ENVIRONMENT AGENCY

Our Ref : FM/2004/000752-1/1
Your Ref : F/2002/6007

79185

Date : 01 March 2004

District Planning Officer
Wokingham District Council
Council Offices
PO Box 157 Shute End
Wokingham
Berkshire
RG40 1WR

Dear Sir/Madam

PROPOSAL: ERECTION OF 13 DWELLINGS
LOCATION: 110-116 LONDON ROAD, RUSCOMBE

Thank you for your letter dated 8th January, received on 12th January 2004. Please quote the following reference in any correspondence: **fm/2004/0752.** Apologies for the deleyd response. The Environment Agency has the following comments:

Surface water drainage

We do not have enough information to be able to comment on the surface water drainage proposals.

We will require calculations to showing the design of the infiltration trenches can accomodate the surface water drainage from the development and that the surface water from the 100 year event can be contained within the site.

This is to reduce the risk of flooding to site adjacent and downstream of this development

FURTHER INFORMATION

A copy of this letter has been sent to the agent. If you have any further queries, please contact me, quoting the reference at the beginning of this letter.

Yours faithfully

p.p SARAH PAXMAN

Environment Agency
Swift House, Frimley Business Park, Camberley, Surrey, GU16 7SQ, Tel no:01276 454300, Fax no:01276 454301

Planning Liaison Officer

Direct Tel: 01276 454 323
Direct Fax: 01276 454 352
Email: sarah.paxman@environment-agency.gov.uk

CC: Michael Shanly Homes

Jenifer Jackson

From: Angela Odell
Sent: 14 March 2003 11:06
To: Jenifer Jackson; Jerry Hedley
Subject: FW: F/2002/6007 - 116 London Road, Ruscombe

Plese see attached - as it is a major site it needs to have an officer allocated to it (was Niki's)

-----Original Message-----
From: Neil Etherington
Sent: 14 March 2003 10:54
To: Angela Odell
Cc: Jerry Hedley; Trevor Watson
Subject: RE: F/2002/6007 - 116 London Road, Ruscombe

Angi

I am not aware of any recent work having been carried out on site, although site clearance was carried out a couple of months ago.

The applicants want to fell 1 Beech tree and have written to Trevor seeking consent to do this as part of the landscape scheme. I have written to Trevor stating that I am happy with the loss of this tree (a semi-mature replacement Beech will be planted), the landscape scheme and the proposed tree protection measures. I am not aware of any work being carried out and will not have time to visit the site in the foreseeable future. Previous concerns have proven to be unfounded. I would suggest that we need to arrange for the conditions etc. to be approved ASAP so that everyone knows where they stand. Michael Shanley homes are prepared to plant the new Beech tree this month, but only if we give them the go ahead.

Thanks

Neil

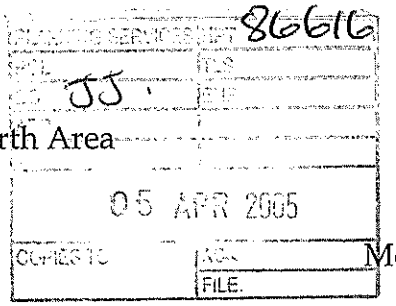
-----Original Message-----
From: Angela Odell
Sent: 14 March 2003 10:35
To: Neil Etherington
Cc: Jerry Hedley
Subject: F/2002/6007 - 116 London Road, Ruscombe

This application was approved subject to a s.106 agreement which has not yet been completed and decision notice not yet issued. Cllr. Conway is concerned that they may be clearing TPO/'d tress and/or doing work they should not to them. Please can you check the situation on site.

Thanks

Angi

Mr & Mrs Jeremy Hardman
108 London Road, RUSCOMBE, Reading RG10 9HH
telephone: 0118 934 00 39 *fax:* 0118 934 00 39
< jhard335@aol.com >



Mrs Jeni Jackson
Principal Planning Officer ~ North Area
WDC Planning Services
PO Box 157, Shute End
Wokingham RG40 1WR

Monday 4th April 05

Dear Mrs Jackson,
Re: Question raised at DCC on 07.01.04 *(F/2002/6007)*

I wish to acknowledge your letter of 15th March which was awaiting my return. Forgive me for coming back to you again on the issue of the boundary treatment but I am still not satisfied Cllr Drake's question has been fully addressed. In addition to responding to some comments in your latest letter, which need clarification, below are the issues that concern us most. I will take them in the order in which they are addressed in your letter of 15.03.05.

- I appreciate you were not present at the DCC meeting at which Cllr Drake raised her question concerning approvals for F/2002/6007. This was whilst Application F/2003/9641, made by the same developer, was being considered by DCC. However, Cllr Drake confirmed to me a couple of weeks after that meeting that she had already spoken to the Officer concerned. Since you took over responsibility for Application F/2002/6007 from Nicola Lake, I assumed you to be that Officer.

- As you say, amendment to Condition 3 of this Approved Application required additional boundary screening. But, I find it hard to image what possible screening, other than extra trees, might have been considered appropriate. Indeed, it would be interesting to invite Cllr Conway, who had proposed this Amendment, to state what type of additional boundary treatment he had in mind. I am sure it was never what Shanly Homes provided ~ nor what you finally approved!

- We pointed out to you in my letter of 19.05.03 that `*the hedge to the boundary of Plot 13 with your site*', to which you referred, was not on the boundary of our property. It bordered only No 1 Northbury Avenue and as such, provided no additional screening benefit for us. In reality, this `hedge' has since turned into a 6ft fence, sited on a gully in the land, which screens almost nothing.

Mr & Mrs Jeremy Hardman
108 London Road, RUSCOMBE, Reading RG10 9HH
telephone: 0118 934 00 39 *fax:* 0118 934 00 39
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- It has to be remembered that this `additional boundary treatment', required under amended Condition 3, was to be extra to ~ not a replacement for ~ all the trees which were indicated to be retained on the Approved Plan. Yet, as my submitted `before-&-after' illustrations show, most of the to-be-retained trees were simply removed by the developer. The result has been less boundary screening ~ not more!

- I am unclear as to which letter you refer when you now write *" I can advise that you did not receive a copy of the last letter because I do not appear to have received it"*. Can you clarify this point since, if a letter is missing, this might hold the clue to the current misunderstanding.

- You go on to say *" ... in my view the developer has not complied with the imposed conditions ..."* This is exactly the point we are making!

It is WDC acquiescence to this flagrant disregard by Shanly Homes, to adhere to DCC Approved Plans & Conditions, that lies at the heart of our complaint.

I can appreciate the reluctance of Planning Services to re-open old wounds. But, as a direct consequence, we have been forced to spend over £3,000.00 of our money to provide at least some of the screening which should have been protected by Planning Services and provided by the developer. In the circumstances, we believe we have a case to seek compensation.

It must now be for you to decide whether, in the light of our continued concerns, this matter either needs to be passed over to the Enforcement Officer or whether you should seek the opportunity to report back in person to DCC, in order to answer the question raised by Cllr Drake on 07.01.04. Let others be the judge of our case.

Yours sincerely

Jeremy Hardman

Mr & Mrs J Hardman

cc Councillor A Drake

Tel: (0118) 974 6444 (Direct Line)
Email: jenifer.jackson@wokingham.gov.uk
Fax: (0118) 974 6484
Date: 15 March 2005
My ref: JJ/2005.27
Your ref:
File ref: F/2002/6007

Planning Services
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Fax: (0118) 974 6484
Minicom No: (0118) 974 6991
DX: 33506 - Wokingham

Mr and Mrs J Hardman
108 London Road
Ruscombe
READING
RG10 9HH

Dear Mr and Mrs Hardman,

RE: APPLICATION F/2002/6007 – LAND AT 110-116 LONDON ROAD, RUSCOMBE.

Thank you for your letter dated 19 February and received on 22 February 2005 I apologise for the delay in responding.

I appreciate the information that you have attached to your letter and the clarification of the issue to which you refer. I note that you refer to debate at the Development Control meeting on 7 January 2004 and "Cllr Drake asked you whether the points I had raised were correct". The Officer at the meeting presenting application F/2003/9641 was Angela Odell I was not as I had no applications on that agenda.

Condition 3 of the permission was the one that was altered at the request of the Committee. The condition relates to boundary treatments and inserted into that condition was that details of the boundary treatments together with reinforcement of the boundary planting be submitted to the Local Planning Authority for approval. The condition does not specify where boundary planting should be reinforced and what form this should take. In my letter of 16 May I advised that the landscaping scheme submitted showed a hedge to the boundary of plot 13 with your property and in my view this represents a reinforcement of existing boundary planting. Further in that letter I advised that the Council could not reasonably request any further planting along this boundary from the developer. I also commented within this letter on the issue of trees to be removed as part of the approved landscaping scheme.

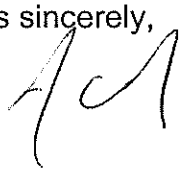
Given the comments in your letter you seem to think that there was a requirement for additional tree screening, as set out above this was not the case the requirement relates to boundary planting. I even addressed the point raised previously about tree planting in the letter dated 16 May 2003. I can advise that you did not receive a copy of the last letter because I do not appear to have received it, I have checked the file and can find no trace of it, I apologise for any inconvenience this may have caused you.

I am not aware that there are any outstanding enforcement issues in relation to this site on the grounds that the development fails to accord with the approved drawings and in my view the developer has not complied with the imposed conditions in relation to boundary treatments and landscaping. I have not visited the site to specifically check whether the agreed landscaping

has been carried out, if your view is that it has not been done in accordance with the approved scheme then I can pass this to the Enforcement Officer for further investigation. However, it may be that even if the scheme does not accord in totality it could be deemed satisfactory and therefore not considered to be expedient to take action.

I trust that this answers all the points you have raised. I have copied this letter to Cllr Drake for her information.

Yours sincerely,



Mrs Jenifer Jackson

Principal Planning Officer - North Area

Constituent Matter auto copy to Councillor Drake

Mr & Mrs Jeremy Hardman
108 London Road, RUSCOMBE, Reading RG10 9HH
telephone: 0118 934 00 39 *fax:* 0118 934 00 39
< jhard335@aol.com >

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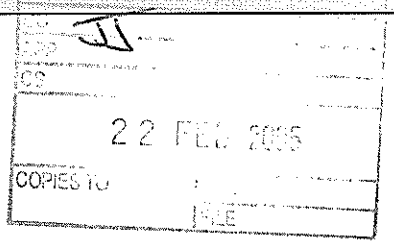


Mrs Jeni Jackson
Principal Planning Officer ~ North Area
WDC Planning Services
PO Box 157, Shute End
WOKINGHAM RG40 1WR

Saturday 19th February 05

Dear Mrs Jackson,
Re: Question at DCC on 07.01.2004
It is now clear from your response, dated 31st January 05, that the records following the DCC meeting on 7th January 2004 did not contain any detail of the Question addressed to you by Cllr Annette Drake. Therefore, I appreciate it has been difficult for you to formulate a relevant response. I apologise for the time you had to waste trying to track down the point of contention.

To clarify the Question, first let me re-set the scene.
The DCC Agenda for 07.01.04 included Planning Application *F/2003/9641*. This was for an extension to the Russet Gardens development by Shanly Homes. I spoke against the Application since, based on earlier experience, I was concerned about the specific boundary issues. To support my concerns, I submitted details of how Shanly Homes had been allowed to ignore the approved Boundaries and subsequent Condition for the original Russet Gardens development *F/2002/6007*. During the DCC debate on *F/2003/9641* which followed, Cllr Drake asked you whether the points I had raised were correct. This question was subsequently recorded as an amendment to the Minutes of that Meeting ~ but without further clarification.

Therefore, to help you address Cllr Drake's question, I enclose a copy of the `*Evidence of 2 Approval Conditions broken by Shanly Homes*', which was the basis of my concern and which I sent to Cllr Drake following that DCC meeting. This is enclosed. My main focus was on the first issue: Tree Screening.

As you may remember, the reality of `tree screening' for *F/2002/6007* is far removed from the Approved Plan! Yet, no action was taken to address this blatant disregard for DCC Approval. You and I exchanged correspondence on this very point. Cllr Conway was a party to these exchanges. To save you time hunting these out, I enclose copies of your letter of 16.05.03 and my three of 01; 09 & 19.05.03. I never received a reply to my last letter. We are still paying a costly price for your silence.

The unanswered Question, therefore, is ***why was Shanly Homes allowed to ignore the Approved Plan for F/2002/6007 and then to ignore the Condition to provide for additional tree screening?*** He simply got away with what he, not DCC, wanted.
Yours sincerely

J. Hardman

Mr & Mrs J Hardman

cc Cllr Annette Drake

Mr & Mrs Jeremy Hardman
108 London Road, RUSCOMBE, Reading RG10 9HH
telephone: 0118 934 00 39 *fax:* 0118 934 00 39

January 2004

Application 2002/6007
Evidence of 2 Approval Conditions broken by Michael Shanly Homes

1. Tree screening
2. Additional window

1. Tree screening

A word of explanation on the first 2 maps ...
These are of the same Plan, contained within the DCC Agenda for the meetings on 14.08.02 *(page 142)* & 04.09.02 *(page 43)*.

The first is the site Plan, approved at the second DCC meeting.
This indicates a healthy tree screening. Yet, this was subject to an amended Condition at that meeting, seeking further reinforcement of the boundary tree screening, especially to the South/South West (overlooking 108).

The second is the same Plan, but one which shows the reality today.
All those trees marked with a white cross are not present on the site. In earlier correspondence with Cllr Cowan, I have already made the point to him that, where a developer deceives the Planning Team in this way, some action needs to be taken.

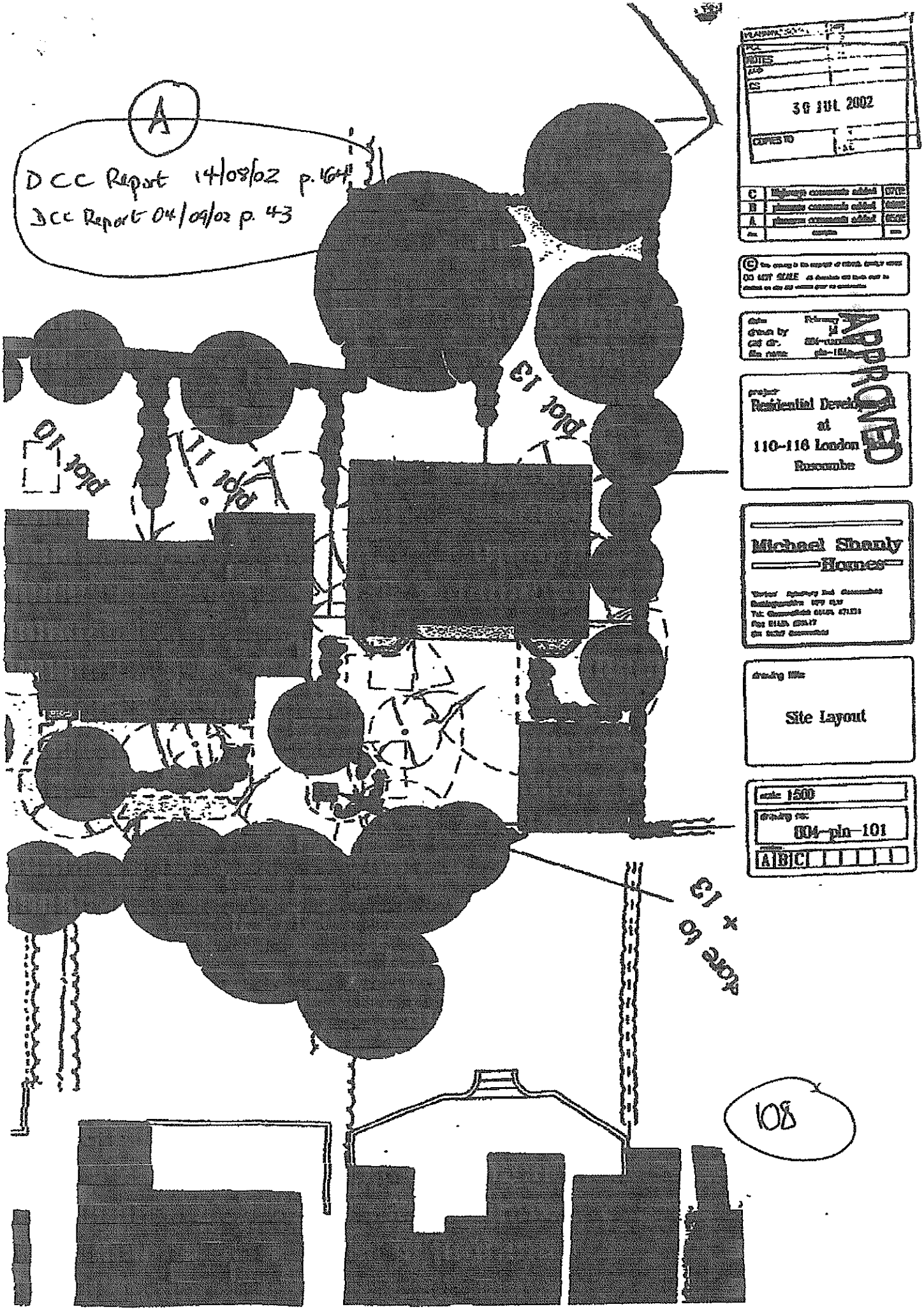
Our need to fund the cost of buying and planting new trees, to provide a little of the screening which the developer has failed to deliver, was the subject of a story published by Janet Warner in the *Twyford Advertiser* last October. Commitments, made in that article by the developer *`to see if the issue can be resolved'*, have since not been honoured!

2. Additional window

Enclosed is a copy page from the Shanly Sales Prospectus for *`Russett Gardens'*. This clearly indicates a first floor bathroom window on Plot 13.
Also enclosed is a copy of the floor plan for Plot 13, as published in the DCC documentation and approved. This does not indicate any such window.
Indeed, we understand it was removed after consultation.

Once notified by us of this unapproved action, quick Enforcement Team intervention ensured this window was subsequently blocked up.
But, there should have been no need for anyone to act in this way.

vjh/26.01.04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plot 10
plot 11
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30 JUL 2002
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DO NOT SCALE
APPROVED
Residential Development
at
110-116 London
Ruscombe
Michael Shanly
Homes
Site Layout
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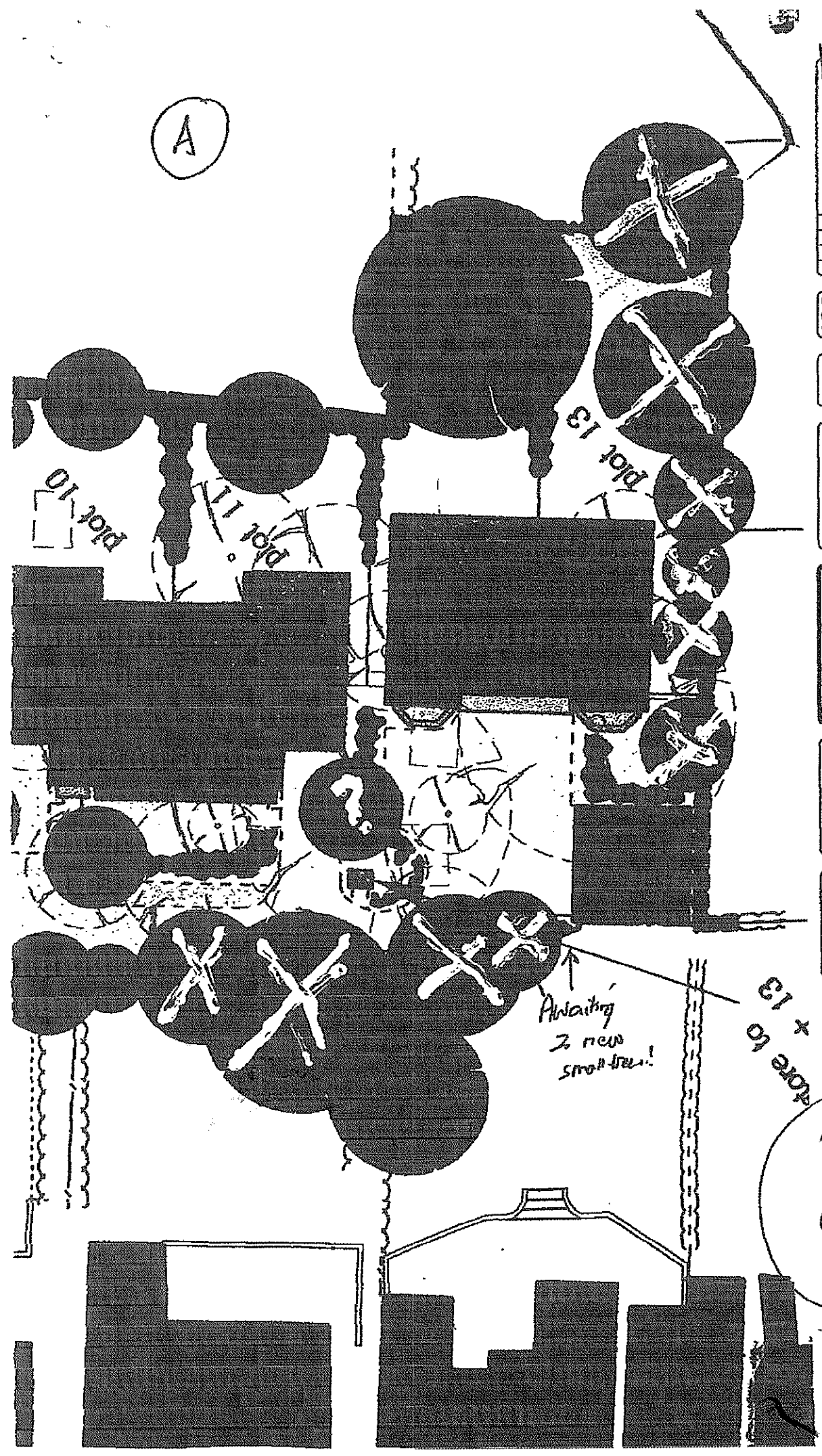

PLANNING SERVICE
PCL
NOTES
APP
CS
30 JUL 2002
COPIES TO

C	Highways comments added	07/02
B	planners comments added	06/02
A	planners comments added	05/02
rev.	description	date

© This drawing is the copyright of MICHAEL SHANLY HOMES
DO NOT SCALE. All dimensions and levels shall be checked on site and verified prior to construction.

date: February 2002
drawn by: jd
cad dir.: 604-ruscombe
file name: pln-101

APPROVED

project
Residential Development
at
110-116 London Road
Ruscombe

Michael Shanly Homes
'Sorrent' Aylesbury End Beaconsfield
Buckinghamshire HP9 1LW
Tel: Beaconsfield 01494 671331
Fax: 01494 676417
DX 34597 Beaconsfield

drawing title
Site Layout

scale: 1:500
drawing no.: 604-pln-101
A B C

Reality!
(X) = destroyed

Mr & Mrs Jeremy Hardman
108 London Road, RUSCOMBE, Reading RG10 9HH
telephone: 0118 934 00 39 *fax:* 0118 934 00 39

Ms Jeni Jackson
Senior Planner (ESD)
Wokingham Unitary
Po Box 157
Shute End
WOKINGHAM RG40 1WR

Thursday 1st May 03

Dear Ms Jackson,
Re: Application F/2002/6007
We appreciate your offer to send us a copy of the revised tree screening plan for this development, as soon as it is received. Clearly, the original suggestion for screening would have provided little or no cover for those of us living to the South West and West of the development.

The developers have deliberately broken Condition 3, which required both submission and approval of the boundary treatments ~ *before the development commenced.* Our concern is that they will submit a new plan, which will be very little different from the first. We expect they will argue there is no room left to plant more trees to the South West and West of the site, because of the positioning of approved buildings and their closeness to the boundary.

However, had they followed the approved procedure, then no such defense could be offered. But, we must not jump the gun. Rather, we should simply wait and see ...

Yours sincerely

Hardman.

Mr & Mrs J Hardman

Mr & Mrs Jeremy Hardman
108 London Road, RUSCOMBE, Reading RG10 9HH
telephone: 0118 934 00 39 *fax:* 0118 934 00 39

Ms Jeni Jackson
Senior Planner (ESD)
Wokingham Unitary
Po Box 157
Shute End
WOKINGHAM RG40 1WR

Friday 9th May 03

Dear Ms Jackson,
Re: Application F/2002/6007
Whilst you await an improved tree screening plan from Shanley, can we add two further related comments for your consideration. We raise these simply because we, together with Councillor Conway, have been expressing concerns about this aspect of the development for many months, prior to your involvement.
First, as you know, the developer invited ACD Landscape Architects to prepare a report on the 'retention value' of the trees within the proposed development site. As a result, ACD recommended trees categorised C & D could be destroyed (which they have), whilst those A & B should be retained. The reality has proved very different. Below, I have listed all A & B trees and identified their fate. I have ignored the mature trees that border London Rd.

Tree 14	*destroyed*
Tree 19	*destroyed*
Tree 32	*destroyed*
Tree 36	*destroyed*
Tree 37	*destroyed*
Tree 41	*(outside the development)*
Tree 43	*destroyed*
Tree 46	retained
Tree 47	*destroyed*
Tree 49	*(outside the development)*
Tree 50	retained
Tree 51	*destroyed*

As you will see, little or nothing of their own expert's recommendations for retaining category A & B trees have been followed by the developer.
Second, the original Site Plan 804-plm-101, upon which decisions must have been made, did indicate a well screened site with many mature trees. The drawings of each dwelling compounded this impression. But, again, reality is proving to be very different, as the first point above confirms.
Lets us hope the revised tree screening plan from Shanley makes some genuine attempt to redress the balance. Nothing less should be acceptable.
Yours sincerely

Mr & Mrs J Hardman

cc Councillor Stephen Conway

Tel. 0118 974 6444
Fax. 0118 974 6484
Email. jenifer.jackson@wokingham.gov.uk
Date. 16 May 2003
My ref. JJ/34/F/2002/6007
Your ref.

WOKINGHAM UNITARY
Aiming for Excellence

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DX: 33506 – Wokingham

Mr and Mrs J Hardman
108 London Road
Ruscombe
Reading
RG10 9HH

Dear Mr and Mrs Hardman,

RE: APPLICATION NO. F/2002/6007 – PROPOSED LANDSCAPING SCHEME FOR 110 TO 116 LONDON ROAD, RUSCOMBE.

Thank you for your letters dated 1 May and 9 May 2003 in relation to the above issue and the site in general.

I enclose a copy of the revised landscaping scheme proposed for the above site. You will see that the applicant is proposed to plant a hedge to the boundary of Plot 13 with your site. As regards screening of the proposed detached garage, there would not appear to be any space to provide planting to the side of the garage facing your property beyond that which is provided in the form of the existing hedge. In terms of the comments within your letter of 1 May I must advise that the Tree Officer considered that the earlier landscaping scheme submitted was satisfactory.

As you state, there is insufficient space between the house proposed on Plot 13 and the boundary hedge proposed to plant a tree of any description. I consider that the Council would be unreasonable to make such a request given that the planning application was approved on the basis that the relationship of the proposal to your property was acceptable. I appreciate your comments in terms of the requirements of the condition that the landscaping scheme be submitted and approved prior to commencement, I am afraid that the approach taken by this developer is the common approach to such conditions.

Your letter of 9 May provides a list of trees that have been removed by the developer and also some trees identified to be retained. I can confirm that, with the exception of T14, the site layout plan approved identified these trees to be removed and they are all located either within the proposed access road or within the footprint of an approved house. The removal of these trees was considered to be acceptable by the Tree Officer.

I trust that the above information is of assistance to you. I appreciate that you may still not be satisfied with the proposed landscaping shown on the attached plan, but I do not consider that the Council can reasonably request any further planting along this boundary from the developer. If you have any questions regarding the above then please do not hesitate to contact me. I have copied this letter to Cllr Conway for information.

Yours sincerely ,



Mrs J Jackson

Principal Planning Officer - North Area

Mr & Mrs Jeremy Hardman
108 London Road, RUSCOMBE, Reading RG10 9HH
telephone: 0118 934 00 39 *fax:* 0118 934 00 39

Ms Jeni Jackson
Senior Planner (ESD)
Wokingham Unitary
Po Box 157
Shute End
WOKINGHAM RG40 1WR

Monday 19th May 03

Dear Ms Jackson,
Re: Application F/2002/6007: Boundary Screening
Thank you for forwarding to us the revised tree screening proposal from Shanley Homes.. As you expected, we are most disappointed with this revised proposal. It fails completely to indicate any improvement to the boundary screening we were seeking for our adjacent property, with Cllr Stephen Conway's support.

We appreciate it is difficult to assess the likely effectiveness of this proposal since it fails to indicate the positioning of any adjacent properties. However, from our attached plan, you will see we will be almost completely overlooked from the development, especially dwellings 11, 12 & 13, through Section A. I am sure even your Tree Officer would have to concede just two deciduous birch trees will afford us little or no effective year-round boundary screening.

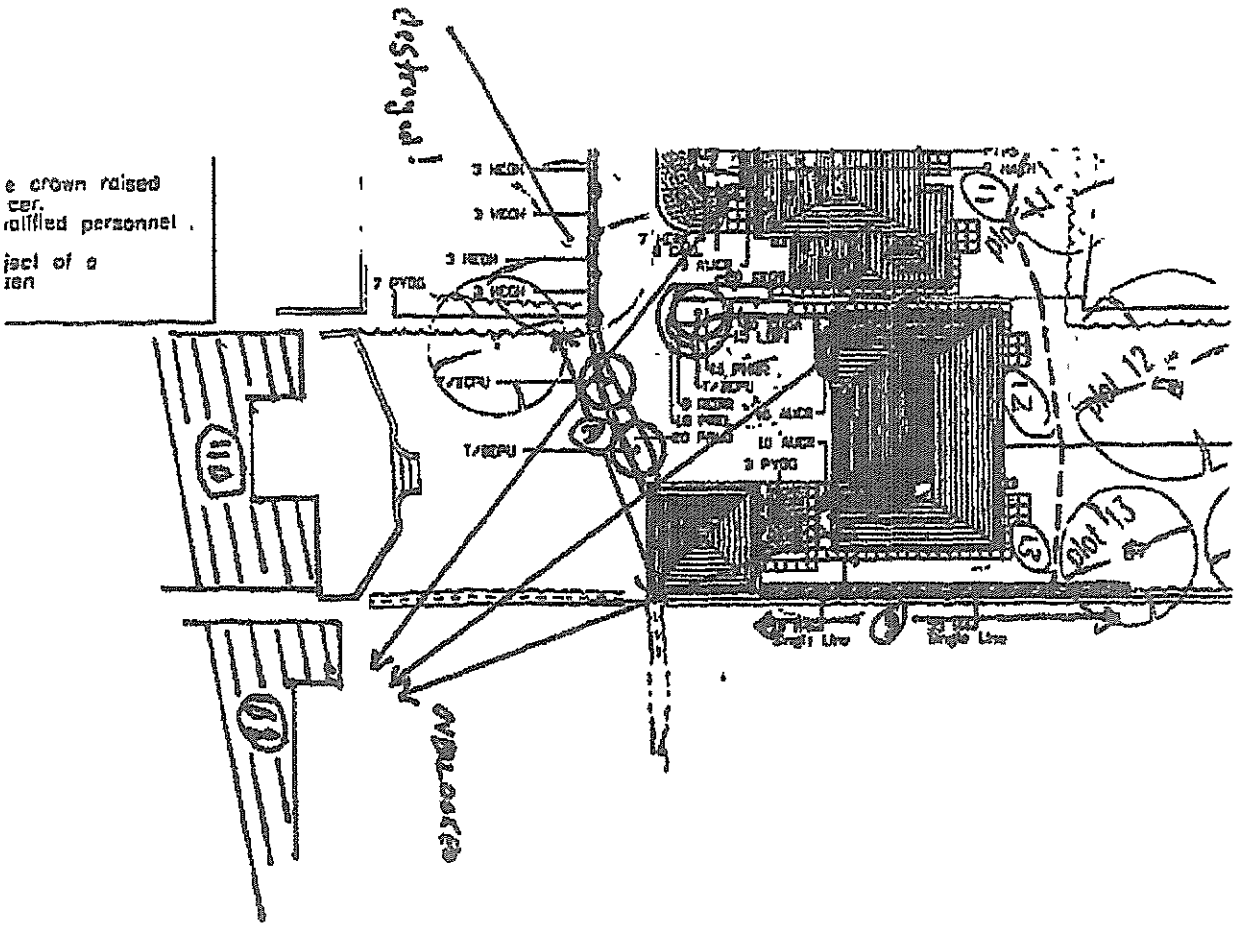
This is compounded by the fact that tree T41, shown on the latest plan as retained, has since been destroyed. It could have afforded us some protection. Indeed, there must be a doubt as to whether some other 'retained' trees on their plan may have suffered a similar fate. Whatever the truth, we still believe most strongly that more consideration could have been given at the planning stage to the retention of at least some of the category A&B trees. Certainly, at that time, there would have been space in the garage area of plots 12 & 13 to retain or plant any number of trees!

Again, looking at the enclosed plan, you will see the new hedge (B), to which you refer as being planted *'to the boundary of Plot 13 with your site'*, does not touch our property. It will be out of sight, behind our 10ft rear hedge and will offer us no additional screening protection. However, we are delighted it should, eventually, afford some extra privacy to those living in Northbury Avenue.

We must take issue with you on one final point. We do not agree that *'the planning application was approved on the basis that the relationship to your property was acceptable'*. It was precisely because the proposed relationship to our property was ***not*** acceptable that Cllr Conway insisted upon the amendment to the Conditions of the Planning Approval, which called for additional boundary screening proposals to be submitted and approved, prior to construction. This condition, as far as we are concerned, has still not been met by this second proposal.

In view of this, you may think it beneficial for us to meet to discuss matters further. I look forward to hearing from you ~ and from Cllr Conway.
Yours sincerely

(Letter ignored)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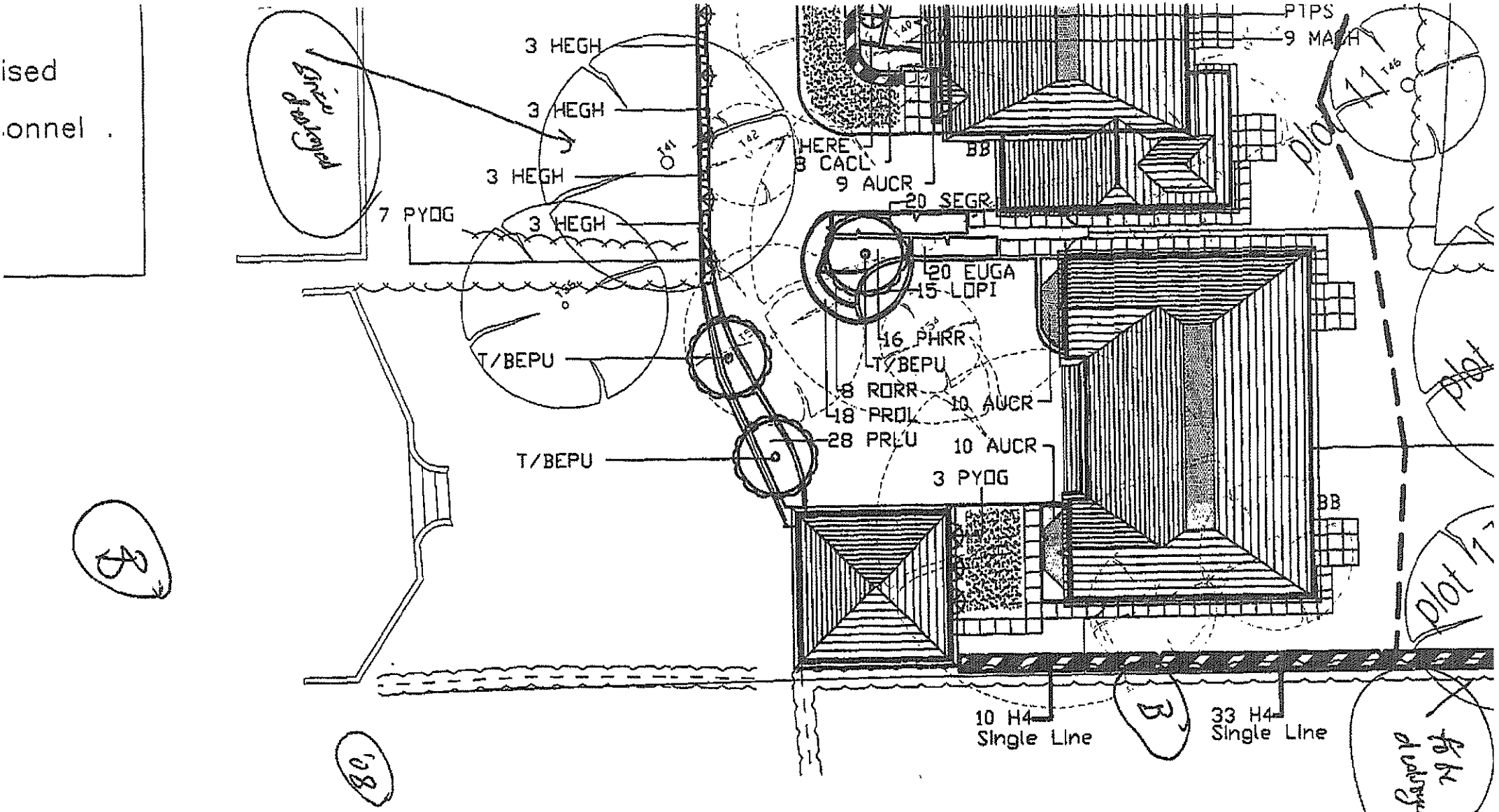

'O BE CARRIED OUT IN ACCORDANCE WITH GOOD LANDSCAPE PRACTICE

)SCAPE CONTRACTORS RESPONSIBILITY TO ENSURE THAT SUFFICIENT TOPSOIL TO BS3882 IS PRESENT IN ALL AREAS TO BE PLANTED OR ANY DEFICIENCIES REPORTED AND MADE GOOD PRIOR TO THE COMMENCEMENT OF ANY WORKS.

IE CARRIED OUT AS PER BS4428 1989 AND MICHAEL SHANLY HOMES LANDSCAPE SPECIFICATION
) BE SUPPLIED AS PER BS3936, BS4043, BS5231, AND BS5236

N OF PLANTING ALL SHRUB BEDS TO BE MULCHED TO A DEPTH OF 50MM WITH

JJ

Jeremy Hardman
108 London Road, RUSCOMBE, Reading RG10 9HH
telephone: 0118 934 00 39 *fax:* 0118 934 00 39
< jhardman@mapdc.demon.co.uk >

Cllr Annette Drake
Walden Acres
Wokingham Road
HURST RG10 0RU

Wednesday 3rd November 04

Dear Annette,
I am most disappointed that Jeni Jackson would appear still not to have provided you with any answers to the questions you raised at the beginning of the year, about the boundary `approvals' she gave to Shanly Homes.

As you know, we remain indignant over this issue and believe WDC Planning has case to answer. Jeni and Trevor have had long enough to do so. We are not prepared to let WDC off the hook, by default.

Therefore, I would appreciate an update on your position on this matter, before deciding how best to proceed.

Hope you are keeping well.
Kind personal regards
Yours sincerely

840944

PLANNING SERVICES HPT TLS CMF
JJ
02 DEC 2004

Jeremy Hardman

27/11/04

Annette

Still not heard from Jeni! Where should we go from here?

Best wishes

Jeremy

Tel. 0118 974 6444

Fax. 0118 974 6484

Email. jenifer.jackson@wokingham.gov.uk

Date. 16 May 2003

My ref. JJ/34/F/2002/6007

Your ref.

Environmental Services Department
Planning Services
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Berkshire RG40 1WR
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Minicom No: (0118) 974 6991
DX: 33506 – Wokingham

Mr and Mrs J Hardman
108 London Road
Ruscombe
Reading
RG10 9HH

Dear Mr and Mrs Hardman,

RE: APPLICATION NO. F/2002/6007 – PROPOSED LANDSCAPING SCHEME FOR 110 TO 116 LONDON ROAD, RUSCOMBE.

Thank you for your letters dated 1 May and 9 May 2003 in relation to the above issue and the site in general.

I enclose a copy of the revised landscaping scheme proposed for the above site. You will see that the applicant is proposed to plant a hedge to the boundary of Plot 13 with your site. As regards screening of the proposed detached garage, there would not appear to be any space to provide planting to the side of the garage facing your property beyond that which is provided in the form of the existing hedge. In terms of the comments within your letter of 1 May I must advise that the Tree Officer considered that the earlier landscaping scheme submitted was satisfactory.

As you state, there is insufficient space between the house proposed on Plot 13 and the boundary hedge proposed to plant a tree of any description. I consider that the Council would be unreasonable to make such a request given that the planning application was approved on the basis that the relationship of the proposal to your property was acceptable. I appreciate your comments in terms of the requirements of the condition that the landscaping scheme be submitted and approved prior to commencement, I am afraid that the approach taken by this developer is the common approach to such conditions.

Your letter of 9 May provides a list of trees that have been removed by the developer and also some trees identified to be retained. I can confirm that, with the exception of T14, the site layout plan approved identified these trees to be removed and they are all located either within the proposed access road or within the footprint of an approved house. The removal of these trees was considered to be acceptable by the Tree Officer.

I trust that the above information is of assistance to you. I appreciate that you may still not be satisfied with the proposed landscaping shown on the attached plan, but I do not consider that the Council can reasonably request any further planting along this boundary from the developer. If you have any questions regarding the above then please do not hesitate to contact me. I have copied this letter to Cllr Conway for information.

Yours sincerely ,

Mrs J Jackson

Principal Planning Officer - North Area

Tel: (0118) 974 6444 (Direct Line)
Email: jenifer.jackson@wokingham.gov.uk
Fax: (0118) 974 6484
Date: 19 January 2004
My ref: JJ/2004.07
Your ref:
File ref: F/2002/6007

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

Members of the Development Control Committee
Wokingham District Council

Dear Councillor,

RE: APPLICATION F/2002/6007 – 110 TO 116 LONDON ROAD, RUSCOMBE

I understand that this application site came up during debate on an application on land at 120 London Road, Ruscombe and that Members were interested as to the situation regarding clearance of conditions on the adjoining site at 110 to 116 London Road.

I can advise that details have been approved in relation to the following conditions:
Condition 2 Materials
Condition 8 Slab levels
Condition 13 Relocation of street lighting etc.
Condition 21 Bat boxes
Condition 23 Access construction details.

I am also able to advise that details have been submitted in relation to the following and are yet to be approved pending receipt of consultation responses from internal/external consultants:
Condition 3 Boundary treatments
[this has involved extensive consultation with Mr Hardman at 108 London Road]
Condition 11 Site operative's parking
Condition 12 Mud on road precautions
Condition 14 Landscaping
Condition 16 Tree protection
Condition 17 Surface water balancing works
Condition 22 Archaeological Watching Brief

The only conditions outstanding relate to details of external lighting (if any is proposed); a bat survey of the willow tree and land drainage works (also covered by other legislation). Other conditions imposed are those that remain in force and do not require approval of details.

I trust that this is of assistance. If there is a particular matter that is of concern then please do not hesitate to contact me direct.

Yours sincerely,

Mrs Jenifer Jackson,
Principal Planning Officer - North Area

PRIOR APPROVAL CONDITIONS – F/2002/6007 – 110-116 LONDON ROAD, RUSCOMBE

2 - Materials – approved verbally 11/3/03.

3 – Boundary Treatments – Submitted 28/4/03.

8 – Slab levels
Details approved by letter dated 24.12.03

11 – Site operatives parking etc. – submitted 28/4/03.

12 – Mud on road precautions

13 – Relocation of any street lighting or electricity supply poles
Details approved by letter dated 9.1.04

14 – Landscaping – submitted 28/4/03

16 – Tree protection

17 – Surface water balancing works
Details submitted and sent to Environment Agency on 8.01.04. Reply awaited.

18 – Bat survey of the mature willow tree

19 – Details of external lighting (if any)

20 – Land drainage works

21 – Bat boxes
Details approved by letter of 12.1.04

22 – Archaeological watching brief – details submitted 13/6/03.

23 – Details of construction specification for the access road
Details approved by letter dated 9.1.04

Background to my involvement
This application was originally dealt with by Niki. The applicants did send in details for conditions some months ago but had no replies. Just before Christmas, the applicant asked me to deal with the conditions on this site as I am dealing with the current, minor application, on the adjacent site. I asked him to re-send the details directly to me. His covering letter explained that conditions 2 and 14 were already approved (I can find no letters for this though on the file) and that he considered that as construction was nearly completed and a significant number of the dwellings were now occupied there would be little point in submitting details pursuant to conditions 11, 12 and 22 (even though this was submitted on 12.6.03). He asked me to deal with

conditions 8, 13, 17, 20, 21 and 23 and have achieved the progress on these detailed above. I do not mind with dealing with approval of/processing conditions but I do not consider that it is my job to chase up outstanding conditions or take responsibility for ensuring their implementation, nor for the lack of progress prior to my involvement in late December 2003.

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PRIOR APPROVAL CONDITIONS – F/2002/6007 – 110-116 LONDON ROAD, RUSCOMBE

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66353
20 FEB 2003

WOKINGHAM DISTRICT COUNCIL

SUPPORT SERVICES DEPARTMENT

M E M O R A N D U M

FROM:	Colin Lawley Principal Solicitor	**MY REF:** **EXT.**	CJL/cma 6524
TO:	**Trevor Watson** **Development Control Mgr.**	**DATE:**	19th February, 2003

LONDON ROAD, RUSCOMBE – PROPOSED SECTION 106 AGREEMENT AND PLANNING PERMISSION

Attached for your information is a further letter relating to London Road, Ruscombe, together with my reply.

Con.

Colin

Direct Line: 0118 974 6524

Date: 19th February, 2003

Your Ref: CC.AP.M1933/0261

My Ref: CJL/cma

Mr C.J. Cooney
GCL Solicitors
DX 141450 Guildford 12

Legal Services
Support Services
Department
P.O. Box 151
Civic Offices
Shute End
Wokingham, Berkshire
RG40 1WH
Tel: (0118) 974 6000
Fax: (0118) 9746542
DX: 33506 Wokingham

Dear Mr Cooney

LONDON ROAD, RUSCOMBE – PROPOSED SECTION 106 AGREEMENT AND PLANNING PERMISSION

Thank you for your letter dated 14th February.

As you may be aware, there is a delegation scheme governed by the Local Government Act. Once the Development Control Committee has resolved to include a condition and a provision within a Section 106 Agreement, this cannot be deleted in these circumstances without further Committee authority.

I have forwarded a copy of your letter to the Planning Officer for information.

Yours sincerely

Colin Lawley
Acting Head of Legal Services

GCLSOLICITORS
Gellhorn Cooney Laugharne

Our ref: CC.AP.M1933/0261

Your ref: CJL/cma

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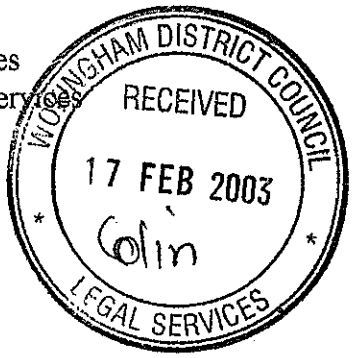
Colin Lawley
Acting Head of Legal Services
Wokingham Unitary Legal Services
DX 33506
Wokingham



14 February 2003

BY FAX: 0118 974 6542

Dear Mr Lawley

LONDON ROAD RUSCOMBE – PROPOSED SECTION 106 AGREEMENT AND PLANNING PERMISSION

I refer to your letter dated 12th February which I must say I was surprised to receive.

We enclose herewith a copy of a letter our clients wrote to your client's planning department on 6th February and draw your attention to the penultimate and third to last paragraphs.

We put you on notice that it is not appropriate for this matter to be referred to Committee and shall be obliged if you will take urgent instructions and give the appropriate advice to the Planning Officer so that this matter can be dealt with forthwith.

We look forward to hearing from you at the earliest opportunity please.

Yours sincerely

C J COONEY

e-mail chris.cooney@gcl-solicitors.co.uk

PARTNERS: C J COONEY LL.B., R J LAUGHARNE B.A., A R INKIN, P TUSTIN B.A
CONVEYANCING EXECUTIVES: A J ELLIS, P BRYANT, J L QUARRY F.I.L.Ex, T M FLAVIN, S L WILSON, M WALLER F.I.L.Ex, K BLOWERS
FINANCIAL CONTROLLER: M CLARKE B.A. (HONS)

Our Ref: RD/KH

6th February 2003

Planning Department
Wokingham District Council
PO Box 157
Shute End
Wokingham
Berks
RG40 1WR

Your Ref: 2002/6007

Dear Mr Watson

RE: 110-116 London Road, Ruscombe

As you know this application was approved subject to the completion of a legal agreement. However, we have been concerned about the actual signing of the Section 106 for some time. The principle problem is that in our opinion the Council are not entitled to require us to provide access over our land to adjoining landowners.

We have now sought leading Planning Counsel's advice which confirms this and in summary states that:

'Whilst it is permissible for an authority to prevent development which would physically obstruct or preclude a necessary means of access to adjoining land it is improper for the authority to require a right of way to be granted in favour of adjoining owners"

For your reference, I enclose the full details of this opinion which has also been sent direct to Colin Lawley of your legal department.

Our Ref: RD/PH

As you will see David Holgate's opinion on this matter is very clear. We are therefore asking for a revision to the draft Section 106 and the deletion of draft condition 31. Obviously, with the best legal opinion now available we cannot proceed with the signing of the Section 106 as drafted.

The proposed scheme did in fact take into account future development from the outset with the access road being included at a width of 5.5 m to facilitate additional vehicle movements in the future. The Council's aim of securing an access for the future development of adjacent land would therefore be achieved.

Having attended the committee meeting it was clear that the inclusion of Condition 31 and the relevant clause of the legal agreement was generated at officer level and was not at the request of Council members during their determination of the application. Indeed, it was not something that the planning case officer brought to our attention prior to the publication of the officer's report to committee. Furthermore, condition 31 was not included on the committee report to members.

Due to the time that has now lapsed since members reached their decision I consider it would be imperative to resolve matters immediately and in the simplest way possible. Having read the planning case officer's report (copy enclosed) it is clear that in this instance there is no need to reconsult your committee. In this regard I would suggest that the necessary alteration should be agreed at either officer level or at most in consultation with the chairman of the planning committee. In the circumstances I trust you will agree that this matter should not need to be resolved through an amended resolution at a future planning committee.

I would therefore ask you to urgently communicate with the legal department so they can pursue a redrafting of the Section 106 and the deletion of condition 31.

Yours sincerely

Ian Jewson
Planning Manager
MICHAEL SHANLY HOMES

==========
The information in this email and in any attachments is confidential and may be privileged. If you are not the intended recipient, please destroy this message and notify the sender immediately. You should not retain, copy or use this e-mail for any purpose, nor disclose all or any part of its contents to any other person.

Any views expressed in this message are those of the individual sender, except where the sender specifically states them to be the views of The Michael Shanly Group.

The Michael Shanly Group may monitor the content of e-mails sent and received via its network for viruses or unauthorised use and for other lawful business purposes
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* amendments done. TD.

Development Control Ref No:	Received	Parish
F/2002/6007	19.03.02	Ruscombe

Applicant: Michael Shanly Homes.
Location: 116 and Land to the Rear of 110, 112, and 114 London Road, Ruscombe.
Proposal: Proposed erection of 13 Dwellings and demolition of 116 London Road, Ruscombe.

REPORT PREPARED FOR: DEVELOPMENT CONTROL COMMITTEE.

REPORT PREPARED BY: Head of Planning and Transportation and Nicola Lake.

SUMMARY:

Intoduction -

1. This application was approved subject to the signing of a legal agreement by the Development Control Committee of the 4 September 2002. The relevant committee reports, updates and minutes are attached.
2. It has now come to Officers attention that one of draft conditions (number 31) approved by Committee was invalid. This condition, referred to in the Committee report as number 32 (and subsequently slightly modified in the Members Update) states;

> 31. The access road shall be constructed and adopted up to the boundary of the application site with number 120 London Road with no unadopted gap between the boundary and the edge of the road.
>
> Reason: To prevent the potential creation of a ransom strip.

The applicant has sought legal advice that confirms that this condition is unreasonable. This advice states that conditions cannot be imposed requiring private land to be used for the construction of an access road to serve adjoining properties in effect to provide a public highway without compensation. As such the condition fails the tests of Circular 11/95.

The draft legal agreement also included the provision of the road up to the boundary and this is also unreasonable.

RECOMMENDATION: TO AUTHORISE OFFICERS TO REMOVE CONDITION 31 AND THE UNLAWFUL CLAUSE (4f) FROM THE DRAFT LEGAL AGREEMENT.

Background Papers

Held by: Planning Reception
Division: Development Control
Dept: Environmental Services

Contact No: 0118 974 6428/ 6429
E Mail: development.control@wokingham.gov.uk

NB: All reports seek to identify environmental, community safety and equal opportunities implications. Consultation with residents and organisations which has or is about to take place, will also be reported.

To TREVOR WATSON - HEAD OF DEVELOPMENT CONTROL — FOR INFO.

Direct Line: 0118 974 6524

Date: 12th February, 2003

Your Ref:

My Ref: CJL/cma

GCL Solicitors
DX 141450 Guildford 12

Legal Services
Support Services
Department
P.O. Box 151
Civic Offices
Shute End
Wokingham, Berkshire
RG40 1WH
Tel: (0118) 974 6000
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DX: 33506 Wokingham

Dear Mr Cooney

LONDON ROAD, RUSCOMBE – PROPOSED SECTION 106 AGREEMENT AND PLANNING PERMISSION

I am writing to you further to my letter of the 5th February.

The Planning Officer will arrange for a Report to go to the Development Control Committee. The Report is likely to recommend amending the condition and deleting clause 4(f) from the Section 106 Agreement.

It is likely that the Report will go to the Committee on the 19th March or the following Committee on the 9th April.

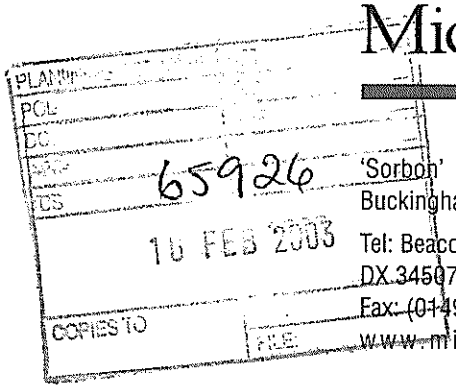
Yours sincerely

Colin Lawley
Acting Head of Legal Services

cc. Trevor Watson, Development Control

Our Ref: RD/KH

6th February 2003



Michael Shanly Homes

'Sorbon' Aylesbury End Beaconsfield
Buckinghamshire HP9 1LW
Tel: Beaconsfield (01494) 671331
DX 34507 Beaconsfield
Fax: (01494) 676417
www.michaelshanly.co.uk

Planning Department
Wokingham District Council
PO Box 157
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Your Ref: 2002/6007

Dear Mr Watson

RE: 110-116 London Road, Ruscombe

As you know this application was approved subject to the completion of a legal agreement. However, we have been concerned about the actual signing of the Section 106 for some time. The principle problem is that in our opinion the Council are not entitled to require us to provide access over our land to adjoining landowners.

We have now sought leading Planning Counsel's advice which confirms this and in summary states that:

'Whilst it is permissible for an authority to prevent development which would physically obstruct or preclude a necessary means of access to adjoining land it is improper for the authority to require a right of way to be granted in favour of adjoining owners"

For your reference, I enclose the full details of this opinion which has also been sent direct to Colin Lawley of your legal department.

As you will see David Holgate's opinion on this matter is very clear. We are therefore asking for a revision to the draft Section 106 and the deletion of draft condition 31. Obviously, with the best legal opinion now available we cannot proceed with the signing of the Section 106 as drafted.

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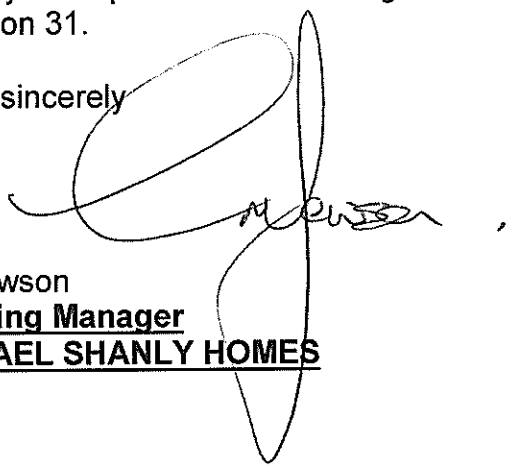
I would therefore ask you to urgently communicate with the legal department so they can pursue a redrafting of the Section 106 and the deletion of condition 31.

Yours sincerely



Ian Jewson
Planning Manager
MICHAEL SHANLY HOMES

65829
6 FEB 2003

WOKINGHAM DISTRICT COUNCIL

SUPPORT SERVICES DEPARTMENT

MEMORANDUM

FROM:	Colin Lawley Legal Services	MY REF: Ext	CJL/cma 6524
TO:	Trevor Watson Development Control	DATE:	5th February, 2003

LONDON ROAD, RUSCOMBE – PROPOSED SECTION 106 AGREEMENT AND PLANNING PERMISSION 2002/6007

Attached is a copy of a letter, together with a Counsel's opinion, relating to access for future developments. Also attached is a draft Agreement. Clause f) on page 4 is the relevant clause. Also attached is a copy of the minutes and a reply to the letter.

It seems to me that the advice is sound. We therefore need to delete condition 31 and clause 4(f). This will need to go back to the Development Control Committee, if possible. I should be grateful if we could please discuss, as a matter of urgency.

Colin Lawley

Direct Line: 0118 974 6524

Date: 5th February, 2003

Your Ref: CC.AP.M1933/0261

My Ref: CJL/cma

GCL Solicitors
DX 141450 Guildford 12

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DX: 33506 Wokingham

Dear Mr Cooney

LONDON ROAD, RUSCOMBE – PROPOSED SECTION 106 AGREEMENT AND PLANNING PERMISSION

Thank you for your letter dated 5th February, together with Counsel's opinion.

I am consulting with the Planning Officer regarding this matter. It may well be that he does decide to recommend to members that the clause in the Section 106 should be deleted and condition 31 removed.

However, in order to do this, a resolution of the Development Control Committee will be required. Obviously, your clients have the option of appealing straightaway. However, I should be able to let you know shortly what recommendation will be made by Officers and the date of the Committee.

Yours sincerely

Colin Lawley
Acting Head of Legal Services

GCL SOLICITORS
Gellhorn Cooney Laugharne

Our ref: CC.AP.M1933/0261

Your ref: CJL/cma

Connaught House. Alexandra Terrace
Guildford, Surrey GU1 3DA
Tel: 01483 577091
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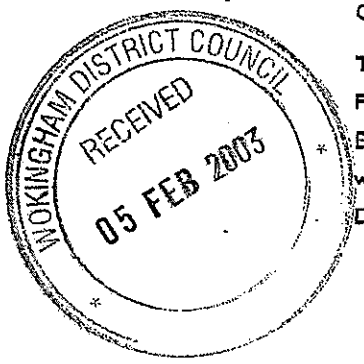
DX 141450 GUILDFORD 12

Colin Lawley
Acting Head of Legal Services
Wokingham Unitary Legal Services
DX 33506
Wokingham



5 February 2003

BY FAX: 0118 974 6542

Dear Mr Lawley

LONDON ROAD RUSCOMBE – PROPOSED SECTION 106 AGREEMENT AND PLANNING PERMISSION

Our clients have been concerned at your Council's insistence on adopting the road to the boundary of number 120.

Our clients have accordingly taken advice from leading planning counsel, David Holgate QC.

We enclose herewith Mr Holgate's Advice.

You will note:

1. He considers draft condition 31 of the planning permission as clearly ultra vires.

2. Leading counsel considers it highly likely that your Council would be ordered to pay the costs of any appeal necessary to remove condition 31 or to modify that condition so it is expressed in lawful terms.

3. Clause 4(f) of the Section 106 Agreement is a clause that our clients are entitled to refuse to enter into and it would then be unlawful for your Council to withhold planning permission.

4. Counsel believes that if you insist in requiring such an obligation in the Section 106 Agreement then it is likely your Council would be ordered to pay the costs of an appeal.

I think you will agree that the Advice is very robust and clearly the offending draft condition and clause 4(f) need to be modified to accommodate Counsel's points.

We would expect you to respond to the points made in the Advice and to our request for changes to the draft planning permission and draft Section 106 Agreement within 7 days otherwise our clients would then have to give consideration to submitting an appeal in light of the advice given by Counsel.

We trust that will not be necessary.

May we hear from you at the earliest opportunity.

Yours sincerely

C J COONEY

Enc

e-mail chris.cooney@gcl-solicitors.co.uk

ADVICE

1. Introduction

Michael Shanly Homes have applied for planning permission for the demolition of 116, London Road, Ruscombe, Reading and for the erection of 13 dwellings at 116 and land to the rear of 110, 112 and 114 London Road. The Council has resolved to grant permission subject to the execution of a section 106 obligation (inter alia) to secure the use of the proposed access by any further developers of adjacent land. The issue is whether the local planning authority is entitled to require the client to provide access over its own private land to adjoining landowners. Ordinarily, such access rights would have a substantial open market value which Michael Shanly Homes would be entitled to receive. The effect of the Council's requirements would be to require the client to provide rights of access to adjoining landowners without any payment. In other words, it appears that the Council is insisting that planning permission will not be granted unless the client gives up a substantial part of the market value of its land without any compensation therefore. Moreover, the Council's stance would even prevent the client from recovering contributions towards the costs of constructing the access from adjoining landowners. There are two mechanisms which need to be considered:-

(i) The Council's power to impose conditions;

(ii) The Council's requirement that a section 106 obligation be entered into.

2. The power to impose conditions

2.1 The general principle is that conditions must fulfil some planning purpose, should fairly and reasonably relate to the development permitted and should not be unreasonable (Newbury D.C. v. Secretary of State [1981] AC 578).

2.2 It is now well established that a condition may not be imposed requiring private land to be used for the construction of an access road to serve adjoining properties, in effect to provide a public highway without compensation. Such a condition is regarded as unreasonable (Hall v. Shoreham by Sea UDC [1964] 1 WLR 240). In the Hall case the Court of Appeal applied the principle laid down in Colonial Sugar Refining Co. Ltd v. Melbourne Harbour Trust Commissioners [1927] AC 343, 359 that a statute should not be held to take away private rights of property without compensation unless the intention to do so is expressed in the legislation in clear and unambiguous terms. Clearly, neither section 70 nor section 72 of the 1990 Act provide any such authority. That fundamental legal principle is now reinforced by Article 1 of the First Protocol enshrined in the Schedule to the Human Rights Act 1998.

2.3 Accordingly, draft condition 31 is clearly ultra vires. It requires an access road to be not only constructed but also adopted up to the boundary of the application site with 120, London Road. Adoption must assume dedication as a public highway and therefore the condition is unlawful.

2.4 In addition to seek to impose condition 31 would conflict with paragraphs 38 and 72 of Circular 11/95. First, adoption depends upon the willingness of a third party, in this instance the highway authority, to agree to that process (contrary to paragraph 38). Second, and more importantly, the condition requires private property rights to be ceded (contrary to para. 72 and the examples at paragraphs 4 and 5 of Appendix B).

2.5 It is not unknown for a local planning authority to be concerned that development should not frustrate a comprehensive solution for the development of a wider area, for example as regards means of access. However, although it is permissible for an authority to

prevent development which would physically obstruct or preclude a necessary means of access to adjoining land, it is improper for the authority to require rights of way to be granted in favour of adjoining owners. That is a matter for negotiation as between the landowners concerned. The Secretary of State had to consider this issue on a series of planning appeals concerning land south of Hammond Street, West Cheshunt. First and second interim decision letters were issued on 29 May 1997 and 5 February 1998. The final decision letter was issued on 15 April 1998. The appeals were concerned with residential development on sites forming part of a wider area which was required by the local plan to be developed comprehensively. Owners of land adjacent to the appeal sites asked that a draft condition relating to means of access for each phase should require such access to be "dedicated to public use". They sought to distinguish Hall v. Shoreham UDC on the basis that the overall area was required to be developed comprehensively, that that requirement was a "burden" on all the landowners within the area and, therefore, no one parcel was any more valuable than another and no single owner should be able to insist upon being paid a ransom value for access rights (para. 11 of the decision letter).

2.6 The Secretary of State took the view that the achievement of comprehensive development was an important consideration. However, he stated unequivocally (para. 14) that he had no jurisdiction to resolve a commercial conflict of that nature:-

> **"He agrees with Messrs. Brachers' argument that he would in effect be intervening in a commercial dispute if he were to impose condition 30, amended so as to require that internal roads and other infrastructure, as well as being provided, were made available for successive phases by being dedicated to public use. He therefore is of the opinion that such an amendment would render condition 30 ultra vires."**

The Secretary of State therefore imposed condition 30 in the following form:-

> **"No dwelling constructed in any particular phase of the development, approved in accordance with the plan referred to in condition 5 ("the**

layout and phasing plan"), shall be occupied until all the roads and infrastructure relevant to that particular phase have been provided to a level of completeness, which has previously been approved in writing by the local planning authority and which is capable of not only serving that particular phase but also enabling an ensuing phase on an adjoining site to be begun consistently with the phasing sequence envisaged by the layout and phasing plan."

2.7 Given the clearly expressed views of the Court of Appeal and the Secretary of State, I think that it is highly likely that Wokingham D.C. would be ordered to pay the costs of any appeal necessary to remove condition 31 or to modify that condition so as to be expressed in lawful terms.

3. **Planning obligation**

3.1 Clause 4(f) of the draft section 106 obligation suggested by the Council would require the client to construct an access road up to adoptable standard to the boundary of the site and then to allow access to be gained from any development on 120, London Road. In my view it would also be unlawful for the Council to require a section 106 obligation to be executed before any planning permission is granted obliging the client to provide access without compensation to adjoining landowners.

3.2 It has become commonplace for local authorities to require section 106 obligations to be entered into before planning permission is granted. However, it is important to consider very carefully the ambit of section 106 and its precise relationship with the power to decide whether or not planning permission should be granted.

3.3 As was pointed out by Lord Keith in Tesco Stores Ltd v. Secretary of State [1995] 1 WLR 759, 769 a section 106 obligation need have no connection with any particular

proposed development or permission. Section 106 is a freestanding provision. Not surprisingly therefore, it has been held that the second of the three Newbury tests for the validity of conditions does not apply to determine whether a planning obligation is valid. Instead, it is only necessary to show (a) that the contents fall within the express terms of section 106 (in particular subsections (1) and (2)), (b) the obligation is for a planning purpose and (c) is not Wednesbury unreasonable.

3.4 However, the Courts have held that there is a clear distinction to be drawn between a planning obligation the contents of which fall within section 106, and the separate issue of whether such an obligation is an immaterial consideration in deciding whether or not to grant planning permission (see the Court of Appeal in J.A. Pye (Oxford) Ltd v. S. Gloucestershire D.C. [2001] 2 PLR 66). If the obligation is immaterial, then the Council's resolution to grant permission subject to a section 106 obligation is liable to be challenged by way of judicial review. In such circumstances, a local planning authority is not entitled to withhold a planning permission for reasons which are regarded in law as immaterial. Alternatively, it is open to the developer to appeal to the Secretary of State against a refusal, or deemed refusal, of planning permission.

3.5 In the present case, the Council's requirement that the client should provide a free access to an adjoining landowner or to dedicate an access as public highway involves an unlawful interference with the client's property rights. That renders any attempt to impose a condition to that effect unlawful. That fundamental illegality cannot be avoided by requiring instead that the developer should enter into a section 106 obligation to the same effect. In the Shoreham case it was held that such a requirement was unreasonable in the legal sense, and it must follow that the same applies to the proposed clause in the planning obligation. The developer is entitled to refuse to enter into such an obligation

and, in that event, it would be unlawful for the Council to withhold planning permission. The solution is for the Council to impose a suitable condition of the kind referred to in paragraph 2.6 above, which deals with the physical construction of the access road, but does not cover rights of way.

3.6 Quite apart from the illegality of the draft clause requested by the Council, there is the policy approach taken by the Secretary of State to section 106 obligations in Circular 1/97. The Secretary of State applies similar tests for the acceptability of section 106 obligations as the legal tests for the validity of conditions (see para. B2). In particular, he requires an obligation to be necessary, relevant to planning, directly related to the proposed development, fairly and reasonably related in scale and kind to the proposed development and reasonable in all other respects. Not surprisingly therefore in the West Cheshunt appeal decision the Secretary of State did not require a section 106 obligation to be entered into by the appellants requiring them to dedicate an access road as a highway or to provide rights of way to adjoining landowners free of charge. Should the Council insist in requiring the client to provide such an obligation I think that it is likely to be ordered to pay the costs of an appeal.

David Holgate

David Holgate Q.C.

Landmark Chambers
4 Breams Buildings
London EC4A 1AQ
3rd February 2003

IN THE MATTER OF:

MICHAEL SHANLEY HOMES (STAINES) LIMITED

DEVELOPMENT AT 110-116 LONDON ROAD, RUSCOMBE, READING

ADVICE

Gellhorn Cooney Laugharne
Connaught House
Alexandra Terrace
GUILDFORD
Surrey
GU1 3DA

Our Ref: DJH/75719/2454

DATED **2003**

WOKINGHAM DISTRICT COUNCIL

and

MICHAEL SHANLY HOMES (STAINES) LIMITED

AGREEMENT

pursuant to Section 106 of the Town & Country Planning Act 1990 relating to land to the rear of 110/116 London Road Ruscombe

THIS AGREEMENT is made the day of Two Thousand and One BETWEEN **WOKINGHAM DISTRICT COUNCIL** of Council Offices, Shute End, Wokingham, Berkshire ('the Council') and Michael Shanly Homes Limited of Sorbon, Aylesbury End, Beaconsfield, Bucks HP9 1LW ('the Applicants').

WHEREAS:

A. The Applicants are the estate owners in fee simple of the land shown for identification purposes only edged red on the plan annexed hereto and known as land to the rear of 110-116 London Road, Ruscombe ('the Site')

B. On the 13th March 2002 the Applicants made an application for planning permission ("Application No. F/2002/6007") for the erection of 13 dwellings and the demolition of 116, London Road ("the Development")

C. The Council is the District Planning Authority for the administrative District of Wokingham

D. The Council has resolved that SUBJECT to the Applicants entering into this Agreement planning permission should be granted in respect of the Application No. F/2002/6007 ("the Planning Permission") and the Applicants have agreed to enter into this Agreement conditionally upon the Planning Permission being granted

E. This Agreement is entered into pursuant to the provisions of Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government Act 1972 whereby the Council is empowered to enter into this Agreement for various purposes in connection with the development of land and otherwise as more particularly set out in the Statutory Provisions

NOW THIS DEED WITNESSETH AND IT IS HEREBY AGREED AND DECLARED BY AND BETWEEN THE PARTIES HERETO AS FOLLOWS:-

1. This Agreement is made in pursuance of the Statutory Provisions and all other powers enabling the Council in this behalf and is a planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as substituted) which planning obligation is enforceable by the Council

2. Words in this Agreement importing the singular meaning shall where the context so admits include the plural meaning and vice versa

3. Words in this Agreement of the masculine gender shall include the feminine and neuter genders and vice versa and words denoting natural persons shall include corporations and vice versa

4. The Applicants so as to bind each and every part of the Site into whosoever hands the same may come hereby covenant with the Council:

   a) To pay to the Council prior to the commencement of the Development the sum of THIRTY THREE THOUSAND FIVE HUNDRED AND SEVENTY EIGHT POUNDS (£33,578) towards Polehampton Infant and Junior Schools.

   b) To pay to the Council prior to the commencement of the Development the sum of NINETEEN THOUSAND EIGHT HUNDRED AND FIFTY THREE POUNDS (£19,853) towards additional education places at Piggott Secondary School

   c) To pay to the Council prior to the commencement of the Development the sum of THREE THOUSAND SIX HUNDRED POUNDS (£3,600) towards an additional piece of play equipment and SIX THOUSAND FIVE HUNDRED POUNDS (£6,500) towards community facilities at Loddon Hall and/or youth facilities within Twyford/Ruscombe.

d) To pay to the Council prior to the commencement of the Development the sum of SEVEN HUNDRED AND TWO POUNDS (£702) towards the provision of additional library stock.

e) To pay to the Council prior to the commencement of the Development the sum of TWENTY THOUSAND POUNDS (£20,000) towards local highway improvements and/or sustainable transport initiatives and/or traffic management measure.

f) Before any dwelling is occupied pursuant to the Development, to construct an access road to adoptable standard up to the boundary of the Site with the site of 120, London Road with no gap and to allow at any time the use of the said access road to obtain access to any development on the said site at number 120, London Road.

5. IT IS HEREBY FURTHER AGREED AND DECLARED by and between the parties hereto as follows: -

a) All the sums referred to in this Agreement shall be subject to increase by the percentage change in the figures shown in the Index of Retail Price (all items) published by or on behalf of H M Government from the date of this Agreement until the date of payment.

b) The expression "the Applicants" and "the Council" shall niclude their respective successors in title and assigns.

c) The Covenants on the part of the Applicants shall not be enforceable against individual purchases or lessees of dwellings on the Development.

d) The Applicants shall pay the Council's reasonable costs relating to the preparation of this Agreement.

e) In this Agreement where any matter falls to be agreed between the parties or a test of reasonableness falls to be applied in respect of any matter or a dispute within three months from the date when it falls to be decided (or such longer period as herein provided) the question may be referred on the application of either party for the determination of a single expert to be agreed between the parties within a further period of one month or in the absence of such agreement to be appointed by the Vice President for the time being of the Royal Institute of Chartered Surveyors on such terms as to the liability and remuneration of such experts as the Vice President shall direct and the determination of the expert shall be final and binding upon the parties

f) The parties to this Agreement do not intend that any of its terms will be enforceable by virtue of the Contracts (Rights of Third Parties) Act 1999 by any person not a party to it

g) No person shall be liable for a breach of covenant contained in this Agreement after he shall have parted with all interest in the Site or a part in respect of which such breach occurs but without prejudice to liability for any subsisting breaches of covenant arising prior to that person parting with such interest

h) If the Planning Permission is quashed revoked or otherwise withdrawn or expires within the meaning of sections 91, 92 or 93 of the Town and Country Planning Act 1990 or is revoked or modified in accordance with sections 97 to 100 inclusive without the consent of the Applicant or the Applicant's successors in title or successfully challenged by a third party or otherwise this Agreement shall forthwith cease to have effect

i) Where any consent or approval is required under the terms of this Agreement such consent or approval shall not be unreasonably withheld or delayed

IN WITNESS whereof the parties hereto have affixed their Commons Seals the day and year first before written

THE COMMON SEAL OF }
WOKINGHAM DISTRICT COUNCIL }
Was hereunto affixed in the presence of:- }

Solicitor

THE COMMON SEAL OF }
MICHAEL SHANLY HOMES LIMITED }
Was hereunto affixed in the presence of:- }

Director

Secretary

MINUTES OF A MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD ON WEDNESDAY 4 SEPTEMBER 2002 FROM 7.00 PM TO 11.00 PM

Present: Mr AJ Ross (Chairman), Mr MJ Bryant, Mr SR Conway, Mr RFN Eke, Mrs JA Lissaman, Mr KA Malvern, Mrs M Robertson and Mr ND Rose.

Also Present: Tim Charlesworth, Mrs T Marinos and Mr AW Spratling.

PART I

100. MINUTES

Subject to the amendment of Minute 83 to reflect Members' wish that any bus service provided should be funded using Section 106 monies already received, the Minutes of the meeting of the Committee held on 14th August 2002 were confirmed as a correct record and signed by the Chairman.

101. APOLOGIES

Apologies for absence was submitted from Mrs DC Beatty, Mrs ANMC Drake and Rob Stanton.

102. PETITION REGARDING DEVELOPMENT ON READING ROAD

The Committee considered a report about a petition received against development in Reading Road set out on Agenda pages 15 to 16.

RESOLVED: That the contents of the petition be noted and that a copy be forwarded to the Executive Member for Planning, Transport and Environment.

103. APPLICATION NO: 2002/6007, PROPOSED ERECTION OF 13 DWELLINGS AND DEMOLITION OF 116 LONDON ROAD RUSCOMBE, 116 & LAND TO THE REAR OF 110, 112 & 114 LONDON ROAD RUSCOMBE, FOR MICHAEL SHANLY HOMES

The Committee considered a report about this application set out on Agenda pages 18 to 51.

Mrs C Bulman, a representative of Ruscombe Parish Council attended the meeting and gave that authority's views on the application.

Mr R Trayling, a local resident, attended the meeting and spoke against the application.

Mr Barker, a local resident, attended the meeting and spoke in support of the application.

Following concerns expressed by Members about the highway implications of the proposal, Members noted that the precise details of any traffic management measures brought forward through the Section 106 Agreement would be a matter for the Highways Board.

RESOLVED: 1) That an Agreement be entered into under Section 106 of the Town and Country Planning Act 1990 and other statutory powers to secure the following:-

a) a financial contribution of £33,578 towards Polehampton Infant and Junior Schools;

b) a financial contribution of £19,853 towards additional education places at Piggott Secondary School;

c) a financial contribution of £3,600 towards an additional piece of play equipment and £6,500 towards community facilities at Loddon Hall and youth facilities within Twyford/Ruscombe;

d) a financial contribution of £702 towards the provision of additional library stock;

e) a financial contribution of £20,000 towards local highway improvements, sustainable transport initiatives, traffic management measures and the use of the access by any other further developers;

2) That, subject to the execution and registration of the Agreement referred in 1) above, Application No 2002/6007 be approved, subject to the conditions set out in the Agenda, the strengthening of Condition 3 regarding boundary treatment, the deletion of condition 24, the rewording of condition 13 as set out below, the inclusion of an informative as set out below and the rewording of Condition 32 as set out below:-

Condition 13

No other development of the site shall take place until the access has been constructed in accordance with the approved submitted details and any street lighting columns and electricity supply poles at or affecting the proposed point of access to London Road have been relocated (at the applicant's own expense) in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Informative

4. Attention is drawn to the street lighting column and possibly an electricity supply pole which are located at or near to the proposed point of access to London Road. As these are likely to impede access to/from the site unless relocated, the developer is required to submit relocation details to the Local Planning Authority (condition 13). The developer will also need to agree any relocation and funding arrangements separately with the relevant electricity company and the Council as street lighting authority on 01189 746326.

Condition 32

The access road shall be constructed and adopted up to the boundary of the application site with number 120 London Road with no unadopted gap between the boundary and the edge of the road.

Reason: To prevent multiple accesses onto the London Road.

(Note: Mr SR Conway asked to be recorded as voting against this decision).

104. APPLICATION NO: 2001/3254, ERECTION OF TWO-STOREY CLASSROOM BUILDING, DOLPHIN SCHOOL HINTON HATCH CORNER, HURST, FOR THE DOLPHIN SCHOOL

The Committee considered a report about this application set out on Agenda pages 52 to 73.

Mrs L Follett attended the meeting and spoke in support of the application.

Members noted that there was no longer any need for the completion of a Section 106 Agreement in relation to this application.

In considering the application, Members asked that the proposed application in respect of the intended variation of the condition restricting the number of children that are allowed to be accommodated at the site be submitted to Members for determination.

RESOLVED: That Application No.2001/3254 be approved, subject to the conditions set out in the Agenda.

Date: 27 June 2003

To: Case Officer

We have received Details to Comply with Conditions for the following planning application:

Application Number: F/2002/6007

Location: 116 And Land R/O 110, 112, & 114, London Road, Ruscombe, Reading.

Proposal: Proposed erection of 13 dwellings and demolition of 116 London Road.

Applicant: Michael Shanly Homes .

Case Officer: Jeni Jackson

The new plans show the following: Details to comply with conditions for slab levels (condition 8), access (condition 13 & 23), surface water (condition 17) & drainage (condition 20). Drawing nos: C101 Rev L, C301 Rev C, & house setting out details.

Comments are required by 12/07/2002.

Should you have any queries regarding this application please contact the case officer Jeni Jackson on (0118) 974 6444.

(RING ONE)

REVISED PLANS | ADDITIONAL PLANS | MINOR AMENDMENTS | DETAILS TO COMPLY WITH CONDITIONS

App. No. F/2002/6007 Date Rec: 23 May 2003.

Location: 110-116 London Road Ruscombe Parish: Twyford.

Applicant: Michael Shanly

Description of attached plans: Slab levels, access, surface water, drainage,

Drawing No's: C101 Rev L; C301 Rev. C. + house setting out

CONSULTEES

Copies of plans will automatically be sent to ~~Woodley Library~~, ~~Part 1 Reg., Parish Council~~, ~~Ward Councillors~~ and the Case Officer unless specified.

Please tick which of the following you wish consulted.

Landscape & Trees	
Urb. Design & Conservation	
Highways C101 Rev L + C301 RevC	✓
Dinton Pastures	
Environmental Health	

OTHER INTERNAL / EXTERNAL CONSULTEES (EXCLUDING NEIGHBOURS)

Building Control for slab levels on house setting out drawing (condition 8)

Drainage

A full set of plans will be sent to all consultees unless particular drawings No's are specified in the spaces above.

NEIGHBOURS: N/A.

Date for Responses 14 days.

FURTHER ACTION

Re-advertise App. Y / N (Delete as required)

Redate Application Y / N From:

New Site Notice Y / N

Revised Proposal Description:

CASE OFFICER Jeni Jackson.

Consultations Sent by Admin. on 27.06.03

Yellow - Case Officer Copy
Green - Part One Copy

(RING ONE)

REVISED PLANS | ADDITIONAL PLANS | MINOR AMENDMENTS | DETAILS TO COMPLY WITH CONDITIONS

App. No. F/2002/6007 Date Rec. 23 May 2003.

Location: 110-116 London Road Rusconke

Parish: Twyford

Applicant: Michael Shanly

Description of attached plans: Slab levels, access, surface water, drainage

Drawing No's: C101 Rev L ; C301 Rev C + house setting out

CONSULTEES

Copies of plans will automatically be sent to ~~Woodley Library~~, ~~Part 1 Reg.~~, ~~Parish Council~~, ~~Ward Councillors~~ and the Case Officer unless specified.

Please tick which of the following you wish consulted.

Landscape & Trees	
Urb. Design & Conservation	
Highways C101 Rev L + C301 Rev C	✓
Dinton Pastures	
Environmental Health	

OTHER INTERNAL / EXTERNAL CONSULTEES (EXCLUDING NEIGHBOURS)

Building Control re slab levels on house setting out drawing (condition 8)

Drainage

A full set of plans will be sent to all consultees unless particular drawings No's are specified in the spaces above.

NEIGHBOURS: N/A.

Date for Responses 14 days.

FURTHER ACTION

Re-advertise App. Y / N (Delete as required)

Redate Application Y / N From:

New Site Notice Y / N

Revised Proposal Description:

CASE OFFICER Jeni Jackson.

Consultations Sent by Admin. on 27.06. PS

Yellow - Case Officer Copy
Green - Part One Copy

Our Ref: IJ/KH

Your Ref: 2002/6007

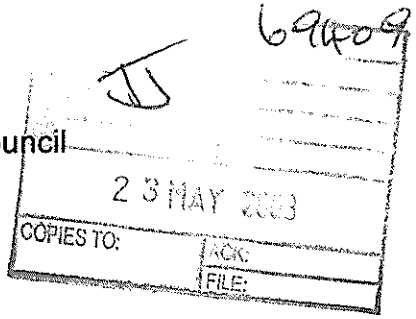
23rd May 2003

Michael Shanly Homes

'Sorbon' Aylesbury End Beaconsfield
Buckinghamshire HP9 1LW

Tel: Beaconsfield (01494) 671331
DX 34507 Beaconsfield
Fax: (01494) 676417
www.michaelshanly.co.uk

Mrs J Jackson
Planning Department
Wokingham District Council
PO Box 157
Shute End
Wokingham
Berks
RG40 1WR



PLANS TO MEET CONDITIONS

6007

Dear Mrs Jackson

Re: 110-116 London Road, Ruscombe.

Regarding the above. I now seek to discharge conditions relating to planning consent 2002/6007 as detailed below:

Condition 8 : Slab Levels

For your consideration I attach 2 copies of a house setting out drawing which illustrates proposed slab levels.

Condition 13 : Access

Please find enclosed 2 copies of drawing C101 Revision L which illustrates details of the proposed access.

Condition 17 : Surface Water

Please see the attached drawing C101 Rev L for details.

Condition 20 : Drainage

Please see drawing C101 Rev L for details.

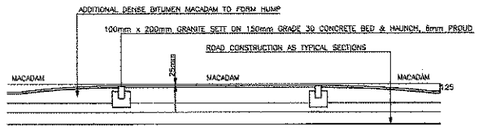
Condition 23 : Access details

I attach 2 copies of drawing C301 Rev C which illustrates construction details of the access.

I trust these are acceptable to you.

Yours sincerely

Ian Jewson
Planning Manager
Michael Shanly Homes



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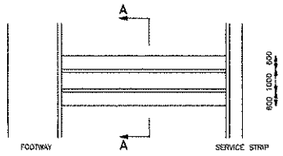
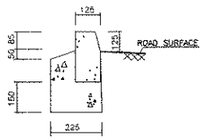
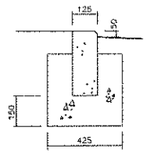


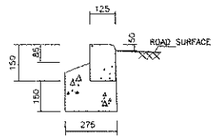
RUMBLE STRIP



HALF BATTERED KERB
125 X 255 HB2



RUMBLE STRIP
VEHICULAR CROSSING



BULLNOSE KERB
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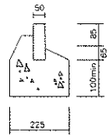

SQUARE EDGING
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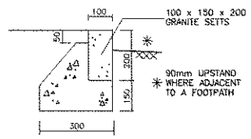
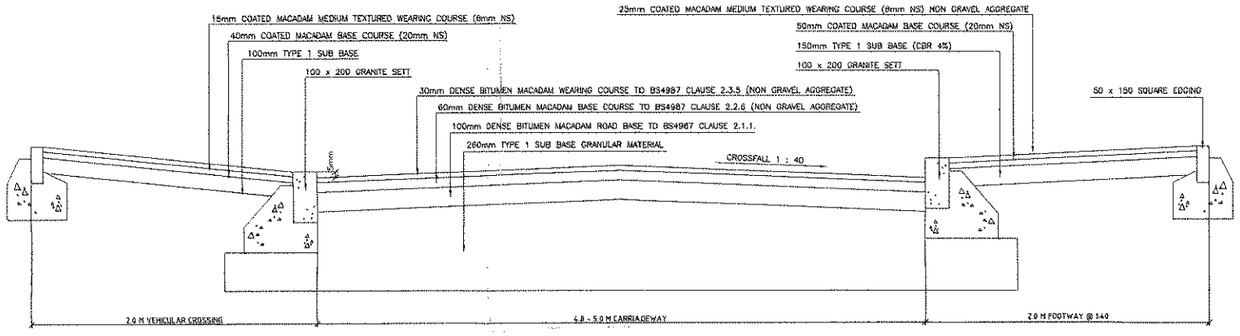
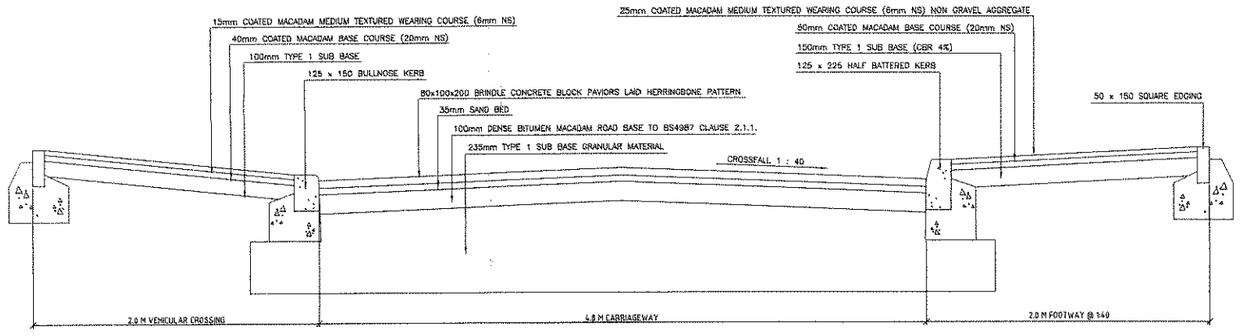


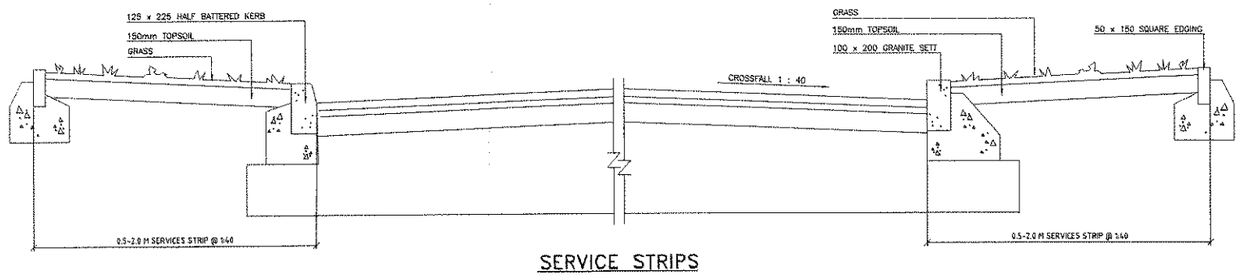
GRANITE SETT
100 X 200



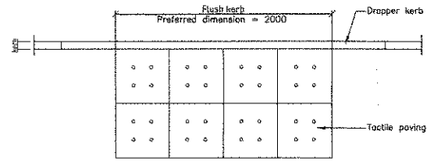
DENSE BITUMEN MACADAM CARRIAGEWAY TO ENTRANCE
DENSE BITUMEN MACADAM CARRIAGEWAY BEYOND BLOCK PAVING



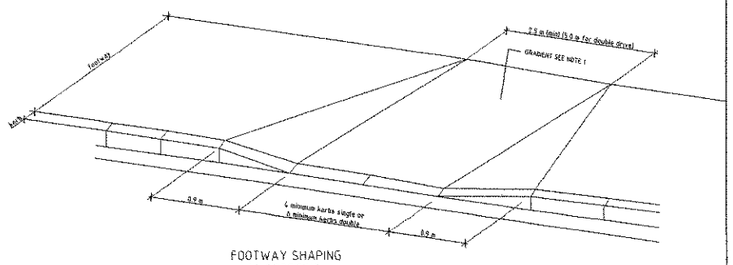
BLOCK PAVED CARRIAGEWAY



SERVICE STRIPS



UNCONTROLLED CROSSING
FOOTWAY ADJACENT TO KERB

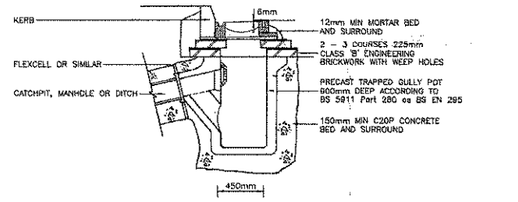


FOOTWAY SHAPING
AT CROSSING

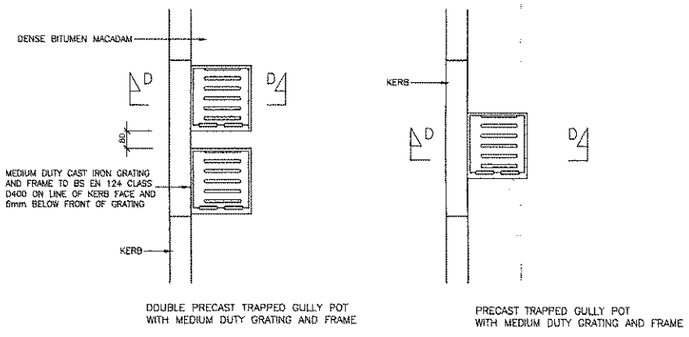
NOTES

1. MAX FOOTWAY CROSSFALL TO BE 5% (PREFERRED) OR 8% (ABSOLUTE MAX).
2. CONCRETE PAVING TO BE CONCRETE CLASS ST2 WITH U2 FINISH.
3. PRECAST CONCRETE KERBS TO BE HALF BATTER WITH 120 FACE.

VEHICLE CROSSOVER



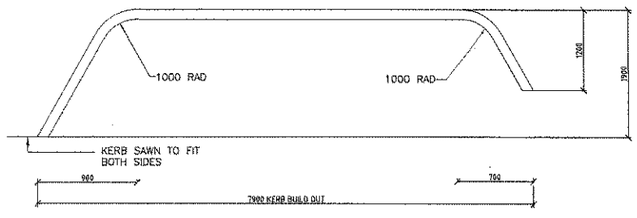
D–D



DOUBLE PRECAST TRAPPED GULLY POT
WITH MEDIUM DUTY GRATING AND FRAME

PRECAST TRAPPED GULLY POT
WITH MEDIUM DUTY GRATING AND FRAME

PRECAST GULLY TYPE G3



KERB BUILD OUT

NOTES

This drawing is to be read in conjunction with all other relevant architectural and engineers' drawings.

Do not scale this drawing, use only written or calculated dimensions.

All dimensions to be checked on site prior to commencement of construction and any discrepancy should be reported to the Construction Manager.

All works to be in accordance with sewer for adoption 5th Edition.

ORIGINAL SIZE OF DRAWING A1

DO NOT SCALE

23 MAY 2003
COPIES TO:

6007

PLANS TO MEET CONDITIONS

REV.	DESCRIPTION	DATE
C	DRAWINGS UPDATED	25-02-03
B	DRAWINGS UPDATED	13-01-03
A	CROSSOVER & FOOTPATH ALTERATIONS	09-12-02

LWA Oxford Ltd
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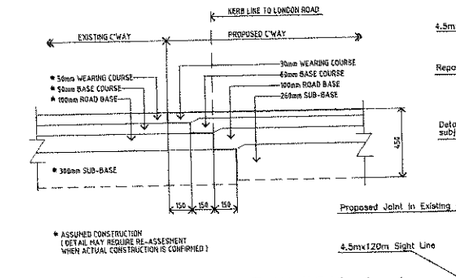
email: drawings@lwaoxford.co.uk

DESIGNED	EM	Client:	MICHAEL SHANLY HOMES
DRAWN	EM		
CHECKED	AB		
APPROVED	DW	SCALE	VARIES

110 – 116 LONDON ROAD

Title: HIGHWAY DETAILS

Drg No	804.2017–C301			
2017	7	10	C	25/11/02
PROJECT NUMBER	SHEET	OF	REV	DATE



TIE-IN DETAIL - SECTION A-A

SCALE 1 : 10

KEY

- YARD GULLY
- ROAD GULLY
- SOIL VENT PIPE
- STUB STACK
- SURFACE WATER DRAINAGE
- FOUL WATER DRAINAGE
- RAIN WATER PIPE
- SURFACE WATER INSPECTION CHAMBER
- MH3
- SA
- S2
- RODDING EYE
- 45.78 EXISTING LEVEL
- STREET LIGHT

NOTES

This drawing is to be read in conjunction with all other relevant architectural and engineers' drawings.

Do not scale this drawing, use only written or calculated dimensions.

All dimensions to be checked on site prior to commencement of construction and any discrepancy should be reported to the Construction Manager.

Invert level of public foul sewer to be checked prior to laying on site drainage.

The beech tree T14 to the rear of Plots 4 - 5 is to be preserved under a local authority Tree Preservation Order.

All works to be in accordance with Sewers for Adoption 5th Edition and Thames Water Addendum.

Construction of retaining walls shall minimise the disturbance of tree roots.

The kerbing beyond the narrowing will be formed with granite setts with nominal 90mm upstand.

PLANS TO MEET CONDITIONS

6007

REV.	DESCRIPTION	DATE
L	MODIFIED & ADDED AS SHOWN CLOUDED	28-04-03
J	LINK S2-S3, PLOTS 6-8 FOUL DRAINAGE	07-03-03
H	AS CLIENTS COMMENT	25-02-03
G	CONTOUR LAYOUT ADDED	18-02-03
F	PLOT 8 INSPECTION CHAMBER	11-02-03
E	THAMES WATER'S LETTER OF 3/02/03	07-02-03
D	AS CLIENTS COMMENT	04-02-03
C	AS CLIENTS COMMENT	28-01-03
B	DRAWINGS AUDITED	21-01-03
A	SOAKAWAYS REPOSITIONED	09-12-02

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email: drawings@lwaoxford.co.uk

DESIGNED	EM	Client:	MICHAEL SHANLY HOMES
DRAWN	EM		
CHECKED	AB		
APPROVED	CW	SCALE	1:200 ; 1:10

110 - 116 LONDON ROAD

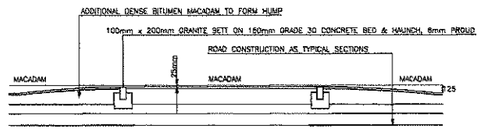
Title:

ENGINEERING LAYOUT

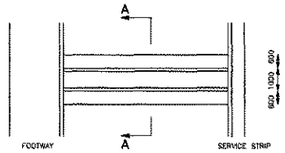
Drg No	804.2017-C101			
2017	1	10	L	30/11/02
PROJECT NUMBER	SHEET	OF	REV	DATE

DO NOT SCALE

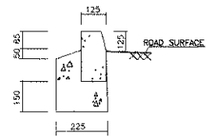
ORIGINAL SIZE OF DRAWING A1



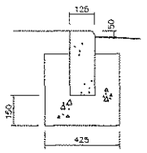
A–A



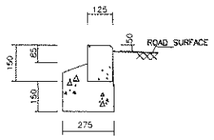
RUMBLE STRIP



HALF BATTERED KERB
125 X 255 HB2



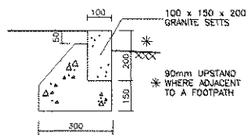
RUMBLE STRIP
VEHICULAR CROSSING



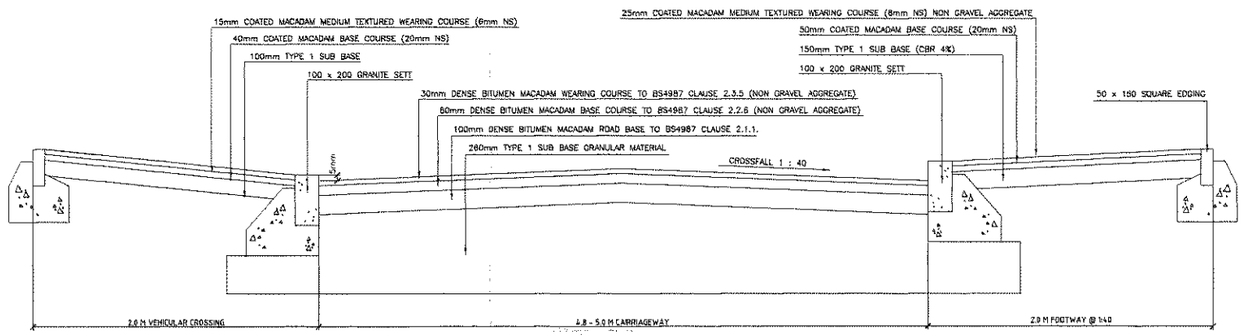
BULLNOSE KERB
125 X 150 BN



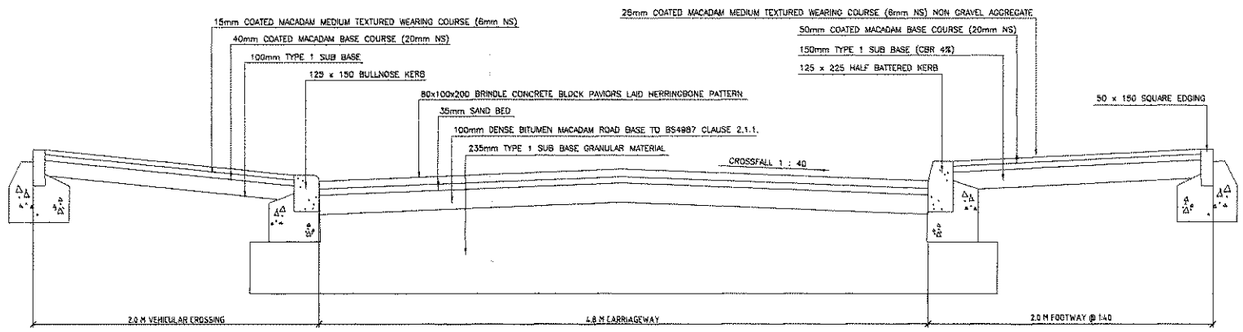
SQUARE EDGING
50 X 150 EF



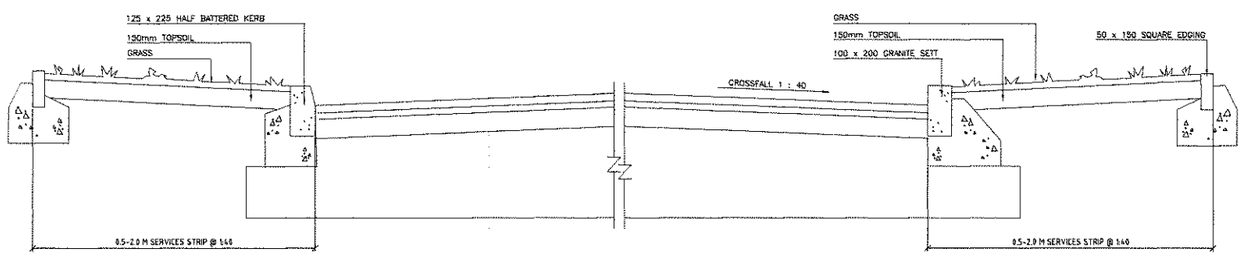
GRANITE SETT
100 X 200



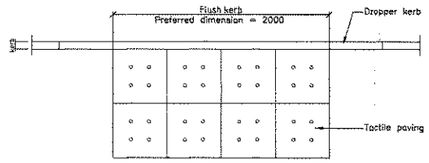
DENSE BITUMEN MACADAM CARRIAGEWAY TO ENTRANCE
DENSE BITUMEN MACADAM CARRIAGEWAY BEYOND BLOCK PAVING



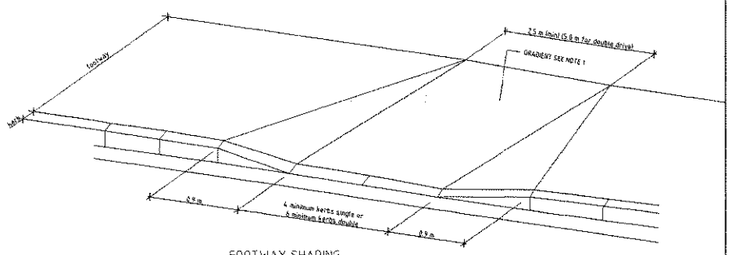
BLOCK PAVED CARRIAGEWAY



SERVICE STRIPS



UNCONTROLLED CROSSING
FOOTWAY ADJACENT TO KERB



FOOTWAY SHAPING
AT CROSSING

NOTES

1. MAX FOOTWAY CROSSFALL TO BE 5% (PREFERRED) OR 8% (ABSOLUTE MAX).
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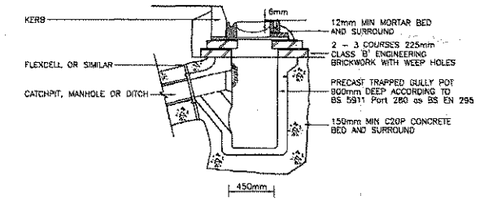
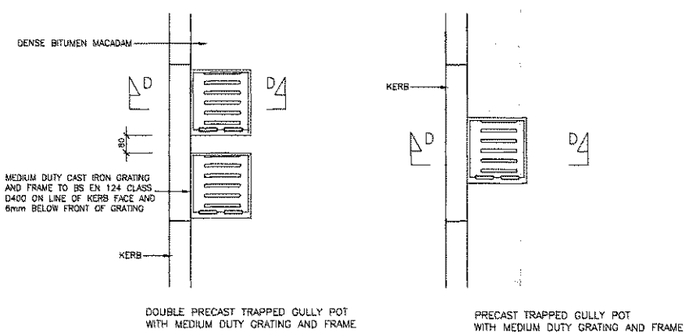
VEHICLE CROSSOVER



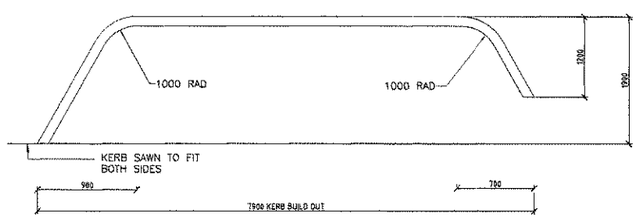
D–D



DOUBLE PRECAST TRAPPED GULLY POT
WITH MEDIUM DUTY GRATING AND FRAME

PRECAST TRAPPED GULLY POT
WITH MEDIUM DUTY GRATING AND FRAME

PRECAST GULLY TYPE G3



KERB BUILD OUT

NOTES

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All works to be in accordance with sewer for adoption 5th Edition.

ORIGINAL SIZE OF DRAWING A1

DO NOT SCALE

RECEIVED
29 MAY 03
CONSULTATIONS

6007 /J

PLANS TO MEET CONDITIONS

REV.	DESCRIPTION	DATE
C	DRAWINGS UPDATED	25-02-03
B	DRAWINGS UPDATED	13-01-03
A	CROSSOVER & FOOTPATH ALTERATIONS	09-12-02

LWA Oxford Ltd
Consulting Engineers & Surveyors
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Tel: 01865 408 508
Fax: 01865 408 557
email: drawings@lwaoxford.co.uk

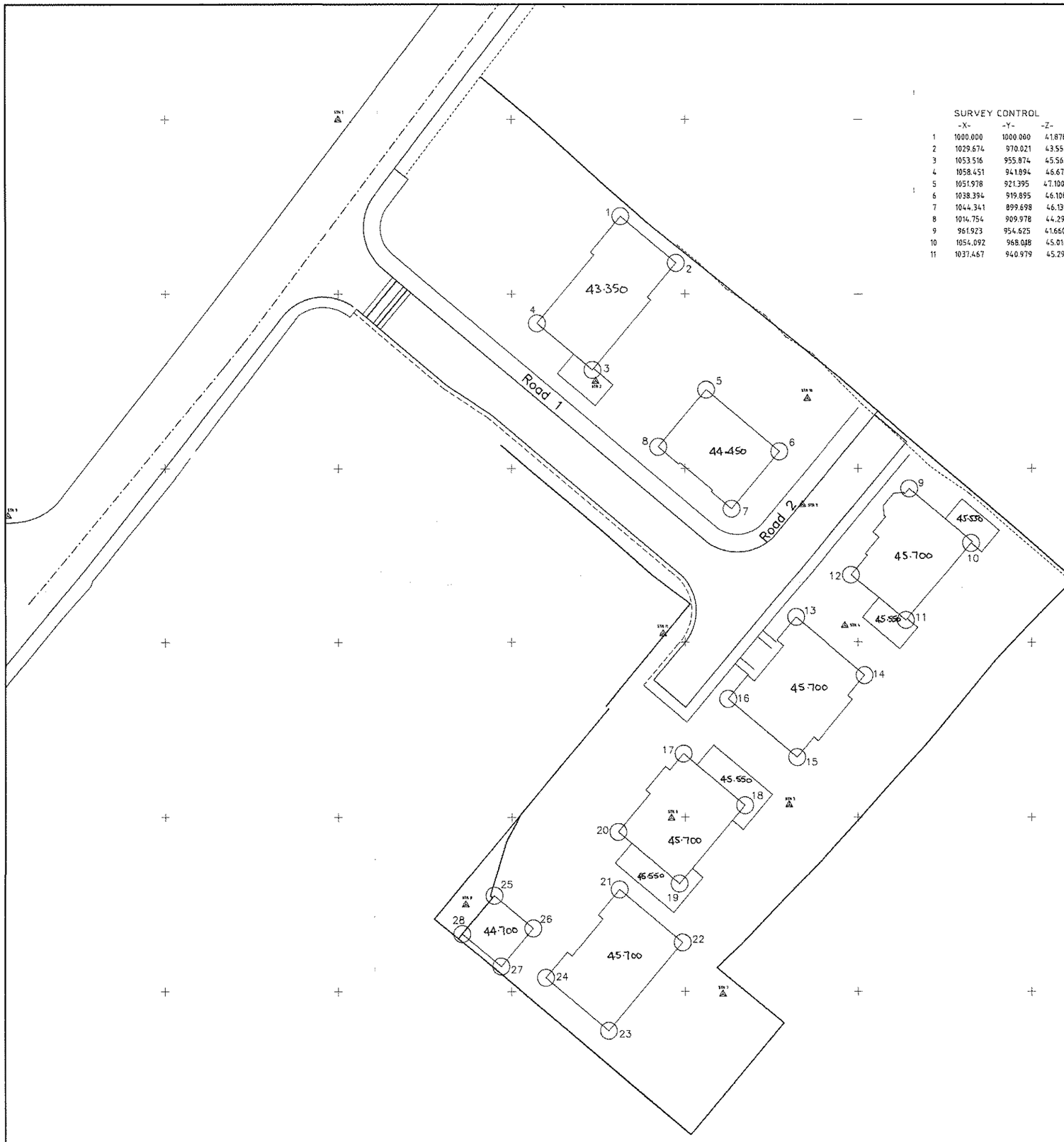
DESIGNED	EM	Client:	MICHAEL SHANLY HOMES
DRAWN	EM		
CHECKED	AB		
APPROVED	CW	SCALE	VARIES

110 – 116 LONDON ROAD

Title:

HIGHWAY DETAILS

Drg No	804.2017–C301			
2017	7	10	C	25/11/02
PROJECT NUMBER	SHEET	OF	REV	DATE



SURVEY CONTROL

	-X-	-Y-	-Z-
1	1000.000	1000.000	41.878 STN
2	1029.674	970.021	43.553 STN
3	1053.516	955.874	45.563 STN
4	1058.451	941.894	46.670 STN
5	1051.978	921.395	47.100 STN
6	1038.394	919.895	46.108 STN
7	1044.341	899.698	46.139 STN
8	1014.754	909.978	44.292 STN
9	961.923	954.625	41.660 STN
10	1054.092	968.048	45.014 STN
11	1037.467	940.979	45.290 STN

BUILDING SETTING OUT LISTING

Plots 1 - 3

1	X=1032.570	Y= 988.898
2	X=1038.953	Y= 983.542
3	X=1029.322	Y= 971.285
4	X=1022.938	Y= 976.642

Plots 4 & 5

5	X=1042.421	Y= 969.021
6	X=1050.870	Y= 961.931
7	X=1045.369	Y= 955.375
8	X=1036.920	Y= 962.465

Plots 6 & 7

9	X=1065.911	Y= 957.706
10	X=1073.019	Y= 951.461
11	X=1065.515	Y= 942.517
12	X=1059.187	Y= 947.826

Plots 8 & 9

13	X=1052.799	Y= 942.871
14	X=1060.745	Y= 936.204
15	X=1052.896	Y= 926.851
16	X=1044.951	Y= 933.518

Plots 10 & 11

17	X=1039.808	Y= 927.284
18	X=1046.882	Y= 921.348
19	X=1039.349	Y= 912.370
20	X=1032.274	Y= 918.306

Plots 12 & 13

21	X=1032.464	Y= 911.703
22	X=1039.711	Y= 905.622
23	X=1031.200	Y= 895.479
24	X=1023.953	Y= 901.560

Garage

25	X=1018.028	Y= 911.005
26	X=1022.497	Y= 907.255
27	X=1018.814	Y= 902.866
28	X=1014.345	Y= 906.616

NOTES

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ORIGINAL SIZE OF DRAWING A1

DO NOT SCALE

PLANS TO MEET CONDITIONS

6007 - 1

23 MAY 2002

PRELIMINARY ISSUE

REV.	DESCRIPTION	DATE
A	COORDINATES REVISED & DWG AUDITED	09-12-02

LWA Oxford Ltd

DESIGNED	EM	Client:	MICHAEL SHANLY HOMES
DRAWN	EM		
CHECKED			
APPROVED		SCALE	1:200

110 - 116 LONDON ROAD

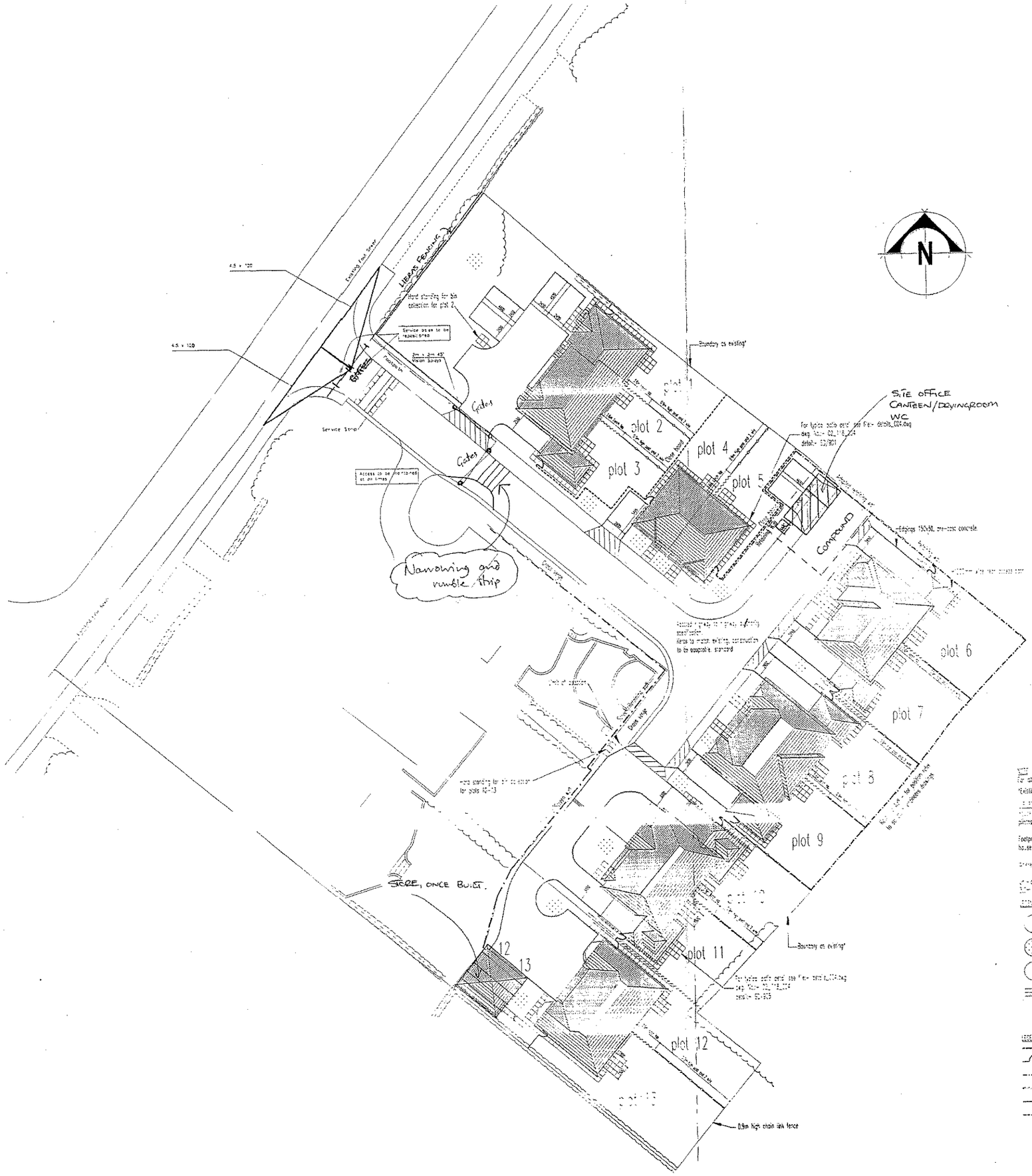
Title:

HOUSE SETTING OUT

WITH STRUCTURAL SLAB LEVELS

Drg No

PROJECT NUMBER	SHEET	OF	REV	DATE



NOTES

For all road kerbs, paths, kerb ramps, road markings, road gullies etc. refer to engineers drawings & details.

Existing perimeter fence to be retained and made good where required. Generally close boarded fence.

Footprint size is to external wall face, where pilasters occur on various house types, see specific house type drawing for locations.

Drawing shows indicative fence and boundary treatment only. Refer to engineers drawings for full details.

Drawing should be read in conjunction with the schedule of materials and the Design and Access Statement.

KEY:- Surfaces

- Areas to be block paved with coloured concrete block paviors. Edge restraint, 65mm thick, 25mm min. 200 class concrete. Sub base, minimum 150mm thick.
- Turf to front gardens only.
- Areas to be top soiled and planted, see landscape proposals detail.
- Paths are centre to be 600x600mm paving slabs, flushed with adjoining kerbs. 50mm grout bond, 150mm compacted hardcore. Paths generally 900mm wide, where paths are not adjacent to roads, see plan for path widths. Paths shown to be 100mm above kerbs.

LEGEND:- Fences, Walls, Gates etc.

- Railings - see standard detail (02-166_002, detail 02/902)
- Gate to some fences - see standard detail (02-166_003, detail 02/903)
- Retaining wall - see standard detail (02-166_004, detail 02/903)
- Brick wall - 2 bricks on end on footing as shown on plan (02-166_01, detail 02/901)
- Post fence - post and 2 rails (1.8m high) (02-166_01, 02/910)
- Close boarded fence, (02-166_03, 02/910)

ORIGINAL SIZE OF DRAWING A1

DO NOT SCALE

Consultant

cadsquare

Cadsquare Ltd.
Unit 15,
Farnborough Business Centre,
Eelmoor Road, Farnborough,
Hampshire. GU14 7XA
Tel: (01252) 681791

NOTES

rev	description	date	drawn
B	NOTES AS DIVORCE CONTENTS OF DRAWING	27.01.03	
A	SCREEN WALL EXTENDED TO FRONT OF PLOTS 12 & 13.	27.01.03	

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date 20.11.02

drawn by

job no M3302-166/

file name engineering layout-hard-works_005.dwg

site ref

110-116 London Road
Ruscombe

Michael Shanly Homes

Western

Shanly House, 1-3 The Pavilions, Cumberland Business Centre, Camberley, Surrey, GU15 3XD
Tel: 01276-470270
Fax: 01276-471271

drawing title

External works layout

(COMPOUND LAYOUT)

scale 1:250

drawing no 02-166_005

revision A B