

## DELEGATED OFFICER REPORT



**WOKINGHAM**  
**BOROUGH COUNCIL**

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| <b>Application Number:</b>                                                                                                                                                                         | 240583                                 |
| <b>Site Address:</b>                                                                                                                                                                               | Land north-west of Hogmoor Lane, Hurst |
| <b>Expiry Date:</b>                                                                                                                                                                                | 29 November 2024                       |
| <b>Site Visit Date:</b>                                                                                                                                                                            | 12/03/2024                             |
| <b>Proposal:</b> Outline application for the proposed erection of 9No dwellings and associated access, (with Landscaping, Layout, Scale and Appearance reserved and only Access to be considered). |                                        |

### **PLANNING CONSTRAINTS/STATUS**

Contaminated Land Consultation Zone  
Green Routes and Riverside Paths  
Heathrow Aerodrome Consultation Zone  
Affordable Housing Thresholds  
Areas of Special Character  
Bat Roost Habitat Suitability  
Scale and Location of Development Proposals  
Great Crested Newt Consultation Zone  
Ground Water Zones  
Nuclear Consultation Zone  
Tree Preservation Orders  
Landfill Gas Consultation Zone  
Landscape Character Assessment Area  
SSSI Impact Risk Zones  
Green Routes and Riverside Paths Consultation Zone  
Archaeological Sites Consultation Zone  
JCEB Areas of Search for Sand and Gravel  
JCEB Mineral Safeguarding Areas  
Local Plan Update Submitted Sites

### **PLANNING POLICY**

|                           |                                                                                                                                                                                                                                                                                                                                                                                    |
|---------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>National Policy</b>    | National Planning Policy Framework (NPPF)                                                                                                                                                                                                                                                                                                                                          |
| <b>Core Strategy (CS)</b> | CP1 – Sustainable Development<br>CP2 – Inclusive Communities<br>CP3 – General Principles for Development<br>CP4 – Infrastructure Requirements<br>CP5 – Housing Mix, Density and Affordability<br>CP6 – Managing Travel Demand<br>CP7 – Biodiversity<br>CP9 – Scale and Location of Development Proposals<br>CP11 – Proposals Outside Development Limits<br>CP17 – Housing Delivery |

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| <b>MDD Local Plan (MDD)</b>                 | CC01 – Presumption in Favour of Sustainable Development<br>CC02 – Development Limits<br>CC03 – Green Infrastructure, Trees and Landscaping<br>CC04 – Sustainable Design and Construction<br>CC05 – Renewable Energy and Decentralised Energy Networks<br>CC07 – Parking<br>CC09 – Development and Flood Risk<br>CC10 – Sustainable Drainage<br>TB05 – Housing Mix<br>TB07 – Internal Space Standards<br>TB21 – Landscape Character<br>TB23 – Biodiversity and Development<br>TB24 – Designated Heritage Assets<br>TB25 – Archaeology<br>TB26 – Buildings of Traditional Local Character and Areas of Special Character |
| <b>Joint Minerals and Waste Plan (JMWP)</b> | DM1 - Sustainable Development<br>DM2 - Climate Change – Mitigation and Adaptation<br>DM3 - Protection of Habitats and Species<br>DM4 - Protection of Designated Landscape<br>DM5 - Protection of the Countryside<br>DM7 - Conserving the Historic Environment<br>DM8 - Restoration of Minerals and Waste Developments<br>DM9 - Protecting Health, Safety and Amenity<br>DM10 - Flood Risk<br>DM11 - Water Resources<br>DM12 - Sustainable Transport Movements<br>DM13 - High Quality Design of Minerals and Waste Development<br>DM14 - Ancillary development<br>DM15 - Site History                                   |
| <b>Other</b>                                | Borough Design Guide Supplementary Planning Document<br>National Planning Policy Guidance (NPPG)<br>CIL Guidance + 123 List<br>Affordable Housing Supplementary Planning Document<br>Sustainable Design and Construction Supplementary Planning Document<br>A Design for Hurst                                                                                                                                                                                                                                                                                                                                         |

## NO RELEVANT PLANNING HISTORY

## CONSULTATION RESPONSES

### Internal

WBC Landscape and Trees – Objection received on grounds of landscape character impact.

WBC Built Heritage Officer – Objection on harm to the historic settlement gap, and setting of Area of Special Character

WBC Highways – Objection received on grounds of unsustainability.

WBC Affordable Housing – Objection received due to non-policy compliant percentage of dwellings put forward.

WBC Drainage – No objection subject to condition and planning obligation to secure swale.

WBC Economic Prosperity & Place (Community Infrastructure) – No comments received

WBC Environmental Health – No objection

WBC Ecology – No objection subject to condition/ obligation to secure BNG and veteran tree management.

WBC Public Rights Of Way – No comments received

WBC CIL – Comments provided

WBC Education (School Place Planning) – No comments received

WBC Cleaner and Greener – No comments received

#### **External**

Natural England – No response received

SSE Power Distribution – No response received

Thames Water Utilities Ltd – No objection

Berkshire Archaeology – No objection subject to conditions

South East Water – No response received

#### **REPRESENTATIONS**

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| Parish/Town Council | <p>St Nicholas Hurst Parish Council object to the proposals on the following grounds:</p> <p><i>1. The development will inevitably compromise the separation of Whistley Green and Hurst. Although the development as shown in the illustrations remains nine houses, it will fill the gap between the two settlements. The loss of views over the countryside from the A321 would be a significant loss to the village.</i></p> <p><i>2. The latest flood assessment from WBC indicate that the site will subject to additional flood risk. The plan includes an attenuation pond. However, it is not clear how this will manage the flood risk across Hogmoor Lane, the A321 and surrounding fields.</i></p> <p><i>3. The sustainability of the site remains an issue – even after allowing for the comments regarding a revised path. Specifically the applicants have not addressed the issues of the very limited public transport options and the constraints on the village school capacity. As has been previously noted, the local school has limited capacity and the alternative schools are not accessible without the use of a car.</i></p> <p><i>4. The policy issues noted in our objection – not compliant with existing WBC policies CP1, CP3, CP7, CP9 and CP11.</i></p> |
| Ward Member(s)      | <p>Objection has been received on landscape character grounds from Cllr Martin Alder, who requested the application be heard by Members of the planning committee should approval be recommended by officers.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

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| Neighbours | <p>Between the current application, and the previous invalid application (under the same reference) 270 objections have been received with 0 letters in support of the development. These are summarised as follows:</p> <ul style="list-style-type: none"> <li>- Impact to adjoining listed buildings</li> <li>- Harm to area of special character</li> <li>- Impacts to landscape character</li> <li>- Loss of historic settlement gap</li> <li>- Harm to biodiversity and protected species</li> <li>- Harm to veteran trees</li> <li>- Increased flood risk</li> <li>- Unsustainable development location</li> <li>- Location within the designated countryside</li> <li>- Biodiversity net gain not deliverable</li> <li>- Pedestrian footpath not deliverable</li> <li>- Pedestrian footpath not suitable for those with accessibility disabilities</li> <li>- Loss of views</li> <li>- Impacts to the character of the area based on indicative form</li> <li>- Harm to the valued landscape</li> <li>- Highway safety concerns</li> <li>- Misleading and/or inaccurate plans</li> <li>- Housing mix does not reflect local needs</li> <li>- Concerns with affordable housing provision</li> <li>- Neighbouring amenity concerns</li> <li>- Procedurally incorrect and unlawful to separate application site</li> <li>- Deliberate reduction in site area to constitute minor development</li> </ul> <p>Given the number of resident concerns raised these are considered within the report below.</p> |
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## APPRAISAL

### Site and Proposal Description:

The application is for outline planning permission for the proposed erection of up to 9 dwellings with access only to be considered. Three vehicular access points onto Broadwater Lane (A321) are proposed to facilitate the development. Appearance, landscaping, layout and scale are to be matters reserved for later approval. Along with the proposed accesses, matters for consideration are the principle of development and whether the quantum of up to 9 dwellings is appropriate for the site.

The 0.92 hectare site is within the designated countryside adjacent to both Broadwater Lane and Hogmoor Lane and therefore outside of, but bordering the settlement limits of Hurst, which is classified as a Limited Development Location with a limited range of day-to-day facilities. The site is bounded to the south, north-west and south-east by

the Hurst 'Area of Special Character' with the proposed accesses being included within the wider designation.

### **Outline Applications:**

The application has been submitted as an outline, with all matters reserved bar access. Therefore, the principle of development, quantum of development and proposed access in this location can only be assessed unless indicated elsewhere (which is not the case with this application).

Information about the proposed use or uses, and the amount of development proposed for each use, is necessary to allow consideration of an application for outline planning permission. In this case, the proposal is for up to 9 residential dwellings.

Unless the applicant has indicated that those details are submitted "*for illustrative purposes only*" (or has otherwise indicated that they are not formally part of the application as per the submitted application form and covering letter), the local planning authority must treat them as part of the development in respect of which the application is being made; the local planning authority cannot reserve that matter by condition for subsequent approval. In this case, the indicative layout indicative and for illustrative purposes only as per the submitted application form and covering letter. The detailed design, layout and house types will be reserved for later approval.

This said, it is reasonable to consider some elements of the layout as relatively fixed given the site constraints of veteran trees, a relatively narrow plot and the three access points being considered as part of this application.

### **Principle of Development:**

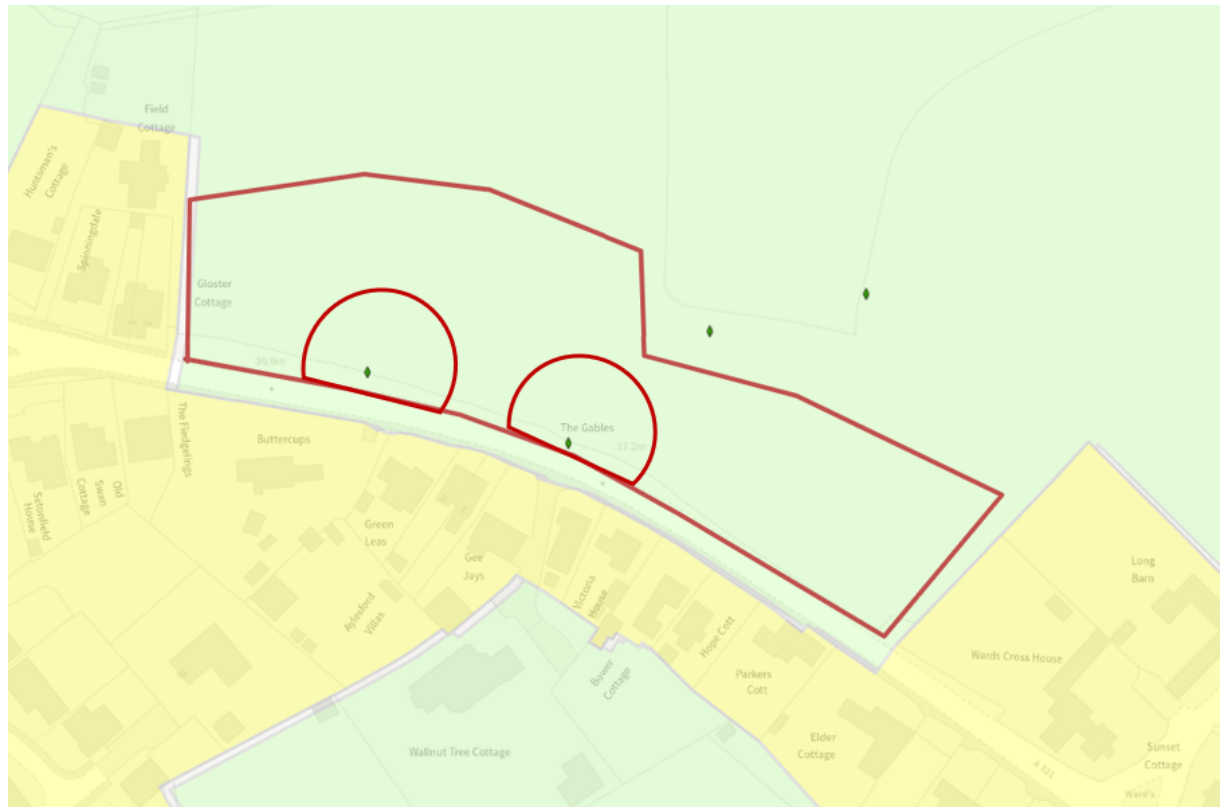
The starting point for decision making is the development plan. Section 70[2] of the TCPA 1990 & 38[6] of the PCPA 2004 states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework ("NPPF") states the development plan must include strategic policies to address each local planning authority's priorities and an overall strategy for the pattern, scale and quality of development.

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

Policy CP9 of the Core Strategy and CC02 of the MDD Local Plan states that proposals will be permitted within development limits where the scale of the application reflects the facilities and services within the settlement. The settlements are split into three

categories depending on the sustainability of those locations; Major, Modest and Limited development locations. The development plan steers Major developments to sustainable Major settlements with the best services, facilities and infrastructure. The definition of development limits recognises the consistent approach in planning to identify appropriate and sustainable areas for development.

Parts of the site to the east and west border the Limited Development location of Hurst as shown below plan in which the yellow indicates the Limited Development Location of Hurst.



The CS Policy CP17 states that the development within limited development locations should generally not exceed 25 dwellings and within an allowance of 100 dwellings over all limited development locations over the plan period. The proposed development of up to 9 dwellings is of a scale that is compatible with the size of the village and the level of services within it, however, as the proposal falls outside of settlement limits, an assessment against CP11 is required. Policy CP11 refers to development within the countryside and states *'in order to protect the separate identity of settlements and maintain the quality of the environment, proposals outside of development limits will not normally be permitted'*, except for the exceptions listed. The proposal would not fall within the exceptions set out in policy CP11 and conflicts with this development plan policy.

An identified objective in the CS is to *'maintain the distinct and separate identity of the borough's settlements'*. The same objective is reaffirmed in paragraph 2.68 under the heading 'Aspirations and Spatial Issues for the Borough' and also one of the overarching aims of policy CP11. The MDD carries through this aim was a core objective.

Whilst the villages of Hurst and Whistley Green fall under the same settlement limit (Hurst), they are historically and physically separate, and this is set out in the Council's Landscape Character Assessment (2019) and Valued Landscape Topic Paper (2024). The development would infill one of the only remaining open fields separating Hurst and Whistley Green and erode the gap between these two historically separate villages which conflicts with this overarching aim of CP11.

A further objective of policy CP11 and locating development within the settlement limits is to maintain the quality of the environment. Maintaining and protecting the natural environment and the character of the borough is key objective of both the Core Strategy and the MDD Local Plan. The NPPF sets out that development should recognise the intrinsic character and beauty of the countryside. The proposed cluster of dwellings on an open greenfield site within the countryside would be contrary to this objective.

The location of this proposed development in the countryside conflicts with the spatial objectives of the development plan and policies CP9 and CP11 of the Core Strategy, CC02 of the MDD Local Plan, the Borough Design Guide SPD and the NPPF. Accordingly, the proposal is unacceptable in principle.

### **Neighbourhood Plan:**

St Nicholas Hurst Parish has been designated as a Neighbourhood Area on 10 April 2018 following the decision by the Council's Executive on 29 March 2018 but there is no Neighbourhood Plan at this stage.

### **The emerging development plan**

The Local Plan Update ("LPU"), the plan which will supersede the adopted CS and MDD, is at the consultative stage of preparation. To date the council has consulted on two draft strategies: the Draft Plan (2020) and the Revised Growth Strategy (RGS) (2021).

The Housing and Economic Land Availability Assessment (HELAA) (2021) published alongside the RGS provides an assessment of the application site under reference: 5HU030. The updated Housing and Economic Land Availability Assessment (2024) acknowledged significant material considerations that impact the site, rendering the site unsuitable for residential development. The September 2024 HEELA concluded *"The context of the site is considered unsuitable, being inappropriate in terms of established settlement form and pattern, landscape character, and flood risk (which have been identified through representations)."*

Whilst the site was promoted by the landowner site under 5HU030. It was not included as a specific allocation in the Regulation 19 consultation. The LPU is at a consultative stage and the draft strategy and policies have limited weight in determining applications at this time.

### **Housing land supply position and the 'tilted balance'**

The latest published assessment of housing land supply concluded a deliverable supply of 3.2 years as of 31st March 2023.

The NPPF states under paragraph 11(d) that where a local authority is unable to demonstrate a five-year (or transitional four-year) supply of deliverable housing sites, the most important policies relating to the application may be viewed as being out of date. It continues to advise that unless there are specific policies in the NPPF protecting the land subject to the application, that permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole.

Paragraph 11(d)(i) notes that applications should be approved using the presumption in favour of sustainable development unless *“the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed”*.

Footnote 7 sets out the relevant areas and assets and these include irreplaceable habitats which will include habitats sites (and those sites listed in paragraph 187) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 7); and areas at risk of flooding or coastal change.

Furthermore, paragraph 186 of the NPPF indicates the presumption in favour of sustainable development does not apply where the project is likely to have a significant effect on an irreplaceable habitats.

### **Joint Minerals and Waste Plan**

The Central and Eastern Berkshire Joint Minerals and Waste Plan (“Joint Plan”) was adopted by Wokingham Borough Council on 19 January 2023. The Joint Plan identifies site allocations and extensions to help provide a future supply of sand and gravel extraction. However, despite these allocations, there remains a shortfall of supply during the plan period. The policy response to address the shortfall is the identification of a ‘Minerals Safeguarding Area’ (MSA), where Policy M2 of the plan applies, and also an ‘Area of Search’ where Policy M4 applies. This approach is to demonstrate the potential for, in effect, windfall provision within the Plan area.

The site is within the MSA and contains soft sand arising from historic river deposits. Policy M2 aims to seek to protect mineral resources against unnecessary sterilization by non-minerals development.

The application covers an area approximately 0.92 hectares in size and a 3 hectare threshold is reflected in the supporting text under Policy M2, which states *“A minimum plot size of 3 hectares will apply in the safeguarding process to avoid repeated consideration of prior extraction where this can be assumed to be uneconomic, due to the small size of the parcels of land involved.”*

Therefore, given the sites relatively modest scale below the threshold specified within Policy M2, it is unlikely to be a viable commercial operation or impact any other commercial operations. The location of the site is within close proximity to sensitive

land uses such as residential dwellings would also impede the suitability of the site for any mineral extraction given the buffer zones outlined by the JMWP.

**Best and most versatile agricultural land (“BMV”):**

Core strategy policy CP1 states that development should “7) *Avoid areas of best and most versatile agricultural land*”. BMV agricultural land is grades 1, 2 and 3a of the agricultural land classification.

The site is located within an existing agricultural unit, and the Council records show site constitutes grade 3 (a or b not known) best most versatile agricultural land (“BMV”), therefore the proposal has potential to result in the loss of BMV land

Given the modest size of the application site at 0.92 hectares and configuration, it would mean the loss would likely have a negligible consequences for any crop growing enterprise. The site is understood to have been more recently used for grazing rather than arable farming. On this basis, it is not considered that this weighs significantly against the use of the site for any other purposes.

The loss of any BMV land conflicts with policy CP1 of the Core Strategy and Section 15 of the NPPF, but for the reasons identified above has limited weight in the overall planning balance considering the diminutive size of the plot land and how it has been used in the recent past.

**Affordable Housing:**

As established within Core Strategy Policy CP5, the threshold for affordable housing is 5 dwellings or more for residential sites of 0.16 hectares or larger. The site exceeds this threshold and therefore there is a requirement for the provision affordable housing.

To meet the requirements of Policy CP5 of the Core Strategy, a minimum of 40% of the total number of units (net) should be provided as affordable housing. This equates to 4 dwellings of the proposed additional 9 dwellings.

The Council’s Affordable Housing Supplementary Planning Document (SPD) July 2013 provides further guidance on its approach to securing affordable housing through the planning process.

CP5, and the guidance contained within the SPD pre-dates the publication of the NPPF including latest December 2023 update. Paragraph 65 of the Framework requires that the provision of affordable housing should not be sought for residential developments that are not major developments (10 or more dwellings), other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). This applies to the application site and therefore, policy compliance would be expected.

One shared ownership unit has been proposed which equates to 12%. This is significantly 28% short of policy requirements and no viability assessment has been undertaken. The WBC Affordable Housing Officer objects to the proposal on this basis and raises concerns that no housing association would take on a single rural unit. Whilst the weight of CP5 is reduced given the engaged tilted balance and past appeal

decisions outlining the policy is out-of-date, the proposal fails to comply with the development plan concerning the delivery of affordable housing.

Notwithstanding the evidence base supporting CP5 being out of date, it is noted that the Wokingham Borough has a significant acute need for affordable housing and this extends to villages such as Hurst. The revised Local Housing Needs Assessment (November 2023) outlines that 352 affordable dwellings are required to be delivered per year over the plan period. This is in part due to previous under-delivery at only 23% of total housing completions since 2006/07.

Whilst the LPU seeks to address this shortfall, there remains a significant need for affordable housing delivery and the LPU is remains at consultative stage. Accordingly, whilst the policy ordinarily would be viewed as holding limited weight, considering the acute need, updated evidence base supporting the emerging local plan and the fact the objectives of CP5 have not changed this weight is increased accordingly.

### **Sustainable Location:**

CP1 (11) of the Core Strategy states *“Planning permission will be granted for developments that...; Demonstrate how they support opportunities for reducing the need to travel, particularly by private car in line with CP6;”*

CP6 (a+b) of the Core Strategy states that *“Planning permission will be granted for schemes that:*

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

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

Paragraph 108 of the NPPF states: “Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:

- c) opportunities to promote walking, cycling and public transport use are identified and pursued;
- d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and
- e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places

In appeal decisions APP/X0360/W/24/3342812 at School Road, and APP/X0360/W/22/3309202 at Lodge Road, Inspectors have previously identified that Hurst is an unsustainable development location for residential development and has a limited range of services.

The Inspector within APP/X0360/W/24/3342812 stated *“the basic facilities and services in the village and the nature of the bus service, mean the scheme would result in a reliance on private motorised transport to a degree as residents travelled further afield to access what was not provided locally. In this regard I find it contrary to Core Strategy Policies CP1, CP2, CP3 and CP6, which together seek to direct development to sustainable locations where there is transport choice”*. (para 53)

The Inspector within APP/X0360/W/22/3309202 stated *“I conclude that the appeal site is not a location which can currently be considered sustainable for a development of the size and scale proposed through this appeal, nor do I believe it would be made sustainable by the improvements and contributions offered by the appellant through the appeal proposal itself, and the obligations within the UU. Accordingly I further conclude that the proposed development would be at odds with CS Policies CP1, CP2, CP3, CP6 and CP11, MDDL Policies CC01 and CC02, and Section 9 of the Framework. (para 96)”*

There is no change to the infrastructure since these appeals therefore officers consider Hurst remains an unsustainable development location. Whilst some pedestrian improvements are noted that improve permeability within this part of Hurst (namely the indicated crossing points across Broadwater Lane and footpath through the site), they do not increase the basic level of services present within the adjoining settlement.

Whilst it is noted that Hurst’s sustainability credentials were concluded differently by an Inspector on a smaller housing development at Sawpit Lane (4 dwellings), this case had materially different circumstances as the site was position where there were offers of different walking and accessibility experiences for the occupiers. Whilst the scale of a development may impact of private car use is to a wider settlement (i.e. harm to highway safety or traffic generation), 9 dwellings within a village setting all requiring use of the private motor vehicle would not have an undiscernible impact, nor provides sufficient alternatives for future occupants to safely rely on public transport, walking and cycling. Thus, whilst the impact on the wider highway network may be modest, development in a location where residents have no choice but to utilise private vehicles for day-to-day services is unsustainable and thus contrary to CP1 and CP6.

The village of Hurst is classed as a Limited Development Location, which is summarised in the development plan as those settlements containing *‘a basic range of services and facilities and are physically and socially cohesive’* and is at the bottom of the settlement hierarchy.

To address the conflict with CP1 and CP6 and the NPPF, a sustainability assessment has been carried out by the applicant which confirms that a limited level of local services are accessible by walking and cycling routes. An audit of the walking environment has been provided by the applicant, which shows convenient pedestrian access to bus stops, a local shop and the primary school in Hurst. However, these services are significantly limited and do not constitute a mix of services required for day-to-day life for future residents.

The facilities within acceptable walking distances are:

- St Nicholas CoE Primary School

- St Nicholas PreSchool
- Broadwater Lane Play Area and playing field
- Hurst Post Office and Village Store 670m
- Hurst Village Hall
- Scout Hut
- Green Man Public House
- Bakery 720m (limited open hours)
- Hurst Gospel Hall

The nearest secondary schools are the Piggot and Waingels, which is also a sixth form college. It is not realistic that public or parents would walk to these secondary schools, and therefore the reasonable expectation that there will be a reliance on private vehicle.

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

The Chartered Institution of Highways and Transportation (CIHT) document ‘providing for journeys on foot’ advises that 400 metres is a desirable walking distance outside of city centres; 800 metres is stated as acceptable and 1,200 metres is the preferred maximum. The document clarifies that the suggested walking distances are for pedestrians without mobility impairment. These distances are also cited in the Wokingham Highway guidance Living Streets.

There are no cycle lanes along the road network that connect to the site. The nearby A and B roads are busy and this would impact the attractiveness of cycling. The CHIT document Planning for Cycling estimates the modal share of cycle trips to equate to around 2% of all journeys. Cycling also has a seasonal bias and is only an opportunity for those that are physically capable. Even if good cycle infrastructure was in the vicinity, it is likely to only contribute to small number of journeys.

No mention of the walking distance to bus stops was included in this assessment, however WBC Highways Officers have assessed this distance, and all dwellings would be within 300 metres which is considered an acceptable walk distance to the bus stops. The 128/129 serves these bus stops. A summary of the 128/129 bus service has been included in the transport statement which is not a frequent service and does not operate on Sundays or during evening periods. Accordingly, it is not considered a ‘good’ service as per CP6. It is considered that the 128/129 bus service is unlikely to be seen as an attractive alternative to the private car, and therefore would not offer residents a genuine choice of transport modes.

The submitted transport statement acknowledges that pupils could use this bus route to access the Piggot school. However, this bus route serves the centre of Twyford which is over a kilometre away from the school and does not feature a safe walking or cycling environment to get there.

Due to the location of this site, poor walking and cycling environment and the limited local services available which are insufficient to cater to future occupiers' needs, the proposal would not result in the reduction in car usage and would rather directly promote its usage. Whilst it is noted that the proposal is modest in scale at 9 dwellings, it is reasonable to conclude that given the indicated nature of larger family homes most required services would be inaccessible other than via the private motor vehicle. Therefore, it is concluded that the site is not sustainable in transport terms which forms an objection on highway grounds contrary to CP1 and CP6 of the Core Strategy and the NPPF.

### **Character of the Area:**

Policy CP1 of the Core Strategy states that planning permission will be granted for development proposals that 'maintain or enhance the high quality of the environment'.

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

The application seeks outline permission with all matters reserved apart from the access. An indicative site plan has been submitted setting out the scale, indicative layout, landscaping and location of development proposed.

Whilst it is noted that the site plan is indicative only given the matters considered within this submission as per the application form and covering letter, with regards to well-designed places, paragraph 130 of the NPPF states planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development:
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

Many of the above matters relate to detailed design consideration, which cannot be assessed at outline stage, however, the principle of residential development and its relative impacts on local character and the historic environment (and surrounding built environment) can be considered owing to the change of use of agricultural land and the impacts it may have on its surroundings.

Paragraph 134 states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. This is supported by paragraph 125 of the NPPF, which states:

*“Area-based character assessments, design guides and codes and masterplans can be used to help ensure that land is used efficiently while also creating beautiful and sustainable places.”*

The relevant design guidance subject to the application is the ‘National Design Guide’, ‘Wokingham Borough Design Guide SPD’ and ‘A Design for Hurst’.

The National Design Guide (NDG) section B1, paragraph 67 also states that the built form of well-designed places should relate well to:

- the site, its context and the opportunities they present;
- the proposed identity and character for the development in the wider place;

The 2005 “Design for Hurst” Parish Design Document identifies that *“ribbon development usually on one side of the road”* which is a typical local feature. “Landscape Setting and Character – Objectives’ within the document notes that *“The green gaps and rural vistas between buildings and settlements need to be preserved. To this end, further development within the rural areas surrounding the village, such as extensions of existing ribbon development along Davis Street, Forest Road and the A321 Wokingham Road are likely to be inappropriate”*. Although Broadwater Lane is not named, the A321 is an extension of Broadwater Lane and green gaps are typical of this part of the village in the same manner.

Whistley Green and Hurst village have been historically developed in a disconnected ‘reversed C’ pattern as shown in the figure below.



Whilst it may seem that Whistley Green and Hurst have completely coalesced the Inspector in the Lodge Road decision (APP/X0360/W/22/3309202) specifically referenced the application site, in noting that:

*“The A321 Wokingham Road/Broadwater Lane forms the main road through the developed area and I saw at my site visit that houses and other buildings line more or less its complete length, although the development is somewhat sparser to the immediate north-west of Hogmoor Lane, with some open fields to the north-east of Broadwater Lane. Because of this it is my view that although the 2 former separate villages of Hurst and Whistley Green do now read as one, the Council’s description of ‘lightly touching’, expressed by Mr Hannington, seems to be more appropriate than any suggestion of full coalescence. Be that as it may, the fact remains that development in the area is characterised as being in the shape of a ‘reversed C’, wrapping round the appeal site and other adjacent, undeveloped land, from Sawpit Road in the south to Whistley Green in the north.” (para 47)*

Whilst the layout is not a matter to consider within this submission, to facilitate the quantum of development on site and to manage the site’s constraints as well as the proposed accesses, it is reasonable to conclude the width of the site will be infilled as indicated, therein altering the settlement pattern and removing the last remaining gap between Hurst village and Whistley Green. This is shown in the figure below:



Development of the site would not result in the loss of the characterised 'reversed c' which has been acknowledged by the Inspector above to form a crucial part of Hurst's overall identity as a later settlement., however, it would significantly alter the existing 'lightly touching' settlements to coalesce which is contrary to the objectives of Core Strategy policy CP11. In this respect, development of this green field would detrimentally harm the established settlement pattern of Hurst and lead to both perceived a spatial coalescence of settlements.

Whilst the plans are illustrative, they demonstrate the quantum of development would result in a scheme that would not relate positively to the character and appearance of the area and would have a harmful impact. This is in part due to the site's constraints of the two veteran trees alongside the road and the narrow width of the site which to an extent limit potential amendments to make the proposals layout and design.

Owing to the site's constraints, the proposed layout has a looser grain of development than the surrounding character of the area. The layout is set within 3 cul-de-sacs set significantly back from the road. Whereas the main development along Broadwater Lane is facing the highway and has a significant street presence. Whilst the applicant has suggested a varied design of properties, the large separation distances between dwellings creates a disjointed layout which does not reflect the modestly spaced dwellings along Broadwater Lane.

This is particularly apparent between plots 5 and 8 which have a c.42 metre separation distance as well as plots 8 and 9 which are c.20 metre apart. Whilst it can be argued

that the layout reflects the pattern of development seen on the edge of Hogmoor Lane, the site's identity is heavily influenced by its surroundings on the southside of Broadwater Lane and therefore the layout show indicatively is unacceptable.

As a point of reference, the largest separation distance along Broadwater Lane as existing is between 'Buttercups' and 'The Fledgelings' at c.16 metres. Generally, the development in this location comprises semi-modern infill, and dwellings that have separation distances between 3 metres and 11 metres. The looser grain proposed within this submission would be out of odds with this established character. Whilst the layout is not fixed, given the location of the veteran trees and narrow width of the plot and the proposed 3 accesses being fixed by this application it is not considered that an appropriate relationship could be achieved on the site that reflects the site's influence and identity.

Turning to the proposal's relationship with the street-scene, all dwellings proposed bar plots 6 and 7 are significantly set back from the highway which is out of character with the surrounding built form. Plot 3 is set back from Broadwater Lane by c.37 metres which is over three times the set back of the furthest existing dwelling away from the highway on Broadwater Lane ('Buttercups' at c.12.6 metres). The median set back distance directly opposite the site along Broadwater Lane is c.7.9 metres which the proposal would be significantly out of character with. Such set back further creates visual and spatial encroachment into the countryside which is harmful in its own right, particularly given the site's existing character is mostly influenced by its location within a wider green field, rather than responding directly to surrounding built form.

The layout of the plot including set back from the highway is not inspired by the surrounding character of the area, but rather responding to the site's significant constraints which indicates its lack of suitability for appropriately designed development. Therefore, whilst layout and scale are matters reserved for later consideration, will inevitably cause harm to the character of the area and contrary to CP3 of the Core Strategy which requires development to of an "*appropriate scale of activity, mass, layout, built form, height, materials and character to the area..*" An appropriate layout is highly unlikely to be achieved given the site's constraints and the site's spatial relationship with adjoining Whistley Green and Hurst village.

Broadwater Lane is characterised by dwellings fronting directly onto the public highway, relatively closely grouped together. Whilst elevational detail has not been provided at this stage, plots 6 and 7 have been indicated to sit perpendicular to the public highway which would be an alien layout/ design feature in the context of the wider area. Whilst the design rationale behind this layout reflects the surrounding 'court' style developments, it has the appearance of a suburban cul-de-sac which is inappropriate for the site's countryside location and does not reflect the nature of Hurst village. Given the already relatively tight nature of the eastern accessed dwellings proposed, it may not be possible to change the orientation of these dwellings and achieve appropriate external amenity/ parking without causing greater harm to the character of the area or further encroachment.

Section 4 of the Wokingham Borough Design Guide requires garages to be sited to the side or rear of dwellings. This is in part to reduce the prominence of incidental residential form on the street scene and to allow the principal elevations of the

properties to be dominant in their plots. Plots 2, 5, 8 and 9 feature garages notably forward of the building line which creates a contrived appearance and stands contrary the BDG guidance. Whilst there may be some scope to amend this, again due to the site's constraints this would require a complete redesign which would not remove the site's notable constraints heavily influencing the indicative layout at current.

Plot 5 garage is most inappropriate as indicated given the garage is located forward of the building line and c.6.5 metres away from the dwelling which unnecessarily encroaches and develops a sensitive area of the site just outside of the Root Protection Area of a veteran tree. The rationale for the location of the garage's is not clear as they are not design responses to the prevailing character and pattern of development in the area, but rather forced by the irregular shape of the site and the southern boundary veteran trees.

Furthermore, garages themselves are not a common feature of the street scene in this location and where they do exist, they are attached or significantly set back from the front facing building line. Whilst it is understood that modern demand dictates detached garages are preferable and assist properties saleability, this is not a material consideration. Garages, if considered to be necessary, must be designed sensitively, particularly given the site's location within the designated countryside and a valued landscape.

Turning to land levels, the site is located higher in topography than surrounding dwellings. The submitted Flood Risk Assessment recommended that the finished floor levels of the buildings and surrounding site area should be raised to between 37.70 metres AOD at the western end of the site and 37.45 metres AOD at the eastern end to mitigate flood risk on the site. Whilst the layout, scale and appearance are not for strict consideration within this application, appropriate flood mitigation is essential to consider as it will be fixed when informing a future layout.

Whilst indicative ridge heights have not been submitted for the LPA's consideration, the submitted Flood Risk Assessment and Drainage Strategy Layout shows the AOD measurements along Broadwater Lane to be between 36.98 and 37.08 metres AOD which means that the proposed buildings and site levels would sit 0.72 metres above road level. This would have a two-fold impact, as not only would higher levels and more prominently placed dwellings stand contrary to the prevailing character of the area (particularly given the modest scale of Gloster Cottages directly adjoining), but also the application site would be more visible in the context of the street scene, which acts as a visual landmark as opposed to assimilating into its edge of settlement, countryside location contrary to CC02, CP1 and CP3.

Whilst accessed as a cul-de-sac, the eastern edge of the site would visually appear in the context of the street scene as back-land style development, in that plots 6 and 7 sit directly in front of plots 8 and 9. Whilst some back-land development is noted within the directly local area on the southside of Broadwater Lane, this generally follows areas of more 'compact' design and therefore the perception of back land development is not appreciable from the street scene. This would not be the case for the proposal, given plots 8 and 9 are stratified and would be visible from Broadwater Lane. Whilst the site sports low density of 10.2 dwellings per hectare (DPH), this eastern edge would appear

overdeveloped, synonymous with a suburban style of development and unnecessarily cramped, contrary to CP1 and CP3 and exacerbated by the increase in levels on site.

Policy CC02 and section 8 of the Borough Design Guide SPD states that the aim of new development located on the edge of settlements should be to recede and soften in relation to adjoining countryside. This guidance is set out for development in settlements but on the boundary edge which applies to the proposal.

As established, the site is not within settlement limits and therefore it is important to respect adjoining countryside. The proposal would fail to assimilate into the rural landscape and would create a more prominent, urbanising, suburban form of development in the countryside that would be out of keeping with the rural character of the area.

In summary, the proposed development will have a detrimental and urbanising impact on the landscape and character & appearance of the area by reason of the loose grain density and location of the proposal; the rural setting; the erosion of the separation between existing settlements. The development as shown would be contrary to policies CP1, CP3, CC01, CC02, CC03 the Borough Design Guide SPD and the NPPF.

#### ***Layout and Permeability:***

A key urban design principle is a site's permeability, particularly for pedestrians and cyclists. The applicant has indicated a mown path in and outside of the Root Protection Areas of the two veteran trees which would require no incursion or digging. These are located outside the red line of the application site therefore would require S106 legal agreement to secure maintenance in perpetuity. This has not been suggested by the Applicant. Notwithstanding this, the path provides connected access through the site from Broadwater Lane, which links to Public right of Way ("PROW") route STNH8 within a shielded route adjacent to Hogmoor Lane.

Concerns have been raised by residents regarding the impact of pedestrian movement within the Root Protection Area of veteran trees T014 and T016 due to compaction impacts. In this respect, the indicative mown path has been moved north which though remains located within the RPA does not constitute development. The field is currently being used for the grazing of up to 20 British White (up to 1800lbs) and Dexter (up to 1000lbs) cattle at one time who often reside under the canopy of the veteran trees for shade. Considering the unrestricted weight and use of this area by cattle, the weight of a human is not considered to be more harmful to the Root Protection Area of the veteran trees notwithstanding location within its enlarged buffer zone suggested by the WBC trees and landscape officer.

The second concern arising from consultation related to lack of inclusivity in accessing the mown path, particularly to those in wheelchairs. The proposed path around the trees connects onto PROW which is not hard surfaced and is located within a high flood risk area. Therefore, the PROW and connection as existing is undesirable to wheelchair users. Users of this footpath that are mobility impaired could access this route with an all-terrain wheelchair, as users of the PROW would need to as existing. Therefore, whilst a hard surfaced path would be preferable in accessibility terms, given the extent

of the root protection area of the veteran trees south of the site, the mown path provides a satisfactory solution to improving the wider area's permeability.

The final concern arising from consultation was the alleged increase in anti-social behaviour along the footpath connection, particularly raising concern to the 'tunnel' effect created by boundary treatment. Details of boundary treatment could be secured via condition, as well as the finer details of the path in a future reserved matters submission if this application was otherwise acceptable.

The matters above link to the deliverability of the path, which was raised as a point in objection. If the application was otherwise acceptable, precise details of the footpath (which is only indicated at this time) would be secured via planning obligation. Accordingly, there is no evidence pointing to the fact that this mown path would not be deliverable subject to finer details received at the relevant stage.

The indicated footpath creates a direct link from Broadwater Lane to a walking a safe walking route, overriding the need to walk along Hurst's limited pavements to access a public right of way footpath. The site is an open field at current which is inaccessible to the wider public. This is a benefit to the scheme.

#### **Landscape character and valued landscape:**

TB21 of the MDD Local Plan states that *"Proposals shall retain or enhance the condition, character and features that contribute to the landscape."*

The Wokingham Borough Landscape Character Assessment 2019 (WDLCA) shows the site sits within the C2 Hurst River Terrace Landscape Character Area. The WDLCA lists the following Valuable Landscape Attributes for the C2 Hurst River Terrace LCA:

- Peaceful and open character of the undeveloped arable and pastoral landscape when removed from the intrusion of major roads to the south, which provides an escape in close proximity to the urban population.
- Rural settlement pattern of small villages with historic cores and farmsteads unified by the cohesive use of redbrick which provides a cultural record of the past and adds local distinctiveness.
- A network of narrow rural lanes with characteristic roadside ditches which contribute to scenic quality.
- Small wetland habitats, including drainage channels and numerous farm ponds which are valued for flora and fauna.
- Gently undulating terrace landform provides open and clear views to the wooded backdrop of the adjacent Loddon Valley.

The built edge of Broadwater Lane is characterised by gaps in the settlement pattern to the northern edge. This is a special feature of the area of special character. The same is true of the east side of Hogmoor Lane which is characterised by a gap between the few dwellings and provides a clear view of the eastern edge of the site and the

mature hedgerow field boundary that extends south across the field toward the southern edge of the site.

The landscape attributes applicable to the proposal is the need to retain the settlement pattern (which the site as an existing, undeveloped, greenfield site contribute towards), peaceful character of the undeveloped arable and pastoral landscape, roadside ditches and small wetland habitats. Therefore, residential development within this location would result in the inevitable loss of these features, contrary to the established character of the Hurst River Terrace C2 Landscape Character Area (LCA), and TB21 of the MDD Local Plan.

Along with being located within the C2 LCA, the application site is located within the designated countryside and within a Valued Landscape which differs from the land classification and valuable attributes outlined within the LCA. Accordingly, paragraph 180 of the NPPF applies, which states that planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) *protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
- b) *recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*

The Valued Landscape Topic Paper (2020) was included in the Draft Local Plan consultation, undertaken February – April 2020, under Regulation 18. The document progressed to form the final Valued Landscape Topic Paper (September 2024) which was included within the Regulation 19 consultation undertaken in November 2024. The 2024 Valued Landscape Topic Paper builds on paragraph 180 of the NPPF (Dec 2023) at a local level and is part of the evidence base for the Local Plan Update.

Whilst progressed to regulation 19 stage of the emerging local plan, the VL Topic Paper 2024 does not form part of the Council's existing development plan but will feature within the emerging one. Notwithstanding this, it does not follow that the landscape is not Valued Landscape. This point was first brought into light by the Stroud high court case, which established it was the features on the ground that form a valued landscape rather than any formal designation. Mr Justice Ouseley stated in his judgement that valued landscapes were formed by '*...demonstrable physical attributes which would take this site beyond mere countryside, if I can put it that way, but into something below that which was designated*' (Gladman Developments Ltd v Stroud District Council).

Box 5.1 in the 3rd Edition GLVIA can also help identify the 'demonstrable attributes' that take a landscape out of the 'ordinary' outside of formal designation which has been utilised by WBC Trees and Landscape when arriving at the judgement the site is valued in landscape terms.

In this respect, the site's valuable landscape attributes as highlighted by WBC Trees and Landscape Officers are listed below:

- The 'Village Centre, Hurst' Area of Special Character
- The A321, Broadwater Lane, Green Route
- The Grade II listed buildings lining the Green Route in closer proximity to the site
- This high concentration of 16th and 17th century rural buildings (locally and nationally listed) also adds value
- Two Locally Listed Historic Parks and Gardens: Haineshill and Hurst Lodge
- The 'undeveloped agricultural land [that] reveals an element of the [listed] building's wider historic setting that has otherwise been significantly diluted by the later infill development. In addition the irregularly shaped fields within the 'simple agricultural landscape' are indicative of early enclosed fields themselves are important
- Whilst Hedgerow or roadside trees are relatively scarce and scattered, the veteran trees (oaks) adjacent to the site appearing in the WDVTA map, and are all recorded as veterans on the Ancient Tree Inventory. There are numerous others veteran trees in the wider Haines Hill valued landscape.
- The Biodiversity Opportunity Area to the south-east of the site and the nearby badger sett. In addition the site is currently used by nine species of bats (nearly half of the UK's nineteen species)
- MDD LP policy TB25 Archaeological sites including one adjacent and to the north of the proposed development site
- The appearance of the small fields and hedgerows of the site on early OS maps where, to the north, there is a dearth of hedges, suggesting early enclosure land. This is confirmed by reference to the Berkshire Inclosures map of 1812 where the hedgerow surrounding the site and many other small fields are shown in close association with the village of Whistley Green
- The CAMRA listed Elephant and Castle Public House (which lies in a narrow strip of land between the A321 and Lodge Road to the West), on the 1873 OS map and which, especially in these times of pub closures, should be included as an attribute setting the landscape above the ordinary.
- An area of relatively dark skies shown in the CPRE mapping
- A landscape identified as 'rural and tranquil' in the WBLCA (2019)
- The open land of the site is a valued attribute and it also preserves the separation of the two villages which is considered to be, in itself, a valued attribute
- The antiquity of Whistley Green as a settlement has added value as does the historic link of the villages to their agricultural hinterland

- The flood zones, lower lying land and drainage channels as part of a wider network of water features also add value for wildlife, from a cultural and historic perspective, and for ecosystem services
- Irregularly shaped fields indicative of early enclosed fields.

Bolstering the valuable landscape attributes above, as stated in the LCA, a key issue for the local area is *'demand for residential development increasing linear development along rural lanes and continuing to push towards the amalgamation of close settlements Whistley Green and Hurst impacting rural character. Incremental suburbanisation of buildings.'* This key issue directly links to the proposal as it involves demand for residential development and increasing suburban linear development which directly results in the visual and spatial amalgamation of Whistley Green and Hurst Village, impacting the rural identity of the area.

Whilst many of the matters above can be attributed to the site, it should be noted that those most applicable to the site are undeveloped agricultural land, irregular field pattern, historic settlement gap, area of special character, listed buildings, green route, veteran trees, dark skies, rural tranquillity and irregularly shaped fields.

Case law since the Stroud judgement has evolved that a site itself need not exhibit the valued landscape characteristics so long as it contributes to a wider valued landscape. In this case, the wider valued landscape forms much of the Haines Hill estate which does notably demonstrate the above attributes. The site is considered to be within a Valued Landscape for the purposes of the NPPF as stated by WBC Trees and Landscape who objects to the application.

To assess the site's valued landscape character and harms arising from the proposal, the applicant has submitted a LVIA which assessed the magnitude of impact to be medium/low given the proposed enhancements to landscaping. The Visual Assessment identifies 9 viewpoints based on a Medium-High receptor of pedestrians, residents, motorists and walkers. In this respect, the applicant's own LVIA outlines that at the upper end, there would be harm to the valued landscape albeit moderate which deviates from WBC's Trees and Landscape Officer who consider the magnitude of change to be significant. Regardless, paragraph 180 of the NPPF requires development to protect and enhance the valued landscape. Moderate harm identified by the applicant does not achieve these objectives. It is noted that it is agreed by all parties that the site is valued landscape and that there is harm albeit there is dispute on the magnitude of this harm.

The views of the site are to some degree localised as a result of the topography and intervening landscape, built form and vegetation cover that characterises the immediate setting of the site. Primary views into the site are from Broadwater Lane and Hogmoor Lane where they immediately abut the site boundaries. However, in terms of wider visual impact, views towards the site are possible from the adopted and permissive footpaths which lie to the north, particularly if the required level changes suggested within the drainage strategy were to be adopted.

Thus, the proposals in principle would dramatically change the character of a site identified as valued (by definition of p180). Whilst change is not always a negative thing in character terms, development amassing the full width of the settlement gap, which is identified as a valued landscape would be unable to protect and enhance the valued landscape, contrary to paragraph 180 of the framework. Whilst officers note that development in valued landscapes is not strictly precluded, in this instance considering the value of the landscape itself revolves around retention of the historic settlement gap and its historic relationship with the Hurst and Whistley Green settlements, irrespective of future design, the development would significantly diminish the value of the Haines Hill valued landscape.

Whilst the immediate visual impact of the development to the Valued Landscape may be to some degree localised to Broadwater Lane and part of Hogmoor Lane, the attributes on site directly connect to the value of the wider Haines Hill Valued Landscape. WBC Trees and Landscape do not agree with the conclusions within the submitted LVIA, arriving to the conclusion that the susceptibility to change on the site and immediate area would be Medium-High, the Landscape Value (including the setting) as Medium-High and the Landscape Sensitivity as being Medium-High. The Magnitude of change to be Major/Moderate-Adverse, and the Effects Yr. 1 as Major/Moderate-Adverse and at Year 15 Moderate/Adverse. These are significant harmful impacts on the Valued Landscape, contrary to the development plan and the NPPF.

In any case, notwithstanding the disagreements in conclusion between the applicant's landscape team and WBC Trees and Landscape Officer, the wording of paragraph 180 of the framework seeks to protect and enhance valued landscapes as well as the intrinsic beauty of the countryside. Whilst landscape lead, design-based solutions may soften the impact of development, the loss of this field to facilitate the proposed development would cause notable harm to the landscape character and the Valued Landscape and therefore would fail to comply with the NPPF as well as TB21 and 180 of the NPPF.

### **Neighbouring Amenity:**

At this stage, the proposal must demonstrate that the amount of development (9 dwellings) can be accommodated without significant impact on residential properties in terms of overlooking, overbearing and loss of light.

The indicative layout shows the 9 dwellings on the site with some properties fronting/siding onto Broadwater Lane and others in a cul-de-sac configuration. The properties are set notably away from the site boundaries and have adequate garden sizes. Due to their location, orientation and spaces between properties, it is considered that the site could accommodate up to 9 dwellings without a detrimentally harmful impact on existing neighbour amenity.

### **Highway Access and Parking Provision:**

#### ***Parking:***

A parking calculator based on illustrative housing mix and layout has been submitted. The proposed parking is in line with Borough Parking standards and there is ample space for each dwelling for parking.

All dwellings are shown to feature private garages. To align with borough parking standards, the garages would either need to be 6m x 3m or 7m x 3m as a minimum.

There is ample space on most of the driveways for cars to manoeuvre to be able to enter and leave in forward gear, however, plots 6 and 7 would have a long reversing distance and this would need revision as part of any reserved matters application.

### ***Cycle Parking:***

It is proposed that cycle parking would be in line with Borough Standards based on the indicative layout shown. If cycle parking is to be included in garages combined with parking, then the single garages would need to be 7m x 3m. If cycle parking is not to be contained in garages, then provision would need to be made for sheds of sufficient size in rear gardens with direct access.

### ***Electric Vehicle Charging:***

Each indicative dwelling would have a electric vehicle charger which is in line with Building Control regulations Approved Document S.

### ***Accesses:***

It is proposed that there would be 3 access for this development onto Broadwater Lane. The western access would serve plots 1 and 2, the central access would serve plots 3 to 5 and the eastern access would serve plots 6 to 9 only.

It is proposed that the north and south accesses would be 5.5m wide and that the middle access would be a shared drive with shared surface. Highways would recommend that all the access be at least 4.8m wide which the applicant has followed.

The delivery of these access could be carried out through a Section 278 highways agreement and the detail design of these accesses could be secured through a planning condition if the application was otherwise acceptable.

### ***Trip Generation:***

Trip rates for this development have been calculated from the TRICS database, however, no assessment has been submitted showing that these sites are comparable to the proposed development. That being said, further to consultation, WBC highways have carried out an assessment using the Borough's approved trip rates and the level of trips are of similar magnitude. Therefore, the trips for this development are acceptable and would not have an adverse impact on the wider highway network.

### ***Visibility Splays:***

Visibility splays for all three accessed have been based on actual speed surveys which is acceptable. The information from the traffic surveys have been provided which are acceptable to inform the visibility splays. Any landscaping within the visibility splay would need to be maintained to less than 0.6m which could be secured by planning condition.

***Swept path assessment:***

Further to a request for additional information, swept paths have been provided which show an acceptable area for refuse, fire and delivery vehicles to occupy when turning.

***Pedestrian:***

There are no pavements fronting this development site. There are pavements across the road from this site. It is proposed that for each access there would be dropped kerbs and tactile paving. This is acceptable due to the lack of pavement on this side of the road. It is proposed that the existing pavement be extended to the north access which is acceptable.

It is proposed that there will be a 2m wide footpath through the site. There would need to be dropped kerbs and tactile paving where this footpath meets the access drives. This footpath would connect to 2m footpath external to the site which connects to Hogmoor Lane. Highways is content to secure the design of the entire footpath through a planning obligation. The benefits of this footpath are discussed further above in the report.

***Servicing:***

It has been stated in the transport statement that refuse collection would be on street and that would be within the carrying distance set out in Manual for Streets which is acceptable. Full details of servicing would need to be submitted as part of any reserved matters.

***Road Safety Audit:***

A Road Safety Audit ("RSA") and designer's comments have been submitted which is acceptable. The designer has accepted the comment raised in the audit by WBC Highways Officers. Accordingly, the RSA is acceptable and location of accesses acceptable.

***Travel Plan Statement:***

A Travel Plan Statement has been submitted. Highway's comments on sustainable Assessment above are relevant for this document. Whilst the soft measures are acceptable, there is no mention on who will be managing and funding these options. It is acceptable that MyJourney contribution is included in this document which will need to be secured by legal agreement. There is no mention of what the current mode share based on Census data is for this part of Hurst. Due to the location of the site, it is unlikely that any alternatives to the motor car would be used.

**Framework Construction Method Statement:**

A framework method statement for construction has not been submitted. Given the application is an outline, this could be secured this by condition if the application was otherwise acceptable.

**Amenity Space:**

The indicative layout indicates that the site can accommodate sufficient amenity space for future occupiers. The Wokingham Borough Design Guide SPD recommends 11m rear garden depth.

**Flooding and Drainage:**

Policy CC09 of the MDD Local Plan 2014 states *“All sources of flood risk, including historic flooding, must be taken into account at all stages and to the appropriate degree at all levels in the planning application process to avoid inappropriate development in areas at risk of flooding. Proposals must be consistent with the guidance in paragraphs 99-104 of the National Planning Policy Framework (NPPF); the Technical Guidance to the NPPF and demonstrate how they have used the Strategic Flood Risk Assessment (SFRA) to determine the suitability of the proposal.”*

Policy CC10 of the MDD Local Plan 2014 states *“All development proposals must ensure surface water arising from the proposed development including taking into account climate change is managed in a sustainable manner. This must be demonstrated through a) A Flood Risk Assessment, or b) Through a Surface Water Drainage Strategy.”*

Environment Agency flood mapping, shows that the site solely falls within flood zone 1 which is a low risk of flooding (including accounting for climate change).

The site is presently drained by a drainage ditch, located along the northern boundary, which discharges to the local watercourse network. Therefore, the discharge of surface water to a watercourse via the existing drainage ditch is considered to be a feasible method for the disposal of surface water runoff from the development as it would mimic and enhance the sites existing drainage characteristics. A swale and improvements to the existing discharge system are proposed to be secured off-site on land owned by the Haines Hill Estate. If the application was otherwise acceptable, this could be secured by S106 agreement with Haines Hill as a party.

A representation has been received by Aardvark Planning Law stating that splitting the swale away from the wider site area is unlawful. The LPA disagree with this point as Grampian conditions/ off-site obligations are not unlawful. The case law referred to by Aardvark Planning Law refers to solely EIA circumvention which is not directly comparable to the proposal as an outline planning application. The LPA are unable to influence or prejudice which site area an applicant submits. It is neither a local, nor national validation requirement to include land in a planning application which the applicant (in this case, Shorewood Homes) does not choose to adopt.

Several neighbours and the Parish objections raise risk flood concerns, relating to existing dwellings along Broadwater Road (particularly referencing the Wokingham

Section 19 flood report prepared by JBA), these specific dwellings fall into higher flood vulnerability zones by virtue of lower land levels than the application site. This is outlined within the submitted Simpson FRA P23-1019 2 dated 12/02/2024 which indicates that the site slopes from south (37.5mAOD) to north (37mAOD). Notwithstanding, the Section 19 flood report does correctly outline that the site is susceptible to surface water flooding which would need to be effectively managed. Details of surface water management could be secured through an off-site swale and relevant drainage conditions as agreed by WBC Drainage (the LLFA).

In this respect, the increase in built form in principle would not exacerbate flood risk by virtue of the proposed swale and discharge system which would be improved as a part of this application. This would effectively manage the risk of increasing surface water flooding by discharging excess flow into an existing ditch at the controlled rate of 2l/s.

The submitted micro-drainage calculations dated 19/01/2024 (Appendix F of the FRA) indicates that 313.3m<sup>3</sup> is required to attenuate the 1 in 100-year flood event with a 40% allowance for climate change as represented by Appendix G of the FRA.

Accordingly, with the above in mind, whilst the application site is susceptible to surface water flooding as existing, the package of measures proposed by the applicant would effectively managing this. As such, there is no objection on drainage grounds from the Lead Local Flood Authority Officers subject to a planning obligation to secure the swale details, implementation and management in perpetuity.

### **Trees and landscaping:**

The site is located on a designated greenway route, and therefore is subject to CC03 of the MDD Local Plan.

The relevant considerations of CC03 to the application site states that development proposals should demonstrate how they have considered and achieved the following criteria within scheme proposals:

- a) Provide new or protect and enhance the Borough's Green Infrastructure networks, including the need to mitigate potential impacts of new development*
  - b) Promote accessibility, linkages and permeability between and within existing green corridors including public rights of way such as footpaths, cycleways and bridleways*
  - c) Promote the integration of the scheme with any adjoining public open space or countryside*
  - d) Protect and retain existing trees, hedges and other landscape features*
  - e) Incorporate high quality, ideally, native planting and landscaping as an integral part of the scheme.*
- 3. Development proposals which would result in the loss, fragmentation or isolation of areas of green infrastructure will not be acceptable.*

The proposals comply with point b) of CC03 in providing pedestrian access to the countryside directly from a green route, however, further to consultation, the WBC Trees and Landscape officer considers the proposal to result in the loss of important green infrastructure that contribute to the area's overarching landscape character which cannot be mitigated through soft landscape enhancements.

There are trees to the site edges and particularly notable are those trees on the southern site boundary including two off-site veteran oak trees as well as other trees of mixed native species and an intermittent hedge. Two further veteran oak trees are noted north of the site, sited adjacent to the proposed off-site swale.

The indicative layout plan submitted, shows non-viable tree losses: G001 'U' (Ash and Elm), T005, T006 'U' (Sycamore), T009 'U', T010 'U', Trees lost to car park/access requirements G003, C2, existing hard surface in T008, and drain cover next to stem of T012. There is an encroachment into the Root Protection Area of T46 of 11% of Root Protection Area, and 8m from closest point to stem from the proposed drainage channel to connect with an off-site drainage ditch. Whilst not a preferable solution, the submitted tree report outlines that there is a requirement to install a drainage channel to connect with an existing offsite drainage ditch. This is located to the north of the site and requires an encroachment into the plotted RPA of an oak T046. Because of the location of nearby utility poles there is a requirement for a distancing of the excavations from the base of the poles.

In terms of soft landscaping proposed, the application features an indicative landscaping plan of good quality. WBC Trees and landscape do not raise objection to the improved hedgerow planting and acknowledge that the new landscape proposals could reinforce the hedge and introduce new native shrub and tree planting which accords with part of CC03 of the MDD Local Plan, particularly considering the site's adjacent location to a Green Route enhancement area.

### **Veteran Trees**

Paragraph 186(c) of the NPPF states that *"When determining planning applications, local planning authorities should apply the following principles:*

*(c) developments resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons **and** a suitable compensation strategy exists.."*

Two veteran trees are identified outside of the site's southern boundary, bordering Broadwater Lane (and the proposed central and western access points) and two further veteran trees are north of the site, south-west and directly west of the off-site swale.

As the proposal involves development that sits directly adjacent to veteran trees, the standing advice prepared by Natural England and the Forestry Commission (2022) should be followed in full which provides guidance on assessing a development proposal against paragraph 186. This guidance provides a note on the 'Use of buffer zones' which states:

*Buffer zones can protect ancient woodland and individual ancient and veteran trees and provide valuable habitat for woodland wildlife, such as feeding bats and birds. The size and type of buffer zone should vary depending on the:*

- *scale and type of development and its effect on ancient woodland, ancient and veteran trees*

- *character of the surrounding area*

The standing advice provides details on a minimum buffer zone “*For ancient or veteran trees (including those on the woodland boundary), the buffer zone should be **at least** [my emphasis] 15 times larger than the diameter of the tree. The buffer zone should be 5 metres from the edge of the tree’s canopy if that area is larger than 15 times the tree’s diameter. This will create a minimum root protection area.*”

However, the minimum buffer zone as shown by the applicant in this case, is not always appropriate considering the specific circumstances of the development put forward. In this respect, the standing guidance provides examples of situations where ‘larger buffer zones are more likely to be needed’, for example where the surrounding area is:

- *less densely wooded*
- *close to residential areas*
- *steeply sloped*

The site of the current application is less densely wooded and close to residential areas. Therefore, in line with the standing advice a ‘larger buffer zone’ is required. Whilst it is noted that the standing advice does not specify how much larger a ‘larger buffer zone’ should be (as this is on a case-by-case basis), as the assessment carried out by WBC Trees and Landscape shows other impacts, the proposal is considered to need a larger buffer zone than the minimum shown with the Arboricultural Impact Statement (AIS).

As the veteran trees are bound by Broadwater Lane to the direct south, it is reasonable to consider that the root network of T014 and T016 have been displaced, forcing roots outside of the standard circular RPA assumptions. Furthermore, infrastructure is not that only cause of root displacement. Field management such as ploughing also can have a similar impact on root displacement which the WBC Trees and Landscape Officer considers to be the case relating to T020 and T036.

Whilst the Standing Advice does not specify off-setting of buffer zones, off-setting is appropriate where infrastructure and/or built form lie adjacent to an ancient woodland, ancient or veteran tree(s). Thus, in line with the standing guidance, an appropriate buffer zone must be larger than currently shown combined with acknowledgement of off-setting.

Further to detailed review of the submitted Arboricultural Impact Assessment, the WBC Trees and Landscape Officer considers that the root protection areas (RPA) and buffer zones shown for the veteran trees are inaccurate and do not accurately reflect the displaced root protection area of the veteran trees nor reflect the required buffer zone. Therefore, the proposed access points (which are subject for consideration within this outline) would lead to the degradation of an irreplaceable habitat.

The matter of assessing offsets were considered by the Planning Inspectorate within APP/X0360/W/17/3169773 to Land to the rear of 5-7 Rowan Drive which stated:

*“13. Most of the contiguous area of the RPA is within neighbours’ gardens, over which the appellants have no control. The Council raises the possibility that development may*

*occur within the offset RPA, thereby counteracting the effect of the offset. Permitted development rights exist to construct outbuildings and other incidental structures, and whilst there is no evidence that such development is likely to take place, as it is beyond the appellants' control, it cannot be discounted. Moreover, there is little scope to improve the soil environment; the area of garden immediately adjacent to the proposed house is that which is likely to be the most intensively used, and the appellants have no ability to improve the soil environment in the remainder of the RPA which is in other ownership. I therefore find that the proposal is likely to pose a threat to the health of trees which make a contribution to the amenity of the area, and this adds to my concerns."*

Whilst in relation to a different development, APP/X0360/W/17/3169773 is directly applicable to the application given the proposed access connecting to Broadwater Lane would have a counteracting impact on the existing offset caused by the road. This would not only mean the proposed accesses encroach into the existing RPA, but also constrain the root development of the southern veteran trees, hindering their growing environment (leading to their degradation).

Along with the displacement and offset not being sufficiently acknowledged by the applicant, as above, the Trees and Landscape Officer considers the following root protection areas and buffer zones to be more measured when assessing the site-specific circumstances of the veteran trees. These are contrasted against the RPA and buffer zones proposed by the applicant (refer to WBC Trees and Landscape consultation response for calculations):

| Tree Number | Shown RPA (m2) | Actual RPA (m2) |
|-------------|----------------|-----------------|
| T014        | 707            | 1,654.68        |
| T016        | 707            | 1,385.44        |
| T020        | 290            | 452.39          |
| T036        | 707            | 1,194.59        |

Considering the above, the proposal not only fails to account for root offset and displacement, however, also fails to provide a sufficient RPA and buffer zone for this irreplaceable habitat which should be enlarged given the standing guidance.

As harm of development to veteran trees have been identified above, the NPPF outlines that wholly exceptional reasons must exist to warrant their loss or degradation. This matter is clarified within footnote 67 of the NPPF as proposals forming *"infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat"*.

As per *R (Juden) v London Borough of Tower Hamlets* [2021] EWHC 1368 (Admin), no such reasons are considered to exist given the nature of the proposal and relative benefits the proposal would achieve. This judgement outlines that in combination with exceptional reasons (which as above do not exist), the applicant must demonstrate that a suitable mitigation and compensation strategy exists to compensate any harm that may arise. The WBC Trees and Landscape Officer does not consider that

suitable compensation can be put forward given the location of the accesses and other site constraints.

To conclude, the WBC Trees and Landscape Officer considers that the Arboricultural Impact Statement (AIS) fails to show the correct RPA, buffer zone and displacement/required off-set of the root network. The following areas of harm have been identified:

1. *“The central access, which is currently tightly inserted between the limited and erroneous RPAs and buffers of trees T014 and T016 (as shown in the AIS). When the offsetting of the 15 x dbh RPAs and buffers (as required in Lonsdale and BS 5837) is taken into consideration, this access cannot work without damaging the Veteran Trees.*
2. *The western access is currently shown hugging the limited and erroneous RPA and buffer of tree T016 (as shown in the AIS). When the offsetting of the 15 x dbh RPAs and buffers (as required in Lonsdale and BS 5837) is taken into consideration, this access cannot work without damaging the Veteran Trees.*
3. *It should be noted that changes in the red area and realignment of the SUDS scheme could probably affect sufficient accommodation of the correct 15 x dbh RPAs and buffers of trees T020 and T036. However, in the application as it stands, it is certain that tree T036 will be harmed, and it is not certain that veteran tree T020 will be unharmed by the development.”*

With the above in mind, the proposal conflicts with paragraph 186 of the NPPF in that it would lead to the degradation of 2no. veteran trees (T014 and T016) given the location of the central and western access points. Whilst objection is noted concerning T020 and T036, given the swale and drainage ditch would require planning permission in their own right, their layout is indicative only (unlike the access points). Notwithstanding, as the proposal results in the harm to an irreplaceable habitat and no wholly exceptional reason and adequate mitigation exists, the tilted balance is disengaged as per paragraph 11(d)(i) footnote 7 of the NPPF.

### **Ecology:**

This application is supported by an Ecological Assessment report (Luscinia Ecology, ref: LUS24225 EA, October 2024) and a Biodiversity Net Gain Assessment report (Luscinia Ecology, ref: LUS24225 BS&BGP, October 2024) with accompanying Statutory Metric (calculation iteration ‘Submission’). A further Review of Ecological Submissions (John Wenman Ecological Consultancy, June 2024) has been submitted.

### **Badger**

Badger setts have been recorded within the hedgerow to the north of the application site. The ecological assessment has identified the presence of Badger setts beyond the red line boundary but considers them to be currently unoccupied.

Based on the current status of Badgers locally, the proposed development is unlikely to result in loss or disturbance of an active Badger sett. However, given that this is an outline application and there is a risk of Badgers re-establishing the setts locally, precautionary mitigation measures could be secured during construction via a Construction Environmental Management Plan (CEMP) requiring submission and approval by the LPA, prior to commencement. If the application was otherwise acceptable, this could be secured via condition.

### **Bats**

At least nine species of bat have been identified using the site including the Annex II species, Barbastelle. Against the new Bat Mitigation Guidelines, this does notionally elevate the site to be of county importance (as argued in the Review of Ecological Submissions). However, WBC Ecology are of the specialist view that this assessment does need to be moderated to consider the level of activity of the rarer species and the size and extent of habitat on site.

The site itself would not support all nine species of bat independently and the foraging resource is a tiny fraction of the estimated area required for a core sustenance zone for any of the species. The hedgerows represent good connecting/commuting habitat which are proposed to be significantly enhanced but the grassland forming nearly the entirety of the site is of lower quality. The site's importance for bats is likely to be as part of a connecting corridor of habitat for bats during foraging which will be enhanced through the significant provision of hedgerow net gain.

When reviewing the level of activity for Serotine, Barbastelle, and Nathusius' Pipistrelle picked up by the static detectors, WBC Ecology are inclined to think the activity recorded is representative of commuting activity rather than extensive foraging. The commuting routes (namely the hedgerows) are to be retained or enhanced by the development proposal and therefore the proposal will not adversely impact these rarer species, rather enhance their habitats.

Three trees have been assessed to have PRF-M features. This means that they have the potential to contain a roost that supports multiple bats, including a maternity roost. All three trees are proposed to be retained but the development would introduce development in closer proximity. Looking at the static detector records through the summer months, there is no visible pattern of activity that indicates the likely use of these trees as maternity roosts although this is circumstantial rather than conclusive. No further survey work is required to investigate the bat use of these trees prior to determination.

The indicative landscape strategy shows how the development could support the commuting potential for bats by creating new hedgerow (currently the most used feature of the site being the existing hedgerows) and a swale and attenuation pond for surface water. Considering this, and the proposal to integrate bat boxes within the new buildings, the proposal will at least maintain the local conservation status of bats. This does rely on the landscaping being subject to a sympathetic lighting strategy for light sensitive species (in line with paragraph 5.17 of the Ecological Assessment) which could be secured via a condition to resolve lighting detail, as per the British Standard if the application was otherwise acceptable.

### ***Biodiversity Net Gain***

This application was made after the commencement of mandatory biodiversity net gain. If permission is granted then the statutory general biodiversity gain condition will apply requiring a minimum of 10% biodiversity net gain to be delivered.

The applicant has submitted a Biodiversity Net Gain Assessment to help understand the baseline condition and what is proposed, albeit at outline stage currently. The assessment takes into account the degradation that has occurred (through no fault of the landowner) to the hedgerow/treeline on site.

WBC Ecology agree that the baseline assessment is a fair and accurate representation of the habitat types and condition on-site at present. The metric does not take into account the off-site veteran trees which form an irreplaceable habitat but is not required to do so as they are not on-site trees. If the trees were on-site, then no BNG contribution could overcome their loss/ degradation.

A post-development scenario has been assessed despite landscaping being a reserved matter. This is currently indicating that there will be a net loss of habitat units on-site. In order to overcome this loss on-site, a proposal for enhancing a field off-site, but locally to the application site has been assessed and included.

At this stage, WBC Ecology have expressed doubts as to whether some of the on-site landscape proposals are deliverable to the condition used in the post-development scenario. In particular the small patches of other neutral grassland achieving good condition and the space for the new hedgerows to grow and achieve good condition. However, this application is not to resolve that final detail and this is not a reason to object, given the potential for enhancements off-site to make up the shortfall.

In order for the off-site location to be able to supply units to this development. The habitat creation and enhancement measures will need to be secured by a legal agreement – either s106 or conservation covenant. If the application was otherwise acceptable it would be possible to resolve the legal agreement as part of a s106 agreement for this application.

The strategy for achieving biodiversity net gain does include creation of medium distinctiveness habitat units on-site. WBC Ecology recommend that the delivery and maintenance of these on-site habitats is secured by a Landscape Environmental Management Plan (LEMP) for the non-garden habitats on-site. If the application was otherwise acceptable, the LEMP monitoring regime funding would be secured by a planning obligation.

The indicative biodiversity net gain metric gives a total net unit change significantly greater than the 10% gain required by legislation. At this point in time there is no security that all the gain generated off-site will be allocated to this development. If the s106 for this application did allocate the entire off-site gain to this development, the additional net gain achieved over and above the mandatory requirement could be given weight as a benefit of the scheme.

Considering the doubts that WBC Ecology have expressed regarding on-site delivery (albeit at outline stage), the expectation that a 40% net gain could be achieved is considered unrealistic. However, WBC Ecology agree that it could be close to a 30% net gain and this could be considered a significant benefit over and above the mandatory requirement. This is weighed appropriately within the planning balance.

***Veteran Trees (ecological impact):***

Further to review of the objection received by the Trees and Landscape Officer regarding, WBC Ecology have provided an updated consultation response that acknowledges the harm to the irreplaceable habitat contrary to paragraph 186(c) of the NPPF. The Ecology officer notes that the indicative masterplan submitted would conflict with the newly assessed root protection area.

Whilst the layout is not fixed at this stage, considering the location of the access roads which are proposed within this submission and the relatively constrained remainder of the site, there is no arrangement of delivery of the development that retains the revised root protection area needed. With the matter in mind, the Ecology officer advises that the proposed development will cause unjustified harm to irreplaceable habitat and therefore would object on the basis that proposal is contrary to the National Planning Policy Framework and as per paragraph 186(c) should be refused.

**Built Heritage:**

The site is located on the border of (but affecting) Hurst's Village Centre Area of Special Character, and near to Buttercups, a grade II listed building, Bower Cottage, a grade II listed building, Parkers Cottage, a grade II listed building, Elder Cottage, a grade II listed building, Ward Cross House, a grade II listed building and Long Barn, a non-designated heritage asset. Therefore the proposals are subject to assessment under policies TB24 and TB26 of the MDD Local Plan. From historic OS editions going back to 1873 it appears the application site has been unchanged over all that time.

***Designated heritage assets:***

Policy TB24 of the MDD Local Plan seeks to conserve and enhance designated heritage assets in the Borough and their settings by:

- a. Requiring works to or affecting heritage assets or their setting to demonstrate that the proposals would at least conserve and, where possible enhance the important character and special architectural or historic interest of the building, Conservation Area, monument or park and garden including its setting and views.
- b. Supporting development proposals or other initiatives that will conserve and, where possible, enhance the local character, setting, management and historic significance of designated heritage assets, with particular support for initiatives that would improve any assets that are recognised as being in poor condition or at risk.

Paragraph 208 of NPPF states that: *"Where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed*

*against the public benefits of the proposal, including, where appropriate, securing its optimum viable use”.*

Broadwater Lane has historically separated the properties along its southside from the open pastures to the north, including the application site. The adjoining listed buildings each sit within their own grounds and in almost all case these curtilages to those listed buildings have remained unchanged from at least the 1873 edition of the OS maps.

Accordingly, as commented on in the applicant’s submitted heritage statement the key element to the setting of each individual listed building is the grounds in which they sit within rather than the wider setting. Whilst the historic, loose, porous nature of development on the southern side of Broadwater Lane has since been diluted, the general larger grounds within which the listed buildings sit and their architectural form allows them to still be legible amongst the 20th century and later infill development.

Accordingly, in terms of the designated heritage assets that sit closest to the site, notwithstanding the objections received, the direct setting of these listed buildings would not be significantly or detrimentally affected by either the proposed new vehicular access to the site or the proposed housing development within it. The submitted Heritage statement prepared by Aspect is agreeable in this respect.

***Area of special character (non-designated Heritage assets):***

Policy TB26 of the MDD Local Plan seeks to protect and enhance Area of Special Character. The policy states:

1. Planning permission will only be granted for proposals to or affecting Buildings of Traditional Local Character and Areas of Special Character where they demonstrate that they retain and enhance the traditional, historical, local and special character of the building or area and its setting.

Paragraph 209 of the NPPF states that *“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”*

Paragraph 214 of the NPPF states that *“Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.”*

The southern boundary of the application site falls within Hurst’s Area of Special Character (“AOSC”), and strongly correlates to its northern limit in providing a valuable setting for the wider AOSC. The site is also bound by the AOSC to the east and west.

Whilst settlement limits often combine historic settlements to acknowledge existing built form, this does not detract away from retained historic separate identity. The site represents an area of open land that provides both a historic and visual sense of separation between the historic community of Whistley Green and the part of Hurst that

initially developed around the historic Hurst Lodge and the former farmhouse of Ward's Cross, at the junction with Hogmoor Lane.

Historically, the green gap on the southside of Broadwater Lane between Whistley Green and Hurst Village has been subject to incremental infill development, with the dwellings directly adjacent to the application site (to the south) being constructed as late as the later 20<sup>th</sup> century. These two communities have been identified by the Council as an area of special character, in part due to the listed buildings and on the merits of those late 19th /early 20th century development infill development, which in part define the character of the area.

Whilst the new vehicular accesses would in itself not unduly harm the character and setting of the Hurst Village Centre Area of Special Character, development of housing on the application site as indicated would undoubtedly alter views out of the Area of Special Character from south of the site along Broadwater Lane, that is detrimental to the setting for the Area of Special Character in principle. The quantum of development proposed would alter the AOSC's historical context and fail to enhance its settings contrary to TB26.

Given the nature of the site as a valuable greenfield site which visually buffers and separates two settlements, residential development in principle would have a detrimental visual and spatial impact on the wider Area of Special Character. Whilst a scheme of landscaping and boundary treatment along the site's southern edge may go some way to retaining a semi-verdant character to the northern side of Broadwater Lane, there would still be a clearly perceivable visual loss of open character that currently exists from Broadwater Lane. Whilst the applicant has submitted heritage statement discusses the impact on adjoining listed buildings, it fails to recognise or even acknowledge the substantial harm arising to the setting of the AOSC (a non-designated heritage asset), nor the site's partial inclusion within this area.

The proposal would result in the loss of the open pastures acting as a physical separation to the two historic communities and result in the loss of the historic context of the surrounding supporting farmland detrimentally impacting the setting of the AOSC. This is particularly important given the dilution of historic context arising from latter infill development on the southside of Broadwater Lane. In this respect, the proposal is contrary to the aims of TB26 of the Managing Development Delivery Document (Local Plan) (2014), which states planning permission should only be granted for proposals to or affecting Areas of Special Character where such proposals would retain and enhance the traditional, historical, local and special character of the area and its setting. For the reasons above, WBC Built Heritage raise objection on this basis which substantiates a reason for refusal.

#### Third party representations:

Numerous objections have been received from residents and their representatives that the principle of residential development within this location would harm Hurst's Area of Special Character as well as adjoining listed buildings. To bolster these objections, Ridgeway Heritage Consultants were commissioned to provide a 3<sup>rd</sup> party report on the potential impacts the scheme may cause, as well as an addendum statement in response to the applicant's rebuttals.

In regards to the loss of the visual green gap, the Ridgeway report concludes *“The proposed development would detract from an important aspect of the historic setting of the village, and would remove an aspect of historic landscape setting which contributes to the significance of a number of listed buildings. It would also erase the clear spatial distinction between neighbouring village settlements, and effectively result in a continuous ribbon development between Hurst and Whistley Green.”* WBC Built Heritage concur with this view. The wider perception and value of the historic settlement gap would be weakened which would be detrimental to Hurst’s Area of Special Character. The proposals stand contrary to TB26 of the MDD Local Plan and the NPPF in this respect.

As concurred by WBC’s Built Heritage officer, detrimental harm will arise to the Area of Special Character (a non-designated heritage asset) and historic settlement gap which will harm the significance of the non-designated heritage asset. As per paragraph 209 on the NPPF, a balanced judgement must be taken on the public benefits of a proposal and whether these outweigh the harm to a non-designated heritage asset (in this instance, the AOSC). Whilst the benefits of 9 dwellings including the provision of an affordable dwelling and improved permeability would provide a degree of social benefit, a degree of wider environmental benefit through the provision of BNG off-site and some economic benefit generated from the construction phase and CIL, these in combination do not outweigh the harms associated with the loss of the settlement gap and detriment of the setting of the AOSC. The site provides important historic context for the AOSC which is in the wider public interest to retain.

As above, the harms are not outweighed by the public benefits of the proposal contrary to TB26 of the MDD Local Plan and paragraphs 209, 214 of the NPPF. However, there will be less than substantial harm to Wards Cross Cottage and surrounding listed buildings, in line with paragraph 208 of the NPPF. Notwithstanding, the harms to the AOSC substantiate reason for refusal.

### **Archaeology:**

Policy TB25 of the MDD Local Plan states at point 3 that *“Where development is likely to affect an area of high archaeological potential or an area which is likely to contain archaeological remains, the presumption is that appropriate measures shall be taken to protect remains by preservation in situ. Where this is not practical, applicants shall provide for excavation, recording and archiving of the remains.”*

There are potential archaeological implications with this proposed development as demonstrated by Berkshire Archaeology’s Historic Environment Record. The site lies adjacent to the village of Whistley Green, which has origins in the Medieval period, being mentioned within 13th century documentary evidence as existing in 968AD whilst an 11th century timber church is believed to have been established by 1090AD.

Crop marks c.130m northwest of site, along with pottery finds, evidence it may be a shrunken Medieval village which extended over a wider area. At Valley Nurseries c.115m south of the site a series of undated ditches and gullies suggest settlement activity in the area. In addition, c.140m and c.200m north of the site, finds collected

during a field walking survey, including prehistoric flints and a core, may evidence a prehistoric site in the area.

As the plot does not appear to have been previously developed archaeological evidence may remain undisturbed, therefore early mitigation prior to reserved matters could be secured. If the development was otherwise acceptable, which would permit any archaeological features found to inform on the design details of this development. This would be in accordance with Paragraph 205 of the NPPF(2021) which states that local planning authorities should 'require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible'.

### **Sustainability:**

MDD Local Plan policy CC05 requires development proposals of over 10 dwellings to deliver a minimum 10% reduction in carbon emissions through renewable energy or low carbon technology.

Though the site is under the 10 unit threshold for CC05 to apply, a sustainability assessment has been submitted prepared by Bluesky which shows the application has the ability to achieve a c.72% carbon saving. This is 7 times the policy requirement and accordingly the development has the opportunity to be highly sustainable.

To secure the sustainability measures discussed within the Bluesky report, if the application was otherwise acceptable, a condition could be applied to secure that the future reserved matters must follow the principles within the sustainability statement to achieve a minimum of 70% carbon savings unless otherwise agreed in writing by the LPA. However, as the dwelling layout, design, appearance and scale are not fixed this will be considered at reserved matters stage.

### **Community Infrastructure Levy (CIL):**

When planning permission is granted for a development that is CIL liable, the Council will issue a liability notice as soon as practicable after the day on which the planning permission first permits development. Completing the assumption of liability notice is a statutory requirement to be completed for all CIL liable applications.

### **Planning Balance:**

The statutory starting point for determination is the development plan. The site is outside of the defined settlement limits and within the countryside and conflicts with policies in the Development Plan.

Paragraph 11 of the NPPF states that where a local authority is unable to demonstrate a five-year supply of deliverable housing sites, the most important policies relating to the application may be viewed as being out of date.

The Council is currently unable to demonstrate a 5-year (or 4-year transitional) supply of housing and therefore ordinarily the tilted balance and presumption in favour of

sustainable development would ordinarily be engaged. However, paragraph 11(d)(i) outlines applications should be approved unless *“the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed”*.

Footnote 7 of the NPPF lists assets of particular importance. Where footnote 7 is relevant, the tilted balance is not engaged. The proposal includes 2 no access points within the irregular Root Protection Areas of the two veteran oak trees caused by the road to the south displacing their root patterns. The proposed accesses in this location with limited buffer and no wholly exceptional circumstances will harm the veteran trees (an irreplaceable habitat) the proposals fails to comply with paragraph 186 of the NPPF.

Accordingly, without the tilted balance engaged, the balance reverts to a flat balance which accounts for the benefits the proposal would offer, balanced against the disbenefits. The planning balance is assessed below:

#### Principle of Development

The proposal is located within the designated countryside and therefore the principle of development is considered by Core Strategy Policy CP11. Policy CP11 refers to development within the countryside and states ‘in order to protect the separate identity of settlements and maintain the quality of the environment, proposals outside of development limits will not normally be permitted’, except for the exceptions listed. The proposed development would not fall within any of the exceptions set out in policy CP11 and would fail to comply with this development plan policy. The proposal is unacceptable in principle, and this development plan conflict though tempered by the tilted balance is afforded moderate weight against the proposal.

#### Housing delivery

The in principle delivery of 9 dwellings provides a modest contribution from Hurst to the borough’s need for housing delivery. As the tilted balance is disengaged, this matter weighs limited in favour of the application on balance.

#### Affordable Housing

Whilst the applicant has proposed the provision of one affordable unit utilising the shared ownership model (12%) which contributes to the borough’s pressing need for the delivery of affordable housing, no viability assessment has been carried out to warrant departure from the provisions of CP5 which require the scheme to deliver 40% affordable housing. However, CP5 is out-of-date and contrary to the advice within the Planning Practice Guidance but aligns with the NPPF which sets lower thresholds for designated rural areas (which applies to the proposal). Thus whilst the proposal conflicts with CP5, this policy conflict would ordinarily be tempered to limited weight against the proposal. However, given the borough’s acute need for affordable housing which is evidenced by the recent LHNA, this weight is increased to moderate against the proposal.

#### Permeability

Hurst is a relatively impermeable and sporadic settlement in terms of pedestrian connectivity, limiting access to public footpaths, pedestrian footways and the countryside. The applicant has proposed a connecting footpath through the application

site to Hogmoor Lane which prevents the need for residents to cross from the southern edge of Broadwater Lane along a narrow pavement, through the Hogmoor Lane junction to access footpath STNH8. This is a requirement of Policy CC03 given the site lays on a green route, however, these requirements are exceeded considering the connection to the wider countryside and PRoW.

Further, the application proposes pedestrian crossings along Broadwater Lane, which act as localised natural traffic calming measures to improve the perception of pedestrian safety. Whilst modest in appearance given the footpath's scale, the increased safe permeability for residents to access the countryside is afforded moderate weight in favour of the application on balance.

#### Biodiversity and Hedgerow Net Gains

The application will achieve significant local biodiversity net gain of at least 30% and hedgerow net gain of at least 100%. This is above the mandatory required figure expressed by the Environment Act. This secures the management and maintenance of the land north of the site, within the historic settlement gap and valued landscape for a period of 30 years which enhances its biodiversity value. This is afforded significant weight in favour of the application on the planning balance.

#### Building Sustainability

The proposal has shown the potential to deliver over the policy requirement for sustainable energy measures and carbon savings which has been secured by condition. Code for Sustainable Homes Level 4 has now been superseded by the interim Future Homes Standard (as required by Building Regulations). This secures a minimum 31% reduction in emissions, in line with the CCIPPS. The proposal has demonstrated the ability to achieve 70% emissions saving which afforded limited weight in favour of the application given the layout, appearance and scale are not fixed.

#### Locational Sustainability

The site is located within the designated countryside and adjoins the limited development location of Hurst. Hurst is an unsustainable development location in terms of transport given a limited access to services or choices for other modes of transport than the private motor vehicle. The development proposals though modest in scale would fail to encourage a modal shift towards sustainable modes of transport, by reason of the village location, distances to facilities and services, limited public transport links and poor quality of the walking/cycling an environment. The site's unsustainability for residential development is afforded moderate weight against the proposal on balance, tempered from significant owing to the scale of development proposed.

#### Historic settlement gap and AOSC

The accesses and principle of residential development proposed in this location would substantially harm the significance of the area of special character and historic settlement gap. The proposal would result in the perceived total coalescence of two distinct settlements and harm the setting of the area of special character given the site's functional purpose creating spatial breathing room between expanding linear development of Hurst. This conflict is afforded significant weight against the proposal on balance.

#### Listed buildings

The proposal would have limited harm on surrounding listed buildings, which would be less than substantial. Accordingly, limited weight is afforded against the scheme to their harm.

#### Best most versatile agricultural land

The proposal would result in the loss of 0.92 hectares of best and most versatile agricultural land. Whilst modest in scale, this loss stands contrary to the development plan and therefore constitutes limited weight against the proposal.

#### Valued landscape and countryside character

The proposals would have a harmful impact on the landscape character of the area and would fail to protect and enhance the Haines Hill valued landscape. It is further of note that the proposal would erode the historic settlement gap given it involves the development of an otherwise green parcel of agricultural land with valuable attributes that contribute to the wider valued landscape. The proposal would have a significant detrimental character impact that would result in the perceived coalescence of Ward's Cross and Whistley Green, infilling the last remaining artifact of their separate existence. In this respect, the detrimental harm to the valued landscape, historic settlement gap and countryside is afforded significant weight against the proposal.

#### Harm to an irreplaceable habitat (veteran trees)

The proposed access points would significantly and demonstrably harm the off-site veteran trees, therein failing to comply with paragraph 186 of the NPPF. The loss and harm to an irreplaceable habit (in this instance, veteran trees) cannot be mitigated and/or replaced. Accordingly, their loss is only permitted when very special circumstances exist. A speculative application of 9 dwellings on a greenfield site, within a valued landscape, within an area of special character in the designated countryside do not constitute very special circumstances notwithstanding some benefits secured. Accordingly, the harm to an irreplaceable habitat is afforded significant weight against the proposal.

### **Conclusion**

The factors in favour of the application listed above would not outweigh the principle conflict of development with the designated countryside, demonstrable harm to the Valued Landscape and historic settlement gap, nor harms to the area of special character, irreplaceable habitat, character of the countryside or those harms associated with developing an unsustainable site in accessibility terms. Further, considering the majority of the benefits proposed with this submission rely on off-site land, in absence of a signed S106 and resolution to approve, the biodiversity net gain, affordable housing, pedestrian footway and off-site swale is unable to be secured. Accordingly, as per 11(d) of the NPPF, planning permission should be granted unless policies that protect areas or assets of particular importance provide a clear reason for refusing the development proposed. As set out above the loss/deterioration of two veteran trees, along with the other harms identified provides a clear reason to refuse the application.

Whilst the tilted balance is not engaged due to the demonstrable harm to irreplaceable habitats, were the tilted balance to be engaged, the adverse impact of the scheme

would significantly and demonstrably outweigh the benefits even considering the increased weight afforded to housing delivery.

With the above in mind, the proposal is recommended for refusal.

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

| RECOMMENDATION              |                  |
|-----------------------------|------------------|
| Conditions agreed:          | Not required     |
| Recommendation:             | Refuse           |
| Date:                       | 29 November 2024 |
| Earliest date for decision: | 9 November 2024  |

|                                                   |                                                                                     |
|---------------------------------------------------|-------------------------------------------------------------------------------------|
| Recommendation agreed by:<br>(Authorised Officer) |  |
| Date:                                             | 29 November 2024                                                                    |