/3458), is dated 5 March 2001.
- The development proposed is described as residential development including construction of new access road and demolition of 39 Watmore Road.

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

Procedural Matters

1. The appeal is made against the failure of the Council to give notice of a decision within the appropriate period. That period expired on 1 May 2001, as stated in the Council's letter acknowledging receipt of the application. The appeal form is dated 4 May 2001 and the Council issued a notice of refusal of planning permission dated 2 May 2001.

2. The site address is Watmore Lane, and not Watmore Road as stated on the application form.

Planning and Ownership History

3. The land forms a part of the curtilage of Winnersh Primary School. Berkshire County Council was previously the education authority and owner. They declared the land surplus to school requirements in 1996, entering into a contract giving the appellant the option to purchase the land. Land ownership and the contract passed to Wokingham District Council when it became a unitary authority. The Council therefore has, in addition to the planning function, responsibilities as local education authority and landowner. The Council made this separation of responsibilities clear at the Inquiry. A planning application was made in 1998 for the development of the whole site. This was refused and a subsequent appeal is in abeyance.

4. The present application is for 18 dwellings on approximately half the site, and results from negotiations between the appellant and the Council whereby the remaining half would be retained by the Council.

Main Issues

5. I consider the main issues in this appeal to be;

- The principle of development of the appeal site in relation to the provision of housing land and recreational space in Wokingham.

- The effect of the development on the character and appearance of the Winnersh area of Wokingham.

Planning Policy

6. The Development Plan consists of the Berkshire Structure Plan 1991-2006 and the Loddon Area Local Plan, adopted in May 1995. Structure Plan Policy EN1 seeks to protect and enhance the environment of built-up areas, development should be to a high standard, should maintain or where possible, enhance the character of its surroundings. All open land important to the character of settlements will be protected. The redevelopment of derelict or genuinely underused urban land will be supported. Policy R4 requires existing sports grounds and public open space to be retained, loss being acceptable only in the following circumstances; where a suitable replacement is provided, where the development of a small part of the site allows the retention and enhancement of the facility and where the Local Plan shows an excess of provision. The provision of new recreation and open space facilities, on a scale that reflects the needs arising from development, is sought under Policy R6. Policy LD6 states that before development is permitted, local planning authorities will require to be satisfied that infrastructure and facilities are provided, and contributions may be required to this end. Housing Policy H2 states that 7,750 dwellings are to be provided within the Wokingham District area and H5 states that part of the provision will be achieved by building on suitable undeveloped land within built-up areas.

7. Local Plan Policies LBE1 and LBE2 contain similar requirements to those in Policy EN1 of the Structure Plan and Policy LPS1 details the need for infrastructure by legal agreement if necessary, as outlined in Policy LD6 of the Structure Plan. Policy LTV1 identifies Winnersh as a settlement where development will normally be allowed, subject to the provisions of other policies. The loss of public open space to development will not be allowed unless, as detailed in Policy LR4, alternative provision has received planning permission, and it would diversify and improve recreational facilities for local residents and employees. Policy LH1 provides for housing on unidentified sites, seeking to ensure, among other things, that there is no loss of public open space or recreational facilities. Policy LH8 requires a mix of housing types and sizes. Policies LBE22 and LBE23 provide for the investigation of sites considered to have high archaeological potential.

8. There is emerging policy, contained in the Wokingham District Local Plan Deposit Draft with Proposed Amendments, February 2000. The Inspector's report on a Part I Inquiry, into development south of the M4, has been received and the Council has resolved to accept the recommendations. These include that an Urban Capacity Study (UCS) be carried out and a sequential approach followed to identify sites to accommodate the Structure Plan Policy H2 requirement. The results of a District-wide UCS and the Inspector's report on the Part II Inquiry are anticipated towards the end of 2001. Various draft policies are referred to which would carry forward the thrust of existing Local Plan policies. Policy WR2 seeks the protection of existing open space and recreational facilities, as with Local Plan policy LR4, unless alternative facilities, with planning permission, can be provided by the time that the existing facility is lost, or that the facilities can be retained and enhanced through redevelopment of a small part of the site.

9. A report entitled "The State of Play in Wokingham District" was published in October 1993. The stated aims were to assess the level of provision in the area and also the needs of local clubs and organisations. The findings were to be used in the preparation of the

emerging Local Plan. The appeal site is not identified in this survey, however primary schools were excluded due to what was regarded as a poor response rate of 41%. The land would have been counted as being part of a primary school at that time.

10. I have had regard to Planning Policy Guidance Notes (PPG) 3 "Housing" and 17 "Sport and Recreation".

Reasons

Housing Land and Recreational Space

11. The appeal site is within the designated settlement boundary of Winnersh in both the adopted Local Plan and the emerging plan. I heard evidence at the Inquiry regarding the identification and supply of housing land and the preparation of an Urban Capacity Study following the report of the Part 1 Local Plan Inquiry Inspector. The Council considers that it would be premature to decide on the suitability of the appeal site for housing, while the UCS and the emerging Local Plan are in the process of being formulated. The appellant considers that adoption may not be until 2005. From the information before me, I concur that there could be a significant time elapsing between the date of this Inquiry and the publication and adoption of the study and plan. However, it appears to me likely that Wokingham District Council will encounter difficulties in identifying, within the time scale, land for the number of dwellings required of it by the Structure Plan. The Council's document 'Planning Commitments for Housing, March 2001' predicts a shortfall in the order of 1,466 units. The appeal proposals are for a small number of houses on a relatively small site. Against the potential shortfall of housing land, I see no reason to delay consideration of the suitability of this site for housing as proposed.

12. In considering the site in relation to the advice in PPG3, I find that it is not only within the settlement boundary, but the proposed development would be closely integrated with the existing housing development within Winnersh. It would be close to local facilities, including a railway station with access to employment and entertainment at Reading and other towns. The density of development would be above that of immediately neighbouring housing, and I shall consider the effect of this in the second main issue. But, in terms of the efficient use of land, I consider this to be acceptable. The proposed development would include a mix of house types, from 2-bedroom terrace to 5-bedroom detached houses. Whilst a lengthy approach drive would be required to provide access to the rear of dwellings and gardens in Watmore Lane, I do not consider that the space allocated to vehicles is disproportionate to that allocated to the proposed dwellings and their private amenity space.

13. Both the appellant and the officer's report to Committee consider that the site is previously developed land, but there is a difference of opinion as to the justification. I understand that a previous use of the land was agricultural, as a piggery, and that there were buildings on the land associated with that use. From my inspection of the site, I could detect no evidence of those buildings or that use. I consider therefore that the former buildings have blended into the landscape in the process of time, a scenario detailed in Annex C of PPG3. The land is however part of the curtilage of Winnersh Primary School. There is a gate onto the land from the footpath near Astor Close that is of the same style as those elsewhere around the school curtilage. Whilst the school security boundary is now along a different line, closer to the buildings, I consider that the site is previously developed, brownfield, land within the definition in PPG3.

14. The Planning Policy Guidance Note also contains advice at paragraphs 52 and 53 on greening the residential environment, and states that developing more housing within urban areas should not mean building on urban green spaces. Notwithstanding the strict definition of the site as being brownfield, it is in fact an open area of grass and is used, whether with permission or not, as an amenity area. The site is relatively flat and open; I acknowledge that some archaeological investigation may have disrupted the periphery of the area prior to my inspection. There are two metal goalposts facing across a short pitch. These posts show signs of neglect and damage, but would, in my view, serve as goals for informal play. It is apparent that both the school and the public make use of the field. I shall therefore consider these uses of the land.

15. Although once part of the school premises, the school has established a new security line around its grounds, excluding the field just described. Within the school grounds I noted pitches with junior goalposts, hard surfaced play areas and informal areas. The Headteacher describes the site as a second school field and that within the school grounds as being a main field. He has timetabled use of the appeal site for upwards of two hours per week throughout the school year. The appellant considers that the Headteacher makes use of the field, partly because it is there and partly as it relieves pressure on the grassed areas within the school fence. The field is however surplus to school requirements. Notwithstanding the views of the Headteacher, I have been presented with no evidence from the Council that the local education authority has reviewed this decision. A ward Councillor addressed the Inquiry stating that staff resources have not been allocated pending the outcome of this appeal. I cannot accept that the outcome of a planning appeal should inform a discussion on need. If there were a need for additional school grounds, perhaps having become apparent since the decision by Berkshire to declare the field surplus, such a need should have been identified regardless of whether the appeal site could be available to meet the need. I must conclude that, other than as expressed as a wish by the Headteacher, no such need for the land as a school playing field exists.

16. Turning to public use, physically there is unrestricted access. It appears to provide an entry to the school grounds across a gravel area, a material that I consider indicates a high usage that has previously resulted in a muddy section of path. The appellant describes that use by the public as a trespass. From the evidence before me, I consider that public use of the land has been tolerated, the Headteacher of the school states that allowing use of the land has resulted in less vandalism to school premises. I note that the reduced area of the school grounds has been protected by a substantial fence with anti-climb paint. It appears that unauthorised entry to school grounds has been a problem in the past. The Council has not allocated the land as public open space, nor sought to protect its openness by other special designation within the Local Plan, such as a site of urban landscape value in Policy LWE4. The development plan places emphasis on retaining public open space, playing fields and sports grounds, as does PPG17. Whilst its tolerated public use may have formalised the appearance of the land, it is, in my view, vacant land that happens to be in use while it remains vacant, for dog-walking, informal play and similar activities. It does not appear to me appropriate to consider the land as being a sports ground, playing field or other formal description on the basis of a tolerated access and use.

17. Sport England has objected to the appeal proposal. Their stated policy is to oppose the granting of permission for any development which would lead to the loss of all or any part of a playing field, or land last used as a playing field, or land allocated as a playing field in an adopted or draft deposit plan. Exceptions include where the facility would be replaced

with one that is of equivalent or better quality and of equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements, prior to the commencement of the development. In explanation, Sport England states that the requirement regarding a last use applies to a period dating back five years.

18. Whilst I do not consider that the land falls within any of the three categories on which Sport England may object, I note that they mention similar requirements regarding suitable replacement facilities as do the Structure Plan, Local Plan and PPG17. The Council sought a contribution to replacement facilities and as an explicit amount with an explicit use in mind; that is at Dinton Pastures. The appellant has presented a completed unilateral undertaking to the Inquiry, under Section 106 of the Town and Country Planning Act 1990, that among other things, makes provision for funding to be used by the Council for off-site recreational provision in the district. Whether or not the existing fields have taken on the more formal role of a playing field, there is a shortfall in recreational space in the area. The provision of further facilities at Dinton Pastures, which has planning permission, would accord with the aims of Local Plan policy LR4 and emerging plan policy WR2. I consider that the proposed development would increase demand whilst resulting in the loss of an open area, no matter its informal status. In my judgement the funding of additional or enhanced facilities off-site would be entirely related to the development and would be necessary to ensure the continued provision of facilities in the area. The facilities at Dinton Pastures are a greater distance from the residential area close to the school, but I consider that they are near enough to be a satisfactory replacement for the half of the site that would be lost to informal recreational use. I attach considerable weight to the undertaking to provide funding for other facilities in line with Council requirements.

19. Finally, in my consideration of the status of the land, it is a fact that the proposed development that is the subject of this appeal is for only approximately half of the land. The remaining half would, as stated in the Resources Sub-committee of 10 October 2000 be retained as public open space, in Council ownership. It would therefore be available to assist in making-up the shortfall previously referred to. A survey of local people offered two alternatives; development of the whole of the site attracted a vote of 10% of respondents, the reduced scheme 68%. A total of 22% sought no development at all, despite that this was clearly signalled by the Council as not being an option. This is not, in my view, a definitive expression of local opinion, and the questionnaire dwelt heavily on the contractual situation rather than on planning merits. Being within the appeal site, a condition could be attached to secure enhancements, however the Council did not suggest this. It appears to me therefore that the contribution sought and offered in relation to Dinton Pastures is considered satisfactory by the Council in pursuance of its aims with regard to the provision of recreation spaces in the district. On the information before me, I concur with that view. The remaining half would, in my view, be suitable as a public open space, whether enhanced in quality or not. The Council has removed the site from its consideration in sift 4 of the UCS. However this exercise appears to relate to the whole of the site. I conclude that the part of the site on which it is proposed to erect houses should be considered as suitable housing land under Structure Plan Policies H2 and H5 ahead of the UCS and further progress on the emerging Local Plan. The partial loss of vacant land would not be contrary to the aims of Structure Plan Policies EN1, R4 and R6, Local Plan Policies LR4 and emerging Policy WR2 or the guidance in PPG17.

Character and Appearance

20. The Council's reasons for refusal dated 2 May 2001 included reference to the loss of recreational space being detrimental to the character and appearance of the area. Whilst the Council did not present specific evidence on this matter, local residents did. In view of my conclusion on the first main issue, I now consider it right to investigate site-specific issues.

21. The appeal site is located at the rear of residential property in Watmore Lane to the west and Astor Close to the south. The northern boundary would adjoin the reduced area of land associated with Wimerah Primary School. Whilst the dwellings on Watmore Lane have long rear gardens, I find that the arrangement of the school buildings, and the built form of Astor Close, provide an enclosure to the proposed development which would not therefore, in my view, appear to intrude into the open countryside to the east. The proposed development would be at a higher density than is presently the case on Watmore Lane and Astor Close. But bearing in mind the long gardens of properties in Watmore Lane and the small-scale of the development, I do not consider that a local increase in density as represented by the proposed development would cause harm to the character and appearance of the area.

22. I consider that the present level of planting is a feature of the site and the area as a whole and contributes to its character and appearance. The area of open land is separated from open countryside to the east by a boundary hedge. In addition, there are only limited views of the dwellings in Watmore Lane, as there are intervening trees and shrubs. Landscaping, secured by condition, would ensure that the present level of boundary treatment along each of the four boundaries could be maintained and enhanced as required. Similarly, the new boundary between the developed half and the retained half could be planted to soften that boundary. There is a large oak tree on the frontage of 39 Watmore Lane, the subject of a tree preservation order. The appellant states that there is no need to disturb this tree, and I note that it is shown on the application drawings to be retained, with the access drive being aligned around it. Again, conditions attached to a permission would allow control of this situation. I conclude that, subject to conditions, the proposed development would not cause harm to the character and appearance of the area and would accord with Structure Plan Policy EN1, Local Plan Policies LBE1 and LBE2, and the advice in paragraph 56 of PPG3.

Other Considerations

23. Local residents refer to the present access to the school across the field. I have noted that it appears to be well used. However, there would be opportunities for an alternative entrance to be formed along th oposed new boundary between the school premises and the area of retained land.

24. In addition to the contribution in the unilateral undertaking for off-site recreational provision, two further sums are identified, one towards primary school facilities and one for secondary school facilities. The Council sought these sums and I consider that they are necessary and related to the development of family houses, which would introduce additional school-age residents to the area.

25. Representation has been made regarding the presence of protected species in the locality, specifically great crested newts and bats. A survey, carried out under an English Nature licence, found no evidence of such species. The Council has stated its acceptance of the

survey methodology employed. There remains however legislation to address any later discovery of a protected species or suspicion that one exists on or about the development.

26. Local residents have also made representation regarding increased traffic and road safety. I have been presented with no further evidence from the highway authority in support of this view. The Council has requested a condition to ensure a visibility splay at the entrance onto Watmore Lane. With that provision, I consider that the development of 18 dwellings would not be likely to exacerbate congestion or compromise road safety.

Conditions

27. The Council has suggested a number of conditions regarding the submission of material samples and further details on slab levels, landscaping and other matters. I have considered these suggested conditions relative to the advice in Circular 11/95. In particular, suggested condition number (6) requires a method statement for works to trees. The appellant has provided a statement dated March 2001. I understand that the Council has not approved this in writing and I consider therefore that the condition should be attached along with others requiring further details. With regard to landscaping, the Council suggests in condition 4 that not only should hard landscaping be approved but also retained. I consider that other proposed conditions would provide for the replacement of planted material within a reasonable time-scale. I see no special reason to require the retention of hard landscaping by condition.

28. Conditions are proposed which seek to control the building operations; hours of work, parking and the risk of mud being spread on the highway. The Council considers that other legislation would be slow to enforce. In view of the restricted site frontage to the highway and the proximity of other dwellings, I consider that in this case such conditions would be justified. It is proposed that permitted development rights to add windows to first floor side elevations should be removed and that proposed first floor side windows in close proximity to existing or proposed houses should be obscure glazed and fixed shut. I have studied the floor plans and orientation and find that the plots listed have only bathrooms, toilets, a landing and a dressing room affected. Such a condition appears to me to be necessary to maintain the privacy of existing and future residents. The Council also requests a condition requiring proposals to be submitted for protecting the proposed dwellings from noise from use of the retained half of the land. I note that the proposed gardens are shorter than those at Watmore Lane. In order to reduce the likelihood of future problems, I consider that this condition should be attached.

29. From all that I have seen, heard and read, I consider that other conditions regarding the construction and maintenance of parking, turning and visibility splays, surface water disposal, the possibility of landfill gas and the need for archaeological investigation would be necessary.

Conclusions

30. The proposed layout and location of the development on one half of the site would be related to the existing built environment of Winnersh and would not cause harm to the character and appearance of the area. Conditions could be attached to a permission in order to safeguard the living conditions of existing and future residents. Conditions would also provide for other matters related to landscaping, landfill gas and surface water. On the other

half of the site, the retained open space would be well related to open countryside. I consider therefore that there are no site-specific reasons for refusal of permission.

31. The land is within the settlement boundary of Winnersh and the Council predicts a shortfall in housing land provision. The land is in use as an amenity space, albeit informal and without the permission of the landowner. The Council has identified a shortfall in the provision of recreational space in the area. The Council officers have negotiated a proposal with the developer, of developing half the site and retaining half, together with a contribution towards other, appropriate recreational facilities. On balance I conclude that the appeal proposals would provide housing in accordance with the advice in PPG3 regarding the provision of houses in the right place and at the right time, and that the development would make efficient use of land. The retained, undeveloped land would, together with the offsite facilities, safeguard the provision of recreational space in the area. The proposed development would therefore accord with the aims of development plan and emerging plan policies previously identified and would be compatible with the aims of Central Government advice in PPG3 and PPG17.

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

Formal Decision

33. In exercise of the powers transferred to me, I allow the appeal and grant planning permission for residential development including construction of new access and demolition of No39 Watmore Lane at land adjacent to Winnersh Primary School including Nos 37 and 39 Watmore Lane in accordance with the terms of the application Ref. F/2001/3458, dated 5 March 2001, and the plans submitted therewith or subsequently amended, namely 1363/11F, 12A, 13A, 14A, 16B, 18B, 19B, 20B, 21B, 22D, 23B, and 24, subject to Section 106 agreement to secure contributions and the following conditions:

1) The development hereby permitted shall be begun before the expiration of five years from the date of this decision.

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

3) No development shall take place until details of the slab levels of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

4) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include locations and details of all trees, hedgerows and other planting on the site and those to be retained, proposed finished levels or contours, means of enclosure, surfacing of vehicular and pedestrian access and circulation areas, proposed and existing functional services above and below ground (eg drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports etc.). With

the exception of planting, seeding and turfing, the approved landscaping scheme is to be implemented prior to the occupation of any of the buildings hereby approved.

5) All soft landscape works shall be carried out in accordance with the approved details in the first planting and seeding seasons following occupation of the buildings or the completion of the development, whichever is the sooner. If within a period of five years from the date o. the planting of any vegetation, that plant, or any vegetation planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

6) No development shall take place until a scheme (herein called the Approved Method Statement for Arboricultural Works Scheme) has been submitted to and approved in writing by the local planning authority. The scheme should provide for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site and no development shall take place other than in accordance with the approved scheme.

i) No operations shall commence on site (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and/or widening, or any other operation involving motorised vehicles or construction machinery) until the tree protection works required by the approved scheme are in place.

ii) 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 sh.l take place inside or within 10m of an area designated as being fenced off or otherwise protected in the approved scheme.

iii) The erection of fencing shall be undertaken in accordance with the approved scheme before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site, unless the prior written approval of the local planning authority has been obtained.

7) No vegetation shown as being retained in the Approved Method Statement for Arboricultural Works Scheme shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without previous written consent of the local planning authority. If within a period of five years from the date of completion of the development hereby permitted, that vegetation, or any vegetation planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

8) Works related to the construction of the development hereby permitted, including demolition or preparation prior to building operations shall not take place other than between 0800hrs and 1800hrs Mondays to Friday, 0800hrs to 1330hrs Saturday and at no time on Sundays, Bank or Public Holidays.

9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no windows/dormer windows or similar openings other than

those expressly authorised by this permission shall be constructed on the first floor or above of the flank elevations of the dwellings.

10) The first floor windows of the flank elevations of Plots 1 and 4 facing the primary school, Plots 5, 6, 7, 8, and 9 facing No6 Astor Close and Plots 10, 11, 12, 13, 14, 16, 17 and 18 shall be obscure glazed and fixed shut with the exception of a top hung opening light if required, and shall be maintained thereafter.

11) No development shall take place until a scheme for surface water source control has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

12) The area shown on the permitted drawings for vehicle parking and/or garaging/turning shall be provided and kept available for such use and no development whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order) or not shall be carried out on the land that would preclude vehicular access to and use of the parking, garaging or turning area.

13) No dwelling hereby permitted shall be occupied until visibility splays of 2.4m by 2.4m have been provided at the intersection of the driveway 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 0.6m.

14) The access road serving the development hereby permitted shall be constructed in accordance with the layout plan 1363/11F, prior to the commencement of the construction of dwellings on site.

15) No development shall take place until the access to Watmore Lane has been formed and visibility splays of 2.5m by 60m have been provided at the intersection of the access road and Watmore Lane, in accordance with details to be submitted to and approved in writing by the local planning authority. The land within the visibility splays shall be cleared and thereafter be kept free of all obstructions to visibility above a height of 0.6m.

16) Provision shall be made to accommodate all site operatives', visitors', and construction vehicles loading, off-loading, parking and turning within the site during the construction period in accordance with details to be submitted to and approved in writing by the local planning authority.

17) Adequate precautions are to be taken during the construction period to prevent the deposit of mud and similar debris on to the adjacent public highways in accordance with details to be submitted to and approved in writing by the local planning authority.

18) No development shall take place until a scheme has been submitted to and approved in writing by the local planning authority for the investigation of, and subsequent measures to be taken in respect of, landfill gas. The scheme should provide for the control of ingress of landfill gas to dwellings and outdoor areas. Any measures thereby approved shall be in place prior to the occupation of the first of the dwellings and shall be retained thereafter.

19) No development shall take place until a scheme has been submitted to and approved in writing by the local planning for the protection of the dwellings hereby permitted from noise emanating from adjoining uses at Winnersh Primary School and the retained land. Any works thereby approved shall be in place prior to the occupation of the first of the dwellings so affected and shall be retained thereafter.

20) No development shall take place within the site boundary until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

Information

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

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

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

37. Attention is drawn to the enclosed note relating to the requirements of the Chronically Sick and Disabled Persons Act 1970, as amended.

S J Papworth

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr C Boyle	Of Counsel

He called;

Mr D S Dunlop BA(Hons) MRTPI	Lennon Planning Limited, 13 Hermitage Parade, High Street, Ascot, Berkshire, SL5 7HE

FOR THE LOCAL PLANNING AUTHORITY:

Mr J Easton	Of Counsel

He called;

Mr R Ford BA(Hons) MRTPI	Senior Planning Officer, Policy and Plans Section, Environmental Services Department, Wokingham District Council
Mrs M Evans BA, MA, MPHIL, DIPTP MRTPI	Enforcement Team Leader, Environmental Services Department, Wokingham District Council

INTERESTED PERSONS

Cllr Mrs Siggery	Ward Councillor, Wokingham District Council
Cllr Mrs Bray	Ward Councillor, Wokingham District Council
Mr D Ball	Chairman Winnersh Parish Council Winnersh Community Centre, New Road, Sindlesham, Wokingham.
Mr D Weston	21 Greenwood Grove, Winnersh, Wokingham.
Mr Friend	37 Watmore Lane, Winnersh, Wokingham.
Mrs R Thompson	24 Watmore Lane Winnersh, Wokingham.
Mrs R Ramsdale	9 Astor Close, Winnersh, Wokingham.

DOCUMENTS

Document	1	List of persons present at the Inquiry, 18 and 19 September 2001
Document	2	Notification letters dated 25 May and 12 July 2001 and list of those notified
Document	3	16 Letters in reply objecting to the proposal
Document	4	Agreed statement of common ground submitted by appellant
Document	5	Appendices 1 to 26 to Mr Dunlops' evidence
Document	6	Appendices 1 to 3 to Mr Ford's evidence
Document	7	Appendices 1 to 6 to Mr Evans' evidence
Document	8	Wokingham District Local Plan Housing Round Table, submitted by Council
Document	9	Primary School Headteacher's letter submitted by Council
Document	10	London Area Local Plan Policy LWE4 submitted by appellant

WOKINGHAM DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACTS

Notification of Refusal of Permission

Linden Homes SE Ltd
C/O Lennon Planning Ltd
4 King Street Lane
Winnersh
Berks
RG41 5AS

Application Number: F/2002/7309

Parish: **WINNERSH**

Location: **Land Adjacent to Winnersh Primary School, Greenwood Grove & 41 Watmore Lane, Winnersh, Wokingham.**

Proposal: **Proposed erection of 18 dwellings with new access and demolition of 41 Watmore Lane.**

The Wokingham District Council in pursuance of their powers under the above Acts and Regulations hereby **Refuse Permission** for carrying out the above development in accordance with the application and the accompanying plans submitted to the Council, the reasons for which are specified hereunder.

Reason
1. It has not been demonstrated that the construction of the proposed access road would not adversely affect the oak tree, to the front of 39 Watmore Lane, which is the subject of a Tree Preservation Order. The loss of this tree would be detrimental to the amenity of the area and as such would be contrary to policy EN1 of the Berkshire Structure Plan, policies LBE1 and LBE2 of the Loddon Area Local Plan and policies WOS3, WBE1 and WBE11 of the Wokingham District Local Plan (Deposit Draft).

Reason
2. In the absence of the satisfactory provision of adequate services, amenities and infrastructure needs, the development would have an unacceptable adverse impact upon the amenities of the area. The proposal is therefore contrary to policy LD6 of the Berkshire Structure Plan, policy LPS1 of the Loddon Area Local Plan and policy WOS4 of the Wokingham District Local Plan (Deposit Draft).

Informative
1. In the event of a Section 106 agreement or unilateral agreement being signed to secure the contributions requested, the reason for refusal relating to this shall be withdrawn.

Informative

2. You are advised, in compliance with The Town and Country Planning (General Development Procedure) (England) (Amendment) Order 2000, that the following policies and/or proposals in the development plan are relevant to this decision:

Berkshire Structure Plan Policies EN1, H9, LD6, R4 and R5.
Loddon Area Local Plan Policies LTV1, LH8, LPS1, LBE1, LBE2, LR4 and LT5.
Deposit Draft Wokingham District Local Plan Policies WOS1, WOS2, WOS3, WOS4, WBE1, WH6, WBE11, WT7, WR2 and density policy.

T. G Watson

Trevor Watson
Development Control Manager
Date: 13/11/2002

Notice checked by: _____

If this notice grants permission to proceed with the proposal the applicant is reminded that it relates to planning permission only and does not constitute approval under any other legislation including Building Regulations.

WOKINGHAM DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACTS

Notification of Refusal of Permission

Linden Homes SE Ltd
C/O Lennon Planning Ltd
4 King Street Lane
Winnersh
Berks
RG41 5AS

Application Number: F/2002/7310

Parish: **WINNERSH**

Location: **Land Adjacent to Winnersh Primary School, Greenwood Grove & 41 Watmore Lane, Winnersh, Wokingham.**

Proposal: **Proposed erection of 19 dwellings, construction of new access and demolition of no. 41 Watmore Lane. Duplicate application with F/2002/7311.**

The Wokingham District Council in pursuance of their powers under the above Acts and Regulations hereby **Refuse Permission** for carrying out the above development in accordance with the application and the accompanying plans submitted to the Council, the reasons for which are specified hereunder.

Reason
1. It has not been demonstrated that the construction of the proposed access road would not adversely affect the oak tree, to the front of 39 Watmore Lane, which is the subject of a Tree Preservation Order. The loss of this tree would be detrimental to the amenity of the area and as such would be contrary to policy EN1 of the Berkshire Structure Plan, policies LBE1 and LBE2 of the Loddon Area Local Plan and policies WOS3, WBE1 and WBE11 of the Wokingham District Local Plan (Deposit Draft).

Reason
2. In the absence of the satisfactory provision of adequate services, amenities and infrastructure needs, the development would have an unacceptable adverse impact upon the amenities of the area. The proposal is therefore contrary to policy LD6 of the Berkshire Structure Plan, policy LPS1 of the Loddon Area Local Plan and policy WOS4 of the Wokingham District Local Plan (Deposit Draft),

Informative
1. In the event of a Section 106 agreement or unilateral agreement being signed to secure the contributions requested, the reason for refusal relating to this shall be withdrawn.

THE FOLLOWING SCANNED IMAGES ARE DOCUMENTS OF BAD QUALITY OR ARE PHOTOCOPIES.



FOR THIS REASON THEY MAY APPEAR UNREADABLE ON SCREEN

Informative

2. You are advised, in compliance with The Town and Country Planning (General Development Procedure) (England) (Amendment) Order 2000, that the following policies and/or proposals in the development plan are relevant to this decision:

Berkshire Structure Plan Policies EN1, H9, LD6, R4 and R5.
Loddon Area Local Plan Policies LTV1, LH8, LPS1, LBE1, LBE2, LR4 and LT5.
Deposit Draft Wokingham District Local Plan Policies WOS1, WOS2, WOS3, WOS4, WBE1, WH6, WBE11, WT7, WR2 and density policy.

T. G Watson

Trevor Watson
Development Control Manager
Date: 13/11/2002

Notice checked by: _____

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Application No: F/2002/7311 BP

WOKINGHAM DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACTS

Notification of Refusal of Permission

Linden Homes SE Ltd
C/O Lennon Planning Ltd
4 King Street Lane
Winnersh
Berks
RG41 5AS

Application Number: F/2002/7311

Parish: **WINNERSH**

Location: **Land Adjacent to Winnersh Primary School, Greenwood Grove & 41 Watmore Lane, Winnersh, Wokingham.**

Proposal: **Proposed erection of 19 dwellings, construction of new access road and demolition of no. 41 Watmore Lane. Duplicate application with F/2002/7310.**

The Wokingham District Council in pursuance of their powers under the above Acts and Regulations hereby **Refuse Permission** for carrying out the above development in accordance with the application and the accompanying plans submitted to the Council, the reasons for which are specified hereunder.

Reason
1. It has not been demonstrated that the construction of the proposed access road would not adversely affect the oak tree, to the front of 39 Watmore Lane, which is the subject of a Tree Preservation Order. The loss of this tree would be detrimental to the amenity of the area and as such would be contrary to policy EN1 of the Berkshire Structure Plan, policies LBE1 and LBE2 of the Loddon Area Local Plan and policies WOS3, WBE1 and WBE11 of the Wokingham District Local Plan (Deposit Draft).

Reason
2. In the absence of the satisfactory provision of adequate services, amenities and infrastructure needs, the development would have an unacceptable adverse impact upon the amenities of the area. The proposal is therefore contrary to policy LD6 of the Berkshire Structure Plan, policy LPS1 of the Loddon Area Local Plan and policy WOS4 of the Wokingham District Local Plan (Deposit Draft).

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T. G Watson

Trevor Watson
Development Control Manager
Date: 13/11/2002

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APPENDIX 3

Provision of Low-Cost Housing

Policy H7 **To help meet anticipated needs across the County, an appropriate proportion of each District's housing provision in Policy H2 should be low-cost housing of various tenures to meet the local housing needs of those whose incomes do not permit them to obtain accommodation on the open market.**

7.51 Although it will be up to the district/borough councils in consultation with the County Council to determine the appropriate provision of low-cost housing in their areas following assessments of local needs, the County Council considers that as a starting point at least 20% of all dwellings granted permission in each district should be for low-cost housing. In some districts this proportion may be substantially higher. It would also include those sites identified as suitable for residential development in the commitments base which have not yet gained planning permission. It would effectively double past rates of completion of low-cost housing and represent an achievable goal which would make an effective contribution towards meeting local housing needs.

7.52 A figure of 20% should not be treated as a maximum for individual districts or particular sites. It will be the responsibility of the district councils to define precisely the level to be regarded as low-cost, both across the district as a whole through the local plan process and on individual sites. In addition, the district councils will have to define "local needs". These could include :

(i) existing residents needing separate accommodation;

(ii) people whose work provides important services and who need or wish to live in the area;

(iii) people wishing to live in the area who have local links (eg relatives);

(iv) people on council housing waiting lists or who are accepted as homeless;

(v) special or minority groups such as the elderly, the handicapped, the single homeless or ethnic minorities, which fall outside the above categories but are disadvantaged in the housing market.

7.53 In assessing these needs, close links will be required with the housing strategy statements produced by the district councils as housing authorities.

7.54 Although the County Council will support the provision of all types of low-cost housing, (as defined within Policy H7), it is recognised that those in greatest need will generally require low-cost rented property. Such schemes will generally be managed by housing associations or district councils.

Low-Cost Housing in Rural Areas

7.55 In rural areas, the County Council recognises that it may sometimes be necessary to allow exceptions to restraint policies so as to facilitate schemes for low-cost housing for sale or rent to meet local housing need.



BERKSHIRE STRUCTURE PLAN 1991-2006

Incorporating Alterations adopted in August 1997





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6 ENVIRONMENT AND CONSERVATION

MAINTAINING ENVIRONMENTAL QUALITY

6.1 The quality of the County's environment relates to its character, identifiable 'sense of place', and people's living conditions. These depend partly on care for its environment as a whole, including the countryside (dealt with in Chapter 5) and towns, villages and built-up areas which are considered in this chapter. It also concerns : safeguarding and enhancing a number of specific environmental interests, which together contribute to the character of the County; curbing and controlling a number of specific threats to pleasant living conditions; and the conservation of natural resources.

The Environment of the Built-up Areas

6.2 The density, form and quality of buildings, landscape and other elements of the environment in towns, villages and built-up areas have an important bearing on the overall quality of life in the County, especially as the majority of the population live and work in such areas.

Protection and Enhancement of the Environment of Built-Up Areas

Policy EN1 **The character and quality of the environment in the towns, villages and other built-up areas will be protected and enhanced. Within these areas development must be appropriate in scale, form, impact, character and siting to its location. In particular :**

(i) development should embody a high standard of design, layout and landscaping, and help maintain and, where possible, enhance the character of its surroundings;

(ii) town and village greens and all open land important to the character of settlements will be protected from development and where necessary enhanced;

(iii) the existing tree cover, important areas of vegetation and wildlife habitats will be conserved, and additions to them encouraged;

(iv) special attention will be paid to the maintenance and improvement of the character of town and village centres.

Where appropriate, to achieve optimum use of land and buildings in built-up areas, the re-use of vacant buildings and redevelopment of derelict or genuinely under-used urban land will be supported.

Environment

6.3 In order to secure improvements in the environment of built-up areas, local plans will need to include guidelines on a wide range of matters raised in the policy. Particular public concerns have been raised about the quality of design in new development and about increased densities in the built-up areas. While the latter may help reduce the need for travel and minimise the loss of open countryside, it may also lead to problems of congestion, loss of tree cover and open land, and deterioration in environmental quality in established neighbourhoods.

6.4 Policy EN1 is intended positively to encourage appropriate regeneration in line with Government guidance. It is not proposed that appropriate changes of use of buildings should be restricted whether they are currently vacant or not. Derelict land which has been the subject of contamination may be appropriate for redevelopment, but only if there is no danger created for the new use of the site or through the transport and re-deposit of contaminated matter on a site elsewhere.

Environmental Nuisance

6.5 Certain kinds of development can give rise to nuisance which can affect occupiers of buildings, passers-by or those using outdoor space. There is a need to prevent new problems from arising, and to limit or reduce the nuisance from existing sources. The impact of nuisance may in some circumstances be limited by curbing development in areas affected, and this is appropriate where (as is the case for aircraft noise) little can be done to reduce the nuisance in the short term.

Protection from Environmental Nuisance

Policy EN2 **Development should not give rise to unacceptable levels of noise, smell, dust, fumes, light or noxious emissions affecting areas beyond the site boundary, or to unacceptable levels of air or water pollution. In addition, uses sensitive to disturbance such as new houses, schools and hospitals, should not be located in areas already subject to unacceptable levels of these environmental nuisances.**

6.6 In areas affected by high levels of noise, development should be designed to minimise the nuisance caused to future occupants. Unacceptable levels of environmental nuisance will be defined through the local plan process and by building upon studies such as the County Council's State of the Environment Report. The County Council has also recently published environmental noise planning guidelines to assist with the implementation of Policy EN2 and to help co-ordinate a standardised approach across the County.

Flooding

6.7 Most of Berkshire's rivers have an associated floodplain which is essential for both flood flow and storage. Development within the floodplain would reduce the storage capacity and impede the flow of water, thereby increasing the risk of flooding elsewhere. Therefore in areas at risk from flooding new development or the intensification of existing development will be resisted. It is also necessary to ensure that the surface water run-off from any new development does not exacerbate flooding or drainage problems elsewhere.

TRANSPORT REQUIREMENTS

4.17 In line with the County Council's intention to continue to develop an integrated approach to transport, it is important that the needs of all forms of transport are taken into account in dealing with proposals for development. Account also needs to be taken of:

(i) the aim of improving the overall level of safety on the transport network;

(ii) parking policies and standards; and

(iii) wider concerns to minimise traffic congestion which has adverse effects in the form of delay, air pollution, noise, visual intrusion and fuel consumption.

Transport Considerations in Dealing with Development Proposals

Policy LD5 **In considering proposals for development, the requirements of all users of transport will be taken into account, including the needs of the mobility handicapped.**

On and off-site provision of a standard appropriate to the nature and location of the proposed development and consistent with the integrated transport strategy needs to be made for :

(i) vehicular access and circulation;

(ii) parking;

(iii) public transport (including interchange facilities such as park and ride); and

(iv) facilities for pedestrians and cyclists.

Development will not be permitted where it is likely to give rise to serious problems of access, parking, road safety or traffic congestion.

Major development proposals should normally be located in areas which can be well served by public transport.

4.18 The distinction between major and small scale developments may vary in different parts of the County, but normally major developments will include those set out in paragraph 4.9 (i) to (iv).

INFRASTRUCTURE, SERVICES AND AMENITIES

4.19 Many of the concerns expressed in the past about development in Berkshire have been linked to the inadequacy of the supporting infrastructure, services and amenities. Rates of development reached their peak at a time when public spending was constrained. Consequently, there is today often little spare capacity in physical and social infrastructure in many parts of the County, while the ability of the public sector to fund new facilities remains limited. Thus it is important that landowners and developers should make appropriate provision for infrastructure, services and amenities made necessary by new development. In general, the costs will be offset against the development value of the land.

Provision of Infrastructure, Services and Amenities

Policy LD6 **Before proposals for development are permitted, the local planning authorities will require to be satisfied that infrastructure, services and amenities made necessary by the development are provided or will be provided at the appropriate time so as to ensure the proper planning of an area.**

To this end local planning authorities may require contributions to be made by landowners or developers to provide additional infrastructure or facilities where they are :

(i) needed to enable development to take place;

(ii) directly related to the proposed development; and

(iii) fairly and reasonably related in scale and kind to the proposed development.

Local planning authorities may also require an acceptable balance of uses in mixed development or the implementation of local plan policies for a particular area or type of development. Where appropriate, any amenity or resource lost or damaged as a consequence of development should be offset by new provision elsewhere either on or off-site.

4.20 The County Council has produced jointly with the district councils a guide[1] for developers which sets out the general service standards that will be applied in considering the adequacy of any proposal. Account will also be taken of any spare capacity in the existing provision of facilities and services in an area and specific requirements and programmes set out in other policy documents such as local plans, development briefs and the Transport Policy and Programme.

4.21 The guide itself has been drawn up in the light of Government advice (DoE Circular 16/91) and includes references to the provision of public open space and to community facilities such as schools, libraries and halls, as well as to the physical infrastructure required for development to be implemented. This document will be updated on a regular basis. Legal agreements will be sought in appropriate instances to cover the provision of specific services and facilities related to the proposed development.

1 *Infrastructure, Services and Amenity Requirements for New Development in Berkshire*

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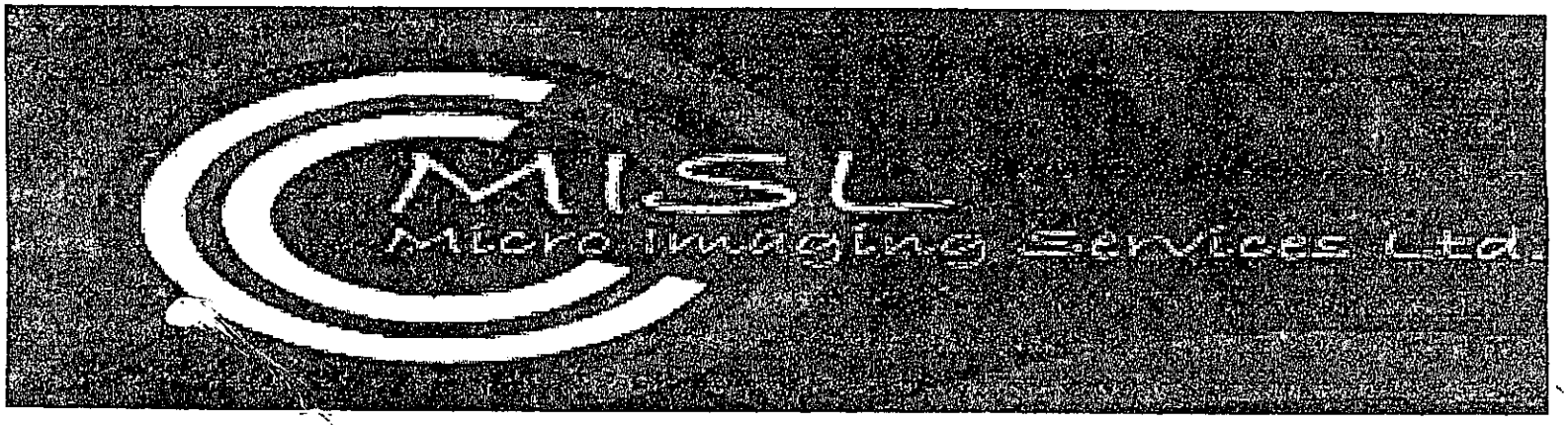

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4.22 In addition to the County and district council services the requirements of other agencies, including the National Rivers Authority, the water companies and health authorities, will need to be taken into account in considering development proposals.

4.23 In considering any legal agreement, local planning authorities will need to consider not only whether the scale of provision is adequate, but also whether the timing of provision meets the needs likely to be generated.

Water Resources

4.24 While it may be possible to identify how additional infrastructure for water, sewerage and sewage disposal may be provided, it will be important to look at the wider environmental consequences of such additional facilities. The County Council is particularly concerned that :

- discharges into rivers are strictly controlled to ensure the maintenance of water quality; and
- water resources are not depleted to the extent that they have an unacceptable impact on river flow, water quality, amenity and nature conservation.

Development and Water Resources

Policy LD7 **Proposals for development will only be permitted where existing water resources are adequate, or where they can be augmented in time to support the proposed development without adversely affecting existing water resources, water quality, amenity or nature conservation.**

4.25 These issues will be considered in consultation with the National Rivers Authority and the appropriate water companies.

4.26 The County Council considers that local planning authorities should be satisfied that adequate resources are available before development is permitted and that where resources need to be augmented, this can be undertaken without any significant adverse environmental effects.

BENEFITS TO THE WIDER COMMUNITY

4.27 As well as minimising the impact of development and remedying the consequences of any unavoidable damage, the County Council considers that it is important to enhance the environment of Berkshire and to further other policies in the Structure Plan wherever appropriate opportunities arise.

Development and Benefits to the Wider Community

Policy LD8 **In considering proposals for development, opportunities will be sought for securing environmental improvements and other benefits both on site and in the surrounding area.**

APPENDIX 4

Tenure and size of dwellings are not normally considered to be land-use matters. Site characteristics though can influence the type of dwelling that can be provided, e.g. dense housing in an urban situation, large dwellings in extensive grounds in village fringe locations, sheltered housing in communal grounds. Further the District Council, with its resources of information can advise residential developers about the types of housing required in the Plan area. This information has to be regularly updated as the housing situation changes over time. The District Council is monitoring housing need and is carrying out a housing needs survey in the Spring of 1993.

1.2.24 In preparing this information the District Council will have regard to:

a) existing commitments for residential development;

b) indications of need e.g. the housing waiting list, homelessness;

c) the condition of the housing stock e.g. dwellings lacking basic amenities, dwellings requiring substantial renovation due to lack of maintenance;

d) programmes of other agencies providing residential accommodation i.e. social services, health authorities;

e) the needs of special groups, e.g. the elderly, mentally ill, mentally handicapped and disabled.

1.2.25 At present the main housing needs are for more:

a) small (one and two-bedroomed) dwellings;

b) dwellings to rent;

c) low-cost dwellings of various sizes.

❖ LH7 HOUSING NEEDS

THE DISTRICT COUNCIL WILL PROVIDE DEVELOPERS WITH INFORMATION ON THE HOUSING NEEDS OF THE PLAN AREA, INCLUDING THOSE OF PARTICULAR SOCIAL GROUPS, SO THAT THEY ARE AWARE OF THE REQUIREMENTS WHEN FORMULATING PROPOSALS.

1.2.26 Planning Policy Guidance Note 3 gives advice on the provision of low-cost housing. The District Council has given consideration to this matter. The guidance states that a community's need for affordable housing is a material planning consideration which may properly be taken into account in formulating development plan policies. The need for such housing in Wokingham District is clear from the evidence in the Council's Housing Strategy statement and is likely to be confirmed in the forthcoming needs survey (Spring 1993). Where there is a demonstrable lack of affordable housing, it can be provided and will be sought within housing developments on a substantial scale. In Wokingham District such sites are considered to be over 0.4 hectare in extent. Within the provisions of Policy LPS1 though, smaller sites will also make a contribution. Guidance is that in the absence of development sites on a sufficient scale special provision can be made under the rural 'exceptions' scheme. In view of the needs the Council has made limited provision for such exceptions in policy.

1.2.27 In considering whether rents are affordable the Council will have regard to the income of likely occupants using Housing Corporation or National Federation of Housing Association guidelines as well as the likely Housing Benefit subsidy threshold for the proposed dwellings.

❖ LH8 VARIETY OF HOUSING

ON SITES OVER 0.4 HECTARE THE DEVELOPMENT SHOULD INCORPORATE A REASONABLE MIX AND BALANCE OF HOUSE TYPES AND SIZES TO CATER FOR A RANGE OF HOUSING NEEDS INCLUDING THAT FOR AFFORDABLE HOUSING. BEFORE GRANTING PLANNING PERMISSION, THE PLANNING AUTHORITY WILL SATISFY ITSELF THAT SECURE ARRANGEMENTS ARE MADE TO ENSURE THAT THE BENEFITS OF AFFORDABLE HOUSING

WILL BE ENJOYED BY SUCCESSIVE AS WELL AS BY INITIAL OCCUPIERS OF THE PROPERTY. IN CONSIDERING PLANNING APPLICATIONS AND PREPARING DEVELOPMENT BRIEFS PARTICULAR CONSIDERATION WILL BE GIVEN TO THE NEED TO ACHIEVE A RANGE OF HOUSING DENSITIES AND DWELLING SIZES IN ORDER TO PROVIDE THE OPPORTUNITY FOR LOWER COST AND SMALLER [ONE AND TWO BEDROOMED] DWELLINGS.

❖ LH9 PROVISION OF AFFORDABLE DWELLINGS BY EXCEPTIONS

AS AN ADDITIONAL PROVISION TO THAT CONTAINED IN POLICY H1 OF THE REPLACEMENT STRUCTURE PLAN FOR BERKSHIRE PERMISSION WILL BE GRANTED ON LAND ON WHICH HOUSING WOULD NOT NORMALLY BE PERMITTED UNDER THE PROVISIONS OF POLICIES LH1 AND LH2 FOR AFFORDABLE DWELLINGS IN RESPONSE TO PROVEN LOCAL NEED SUBJECT TO:

i) THE DEVELOPMENT BEING WITHIN OR ON THE EDGE OF AN IDENTIFIED SETTLEMENT IN THE FORM OF INFILLING, ROUNDING OFF OR REDEVELOPMENT;

ii) LOCAL ENVIRONMENTAL CONSTRAINTS AND OTHER PROVISIONS OF THIS LOCAL PLAN BEING MET;

iii) THE DWELLINGS BEING OCCUPIED SOLELY BY THOSE WHO ARE RESIDENTS OF THE DISTRICT PRIOR TO OR ON THE DATE OF GRANTING PLANNING PERMISSION;

iv) THE OCCUPATION OF THE DWELLINGS BEING CONTROLLED IN THE LONG TERM TO ENSURE THAT SECOND AND SUBSEQUENT OCCUPIERS' NEEDS FALL WITHIN THE PROVISIONS OF THE POLICY;

v) THE DWELLINGS BEING 'AFFORDABLE'. SUCH DEVELOPMENT WILL BE PRIMARILY UNDERTAKEN BY HOUSING ASSOCIATIONS AND WILL NORMALLY BE SUPPORTED BY THE DISTRICT COUNCIL IN ITS ROLE AS AN ENABLER OF LOW COST LOCAL HOUSING NEEDS PROVISION.

DEVELOPMENT ON THE EDGE OF SETTLEMENTS WILL BE SMALL IN SCALE, NOT NORMALLY EXCEEDING TEN DWELLINGS OR 0.4 HECTARE IN SIZE. IT SHOULD BE IN LOCATIONS THAT DO NOT INTRUDE INTO OPEN COUNTRYSIDE, THAT ARE NOT ESSENTIAL TO THE SEPARATION OF SETTLEMENTS AND WHICH CAN BE DEVELOPED WITHOUT AN ADVERSE EFFECT ON THE CHARACTER OR SETTING OF THE SETTLEMENT. IN ALL CASES THE DISTRICT COUNCIL WILL ENSURE THAT DEVELOPMENT RESPECTS THE SCALE AND CHARACTER OF THE SITE AND ITS SURROUNDINGS, AND THAT THE GENERAL CRITERIA APPLYING TO NEW HOUSING SITES INCLUDED IN POLICY LH1 ARE COMPLIED WITH.

BEFORE GRANTING PLANNING PERMISSION, THE PLANNING AUTHORITY WILL SATISFY ITSELF THAT SECURE ARRANGEMENTS ARE MADE TO ENSURE THAT THE BENEFITS OF AFFORDABLE HOUSING WILL BE ENJOYED BY SUCCESSIVE AS WELL AS BY INITIAL OCCUPIERS OF THE PROPERTY.

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LODDON AREA LOCAL PLAN

Adopted 5 May 1995

Published by: Wokingham District Council
Planning Department
Shute End
Wokingham
Berkshire

1.4 QUALITY AND CONSERVATION OF THE BUILT ENVIRONMENT



NEW DEVELOPMENT, REDEVELOPMENT AND REFURBISHMENT

1.4.01 The most attractive and successful urban environments are those where all the component parts (e.g. buildings, trees, roads, spaces, people, traffic) have been satisfactorily accommodated to create interesting, lively and pleasant places. In order to maintain and enhance the character of the built environment, the design of new buildings or extensions to existing buildings and the creation of new spaces within that environment, are very important.

1.4.02 The District Council is particularly concerned to promote a high standard of design in new development, and to ensure that new buildings are responsive to their location. This means that new buildings need to be appropriate in terms of their function, siting, scale, form, massing, materials, colour and texture in their relationship with adjoining buildings and sites. Accordingly, new buildings will be expected to make an acceptable and positive contribution to the built environment. For particularly sensitive areas, design briefs will be prepared to provide a framework for design to guide prospective developers. In addition, developments that incorporate public access should accommodate sculptures or other works of art to provide visual interest, where this is considered appropriate by the local planning authority. For the particularly sensitive areas, design briefs will be prepared to provide a framework for design to guide prospective developers.

1.4.03 In the case of schemes proposing more than one building, regard will be paid to the impact of the development over a wider area, involving an assessment of criteria additional to those referred to in paragraph 1.4.02 above. Accordingly, schemes should relate to the 'grain' of the area, and take account of their effect on the skyline, pedestrian and vehicular movements in the area, vistas, safety and environmental constraints. Where large sites exist which would significantly affect the urban fabric urban design briefs/appraisals will be prepared or required to establish the wider context within which applications will be considered.

❖ LBE1 DESIGN OF NEW DEVELOPMENT

NEW DEVELOPMENT SHALL BE OF A HIGH STANDARD OF DESIGN APPROPRIATE TO THE CHARACTER OF THE AREA IN WHICH IT IS TO BE SITUATED. IT SHOULD:

(A) MAKE A POSITIVE CONTRIBUTION TO ITS SETTING AND THE CHARACTER OF THE AREA;

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B) CONTRIBUTE TO THE CREATION OF A SAFE AND ATTRACTIVE ENVIRONMENT IN WHICH TO LIVE AND WORK.

(C) RETAIN IMPORTANT NATURAL, MAN-MADE OR LANDSCAPE FEATURES OF THE SITE COMPATIBLE WITH GOOD DESIGN.

[illegible]

[illegible] APPROPRIATE DESIGN

[illegible] FOR DEVELOPMENT THAT IS [illegible] IN TERMS OF ITS RELATIONSHIP [illegible] ADJOINING SITES AND BUILDINGS, OR [illegible] WOULD ADVERSELY AFFECT THE [illegible] OF AN AREA, BY VIRTUE OF ITS [illegible] SCALE, FORM, MASSING, MATERIALS, COLOUR OR TEXTURE, WILL NOT NORMALLY BE PERMITTED.

ENVIRONMENTAL IMPROVEMENT

1.4.04 Within the built environment it is important not only to safeguard those buildings, undeveloped areas and special features which contribute to the character and attractive qualities of the area but also to seek opportunities to enhance the quality of the built environment.

1.4.05 Often the more attractive and successful an environments have evolved organically over a period of many years and incorporate a variety of architectural styles. In more recent years development in some parts of the District has taken place more comprehensively with little variety in design. In other areas particularly since the war and up to the early 1970's some development has been inserted into an existing area to the detriment of the older urban fabric.

1.4.06 In some areas, district and local shopping centres in particular, where large scale redevelopment has taken place, the opportunity may arise for comprehensive refurbishment since a large part of the urban fabric will tend to age and decay simultaneously. In other areas environmental enhancement of the urban fabric surrounding the buildings may be sufficient to rejuvenate the area as a whole.

❖ LBE3 REFURBISHMENT AND REDEVELOPMENT

ENCOURAGEMENT WILL BE GIVEN TO THE REFURBISHMENT OR PARTIAL REDEVELOPMENT OF AREAS OR INDIVIDUAL SCHEMES WHERE A SIGNIFICANT ENVIRONMENTAL ENHANCEMENT WILL RESULT TO THE BENEFIT OF THE COMMUNITY.

❖ LBE4 ENVIRONMENTAL ENHANCEMENT SCHEMES

ENVIRONMENTAL ENHANCEMENT SCHEMES WILL BE ENCOURAGED WITHIN THE PLAN AREA AS OPPORTUNITIES ARISE AND WILL INCLUDE THE AREAS AS SHOWN ON THE PROPOSALS MAP AND AS SET OUT IN PART TWO OF THE PLAN.

SUNLIGHT, DAYLIGHT AND NOISE

1.4.07 Daylight penetration into new buildings, and existing buildings affected by new development, is an important amenity consideration as is sunlight penetration of spaces outside windows. In this respect it should always be the intention to maximise penetration of new development and minimise the impact of new development on old as far as is possible. The orientation of rooms, gardens and both public and private spaces is therefore critical since together the two aspects can provide warmth, comfort and pleasant living and working conditions. They can also have some impact on energy consumption by reducing the dependence on artificial lighting and heating. Further guidance on this matter can be found in the District Council's Development Control Guidelines.

❖ LBE5 SUNLIGHT AND DAYLIGHT

IN CONSIDERING PROPOSALS FOR NEW DEVELOPMENT, REDEVELOPMENT AND REFURBISHMENT THE DISTRICT COUNCIL WILL

provision of services appropriate to the development to be linked with it. This will involve, in appropriate cases, the provision of land for built and open space facilities at no cost to the appropriate service authority and/or contributions in full or in part to the construction of new facilities or the extension or enlargement of existing facilities.

❖ LPS1 PHASING OF SERVICES IN NEW DEVELOPMENTS

WHERE DEVELOPMENT WHICH IS ACCEPTABLE IN PRINCIPLE UNDER THE POLICIES OF THIS PLAN GIVES RISE TO THE NEED FOR THE PROVISION OF NEW PUBLIC AND COMMUNITY SERVICES, PERMISSION WILL NOT BE GIVEN UNTIL THE DISTRICT PLANNING AUTHORITY IS SATISFIED, BY SEEKING A LEGAL AGREEMENT WHERE NECESSARY, THAT AN APPROPRIATE LEVEL OF INFRASTRUCTURE, SERVICES AND AMENITIES REQUIRED AS A CONSEQUENCE OF AND DIRECTLY RELATED TO THE DEVELOPMENT IS CAPABLE OF BEING AND WILL BE PROVIDED AT THE APPROPRIATE TIME IN THE DEVELOPMENT PROCESS.

UTILITIES

1.9.06 There is a need to ensure the economic planned provision of water, electricity, gas and telephone services in the area to meet the overall demands for future development. It is not anticipated that the provision of these services will pose significant difficulties within the plan area, unless there are significant changes in the characteristics of supply and demand. The plan's proposals seek to keep new development either within or immediately adjoining the main built-up areas of the settlements where these services are available. Further consideration will need to be given to the provision of these services at the stage of detailed proposals. The views of the providing bodies will be sought on development proposals as appropriate.

FOUL AND SURFACE WATER SEWERAGE

1.9.07 The District Council, as agent for Thames Water, is responsible for foul and surface water sewerage. For all new connections for domestic purposes, the developer will be required to pay a flat rate infrastructure charge as a contribution towards the cost of providing additional capacity in the general sewerage system, including treatment, as a consequence of his development. The developer will also be required to meet the cost of requisitioning any new sewers necessary to convey foul and surface water from the development into the existing sewerage system together with a connection charge for each premises connected. It will be necessary to ensure that sufficient time is allowed for the completion of infrastructure provision prior to occupation at all phases of development. Thames Water is consulted by the District Council on relevant planning applications so that it has the opportunity to satisfy itself that adequate sewerage and treatment facilities are or can be made available to serve the proposed development.

FLOODING AND THE WATER ENVIRONMENT

1.9.08 The National Rivers Authority (NRA), established by the Water Act 1989, seeks to maintain and where practicable, to restore the natural washlands of rivers and to reduce the danger of flooding. The NRA also advises on (and has limited powers for) the control of development in flood risk areas to ensure that satisfactory safeguards are provided for the limited development which can be allowed within the floodplain. Works in, under, over and adjacent to, watercourses are also of concern, needing to be properly evaluated to receive any necessary statutory consents due to the sensitivity of watercourses to drainage works.

1.9.09 New development in this area can cause flooding, pollution and erosion of areas located downstream, outside the District.

REQUIRED AS A RESULT OF NEW DEVELOPMENTS, SUBJECT TO THERE BEING NO SIGNIFICANT ADVERSE ENVIRONMENTAL EFFECT. ELSEWHERE IN THE PLAN AREA THE DISTRICT COUNCIL WILL SUPPORT ROAD AND JUNCTION IMPROVEMENTS WHERE CONSIDERED NECESSARY, AND WHERE LOCALISED OR RESULTANT ADVERSE ENVIRONMENTAL EFFECTS WILL NOT OCCUR.

THE FOLLOWING MAY BE SUBJECT TO IMPROVEMENT WORKS:

A329/FOREST ROAD: Junction improvement
BETCHWORTH ROAD/WILDERNESS ROAD, EARLEY: Junction improvement
LODDON BRIDGE ROAD/CROCKHAMWELL ROAD, WOODLEY: Junction improvement
LODDON BRIDGE ROAD/HEADLEY ROAD: Modification to roundabout
A329 WOKINGHAM ROAD/WILDERNESS ROAD: Junction improvement
SONNING LANE/A4 BATH ROAD: Junction improvement
WINNERSH CROSSROADS: Improvement
ARBORFIELD CROSS: Junction improvements with A327
BUTTS HILL ROAD BRIDGE OVER RAILWAY: Provision of footbridge
B3349 BARKHAM BRIDGE: New bridge with road realignment
ELM ROAD, EARLEY: Realignment
ELM ROAD/PEPPER LANE: Roundabout improvement
A327 GREENSWARD LANE: Improved alignment.

❖ LT5 ROAD SAFETY

THE DISTRICT COUNCIL WILL URGE THE HIGHWAY AUTHORITY TO TAKE APPROPRIATE MEASURES TO PROMOTE ROAD SAFETY FOR ALL ROAD USERS INCLUDING :

A) MONITORING OF ACCIDENT STATISTICS TO IDENTIFY BLACKSPOTS;

B) GIVING HIGH PRIORITY TO HIGHWAY IMPROVEMENTS THAT WILL REDUCE ACCIDENTS;

C) ENSURING THAT ALL HIGHWAY INVESTMENT CONFORMS TO BEST PRACTICE IN RESPECT OF ROAD SAFETY;

D) EXAMINING THE ROAD SAFETY IMPLICATIONS OF ALL PROPOSALS FOR DEVELOPMENT.

CAR AND MOTORCYCLE PARKING

1.8.10 The increase in the number of cars in the area through growth and high car ownership rates has lead to an increase in demand for parking spaces in shopping centres in the area placing existing facilities under pressure. The District Council recognises the need for car parking in order to maintain the viability of some centres. However new public car parking has environmental implications and may not be acceptable in some more sensitive areas particularly if it is decked.



❖ LT6 PARKING PROVISION

THE DISTRICT COUNCIL WILL SEEK THE PROVISION OF APPROPRIATELY LOCATED PARKING FACILITIES AND CAR PARKING IN ACCORDANCE WITH THE DISTRICT COUNCIL'S ADOPTED STANDARDS, TO BE PROVIDED EITHER IN CONJUNCTION WITH NEW DEVELOPMENT OR BY OBTAINING AN APPROPRIATE LEVEL OF COMMUTED PAYMENT WHERE THERE IS AN INTENTION TO PROVIDE, OR AN IDENTIFIED NEED FOR, PUBLIC PROVISION.

Note 1: The sum required per parking space by way of a commuted payment will be regularly reviewed.

APPENDIX 5

The Council wishes to see that those with special needs are also catered for; the District Council's Housing Strategy contains details of categories of those with special needs.

POLICY WH7: AFFORDABLE HOUSING

ON RESIDENTIAL SCHEMES OF 25 OR MORE DWELLINGS IN SETTLEMENTS OF UNDER 3,000 PEOPLE, AND IN SCHEMES OF 40 OR MORE DWELLINGS ELSEWHERE (AS DEFINED IN POLICY WH1), THE COUNCIL EXPECTS AT LEAST 20% OF ALL NEW DWELLINGS GRANTED CONSENT TO BE FOR AFFORDABLE HOUSING. HOWEVER, THE PROPORTION OF SUCH DWELLINGS APPROPRIATE ON PARTICULAR SITES MAY VARY, ACCORDING TO SITE CONDITIONS. BEFORE GRANTING PLANNING PERMISSION FOR AFFORDABLE HOUSING, THE COUNCIL WILL NEED TO BE SATISFIED THAT SECURE ARRANGEMENTS ARE MADE TO ENSURE THAT THE BENEFITS OF AFFORDABLE HOUSING WILL BE ENJOYED BY SUCCESSIVE, AS WELL AS BY THE INITIAL, OCCUPIERS OF THE PROPERTY.

Implementation: Consultation with providers of affordable housing.

Monitoring: Planning applications and permissions.

5.21 Caravans and mobile homes will contribute to the total housing provision in the District, and are useful, when allowed on a temporary basis, for the assessment of other, permanent proposals. However, in land use terms such developments have many of the implications and requirements of permanent dwellings, and where adverse effects result that cannot be resolved, planning permission will be refused. This policy is not intended to include permanent stay gypsy sites which are considered in Policy WH13 below.

POLICY WH8: CARAVANS AND MOBILE HOMES

THE COUNCIL WILL CONSIDER APPLICATIONS FOR THE USE OF LAND FOR RESIDENTIAL CARAVAN AND MOBILE HOME SITES AGAINST THE SAME CRITERIA BY WHICH IT JUDGES APPLICATIONS FOR PERMANENT DWELLINGS, AS GIVEN UNDER POLICY WH1.

APPLICATIONS WILL BE CONSIDERED FAVOURABLY, SUBJECT TO LOCAL ENVIRONMENTAL AND AMENITY CONSIDERATIONS AND ALL OTHER RELEVANT POLICIES AND PROVISIONS OF THIS PLAN, IN ORDER TO MAKE THE BEST USE OF LAND IN BUILT-UP AREAS. PARTICULAR ATTENTION WILL BE GIVEN TO ENSURING THAT VISUAL AMENITY IS FULLY PROTECTED.

Implementation: The development control process.

Monitoring: Number of caravans and mobile homes granted consent.

5.22 The need for affordable housing in the District is confirmed in the Council's Housing Needs statement. Where there is a demonstrable lack of affordable housing, it will be sought where possible within housing developments at an appropriate scale. However, in the absence of sufficient sites coming forward, provision may be made under the rural 'exceptions' scheme, for the development of sites on which permission for residential development would not normally be granted.

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Wokingham District Local [illegible]
Deposit Draft

With Proposed Amendments Highlighted

February 2000

- **Proposed Amendments April 1999**
- **Additional Proposed Amendments September 1999**
- **Proposed Transport Amendments February 2000**

POLICY WOS3: DEVELOPMENT CONTROL PRINCIPLES

THE COUNCIL WILL REQUIRE ALL DEVELOPMENT PROPOSALS THAT ARE ACCEPTABLE IN PRINCIPLE WHEN ASSESSED AGAINST OTHER POLICIES OF THIS PLAN TO:

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

B) ~~RETAIN~~ *HAVE NO SIGNIFICANT DETRIMENTAL IMPACT UPON* (PA 1/6) IMPORTANT MAN-MADE, LANDSCAPE AND NATURE CONSERVATION FEATURES AND PROVIDE FOR FURTHER LANDSCAPE TREATMENT WHERE RELEVANT TO THE TYPE OF DEVELOPMENT AND/OR THE PROTECTION OF LOCAL VISUAL AMENITY

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

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

E) PROVIDE BUILDINGS, FACILITIES AND SPACES THAT ARE CAPABLE OF USE BY PEOPLE WHO HAVE MOBILITY OR SENSORY IMPAIRMENT

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

Implementation: Through the development control process.

Monitoring: Planning applications determined.

Services, Amenities and Infrastructure

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

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

WHERE DEVELOPMENT IS ACCEPTABLE IN PRINCIPLE, UNDER THE POLICIES OF THIS PLAN, DEVELOPMENT PROPOSALS WILL BE EXPECTED TO HAVE

Cont.

REGARD TO EXISTING LEVELS OF INFRASTRUCTURE, SERVICES AND AMEN

WHERE THE DEVELOPMENT GIVES RISE TO THE NEED FOR THE PROVISION OF NEW OR EXTENDED PUBLIC AND COMMUNITY SERVICES, PERMISSION WILL NOT BE GIVEN UNTIL THE PLANNING AUTHORITY IS SATISFIED, BY IMPOSING CONDITIONS, OR WHERE THESE ARE NOT APPROPRIATE OR ADEQUATE, BY SEEKING A LEGAL AGREEMENT, THAT AN APPROPRIATE LEVEL OF INFRASTRUCTURE, SERVICES AND AMENITIES REQUIRED AS A CONSEQUENCE OF, AND DIRECTLY RELATED TO, THE DEVELOPMENT IS CAPABLE OF BEING, AND WILL BE, PROVIDED WITHIN THE TIMESCALE OF THE PROPOSED DEVELOPMENT IN ACCORDANCE WITH AN AGREED PHASING PROGRAMME.

THE COUNCIL WILL PRODUCE SUPPLEMENTARY PLANNING GUIDANCE REGARDING THE IMPLEMENTATION OF THIS POLICY.

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

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

Environmental Improvements

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

POLICY WOS5: ENVIRONMENTAL IMPROVEMENTS

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

A) THE USE OF BROWNFIELD SITES IN PREFERENCE TO GREENFIELD SITES

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

C) PROVISION OF RECYCLING FACILITIES

D) RE-USE AND REFURBISHMENT OF EXISTING BUILDINGS IN PREFERENCE TO REDEVELOPMENT

E) UPGRADING OF THE EXISTING URBAN FABRIC

F) THE RELOCATION OF BAD NEIGHBOUR TYPE USES AND REDEVELOPMENT FOR MORE APPROPRIATE USES. (PA 1/7)

Implementation: Through the development control process.

Monitoring: Planning applications determined and assessment of land involved.

POLICY FRAMEWORK

National Policy

4.5 Advice on design at the national level is limited. There is no Planning Policy Guidance Note purely on design considerations. Paras 13 - 20 and Annex A (paras A1 - A7) of PPG1 refer specifically to the issue of design. Paras 4 - 7 of Planning Policy Guidance Note 3 (PPG 3) *Housing* look at good design in the context of housing development.

4.6 Comprehensive guidance on heritage issues is given in Planning Policy Guidance Note 15 (PPG 15) *Planning and the Historic Environment*. Planning Policy Guidance Note 16 (PPG 16) *Archaeology and Planning* gives advice on archaeology and planning.

Strategic Policy

4.7 The *Berkshire Structure Plan 1991 - 2006* acknowledges that the quality of the County's environment relates to its character, identifiable 'sense of place', and people's living conditions. The plan recognises that these depend partly on care for the built environment, but that also of importance are the maintenance and improvement of interests that have a bearing on the County's character, the limitation and control of specific threats to pleasant living conditions, and the conservation of natural resources.

Supplementary Planning Guidance

4.8 The environmental policies in this plan are augmented by additional guidance in the form of Planning Guidelines, Development Briefs, Design Guides, and Conservation Area Studies. This additional guidance includes detailed advice that is not appropriate for inclusion in the plan. The policies of the plan take precedence over the supplementary planning guidance, and provide the main thrust for environmental policy in the plan area.

THE BUILT ENVIRONMENT

DESIGN PRINCIPLES

4.9 Proposed development should be considered in the context of the surrounding area. This will allow vernacular style and any good features to be interpreted in the new development, helping to contribute to its sense of place.

POLICY WBE1: DEVELOPMENT IN ITS LOCAL CONTEXT

THE COUNCIL WILL REQUIRE GOOD CONTEMPORARY DESIGN THROUGHOUT THE PLAN AREA, WHICH RESPECTS ITS LOCAL CONTEXT. WHEN CONSIDERING ANY APPLICATION FOR DEVELOPMENT THE COUNCIL WILL HAVE REGARD TO THE FOLLOWING CONSIDERATIONS:

a) ITS ENVIRONMENTAL IMPACT

b) ITS VISUAL IMPACT

c) ACCESSIBILITY

Cont.

d) LANDFORM AND ANY NATURAL FEATURES, INCLUDING LANDSCAPE TREATMENT AND ENVIRONMENTAL WORKS

e) THE LOCAL TOWNSCAPE

f) THE ARCHITECTURE, SCALE, MASSING, AND MATERIALS OF DEVELOPMENT

g) [illegible] SECURITY

h) [illegible] AND AMENITY OF THE EXISTING ENVIRONMENT

SUPPLEMENTARY PLANNING DESIGN GUIDANCE ADOPTED BY THE

[illegible] use of design guidance in the development control process.

[illegible] quality of development on the ground, including through design

[illegible] of the plan area is of the same visual quality. Some parts of it could benefit from environmental improvement, and in some circumstances, this may be achievable through redevelopment opportunities.

POLICY WBE2: IMPROVING ON THE LOCAL CONTEXT

IN AREAS WHERE THE EXISTING ENVIRONMENT DOES NOT EXHIBIT ESPECIALLY PRONOUNCED OR HISTORIC ARCHITECTURAL STYLES, ANY PROPOSALS FOR INFILL DEVELOPMENT SHOULD BE USED AS AN OPPORTUNITY TO CREATE ADDED VISUAL INTEREST AND RAISE THE AREA'S ARCHITECTURAL QUALITY.

Implementation: Through the development control process.

Monitoring: Check quality of development on the ground.

4.11 Because of their extent, large developments are likely to have a greater impact on the environment than smaller scale ones. It is therefore particularly important to ensure a high quality of development within such proposals. Large development areas are probably best considered in terms of a series or pattern of smaller areas, each with its own layout and form of development, and hence its own distinctive character. This should lead to the avoidance of extensive areas of characterless development that bear no relationship to features on the ground.

POLICY WBE3: CHARACTER OF LARGE SCALE DEVELOPMENT

ANY PROPOSALS FOR LARGE SCALE DEVELOPMENT SHOULD PROVIDE A CLEAR AND COHERENT LAYOUT THAT CREATES AREAS OF IDENTIFIABLE CHARACTER WITHIN THE DEVELOPMENT. WHERE DEVELOPMENT IS TO BE CARRIED OUT IN PHASES, THE COUNCIL WILL REQUIRE THE SUBMISSION OF A INDICATIVE LAYOUT FOR THE ENTIRE SITE PRIOR TO THE APPROVAL OF ANY

Cont.

A) PROTECTION OF NATURAL FEATURES

B) THE LAYOUT SHOULD BE APPROPRIATE IN SCALE, FORM, AND CONTINUITY WITH THE LOCAL CONTEXT

C) THE APPROPRIATE USE OF SPECIES OF, *PREDOMINANTLY NATIVE*, (PA 4/5) TREES AND SHRUBS TO CREATE CLEARLY IDENTIFIED 'THEMES'

D) THE PROTECTION, ENHANCEMENT AND CREATION OF WILDLIFE CORRIDORS IN ACCORDANCE WITH POLICY WNC6. (PA 4/6)

Implementation: Assess the quality of landscape schemes through the development control process, including use of section E of the Planning Guidelines.

Monitoring: Check quality of landscape works and planting on the ground.

4.20 The Council considers it important to protect trees and hedges in the plan area, as they make a fundamental contribution to its character and appearance, and may also have ecological value. Tree preservation orders have already been applied to many individual and groups of trees and areas of woodland, and this approach will be continued as appropriate.

POLICY WDE11: PROTECTION OF TREES AND WOODLAND

THE COUNCIL WILL PROTECT TREES AND AREAS OF WOODLAND BY:

A) RESISTING DEVELOPMENT PROPOSALS THAT WOULD CAUSE THE LOSS OF, OR DAMAGE TO, TREES OR GROUPS OF TREES RECOGNISED AS HAVING AMENITY OR CONSERVATION VALUE.

~~b) APPLYING TREE PRESERVATION ORDERS AS APPROPRIATE, INCLUDING ON IMPORTANT AREAS OF STRUCTURAL TREE PLANTING ASSOCIATED WITH NEW DEVELOPMENT, AND ON IMPORTANT INDIVIDUAL TREES, PARTICULARLY ON SMALL SITES~~ [A6]

B) APPLYING TREE PRESERVATION ORDERS AS APPROPRIATE. [A6]

~~c) REQUIRING TREES THAT ARE TO BE RETAINED ON DEVELOPMENT SITES ARE ADEQUATELY PROTECTED DURING ASSOCIATED WORKS~~ [A6]

C) *SEEKING MAINTENANCE OF AREAS OF STRUCTURAL TREE PLANTING AND IMPORTANT TREES.* [A6]

~~d) REQUIRING REPLACEMENT PLANTING OF TREES AS RESULT OF ANY LOST DURING DEVELOPMENT WORKS.~~ [A6]

D) *REQUIRING TREES THAT ARE TO BE RETAINED ON DEVELOPMENT SITES ARE ADEQUATELY PROTECTED DURING ASSOCIATED WORKS. DETAILS WILL BE EXPECTED TO ACCOMPANY ANY PROPOSED DEVELOPMENT SUBMISSION THAT INVOLVES TREES AND WOODLANDS* [A6]

Implementation: Through the development control process, including use of section E of the Planning Guidelines.

Monitoring: Check quality of tree cover on the ground.

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

POLICY WT7: ROAD SAFETY

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

a) MONITORING OF ACCIDENT STATISTICS TO IDENTIFY BLACKSPOTS

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

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

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

e) THE IMPLEMENTATION OF TRAFFIC CALMING SCHEMES WHERE JUSTIFIED.

Implementation: Through the annual capital programme of transport investment and environmental improvement *AND THE LOCAL TRANSPORT PLAN PROGRAMME*..

Monitoring: Through road safety and accident monitoring and the Road Safety Plan *AS PART OF THE LOCAL TRANSPORT PLAN PROCESS.* {T/12

Street Lighting

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

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

POLICY WT8: STREET LIGHTING

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

a) THE VOLUME OF PEDESTRIAN AND VEHICULAR FLOWS

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

Cont

APPENDIX 6

Council should use its best endeavours to achieve the target. Paragraph 5.20A should be reworded to make these points clear.

RECOMMENDATION

5.1014 That paragraph 5.20A is amended as follows:

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

POLICY WH7

(Proposed Amendment 5/13)

REPRESENTATIONS

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

OBJECTION ISSUES

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

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

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

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

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

CONCLUSIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

RECOMMENDATION

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

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

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

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

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

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

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

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

POLICY WH9

REPRESENTATIONS

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

OBJECTION ISSUE

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

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

CONCLUSIONS

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



WOKINGHAM UNITARY
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WOKINGHAM DISTRICT LOCAL PLAN

INSPECTOR'S REPORT

PART TWO

CHAPTERS OTHER THAN HOUSING

Mr D Hollis
October 2001

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

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

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

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

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

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

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

NEW PARAGRAPH 1.12A

(Proposed Amendment 1/5)

OBJECTION ISSUES

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

CONCLUSIONS

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

RECOMMENDATION

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

POLICY WOS3

(Proposed Amendment 1/6)

REPRESENTATIONS

168	Councillor R Eke (S)	1301	Beazer Strategic Land (O)
1035	English Nature (O)	2447	Envt Agency (Thames Region) (O)
1287	Mr J Vernon (O)	2542	S Grundon Ltd (O)

OBJECTION ISSUES

1.47 It was said that landscaping schemes should be comprised predominantly of locally native species. It was suggested the policy does not provide clear guidance and in order to cover indirect impact on adjacent developments, additional wording should be inserted at the start of criterion B). One objector asked for removal of reference to the generation of traffic as all development is likely to result in some traffic. Reference to alternative modes of transport and locations which minimise travel should also be included. An objector suggested that, as shown at Basingstoke Road, traffic is so heavy it would cause chaos and be expensive; nothing has been thought through properly.

CONCLUSIONS

1.48 PA 1/5 should satisfy objection 2447, but I agree with the Council that it is too detailed a point to be included within the policy itself. PA 1/6 would ensure there is no indirect impact on adjacent developments. Criterion D) is quite acceptable as it is qualified by the word 'significant' and criterion C) relates to the need to travel and the use of alternative modes of transport to that of the private car. I do accept that Wokingham District does have to contend with traffic congestion, but that is more reason to ensure development schemes are located in sustainable areas and a significant effort is made to encourage people to use public transport rather than exacerbate poor traffic conditions. Under the Miscellaneous section of the Introduction Chapter, an objector suggested that the Royal Town Planning Institute document "Access Policy for Local Plans" is adopted. I endorse that suggestion, but it should be in the text.

RECOMMENDATION

1.49 That the Policy WOS3 is amended in accordance with PA 1/6 and the inclusion of PA 1/5 to create paragraph 1.12A.

1.50 That reference is made in the supporting text to the document "Access Policy for Local Plans".

PARAGRAPH 1.13

REPRESENTATIONS

1479	St Nicholas Hurst Parish Council (O)	1672	Alfred McAlpine Dvpts Ltd (O)

1769 Hicks Persimmon Ltd (O)

1714 The Trustees of Twyford Orchards (O)

OBJECTION ISSUES

1.51 It was suggested that the Supplementary Planning Guidance (SPG) referred to has not been the subject of examination through the Local Plan process and thus cannot be given significant weight when determining proposals for development. The last sentence of the paragraph should be deleted. Also that scant regard is given to educational matters and the general infrastructure; specific mention should be made in the Plan.

CONCLUSIONS

1.52 I concur with the Council that Policy WOS4 makes proper reference to the provision by developers of an adequate infrastructure to meet the needs of new development proposals. Policy WIC12A specifically refers to educational requirements. It is true that if the SPG does not form part of the Plan or has not been the subject of public consultation and scrutiny, it does not carry the same weight as policies within the Plan.

RECOMMENDATION

1.53 That the last sentence of paragraph 1.13 includes an explanation of the weight to be given to Supplementary Planning Guidance when determining planning applications.

POLICY WOS4

REPRESENTATIONS

1297 Beazer Strategic Land (O)
1480 St Nicholas Hurst Parish Council (O)
1645 Linden Homes South East Ltd (O)
1649 Bancroft Developments (O)
1674 Alfred McAlpine Dvpts Ltd (O)
1680 Mr B Proctor (O)
1681 Mr B Proctor (O)
1686 Hicks Development Ltd (O)
1712 The Trustees of Twyford Orchards (O)
1738 Sonning Developments (O)
1755 Mr L Nemeth (O)
1771 Hicks Persimmon Ltd (O)
1789 Mr E Gale (O)
2036 The House Builders Federation (O)
2060 University of Reading (O)
2541 S Grundon Ltd (O)
2363 Thames Water Property (S)
2436 Reading Borough Council (S)

OBJECTION ISSUES

1.54 It was said that the policy does not give clear guidance and much of the wording should be within the supporting text. No recognition is given to the number of statutory providers of infrastructure, public and community services. Details of how the Council expects implementation of policy requirements to be carried out are not included. Such details should not be issued as SPG, but as part of the Plan and subjected to public examination. Neither does the policy wording make it

clear that the provision of services, amenities and infrastructure must be as a direct consequence of new development. Part of the wording appears to envisage the up-grading of existing inadequate levels of infrastructure etc. The wording is ambiguous and should be amended. At the Inquiry session, the Council raised no objections to suggestions made for re-wording by some objectors.

1.55 Reference in the Policy to SPG would be contrary to PPG12 advice as it would elevate the status of SPGs to that of the Plan. Other objectors suggested the appropriateness of the policy would rely on its application in practice. In the past, the Council has applied similar policies in ways that were at variance with Government policy and decisions of the Courts. Objection 1480 asked for the words "after consultation with the Parish Council" to be added.

CONCLUSIONS

1.56 I agree that reference should be made in the policy wording to planning obligations being required as a result of new development in accordance with national planning guidance. Reference should not be made in the Policy to SPG that has not been the subject of scrutiny as part of the Plan process. However, my recommendation regarding paragraph 1.13 should satisfy this point. As the Policy is intended to show how the Council will deal with the provision of services, amenities and infrastructure requirements, I see no reason to include reference to statutory providers. But it would be helpful to make reference in paragraph 1.13. The last sentence of the Policy wording should be deleted and transferred to paragraph 1.13 as it is advisory.

RECOMMENDATION

1.57 That the second paragraph of Policy WOS4 is re-worded as follows:

"...or extended public and community services, the Council will assess the nature and extent of planning obligations required as a result of new development in accordance with national planning guidance. Planning permission will not be given ..."

1.58 That the last sentence of Policy WOS4 is deleted and transferred to paragraph 1.13.

1.59 That reference is made in paragraph 1.13 to the contributions and position of statutory providers.

POLICY WOS5

(Proposed Amendment 1/7)

RECOMMENDATION

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

PARAGRAPH 4.4

REPRESENTATIONS

1775 Hicks Persimmon Limited (O)

OBJECTION ISSUES

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

CONCLUSIONS

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

RECOMMENDATION

4.8 That no changes are made to paragraph 4.4.

POLICY WBE1

REPRESENTATIONS

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

OBJECTION ISSUES

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

CONCLUSIONS

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

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

RECOMMENDATION

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

4.13 That Policy WBE1 is deleted and replaced as follows:

"Policy WBE1: Design and new development

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

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

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

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

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

POLICY WBE2

REPRESENTATIONS

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

OBJECTION ISSUES

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

CONCLUSIONS

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

RECOMMENDATION

4.16 That Policy WBE2 is deleted.

POLICY WBE3

REPRESENTATIONS

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

OBJECTION ISSUES

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

POLICY WBE11

(Proposed Amendment A6)

REPRESENTATIONS

318	Arborfield & Newland Par Council (O)	1059	English Nature (S)
925	Wokingham Without Envt Group (O)	2270	Ruscombe Parish Council (S)
2575	Martin & Pole, Nicholas (O)	2402	Wokingham Friends of the Earth (S)
148	Wokingham Without Parish Council (S)		

OBJECTION ISSUES

4.48 It was considered that Pound Copse, Arborfield should be protected under this policy or under nature conservation policies. It was said that greater care should be exercised in protecting mature woodland from development and careful monitoring should take place to ensure that replacement tree planting is undertaken where appropriate. One objection suggested the policy is a general corporate statement and has no development control function. It should therefore be deleted or relegated to the subtext.

CONCLUSIONS

4.49 Pound Copse is protected by a Tree Preservation Order (TPO) and so the provisions of this policy would be applicable. However, the Council has little power to control the felling of trees unless they are protected by a TPO or the site is within a Conservation Area. The most that can be done if other trees are considered worthy of retention is to impose a condition on a planning permission requiring protective measures to be taken during the course of development. I do not agree with the objector who felt that the policy had no development control function. However, I consider it needs to be amended to take account of the comments that I have made regarding powers of control.

RECOMMENDATION

4.50 That Policy WBE11 is deleted and replaced as follows:

Policy WBE11: Trees and new development

"In considering proposals for development the effect on existing trees and areas of woodland will be taken into account. Trees that are to be retained will be properly protected during the course of construction in accordance with a scheme to be first approved through appropriate conditions attached to the planning permission. Where appropriate, Tree Preservation Orders will be applied and the loss or damage of trees protected by new or existing orders will be resisted."

RECOMMENDATION

10.56 That Policy WT6 is amended in accordance with PA 10/4.

10.57 That PA T/11 is adopted as part of the supporting text.

POLICY WT7

REPRESENTATIONS

327	Arborfield & Newland Par Council (O)	2602	Martin & Pole, Nicholas (O)
1439	Countryside Agency (O)	77	Rose Street Residents Society (S)
1493	St Nicholas Hurst Parish Council (O)	941	Mr D Turtle (S)
1928	South Wokingham Consortium (W/D)	1261	Gt Langborough Res Association (S)

OBJECTION ISSUES

10.58 The roads in Arborfield should have a speed limit. The Policy should avoid road safety and traffic calming measures being intrusive and insensitive. Criterion e) of the Policy should read "the implementation of traffic calming schemes and other speed reducing proposals at all locations where speed is a road safety factor". Whilst the aim of the Policy is sound, it has no development control function and should be put into the supporting text.

CONCLUSIONS

10.59 I appreciate that road safety is a key concern of residents in the District, but the Local Transport Plan has promoted this issue through a Road Safety Plan. It seems to me that is the best forum for implementing road safety schemes. Generally I agree that the policy has limited land use implications save for the last two provisions. It would be inappropriate for the detail of traffic calming proposals for example, Arborfield, to be stated in the Plan. Nor would it be appropriate for the Policy to make a commitment to introduce traffic calming measures at all locations. The Council must be left with discretion to implement schemes, including the remote possibility that such schemes would include new roads that are most urgently required, given the limited finance available. Similarly, whilst I agree that traffic calming measures can have a visually intrusive effect, this is a matter which the Council is aware of and should be taken into account in detailed design. No modification to meet these objections is therefore justified.

RECOMMENDATION

10.60 That Policy WT7 is deleted and replaced as follows:

"In order to promote road safety for all road users, the road safety implications of all proposals will be examined and traffic calming schemes pursued where it is justified by a new development proposal."

APPENDIX 7

population of each settlement (listed in paragraph 1.7), and consequently the application of Policy WH7. (M/5/100)

5.20K **Where a proposal involves the redevelopment of a site where affordable housing is located, the Council will expect their replacement with an equivalent number and type of units as part of the scheme. This will be in addition to the requirements for affordable housing on the site necessary under this Policy.** (M/5/101)

POLICY WH7: AFFORDABLE HOUSING

ON RESIDENTIAL SCHEMES OF 5 OR MORE DWELLINGS OR OF 0.25 HECTARES OR MORE IN SETTLEMENTS OF 3,000 OR FEWER POPULATION, AND OF 15 OR MORE DWELLINGS OR OF 0.5 HECTARES OF MORE ELSEWHERE, THE COUNCIL WILL SEEK UP TO 26% OF ALL NEW DWELLINGS GRANTED TO BE AFFORDABLE HOUSING. BEFORE GRANTING PERMISSION FOR RESIDENTIAL DEVELOPMENT, THE COUNCIL WILL NEED TO BE SATISFIED THAT SECURE ARRANGEMENTS ARE MADE TO ENSURE THAT THE BENEFITS OF AFFORDABLE HOUSING WILL BE ENJOYED BY SUCCESSIVE, AS WELL AS INITIAL, OCCUPIERS OF THE PROPERTIES
~~ON RESIDENTIAL SCHEMES OF 25 OR MORE DWELLINGS IN SETTLEMENTS OF UNDER 3,000 PEOPLE, AND IN SCHEMES OF 40 OR MORE DWELLINGS ELSEWHERE (AS DEFINED IN POLICY WH1), THE COUNCIL EXPECTS AT LEAST 20% OF ALL NEW DWELLINGS GRANTED CONSENT TO BE FOR AFFORDABLE HOUSING. HOWEVER, THE PROPORTION OF SUCH DWELLINGS APPROPRIATE ON PARTICULAR SITES MAY VARY, ACCORDING TO SITE CONDITIONS. BEFORE GRANTING PLANNING PERMISSION FOR AFFORDABLE HOUSING, THE COUNCIL WILL NEED TO BE SATISFIED THAT SECURE ARRANGEMENTS ARE MADE TO ENSURE THAT THE BENEFITS OF AFFORDABLE HOUSING WILL BE ENJOYED BY SUCCESSIVE, AS WELL AS BY THE INITIAL, OCCUPIERS OF THE PROPERTY.~~ (M/5/102)

Implementation: Consultation with providers of affordable housing.

Monitoring: Planning applications and permissions.

5.21 Caravans and mobile homes will contribute to the total housing provision in the District, and are useful, when allowed on a temporary basis, for the assessment of other, permanent proposals. However, in land use terms such developments have many of the implications and requirements of permanent dwellings, and where adverse effects result that cannot be resolved, planning permission will be refused. This policy is not intended to include permanent stay gypsy sites which are considered in Policy WH123 below. (M/5/103)

POLICY WH8: CARAVANS AND MOBILE HOMES

THE COUNCIL WILL CONSIDER APPLICATIONS FOR THE USE OF LAND FOR RESIDENTIAL CARAVAN AND MOBILE HOME SITES AGAINST THE SAME CRITERIA BY WHICH IT JUDGES APPLICATIONS FOR PERMANENT DWELLINGS, AS GIVEN UNDER POLICY WH1A.

APPLICATIONS WILL BE CONSIDERED FAVOURABLY, SUBJECT TO LOCAL ENVIRONMENTAL AND AMENITY CONSIDERATIONS~~ AND ALL OTHER~~

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WOKINGHAM DISTRICT LOCAL PLAN

CONSOLIDATED MODIFIED LOCAL PLAN

November 2002

~~OF THE IDENTIFIED SETTLEMENTS SHOWN ON THE PROPOSALS MAP AND LISTED IN THE TEXT.~~

~~OUTSIDE THESE SETTLEMENTS DEVELOPMENT WILL ONLY BE ALLOWED IN EXCEPTIONAL CIRCUMSTANCES AND WILL BE STRICTLY CONTROLLED THROUGH THE APPLICATION OF THE DETAILED POLICIES AND PROVISIONS OF THIS PLAN AND STRUCTURE PLAN POLICIES C2 (DEVELOPMENT OUTSIDE BUILT UP AREAS AND SETTLEMENTS) AND C4 (CONTROL OF DEVELOPMENT IN THE GREEN BELT).~~ (M/1/16)

Implementation: Through the development control process.

Monitoring: Planning applications determined.

1.11 The most attractive and successful urban environments are those where all the component parts (e.g. buildings, trees, roads, spaces, people, traffic) have been satisfactorily accommodated to create interesting, lively and pleasant places. In order to maintain and enhance the character of the built environment, the appropriateness of the use of existing buildings and the design of new buildings or extensions to existing buildings, are very important.

1.12 The Council is particularly concerned to promote a high standard of design in new buildings, to ensure that new buildings are responsive to their location and to their potential occupants' and/or users' needs. New development needs to be appropriate in terms of function, siting, scale, form, massing, materials, colour and texture in its relationship with adjoining buildings and sites. Accordingly, new development will be expected to make an acceptable and positive contribution to the built environment. In addition new development should be appropriately located so as to reduce the need to travel and to encourage alternative modes of transport to the car.

1.12A Landscaping schemes should be comprised predominantly, if not wholly, of locally native species. (M/1/17)

1.12B People with disabilities are a diverse population and may include individuals with visual, hearing or cognitive impairments, ambulant disabled, the elderly, or wheelchair users. Many of these groups may be denied access to development by ill-considered design solutions.

1.12C PPG1 states that "When a new building is proposed, or when planning permission is required for the alteration or change of use of an existing building, the developer and local planning authority should consider the needs of people with disabilities at an early stage in the design process. They should be flexible and imaginative in seeking solutions, taking account of the particular circumstances of each case."

1.12D Policy WOS3 seeks to ensure appropriate facilities are provided for disabled people in all developments to ensure equal access for everybody. (M/1/18)

POLICY WOS3: DEVELOPMENT CONTROL PRINCIPLES

THE COUNCIL WILL REQUIRE ALL DEVELOPMENT PROPOSALS THAT ARE ACCEPTABLE IN PRINCIPLE WHEN ASSESSED AGAINST OTHER POLICIES OF THIS PLAN TO:

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

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

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

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

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

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

Implementation: Through the development control process.

Monitoring: Planning applications determined.

Services, Amenities and Infrastructure

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

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

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

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

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

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

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

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

Environmental Improvements

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

POLICY WOS5: ENVIRONMENTAL IMPROVEMENTS

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

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

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

C) PROVISION OF RECYCLING FACILITIES

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

E) UPGRADING OF THE EXISTING URBAN FABRIC

accompanied by a Design Statement to demonstrate how the development will take account of the character of the area. (M/4/5)

THE BUILT ENVIRONMENT

DESIGN PRINCIPLES

4.9 ~~4.9 Proposed development should be considered in the context of the surrounding area. This will allow vernacular style and any good features to be interpreted in the new development, helping to contribute to its sense of place.~~

Policy WBE1 seeks to achieve better quality in the design of individual developments and this should reinforce local identity and result in improvement of the wider built environment. The emphasis of Policy WBE1 is on good design.

This policy should ensure that local distinctiveness is not diluted and internationalisation of style is avoided within the district. The provision of safe and secure environments which deter crime in both public and private spaces are a prime objective of the Council. This issue will be addressed through good layout and building design as well as a mixture of land uses, which together will promote good natural surveillance. (M/4/6)

POLICY WBE1: ~~DEVELOPMENT IN ITS LOCAL CONTEXT~~

~~THE COUNCIL WILL REQUIRE GOOD CONTEMPORARY DESIGN THROUGHOUT THE PLAN AREA, WHICH RESPECTS ITS LOCAL CONTEXT. WHEN CONSIDERING ANY APPLICATION FOR DEVELOPMENT THE COUNCIL WILL HAVE REGARD TO THE FOLLOWING CONSIDERATIONS:~~

~~a)ITS ENVIRONMENTAL IMPACT~~

~~b)ITS VISUAL IMPACT~~

~~c)ACCESSIBILITY~~

~~d) LANDFORM AND ANY NATURAL FEATURES, INCLUDING LANDSCAPE TREATMENT AND ENVIRONMENTAL WORKS~~

~~e)THE LOCAL TOWNSCAPE~~

~~f)THE LAYOUT, FORM, SCALE, MASSING, AND MATERIALS OF DEVELOPMENT~~

~~g)SAFETY AND SECURITY~~

~~h)THE PRIVACY AND AMENITY OF THE EXISTING ENVIRONMENT~~

~~i)SUPPLEMENTARY PLANNING DESIGN GUIDANCE ADOPTED BY THE COUNCIL.~~

DESIGN AND NEW DEVELOPMENT

NEW DEVELOPMENT WILL BE EXPECTED TO ACHIEVE HIGH STANDARDS OF DESIGN AND LAYOUT, WHICH MAKES EFFICIENT USE OF LAND AND

BUILDINGS. A SCHEME SHOULD CREATE ITS OWN IDENTITY, WHILST TAKING ACCOUNT OF THE WIDER LOCALITY, INCLUDING THE SURROUNDING TOWNSCAPE AND LANDSCAPE. IN ADDITION, DEVELOPMENT PROPOSALS WILL BE EXPECTED TO HAVE REGARD TO THE FOLLOWING PRINCIPLES:

A) A REDUCTION IN THE LEVEL OF CAR PARKING BELOW MAXIMUM STANDARDS WHEREVER POSSIBLE IN ORDER TO PROMOTE SUSTAINABLE TRANSPORT CHOICES;

B) ENCOURAGEMENT OF MEASURES THAT PROMOTE ACCESSIBILITY TO SERVICES AND FACILITIES BY PUBLIC TRANSPORT, CYCLING AND WALKING;

C) INCORPORATION OF FEATURES THAT MAXIMISE THE SAFETY AND SECURITY OF PEOPLE LIVING IN OR USING THE DEVELOPMENT;

D) CREATION OF EASILY ACCESSIBLE AND ATTRACTIVE OPEN SPACES. **(M/4/7)**

Implementation: Use of design guidance in the development control process.

Monitoring: Consider quality of development on the ground, including through design awards.

~~4.10 Not all of the plan area is of the same visual quality. Some parts of it could benefit from environmental improvement, and in some circumstances, this may be achievable through redevelopment opportunities.~~ (M/4/8)

~~**POLICY WBE2: IMPROVING ON THE LOCAL CONTEXT**~~

~~IN AREAS WHERE THE EXISTING ENVIRONMENT DOES NOT EXHIBIT ESPECIALLY PRONOUNCED OR HISTORIC ARCHITECTURAL STYLES, ANY PROPOSALS FOR INFILL DEVELOPMENT SHOULD BE USED AS AN OPPORTUNITY TO CREATE ADDED VISUAL INTEREST AND RAISE THE AREA'S ARCHITECTURAL QUALITY.~~

~~Implementation: Through the development control process.~~

~~Monitoring: Check quality of development on the ground.~~ (M/4/9)

~~4.11 Because of their extent, large developments are likely to have a greater impact on the environment than smaller scale ones. It is therefore particularly important to ensure a high quality of development within such proposals. Large development areas are probably best considered in terms of a series or pattern of smaller areas, each with its own layout and form of development, and hence its own distinctive character. This should lead to the avoidance of extensive areas of characterless development that bear no relationship to features on the ground.~~ (M/4/10)

~~**POLICY WBE3: CHARACTER OF LARGE SCALE DEVELOPMENT**~~

~~ANY PROPOSALS FOR LARGE SCALE DEVELOPMENT SHOULD PROVIDE A CLEAR AND COHERENT LAYOUT THAT CREATES AREAS OF IDENTIFIABLE CHARACTER WITHIN THE DEVELOPMENT. WHERE DEVELOPMENT IS TO BE CARRIED OUT IN PHASES, THE COUNCIL WILL REQUIRE THE SUBMISSION OF A INDICATIVE LAYOUT FOR THE ENTIRE SITE PRIOR TO THE APPROVAL OF ANY SINGLE PHASE. APPLICATIONS FOR SUBSEQUENT STAGES AND/OR~~

Monitoring: Check quality of development on the ground.

4.19 Landscaping and planting can be used to enhance ~~the existing built environment,~~ and ~~to help~~ integrate new development into the wider environment. (M/4/25)

POLICY WBE10: LANDSCAPE AND PLANTING

~~IN ORDER TO MAINTAIN AN ATTRACTIVE PUBLIC REALM ALL APPLICATIONS FOR DEVELOPMENT WILL BE REQUIRED TO BE ACCOMPANIED BY A LANDSCAPE SCHEDULE. IN CONSIDERING LANDSCAPE SCHEMES THE COUNCIL WILL HAVE REGARD TO THE FOLLOWING:~~

~~a)PROTECTION OF NATURAL FEATURES~~

~~b)THE LAYOUT SHOULD BE APPROPRIATE IN SCALE, FORM, AND CONTINUITY WITH THE LOCAL CONTEXT~~

~~c)THE APPROPRIATE USE OF SPECIES OF TREES AND SHRUBS TO CREATE CLEARLY IDENTIFIED 'THEMES'.~~

NEW DEVELOPMENT WILL BE ENHANCED THROUGH THE USE OF APPROPRIATE LANDSCAPING. THIS WILL BE SECURED BY IMPOSING SUITABLE CONDITIONS ON THE GRANT OF PLANNING PERMISSION. LANDSCAPE SCHEMES SHOULD RESPECT LOCAL LANDSCAPE CHARACTER AND WHEREVER POSSIBLE RETAIN AND PROTECT EXISTING NATURAL FEATURES. TREES AND SHRUBS WILL BE EXPECTED TO COMPRISE LOCALLY NATIVE SPECIES WHEREVER POSSIBLE. (M/4/26)

Implementation: Assess the quality of landscape schemes through the development control process, including use of section E of the Planning Guidelines.

Monitoring: Check quality of landscape works and planting on the ground.

4.20 The Council considers it important to protect trees and hedges in the plan area, ~~as they~~ that make a fundamental contribution to its character and appearance., ~~and may also have ecological value.~~ Tree preservation orders have already been applied to many individual and groups of trees and areas of woodland, and this approach will be continued as appropriate. (M/4/27)

POLICY WBE11: TREES AND NEW DEVELOPMENT~~PROTECTION OF TREES AND WOODLAND~~

~~THE COUNCIL WILL PROTECT TREES AND AREAS OF WOODLAND BY:~~

~~a)RESISTING DEVELOPMENT PROPOSALS THAT WOULD CAUSE THE LOSS OF, OR DAMAGE TO, TREES OR GROUPS OF TREES RECOGNISED AS HAVING AMENITY OR CONSERVATION VALUE~~

~~B)APPLYING TREE PRESERVATION ORDERS AS APPROPRIATE, INCLUDING ON IMPORTANT AREAS OF STRUCTURAL TREE PLANTING ASSOCIATED WITH NEW DEVELOPMENT, AND ON IMPORTANT INDIVIDUAL TREES, PARTICULARLY ON SMALL SITES~~

~~c)REQUIRING TREES THAT ARE TO BE RETAINED ON DEVELOPMENT SITES ARE ADEQUATELY PROTECTED DURING ASSOCIATED WORKS~~

~~d)REQUIRING REPLACEMENT PLANTING OF TREES AS RESULT OF ANY LOST DURING DEVELOPMENT WORKS.~~

IN CONSIDERING PROPOSALS FOR DEVELOPMENT THE EFFECT ON EXISTING TREES AND AREAS OF WOODLAND WILL BE TAKEN INTO ACCOUNT. TREES THAT ARE TO BE RETAINED WILL BE PROPERLY PROTECTED DURING THE COURSE OF CONSTRUCTION IN ACCORDANCE WITH A SCHEME TO BE FIRST APPROVED THROUGH APPROPRIATE CONDITIONS ATTACHED TO THE PLANNING PERMISSION. WHERE APPROPRIATE, TREE PRESERVATION ORDERS WILL BE APPLIED AND THE LOSS OR DAMAGE OF TREES PROTECTED BY NEW OR EXISTING ORDERS WILL BE RESISTED. (M/4/28)

Implementation: Through the development control process, including use of section E of the Planning Guidelines.

Monitoring: Check quality of tree cover on the ground.

4.21 Many of the routes into Wokingham and other settlements are lined with trees and other vegetation that make a significant contribution to environmental character~~.~~ ~~It is the Council's intention that t~~These 'green' routes should be maintained and enhanced wherever possible. This is to be achieved ~~through~~ by protecting the existing trees, managing the trees and other vegetation, resisting inappropriate development, and ensuring a high quality streetscape including trees, hard and soft landscaping, and well-designed signage. In addition, certain stretches of road that have the potential to be green routes, particularly sections running between existing green routes, will be enhanced. These aims will be achieved through planning conditions and/ or negotiated legal agreements. (M/4/29)

POLICY WBE12: GREEN ROUTES

~~THE APPEARANCE OF THE GREEN ROUTES AS DEFINED ON THE PROPOSALS MAP WILL BE PROTECTED BY SERVING TREE PRESERVATION ORDERS AND RESISTING DEVELOPMENT THAT WOULD DETRACT FROM THE VISUAL QUALITY OF THESE ROUTES.~~

~~THE COUNCIL WILL SEEK TO IMPROVE THOSE SECTIONS OF GREEN ROUTES IDENTIFIED ON THE PROPOSALS MAPS WHERE IMPROVEMENT IS CONSIDERED NECESSARY THROUGH A PROGRAMME OF ENVIRONMENTAL ENHANCEMENT AND OTHER APPROPRIATE MEASURES.~~

~~WHERE DEVELOPMENT IS ALLOWED, APPROPRIATE LANDSCAPE AND PLANTING SCHEMES WILL BE REQUIRED.~~

DEVELOPMENT WILL NOT BE PERMITTED THAT WOULD DETRACT FROM THE VISUAL QUALITY OF A GREEN ROUTE OR RESULT IN THE LOSS OF PROTECTED TREES. WHERE APPROPRIATE IT WILL BE EXPECTED TO CONTRIBUTE TOWARDS THE IMPROVEMENT OF GREEN ROUTE ENHANCEMENT AREAS THROUGH LANDSCAPE AND PLANTING SCHEMES. (M/4/30)

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

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

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

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

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

POLICY WT7: ROAD SAFETY

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

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

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

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

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

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

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

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

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

Street Lighting

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

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

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

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

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

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

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

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

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

ALTERNATIVES TO THE PRIVATE CAR

Pedestrians

APPENDIX 8

APPENDIX 9

APPENDIX 10

APPENDIX 11

development was un-neighbourly and would result in loss of light for neighbouring properties. Concern was also expressed that the number of proposed parking spaces was insufficient, particularly in the light of the apparent conversion of the garage into living space. Members noted the comments of the Access and Movement Officer that as submitted the proposal for three spaces was feasible. However, the Access and Movement Officer commented that this judgment was a fine balance.

Other Members whilst sharing these concerns commented that it would be appropriate to defer the application to allow the applicant to reconsider their position.

After further debate it was;

RESOLVED: That Application No: 2002/7585 be refused on the grounds of the detrimental impact on neighbouring properties due to its overbearing impact and potential for loss of light.

173. APPLICATIONS NOS: 2002/7309, 2002/7310 & 2002/7311, 2002/7309: DEMOLITION OF 41 WATMORE LANE WINNERSH AND PROVISION OF 18 DWELLINGS, F/2002/7310 & 2002/7311 DEMOLITION OF 41 WATMORE LANE PROVISION OF ACCESS AND ERECTION OF 19 DWELLINGS, LAND ADJACENT TO WINNERSH PRIMARY SCHOOL AND 41 WATMORE LANE WINNERSH, FOR: LINDEN HOMES (SE) LTD

The Committee considered a report about this application set out on Agenda pages 82 to 127.

In presenting the report to the Committee, Officers commented that a letter had been received from the applicant's agent requesting that all three applications be deferred to enable the submission of additional information to overcome the objection relating to an oak tree at 39 Watmore Lane.

Members were also updated that following the consultation on revised plans additional comments had been received from the Access and Movement Officer raising no objection subject to conditions and from Sport England making no further comments to those in the report. A total of four additional letters of objection had been received since the Agenda had been dispatched.

Officers also informed Members of an additional reason for refusal regarding infrastructure contributions if they were minded to refuse the application.

In response to a question from the Chairman, the Senior Arboricultural Officer commented that any additional information from the applicant concerning access would need to propose measures that would have no impact on the protected tree, whilst still complying with appropriate engineering standards. To date no solution that could combine those two objectives had been put forward.

Mrs. Ramsdale a local resident attended the meeting and spoke in opposition to the proposal.

Mr. D Dunlop representing the applicant attended the meeting and spoke in favour of the proposal.

Mrs. P Bray, Mrs. ELM Siggery and Mr. D Ball all local Members attended the meeting and spoke in opposition to the proposal.

In discussing the application Members expressed serious concern regarding the effect of the proposal on the oak tree outside 39 Watmore Lane. Whilst noting the request from the applicant for the deferral of the applications, Members commented that they were not satisfied that a further delay would result in an acceptable solution and that therefore it

was reasonable to make a decision at this stage.

The Development Control Manager clarified that no additional information had been received at that time. The decision on whether to accept the applicant's request for deferral was one of balance. A decision for deferral would provide a fallback position, but if the Committee was clear that in their opinion it would not be possible to provide a workable solution to the Tree Preservation issue, it was legitimate for them to reach a decision.

After further debate it was;

RESOLVED: That Application Nos: 2002/7309, 2002/7310 & 2002/7311 be refused on the grounds set out on Agenda page 90 with the following additional reason for refusal;

Reason Two

In the absence of the satisfactory provision of adequate services, amenities and infrastructure needs, the development would have an unacceptable adverse impact upon the amenities of the area. The proposal is therefore contrary to policies LD6 of the Berkshire Structure Plan, policy LPS1 of the Loddon Area Local Plan and policy WOS4 of the Wokingham District Local Plan.

Informative: In the event of a s106 agreement or unilateral agreement being signed to secure the contributions requested, the reason for refusal relating to this shall be withdrawn.

174. APPLICATION NOS: 2002/7008 AND 2001/5268, OUTLINE APPLICATIONS FOR THE PROPOSED RESIDENTIAL DEVELOPMENT OF 24 DWELLINGS, LAND AT GARDEN COTTAGE WARREN ROAD WOODLEY, FOR: CALA HOMES & LYPAR PROPERTIES

At this point Officers requested that the Committee consider Applications 2002/7008 & 2001/5268 jointly, as the issues relating to both applications were closely related. The Committee concurred with this request.

The Committee considered a report about Application 2002/7008 set out on Agenda pages 128 to 141 and a report about Application 2002/5268 set out on Agenda pages 142 to 155.

In presenting the reports, Officers first clarified the difference between the two applications under consideration. Application No: 2002/7008 & 2001/5268 contained proposals for an identical number of dwellings, (24) but the application site area of Application No: 2002/7008 had been reduced to 0.79 hectares, from the 1.63 hectares site application area of Application No: 2002/5268. The reduction of the site area was in order to meet the target housing density of 30 dwellings per hectare.

Both applications were before the Committee for consideration of the principle of development at the site and means of access only. The site layout plan included as part of Application No: 2001/5268, (Agenda page 155) was for illustrative purposes only and no site layout plan had been received in respect of Application No: 2002/7008. In other respects the applications were identical.

Officers continued and informed Members of a number of points of correction and additional information relating to both applications that had been received since the dispatch of the Agenda.

In relation to the distance between the access road and the side boundaries of the adjacent dwellings, Officers clarified that for both proposals, there would be a distance of 4.5m from the side of No. 14 Warren Road and 5 m from the side of No. 18 Warren Road.

Development Control Ref No:	Received	Parish
F/2002/7309, F/2002/7310 & F/2002/7311	30.08.2002	Winnersh

Applicant: Linden Homes (SE) Ltd.
Location: Land adjacent to Winnersh Primary School and 41 Watmore Lane, Winnersh
Proposal: F/2002/7309: Demolition of 41 Watmore Lane, provision of access and erection of 18 dwellings.
F/2002/7310 & 7311: Demolition of 41 Watmore Lane, provision of access and erection of 19 dwellings.

FOR CONSIDERATION BY: DEVELOPMENT CONTROL COMMITTEE

REPORT PREPARED BY: Head of Planning & Transportation and Basia Polnik

SUMMARY:

1. Proposal -
F/2002/7309: Demolition of 41 Watmore Lane, provision of access and erection of 18 dwellings on part of the open space to the rear. The development would comprise 8 x 2-bedroom, 4 x 3-bedroom, 2 x 4-bedroom and 4 x 5-bedroom dwellings.

F/2002/7310 and 7311 (Duplicate application): Demolition of 41 Watmore Lane, provision of access and erection of 19 dwellings on part of the open space to the rear. The development would comprise 8 x 2-bedroom, 6 x 3-bedroom, 3 x 4-bedroom and 2 x 5-bedroom dwellings.

RECOMMENDATION: REFUSE PLANNING PERMISSION

Background Papers

Held by: Planning Reception
Division: Development Control
Dept: Environmental Services

Contact No: 0118 974 6428/ 6429
E Mail: development.control@wokingham.gov.uk

NB: All reports seek to identify environmental, community safety and equal opportunities implications. Consultation with residents and organisations which has or is about to take place, will also be reported.

2. **Planning History** - This 0.64ha site is located south of Winnersh County Primary School, east of dwellings in Watmore Lane and north of dwellings in Astor Close. The area within the red line of all 3 planning applications comprises the following:

(i) 41 Watmore Lane: a 3-bedroomed dwelling with associated garden.
(ii) Part of an area of open space originally owned by Berkshire County Council and now owned by Wokingham District Council but subject to a contract for Linden Homes to purchase the land. It is informally used by the public for dog walking, etc. by virtue of the lack of any secure boundary treatment. The site was formerly a piggery and has in the past been used on an occasional basis by the adjacent primary school, but has been declared surplus to the school requirements by Berkshire County Council.
(iii) The north east corner of the site currently forms part of the school's wildlife area.

The area of open space has been the subject of a number of planning applications, the most recent, F/2001/3458, for 18 dwellings on the same site except with access via 39 Watmore Lane, was refused by the Development Control Committee on 2nd May 2001 on the grounds of unacceptable loss of recreational open space. This was subsequently allowed at appeal in October 2001. A copy of the appeal decision is attached.

The main differences between these 3 current applications and the appeal application are the location of the access, housing mix and that previously the red line of the site included the area of open land to the east.

Since the last planning application a Tree Preservation Order (TPO/1018/2001) has been placed on the large oak tree to the front of 39 Watmore Lane, close to the boundary with No. 41. Linden Homes Ltd. raised an objection to this Tree Preservation Order and a report was considered by the Development Control Committee at its last meeting on 23rd October 2002 and the Tree Preservation Order has now been confirmed.

3. **Consultations** F/2002/7309, 7310 and 7311:

- ***Access and Movement Officer*** : Request revisions to layout to show adequate visibility splays and adequate parking and turning.
- ***Arboricultural Officer*** : The oak tree to the front of 39 Watmore Lane, covered by TPO 1018/2001, is highly significant in the landscape. It is estimated that the tree is approximately 400 years old and as such is approaching veteran status. No works should be allowed within 12m of the tree in accordance with BS5837. Regardless of how the access road is constructed it will have an adverse impact on the tree and as such refusal is recommended.
- ***Environmental Health*** : No Environmental Health objection subject to a condition restricting the hours of construction.
- ***Housing Officer*** : Applications fall below current affordable housing thresholds and therefore there are no affordable housing requirements.
- ***Drainage Engineer*** : Recommends 2 conditions relating to surface water sewerage works and surface water balancing works.
- ***Rights of Way Officer*** : No objection.
- ***Ecologist*** :Require a bat survey.

- ***Education Officer*** : F/2002/7309 - request contributions of £55,868 towards the primary school sector and £33,110 towards the secondary school sector. F/2002/7310 & 7311 - request contributions of £59,154 towards the primary school sector and £35,057 towards the secondary school sector.
- ***Recreation Officer*** : Request £80,000 towards off-site recreational provision.
- ***Environment Agency*** : No objection in principle subject to conditions relating to landfill gas risk assessment, surface water control and soakaways. (*Officer comment:* As the condition relating to soakaways is not enforceable this should be in the form of an informative as opposed to condition).
- ***Thames Water*** : Recommend that applicant contacts Thames Water Utilities Ltd. to determine the ability of local sewers to dispose of foul or surface water. A condition is also recommended regarding approval of details relating to on and off-site drainage works.
- ***Sport England*** : As it would appear that the land was last used as a playing field and still is used as such on an informal basis Sport England object to the application. Sport England's policy on playing fields states that it will oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of, all or any part of a playing field, or land last used as a playing field or land allocated for use as a playing field in an adopted or draft deposit plan.
- ***Ramblers Association*** : Opposed to sell-off of any school playing field. Site may well become more useful in the future as a 'green lung' in an increasingly built-up area.
- ***Parish Council*** : "The Committee objected to this application on the following grounds:
  Excess traffic would be generated onto an already busy, narrow road."
- ***Letters of representation*** : 33 letters received in respect of F/2002/7309 and 36 letters received in respect of F/2002/7310 and 7311. Objections/comments from the letters received can be summarised as follows:
  - loss of land for school to expand
  - loss of another dwelling in Watmore Lane
  - problems of parking would be exacerbated
  - inappropriate in design, appearance and layout
  - increased traffic
  - impact on highway safety, including pedestrians
  - lack of visibility
  - impact on flora and fauna
  - loss of playing field
  - loss of amenity for dog walkers
  - increased pressure on infrastructure
  - loss of safe route to school
  - increased noise and air pollution
  - increased disturbance due to car headlamps
  - loss of light and privacy
  - impact on TPO'd tree
  - increased crime with increase of population
  - width of 41 Watmore Lane shown incorrectly
  - position of boundary between 37/39 Watmore Lane incorrect
  - parents and local community not informed of application
  - traffic calming required
  - development would set a precedent
  - field needs to be reinstated

4. **Appraisal** - The main issues are:

A. Principle of residential development in this location. [Policies EN1 of the Berkshire Structure Plan; LTV1 of the Loddon Area Local Plan; and WOS1 and WOS2 of the Wokingham District Local Plan (Deposit Draft)].

B. Principle of loss of open space: [Planning Policy Guidance Note 17; policies R4 and R5 of the Berkshire Structure Plan; LR4 of the Loddon Area Local Plan; and WR2 of the Wokingham District Local Plan (Deposit Draft)].

C. Impact of proposals on character, visual amenity of area and the tree to the front of 39 Watmore Lane: [Policies EN1 of the Berkshire Structure Plan; LBE1 and LBE2 of the Loddon Area Local Plan; and WOS3, WBE1 and WBE11 of the Wokingham District Local Plan (Deposit Draft)].

D. Impact on amenities of neighbouring occupiers: [Policies EN1 of the Berkshire Structure Plan; LBE1 and LBE2 of the Loddon Area Local Plan and WOS3 and WBE1 of the Wokingham District Local Plan (Deposit Draft)].

E. Housing mix and density: [Planning Policy Guidance Note 3; policies H9 of the Berkshire Structure Plan; LH8 of the Loddon Area Local Plan; and WH6 and Density Policy of the Wokingham District Local Plan (Deposit Draft)].

F. Access and Movement: [Policy WOS3 of the Wokingham District Local Plan (Deposit Draft)].

G. Services, Amenities and Infrastructure requirements: [Policies LD6 of the Berkshire Structure Plan; LPS1 of the Loddon Area Local Plan; and WOS4 of the Wokingham District Local Plan (Deposit Draft)].

H. Ecological Issues: [Planning Policy Guidance Note 9; policies EN1 of the Berkshire Structure Plan; and WNC3 of the Wokingham District Local Plan (Deposit Draft)].

I Archaeological issues: [Planning Policy Guidance Note 16; policies LBE22 and LBE23 of the Loddon Area Local Plan; and WHE15 of the Wokingham District Local Plan (Deposit Draft)].

J. Sport England Objection: Circular 9/98 and PPG17.

K. Flooding Issues.

L. Concerns of Parish Council and residents.

A. <u>Principle of residential development in this location</u>
The principle of residential development in this location has been established by the previous appeal allowed in October 2001. The Inspector's comments are material in consideration of these 3 planning applications.

The site is located within the settlement boundary of Winnersh as defined by both the Loddon Area Local Plan and the Wokingham District Local Plan where there is a general presumption in favour of development subject to no adverse impact on highway safety, character and visual amenity of the area, trees, amenities of neighbouring occupiers, etc. and conflict with other development plan policies.

B. Principle of loss of open space

The site was formerly a piggery containing buildings and therefore the site is classed as brownfield land. The land was purchased for the school for possible future expansion. The school has used the land on an occasional basis although it was not considered to be a vital resource. Therefore in 1996 Berkshire County Council, the education authority at the time, declared the land surplus.

Whilst it is an area of open space used informally by the public for dog walking, etc. by virtue of the lack of secure boundary treatment, it is not formally an area of "public open space". The site contains 2 football goal posts for informal kick about and a football pitch is not formally laid out. The school itself has a football pitch within the school grounds.

The Inspector at the appeal, in paragraph 14, commented that it is apparent that both the school and the public make use of the field and in his view it is vacant land that happens to be in use while it remains vacant, for dog walking, informal play and similar activities (paragraph 16). However he did not think it was appropriate to consider the land as being a sports ground, playing field or other formal description on the basis of a tolerated access and use.

Although the area of land within the red line of the 3 applications is now smaller than that shown on F/2001/3458, the area within this 'open space' to be used for residential use is identical. The remainder of the open field would be retained in the ownership of the Council for use by the public or if required by the school.

Contributions have also been requested (refer to paragraph G) to enhance recreational facilities in the area. In the light of this and the Inspector's comment, the loss of part of the open field to development is considered acceptable.

Wokingham District Council has consulted the DfEE, in its role as the Education Authority, and in July 2002 obtained consent to sell the land within the application site, excluding 41 Watmore Lane, although this in itself is not a planning matter.

C. Impact on character, visual amenity of the area and the tree to the front of 39 Watmore Lane

The area is predominantly residential in character with a mix of dwelling types and styles. It is therefore considered that the proposed development of 18 or 19 dwellings by virtue of the design and layout would not adversely affect the character of the area, with the exception of the access road which would affect the large oak tree growing to the front of 39 Watmore Lane.

With regard to the access road this is proposed via 41 Watmore Lane. There is a large oak tree, covered by TPO 1018/2001, growing close to the highway boundary and 41 Watmore Lane which is highly significant in the landscape. It is estimated that the tree is approximately 400 years old and as such is

approaching veteran status. It is extremely valuable for conservation, amenity and heritage. The tree is generally in good health and has a likely life expectancy of many decades if left undisturbed.

In accordance with British Standard 5837: 'Trees in relation to construction' no works should be allowed within 12m of the tree, although it is accepted that this standard does not allow for adequate distances for veteran trees and is currently under review. Regardless of how the access road is constructed it is likely to have an adverse impact on the tree. Even if excavations can be avoided there will be a substantial area of hard surface within the protected zone affecting the soil, oxygen and water availability. Although the position of the road in the previous scheme was not dissimilar it differed in that the distance to the tree was greater and there was an existing area of hard standing close to the tree. Furthermore the Inspector imposed conditions requiring further details to be submitted and agreed.

Although an arboricultural method statement has been submitted (received 24.10.2002) it provides general guidance and is not specific to this tree. The hard surface detail also relates to the construction of a driveway and not an estate road serving 19 dwellings and it has not been demonstrated that such a road could be constructed without damaging the tree. The loss of this tree is considered to be unacceptable and would be detrimental to the visual amenity of the area.

D. Impact on amenities of neighbouring occupiers

The layout of the site is similar to the previously proposed under F/2001/3458 in terms of its relationship with the area of open space and the nearest properties being those in Astor Close adjoining the site and as such it is considered that the amenities of adjoining occupiers would not be adversely affected subject to conditions requiring first floor windows in side elevations to be obscure glazed and no additional windows to be inserted without consent, similar to those imposed at appeal. Some of the house types being proposed contain accommodation at second floor level within the roofspace although heights are similar to those previously approved.

Whilst there would be some noise and disturbance to properties either side of the proposed access road it is considered that the amenities of neighbouring occupiers would be so adversely affected as to warrant refusal on these grounds.

E. Housing density and mix

The proposed housing mix is as follows:

F/2001/3458 (Appeal application)	F/2002/7309	F/2002/7310 & 7311
2 bed x 8 (45%)	2 bed x 8 (45%)	2 bed x 8 (42%)
3 bed x 6 (33%)	3 bed x 4 (22%)	3 bed x 6 (32%)
4 bed x 0 (0%)	4 bed x 2 (11%)	4 bed x 3 (16%)
5 bed x 4 (22%)	5 bed x 4 (22%)	5 bed x 2 (10%)
Total 18 units	Total 18 units	Total 19 units

The proposed mix of dwellings is considered acceptable as adequate provision is being made for smaller units.

With regard to density the Inspector on the previous appeal commented that as the density of the development would be above that of immediate neighbouring housing, he did not consider that it would cause harm to the character and appearance of the area (paragraph 21) and would be acceptable in terms of efficient use of land (paragraph 12).

The increase in density on planning applications F/2002/7310 and 7311 is also considered acceptable and would not be detrimental to the character of the area.

F. Access and Movement

The Inspector on the previous application, F/2001/3458, considered that the development of 18 dwellings would not be likely to exacerbate congestion or compromise road safety (paragraph 26). This is still considered to be the case with the current applications. In accordance with adopted standards an access road of 4.8 metres width is adequate to serve a development of up to 25 dwellings.

The addition of one dwelling on planning applications F/2002/7310 and 7311 resulting in a total of 19 dwellings would not adversely affect highway safety or congestion.

Whilst a contribution of £40,000 was requested on the previous application towards safe routes to school, this figure could not be justified and was not included in the unilateral agreement considered at appeal.

G. Services, Amenities and Infrastructure

Development plan policies require that development proposals would be expected to have some regard to existing services, amenities and infrastructure. This is expanded upon in Supplementary Planning Guidance. Provision of additional facilities or contributions needs to be as a consequence of the development and directly related. All contributions need to meet the relevant tests laid down in Circular 1/97 on Planning Obligations.

In this instance the proposal would result in a net increase of 17 dwellings in the case of F/2002/7309 and 18 in the cases of F/2002/7310 and 7311.

£80,000 was previously requested for off-site recreational provision in lieu of on-site provision and accepted by the appeal Inspector as being necessary. Originally this was envisaged for improvements at Dinton Pastures but in the unilateral agreement was not site specific. It is recommended that a contribution of £80,000 for improvements to recreational provision is included.

With regard to education £25,516 for the primary sector and £22,633 for the secondary school sector were previously requested and accepted by the appeal Inspector based on a net increase of 17 dwellings. Since the appeal a number of changes have been made which affect education contributions such as new child rates were adopted in January 2002, significant increase in DfEE cost multiplier figures and revised School Organisation Plan. As a result the following contributions which are considered to be reasonable and justified, are being sought:

F/2002/7309 (18 dwellings)

Primary School	:	£55,868
Secondary School	:	£33,110
Total	:	£88,978

F/2002/7310 and 7311 (19 dwellings)

Primary School	:	£59,154
Secondary School	:	£35,057
Total	:	£94,211

The agent has now confirmed in writing (letter dated 31.10.2002) that the applicant is prepared to accept the education and recreation contributions requested.

Highway infrastructure is dealt with under paragraph F.

It is not considered that a requirement for affordable housing applies to the applications as the site to be developed is less that 1 ha. and development is for less than 25 dwellings.

H. Ecological Issues

As part of the application site is close to a wildlife pond located within the grounds of the school the applicant undertook a survey in March/April 2001 to check if great rested newts, a protected species, were present. The survey did not reveal the presence of this species although other types of newts have been found.

I. Archaeological Issues

Although the site is not in an area of archaeological importance remains have been found in the area and therefore in any approval a condition would need to be included relating to archaeological work.

J. Sport England Objection

The Inspector on the last appeal commented on the objection received from Sport England and concluded that he did not consider that the land falls within any of the 3 categories on which Sport England may object.

In accordance with circular 9/98 and Town & Country Planning Playing Field Direction 1998 which applies to any proposal for development of any playing field owned by a local authority or used by an educational institution, where Sport England have objected and the local authority proposes to grant planning permission, the local authority is required to notify the Secretary of State for the Environment, Transport and the Regions so that he may decide whether to intervene or not. Therefore if the committee were to resolve to grant planning permission the Secretary of State would need to be notified.

K. Flooding Issues

The application site does not contain any land shown on plans supplied by the Environment Agency as being liable to flooding.

L. Concerns of Parish Council and Residents

The concerns of the Parish Council and residents have been noted. Issues relating to highway safety, traffic generation, loss of open space, trees, character of area and

parking have been dealt with above. With regard to public consultation this has been carried out in accordance with normal procedures with adjoining properties being consulted by letter and a site notice being displayed and an advertisement in a local newspaper.

5. **Conclusion** - The principle of residential development on the site has been established by the previous application for 18 houses, F/2001/3458. However it has not been demonstrated that the proposed access road would not adversely affect the oak tree the loss of which would be detrimental to the visual amenity of the area.

6. **Recommendation** - REFUSE planning permission for 3 planning applications, F/2002/7309, F/2002/7310 and F/2002/7311 on the following grounds:

   1. It has not been demonstrated that the construction of the proposed access road would not adversely affect the oak tree, to the front of 39 Watmore Lane, which is the subject of a tree preservation order. The loss of this tree would be detrimental to the amenity of the area and as such would be contrary to policies EN1 of the Berkshire Structure Plan; LBE1 and LBE2 of the Loddon Area Local Plan; and WOS3, WBE1 and WBE11 of the Wokingham District Local Plan (Deposit Draft).

Informative

1. You are advised, in compliance with *The Town and Country Planning (General Development Procedure) (England) (Amendment) Order 2000*, that the following policies and/or proposals in the development plan are relevant to this decision:

   Berkshire Structure Plan Policies EN1, H9, LD6, R4 and R5.
   Loddon Area Local Plan Policies LTV1, LH8, LPS1, LBE1, LBE2, LR4, LT5.
   Deposit Draft Wokingham District Local Plan Policies WOS1, WOS2, WOS3, WOS4, WBE1, WH6, WBE11, WT7, WR2 and density policy.

APPENDIX 12

SUGGESTED CONDITIONS

In the event of the appeal being allowed, the following conditions are suggested:

F/2002/7309 (18 dwellings):

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
   Reason: In pursuance of Section 91(1) of the Town and Country Planning Act 1990.

2. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
   Reason: To ensure that the external appearance of the building is satisfactory.

3. No development shall take place until details of the slab levels of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
   Reason: In order to ensure a satisfactory form of development relative to surrounding buildings and landscape.

4. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include locations and details of all trees, hedgerows and other planting on the site and those to be retained, proposed finished levels or contours, means of enclosure, surfacing of vehicular and pedestrian access and circulation areas, proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines, etc. indicating lines, manholes, supports, etc.). With the exception of planting, seeding and turfing, the approved landscaping scheme is to be implemented prior to the occupation of any of the buildings hereby approved.
   Reason: In the interests of visual amenity.

5. All soft landscape works shall be carried out in accordance with the approved details in the first planting and seeding seasons following occupation of the buildings or the completion of the development, whichever is the sooner. If within a period of five years from the date of

the planting of any vegetation, that plant, or any vegetation planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
Reason: In the interests of visual amenity.

6. No development shall take place until a full arboricultural imapct assessment and method statement has been submitted to and approved in writing by the Local Planning Authority. This should include details of how the works will be supervised during construction. The scheme should provide for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site and no development shall take place other than in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.
   i) No operations shall commence on site (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and/or widening, or any other operation involving motorised vehicles or construction machinery) until the tree protection works required by the approved scheme are in place.
   ii) 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 inside or within 10 metres of an area designated as being fenced off or otherwise protected in the approved scheme.
   iii) The erection of fencing shall be undertaken in accordance with the approved scheme before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site, unless the prior written approval of the Local Planning Authority has been obtained.

   Reason: In the interests of visual amenity.

7. No vegetation shown as being retained in the Approved Arboricultural Method Statement shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without previous written consent of the Local Planning Authority. If within a period of five years from the date of completion of the development hereby permitted, that vegetation, or any vegetation planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
   Reason: In the interests of visual amenity.

8. Works related to the construction of the development hereby permitted, including demolition or preparation prior to building operations, shall not

take place other than between 0800 hours and 1800 hours Monday to Friday, 0800 hours to 1330 hours Saturdays and at no time on Sundays or Bank or Public Holidays.
Reason: To protect the occupiers of neighbouring properties from noise and disturbance outside the permitted hours during the construction period.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no windows/dormer windows or similar openings other than those expressly authorised by this permission shall be constructed on the first floor or above of the flank elevations of the dwellings.
Reason: To safeguard the residential amenities of the occupiers of neighbouring properties.

10. The first and second floor windows of the flank elevations of Plot 4 facing Winnersh Primary School, Plots 9 and 10 facing Astor Close and bathroom, en-suite and landing windows in the flank elevations of Plots 1, 3, 5, 6, 7, 8, 12, 13, 14, 16, 17 & 18 shall be obscure glazed and fixed shut with the exception of a top hung opening light if required, and shall be maintained thereafter.
Reason: To safeguard the residential amenities of the occupiers of neighbouring properties.

11. No development shall take place until a scheme for surface water source control has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason: In order to ensure satisfactory provision is made.

12. The area shown on the permitted drawings for vehicle parking and/or garaging/ turning shall be provided and kept available for such use and no development whether permitted by The Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order) or not shall be carried out on the land that would preclude vehicular access to and use of the parking, garaging or turning area.
Reason: To ensure a satisfactory form of development and to avoid adverse impact on the public highway in the interests of highway safety.

13. No dwelling hereby permitted shall be occupied until visibility splays of 2.4 metres by 2.4 metres have been provided at the intersection of the driveway 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.
Reason: In the interests of highway safety and convenience.

14. The access road serving the development hereby permitted shall be constructed in accordance with the layout plan 1363/11K, prior to the commencement of the construction of dwellings on site unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interests of highway safety and convenience.

15. No development shall take place until the access to Watmore Lane has been formed and visibility splays or 2.5 metres by 60 metres have been provided at the intersection of the access road and Watmore Lane, in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The land within the visibility splays shall be cleared and thereafter be kept free of all obstructions to visibility above a height of 0.6 metres.
Reason: In the interests of highway safety and convenience.

16. Provision shall be made to accommodate all site operatives, visitors and construction vehicles loading, off-loading, parking and turning within the site during the construction period, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
Reason: To prevent queuing and parking off site, in the interests of highway safety and convenience.

17. Adequate precautions are to be taken during the construction period to prevent the deposit of mud and similar debris on to the adjacent public highways, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of highway safety and convenience.

18. No development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority for the investigation of, and subsequent measures to be taken in respect of landfill gas. The scheme should provide for the control of ingress of landfill gas to dwellings and outdoor areas. Any measures thereby approved shall be in place prior to the occupation of the first of the dwellings and shall be retained thereafter.
Reason: To ensure any contamination of the site is remedied and to protect existing/proposed occupants of the application site and/or adjacent land.

19. No development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority for the protection of the dwellings hereby permitted from noise emanating from adjoining uses at Winnersh Primary School and the retained land. Any works thereby approved shall be in place prior to the occupation of the first of the dwellings so affected and shall be retained thereafter.
Reason: To protect the amenity of neighbouring properties from noise.

20. No development shall take place within the site boundary until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation

which has been submitted by the applicant and approved in writing by the Local Planning Authority.
Reason: To allow adequate archaeological investigation before any archaeological remains are disturbed by the approved development.

21. Before the existing dwelling on the site is demolished, a survey to ascertain whether there are bats in the building shall be submitted to and approved by the Local Planning Authority. If evidence of bats is found, no further demolition in the affected building shall take place until English Nature have been informed and a mitigation scheme has been submitted to and approved by the Local Planning Authority in consultation with English Nature. Demolition shall not recommence until the mitigation scheme has been implemented in accordance with the approved details, and written approval to recommence demolition has been given b y the Local Planning Authority. New
Reason: To comply with the requirements of the Wildlife and Countryside Act 1996.

F/2002/7311 (19 dwellings):

Identical to 7309 with the exception of conditions 10 & 14.

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
Reason: In pursuance of Section 91(1) of the Town and Country Planning Act 1990.

2. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason: To ensure that the external appearance of the building is satisfactory.

3. No development shall take place until details of the slab levels of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason: In order to ensure a satisfactory form of development relative to surrounding buildings and landscape.

4. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include locations and details of all trees, hedgerows and other planting on the site and those to be retained, proposed finished levels or contours, means of enclosure, surfacing of vehicular and pedestrian access and circulation areas, proposed and

existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines, etc. indicating lines, manholes, supports, etc.). With the exception of planting, seeding and turfing, the approved landscaping scheme is to be implemented prior to the occupation of any of the buildings hereby approved.
Reason: In the interests of visual amenity.

5. All soft landscape works shall be carried out in accordance with the approved details in the first planting and seeding seasons following occupation of the buildings or the completion of the development, whichever is the sooner. If within a period of five years from the date of the planting of any vegetation, that plant, or any vegetation planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
Reason: In the interests of visual amenity.

6. No development shall take place until a full arboricultural imapct assessment and method statement has been submitted to and approved in writing by the Local Planning Authority. This should include details of how the works will be supervised during construction. The scheme should provide for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site and no development shall take place other than in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.
   iv) No operations shall commence on site (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and/or widening, or any other operation involving motorised vehicles or construction machinery) until the tree protection works required by the approved scheme are in place.
   v) 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 inside or within 10 metres of an area designated as being fenced off or otherwise protected in the approved scheme.
   vi) The erection of fencing shall be undertaken in accordance with the approved scheme before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site, unless the prior written approval of the Local Planning Authority has been obtained.
Reason: In the interests of visual amenity.

7. No vegetation shown as being retained in the Approved Arboricultural Method Statement shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without previous written consent of the Local Planning Authority. If within a period of five years

from the date of completion of the development hereby permitted, that vegetation, or any vegetation planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
Reason: In the interests of visual amenity.

8. Works related to the construction of the development hereby permitted, including demolition or preparation prior to building operations, shall not take place other than between 0800 hours and 1800 hours Monday to Friday, 0800 hours to 1330 hours Saturdays and at no time on Sundays or Bank or Public Holidays.
Reason: To protect the occupiers of neighbouring properties from noise and disturbance outside the permitted hours during the construction period.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no windows/dormer windows or similar openings other than those expressly authorised by this permission shall be constructed on the first floor or above of the flank elevations of the dwellings.
Reason: To safeguard the residential amenities of the occupiers of neighbouring properties.

10. The first and second floor windows of the flank elevations of Plot 5 facing Winnersh Primary School, Plots 11 and 12 facing Astor Close and bathroom, en-suite and landing windows in the flank elevations of Plots 1, 3, 4, 6, 7, 8, 9, 10, 13, 14, 15, 17, 18 & 19 shall be obscure glazed and fixed shut with the exception of a top hung opening light if required, and shall be maintained thereafter.
Reason: To safeguard the residential amenities of the occupiers of neighbouring properties.

11. No development shall take place until a scheme for surface water source control has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason: In order to ensure satisfactory provision is made.

12. The area shown on the permitted drawings for vehicle parking and/or garaging/ turning shall be provided and kept available for such use and no development whether permitted by The Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order) or not shall be carried out on the land that would preclude vehicular access to and use of the parking, garaging or turning area.

Reason: To ensure a satisfactory form of development and to avoid adverse impact on the public highway in the interests of highway safety.

13. No dwelling hereby permitted shall be occupied until visibility splays of 2.4 metres by 2.4 metres have been provided at the intersection of the driveway 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.
Reason: In the interests of highway safety and convenience.

14. The access road serving the development hereby permitted shall be constructed in accordance with the layout plan 1363/11L, prior to the commencement of the construction of dwellings on site unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interests of highway safety and convenience.

15. No development shall take place until the access to Watmore Lane has been formed and visibility splays or 2.5 metres by 60 metres have been provided at the intersection of the access road and Watmore Lane, in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The land within the visibility splays shall be cleared and thereafter be kept free of all obstructions to visibility above a height of 0.6 metres.
Reason: In the interests of highway safety and convenience.

16. Provision shall be made to accommodate all site operatives, visitors and construction vehicles loading, off-loading, parking and turning within the site during the construction period, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
Reason: To prevent queuing and parking off site, in the interests of highway safety and convenience.

17. Adequate precautions are to be taken during the construction period to prevent the deposit of mud and similar debris on to the adjacent public highways, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of highway safety and convenience.

18. No development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority for the investigation of, and subsequent measures to be taken in respect of landfill gas. The scheme should provide for the control of ingress of landfill gas to dwellings and outdoor areas. Any measures thereby approved shall be in place prior to the occupation of the first of the dwellings and shall be retained thereafter.
Reason: To ensure any contamination of the site is remedied and to protect existing/proposed occupants of the application site and/or adjacent land.

19. No development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority for the protection of the dwellings hereby permitted from noise emanating from adjoining uses at Winnersh Primary School and the retained land. Any works thereby approved shall be in place prior to the occupation of the first of the dwellings so affected and shall be retained thereafter.
Reason: To protect the amenity of neighbouring properties from noise.

20. No development shall take place within the site boundary until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.
Reason: To allow adequate archaeological investigation before any archaeological remains are disturbed by the approved development.

21. Before the existing dwelling on the site is demolished, a survey to ascertain whether there are bats in the building shall be submitted to and approved by the Local Planning Authority. If evidence of bats is found, no further demolition in the affected building shall take place until English Nature have been informed and a mitigation scheme has been submitted to and approved by the Local Planning Authority in consultation with English Nature. Demolition shall not recommence until the mitigation scheme has been implemented in accordance with the approved details, and written approval to recommence demolition has been given b y the Local Planning Authority.
Reason: To comply with the requirements of the Wildlife and Countryside Act 1996.

TOWN & COUNTRY PLANNING ACT 1990

SECTION 78 INQUIRY

Appeals by Linden Homes South-East Limited against the refusal of Planning Permission by Wokingham District Council for the demolition of No. 41 Watmore, Lane, creation of an access road and construction of 18 & 19 dwellings on land adjacent to Winnersh Primary School, Greenwood Grove and No. 41 Watmore Lane, Winnersh

PROOF OF EVIDENCE

D S DUNLOP BA (Hons) MRTPI

LPA Ref: F/2002/7309 & 7311
LPL Ref: DSD/6118/1598ljw
PI Ref: APP/X0360/A/02/1103643 & 1104039
May 2003

4 King Street Lane,
Winnersh, Berkshire RG41 5AS
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LENNON
planning ltd

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2. Site and Surroundings

3. Site History

4. Planning Policy Context

5. Case for the Appellant

6. Conclusions

PERSONAL BACKGROUND

Desmond Samuel Dunlop will say:-

I am a Chartered Town Planner and a member of the Royal Town Planning Institute. I hold an Honours Degree in Town and Country Planning. I have practised as a Town Planner in Local Authority and Consultancy Work since 1983.

I am Managing Director of Lennon Planning Limited at 4 King Street Lane, Winnersh, Berkshire. Prior to that I held various posts in consultancy both within the UK and overseas. I have also worked in Local Government in Bristol City Council where I ultimately was Principal Planning Officer in the Development Control Section of the Planning Department.

Lennon Planning Limited is a long established planning and environmental consultancy which provides advice throughout the country on a wide range of planning and development matters but especially in the field of housing, retail, commerce and employment. I am currently involved in all of these areas of work on a daily basis.

I presented evidence at the previous Public Inquiry in 2001 and am therefore extremely familiar with the site and its surroundings and the issues involved with these proposals.

1. INTRODUCTION

1.1 On 30th October 2001 an appeal was allowed for the demolition of No. 39 Watmore Lane and the erection of 18 No. 2, 3 and 5 bedroom dwellings on land adjacent to Winnersh Primary School, Greenwood Grove and 37/39 Watmore Lane, Winnersh.

1.2 I attach as Appendix 1 a copy of the Appeal decision and the approved plans.

1.3 These appeals concern two detailed applications for full planning permission as follows:-

i) Demolition of No. 41 Watmore Lane, provision of access and erection of 18 dwellings comprising No. 2, 3, 4 and 5 bedroom dwellings; and

ii) Demolition of No. 41 Watmore Lane, provision of access and erection of 19 dwellings comprising No. 2, 3, 4 and 5 bedroom dwellings.

1.4 The applications were accompanied with a series of plans and supporting information dealing with ecological and arboricultural issues. The background to the site and the determination of the application will be dealt with in Section 3. At this stage I would advise that the difference between these applications and the appeal proposal are:-

i) the location of the proposed access road;

ii) the housing mix (albeit that it is acceptable to the Council);

iii) the red line on the appeal proposal indicated the area of open land to the east. The appellants however are still prepared to provide a contribution towards open space.

1.5 On 13th November 2002 the applications were considered by the Development Control Committee. The Planning Officer's report concluded that:- (Appendix 2)

> **"The principle of residential development on the site has been established by the previous application for 18 houses F/2001/3458. However it has not been demonstrated that the proposed access road**

would not adversely affect the Oak tree, the loss of which would be detrimental to the visual amenity of the area."

1.6 The Planning Officer recommended that permission be refused for the appeal applications for the following reason:-

"It has not been demonstrated that the construction of the proposed access road would not adversely affect the Oak tree to the front of 39 Watmore Lane which is the subject of a tree preservation order. The loss of this tree would be detrimental to the amenity of the area and as such would be contrary to policies EN1 of the Berkshire Structure Plan, LBE1 and LBE2 of the Lodden Area Local Plan and WOS3, WBE1 and WBE11 of the Wokingham District Local Plan Deposit Draft."

1.7 I attended the Development Control Committee and requested that the applications be deferred to enable further discussions to take place with the Council's arboriculturist on the basis that agreement would be reached to overcome the concerns outlined in the reasons for refusal. This was accepted by the Planning Officers but the Committee rejected this recommendation and resolved to refuse planning permission. They also included a second reason for refusal based on lack of contributions towards open space and education provision, despite assurances that such contributions would be provided. The second reason for refusal stated:- (Appendix 3)

"In the absence of the satisfactory provision of adequate service amenities and infrastructure needs, the development would have an adverse impact upon the amenities of the area. The proposal is therefore contrary to policy LB6 of the Berkshire Structure Plan, policy LP51 of the Lodden Area Local Plan and policy WOS4 of the Wokingham District Local Plan (Deposit Draft)."

1.8 An informative was added to the Notice of Refusal which stated:-

"In the event of a Section 106 Agreement or unilateral agreement being signed to secure the contributions requested, the reason for refusal relating to this shall be withdrawn."

1.9 I can confirm that a Unilateral Obligation has been prepared which deals with the necessary contributions as well as affordable housing provision. The Local Planning Authority accept in the Statement of Common Ground that this reason for refusal is withdrawn. Furthermore that Statement acknowledges the acceptance of residential development on the site, the proposed access etc.

1.10 With regards the remaining reason for refusal, namely the impact of the access road on the protected Oak tree, I would advise that at the Development Control Committee on 21st May 2003 the Planning Officer raised no objection to the proposals in terms of the impact on the Oak tree (Appendix 4). Mr D Grainger (Arboriculturist) will indicate how the tree will not be adversely affected by the construction of the access road. Furthermore Mr G Bignell (Denis Wilson Partnership) will indicate how the proposed access road can be constructed without adversely affecting the Oak tree. Considerable discussions have taken place with the Council's Arboriculturist and he has agreed that the proposed access road will not adversely affect the protected Oak tree. I will outline the background further in Sections 3.

1.11 My evidence therefore will principally deal with the relevant planning policy context and the relevant material considerations. Accordingly my evidence is structure in the following way. Firstly I describe the site and its surroundings as well as its planning and land use history. Secondly I consider the provisions of the Statutory Development Plan as well as other material policy considerations. Finally, I critically consider the reason for refusal and to conclude that these appeals should be allowed and that detailed planning permission should be granted.

2. SITE AND SURROUNDINGS

2.1 The appeal site lies within the defined settlement limits of Winnersh which is situated approximately 3km north west of Wokingham and 7km south east of Reading.

2.2 The site is well located in relation to existing shop facilities and public transport in Winnersh (see Appendix 5).

2.3 Winnersh is a medium sized settlement which originally evolved as linear development along the A329 Reading to Wokingham Road (east / west) and the B3030 Arborfield to Twyford Road (north / south). It is served by two railway stations. The original Winnersh station is near the centre of the settlement. A more recent station (Winnersh Triangle) primarily serves the extensive Business Park to the north of the settlement.

2.4 As a result of the linear nature of development which has taken place along the A329 Reading / Wokingham Road, the settlement of Winnersh extends to its limit to the north of the M4 motorway. At this point the A329 passes under the significantly elevated section of the M4, the southern boundary of which effectively delineates the northern edge of Wokingham (or Emmbrook).

2.5 The appeal site comprises approximately 0.64 hectares and can be divided into 3 distinct parcels:-

i) No. 41 Watmore Lane which is a detached chalet type bungalow with associated garden. An Oak tree within the front garden of No.39 Watmore Lane is protected by Tree Preservation Order. (Appendix 6)

ii) An area of open space originally owned by Berkshire County Council and now owned by Wokingham District Council, following local government reorganisation. It is primarily flat open grass land which has been mown in the central area albeit around the edges the grass and shrubs are unkempt. The area has a set of broken football goal posts but no pitch is marked out. The area is used informally by dog walkers and children playing football etc without any express permission, due to the lack of any

secure boundaries. The site forms part of Winnersh Primary School but has been declared surplus to their requirements.

iii) The northern part of the site forms part of the existing school, as well as the garden area of the caretaker's bungalow, known as 'Four Acres'.

2.6 The appeal site is set within well contained boundaries with the residential properties of Astor Close and Watmore Lane forming its southern and western boundaries, a public footpath which links Astor Close/Grovelands Road and Poplar Lane to the east and to the north the grounds of Winnersh Primary School. Beyond the public footpath to the east is a further area of open land which is overgrown. Substantial trees and hedges screen the site along the rear boundaries of the properties fronting Watmore Lane, as well as along the line of the public footpath. The site is effectively hidden from public vantage points. The only views of the site are primarily private, ie from the properties backing on to the site in Astor Close and those properties which back on to the public footpath in Grovelands Road, ie approximately eight properties in total. I attach a series of photographs which show the appeal site and the surrounding area (Appendix 7).

3. SITE HISTORY

3.1 The appeal site forms part of a larger site which has an extensive history in relation to minor applications associated with the school. I attach a schedule of these applications in Appendix 8.

3.2 The former Berkshire County Council acquired land adjacent to Winnersh Primary School in 1973. At that time the site was overgrown and covered in rubble due to the demolition of a piggery which previously occupied the site. The school approached the Parish and County Councils to enquire whether the site could be used by the general public but the Councils did not want to invest money in maintenance or upgrading the land.

3.3 Since then the school appear to have turned a blind eye to local people using the land for dog walking and playing football. The school originally erected goal posts but these were vandalised. The Parish Council were approached to provide new posts but declined. When the school replaced the goal posts on the main school field, the old posts were transferred to the appeal site. They too are now broken. For a while the site has been used as a meeting place for trading drugs and occasionally it is used (without authority) by motor cycles. Throughout this time the site has continued to be used on an informal basis and entirely without right or authority by local people for dog walking, playing football etc. This was accepted by the school in order to prevent people trespassing on to the school playing fields and grounds.

3.4 In 1996 the land was declared surplus by the former County Council. They subsequently entered into a contract with the appellants to sell the site for housing. It was envisaged that the proceeds from the sale of the site would improve school facilities which could be used by the general public outside school hours. The land subsequently passed to Wokingham District Council following local Government reorganisation in 1998 but still subject to the legally binding contract. It still remains surplus to requirements.

3.5 In March 1998 an application for the erection of 24 detached three and four bedroom dwellings, together with highway improvements to Poplar Lane to form an access road, was refused on grounds of substandard access, loss of open

space and no on-site provision of public open space and adverse impact on the character of the area. (Appendix 9)

3.6 An appeal was lodged against this refusal but is currently being held in abeyance. The proposal differed from the current appeal proposal in that it proposed housing on the entire site, with access from Poplar Lane and no benefit to recreation provision in the area.

3.7 As stated in paragraph 1.1, on 30th October 2001 and appeal was allowed for the demolition of No. 39 Watmore Lane, creation of new access road and erection of 18 dwellings. (Appendix 1)

3.8 On 5th September 2002 detailed planning applications were submitted for:-

i) Demolition of No. 41 Watmore Lane and erection of 18 dwellings on part of the open space to the rear (Application No. F/2002/7309); and

ii) Demolition of No. 41 Watmore Lane and erection of 19 dwellings on part of the open space to the rear. This application was submitted in duplicate (Application No.s F/2002/7310 & 7311).

3.9 The appeal applications were accompanied with a series of plans showing the proposed site layout, house details and garage types. The plans for both schemes have been submitted with the appeals. The proposed dwelling mix for both schemes is as follows:-

18 dwellings	2 bed x 8 (45%)	19 dwellings	2 bed x 8 (42%)
	3 bed x 4 (22%)		3 bed x 6 (32%)
	4 bed x 2 (11%)		4 bed x 3 (16%)
	5 bed x 4 (22%)		5 bed x 2 (10%)

3.10 The proposed mix of dwellings for both schemes is in line with the Council's adopted Policy, i.e. Policy WH3A of the Wokingham District Local Plan Proposed Modifications.

3.11 The application was accompanied with a newt & bat survey undertaken by CPM Environmental Consultants. This survey had been submitted with the previous appeal applications. It concluded that:-

i) No great crested newts were recorded within the pond and that they do not represent a constraint to development taking place; and

ii) No bat roosts exists in No. 39 Watmore Lane. Bats are not therefore considered to represent a constraints to development taking place.

3.12 These findings have been accepted by the Local Planning Authority and previous appeal inspector.

3.13 A Method Statement for tree management during construction was submitted with the application to demonstrate how the tree would not be affected with the proposed access road. The Council's Arboriculturist raised objections to the proposed Method Statement. As a result the appellants instructed an arboriculturist and engineer to demonstrate how the proposed works would not adversely affect the tree. Unfortunately despite extensive discussions taking place with the Council's Arboriculturist, the Development Control Committee at its meeting in November 2002 would not defer the applications to enable these discussions and investigations to be completed.

3.14 On 19th December 2002 a further detailed application was submitted for the demolition of No. 41 Watmore Lane, provision of access and erection of 19 dwellings on the site. This application was a duplicate of Application No.s F/2002/7310 & 7311. It was submitted to overcome the reason for refusal based on the impact of the proposed access road on the protected Oak tree.

3.15 Following discussions with the Council's Arboriculturist it was agreed that the appellants would execute a trail trench by hand in order to investigate the presence of Oak tree roots within the area of the proposed access road.

3.16 This work was undertaken on 27th March 2003 in the presence of the Council's Arboriculturist. The trench was excavated by hand and extended from the back edge of the public footway to some 3.5 metres into the garden of No. 41 Watmore Lane. The trench was 0.3m in width by 0.4m in depth. No Oak tree roots were present in the open trench.

3.17 The Council's Arboriculturist confirmed that the proposed excavation and construction of the access road would not be detrimental to the health or safe life

expectancy of this tree. A Method Statement was submitted which demonstrated how the proposed access road would be constructed (Appendix 10). This approach was accepted by the Council's Arboriculturist.

3.18 The application was considered by the Development Control Committee on 21st May 2003. The Planning Officer's report concluded that:- (Appendix 4)

> **"The principle of residential development on the site has been established by the previous application for 18 houses F/2001/3458. The Arboricultural Officer is satisfied that the development would not adversely affect the Oak tree and protection can be adequately dealt with by a condition. The applicant is agreeable to providing contributions towards education, recreation and affordable housing. As such previous concerns have been overcome and there is no reason to refuse the application."**

3.19 The Planning Officer recommended that planning permission be granted subject to the completion of a Section 106 Agreement and imposition of a number of conditions. The Development Control Committee unfortunately resolved to refuse the application.

3.20 On 18th December 2002 duplicate outline detailed applications were submitted for the demolition of No. 41 Watmore Lane and the erection of 24 dwellings. (Application No.s 02002/8206 & 8620).

3.21 An appeal in respect of Application No. 02002/8206 was lodged on the grounds of non determination but subsequently withdrawn. Application No. 02002/8620 was considered by the Development Control Committee on 9th April 2003, the Planning Officer's report concluded that:- (Appendix 11)

> **"The principle of residential development on this site has been established by the previous application for 18 houses F/2001/3458. Subject to the Arboriculturist Officer being satisfied that the development would not adversely affect the Oak tree, the loss of which would be detrimental to the visual amenity of the area, there is no reasons for refusing the application on arboricultural grounds. However holding reasons for refusal were recommended for**

affordable housing and financial contributions in the event of the appeal not being withdrawn."

3.22 The Development Committee resolved that had they been in a position to determine the application they would have refused it for the reasons stated in the report as well as the impact on the protected Oak tree.

3.23 On 13th May 2003 an outline planning application was submitted for the erection of 24 dwellings (Application No. 0/2003/9037). This application is still to be determined.

Comments

3.24 The principle of residential development on the site has been established given the appeal decision in October 2002 for the erection of 18 dwellings. This is confirmed in the Wokingham District Local Plan Proposed Modifications where the site is identified as a 'hard commitment'. The appellants have prepared a Unilateral Obligation which deals with financial contributions for open space and education as well as the provision of affordable housing.

3.25 Finally with regards the impact of the proposed access road on the protected Oak tree, the Council's Arboricultural Officer is satisfied that it will not be adversely affected. As a result he has no objections to the proposals and neither does the Planning Officer. The Development Control Committee have however resolved to ignore the clear and unambiguous technical advice of their officers.

4. PLANNING POLICY CONTEXT

4.1 The planning policies which are of relevance to this appeal are contained at national level in Planning Policy Guidance Notes (PPGs) and Government Circulars; within the Statutory Development Plan which comprises the Berkshire Structure Plan 1991-2016 and the Loddon Area Local Plan 1995 and within emerging plans namely the Wokingham District Local Plan Proposed Modifications January 2003.

a) National Policy Issues

PPG1 General Policy

4.2 This Guidance reaffirms (Paragraph 1) that the role of the planning system is to enable the provision of homes and buildings, investment and jobs in a way which is consistent with the principles of sustainable development.

4.3 Paragraph 2 of the Guidance indicates that the Development Plan is **"at the heart"** of the decision making process. It will be necessary to decide whether the proposal is in accordance with the Plan and then to take into account material considerations. The Guidance goes on to state that for the planning system to be effective, comprehensive coverage of up to date development plans is essential.

4.4 The Guidance deals with the objectives of sustainable development in Paragraph 4 as follows:-

> **"Sustainable development seeks to deliver the objective of achieving now and in the future, economic development to secure higher living standards while protecting and enhancing the environment. The most commonly used definition is development that meets the needs of the present without compromising the ability of future generations to meet their own needs."**
>
> (World Commission of Environment and Development 1987).

4.5 Paragraph 5 outlines the basis of a sustainable planning framework as follows:-

> **"Provide for the nation's needs for commercial and industrial development, food production, mineral extraction new homes and other buildings while respecting environmental objectives.**
>
> **Use already developed areas in the most efficient way while making them more attractive places in which to live and work;**
>
> **Conserve both the cultural heritage and natural resources (including wildlife, landscape, water, soil and air quality) taking particular care to safeguard designations of national and international importance; and**
>
> **Shape new development patterns in a way which minimises the need to travel?"**

4.6 Paragraph 7 states that urban regeneration and reuse of previously developed land are important supporting objectives for creating a more sustainable pattern of development. Furthermore, it goes on to say that the Government is committed to:-

> **"...concentrating development for uses which generate a large number of trips in places well served by public transport especially town centres rather than in out of centre locations; and**
>
> **preferring the development of land within urban areas, particularly on previously developed sites, provided that this creates or maintains a good living environment before considering the development of greenfield sites."**

4.7 Turning to land use and transport, Paragraph 23 states:-

> **"In order to achieve sustainable patterns of development and to help reduce the environmental impacts of transport a local authority should integrate their transport programmes and land use policies in ways which help to:-**
>
> - **reduce growth in the length and number of motorised journeys;**

- **encourage alternative means of travel which have less environmental impact and hence;**
- **reduce reliance on the private car;**

The key objective for the planning system are to:

- **influence the location of different types of development relative to transport (and vice versa); and**
- **foster forms of development which encourage walking, cycling and public transport use."**

4.8 Paragraph 24 gives advice on the location of development for housing and outlines the key objectives as:

"...to ensure that the planning system identifies an adequate and continuous supply of housing land to meet the future requirements which is both available and sustainable;

to make effective use of land within urban areas by allocating the maximum amount of housing to previously developed sites within existing larger urban areas which have access to a range of transport and other facilities whilst protecting open space, playing fields and green spaces in cities and towns;

outside urban or village areas to promote land for housing in locations which are or will be well served by public transport and with good access to employment and a range of services including leisure, shopping, educational and health facilities;

to provide a mixture and range of type of housing to meet the increasingly varied types of housing requirements including the need for affordable housing; and

to ensure that housing is available where jobs are created."

4.9 The Plan led system is considered in Paragraphs 39-46 of the PPG. In terms of determining planning applications and appeals Section 54A requires that they be determined in accordance with the Development Plan unless material considerations indicate otherwise. (Paragraph 40)

4.10 The other material considerations which may be relevant are elaborated upon in Paragraphs 50-56. Paragraph 54 states:-

> **"If the development plan contains material policies on proposals and there are no other material considerations the application or appeal should be determined in accordance with the development plan. Where there are other material considerations, the development plan should be the starting point and the other material considerations weighted in reaching a decision. One such consideration will be whether the plan policies are relevant and up to date (the edge of the plan is not in itself material). Particular policies of the plan may, for example, have been superseded by more recent planning policy guidance issues by the Government."**

PPG3 Housing (March 2000)

4.11 The Government published its revision to PPG3 in March 2000. This provides guidance on a range of issues relating to housing development.

4.12 Paragraph 2 outlines the Government's objectives for housing as follows:-

> **"Local planning authorities should:-**
>
> - **Plan to meet the housing requirements of the whole community, including those in need of affordable and special needs housing;**
> - **Provide wider housing opportunity and choice and a better mix in the size, type and location of housing than is currently available and seek to create mixed communities;**
> - **Provide sufficient housing land but give priority to the re-use of previously-developed land, within the urban areas, bringing empty**

homes back into use and converting existing buildings, in preference to the development of greenfield sites;

- **Create more sustainable patterns of development by building in ways which deliver accessibility by public transport to jobs, education and health facilities, shopping, leisure and local services;**
- **Make sure of efficient use of land by reviewing planning policies and standards;**
- **Place the needs of people before ease of traffic movement in designing the layout of residential layouts;**
- **Seek to reduce car dependence by facilitating more walking and cycling by improving linkages by public transport between housing sites, local services and local amenity and by planning for mixed use; and**
- **Promote good design in new housing developments to create attractive, high-quality living environments where people will choose to live."**

4.13 Paragraph 3 relates to the provision of housing and states:-

"One of the roles of the planning system is to ensure that new homes are provided in the right place and at the right time whether through new development or the conversion of existing buildings. The aim is to provide a choice of site which are both suitable and available for house buildings. This is important not only to ensure that everyone has the opportunity of a decent home but also to maintain the momentum of economic growth. Economic growth should not be frustrated by a lack of homes for those wishing to take up new employment opportunities; but to promote sustainable development, the need to provide for economic development has to be reconciled with social and environmental considerations particularly those of conserving and enhancing the quality of our environment in both town and country."

4.14 Paragraphs 21 and 22 relate to the supply of land for housing and the re-use of urban land and states:-

> **"The Government is committed to promoting more sustainable patterns of development, through:**
>
> - **Concentrating most additional housing development within urban areas;**
> - **Making more efficient use of land by maximising the re-use of previously-developed land and the conversion and re-use of existing buildings;**
> - **Assessing the capacity of urban areas to accommodate more housing;**
> - **Adopting a sequential approach to the allocation of land for housing development;**
> - **Managing the release of housing land; and**
> - **Reviewing existing allocations of housing land on the plans and planning permission when they come up for renewal.**
>
> **The Government is committed to maximising the re-use of previously-developed land and empty properties and the conversion of buildings for housing in order to promote regeneration and minimise the amount of greenfield land being taken for development."**

4.15 Paragraph 24 deals with assessing urban housing capacity and states:-

> **"Land is a finite resource. Urban land and buildings can often be significantly underused. In order to establish how much additional housing can be accommodated within urban areas and therefore how much Greenfield land may be needed for housing all local planning authorities should undertake urban housing capacity studies. These should consider various options in relation to density of development, levels of parking provision, different residential layouts and the mix of**

housing types. In conducting urban housing capacity studies, local planning authorities may wish to follow the principles laid down in the Departments good practice guide."

4.16 Applying the sequential approach to the release of housing land is explained at Paragraphs 30 and 31 and states:-

"In identifying sites to be allocated for housing in local land and UDPs, local planning authorities should follow a search sequence starting with the reuse of previously developed land and buildings within urban areas identified by the urban housing capacity study then urban extensions and finally new development around modes in good public transport corridors. They should seek only to identify sufficient land to meet the housing requirement set as a result of the RPG and strategic planning process. In doing so they do not need to consider all the land on their area. They should not extend the search further than required to provide sufficient capacity to meet the agreed housing requirement.

In deciding which sites to allocate for housing on local plans and UDPs, local planning authorities should assess their potential and suitability for development against each of the following criteria:-

- **the viability of previously developed sites and empty or underused buildings and their suitability for housing use;**
- **the location and accessibility of potential development sites to jobs, shops and services by modes other than the car and the potential for improving such accessibility;**
- **the capacity of existing and potential infrastructure including public transport water and sewage other utilities and social infrastructure (such as schools and hospitals to absorb further development and the cost of adding further infrastructure**

- **the ability to hold communities to support new physical and social infrastructure and to provide sufficient demand to sustain appropriate local services and facilities; and**

- **the physical and environmental constraints and development of land including for example the level of contamination stability and flood risk taking into account that such risk may increase as a result of climate change."**

4.17 Paragraph 38 deals with determining planning application and states:-

> **"In considering planning applications for housing development in the interim, before development plans can be reviewed local authorities should have regard to the policy contained in this PPG as material considerations which may supersede the policies in their plan (see Paragraph 54 of PPG1). Where the planning application relates to development of a greenfield site allocated for housing in an adopted Plan or UDP it should be assessed and a decision made on the application in the light of the policies set out in this guidance. Comparison with available previously developed sites against the criteria in Paragraph 31 and in the light of the presumption in Paragraph 32 and the policies on design, layout and efficient use of land, including car parking, will be particularly relevant. When a proposed housing development involves the use of a previously developed site or the conversion of existing buildings, the proposal may need to be amended in accordance with this guidance for example in relation to design, layout density and parking."**

4.18 Paragraph 54 places emphasis on designing for quality and states:-

> **"Good design and layout of new development can help to achieve the Government's objectives if making the best use of previously developed land and improving the quality and attractiveness of residential areas. In seeking to achieve these objectives local planning authorities and developers should think instinctively about designs**

and layouts which make more efficient use of land without compromising the quality of the environment."

4.19 On 14 December 2000 the Government published "Tapping the Potential - Accessing Urban Housing Capacity: Towards Better Practice". This guidance provides advice on preparing urban capacity studies and making best use of previously developed and backland sites.

PPG16 Archaeology and Planning (November 1990)

4.20 This PPG outlines the Government's policy on archaeological matters and how they should be considered under the Development Plan (Paragraphs 15-16) and development control systems (Paragraphs 18-28) including the weight which should be attached to them in reaching decisions and in relation to imposing of conditions (Paragraphs 29-30).

4.21 The Planning Officer's Committee report indicates that the appeal site is not located in an area of archaeological importance. The Council's Archaeological advisor has requested that investigations be carried out to demonstrate the potential of the site. The appellants have no objection to undertaking such work in line with a brief already prepared and agreed with the Council's Archaeological Adviser. This matter can adequately be dealt with by means of a condition.

Draft PPG17 Sports Open Space and Recreation (March 2001)

4.22 The revised guidance seeks to update PPG17 and to extend its scope by addressing planning for open space in more detail. It provides a statement of the Government's intention to protect existing sport, open space and recreation facilities and create new opportunities.

4.23 The revised guidance provides a framework within which the Government's main planning objectives for sport and recreation may be achieved. The main objectives are to:-

- promote more sustainable patterns of development by creating and maintaining networks of recreational facilities and open space particularly within urban areas;

- promote social inclusion, health and well being by ensuring that everyone has easy access to good quality sport and recreation facilities.

- support an urban renaissance, by making our towns and cities more attractive places in which people will choose to live; and

- be firmly committee to protecting playing fields which are used by schools or by the wider community.

4.24 The guidance provides a framework within which development plan policies relating to sport, open space and recreation facilities should be drawn up, and which may be used in giving consideration to planning applications. Such policies should seek to make adequate provision that is well designed, meets modern standards and is safe. The guidance advises local authorities to:

- assess the range of existing and future needs for sports, open spaces and recreation facilities in their areas;

- establish the quantity, quality and accessibility of existing sports, open spaces and recreation facilities;

- adopt a strategy approach and plan positively for the provision and enhancement of well-designed facilities and open spaces and for their effective maintenance;

- establish standards of provision so that local deficiencies may be redressed through the planning process;

- provide strongest protection for open space that is, or that has the potential to be, of value to the community;

- resist development pressures which could diminish recreational provision which meets assessed need;

- locate open space and recreation facilities where they are accessible by a choice of modes of public transport and especially by foot, bicycle or public transport wherever possible;

- locate more intensive sport and recreational provision (that is, those that attract significant numbers of people or that function for many hours of the day) in or close to town centres wherever possible;

- provide good quality open space and built recreational facilities as an integral part of new communities, in order to make them attractive places to live;

- seek to ensure that open spaces and recreational areas are located, designed and maintained so as to minimise the risk of crime and vandalism; and

- seek to meet the needs of those living in and visiting the rural areas, whilst protecting the countryside and its characteristics.

b) <u>The Statutory Development Plan</u>

4.25 The Statutory Development Plan comprises the Berkshire Structure Plan 1991-2006 and the Loddon Area Local Plan May 1995.

Berkshire Structure Plan 1991-2006 (November 1995)

4.26 The Structure Plan became operative on 4th November 1995 and covers the period up to 2006. Relevant extracts are attached as Appendix 12.

4.27 The overall strategy of the Plan is set out in Policy OS1 which states:-

> **"The overall strategy of the Plan is to seek sustainable development and improvement to the quality of life in Berkshire by pursuing the following objectives:-**
>
> **i) to restrain development to levels that respect the limits set by environmental, infrastructure and other constraints upon the development of land;**
>
> **ii) to give priority within i) to meeting Berkshire's economic and social needs including the provision of low cost housing and wider employment opportunities;**

iii) **to protect and enhance the character and quality of Berkshire's landscape, environment and heritage;**

iv) **to steer development to locations which minimise the need for travel and can be well served by public transport;**

v) **to conserve natural resources**

vi) **to minimise pollution**

vii) **to seek improvements to infrastructure, services and amenities**

viii) **to promote an appropriate balance between all forms of transport by continuing to develop an integrated transport strategy."**

4.28 In terms of Steering development to sustainable locations Paragraph 3.24 states:-

"Locations for development should be sought which:-

- **minimise the need for travel e.g. by locating housing close to existing and committed employment areas, schools and other local facilities;**
- **can be well served by public transport;**
- **do not irreversibly harm features of environmental interest such as important natural habitats and designated conservation areas."**

4.29 With regards to the provision of infrastructure, services and amenities Policy LD6 states:-

"Before proposals for development are permitted, the local planning authority will require to be satisfied that infrastructure, services and amenities made necessary by the development are provided or will be provided at the appropriate time so as to ensure that proper planning of an area.

To this end local planning authorities may require contributions to be made by landowners or developers to provide additional infrastructure or facilities where they are:

i) needed to enable the development to take place

ii) directly related to the proposed development; and

iii) fairly and reasonably related in scale and kind to the proposed development.

Local Planning Authorities may also require an acceptable balance of uses in mixed development or the implementation of local plan policies for a particular area or type of development where appropriate, any amenity or resource lost or damaged as a consequence of development should be offset by a new provision elsewhere either on or off site."

Environmental and Conservation

4.30 Policy EN1 deals with the protection and enhancement of the Environment of Built up Area. It states:-

"The character and quality of the environment in the towns, villages and other built up areas will be protected and enhanced. Within these areas development must be appropriate in scale, form, impact, character and siting to its location. In particular:-

i) development should embody a high standard of design, layout and landscaping and help maintain and where possible enhance the character of its surroundings;

ii) town and village greens and all open land important to the character of settlements will be protected from development and where necessary enhanced;

iii) the existing tree cover, important areas of vegetation and wildlife habitats will be conserved and additions to them encouraged;

iv) special attention will be paid to the maintenance and improvement of the character of town and village centres.

Where appropriate to achieve optimum use of land and buildings in built up areas, the reuse of vacant buildings and redevelopment of derelict or genuinely underused urban land will be supported."

Housing

4.31 Policy H1 makes provision for about 40,000 dwellings in the County in the period up to 2006. Of that total 7,750 are to be provided in Wokingham District under Policy H2.

4.32 Policy H5 deals with development within settlements and states:-

"Part of the provision for housing development specified in Policy H1 will be achieved by:-

i) building on suitable undeveloped land within built up areas and settlement boundaries;

ii) redevelopment of or adaptations to an existing building or set of buildings;

iii) changes of use of suitable permanent non residential buildings and by the sub division of existing dwellings;

In addition, if further land releases are required to meet the provisions of Policies H1 and H2 these should normally be made through the definition of settlement boundaries as part of the local plan process."

4.33 Policy H9 seeks to ensure a variety of housing and states:-

"Within the provision specified in Policy H2, favourable consideration will generally be given to proposals for residential development which add to the range of densities, dwelling types and sizes with specific emphasis being given to the provision of smaller dwellings and other

identified local or special needs including those associated with Care in the Community policy."

Recreation and Countryside

4.34 Policies R4 and R5 deal with playing field and open space. Policy R5 states:-

"Existing sports grounds and public open space will normally be retained and their loss will be acceptable only in the following circumstances:-

i) where they are replaced by new provision which is at least comparable in terms of facilities, amenity and location;

ii) where they can best be retained and enhanced through the redevelopment of a small part of the site; or

iii) where the local plan shows an excess of provision (Policy R4).

4.35 Policy R5 states:-

"Provision should be made in association with new development for facilities for sport and recreation including public open space on a scale which reflects the needs arising from the development and in a form which complements the existing provision."

Loddon Area Local Plan (May 1995)

4.36 This Local Plan was adopted on 5th May 1995 and covers the period up to 1996. Relevant extracts are attached in Appendix 13.

4.37 Policy LTV1 identifies Winnersh as a settlement within which development will normally be allowed subject to other policies in the plan.

4.38 Policy LH1 deals with housing on unidentified sites within identified settlements and states:-

"Within the identified settlements, residential development in the form of infilling, rounding off and redevelopment generally will be considered favourably subject to local environmental constraints and

other provisions of this Plan. In view of the sensitivity of such proposals and their potential impact the preparation of a Development Brief will normally be necessary in bringing forwarded schemes on sites over 0.4 hectares, an element of affordable housing will be sought in accordance with Policy LH8.

In interpreting this policy the District Council will particularly wish to ensure that the following criteria (which are amplified in other policies where indicated) are complied with:-

(A) The protection of open and wooded areas, gaps and garden areas which are important to the character of the settlement concerned (Policy LTV6 and Various specific policies);

(B) No significant adverse effect on the character of the area (Policies LTV6 and LBE1 and LBE2);

(C) No significant adverse effect on settlement boundaries and the surrounding countryside (Policy LTV5)

(D) No loss of public open space or recreational facilities (Policy LR4)

(E) The provision of adequate garden areas, space about buildings and off street parking for all new dwellings;

(F) The presence of adequate local highway capacity to cater for traffic generated by this development"

4.39 Policy LH8 deals with ensuring that a reasonable mix and balance of house types and sizes to cater for a range of housing needs, including affordable housing, are provided. The emphasis is to achieve a range of housing densities and dwelling sizes in order to provide dwellings at the smaller dwelling i.e. one and two bed roomed.

4.40 Policy LBE1 deals with the design of new development and states:-

"New development shall be of a high standard of design appropriate to the character of the area in which it is to be situated. It should:-

(A) Make a positive contribution to its setting and the character of the area;

(B) Contribute to the creation of a safe and attractive environment in which to live and work;

C) Retain important natural man made or landscape features of the site compatible with good design;

4.41 LBE2 deals with inappropriate design and states:-

"Proposals for development that is inappropriate in terms of its relationship with adjoining sites and buildings or which would adversely effect the character of an area by virtue of its sitting, scale, form, massing, materials, colour or texture will not normally be permitted."

4.42 Policy LBE22 deals with archaeology and states:-

"The District Council will seek to ensure that planning applications likely to affect archaeological sites and monuments of unknown importance and areas of high potential should have provision made for suitable evaluation prior to determination. In the absence of an appropriate level of information on the nature, extent and importance of archaeological deposits applications will normally be refused or deferred until such information enabling the full implications of the development to be considered is available."

4.43 With regards the redevelopment of existing public open space and recreation facilities policy LR4 states:-

"Development will not be allowed which will result in the loss of existing public open space and recreational facilities unless an alternative recreational site or facility has received planning permission which would diversity and improve recreational facilities for local residents and employees."

4.44 Finally Policy LPS1 deals with the phasing of services on new developments and states:-

> **"Where development which is acceptable in principle under the policies of this plan gives rise to the need for the provision of new public and community services, permission will not be given until the District Planning Authority is satisfied by seeking a legal agreement where necessary that an appropriate level of infrastructure, service and amenities required as a consequence of and directly related to the development is capable of being and will be provided at the appropriate time on the development process."**

Emerging Planning Policy

Wokingham District Plan Proposed Modifications January 2003

4.45 This Local Plan covers the period up to 2006. It has been the subject of a Local Plan Inquiry and the Local Planning Authority published proposed modifications following consideration of the Inspectors' Report in January 2003. Relevant extracts are attached as Appendix 14.

Overall Strategy

4.46 Policy WOS1 deals with sustainable development and states:-

> **"The Council will ensure that development is sustainable and improves the quality of life within the plan area by pursuing the following objectives:-**
>
> **(A) Gives priority to meeting the District's economic and social needs including the provision of affordable housing and a wider range of employment opportunities;**
>
> **(B) Maximising the use of existing land and buildings and exploiting the potential of previously developed land within identified settlements before the countryside is built upon;**
>
> **(C) To provide for employment, housing shopping and services in places that minimise the need for travel by private car;**

(D) That new development makes a positive contribution or makes no material harm to the character, environment, landscape, heritage within the plan area;

(E) To conserve natural resources;

(F) To minimise pollution;

(G) To maximise the reuse of materials; and

(H) To seek improvements to infrastructure services, and amenities."

4.47 Policy WOS3 provides criteria against which acceptable proposals are to be assessed.

"The Council will require all development proposals that are acceptable in principle when assessed against other policies of this plan to:-

a) Be appropriate in scale of activity and character to the area in which they are located and be integrated into their local context without detriment to the amenities of adjoining land uses and occupiers

b) **Have no significant detrimental impact upon important man made landscape and nature conservation features and provide for further landscape treatment where relevant to the type of development and/or the protection of local visual amenity;**

c) **Be both located and designed so as to reduce the need to travel and encourage the use of walking, cycling and public transport as alternatives to the car;**

d) **Have no significant effect on road safety or ensure highway, traffic generation or traffic related environmental problems;**

e) **Provide buildings, facilities and spaces that are suitable for use by people who have inability or sensory impairment;**

f) Be of high quality of design that respects the local content by virtue of siting, layout, massing, materials, colour and texture".

4.48 Policy WOS4 deals with services amenities and infrastructure and states:-

"Where development is acceptable in principle under the policies of this plan development proposals will be expected to have regard to existing levels of infrastructure, service and amenities.

Where the development gives rise to the need for the provision of new or extended public and community service, the Council will assess the nature and extent of planning obligations required as a result of new development in accordance with national planning guidance. Planning permission will not be given until the planning authority is satisfied by imposing conditions or where these are not appropriate or adequate by seeking a legal agreement that an appropriate level of infrastructure, services and amenities required as a consequence of and directly related to the development as capable of being and will be provided within the timescale of the proposed development in accordance with an agreed phasing programme."

Built Environment, Design and Heritage

4.49 Policy WBE1 deals with new development in its local context and states:-

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

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

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

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

d) Creation of easily accessible and attractive open spaces."

4.50 Policy WBE11 deals with the protection of trees and new development and states:-

"In considering proposals for development the effect on existing trees and areas of woodland will be taken into account. Trees that are to be retained will be properly protected during the course of construction in accordance with a scheme to be first approved through appropriate conditions attached to the planning permission where appropriate tree preservation orders will be applied and the loss or damage of trees protected by new or existing orders will be resisted."

The District's Heritage

4.51 Policy WHE15 deals with archaeology and states:-

"Where development is likely to affect an area of high archaeological as shown on the proposals map or any other areas known or likely to contain archaeological remains, an appropriate evaluation will be required prior to determination of the application. In the absence of sufficient information on the extent and importance of archaeological remains planning permission will be refused."

Housing

4.52 The site is identified as a hard commitment, i.e. with planning permission within the Council's housing land supply details.

4.53 Policy WH6 deals with ensuring a variety of housing is provided and states:-

"On sites where residential development is considered acceptable by the Council, proposals will be expected to incorporate a mix and balance of densities, dwelling types and sizes. Particular emphasis will be given to the need for one and two room dwellings."

4.54 The supporting text states at Paragraph 5.17 that:-

> **"...The District Local Plan seeks to secure the mix of accommodation that will provide appropriate housing in line with the identified needs. The Housing Requirement Study 2002 carried out by consultants on behalf of the Council is especially useful in identifying the types of dwellings that the area requires. The survey based on a sample of the total population of the District identified proportionate demand by dwelling size as being one/two bedroomed units – 47%, three bedroomed units – 21%, four + bedroomed units – 32%."**

Recreation, Leisure and Tourism

4.55 Policy WR2 seeks to protect existing open space and recreational facilities. It states:-

> **"Development that will result in the loss of existing open spaces or recreational facilities whether publicly or privately owned will not be allowed unless:-**
>
> **a) Planning permission has been granted for an alternative nearby site for open space or a recreational facility that would improve recreational facilities for local residents and employees. The Council will require the new open space/facility to be available for public use by the time the existing open space/facility is lost. To ensure that this is achieved, agreement in phasing will be secured at an early stage in the development process; or**
>
> **b) The Sport and Recreational Facilities can be retained and enhanced through redevelopment of a small part of the site."**

Not relevant as applies to allocated housing sites

4.56 Policy WR4 seeks to increase existing open space provision as follows:-

> **"In connection with proposed development public open space will be provided as shown on the proposals map at:-**
>
> **a) Land at Chatworths Avenue, Winnersh**
>
> **b) Land adjoining Winnersh Primary School, Winnersh**

c) **Land at Plough Lane, Wokingham**

d) **Sandford Farm, Woodley**

e) **Marsh Farm, Lower Earley**

c) **Nature Conservation**

4.57 Policy WHC3 deals with protected species and states:-

"Development and land uses that may affect protected species that are covered by specific legislation (such as Schedules 1, 5 and/or 8 of the wildlife and countryside Act 1981 as amended) will only be permitted where harm to the species can be avoided.

To avoid harm to the species the Council will ensure that any development proposals will:-

a) **Consider the use of conditions and planning obligations that seek to facilitate the survival of individual members of the protected species;**

b) **Reduce disturbance to a minimum;**

c) **Provide adequate alternative habitats to sustain or improve the current protected species population levels."**

Comment

4.58 The appeal site benefits from an extant planning permission for 18 dwellings. The Local Planning Authority accept the principle of residential development on the site and have identified it as 'Hard Commitment' within the Wokingham District Local Plan Proposed Modifications January 2003. There is no issue with regards the loss of open space.

4.59 The proposed mix of dwellings is acceptable to the Local Planning Authority on both schemes together with the provision of affordable housing. As stated earlier the Local Planning Authority's concern on the Second Reason for Refusal

regarding improvements to services and infrastructure has been withdrawn due to the Planning Obligation.

4.60 This only leaves the issue with regards the protected tree. It will be demonstrated in Section 5 and in the evidence of Mr Bignell and Mr Grainger, the proposed access road can be constructed without adversely affecting the tree. This approach is now accepted by the Council's Arboriculturist.

5. CASE FOR THE APPELLANT

5.1 The only issue of concern to the Local Planning Authority relates to:-

- **Whether the construction of the proposed access road will adversely affect the protected Oak tree.**

5.2 Prior to discussing this issue in more detail it is worth noting the significant number of areas where the appeal proposal are found to be acceptable by the Local Planning Authority:-

i) There is no objection with regards the principle of residential development. The appeal decision established the principle of residential on the site and the Wokingham District Local Plan Proposed Modifications January 2003 confirms the site as a 'hard commitment' within the housing land supply. The proposals will assist the Local Planning Authority to meet their housing requirements up to 2006.

ii) There is no objection from the Highway Authority in terms of the proposed access, traffic generation or on site parking provision. The Planning Officers committee report stated:-

> **"The Inspector on the previous application F/2001/3458 considered that the development of 18 dwellings would not be likely to exacerbate congestion or compromise road safety (paragraph 26). This is still considered to be the case with the current application. In accordance with adopted standards an access road of 4.8 metres width is adequate to serve a development up to 25 dwellings.**
>
> **The addition of one dwelling on planning applications F/2002/7310 & 7311 resulting in a total of 19 dwellings would not adversely affect highway safety or congestion."**

iii) The proposed mix of dwellings complies with Policies H9 of the Berkshire Structure Plan, LH8 of the Lodden Area Local Plan and WH6 of the

Wokingham District Local Plan Proposed Modifications. This is confirmed in the Planning Officers committee report which states:-

> **"The proposed mix of dwellings is considered acceptable as adequate provision is being made for smaller units."**

iv) When the applications were originally considered there was no provision for affordable housing. The Planning Officers report stated:-

> **"It is not considered that a requirement for affordable housing applies to the application as the site to be developed is less than 1 ha and development is less than 25 dwellings."**

v) The Local Planning Authority amended the threshold for affordable housing within their Proposed Modifications to developments on sites which exceed 0.5 ha and 15 dwellings. As such the Council is seeking up to 26% of affordable housing which equates to 5 dwellings. The appellants are willing to provide 5 dwellings and there is no objection in terms of Policy WH7 of the Wokingham District Local Plan Proposed Modifications.

vi) There are no ecological issues. The appellants have undertaken a survey to check if Great Crested News and Bats exist. That survey did not reveal the presence of these species. There is no objection to the proposals in respect of Policies EN1 of the Berkshire Structure Plan and WNC3 of the Wokingham District Local Plan Proposed Modifications. This is accepted in the Planning Officers report which states:-

> **"As part of the application site is close to a wildlife pond located within the grounds of the school, the applicant undertook a survey in March/April 2001 to check if great crested newts, a protected species, were present. The survey did not reveal the presence of this species although other types of newts have been found. The Ecologist is satisfied that the proposals would not adversely affect them. A bat survey was carried out for 39 Watmore Lane which did not reveal any evidence. A second**

survey would need to be carried out for 41 Watmore Lane, although it is suggested that this is dealt with by a condition."

vii) There is no archaeological objection. The appeal site is not located within an area of archaeological importance. The Planning Officers report confirms this by stating:-

"Although the site is not in an area of archaeological importance, remains have been found in the area and therefore in any approval a condition would need to be included relating to archaeological works.

The appellants have no objections to such a condition.

viii) The Planning Officers committee report confirms that the site is not liable to flooding.

ix) The appeal proposals will not adversely affect the character of the area. The Planning Officers committee report states:-

"The area is predominantly residential in character with a mix of dwelling types and styles. It is therefore considered that the proposed development of 18 or 19 dwellings by virtue of their design and layout would not adversely affect the character of the area."

x) The appeal proposals will not adversely affect residential amenity. Once again this is confirmed in the Planning Officers committee report which states:-

"The layout of the site is similar to that previously prepared under F/2001/3458 in terms of its relationship with the area of open space and the nearest properties being those in Astor Close adjoining the site and as such it is considered that the amenities of adjoining occupiers would not be adversely affected subject to conditions requiring first floor windows on side elevations to be obscure glazed and no additional windows to be inserted without consent similar to those imposed at appeal. Some of the house

types being proposed contain similar accommodation at second floor level within the roofspace, although heights were similar to those previously approved."

Whether the proposed access road would adversely affect the protected Oak tree

5.3 This issue was considered by the appeal inspector in his decision letter. He stated:- (paragraph 22) (Appendix 1)

"...There is a large Oak tree in the frontage of 39 Watmore Lane the subject of a tree preservation order. The appellant states that there is no need to disturb this tree and I note that is shown on the illustrative drawings to be retained within the access drive being aligned around it. Again conditions attached to a permission would allow control of this situation."

5.4 The proposed access road is no closer than that shown on the appeal scheme albeit on the other side. Circular 11/95 The Use of Conditions in Planning Permissions states:- (paragraph 2)

"The power to impose conditions when granting planning permissions is very wide. If used properly conditions can enhance the quality of development and enable many development proposals to proceed where it would otherwise have been necessary to refuse planning permission."

5.5 I see no reason why the Local Planning Authority could not have imposed conditions similar to the previous appeal inspector rather than refuse the applications.

5.6 Notwithstanding this Mr Grainger and Mr Bignell have indicated in their evidence how the proposed access road can be constructed in order to ensure that the Oak tree is protected. This has been undertaking following site investigations which involved the Council's Arboriculturist as well as the submission of a Method Statement. Indeed the Council's Arboriculturist

commented in respect of the duplicate application for 19 dwellings that:- (Appendix 5)

> **"Access road appears to be in the same position as on applications no.s F/2002/7309, 7310 and 7311 which were refused planning permission. However the proposed access road has now been designed not to adversely affect the Oak tree growing at 39 Watmore Lane. It will be constructed using reinforced concrete supported on poles and as such will not bear directly on the ground. Limited excavation will need to be carried out for the first 3m in to the site. Hand dug trail excavations (carried out on 27th March) have confirmed that no visible roots from the Oak tree are growing in this area. Therefore this will not have an adverse effect on the tree. Excavations in the vicinity of the tree should be by hand and this can be controlled by conditions. Independent advice has been obtained from the Veteran Tree Forum and the Arboriculturist Advisory & Information Service has confirmed that the principles of the scheme are acceptable in relation to the tree."**

5.7 In view of the above it is quite apparent that the appellants have demonstrated that the proposed access will not adversely affect the protected Oak tree. This has been accepted by the Local Planning Authority's professional officers. The Local Planning Authority were therefore wrong to disregard the technical advice of their officers to refuse the appeal proposals because:-

i) They could have imposed a condition; and

ii) The technical work undertaken demonstrates that the tree will be protected.

6. CONCLUSIONS

6.1 These appeals concern the demolition of No. 41 Watmore Lane and the erection of 18 & 19 dwellings respectively with associated access on land adjacent to Winnersh Primary School, Greenwood Grove and No. 41 Watmore Lane, Winnersh.

6.2 In October 2002 an appeal was allowed for the erection of 18 dwellings on the site with access through No.s 37 and 39 Watmore Lane. The Local Planning Authority have now identified the site as a 'hard commitment' in their Wokingham District Local Plan Proposed Modifications. The principle of residential development is therefore accepted by the Local Planning Authority on the site.

6.3 The second reason for refusal relating to open space and education contributions has been dealt with in a Planning Obligation. That Obligation also makes provision for 5 affordable dwellings. This was a subsequent requirement after the Local Planning Authority had refused the application.

6.4 Furthermore there are no objections to the proposals in terms of:-

i) highways, accesses or traffic generations;

ii) the proposed mix or density of dwellings;

iii) the impact on the character of the area or amenities of local residents;

iv) ecological and archaeological considerations (such matters can be dealt with by means of conditions);

v) flooding; and

vi) the loss of open space.

6.5 In terms of the reason for refusal I consider that this matter could have been dealt with by means of a condition. This was the approach of the previous inspector. Furthermore sufficient work has been carried out to establish the extent of the root system, the method of construction and ongoing safeguards

and that the Council's Arboriculturist raised no objection to the proposals. Indeed this is demonstrated in the evidence of Mr Grainger and Mr Bignell.

6.6 In view of the above I respectfully request that these appeals be allowed and that detailed planning permission be granted.

Denis Wilson Partnership

WATMORE LANE, WINNERSH

Proof of Evidence

May 2003

GEB/me/2003-032

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FS 59565

Traffic and Transport Planning • Infrastructure Design and Planning • Accident Investigation

Denis Wilson Partnership

WATMORE LANE, WINNERSH

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FS 59565

Transportation Planning, Infrastructure Design and Highway Safety

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APPENDICES A - L

1 INTRODUCTION

1.1 Qualifications and Experience of the Witness

1.1.1 My name is Graham Bignell; I hold a post Graduate Diploma in Highway & Traffic Engineering and a Higher National Diploma in Civil Engineering. I am a member of the Institution of Highways & Transportation, a fellow of the Institute of Highway Incorporated Engineers and Managing Director of The Denis Wilson Partnership (DWP) of Windsor House, 37 Windsor Street, Chertsey, Surrey.

1.1.2 I have some 30 years experience in highway, traffic, and transportation and construction issues working for Local Government, consulting engineers and for the past twelve years my current practice, DWP.

1.1.3 DWP has been instructed by Linden Homes South-East Limited to provide professional advice in relation to their proposal for residential development in Watmore Lane, Winnersh, Surrey

1.2 Scope of Evidence

1.2.1 My evidence will deal with the structural relationship between the existing TPO tree within the curtiledge of No 39 Watmore Lane and the proposed access road to serve the residential development.

1.2.2 My evidence will also summarise the various site meetings and detailed discussions with officers from Wokingham District Council (WDC) which culminated in reaching technical agreement of the design of the section of the proposed access road falling within a 12 metre radius of the centre of the tree (protected root zone area).

2 DRAWINGS AND APPENDICES

2.1.1 As part of my evidence, I include the following drawings and appendices:-

(i) Drawing No. 2003-032/02

(ii) Appendices.

(iii) Report containing the following appendices

a) Denis Wilson Partnership Drawing No. 2003-032/02

b) Denis Wilson Partnership description and method statement for the construction of the concrete slab within the protected zone of the existing tree.

c) Structural Engineer's (Price and Myers) method statement for the construction and excavation within the protected zone of the existing tree.

d) Structural Engineer's (Price and Myers) design "Structural Slab on Pile Foundations".

e) Trial Hole Logs.

f) Arboricultural Consultant's report on Trial Hole.

g) Borehole Log.

h) Structural Engineer's comments on revised design for the piles.

j) Record of site meeting – 14 February 2003.

k) Salient points from meeting – 20 March 2003.

l) DWP letter dated 3 April 2003.

3 ORIGINAL OBJECTIONS TO THE LOCATION OF PROPOSED ACCESS ROAD.

3.1.1 One of the reasons for refusal of the application in November 2002 was:-

It has not been demonstrated that the construction of the proposed access road would not adversely affect the oak tree to the front of 39 Watmore Lane which is the subject of a tree preservation order. The loss of the tree would be detrimental to the amenity of the area and as such would be contrary to Policies EN1 of the Berkshire Local Plan, LBE1 and LBE2 of the Lodden Area Local Plan and WO53, WBE1 and WBE11 of the Wokingham District Local Plan (Deposit Draft).

3.1.2 DWP was appointed at the end of January 2003 to provide the Local Authority with sufficient design details to enable the above refusal to be removed and in consultation with Tree Management Consulting Ltd (TMC), Linden Homes appointed arboriculturist, we commenced work with this objective.

4 DISCUSSIONS AND NEGOTIATIONS

4.1.1 A meeting was held on site on 14 February 2003 between DWP, TMC and officers from WDC (Arboriculurist and Highway Engineer). Appendix J includes the notes of this meeting which essentially provided WDC confirmation that:

(i) the proposed access road junction layout was acceptable in geometric terms, and

(ii) the principal of a reinforced concrete slab supported on a piled foundation would be an acceptable method of providing protection to any tree roots from the TPO tree within the tree root protection zone of 12 metres from the centre of the trunk.

4.1.2 DWP agreed to arrange for the appointment of a structural engineer to provide a detailed design of the reinforced concrete slab for submission to WDC.

4.1.3 Price & Myers Structural Consulting Engineers were appointed to undertake the detailed design and an additional topographical survey work was also commissioned to enable the proposed ramped entry point to be designed in further detail.

4.1.4 The resultant structural design and highway layout design was submitted as a package to WDC on 7 March 2003 and a meeting held at WDC offices on 20 March 2003 to discuss the submission.

4.1.5 WDC had submitted the design package to their appointed term consultants (Parkman Ltd) for comment/approval and were at the time awaiting return of their comments. The salient points of the meeting are included within Appendix K.

4.1.6 At this meeting, WDC requested that trial slit trenches be excavated by hand in the vicinity of those points deemed most critical in relation to the roots of the TPO trees and the proposed access road. These were undertaken on 27 March 2003 with WDC, DWP and TMC attending to view the results. The details of the trial trenches and the results can be found in Appendix E and F.

5 TECHNICAL APPROVAL OF DESIGN

5.1.1 WDC received comments on the detailed design submissions from their term consultant at the beginning of April 2003 confirming approval with a few minor amendments and DWP confirmed acceptance of these in their letter dated 3 April 2003 (Appendix L).

6 SUMMARY AND CONCLUSIONS

6.1.1 One of WDC's reasons for refusal of the application in November 2002 related to concern expressed by their arboricultural officer that the construction of the proposed access road into the site would have an adverse effect on the existing TPO tree.

6.1.2 Various meetings and discussions were held with the highway and arboricultural officer of WDC culminating in a detailed design of a reinforced concrete slab supported on a piled foundation being submitted by DWP for approval by WDC officers.

6.1.3 Trial slit trenches were excavated at strategic points on site to provide additional data relating to the existing route system of the TPO tree.

6.1.4 Approvals of the proposed design and the construction method statement were received from WDC officers and their term consultants.

APPENDIX K

Salient Points from Meeting on 20 March 2003
at Wokingham Borough Council's Offices

- Layout acceptable to A. Auton with the following provisos.
- Anti skid surfacing (shellgrip or similar) to be placed on top of reinforced concrete slab.
- 1 in 40 slope across access road bellmouth.
- No grass in footway. Use APM1 spec.
- Structural Engineers calcs and proposal will be forwarded to WBC agents (Parkman) for approval.
- Neil Etherington had received response from Mr David Lonsdale (Ancient Tree Forum). Was acceptable in principle.
- NE requested 2 No. trenched be hand excavated one immediately in front of existing hedge and one behind existing hedge on private land.
- NRSWA road opening notice would be required for the trench on adoptable highway verge. Apply to Parkman Consulting Ltd for approval (Leighton Mitchell).
- Try for 25, 26 or 27 March or 2, 3 or 4 April.
- NE will speak to Basha Polnik to see if an addendum report can be added to main report to be presented to 9 April 2003 Committee.

APPENDIX A

APPENDIX B

DESCRIPTION AND METHOD STATEMENT FOR THE CONSTRUCTION OF THE CONCRETE SLAB WITHIN THE PROTECTED ZONE OF THE EXISTING TREE.

1. Remove by hand existing hedge and planting within existing garden of 41 Watmore Lane.

2. Excavate existing topsoil and tarmac to a maximum depth of 150mm tipping directly into a dumper or lorry. No stockpiling to be permitted to avoid unnecessary surcharging.

3. The tree protection zone shall be pegged out and taped off and, except for when works within the protected zone are being carried out, shall be kept free from plant or stockpiled materials.

4. Hand dig trial holes to confirm locations where the piles can be driven without damaging roots in accordance with Structural Engineer's method statement. Eastings and Northings to be surveyed for each suitable location.

5. Arboriculturist advice shall be sought in the event that a root is discovered.

6. Structural Engineer to confirm that design will work where changes to the locations of piles are required.

7. Capping layer to be placed beneath area of slab to make up difference in level between existing ground and formation. Capping layer to be laid in one layer and compacted using roller without vibration.

8. Pile locations to be set out as referenced following hand dug trial holes.

9. Piling / concreting apparatus shall where possible be located on suitable load spreaders and outside the protected zone.

10. After piling operation is complete formation to be levelled to allow compressible board to be laid beneath the area where the slab will be constructed.

11. Place the steel reinforcement on top of the polystyrene boards and construct the shutters and pour the concrete and apply finish.

12. Lay a drop kerb along the channel of Watmore Lane with a 20mm up stand above finished road level. The kerb will form the bottom of the ramp, which will be constructed using flexible pavement construction, with a maximum gradient of 1:40 from the back of the kerb to the top of the slab.

Rev.A

13. Resurface / overlay the south bound lane of Watmore Lane to raise the level of the channel by reducing the cross fall from 3.6%to 2.5%. This will have allowed the level of the channel to be raised to allow the slab to be constructed at a higher level and reduce disturbance to the underlying ground containing tree roots.

14. A similar ramp with a 1:20 maximum gradient will be constructed at the other end of the slab to tie in with BDG's proposed road alignment.

15. Remaining kerb, footway and topsoiling works to be constructed as shown on Drawing no. 2003-032/02.

APPENDIX C

PRICE & MYERS
CONSULTING ENGINEERS

41 Watmore Lane, Winnersh

12831

5th March 2003

SUGGESTED METHOD STATEMENT FOR CONSTRUCTION AND EXCAVATION WITHIN THE PROTECTED ZONE OF THE EXISTING TREE.

1. Most tree roots will occur in the top 1.0m of ground. Excavate topsoil carefully by hand and to extent indicated on Price & Myers drawings to allow for new 250mm RC slab construction.

2. If any roots are exposed during the excavation work, cover with damp hessian and contact aboriculturalist for further advice. Do not cut any tree roots.

3. The top 700mm of all piles are to be dug by hand. Do not cut any tree roots. If roots are found in the first 700mm the pile should be terminated and re-located to another nearby position. Relocated piles should be not more than 300mm from original position

4. Install 50mm compressible board over extent of new piled RC road slab to form compressible membrane to limit loading onto existing roots and to ensure that loads are transferred to the piles.

5. Piling/concreting apparatus to be located on suitable load spreaders or away from the tree such that zero surcharge is applied to the protected zone. Where possible a raised deck should be used to minimise surcharge to the protected zone.

6. Storage of new material to be beyond the protected zone or on suitable load spreaders.

7. Final method statement to be provided by appointed Contractor and submitted for approval well in advance of any construction activities.

APPENDIX D

41 Watmore Lane
Winnersh

JOB NUMBER 12831

Structural Slab on Pile Foundations

February 2003

1.0 Introduction

1.1 Price & Myers are the Structural Engineers involved with the proposed concrete slab and pile foundations associated with the bell mouth access into the property known as 41 Watmore Lane, Winnersh, Berkshire.

1.2 The proposed access is in the close proximity of a 400 year old tree which has a tree preservation order. It is therefore paramount that the existing root of the tree are not damaged either during the construction of the proposed road or while the road is in use.

2.0 Proposed Reinforced Concrete Slab and Pile Foundations

2.1 In order protect the tree it was decided to use a reinforced concrete slab spanning across the tree roots and piple foundations to support the slab.

2.2 Structural Calculations were undertaken using the relevant British Standards. See Appendix A for details.

2.3 See Appendix B for design drawings.

3.0 Protection of the tree roots

3.1 Normal working practice for Piling Contractors is to hand dig the top 700mm for the piling before using the machine. This practice is to undertaken at this site in order to protect the tree roots.

3.2 In the design we have built in an extra safety factor so that if a root is found while hand digging then the pile can be moved slightly.

APPENDIX A

PRICE & MYERS
CONSULTING ENGINEERS

Job No	Page	Rev
12831	1 of 7	—
Date: FEB 02	Eng.: SWI	Chd.: —
Job: 41 WATMORE LANE		

LOADING

BRITISH STANDARD (BS 5400 : Part 2 : 1978)

[3.2.9.3.1] - Carriageway width (m) 4.6–7.2 number of notional lanes 2

Proposed road 4.8m ⇒ Number of notional lanes 2

- Load factors

[4.4.1] Combination 1 : For highway and foot/cycle track bridges, the load to be considered are the permanent loads, together with the appropriate primary live loading.

Proposed road ⇒ Combination 1

[Table 1] ∴ Dead : Concrete ULS 1.15 ⇒ increase to 1.20
SLS 1.00

Highway bridges live loading

HA alone ULS 1.50
SLS 1.20

HA with HB or HB alone ULS 1.30
SLS 1.10

[6.2.1] - HA ⇒ $W = 151\left(\frac{1}{L}\right)^{0.435}$

Proposed road 12m long ⇒ $W = 151\left(\frac{1}{12}\right)^{0.435}$ ⇒ W = 46.4kN per linear metre per lane

[6.2.2] - Knife edge load (KEL)

The KEL per notional lane shall be taken as 120kN.

[6.2.5] - Single nominal wheel load alternative to UDL and KEL

One 100kN wheel placed on the carriageway and uniformly distributed over a square contact area assuming an effective pressure of $1.1\,N/m^2$

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Job No. 12831	Page 2 of 7	Rev —
Date FEB 02	Eng. SWI	Chd. —
Job. 41 WATMORE LANE		

[6.3] - HB LOADING

For all public highway bridges in Great Britian the minimum number of units of type HB loading shall normally be considered is 25, but this number may be increased up to 45 if so directed by the appropriate authority

Proposed road ⇒ 25 units

One unit shall be taken as equal to 10kN per axle (ie 2.5kN per wheel)

[6.3.1] Nominal HB wheel loads shall be assumed to be uniformly distributed over a square contact area, assuming an effective pressure of $1.1 N/mm^2$

DESIGN MANUAL FOR ROADS AND BRIDGES

Volume 1 - Highway Structures: Approval Procedures and General Design

Section 3 - General Design

Part 14 BD 37/01 Loading for Highway Bridges

[4.1] - HB LOADING

All road bridges shall be designed to carry HA loading. In addition a minimum of 30 units of type HB loading shall be taken for all road bridges except for accommodation which shall be designed to HA loading only.

Class of road carried by structure	Number of units of type HB
Proposed load ⇒ Other public roads	30

APPENDIX A - Composite Version of BS5400: Part 2

[3.2.9.3.1] - Carriageway width (m) 5-7.5 number of notional lanes 2

Proposed road 4-8 ⇒ Number of notional lanes 2.

Load Factors

[4.4.1] Combination 1 : As BS5400 Part 2

[Table 1] As BS5400 Part 2

[6.2.1] - HA ⇒ $W = 336\left(\frac{1}{L}\right)^{0.67}$

Proposed road 12m long ⇒ $W = 336\left(\frac{1}{12}\right)^{0.67}$

⇒ W = 64kN per linear metre per lane

[6.2.2] - Knife edge load (KEL)

The KEL per notional lane shall be taken as 120kN.

[6.2.5] - Single nominal wheel load alternative to UDL and KEL.

As per BS5400 Part 1.

[6.3] - HB LOADING

For all public highway bridges in Great Britain the minimum number of units as type HB loading that shall normally be considered is 30, but this number may be increased upto 45 if so directed by the appropriate authority.

Class of road carried by structure	Number of units of type HB
Proposed Road ⇒ Other public roads	30

[6.3.1] Nominal HB loading. Figure 2 shows the plan and axle arrangement for one unit of nominal HB loading

One unit shall be taken as equal to 10kN per axle (ie 2.5kN per wheel)

[6.3.2] Contact area. Nominal HB wheel loads shall be assumed to be uniformly distributed over a square contact area, effective pressure 1.1N/

As the slab is a two way slab spanning a 1·5m x 1·5m square grid, the worst case loading would be a HA live load of 100kN wheel placed at the carriageway and uniformly distributed over a square contact area assuming an effective pressure of $1·1 kN/m^2$ in the centre of the square grid

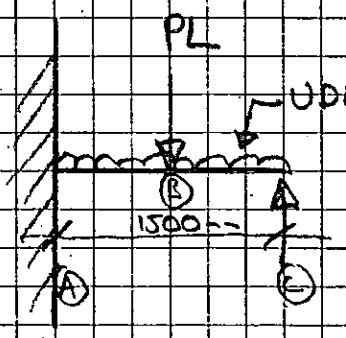
LOADING

Imposed Loading = 1·5 (factor) x 100 = 150kN (Point Load)

Dead Loading = 1.2 (factor) x 24 (concrete load) x 0.25 (thickness) = $7.2 kN/m^2$

In a grid arrangement the end bay is the worst case and can be assumed as a propped cantilever.

For simplicity assume a one way spanning slab.



PL = 150kN

UDL = 7.2 x 1 = 7.2kN/m

↑ assume a 1m strip

LARGEST MOMENT @ A

$$\text{Moment} \Rightarrow \underset{\substack{\uparrow \\ \text{UDL}}}{\frac{-WL}{8}} - \underset{\substack{\uparrow \\ \text{PL}}}{\frac{3PL}{16}}$$

$$\Rightarrow \frac{-7.2 \times 1.5^2}{8} - \frac{3 \times 150 \times 1.5}{16} = -44.2\text{kNm}$$

$\therefore$ Max Moment $= -44.2$kNm

$$k = \frac{M}{bd^2 f_{cu}} \Rightarrow \frac{44.2 \times 10^6}{1000 \times 167^2 \times 35} \qquad k = 0.045 < 0.156$$

$\therefore$ No compression reinforcement required

$b = 1000$mm (1m strip)
$d = 250 - 75 - 8 = 167$mm
$f_{cu} = 35$N/mm^2

$$z = d\left\{0.5 + \sqrt{\left(0.25 - \frac{k}{0.9}\right)}\right\}$$

$$z = 167\left\{0.5 + \sqrt{\left(0.25 - \frac{0.045}{0.9}\right)}\right\} \Rightarrow Z = 158$$

$$A_s = \frac{M}{0.95 f_y z} \Rightarrow \frac{44.2 \times 10^6}{0.95 \times 460 \times 158}$$

$$A_s = 640\text{mm}^2$$

$f_y = 460$N/mm^2

Using T16 bars 5No. $= 1010 > 640$mm^2 (per m width)

$\therefore$ ADOPT T16 BARS @ 200mm c/c

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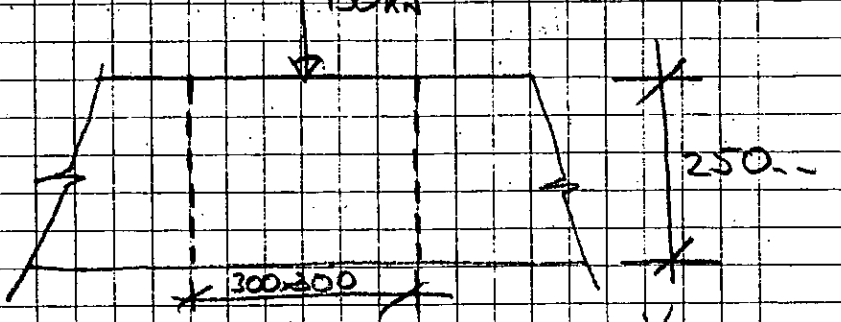
CHECKING PUNCHING FAILURE (150kN Point Load)

- Concrete Slab - New 250mm THICK REINFORCED CONCRETE WITH T16 @ 200mm c/c TOP & BOTTOM IN BOTH DIRECTIONS.



The Maximum design shear stress $v_{max} = \frac{V}{U_o d}$

$\leq 0.8\sqrt{f_{cu}}$ or $5\ N/mm^2$

V - design ultimate value of the concentrated load $\Rightarrow$ 150kN

U_o - effective length of the perimeter which touches the loaded area $\Rightarrow 4 \times 300 = 1200mm$

d - effective depth of the slab $\Rightarrow 167mm$

f_{cu} - characteristic strength of concrete $\Rightarrow RC35 = 35\ N/mm^2$

$\Rightarrow 0.8\sqrt{f_{cu}} \Rightarrow 0.8\sqrt{35} = 4.73\ N/mm^2$

$\therefore \frac{150 \times 10^3}{1200 \times 167} = 0.75 \leq 4.73$ ✓

PRICE & MYERS
CONSULTING ENGINEERS

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Job: 41 WATMORE LANE

Calculation of design shear stress

The nominal design shear stress $v = \frac{V}{ud}$ $v < v_c$

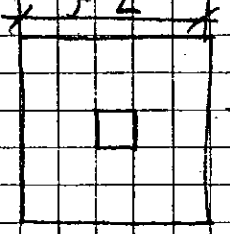
V = design ultimate value of the concentrated load $\Rightarrow 150kN$

u = effective length of the outer perimeter of the zone

d = effective depth of a slab $\Rightarrow 167mm$

Design Procedure

The shear capacity is checked first on a perimeter 1.5d from the face of the loaded area.



$1.5d \Rightarrow 1.5 \times 167 = 205.5mm$

$L = 2 \times 205.5 + 300 = 801mm$

$\therefore u = 801 \times 4 = 3204mm$

$$v = \frac{150 \times 10^3}{3204 \times 167} = 0.28 N/mm^2$$

$$v_c = \frac{100 A_s}{bvd} \qquad \left(\text{Using } \frac{100 A_s}{bvd} \leq \frac{0.15 f_{cu}}{\gamma_{mc}} \text{ from } 3.8 \right)$$

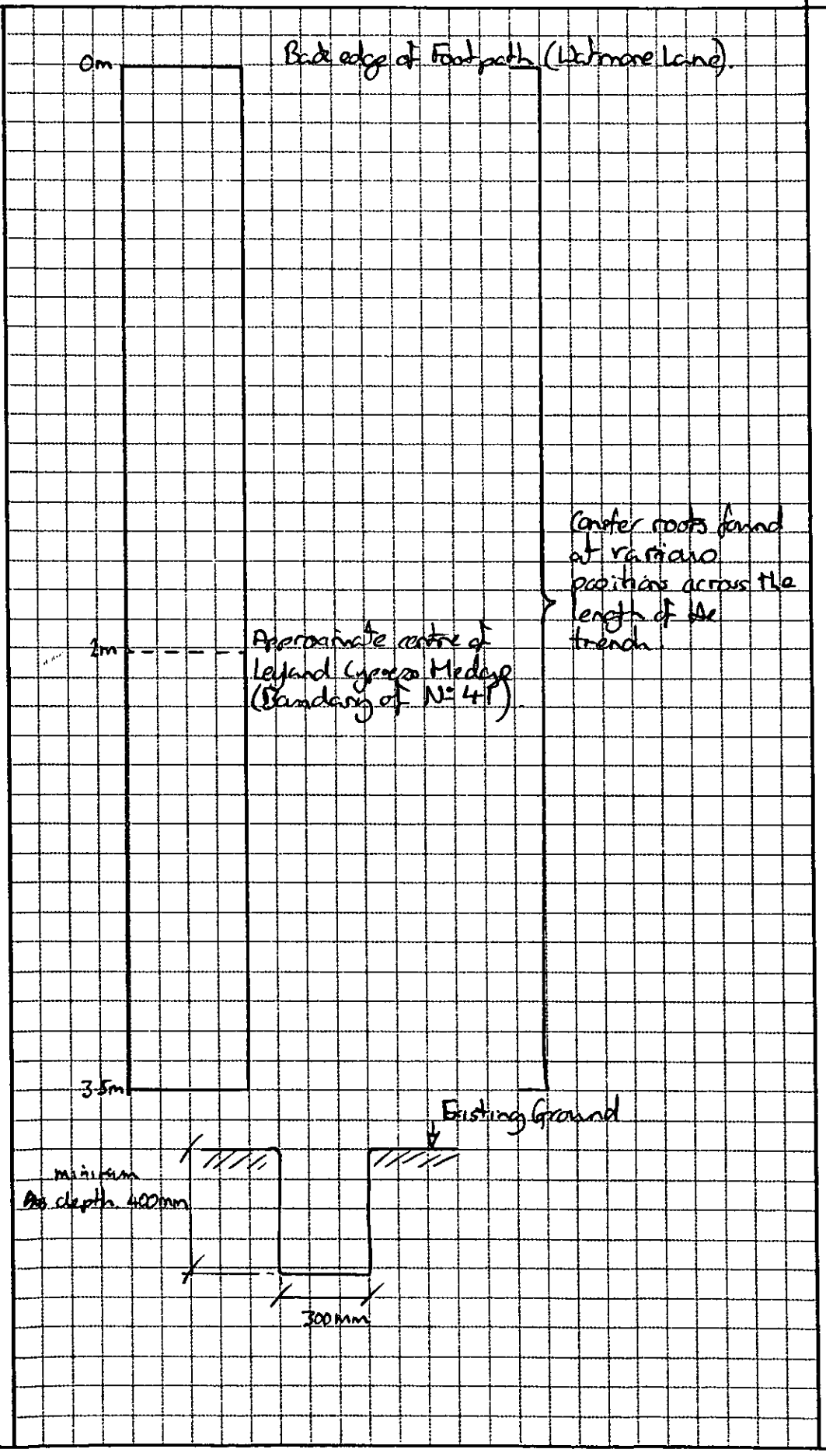
$\therefore v_c = 0.43 > 0.28$ ✓ Therefore no shear reinforcement required

APPENDIX B

APPENDIX E

The Denis Wilson Partnership Consulting Engineers & Transportation Planners	Contract Watmore Lane, Winnerah.			Job No. 2003 - 032
	Date 27.03.03.	Calcs. by	Checked by	Calc. Sheet No.

TRIAL HOLE
Thursday 27 March 2003. CALCULATIONS 2003-032/SI/02 OUTPUT



APPENDIX F

tmc
Arboricultural Consultants

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Fax: 01483 534836
E-mail: rdg@tmcllp.co.uk

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KBL
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GM

Mr G Bignell
Dennis Wilson Partnership
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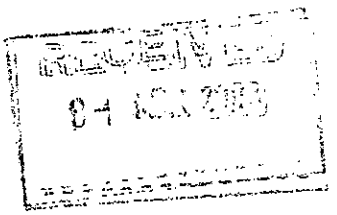

Our Ref: 02062L2.RDG
27 March 2003

Dear Graham

Oak Tree - 41 Watmore Lane, Winnersh

I refer to the site visit on 27 March 2003, to investigate the presence of oak tree roots within the area of the proposed access road.

A linear trench was excavated by hand, parallel to the northeast edge of the proposed access road. The trench extended from the back edge of the public footway to some 3.5 metres into the garden of 41 Watmore Lane. The trench was some 0.3m in width by 0.4m in depth, which is greater than the depth of excavation required to form the proposed access road. I was present during excavation and confirm that no roots of greater than 25mm diameter were severed.

I jointly inspected the open trench with the Council's Arboricultural Officer, Mr Neil Etherington, who confirmed that no oak tree roots were present in the open trench. The only roots identified were those of a Leyland cypress hedge that runs parallel to Watmore Lane.

It was agreed that proposed excavation for the access road would be unlikely to require the severance of any oak tree roots and would therefore not be detrimental to the health or safe life expectancy of this tree. However, the area of proposed excavation for the access road, which extends for some 3.5 metres from the existing public highway, should be excavated carefully and if any roots were to be encountered my advice and that of the Council's Arboricultural Officer would be sought immediately.

If I can be of further assistance please do not hesitate to contact me.

Yours sincerely

R D D Grainger

cc Steve Russell - Linden Homes

APPENDIX G

SAMPLING & TESTING		STRATA DESCRIPTION
		Grass over TOPSOIL. (MADE GROUND)
		Soft brown sandy CLAY. (ALLUVIUM)
0.70	D (001)	
1.00 - 1.45	U (002) 70 blows	Firm brown grey gravelly CLAY. (ALLUVIUM)
1.45	D (003)	
1.70	D (004)	Brown clayey bound GRAVEL. (RIVER TERRACE DEPOSIT)
2.00	CPT N=31 (5,4/7,8,8,8)	Brown flint gravelly SAND. (RIVER TERRACE DEPOSIT)
2.00 - 2.35	B (005)	
2.60	D (006)	Firm to stiff dark brown silty CLAY with occasional sand lenses. (LONDON CLAY)
3.00 - 3.45	U (007) 60 blows	
3.50	D (008)	Firm to stiff grey silty CLAY. (LONDON CLAY)
3.80	D (009)	
4.10 - 4.55	U (010) 65 blows	
4.70	D (011)	Stiff grey silty CLAY. (LONDON CLAY)
4.90	D (012)	
5.10 - 5.55	U (013) 70 blows	
5.60	D (014)	
6.00	D (015)	
6.60	SPT N=13 (2,2/3,3,3,4)	
7.05	D (016)	
7.60	D (017)	
8.10 - 8.60	U (018) 75 blows	
8.60	D (019)	
9.20	D (020)	Very stiff grey silty CLAY. (LONDON CLAY)
9.70	SPT N=15 (2,2/3,4,4,4)	Continued next sheet

STRATA

Legend	mOD	mBGL	Water	S/Pipe
		0.15 (0.45) 0.60 (0.70) 1.30 (0.20) 1.50 (0.90) 2.40 (1.05) 3.45 (1.05) 4.50 (4.40) 8.90		

SAMPLES: D=disturbed B=bulk U=undisturbed TESTS: MAC=macintosh IVAN=vane HPEN=penetrometer SPT=split-spoon CPT=cone WATER: ▼strike ▼rest OTHERS: (2.00)=strata

Chiselling: From 0.00m to 1.00m: 1.25 hours	Type: Cable Percussive Borehole	Ref: GE1781	Position: BH1
Groundwater: Strike at 2.00m; 2.10 after 20mins	Method: Cable Percussive	Start: 25/02/2003	Scale: 1:50
		Finish: 25/02/2003	Size:
Casing: 150mm diameter to 3.00mBGL	Project: 41 Watmore Lane, Winnersh.	Filed: 25/02/2003	Depth: 15.00mBGL
		Eng: JT	Level:
Remarks: Water added from 1.5-2.4mbgl, approximately 75 litres. Backfilled with arisings.	Client: Linden Homes (South East) Limited	Drawn: KS	Figure: FIG
		Ckd: JT	Sheet: Sheet 1 of 2

SAMPLING & TESTING		STRATA DESCRIPTION
10.15	D (021)	Very stiff grey silty CLAY. (LONDON CLAY)
10.80	D (022)	
11.20 - 11.70	U (023) 80 blows	
11.70	D (024)	
12.00	D (025)	
12.80	SPT N=20 (3,2/4,5,6,5)	
13.25	D (026)	
14.00	D (027)	
14.30 - 14.80	U (028) 90 blows	
14.80	D (029)	
15.00	D (030)	End of Borehole at 15.00 m

STRATA

Legend	mOD	mBGL	Water	S/Pipe
		(8.10)		
		15.00		

SAMPLES: D=disturbed B=bulk U=undisturbed TESTS: MAC=macintosh IVAN=vane HPEN=penetrometer SPT=split-spoon CPT=cone WATER: ▼=strike ▼=rest OTHERS: (2.00)=strata

Chiselling: From 0.00m to 1.00m: 1.25 hours	Type: Cable Percussive Borehole	Ref: GE1781	Position: BH1
Groundwater:	Method: Cable Percussive	Start: 25/02/2003	Scale: 1:50
		Finish: 25/02/2003	Size:
Casing: 150mm diameter to 3.00mBGL	Project: 41 Watmore Lane, Winnersh.	Filled: 25/02/2003	Depth: 15.00mBGL
		Eng: JT	Level: -
Remarks: Water added from 1.5-2.4mbgl, approximately 75 litres. Backfilled with arisings.	Client: Linden Homes (South East) Limited	Drawn: KS	Figure: FIG
		Ckd: JT	Sheet: Sheet 2 of 2

APPENDIX H

2002-032

GB 21/3/03
KL
SRT 21/3/03
JM 20/03/03

PRICE & MYERS
CONSULTING ENGINEERS

30 Newman Street London W1T 1LT
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Direct Fax: 020 7462 1392

Fax

Name	Company	Fax number	To	Copy
Graham Bignell	Denis Wilson Partnership	01932 569531	☒	☐

From Spencer Ikin Date 21 March 2003 Page 1 of 1

Project 41 Watmore Lane, Winnersh Ref: 12831

Graham

Further to your recent telephone conversations on the subject of the piling scheme at the above site please find below our comments:-

- We have revisited our calculations with regards to increasing the pile spacing. We can confirm that the spacing can be increased to 2100mm if we decrease the reinforcement spacing. The reinforcement size will stay the same size (T16) however it will need to be reduced from 200mm to 175mm c/c. We have picked this dimension (2100mm) as this will allow 3 rows of piles across the road instead of 4.
- With regards to the size of the piling we have spoken again to our piling contact, now that we have the borehole logs.
- For your records our piling contact is Paul Woodfield of Branlow Piling Solutions and he can be contacted on 01925 639979.
- He visited our office yesterday to discuss the scheme and the type/size of piles and the piling rig. After looking at the borehole logs he stated that he believes a Auger Pile would be the best option for the ground conditions and although a 200mm pile could be used a casing should be used in the top 2-3m. Therefore for the proposes this scheme as the council are mainly interested in the size of hole we need to advise them it will be 220mm.
- He also stated that if the tree died, for what ever reason, there would be a massive uplift force on the piles and no matter what pile was used you could probably not stop this from happening. Even if you increased the depth of the pile this would not help. The piles are only design for seasonal movement.
- The Auger rig is a 3tonne rig and the load is spread into its two tracks. Each track is approx. 300-400mm wide x 1400mm long and they are 500-600mm apart. Therefore the load is spread over a large area. Spreader boards, and even a sand layer, can be used to spread the load even further if required.

We trust that the above if of use.

Regards

SIkin

APPENDIX J

KBL
SRT
JAT. 26/02/03

Denis Wilson Partnership

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Mr N Etherington
Wokingham District Council
Environmental Services
PO Box 153
Wokingham
Berks
RG40 1WW

Our Ref: GEB/me/2003-032

20 February 2003

Dear Neil

WATMORE LANE, WINNERSH

Further to our meeting on site last Friday at the above address, I would confirm that we are arranging for an additional topographical survey to be undertaken to enable us to try to achieve the proposal ramp requirement of approximately 1 in 20 gradient.

As also discussed at our meeting we will be submitting to yourselves for consideration/approval a fully detailed design for the proposed concrete slab as protection to the existing trees roots and this should be available within the next couple of weeks.

Finally, I have also enclosed a set of notes of our meeting which I trust accurately reflects the items discussed at the time.

Should you or Mr Auton have any queries please do not hesitate to call.

Yours sincerely

Graham Bignell
for THE DENIS WILSON PARTNERSHIP LIMITED

Encl.

Copy to:		
	S Auton	Wokingham District Council
	S Russell	Linden Homes
	D Dunlop	Lennon Planning
	D Granger	Tree Management Consulting

Denis Wilson Partnership

MEETING RECORD

Job No: 2003-032 **Job Name: Watmore Lane, Winnersh** **Date: 17 February 2003**

Location: **On Site on Friday, 14 February 2003**

Circulation	
Initials	Date

Attendees:

N Etherington	Wokingham District Council	(WDC)
S Auton	Wokingham District Council	(WDC)
R Granger	Tree Management Consulting	(TMC)
G Bignell	Denis Wilson Partnership	DWP)

REF	ITEM	ACTION
	The purpose of the meeting was to discuss in detail the Council's position in relation to the existing mature oak tree located in the front garden of No 39 Watmore Lane and the proposed access road through the adjacent property No 41 Watmore Lane.	
	DWP tabled Drg 2003-032/01A showing the layout of the proposed access road in relation to the existing tree and the proposed method of construction of the first part of access road ie a reinforced concrete slab supported on a piled foundation.	
	DWP sought confirmation that the proposed junction layout was acceptable in geometric terms ie radi, road width, sight lines etc and WDC (S. Auton) confirmed that this had been previously agreed and was indeed acceptable.	
	TMC/DWP outlined in further detail the proposed method of construction and a general discussion ensued in relation to the protection measures needed to ensure the continued health and viability of the tree.	
	TMC indicated they had previous experience of root protection measures undertaken on similar mature trees adjacent to access roads and that the trees were flourishing 5 or more years after the works had been completed.	
	The principal of the proposed construction method was accepted by both officers from WDC, albeit they required full details of the construction (structural calculations, reinforcement, piling details, full construction method statement, etc). DWP agreed to arrange for these to be undertaken and forwarded to WDC.	
	WDC (N Etherington) stressed that the excavation and piling would need to be undertaken in a controlled manner to ensure loading of the existing area was kept to an absolute minimum and that they may wish to discuss this further with other experts in the field.	

	WDC raised two issues which required to be addressed in detail: ◦ Aeration tubes to be placed through the concrete slab to provide the necessary ventilation of the ground below. ◦ The proposed 1 in 12 ramp was too steep and should be designed to be as close as possible to a 1 in 20 gradient. DWP/TMC agreed to report back to their Client and would forward the necessary information indicated at the meeting as soon as possible.	

APPENDIX K

APPENDIX K

Salient Points from Meeting on 20 March 2003
at Wokingham Borough Council's Offices

- Layout acceptable to A. Auton with the following provisos.
- Anti skid surfacing (shellgrip or similar) to be placed on top of reinforced concrete slab.
- 1 in 40 slope across access road bellmouth.
- No grass in footway. Use APM1 spec.
- Structural Engineers calcs and proposal will be forwarded to WBC agents (Parkman) for approval.
- Neil Etherington had received response from Mr David Lonsdale (Ancient Tree Forum). Was acceptable in principle.
- NE requested 2 No. trenched be hand excavated one immediately in front of existing hedge and one behind existing hedge on private land.
- NRSWA road opening notice would be required for the trench on adoptable highway verge. Apply to Parkman Consulting Ltd for approval (Leighton Mitchell).
- Try for 25, 26 or 27 March or 2, 3 or 4 April.
- NE will speak to Basha Polnik to see if an addendum report can be added to main report to be presented to 9 April 2003 Committee.

APPENDIX L

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Mr N Etherington
Wokingham District Council
Shute End
Wokingham
Berks RG40 1WR

By Fax and Post

Our Ref: GEB/me/2003-032

03 April 2003

Dear Neil

41 WATMORE LANE, WINNERSH

I refer to your telephone call earlier this morning and understand that you have now received comments on the submitted design from your Consultant (Parkmans Ltd)

You require the following minor items to be amended/added and these are set out below:

i) The Method Statement for the excavation works will be amended to include the following paragraph. *"An arboriculturist will be present on site during the course of the excavation works within the protective zone area of the TPO tree."*

ii) `The existing topsoil within the proposed access road footprint will only be removed where there is a need to do so to accommodate the road construction specification depths in relation to the proposed level design. The purpose of this is to reduce any topsoil strip to the absolute minimum.

iii) The proposed new levels of the access road will be lowered where possible to reduce to a minimum any increase above the existing ground levels.

I would confirm that the above mentioned items will be included in a revised set of drawings/specification to be issued as soon as possible and that you will now be recommending to your Committee that this satisfactorily achieves a solution for the protection of the TPO tree.

I trust the above is satisfactory for your purposes and should you have any queries please do not hesitate to call.

Yours sincerely

Graham Bignell

Graham Bignell
for THE DENIS WILSON PARTNERSHIP LIMITED

Copy to: S Russell — Linden Homes
R D Grainger — TMC Ltd
D Dunlop — Lennon Planning Ltd

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