

DELEGATED OFFICER REPORT



WOKINGHAM
BOROUGH COUNCIL

Application Number:	242067
Site Address:	Land Between Lodge Road And Tape Lane, Hurst, RG10 0EG
Expiry Date:	20.11.2024
Site Visit Date:	04.10.2024
Proposal: Outline application for the proposed erection of up to 99 no. dwellings, green infrastructure, open space, pedestrian and cycle links, recreational facilities and other associated infrastructure and access points on Lodge Road and Tape Lane with required improvements. (All matters reserved except for means of access.)	

PLANNING CONSTRAINTS/STATUS

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

PLANNING POLICY

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

	CP17 – Housing Delivery
MDD Local Plan (MDD)	CC01 – Presumption in Favour of Sustainable Development CC02 – Development Limits CC03 – Green Infrastructure, Trees and Landscaping CC04 – Sustainable Design and Construction CC06 – Noise CC07 – Parking CC09 – Development and Flood Risk CC10 – Sustainable Drainage TB05 – Housing Mix TB07 – Internal Space Standards TB08 – Open Space, Sport and Recreational Facilities Standards TB12 – Employment Skills Plan TB21 – Landscape Character TB23 – Biodiversity and Development TB24 – Designated Heritage Assets TB25 – Archaeology TB26 – Buildings of Traditional Local Character and Areas of Special Character
Other	Borough Design Guide Supplementary Planning Document CIL Guidance + 123 List Affordable Housing Supplementary Planning Document Sustainable Design and Construction Supplementary Planning Document A Design for Hurst

PLANNING HISTORY		
Application No.	Description	Decision & Date
220458	Outline application for the proposed development of approximately 200 homes, open space, pedestrian and cycle links, recreational facilities (Use Class E) and other associated infrastructure and primary vehicular access via the existing Lodge Road gated access with required improvements (all matters reserved except for access).	Refused: 22 June 2022. Appeal Dismissed: 09 March 2023
212986	Screening Opinion application for an Environmental Impact Assessment for a proposed development of up to 300 homes, open space, pedestrian and cycle links and other associated infrastructure and primary vehicular access via the existing Lodge Road gated access with required improvements.	Replied: 21 September 2021. Not EIA development.
F/2008/1017	Proposed erection of stables and barn to form equine treatment centre with manege, access and horse walkers.	Refused: appeal dismissed. 5 th February 2009

F/2008/1748	Proposed siting of a mobile home.	Refused: appeal dismissed. 5 th February 2009
F/2007/2154	Proposed erection of stables and barn to form equine treatment centre with manege, access and horse walkers. Storage building for tree nursery.	Refused: 31 October 2007
F/2001/3149	Proposed erection of an agricultural building incorporating farm shop, parking and access.	Refused: appeal dismissed. 23 rd September 2002
F/1999/70600	Proposed Erection Of Building For Use As Farm Shop And Equipment Store And Siting Of One Mobile Home	Refused: 10 December 1999
CLE/2004/1099	Application for certificate of existing lawful use of field for keeping of horses.	Approved: 02 April 2004

CONSULTATION RESPONSES

Internal

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

External

Thames Valley Police – No objection but advise on dwelling and boundary orientation; parking; Defensible Space and Planting; Public Open space; Apartments; Lighting; and Boundaries with neighbouring uses.
Environment Agency – Objection on the grounds of inadequate FRA and ecology impact on a main river ditch.
Active Travel England – No comment
RB Fire & Rescue – Advisory response
SSE Power Distribution – There is a LV line to the east of the site.
Thames Water Utilities Ltd – No objection subject to conditions
Berkshire Archaeology – No objection subject to a condition.
Natural England – No objection subject to the advice provided.
SGN – There is a low-pressure mains to the east of the site.
Gigaclear – there are broadband connections close to the site
NHS – Objection In an absence of any meaningful mitigation to be secured in this planning application, the ICB would raise objection to the proposed development in this regard.

REPRESENTATIONS

Parish/Town Council	Objection based on the following reason: • Conflict with WBC development plan, spatial strategy and policies including CP1, CP2, CP3, CP6, CP9 and CP11, CP17 and MDDL Policy CC01, CC02, CC03 and TB21. • A new Local Plan Update has been published • Hurst is an unsustainable location • The local bus service is infrequent and unreliable • The proposed new minibus service for 10 years does nothing to improve access to the rest of the borough • Major safety issue is buses were re-routed along Tape Lane • It is difficult to envisage how the improvements to pedestrian routes between Hurst and Twyford would be implemented in practice given the constraints and cost. • Other sustainability measures proposed are little more than window-dressing to try to create the impression that Hurst can be turned into a sustainable transport location. The reality is that it cannot be. • This plan additionally relies on third party agreements including the Parish Council's agreement to use the School Road playing field to provide rear access to the Village shop. There is no evidence that any relevant third party has been approached. • It is unclear what improvements are being proposed • Appendix 1 contains photographs of the site flooded in 2017, 2021, 2022, 2023 and 2024. There was also severe flooding in Tape Lane, adjacent to the site, in 2023 and 2024 • if the proposed SUDs succeed in reducing the risk that the site itself floods less frequently, they would do so only by pushing the problem of flood water to other vulnerable locations around the village • Hurst has a high water table • Hurst has a significant and growing flooding problem • Flooding • Adverse Impact on landscape character • The proposed new development would fail to conserve the low-density pattern of development in Hurst village • The loss of the Land between Lodge Road and Tape Lane also known as the 'Inverted C' referred to by previous Inspectors is considered an important landscape character, would be a significant loss. • Loss of agricultural land and biodiversity
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	• The Biodiversity Net Gain proposals are overly optimistic
Ward Member(s)	None
Neighbours	216 letters of objection received which are summarised as follows: <i>Principle of development</i> • The site is outside of development limits and contrary to planning policy • The proposal is contrary to policy CP11 • The proposal is contrary to the development plan • The site is within the designated countryside • Hurst is a Limited Development Location • As a land locked housing development this site is wholly unsustainable and falls a long way short of new far larger housing developments and associated facilities under construction around purposefully planned, designed and built infrastructure in Wokingham that negates the increased dependence on car travel and road infrastructure that this development will necessitate. • This scale of development is better addressed by only building sizable estates in areas directed by the area plans, as carefully worked on by the council planning experts over a number of years where infrastructure has been properly considered. • It is a greenfield site unsuitable for development • 45 new houses have already been approved in Hurst • The quantum of development is excessive • Wokingham Borough Council has already exceeded its five-year deliverable housing supply • The site was assessed for the local plan update and was found to be unsuitable • It is in conflict with CS Policy CP17 which sets out that sites to be identified in Limited Development Locations should generally not exceed 25 dwellings, having account of the limited nature of services and facilities within that location, including the limited capacity of the local primary school. • This proposal will increase the number of dwellings in the village of Hurst and Whistley Green by a high percentage • The tilted balance is tempered by the regulation 19 stage of the Local Plan update. • Loss of BMV and food security • Other brownfield and grey belt land in the borough should be prioritised over this

	• Previous applications and appeals on the site have been dismissed • Nothing has changed since the 2023 appeal decision • The proposal will detrimentally impact the character and appearance of the area • The development isn't in keeping with the rural feel of Hurst • The development is out of proportion with the village • The rural character of the village will be lost • The proposed development is totally wrong for a village of rural character • It would be a suburban development attached to a small village • Tape Lane has strong rural feel that will be lost • The beauty of looking over the field is a delight • It would urbanise Hurst • The development is in no way consistent with the rural nature of this part of the local area, much of which contains Listed Buildings, Conservation Areas and Areas of Special Character • The green spaces will not hide the scale of development • Hurst does not have street lighting, and we want to keep it that way to avoid light pollution in a rural area • Light pollution would urbanise the countryside and the village • The proposal makes no attempt to fit with the organic growth of either the historic settlement of Whistley Green or the historic settlement of the village of Hurst/Wards Cross • This proposal would be a poor transition into the countryside as the scale and density is wholly inappropriate and is in conflict with WBC CS Policy CP9 • It does not respect the transition between the built up area and the open countryside, by taking account the character of the adjacent countryside and landscape and is in conflict with WBC MDD Policy CC02. • The proposed illustrative urban 'Common' will not be in keeping with the rural character • The proposed 3 accesses and associated visibility splays on Tape Lane will leave wide gaping holes where there were once old hedgerows • The LVIA and photo montages do not show the 3 access onto Tape Lane • The development will be highly visible • Lodge Road will no longer be a verdant country road • The rural landscape and the inverted 'C' between Whistley Green and Hurst that has stood unchanged
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	for centuries, will disappear and so this is a significant harm and a disbenefit. • Hurst residents already have access to allotments and a lovely orchard with stunning views (next to a pub, which is even better). • The proposal does not retain or enhance the condition, character and features that contribute to the landscape • The application is contrary to the Landscape Character Assessment • This estate is not sympathetic to its surroundings in style or density, and does not enhance the general locality • The road proposed for access is rural and unlit, with hedges, ditches, bends and no footpath on most of its length • Out of character housing density • Local roads are busy and unlit • Increase in traffic • The proposed "footway" by the existing allotments would remove a valuable car parking space used for visitors to nearby houses. • Local roads have poor visibility • There is regular speeding along local roads especially when using a buggy • The primary vehicular exit onto Lodge Road would be insufficient to cope with the volume of traffic • Increase in parked cars elsewhere on the village • The accesses indicated and wider development proposed are not capable of sustaining the increase in traffic anticipated • Motorists already flout the 'access only' restrictions along Tape Lane, using it as a rat run for the primary school • Buses using Tape Lane would impact the safety of the road • The RSA confirms that the bus will definitely swing out across the proposed exit at the Northern end of Tape Lane to exit the development and therefore any parking by the residents will be dealt with by parking restrictions. This certainly won't benefit the existing residents • It would seem that to accommodate the entrance at Lodge Road Access, the bus would either have to do a far longer route to accommodate the existing stops, thereby lengthening the journey (this currently is one of the longest TVB routes they have) and disrupting it for those further along the route, or it will necessitate the removal of the existing route through the village,
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	almost certainly that along School Road. That is clearly a disbenefit to the existing residents. • The rerouting of the 128/129 is a disbenefit as it will reduce the service to the existing residents. • The emergency access could be used by motorists • The proposed cycle lanes are advisory and not legally enforceable • The number of entrances to residences is considerable along the proposed element of 'shared surface route' between Hurst and Twyford and all of these will have cars turning into and coming out of their driveways • What the RSA has not taken into account is in the Autum/Winter/Spring, when the sun is low, many vehicles are blinded momentarily as they drive along the A321. • The RSA has not acknowledged that the A321 floods along Broadwater Lane frequently and this also causes dangerous traffic conditions. • The changes to the A321 may make drivers use Tape Lane • Cars will not longer be able to park outside of the village shop. • The TA underestimates the level of the traffic movements • The site has poor public transport facilities • There is a shortage of local school places • Hurst has not been considered to be suitable for this scale of housing development • There are no doctors' surgeries and only one shop • Local roads are busy and would not support the development • The site and area floods • The service charge will fall on occupiers of the affordable houses • There is no employment within the village and occupiers will be dependent on commuting to other areas • Twyford Station overflow car parking has already informally taken over about 100 metres of kerbside parking on the A321 Hurst Road • Cycling is not a realistic alternative to the car • The roads in and around Hurst are unsafe • The road that is proposed for access has limited parts with a footpath and is a road where people speed regularly. • There is limited infrastructure in Hurst • The proposed minibus will not be sustainable • Lack of suitable pavements
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	• Footpaths are not joined up • Altering the route of the 128 bus to go through the development would disadvantage existing residents who may use the bus at bus stops along Sawpit Road, School Road and Wards Cross. • The exit of the bus on to Tape Lane is not a workable suggestion. The road is not wide enough, has residents cars parked on it • Adding a minibus service which the new residents would have to pay for (approx. 770 per house for the first year and presumably increasing thereafter) seems to be a very half baked scheme which is unlikely to go ahead. • Several of the proposed improvements require third party approval - Thames Valley Buses, Hurst Parish Council, and other landowners - there is no guarantee that these would happen. • Using the buses is very time consuming • Cycling is not a viable alternative • Twyford has limited facilities • Cars will be reliant for school journeys • The local Primary School is full • There are no nearby secondary schools • the proposed vouchers/mini bus schemes would be unsustainable longer-term, and add additional costs to people already struggling with finances enough to purchase 'affordable housing'. • The concept of sending this bus down Tape Lane to access the site is inappropriate, since access is insufficient with residents parked in the road on both sides of the north end of Tape Lane. • The proposed scheme offers no additional school capacity • The proposed minibus will not compensate for the poor local bus services • This proposed service will be costly to the new residents • The Transport Assessment Image 7.6 WBC LCWIP Infrastructure Improvement Plan, illustrates the extent of the proposed alterations, a number of which are unachievable while others are aspirational using terms such as 'investigate the potential for' or 'consider' or 'review the potential for' • The Road Safety Audit raises several significant safety issues particularly with regard to proposed Advisory Cycle Lanes, Shared Pedestrian/Cycleways and narrowing of the A321 in the centre of the village. • It is proposed to widen the pedestrian footway on the northern side of the A321 Broadwater Lane between
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	Hogmoor Lane and Hinton Road and reduce the existing A321 road width to 5.5 metres, this is less than the required 6 metres for carriageways carrying bus routes. • Current bus service is unviable • The development will destroy the ecology on the site • The biodiversity net gain is incorrect - the harm done to hedgerows in the construction of accesses and the impact of local pollution on site will counter any benefit from the tree planting. • There will be an adverse affect on the flora and fauna. • Existing hedgerows will be lost • The local pumping station does not have sufficient capacity. • There will be light pollution • The BNG inaccurately measures the loss of hedgerow • The Ecology Report and BNG metric does not take into account the removal of two large oak trees prior to the previous application • Ecology Report account for the decimation to the field where the entrance from Lodge Road is to reduce the value of the Biodiversity • The BNG does not acknowledge, take into account the disruption and resowing after an extensive number of Archaeological trenches were dug prior to the previous application • The BNG and Ecology Report has no regard that this site is a valued local wildlife corridor adjacent to DEFRA National Nature Recovery Network Enhancement Zone 1 and this site is within the designated DEFRA Habitat Network Expansion Zone. • The proposal will result in a loss and displace local wildlife • The proposal does not avoid the ecological impact and the mitigation proposed is far from adequate • This application is contrary to WBC Biodiversity Action Plan (2014) • We live close to this field and over our time here have seen many times when the field has become waterlogged • The field and area floods • The proposal will increase flooding • The village is on a flood plain • The field has a high water table • The field foods every year • Sewage infrastructure is inadequate • Hurst suffers from regular flooding • Poor drainage on the site
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	• The recently published WBC DRAFT S19 Flood Investigation for Hurst is not taken into account by the FRA and Drainage Report. • Food risk in Hurst is now accepted by WBC as a 1 in 3 year event • The site is within 10 metres of Whistley Court and Lea Farm Landfill Site which generates an additional 80 cubic metres of toxic leachate per day that enters the wastewater drainage network in Lodge Road – this has not been taken into account in the FRA. • I have experienced three floods in recent years - the flood water being 7 ft from the front door. The main drains during this time have overflowed • Drainage ditches should be re-instated • The community of Hurst is against this • This application is very similar to application 220458 that was refused by Wokingham Borough Council on 22 June 2022 and later soundly dismissed at appeal on 9th March 2023 (APPEAL REF: APP/X0360/W/22/3309202) • The application will be altered later if approved • Hurst and Wokingham Borough Council has not changed since the last proposal was dismissed at appeal. • Wokingham has a sufficient supply of houses. • There is low demand for additional housing in the village • The applicant does not build housing developments • The development is wholly reliant on third party negotiations • There are few benefits to the scheme • The proposed lockers aren't of any great benefit. At the moment the Post Office and Village Shop offer this facility. • There is no indication that the illustrative 'Common' will be registered as 'Common Land' and therefore no guarantee it would delivered or remain as such in perpetuity. • Hurst does not need a common and has public open spaces to served the village • The development should incorporate energy efficiency measures • Noise pollution • The off-site works are reliant on third party agreement
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APPRAISAL

Procedure:

A Screening Opinion issued on September 2021 considered a 300-dwelling housing application was not EIA development that required an Environmental Statement. The quantum of development is lower for this application and there is no good reason to take a contrary view to the previous Screening Opinion. A previous appeal for 200 houses was not screened by the Inspector and therefore not deemed to be EIA development.

Site Description:

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

Principle of Development:

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

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

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

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

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

considered unsuitable for development in Housing and Economic Land Availability Assessment.

Parts of the site border the Limited Development location known as Hurst. The Core Strategy sets out that the development within Limited Development locations should generally not exceed 25 dwellings. Therefore even if the site was within the development limits of the village, the 100 unit proposal would be wholly disproportionate in scale to the size of the village and the limited range of facilities and services within it. There are also negative character and appearance impacts as a consequence of the large-scale development being out of keeping with the small historic incremental growth that characterises this small rural village.

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

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

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

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

CP11 seeks to restrict development outside of settlement limits because it is not generally well located for facilities & services and promotes a harmful reliance on private motor cars. This is a key spatial objective in the Core Strategy *‘to concentrate development in the areas with best access to users/occupiers and other services’*. An objective of the MDD Local Plan is increasing the use of non-car based transport. This matter is assessed further in the *‘Accessibility’* section of this report. The proposal conflicts with this objective and the relevant development plan policies.

The location of this speculative development on a greenfield site in the countryside conflicts with the clear spatial objectives of the development plan and policies CP1,

CP2, CP3, CP6, CP9 and CP11 of the Core Strategy, CC01, CC02 and TB21 of the MDD Local Plan, the Borough Design Guide SPD and sections 2, 4, 8, 9, 12 and 15 of the NPPF.

Local Plan Update:

The Local Plan Update (LPU), the plan which will supersede the Core Strategy and MDD Local Plan, is at the consultative stage of preparation. To date, the Council has consulted on two draft strategies for the LPU: the Draft Plan (2020) and the Revised Growth Strategy (2021). The revised Growth Strategy is currently at the regulation 19 stage.

The site not allocated as part of the LPU. The site was promoted for the Local Plan Update but it was not carried forward into the draft strategy. The Housing and Economic Land Availability Assessment (HELAA) (2021) considered the site to be unsuitable, inappropriate to the existing settlement form, pattern and character of the landscape and perform poorly in respect of highways and accessibility issues.

Given the LPU is at a consultative stage, the draft strategy and related draft policies have limited weight in determining planning applications at this time. It must also be recognised that the assessment of land in the HELAA is high level with the purpose of informing options within the plan-making process. It is not comparable to a planning application, however, it is nonetheless useful in providing an understanding as to how the site is viewed in context of plan-making. It also shows consistency with how the site has been reviewed by previous Inspectors.

Housing Land Supply:

To achieve sustainable development, the NPPF requires LPAs to identify a five-year supply of specific deliverable sites to meet housing needs. However, against this requirement, the Council is currently only able to demonstrate 3.2 years' worth of deliverable sites, rather than a four-year supply required [a 4-year supply is required due to the stage of the local plan update]. Subsequently, Core Strategy Policies CP9 and CP11, as well as MDD Local Plan Policy CC02 identified above, which are most important for determining applications for new housing, are considered out-of-date in accordance with Paragraph 11 of the NPPF.

Paragraph 11 states that where policies which are most important for determining the application are out-of-date, permission should be granted unless:

- the application of policies in the Framework that protect assets of particular importance provides a clear reason for refusing the development; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Firstly, in considering i), it must be recognised that the proposed site is not located within any protected areas or assets of particular importance (as outlined above and within footnote 7 and paragraph 181 of the NPPF). Officers must therefore consider the application under ii) and determine whether there are any adverse impacts generated

by the development that would significantly and demonstrably outweigh the benefits. This is referred to as the 'tilted balance', as harm and benefits are not weighed equally, but tilted against any adverse impacts.

In acknowledging the requirements of paragraph 11(d) ii) and the tilted balance being engaged, it is necessary to consider the underlying reasons for the shortfall in deliverable housing sites in order to understand whether there are any circumstances which affect the degree to which the tilted balance is engaged.

Firstly, the identified shortfall is acknowledged to not be a result of under-delivery of housing but is in fact due to a significant over delivery in recent years, reducing the bank of land with extant planning permissions. All evidence and assessments show that whether the housing target is defined through the requirement set out in the Core Strategy or the outcome of the Standard Method set out in National Planning Practice Guidance, delivery has significantly exceeded the target. If over delivery was taken into account over the whole Core Strategy plan period or since the introduction of the standard method, there would be no shortfall over the coming five years with over delivery significantly exceeding the shortfall.

In this context, the weight to be attached to the benefits of additional housing under paragraph 11 of the NPPF should be moderated. This reflects the approach set out in a number of appeal decisions, including the 2023 dismissed appeal on this site, where the Inspectors have recognised the over delivery position. This was factored into the overall weighting of the benefits of the scheme.

Taking previous Inspector's conclusions from past appeal decisions into consideration, it would indicate that whilst the tilted balance is engaged, this tilt is tempered due to past over delivery for those reasons outline above. Having established the tilted balance is 'tempered', Paragraph 11d(ii) requires the proposal to be considered against the policies of the NPPF taken as a whole. This is returned to in the planning balance section of the report.

Minerals and waste:

The application site is located on sand and gravel deposits. The settlement areas of Hurst and Whistley Green have the strongest presumption against Sand and Gravel extraction, as set out in the Central and Eastern Berkshire Joint Mineral & Waste Plan.

Policy M2 states *'sharp sand and gravel and soft sand resources of economic importance, and around active mineral workings, are safeguarded against unnecessary sterilisation by non-minerals development.'* The policy then states *'Non-minerals development in the Minerals Safeguarding Area may be permitted if it can be demonstrated through the preparation of a Mineral Resources Assessment, that the option of prior extraction has been fully considered as part of an application, and:*

- a. Prior extraction, where practical and environmentally feasible, is maximised, taking into account site constraints and phasing of development;*
- or*
- b. It can be demonstrated that the mineral resources will not be permanently sterilised; or*

c. It would be inappropriate to extract mineral resources in that location, with regard to other policies in the wider Local Plans.'

The site area is 10.68ha and is therefore over the 3ha threshold set out in the supporting text of the policy, where sites smaller than 3ha are considered uneconomic.

A Mineral Safeguarding Assessment has been submitted and concludes that gravel deposits cannot be considered a fully economically exploitable mineral resource based on the following:

- *Surrounding land use include residences and roads that significantly reduce the exploitable volume of material and present significant challenges to allow local authority approval of mineral extraction.*
- *The materials would require post extraction processing to remove the fine materials (clay, silt and sand sized particles) and separate any over-size gravel or cobble sized materials to make it usable for construction purposes.*
- *Dewatering of excavations is anticipated due to perched groundwater within the Kempton Park Gravel Member.*
- *Site entrances situated on Lodge Road and Tape Lane are insufficient to handled quarrying traffic and therefore upgrading of junctions is possibly required.*

Taking the above into consideration, it is accepted that mineral extraction would not be viable for this site.

Agricultural land classification:

The agricultural land is classed as grade 3b and 3a. Approximately 5.9 ha of the site is grade 3a, which is best and most versatile agricultural land in the NPPF. Policy CP1 states development should avoid areas of best and most versatile agricultural land. The proposal would therefore conflict with this policy and para 180b of the NPPF.

Justification for the Loss of the BMV land was submitted as part of the previous appeal in 2022 and this has been appended to the Planning Statement.

The previous Inspector attributed disbenefits to the loss of BMV after reviewing the report and stated at para 72 of the decision letter:

'I consider that the appellant has undertaken a far more rigorous and detailed assessment of the potential agricultural or horticultural uses of the land than has the Council, and I therefore give the appellant's position and conclusions more weight. It seems clear that viability is a key issue, and whilst the potential of BMV land is recognised, there is no strong evidence to indicate any likelihood of an agricultural use starting up again on this land. Times do change, however, and it is clear that if this development proposal goes ahead, the land would be lost for any future agricultural use. Because of this I conclude that the loss of some 5.6ha of BMV agricultural land would be a disbenefit of

this proposed development, and would be at odds with both CS Policy CP1 and paragraph 174(b) of the Framework. But for all the reasons set out above, I consider that this should only carry modest weight against the proposal.'

There is no evidence to depart from the position of the previous Inspector that the loss of BMV agricultural land would be a disbenefit and would be at odds with both CS Policy CP1 and paragraph 180(b) of the Framework.

There is also a contradiction in the submission in that the areas of open spaces proposed are considered to remain as productive arable agricultural land – these uses are however irreconcilable with each other. The Planning Statement States '*a considerable area of the BMV agricultural land is to be retained as common land. This will retain the quality of the BMV land, in keeping with its historic use. Retaining a larger area of this site as open space will protect BMV land, and allows the new decision maker to come to a different view.*' However, it would not be common land or open space if it were to turn into arable farmland.

Quantum, scale and design:

Policy and guidance

Policy CP1 of the Core Strategy states that planning permission will be granted for development proposals that '*maintain or enhance the high quality of the environment*'. Policy CP3 of the Core Strategy states planning permission will be granted if development is '*of an appropriate scale of activity, mass, layout, built form, height, materials and character to the area together with a high quality of design*' and contributes '*to a sense of place in the buildings and spaces themselves and in the way they integrate with their surroundings (especially existing dwellings) including the use of appropriate landscaping*'. The supporting text to policy CP3 also sets out that development should be of a high standard of design that can integrate with the character of the area as this is important to achieving sustainable development.

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

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

'How is design considered in outline planning applications?

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

[...]

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

Assessment

A Parameter Plan has been submitted showing the broad areas for development, open spaces and access roads. An indicative layout plan has also been provided showing how the blocks of development could be laid out and relate to the access road.

The most immediate feature of the Parameter Plan is the piecemeal nature of the development with two detached blocks of housing and a further detached access road isolated to the north that would span across open land and be largely decoupled and unrelated to the proposed housing and existing settlement limits. The access road carves through the open fields to the north and appreciably expands the areas of development beyond where the residential dwellings would be located. Whilst all the land would not be developed, the spread-out nature of the access road and development result in an impact and influence of built form expanding into the entire site and land beyond what would be generally be expected of a development of this scale.

The housing areas would integrate poorly into the settlement pattern of the village. The northern block would be surrounded by open land on all sides with only a small section linking into Tape Lane, it would be perceived as an isolate block of housing largely surrounded by open land.

Around half of the northern development block would front onto a section of Tape Lane that has rural characteristic, comprising of a single carriageway, low density houses, and field boundary hedgerows. The scale and character of this large block of suburban development would detrimentally alter the character of the road and be at odds with the rural characteristics of it.

The southern block of houses would also be largely surrounded by open land with only the south-western corner being near existing building form. This again would relate poorly to the existing settlement pattern and grain of development in the village, creating a large suburban housing block sitting predominantly in open land.

The failure to relate well to the existing pattern of development in the village is also compounded by proposed landscape buffers between the housing areas and the existing settlement, which creates an uncharacteristic separation and detachment from the compact village form.

The detached main access road is a poor design that would appear as an alien urban feature in open fields/green open space. There would be large section detached from the houses and the lack of enclosure to this road would be add odds with the enclosed road and lanes in Hurst. This would be a poor design feature in any development but would appear particularly jarring and stark in the setting of open fields next to a small rural village surrounded by countryside.

The access road would also result in a poor public realm. The main access is oriented away from the village and would be onto an isolate and rural section of Lodge Road. To this extent it would also make the development poorly legible and incongruous within the rural setting because it would be perceived from Lodge Road as a new road in the middle of a field with little clue of where it leads. There would be no southern footpaths from this access tying it to the village in which the house would share the Hurst address.

The access road would have an approximate 300m section with no passive surveillance or enclosure with buildings and this would make the walking environment a poor one. It is not clear whether this section of the road is intended to be lit by street lighting, but an absence of lighting would further impact the usability and perception of safety of an isolate through field – equally lighting this section of the road would emphasize the incongruous placement of the road away from built form, appearing particularly stark outside of daylight hours. This dichotomy highlights the poor design and layout that is inherent with this development on this site. Different consultees have also requested conflicting requirements for the lighting of the development and access road due to its countryside location, ecology considerations and requirement to be safe – neither option results in a good outcome for the context of the site and development proposed.

The proposal access road would result in a large insular cul-de-sac that does not integrate well into the existing village layout and does not result in cohesive or legible part of the area. As Tape Lane comprises of single-track sections, the development does not have any permeant vehicular access points onto this road, and it would sit behind the carriageway and existing hedgerows. Whilst the development does not turn its back onto Tape Lane, equally it doesn't satisfactorily front onto it, or relate to it either. The development would have several footpaths linking to Tape Lane but it would largely feel and operate as two isolated enclaves tagged to the edge of the village rather than being integrated into it, the separate access road compounds this effect.

Policy CC02 and Section 8 of the Borough Design Guide SPD states that the aim of new development located within the edge of a settlement should be to recede and soften in relation to adjoining countryside. This guidance is set out for development in settlements but on the boundary edge. As established, the site is not within settlement limits and therefore the importance to respect adjoining countryside is substantially heightened. The proposal would fail to assimilate into the rural landscape and would create a more urbanising suburban form of development in the countryside that would be out of keeping with the rural character of the area. This impact is compounded by the fragmented characteristics of the layout and access road, which would be in open land rather than appearing as a natural and proportionate evolution to the settlement.

The quantum and area of the development would be out-of-scale with the small villages of Hurst and Whistley Green. Hurst is a small settlement that is defined as a Limited Development Location and has no defined local centre. The proposed housing estate on the edge of the village would result in an urbanising extension, resulting in a disproportionate addition that would fundamentally alter the character and appearance of the settlement in a harmful way. It would be a large monoculture suburban housing estate that would be not relate well to smaller incremental growth that characterises

the village and emphasises the appropriateness of the designation of Hurst as a Limited Development Location.

Whilst the quantum of development has been reduced from 200 to 99 dwellings since a 2023 dismissed appeal (APP/X0360/W/22/3309202), in many respects the parameters that will establish the broad layout would result in worse form of piecemeal development than the previous proposal.

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

Landscape

Policy

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

TB21

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

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

CP11

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

CP1

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

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

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

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

The requirement to contribute and enhance is also consistent with the clearly stated objective at para 180 of the NPPF:

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

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

Landscape Character Assessment

Area C2 – ‘Hurst River Terrace’

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

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

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

Valuable Landscape Attributes are set out as:

- *Peaceful and open character of the undeveloped arable and pastoral landscape when removed from the intrusion of major roads to the south, which provides an escape in close proximity to the urban population.*
- *Rural settlement pattern of small villages with historic cores and farmsteads*
- *A network of narrow rural lanes with characteristic roadside ditches which contribute to scenic quality.*

Key issues established include the following:

- *Demand for residential development increasing linear development along rural lanes and continuing to push towards the amalgamation of close settlements*

Whistley Green and Hurst impacting rural character. Incremental suburbanisation of buildings.

- *Increasing traffic on rural lanes has led to creation of informal passing places and consequent demands for upgrading the winding network of rural lanes with new signage, line painting and widening is threatening the intimate rural character of the lanes.*
- *Hedgerow loss associated with past expansion of fields and intensification of agriculture.*

Some guidelines for the Landscape are:

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

Area B1: Loddon River Valley with Open Water

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

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

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

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

Assessment

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

The submitted LVIA identifies a range of adverse impacts from a variety of viewpoints which would result in a Medium magnitude of change and moderate adverse impacts. Views from the occupiers of the surrounding residential dwellings and views from the neighbouring fields do not appear to have been assessed. Some loss of landscaping, hedgerows and grass verges as a result of proposed footpaths, road widenworks, visibility splays and highway works outside of the site do not appear to have been identified in the LVIA.

As stated in the LCA, a key issue for the local area is *'demand for residential development increasing linear development along rural lanes and continuing to push towards the amalgamation of close settlements Whistley Green and Hurst impacting rural character. Incremental suburbanisation of buildings.'* The proposed development directly conflicts with this key issue and a proposal for a 99-unit housing development with the isolated access road would significantly erode the limited remaining gap between these historic villages.

The Inspector for the 2023 appeal dismissed the proposal partly on the landscape harm. He stated:

'As such, I consider it self-evident that the appeal proposal would have an adverse impact on the rural character and appearance of the appeal site, and would inevitably have an adverse impact on the visual experience of users of

Tape Lane and Lodge Road by bringing a more developed feel to the whole area. Because of the scale of the proposed development and the fact that its impact would be experienced from many different locations, albeit within fairly close proximity to the site itself, I share the view of my colleague Inspector who determined an earlier appeal at Lodge Road, that the harm caused in landscape character and visual terms should be categorised as being at the upper end of the moderate scale.

Drawing the above points together I therefore conclude that the appeal proposal would have a moderate adverse impact, at the upper end of the scale, on the rural character and appearance of the appeal site and surrounding area, and would fail to conserve the low-density pattern of settlement centred around Hurst and Whistley Green as set out in the C2 LCA landscape strategy. I weigh these harms against the benefits of the appeal proposal in the planning balance section of this decision.'

Whilst the development has been reduced in scale the detrimental effect on the landscape would have lasting harmful impacts. The same access road from Lodge Road is still proposed and as stated above, the removal of development around the northern section of the road results in a fragmented layout that is in some ways worse than the previous development proposed. This design approach also leaves piecemeal sections of open land surrounding the houses and access road.

The Inspector for a 2019 dismissed appeal along Lodge Road for 5 houses adjacent to the site noted the separation of Whistley Green and Hurst stating:

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

[...]

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

[...]

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

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

The site is in the countryside on the settlement edge where development should be drastically reduced and resemble a more isolated pattern of development seen in rural areas, not excessively encroaching upon it. Therefore, the proposals fail to meet policy CC02 which states that planning permission for proposals on the edge of settlements will only be granted where they can demonstrate that the development including

boundary treatments is within development limits and respects the transition between the built-up area and the open countryside by taking account of the character of the adjacent countryside.

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

Light pollution from the development would detrimentally impact the dark skies which are beneficial characteristics of the countryside setting of the village. Thames Valley Police have advised that the lighting of the development should follow the British Standard and that small bollard lighting is not appropriate for designing out crime *'bollard lighting is not an appropriate lighting method, and should be avoided. Not only can they can be damaged by reversing vehicles, more critically they do not provide sufficient light at the right height to aid facial recognition and reduce the fear of crime. It also does not deter crime and antisocial behaviour'*. The result of this is that the access road and development would be uncharacteristically lit by street lighting, making it a prominent urbanising feature at odds with the village and the rural section of Lodge Road it will link into.

The council's Landscape officer advises that other key elements on the site are the existing trees and hedges and other vegetation. The Tree Survey reveals at least 6No. Veteran trees but most likely 8. These are high quality visual and biodiverse elements that contribute to the value of the landscape character. There has been no development on the site since the first OS Map – 1873, and some of the trees that are on site today are probably included on this map – which also gives the site its 'time-depth' quality. Located broadly between 2 country lanes, and despite some housing to some to its periphery, the site has a tranquillity and sense of place that contributes to the overall setting and character of Hurst and Whistley Green. The council's Landscape Officer has objected to the development.

The proposed access will involve widening Lodge Road and this results in the loss and impact on hedgerows, planting and trees along a sizeable western section of the road. The hedgerow/vegetation along Lodge Road also appears to be closer to the road than as depicted on the drawings and this impact has not been fully considered in the application submission. The widening of the road would result in a more urbanising, stark and less organic road layout. Hedges and vegetation would be removed and pushed back from the carriageway for highway works and to maintain safe visibility splays. As stated previously, the access in this undeveloped section of the road and isolated road would appear as an alien and incongruous feature to this section of Lodge Road.

Further established hedgerow removal would be required along Tape Lane which would detrimentally impact the character and appearance of this rural lane. This consideration is also set out in the Tree section below.

In summary, the proposed development will have a detrimental impact on the character and appearance of the area by reason of developing an open green field in the

countryside that has a positive impact to the area and the setting of the Village of Hurst and Whistley Green. The proposed development is contrary to Core Strategy policy CP1, CP3 and CP11, MDD Local Plan policy CC01, CC02, CC03 and TB21, The Borough Design Guide SPD and sections 12 and 15 of the NPPF.

Trees:

During the application amended highways plans were submitted showing the revised carriageway along Lodge Road being located further to the east.

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

A large section hedgerow will be removed to facilitate the entrance from Lodge Road. From the council's site visit, the hedgerow and vegetation along the Lodge Road appeared nearer to carriageway than as depicted in the plans. As a result, more of the hedge/planting would have to be removed and cut back. The council's Tree and Landscape Officer has advised that there is insufficient information to understand the full extent of the removal and protection of hedgerows and trees to the north of the proposed access.

A section of the G38 a group of trees will be removed to facilitate the emergency access from Tape Lane. Further removal will be required for pedestrian access and visibility splays. For example, the visibility for the emergency access and pedestrian crossing would actually require an 80m section of established hedgerow/planting to be the significant cutback and predominantly removed.

Two mature trees in the path of the proposed access road were felled prior to the previous application and the degradation impacts of this are considered in the Ecology section of this report.

The Transport Assessment includes potential offsite footpath and highway works but there is no supporting arboricultural information for these elements and therefore it is not possible to gauge the impact on nearby trees. Whilst they are described in places as consisting of no-dig construction this is not always conducive of providing a level path. Given these works are marked as 'potential' works, are off-site and related to accessibility – the lack of agricultural information for this provision is tied into the accessibility reason for refusal.

There are veteran trees on the site and the council's Tree and Landscape Officer has advised:

'The access road corridor from Lodge Road goes between, 2 Veteran trees; T14 and T70 which follows the line of the Veteran tree buffer zone through a gap of 17m. Despite the allowance of the Veteran tree buffer zone, the engineering to construct the road between this gap, including kerbs, excavation for the road of at least a minimum of 300mm depth, will affect the balance of the wider rooting area of the trees that have been growing in open land unimpeded by constraints – which is why they have become so large. The

change to their wider environment will likely have an impact on them over a period of time.'

Whilst these trees are proposed be retained, the development could impact them overtime resulting in their premature deterioration within the landscape. The impact on Vetreran Trees is also considered int the ecology section of this report.

The loss of hedegrows and landscape features of the site factors into the Landscape reason for refusal.

Neighbouring Amenity:

The Parameter Plan shows parts of the site will abut existing residential boundaries and the full impact on residential amenity could only be fully assessed at the reserved matters stage.

Notwithstanding the above, the parameters set out show public open space encircling the developable area and this would result in existing private gardens now fronting onto areas of public open space. One property in Tape Lane and approximately 8 at Martineau Lane will have their rear gardens adjacent to public areas. The illustrative Masterplan depicts public footpaths and open space adjacent to these rear gardens. The consideration to avoid conflict between private gardens and public areas is a well-established urban design principle that the parameters of this development would fail to achieve. Whilst set out in this section, it is an urban design consideration factoring into reason for refusal three.

Amenity of future occupiers:

Notwithstanding the indicative layout submitted, if approved, the council would be granting permission for a quantum of development of up to 100 houses.

The Borough Design Guide recommends a minimum garden depth of 11 metres to provide usable outdoor amenity space. It also states minimum back-to-back distances of 22 metres and back-to-side separation of 12 to maintain privacy a limit a sense of enclosure. It is considered this could likely be achieved in Reserved Matters details.

Highways and parking:

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

As this proposed development is over the threshold for strategic modelling, the council's Highway Engineer has advised they would have expected that the Borough's strategic modelling would have been used to ascertain the impact of such a development. This was not carried out. Notwithstanding this, for the previous application for 200 homes that was dismissed at appeal, strategic modelling was used to assess the impact of that development, and it was agreed that there would be no significant impact on the rest of the highway network. As this proposed development is less than half that which was previously proposed, the council's Highways Engineer is

content that the impact would be less and that there would be no need for strategic modelling to have taken place.

The sole vehicle access to the site would be via Lodge Road. The development includes widening this section of the road so that a central lane would be provided for vehicles turning right into the development. It is however also proposed that there would another emergency/bus access into the site from Tape Lane which would also be available for cyclists and pedestrians.

Visibility splays for the proposed new access have been submitted and these are in line with the 85th percentile speed of Lodge Road. This would require the removal of a sizeable section of the hedgerow and vegetation along the road. Swept path and tracking drawing have been submitted and this show suitable manoeuvring for large vehicles.

Road Safety Audits have been submitted and these demonstrate a satisfactory safety impact from the main access.

Detailed internal site road dimensions and parking layouts would be details submitted as part of the Reserved Matters.

Concerns have been raised by residents and the council's Highway Engineers regarding the finer detail of potential offsite highway works relating to footpath widening, crossing points and cycle infrastructure. These are however not related to the main access and relate to the sustainability of the site which is considered in the following section. Overall, even if the measures are demonstrated to be feasible it does not make this site or the small village of Hurst a sustainable location suitable for major development.

Overall, there would be no detrimental impact on highway safety as a result of the proposed access arrangements.

Accessibility:

Policy & Guidance

Policy CP9 of the Core Strategy states *'the scale of development proposals in Wokingham borough must reflect the existing or proposed levels of facilities and services at or in the location, together with their accessibility.'*

Policy CP6 states of the Core Strategy states:

'Planning permission will be granted for schemes that:

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

The supporting information in policy CP6 states:

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

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

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

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

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

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

The Chartered Institution of Highways and Transportation (CIHT) document ‘providing for journeys on foot’ states approximately 80% of walk journeys are less than one mile. The average length of a walk journey is one kilometre (0.6 miles). The location of local facilities would fall outside of this norm.

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

Along with distances, the movement framework should be safe, convenient and

inclusive. This is set out in CS policy CP2, Manual for Streets and the National Design Guide.

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

Assessment

Pedestrians

There is only one footpath that links the site to the Village of Hurst and this is at the northern end of Tape Lane. The single footpath at the northern end of Tape Lane is only on one side of the road and is less than the minimum footpath width of 2 metres, as set out in MfS. Potential footpath widening has been proposed in the TA along this road and would provide a 2m wide pavement by eroding the characteristic grass verges along the road. Tape Lane has no street lighting and there is no pavement on the other side of the road.

The footpath north from Tape Lane connects into the A321 which has intermittent and narrow footpaths. There are multiple sections of the pavement that are narrow where wheelchair or pushchairs would not be able to pass side by side. The pavement also abruptly stops at points, causing pedestrians to cross the well trafficked A road and then back again. Whilst footpath works are proposed along this section of the road, the pavement would still be considerably below the minimum footpath width of 2m in sections. The A321 is a busy road and the narrow footpath next to the carriageway along with requirement to cross the road and walk in a single file in sections would not result in an attractive or inclusive walking environment to all pedestrians. There are no crossing points further along Broadwater Lane to School Road and School Road and the rest of Hurst equally has limited and narrow pedestrian infrastructure.

There is no footpath along the southern part of Tape Lane and pedestrians would have to walk along the singletrack unlit carriageway for approximately 135m. There is also a blind corner into School Road with limited visibility to oncoming traffic. Whilst potential offsite footpath improvements along this section of the road are proposed, this does not provide a continuous footpath and would still require residents to walk down and narrow unlit road – the same offsite works were proposed as part of the 2023 previous appeal.

With respect to walking along Tape Lane, an Inspector's decision in 2019 (APP/X0360/W/18/3194044) set out the unsuitability of Tape Lane to be relied upon as a pedestrian access for a scheme of 5 dwellings and the proposal here is for 99. The Inspector stated, *'the walk to the village store could of course take a detour along Tape Lane, but this involves further walking along a stretch of road with no footway. Tape Lane serves a number of residential properties and is unlikely to be a reasonable option because of the likelihood of conflict with vehicular traffic'*. Potential offsite highway works along the southern section of Tape Lane do little to change the walking

environment.

A new northern footpath is proposed on Lodge Road (B3030) which would result in the loss of sections of a roadside hedge and verge [considered in the Landscape section], which would join into an existing footpath. However, the existing footpaths are very narrow (less than 2m) and intermittent, any individual walking northward would have to cross Broadwater Lane twice to the opposite footpath because the existing pavement stops. There is also a section with no footpath where the Elephant Castel car park is located. The footpath then terminates completely about 60m from Lodge Road and pedestrian would have to navigate the busy junction with Broadwater Lane. A new footpath northward was also proposed as part of the previously dismissed appeal.

There are no footpaths along the southern section of the B3030 that would link the main access to Hurst and none on southern section of Tape Lane. The lack of footpaths and quality of them that link into the site result in a poorly permeable development and would fail to encourage walking.

The poor quality of the walking environment of this small rural village was also established by an Inspector for 200 houses on the application site in 2023:

'it is not just distance which has to be considered, but also the standard of the network available to pedestrians. Put simply, the existing network of footways within this settlement is not good. As I saw at my site visit, and as is clearly demonstrated in the evidence of Cllr Smith, many lengths of road within the village either have no footways at all, or only on one side of the road, with these footways being of varying standard and width, with most being well less than 2.0m wide.

This is not untypical of rural settlements, but whilst it is clearly an accepted fact of life for existing residents, I am not persuaded that it is the sort of network which should simply be expected to absorb and accommodate the additional usage likely to arise from a further 200 dwellings. I acknowledge that the appeal proposal would bring with it a good quality of pedestrian and cycle paths within the development itself, and would also provide a length of new footway on Lodge Road, a small amount of new footway at the Tape Lane/School Road junction and some additional areas of tactile paving on these roads. But these improvements seem very modest in the context of the village as a whole, and would do little to improve the walking network to the local facilities to which I have already referred.'

Further in the village, there is no footpath along Hoog Lane, Orchard Road, Church Hill or Lines Road, which are single track unlit roads. As would be expected in a small village in the countryside, there are limited pavements in Hurst and those that do existing are generally on one side of the road, less than 2m wide and have no street lighting.

Overall, opportunities for pedestrians are very limited with a single pavement connecting this site of 99 houses to Hurst. The walking environment and experience would be a poor one that would fail to deter the use of private motor vehicles and encourage a modal shift to walking and cycling.

The site would not be connected to any local centre or employment areas. Some limited facilities are within 800m include a small bakery (infrequently open), convenience store and public house. There is a Primary School, Community Hall and Nursery to the south but as aforementioned, there are no footpaths linking the site to School Road and parents and children would have to walk down a single-track road with no street lighting and a blind corner.

There is also no information in the submission regarding the Local Primary School capacity to take children from the scheme or whether the development would displace children within the village to travel further afield for primary school education. This school is oversubscribed and the increase in primary school age children from the development would not be inconsequential.

Whilst potential offsite works have been set out in the Transport Assessment this does not alter the fundamental reality of the limited facilities within this small rural village and the associated pedestrian environment. Even where footpaths are proposed to be widened, there are still multiple pinch points and narrow sections less than minimum footpath widths and a lack of street lighting and crossing points generally within the settlement. There are also many other connecting roads within the village that have poor pedestrian infrastructure.

Potential works along the A321 are set out in the TA towards and into the neighbouring settlement of Twyford but this would not fundamentally alter the sustainability of the site due to the walking distances that are significantly beyond those set out in policy and guidance, lack of passive surveillance, limited street lighting and being adjacent to a heavily trafficked road.

None of the offsite highway works have been supported by arboricultural information or assessed as part of the LVIA. Some of these highway works require the removal of hedgerows trees and other characteristic features of a small rural village and are not in the control of the applicant. Broadwater Lane (A321) is also an Area of Special Character and the potential highway works have no supporting information regarding the impact on this non-designated Heritage Asset.

Potential pedestrian access to the shop via the creation of a new narrow alleyway has been set out in some of the supporting information but given the narrow width, enclosure, lack of street lighting and no passive surveillance, this would not be a good design outcome. It would also expose the side boundaries of residential dwellings to a public area, which is an established urban design problem. The Parish Council, who own some of the land required for this connection, advise that they have not agreed to these potential works.

The indicative layout of the proposed scheme includes lots of footpaths detached from carriageways with limited or no passive surveillance. This is not conducive to encourage walking and cycling as these would be poorly overlooked areas, especially the new main access road to the north.

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

footpath changes in the TA do not significantly change the sustainability of this small rural village.

Buses

There are bus stops along the A321 for the 128/129 bus, which is a subsidised service. The frequency of 128/129 service does not meet the good service criteria as set out in policy CP6:

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

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

There are no services on Sundays. Services during peak hours do not have a frequency of 30 minutes. Services off peak have a frequency greater than one hour. There are no services in the evening with the last bus being around 6pm towards Reading and 7.30pm towards Wokingham. The first bus of the day is also relatively late at 7.45am towards Wokingham and 7.25 towards Reading.

The majority of the dwellings would be more than 300m from bus stops along the A321. There are bus stops along School Road but, aforementioned, there is no continuous footpath for pedestrians to walk to School Road. These stops would be approximately 380m from the centre of the site. There are no shelters or seating at these stops.

The bus service has not materially changed since the 2023 appeal, where the inspector established:

'Having regard to all the above points, I share the view of both the Council and the SNHPC that the 128/129 bus service is unlikely to be seen as an attractive alternative to the private car, and therefore would not offer residents a genuine choice of transport modes.'

There are no nearby secondary schools. The nearest secondary schools are between 3 – 4.5km from the site as the crow flies. The bus service does not go near the Piggot School (north of Twyford), the nearest stop in Twyford is 1.5km away. The infrequency of the service would also make it unpractical for school children. Morning busses would either result in pupils being significantly early or considerably late.

As the bus service does not meet the good criteria set out in CP6, the buses to secondary schools' southward towards Wokingham would generally be out of phase with start and finish times. Pupils would also have a choice of arriving appreciably before school opening times or being significantly late. Homeward journeys would result in lengthy waiting times for buses, which would be half an hour in some cases, and long journey times home of up to one hour.

Access to the same local schools via this bus service was considered recently in the 2023 appeal and the inspector stated:

'I share the Council's view that the bus timetable does not align well with most of the schools' finishing times, meaning that there is the potential for children to have to endure a long and inconvenient wait at the bus stop.'

A further fact noted by the by the Inspector in 2023 was the infrequent bus service to the GP surgery. Whilst the time of the bus has changed, there is still only one service per weekday:

'A final point raised by Cllr Smith and others is that there is only one bus service a day to the GP Surgery in Twyford, at 15.46, with no return journey. Using public transport in such circumstances would clearly be problematic, and like the Council I consider that the limited timetable and the consequent long intervals between services has the potential to cause significant inconvenience and long waits for travellers. A bus service contribution is included within the UU, but as the Council's Mr Adam confirmed, this contribution would not make the service financially self-sustaining, but would simply serve to reduce the funding gap.'

The 2020 Inspector for 5 dwellings along Lodge Road also considered that bus service would not be convenient enough to result in a modal shift away from private vehicles and considered the issues of subsidised travel:

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

There has been no material change in the bus service since the previous appeals, it has the same poor service which is subsidised by the council.

Potential bus service increases are set out in the TA and includes a new minibus service which has been calculated to cost £173,000 per annum. The funding of this service would, at best, last 10 years as developer contributions of £86,500 per annum would stop after 10 years, and this would be the main funding stream. As well as developer contributions, it would be reliant on a service charge of 73k per annum for the residents of the development, equating to approximately £740 per household whether they use the service or not. This cost would also be liable for the affordable homes. The service itself is described as creating £10,000 per annum from local venue. This proposed service is therefore unsustainable to fund itself; the shortfall is significant. The service would only operate infrequently and would provide limited travel to parts of a neighbouring village. It would also compete with the existing subsidised bus service. Overall, the financial burden on future residents, temporary level of funding and limited service offered does not result in a realistic sustainable option.

The TA also refers to potential re-routing the existing 128/129 bus route through the site. The Council's Highway Engineer has raised some scepticism about the practicality of this and the impact it would have on the existing service. Local residents have also raised concerns about this given that journey times are already lengthy and the potential loss of existing bus stops. This would also require Tape Lane to be altered to

accommodate buses by removing informal on-street parking and incorporating traffic regulation orders. The internal layout would need to be designed wide enough to cater for bus movements and the 'Avenue' typology proposed in the submitted Character Area document for the potential bus route seems at odds with the narrow roads and lanes that characterise the area and the village.

Overall, the existing bus service is limited and proposed improvements are not a sustainable solution and emphasise the spatial strategies importance of locating major housing developments in major sustainable locations with established transport connections, rather than on the edge of small villages in the countryside.

Cycling

There are no cycle lanes along the road network that connect to the site. The nearby A and B rural roads are busy, narrow and unlit and this would impact the attractiveness of cycling. The Inspector for the 2023 appeal stated that *'cycling is not likely to be a significant alternative mode of transport used by occupants of the appeal site.'*

Proposed potential off-site cycle improvements northwards would be somewhat fragmented between on road advisory cycle lanes and shared cycle footpaths. For example, the TA addendum shows that cyclists traveling northwards along the A321 would have to stop and dismount on the carriageway shortly after the Elephant and Castle Pub and then cross the road to pick up the shared foot and cycle path. Cyclist would then have to cross the road again to another section of advisory cycle path within Twyford before Wellington Close and then ride onto the pavement again before Twyford Train Station. The Road Safety Audits provided highlight that cars would have to enter into the advisory cycle lanes to avoid crossing the central reservation. Given the high-volume cars along these roads, this would be a constant occurrence.

The potential advisory cycle lanes and shared cycle/footpaths do not fundamentally change the sustainability of this scale of development to a small rural village given cycling has a very limited proportion to modal journeys and the quality of the cycling environment.

Rail

Twyford railway station would be an approximately 2.5km walk from the centre of the site which is outside of any recommended walking distance. The footpaths along the A321 are only one side of the road for large sections and have narrow sections less than the minimum 2m metre width. Large sections of the road have no street lighting, are well trafficked and benefit from no passive surveillance due to the rural location. The potential offsite works towards the railway station do not change the length of the journey being outside of recommended maximum guidelines and narrow sections of the pavement would still remain.

Summary

The 2023 Inspector for the previous appeal found the site to be unsustainable. Whilst the works to the surrounding network have been set out as potential improvements, these do not fundamentally alter the reliance of future occupants to undertake vehicle

trips for basic day-to-day needs given that Hurst is small village in the countryside with limited facilities, pedestrian infrastructure and served by a poor bus route. Some of the off-site works appear unconnected to the development proposed given the distance from the site and the impact they would have on the development.

As set out above, the 2023 Inspector found the site to be unsustainable and whilst the quantum of dwellings has been reduced, it is still appreciably greater than what is deemed suitable for Limited Development Locations. The Inspector stated:

‘Drawing the above points together, I conclude that the appeal site is not a location which can currently be considered sustainable for a development of the size and scale proposed through this appeal, nor do I believe it would be made sustainable by the improvements and contributions offered by the appellant through the appeal proposal itself, and the obligations within the UU. Accordingly I further conclude that the proposed development would be at odds with CS Policies CP1, CP2, CP3, CP6 and CP11, MDDL Policies CC01 and CC02, and Section 9 of the Framework.’

The assessment on the accessibility of the site is also consistent with the previous appeal decision for 5 dwellings along Lodge Road, where the Inspector concluded:

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

[...]

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

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

A recent appeal (APP/X0360/W/24/3342812) for 25 dwellings located more centrally to the village of Hurst noted the unsustainability of the village and this site was next to the Local Primary School and Village Hall. The Inspector stated:

‘the basic facilities and services in the village and the nature of the bus service, mean the scheme would result in a reliance on private motorised transport to a degree as residents travelled further afield to access what was not provided locally. In this regard I find it contrary to Core Strategy Policies CP1, CP2, CP3 and CP6, which together seek to direct development to sustainable locations where there is transport choice.’

Whilst the above appeal was allowed, it was significantly better sited and integrated into the village and was a smaller scale of development that more closely aligned with Hurst's Limited Development Location status.

Hurst is a small village in countryside designated as a Limited Development Location due to the facilities and service within it and access to them. The quantum of development proposed is excessive and the housing land supply position does not alter the scale of development that is sustainable within the village. In conclusion, the application site is poorly located regarding facilities and services and the occupiers of the 99 dwellings would be overly reliant on private motor vehicles, conflicting with policies CP1, CP2, CP3, CP6 and CP11 of the Core Strategy, CC01 and CC02 of the MDD Local Plan, the Borough Design Guide SPD and section 8 & 9 of the NPPF.

Flooding and Drainage:

The site is within Flood Zone 1. There is a main river (Hatchgate Ditches) along part of the Western boundary of the site. There are pockets of the site that historically suffer from surface flooding and areas around the edge of the site, including Tape Lane, have a risk of surface water flooding. The access point onto Lodge Road is identified as an area at risk from surface water flooding.

The Parish Council and local residents have submitted photographs showing surface water on the site and stated that this is a recurring event.

Following flooding across Wokingham on 31st March 2023, Wokingham Borough Council, as the Lead Local Flood Authority (LLFA), undertook a formal flood investigation under Section 19 of the Flood and Water Management Act 2010. The draft report highlighted flooding in Hurst. Whilst none of the flooding events or effected properties were directly related to the application site, the report highlights that the flooding experienced in Hurst was strongly linked to a lack of capacity along main rivers and ordinary watercourse systems, due to the presence of debris or heavy vegetation growth.

The Environment Agency (EA) have objected to the development based on the Flood Risk Assessment (FRA) being unsatisfactory. They have stated that the FRA fails to:

- *Provide a design flood level for the 1% Annual Exceedance Probability flood extent plus an appropriate allowance for climate change (1%AEP+CC), therefore it is unclear what impact the development may have on flood risk, and whether or not the development would be safe for its lifetime.*
- *Take the impacts of climate change on fluvial flood risk into account.*
- *Demonstrate that finished floor levels will be set above the 1% annual exceedance probability (AEP) flood level with an appropriate allowance for climate change.*
- *Demonstrate that the development would not adversely impact floodplain storage.*
- *Demonstrate that the requirement for a buffer strip of at least 8m to the main river has been met.*
- *Consider the impact of the proposed new crossing over the main river.*

The EA have elaborated on the concerns for the proposed access which cross the Hatchgate Ditch. They state:

'We note that the proposed access off Lodge Road would cross over a culverted section of a channel that is part of the Hatchgate Ditches and is classed as main river. No details have been provided with regards to the proposed access that show how the access works would interact with the watercourse. As this development will take place on a culverted section of the Hatchgate Ditches which is main river, it will require a flood risk activity permit (FRAP) under the Environmental Permitting (England and Wales) Regulations 2016. We are unlikely to grant a permit for this proposal.'

'The applicant may require a Flood Risk Activity Permit (FRAP) to undertake the proposed works as the main river [Hatchgate Ditches] runs adjacent to the site. As submitted, it is unlikely that a permit would be granted. The applicant would need to demonstrate that the proposed works will not adversely impact on flood risk or the watercourse.'

The EA advise that a permit is unlikely to be permitted to undertake works to the ditch and considering this is the only vehicle access to the site, would make the scheme unviable.

The Council's Drainage Engineer has assessed the application and raised no objections (subject to a condition) to pluvial flooding on the site and advised the following:

'The development proposes attenuation (via detention basin, swales, retention basin, permeable paving...) with controlled discharge into the existing watercourse, at no more than 17.7l/s, as represented by proposed drainage strategy drawing 500-01 P04 dated 10/06/2024 (Appendix A). Causeway calculations dated 18/07/2024 indicates flooding of one pipe within network 1, during the 1 in 100-year flood event with a 40% allowance for climate change. We note that sides slopes for the attenuation features are proposed at 1:3 but for the retention basin (pond) with a depth of 2.14m the slopes need to blend more smoothly with the landscape.'

This is however a separate matter to the fluvial flooding objection raised by the Environment Agency.

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

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

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

Ecology:

Net Gain

There is a statutory requirement to provide at least a 10% Biodiversity Net Gain for this application. The Council's Ecologist has raised several concerns with the information currently submitted to establish the on-site habitat baseline. These concerns broadly relate to onsite habitat degradation prior to the relevant surveys being undertaken and the application being submitted, and how certain habitats have been identified.

Degradation of the site via the loss of two veteran trees, identified as T85 and T86 in the Ecological Impact Assessment (EclA) has been accepted by the applicant. It appears these trees were cut down shortly before TPO 1781/2021 was served in March 2021 and the application was submitted for the previous 200 dwelling application.

The loss and compensation of irreplaceable habitat is not to be resolved within the biodiversity net gain metric and instead, a separate suitable compensation strategy needs to be agreed. No compensation strategy has been submitted. On the basis that a compensation strategy does not exist, this proposal should be refused as per National Planning Policy Framework paragraph 186 (c). The council's Tree and Landscape officer has also raised concerns about the proximity of the development to Veteran Trees and the long-term impact on them.

The council's Ecologist has advised that further information submitted does help address some of the concerns raised regarding the biodiversity net gain baseline assessment of the site. However, there are a number of parts where there remain in disagreement. For instance, they have advised that they are not convinced that it is correct that the grassland in the north-west of the site has not degraded when considering the ecology survey information from that was determined at appeal in 2023. Reference is made to survey quadrats for from the May 2024 survey but no detail of that survey is supplied and the council's Ecologist has stated that they cannot follow the logic that the change in habitat type is down to a change in the version of UKHabs.

The council's Ecologist has further advised that:

'I do not agree with all of the condition assessments explanations on the basis of the current evidence submitted.

I cannot recommend that the local planning authority can agree the biodiversity net gain survey baseline. The supporting evidence is insufficient to be able to agree that the survey date used for the baseline assessment reasonable to use. If permission is refused, then it is appropriate at this stage to include a reason for refusal that:

By virtue of a lack of accurate information, an assessment date for baseline biodiversity value cannot be agreed. Therefore an assessment of how 10% biodiversity net gain will be achieved is not possible and as such, if granted planning permission, there is no guarantee if 10% biodiversity net gain will be achieved, hence would be contrary to Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).'

The Environment Agency has also advised that it is unclear what the enhancement of the watercourses/ditches are in the BNG Metric. They have also objected further regarding the ecological impact on the Hatchgate ditches, which are a main river channel and this is set out below.

Environment Agency

The EA object to the proposed development, due to its impacts on nature conservation, physical habitats and Water Framework Directive (WFD) requirements. The development proposed in the southern part of the site has the Hatchgate Ditch main river channel running south to north along the western boundary and a ditch (D2) along the southern boundary. The access road also crosses this main river channel. The EA have advised that it will require a flood risk activity permit (FRAP) under the Environmental Permitting (England and Wales) Regulations 2016 and that they are unlikely to grant a permit for this proposal.

The EA further set out the reason for this objection:

'No details have been provided with regards to the proposed access that show how the access works would interact with the watercourse.

As this development will take place on a culverted section of the Hatchgate Ditches which is main river, it will require a flood risk activity permit (FRAP) under the Environmental Permitting (England and Wales) Regulations 2016. We are unlikely to grant a permit for this proposal'

[...]

'In determining the FRAP for this development, we will consider how the development affects water biodiversity and the wetland environment, in line with the relevant legislation. We'll also assess its compliance with the Thames River Basin Management Plan (RBMP). The RBMP states that the water environment should be protected and enhanced to prevent deterioration and promote the recovery of water bodies. We therefore seek the removal of existing culverts wherever possible.

The proposed development may prevent the reversal of a substantial loss of watercourse habitat due to the existing culvert due to the creation of the proposed access road and the current outline landscape proposals for this area of the site.

This objection is supported by paragraphs 180 and 186 of the National Planning Policy Framework (NPPF) which recognise that the planning system

should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity. If significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort compensated for, planning permission should be refused. Opportunities to incorporate biodiversity in and around developments should be encouraged.'

The EA then state that it may be possible to overcome this objection by removing the culvert and re-instating an open watercourse and suggest a clear span bridge to allow the unobstructed flow of water and passage of wildlife beneath it. This would be a material change from the current application.

Bats

The council's Ecologist has advised that the amended EcIA did not include a detailed bat activity report referred to. Paragraph 2.17 of the EcIA still advises that the bat activity surveys were ongoing and Paragraph 2.19 makes reference to a detailed Bat Activity Report (16452/R02) that was not submitted alongside the revised EcIA. Therefore, there was insufficient up to date information for the local planning authority to be able to consider the potential impact of this development proposal on European Protected Species. This report was later submitted on the day of determination but was unable to be factored into the assessment due to the lateness it was received.

The council's Ecologist has further advised that:

'Paragraph 2.20 of the EcIA refers to a Ground Level Tree Assessment Plan, 16452/P07 that should be in Appendix 3. This is now supplied. However, it has become clear in the response to my first memo that a ground level tree assessment (as described in the bat survey guidelines) has not taken place. The applicant's ecologists have only conducted a preliminary ecological appraisal. I recommend that this cannot give the local planning authority confidence that appropriate protected species mitigation measures are embedded within the parameters plan. Approval on the current evidence risks agreeing to development in proximity to a bat maternity tree roost without sufficient buffering to be confident of retention.'

The current proposal has not demonstrated compliance with the guidance set out in ODPM circular 2005/06, nor with local plan policies CP7 and TB23.

Other species

Notwithstanding the above objections, the council's Ecologist has advised that acceptable impacts could be demonstrated with respect to badgers, birds and reptiles subject to conditions. The Binfield Badger Group have also recommended a condition should the development be approved.

Heritage:

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

between the site and those listed buildings (60+ metres from Elder Cottage, the closest of the listed properties to the site) is believed to be such that the proposed access and residential development would not unduly affect the setting of those designated heritage assets.

The Heritage Officer has advised that the proposed housing development would consequently lead to further consolidate the amalgamation of two historically separate communities of Whistley Green and Hurst village.

The potential changes to the A321 would impact a section of Hurst that is an Area of Special Character. These are non-designated heritage assets of groups of buildings where there is a consistent period or character reflecting the areas past but where a Conservation Area designation may not be justified. The changes to the A321 are not set out in any heritage assessment. These offsite works are referenced as 'potential' development but there is concern regarding how they would impact the area of special character by adding additional street clutter that detracts from the simple linear road.

Archaeology:

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

There are potential archaeological implications as demonstrated by Berkshire Archaeology's Historic Environment Record. Previous investigation on this site have identified archaeology which needs further mitigation. A phase of trial trench evaluation, which took place in relation to earlier application ref: 220458 for this site in November/December 2022, identified wide areas with archaeological features including complex ditch arrangements, stake-holes and burnt features, all evidencing a potential for further archaeological investigation to facilitate a better understanding of past activity on the site, enable preservation by record, and mitigate the impacts of the development.

Berkshire Archaeology have advised that as the application site falls within an area of archaeological significance and archaeological remains may be damaged by ground disturbance for the proposed development, a condition should be recommended to mitigate this impact. Had the application been acceptable, a condition requiring a phased scheme of archaeological works would have been recommended.

Public Rights of Way:

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

Affordable Housing:

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

The Affordable Housing Officer has advised that onsite affordable homes should be provided with a tenure mix of 70% Social Rent (28 dwellings); 25% First Homes (10 dwellings); and, 5% Shared Ownership (2 dwellings).

The Social Rent should be provided with the following mix: 8 x 1 bed flats; 6 x 2 bed houses; 12 x 2 bed flats; 8 x 3 bed houses; and, 6 x 4+ bed houses. Although this housing mix would have to be considered as Reserved Matters in association with character and appearance considerations. Small flats may not be appropriate for the rural setting of the site.

As stated above, all units within the development would potentially be liable to a service charge to fund a new mini-bus service. Such a charge would be consequential to the affordable units and compromises benefits of the affordable housing being delivered.

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

Environmental Health:

The site is opposite Whistley Court & Lea Farm Landfill site therefore there could be a risk of landfill gas migration which requires investigation. The Environmental Health Officer has advised that this is a relatively largescale development, and an initial ground site investigation is included in the supporting documents. Whilst this addresses some of the contaminations issues, it does not mitigate the requirement for a condition so secure an Investigation and Risk Assessment. Had the application been acceptable, a condition would have been recommended securing this information.

The Council's Environmental Health Officer has also recommended conditions regarding hours of operation for the construction phase, along with a construction management plan. This will minimise noise and disturbance to neighbouring residents.

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

Employment Skills Plan:

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

ESPs are worked out using the Construction Industry Training Board (CITB) benchmarks which are based on the value of construction. As the application is for outline planning permission with details regarding scale and layout reserved matters, the ESP cannot be accurately calculated at this outline stage. Had the application been acceptable, the requirement for and ESP with have been a Heads of Term on associated Legal Agreement.

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

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

Thames Basin Heaths SPA:

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

The Public Sector Equality Duty (Equality Act 2010):

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

Other matters:

Objection letters have raised issues within existing capacity of healthcare provision and in particular local doctor's surgeries. The NHS Senior Primary Care Estates Manager for the area has advised that there is insufficient clinical space to accommodate residents that will live in the development. Their response is based on a formula of patient numbers to floor area but there is no bespoke information regarding the local surgery and how the contribution would increase the clinical floor area to accommodate residents from the development. NHS funding would come from the occupiers of the properties via the normal taxation route and insufficient information from the NHS has been provided at this stage to determine whether any capacity related issues are in reality a wider NHS funding issue or a legitimate planning matter for this application. Based on the information provided, no contribution has been sought at this stage.

Planning Balance:

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

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

Whilst the policies which are most important for determining the application are out of date by virtue of the absence of a 4-year housing land supply, that does not mean such policies carry no weight. The weight attached to the development plan policies are a matter for the decision maker. The conflict with the spatial strategy of the plan still weighs against the application and the designation of Hurst as a Limited Development Location is for good reasons. The quantum of 100 houses on the edge of this small countryside village is inappropriate for the reasons set out regardless of the supply position.

The Council cannot demonstrate a 4-year housing land supply and therefore the development must be assessed in line with Paragraph 11d(ii) and against the policies in the NPPF taken as a whole. The three overarching objectives contained within paragraph 8 of the Framework seek to balance growth and local community needs against protection of the natural, built and historic environment. The benefits and disbenefits are therefore considered against these three broad topic areas below.

Social

As with all housing development, the proposal would result in some benefits. This includes the delivery of market and affordable housing. The level of affordable housing provision is the minimum requirement under the development plan policies but nevertheless performs a positive social role.

Other social factors include the provision of amenity space, including play areas, and a common. It is not clear what the usability of the common would be given it is described as remaining as Best and Most Versatile Land. Hurst has publicly accessible open spaces and is surrounded by open countryside; the proposed open spaces would be largely self-serving.

The dismissed 2023 appeal proposal included similar onsite amenity works such as play areas, a central open space, parks, community orchard, sensory garden and tennis court(s). An increase in the size of amenity spaces was never an issue with the previous application/appeal and therefore increases in open spaces do not address the Inspector’s objections and consequently make the parameters of the development fragmented.

The TA refers to self-build plots being proposed and the WBC Topic Paper: *Self-build and custom housebuilding* shows that the council is delivering a sufficient supply of self-build plots in accordance with the Self-Build and Custom Housebuilding Act 2015.

Economic

The proposal would result in economic benefits. This is broadly set to arise from the short-term economic contribution of the construction of up to 99 homes via construction industry jobs. In the longer term, future residents of the dwellings will contribute to the viability and vitality of businesses in the village and nearby towns. CIL payments and

New Homes Bonus would also be an economic benefit of the proposal, although CIL would not be collected for the affordable units. In terms of economic costs, the development would result in the loss of BMV land regardless of whether the common would be accessibly open space or not.

Environmental

The appeal proposal would result in fundamental and significant conflicts with the spatial strategy of the development plan and policies therein. The overall effect on the character and appearance of the area has multiple impacts. This impact is not simply a landscape objection of losing an attractive open field in the countryside - the proposed parameters, access road and quantum of development result in harmful impacts that will result in an incongruous form of development even without considering the good qualities of the existing landscape. The scale of development is excessive in the context of the small village of Hurst. The location and isolation of the proposed main access road would be a poor outcome for any development, and this is appreciable compounded by the rural setting in which this new estate road would be situated. The fragmented parameters of the development would also result in piecemeal development and open spaces between Hurst and Whistley Green. These issues go to the heart of sustainable development.

The site is unsustainability located, and this impact is exacerbated by the quantum development that is significantly over what is appropriate within a limited development Location – notwithstanding the site is also outside of settlement limits. This issue was well established by the recent 2023 appeal decision and a prior a 2019 decision along Lodge Road for 5 houses. Residents would be reliant on private vehicles for day-to-day needs. Whilst potential off-site highway works are proposed this would not change the fact that Hurst has very few facilities, with limited footpaths below minimum standards and that the neighbouring Twyford is appreciably outside of maximum recommended walking distances. The poor bus service has not materially changed since the previous Inspector considered this in 2023. Hurst is still a small village in the countryside that is unsuitable to cater for large scale development associated with much larger settlements.

Putting aside the technical objections on flooding and ecology, given the magnitude of conflict associated within each of the issues set out in this subheading, anyone of these would amount to demonstrable and significant harm. The development therefore does not perform a positive environmental role.

Conclusion

The adverse impacts of the development would significantly and demonstrably outweigh the benefits. There is no foreseeable scenario where such a significant conflict with the development plan and adverse impacts would not demonstrably outweigh the benefits in the case. The NPPF and para 11 supports sustainable development, and the development proposed is inherently unsustainable for the reasons set out.

The recommendation is consistent with the previous dismissed appeal decision immediately to the west of the application site on Lodge Road for the erection of 5

houses. Much of the harm established in that decision would be compounded by the significantly greater scale of this proposal.

The very recent 2023 appeal on the site was dismissed due to the conflict with the development plan, landscape harm and unsustainable location. This appeal was also assessed against the tilted balance due to the housing land supply position and was dismissed.

Considering the site history further, three much smaller applications on the land have been refused and dismissed at appeal in 2008 and 2009 due to the harmful impact on the character and appearance of the area.

The site has been considered unsuitable for development as part of the Local Plan Update.

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

Principle of development

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

Impact character and appearance of the area and landscape

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

Unsustainable location

4. The application site is within an unsustainable location where residents would be reliant on private vehicles for basic day-to-day needs, by reason of the

countryside location outside of settlement limits, distances to facilities and services, limited public transport links and poor quality of the walking/cycling environment, contrary to policies CP1, CP2, CP3, CP6 and CP11 of the Core Strategy, CC01 and CC02 of the MDD Local Plan, the Borough Design Guide SPD and section 8 & 9 of the NPPF.

Ecology

5. The application has failed to demonstrate the proposed development will have an acceptable impact on ecology and biodiversity by reason of the impact on protected species, wildlife and habitats, contrary to policy CP1, CP3 and CP7 of the Core Strategy, CC01 and TB23 of the MDD Local Plan and section 15 of the NPPF.
6. By virtue of a lack of accurate information, an assessment date for baseline biodiversity value cannot be agreed. Therefore an assessment of how 10% biodiversity net gain will be achieved is not possible and as such, if granted planning permission, there is no guarantee if 10% biodiversity net gain will be achieved, hence would be contrary to Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).

Flooding and Drainage

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

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8. In the absence of a completed legal agreement, the proposal fails to secure opportunities for training, apprenticeships and other vocational initiatives to develop local employability skills contrary to MDD policy Local Plan TB12.
9. In the absence of a completed Legal Agreement, the scheme fails to make adequate provision for affordable housing, contrary to policy CP5 of the Core Strategy and section 6 of the NPPF.
10. In the absence of a completed Legal Agreement, the development fails to secure a schedule off-site highway works for pedestrian & sustainable travel infrastructure and the management/adoption of internal estate roads and public open spaces, contrary to Core Strategy policy CP1, CP3, CP4 and CP6 and MDD Local Plan policy CC03 and TB08 and sections 4, 8, 9 and 12 of the NPPF.
11. In the absence of a completed Legal Agreement, the proposed development fails to make adequate contributions to sport and recreational facilities, contrary to MDD Local Plan policy TB08, Core Strategy policy CP4 and Sections 4 and 8 of the NPPF

RECOMMENDATION	
Conditions agreed:	Not required
Recommendation:	Refuse
Date:	27.11.2024
Earliest date for decision:	09.09.2024

Recommendation agreed by: (Authorised Officer)	<i>BJC</i>
Date:	29.11.24