

LAND AT STANBURY HOUSE, SPENCERS WOOD

LANDSCAPE AND VISUAL APPRAISAL

APPENDIX 8

APPEAL DECISION LETTERS

for
Cooper Estates Strategic Land Limited.

March 2025

REF: I070-LVA 2025-03-14

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Appeal Decision

Inquiry held on 15-18, 22 and 23 March 2016 and closed on 11 April 2016

Site visit made on 21 March 2016

by G D Jones BSc(Hons) DMS DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 June 2016

Appeal Ref: APP/X0360/W/15/3097721

**Land at Stanbury House, Basingstoke Road, Spencers Wood,
Reading RG7 1AJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Cooper Estates Strategic Land Limited against Wokingham Borough Council.
 - The application Ref O/2014/2101, is dated 23 September 2014.
 - The development proposed is for up to 57 new homes and access from Basingstoke Road.
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Decision

1. The appeal is allowed and outline planning permission is granted for up to 57 new homes and access from Basingstoke Road at Land at Stanbury House, Basingstoke Road, Spencers Wood, Reading RG7 1AJ in accordance with the terms of the application, Ref O/2014/2101, dated 23 September 2014, subject to the conditions contained within the Schedule at the end of this decision.

Preliminary Matters

2. As was agreed by the main parties during the Inquiry, I have altered the description of development from as it appears on the application form to reflect the fact that the proposed Suitable Alternative Natural Greenspace (SANG) stands close to but beyond the appeal site boundary. Since the appeal was submitted the Council has made a Tree Preservation Order (TPO) in respect to seven single trees, six groups of trees and three woodlands that are within or in the vicinity of the appeal site¹.
3. The proposal is for outline planning permission with access only to be determined at this stage and with appearance, landscaping, layout and scale reserved for future approval. Whilst not formally part of the scheme, I have treated the details relating to these reserved matters submitted with the application and appeal as a guide as to how the site might be developed.
4. During the Inquiry the appellant and the Council submitted a signed Planning Obligation, dated 22 March 2016, pursuant to Section 106 of the Town and Country Planning Act 1990 (the S106 Agreement)². The S106 Agreement would secure the provision of on-site affordable housing at a rate of 40% of the

¹ Inquiry Document 3

² Inquiry Document 21

development; the implement of mitigation in the form of a SANG on land to the west of a appeal site³ and compliance with the provisions of the associated planning obligations; and, subject to certain circumstances, the provision of a footpath south from the proposed site access along the western side of Basingstoke Road to an existing bus stop. I have had regard to the S106 Agreement during my consideration of the appeal.

5. The Council has also confirmed that the matters that would be secured via the S106 Agreement address its concerns embodied in its third and fifth putative refusal reasons such that it no longer wishes to defend either of these reasons concerning affordable housing provision and mitigation in respect to the Thames Basin Heath Special Protection Area respectively. I have assessed the appeal on this basis and adjusted the main issues, as I identified them at the start of the Inquiry, accordingly.

Main Issues

6. The main issues are:

- Whether or not the Council is able to demonstrate a five-year supply of housing land for the area;
- The effect of the appeal scheme on the location strategy for new development in the Borough;
- Its effect in terms of landscape character and visual impact;
- Its effect on trees; and
- Whether any development plan conflict and harm arising is outweighed by any considerations including whether or not there is a National Planning Policy Framework compliant supply of housing land in the area.

Background

Site Context

7. The appeal site is located on the western edge of the village of Spencers Wood. It has an area of some 2.9 hectares and its main body comprises semi-improved grassland used for grazing. There are several hedges and trees within and along the edges of the site and a pond to the south west corner. Spencers Wood is a settlement located to the south of and separated from the edge of Reading by the M4 motorway. The site is roughly 5 miles, by road, from the centre of Reading.
8. The site's easternmost fringe abuts Basingstoke Road, the B3349. This section of the site adjacent to the highway is occupied by an existing residential property with a domestic garage set a little to the southwest. There is also a barn-like building set further to the west of the garage. Other than this area adjacent to Basingstoke Road the site lies beyond the defined settlement limits of Spencers Wood. The rest of the eastern boundary is set behind the residential properties that line this section of Basingstoke Road. On the eastern side of the road, roughly opposite the proposed site access, there is the junction with The Square, a largely residential street that links through to the wider highway network to the east.

³ As approved under planning permission Ref F/2011/2106

9. The site is only accessed from Basingstoke Road and there are no public rights of way across it. There is agricultural land to the west of the site that has planning permission to be converted to the SANG referred to above. The approved access to the SANG is from Basingstoke Road, and runs along the southern edge of the appeal site.
10. To the north, the site is bounded by a tree lined access road which runs west from Basingstoke Road to serve a residential development known as Wellington Court. The trees to the north are firstly a line of Oaks, shortly followed by two lines of prominent Wellingtonia on each side of the carriageway. The southern boundary of the site is also tree-lined with office/commercial development at 'Highlands' beyond. The development at Wellington Court stands on the site where a now demolished Victoria mansion, Stanbury, once stood. The appeal site and other surrounding land, including the tree lined driveway, formed part of the parkland to Stanbury. Other than the Wellingtonia, these trees, along with others within or near the site, have recently been made the subject of a TPO. The Wellingtonia are, as a group of 38 trees, the subject of a separate TPO that was confirmed in 1996⁴.
11. In broad terms the land gently rises from the east adjacent to Basingstoke Road up to a high point west of the application site boundary within the approved SANG land before gradually falling to the A33, which runs some distance to the west. The site also lies within the 5km zone of the Thames Basin Heaths Special Protection Area and within the J3 Spencers Wood Settled and Farmed Clay landscape character area as defined in the Wokingham District Landscape Character Assessment, March 2004 (the LCA)⁵.
12. Whilst largely outside of the settlement limits the site is centrally located relative to the existing village and so stands reasonably close to the range of shops and services found in Spencers Wood. These include a restaurant, a church, a village hall, a primary school, a library, a pre-school, a vet's practice, a petrol station and shops including a post office.
13. There are also bus stops within 200 metres to the south of the site entrance on both sides of Basingstoke Road, although there is no footway on the western side of the road between the proposed site access and the existing bus stop. Hourly weekday bus services run through Spencers Wood providing access to Reading and other nearby settlements. Cycleways also provide the opportunity to cycle into Reading from Spencers Wood. There are also a number of commercial/business uses in the village including those at Wellington Industrial Estate such that there are some employment opportunities in the site's vicinity.

Policy Context

14. The National Planning Policy Framework (the Framework) outlines a presumption in favour of sustainable development, which it indicates has three dimensions – economic, social and environmental. Paragraph 14 sets out how this presumption is to be applied and indicates that development proposals which accord with the development plan should be approved without delay, while going on to say that where it is absent, silent or relevant policies are out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

⁴ CD 32

⁵ Appendix CH/14 to Mr Harrington's Proof of Evidence

15. In respect to housing delivery, the Framework requires the Council to meet the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in the Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period. Applications for housing should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
16. Although it is a weighty material consideration, the Framework does not change the statutory status of the development plan. Indeed there are regular reminders of this and the importance of a plan-led planning system within the Framework such as those at paragraphs 2, 11, 12, 17 and 196.
17. The development plan for the area includes the Wokingham Borough Core Strategy Development Plan Document January 2010 (the Core Strategy) and the Managing Development Delivery Local Plan February 2014 (the MDD). These documents both plan for development, including housing, to 2026. The Council's remaining putative reasons for refusal indicate that the appeal development would be contrary to Policies CP1, CP3 and CP11 of the Core Strategy and Policies CC01, CC02, CC03 and TB21 of the MDD. These are the most pertinent development plan policies to the appeal proposal.
18. Core Strategy Policy CP1 seeks to deliver sustainable development in the Borough and to enhance the overall sustainability of the area through minimising any impact on the environment. It identifies a range of characteristics for development for which planning permission will be granted. These include proposals that maintain or enhance the high quality of the environment, ensure the provision of adequate drainage, avoid areas of best and most versatile agricultural land and demonstrate how they support opportunities for reducing the need to travel, particularly by private car. The supporting text at paragraph 4.2 also refers to the Council's Landscape Character Assessment which *highlights the areas of the borough with landscapes which should be protected or enhanced by development*.
19. Core Strategy Policy CP3 sets out the general principles for all development including, among other things, that planning permission will only be granted for proposals that have no detrimental impact upon important ecological, heritage, landscape or geological features or watercourses. Policy CP11 states that, in order to protect the separate identity of settlements and maintain the quality of the environment, proposals outside the defined development limits of settlements will not normally be permitted.
20. Policy CC01 of the MDD reflects the statutory status of the development plan and sets out the presumption in favour of sustainable development in similar terms as the Framework. MDD Policy C002 refers to development limits for settlements and states, among other things, that proposals at the edge of settlements will only be approved where they can demonstrate that the development, including boundary treatments, is within development limits and respects the transition between the built up area and the open countryside by taking account of the character of the adjacent countryside and landscape.
21. CC03 of the MDD concerns green infrastructure, trees and landscaping. Among other things it sets out that development proposals should demonstrate how

they have considered and achieved a series of criteria. The criteria include provision of new or protection and enhance the Borough's Green Infrastructure networks including the need to mitigate potential impacts of new development, promotion of the integration of the scheme with any adjoining public open space or countryside and protection and retention of existing trees, hedges and other landscape features. Basingstoke Road to the east of the appeal site is a designated Green Route, which are expressly identified in the MDD as an element of the green infrastructure network.

22. MDD Policy TB21 requires proposals to demonstrate how they have addressed requirements of the Council's Landscape Character Assessment, including the landscape quality, strategy and sensitivity and key issues. It also requires proposals to retain or enhance the condition, character and features that contribute to the landscape.
23. While not identified in the putative refusal reasons, Core Strategy Policy CP17 is also relevant as it sets out the housing requirement for the Borough. It identifies that provision will be made for the development of at least 13,230 dwellings and associated development and infrastructure in the Borough in the period 2006-2026. It adds that provision will be on a phased basis of 600, 700, 723 and 623 dwellings per annum (dpa) in the periods 2006-11, 2011-16, 2016-2021 and 2021-26 respectively. The Policy also states that through subsequent DPDs the Council will phase and manage the release of allocated sites to ensure the overall targets for the plan period are met and that this will include the identification of reserve housing sites, which will be allocated for development post 2026.
24. The Core Strategy housing requirement was formulated well before the publication of the Framework and stems from the now revoked Regional Spatial Strategy (RSS). In view of the relevant legal cases on housing land-supply, such as the Barwood judgment⁶, a revoked RSS is not a basis for the application of a constraint policy to the assessment of housing needs, because it has been revoked and cannot be part of the Development Plan. The same would be true of an out of date Local Plan which did not set out the current full objectively assessed needs. Until the full, objectively assessed needs are qualified by the policies of an up to date Local Plan, they are the needs which go into the balance against any Framework policies. It is at that stage that constraints or otherwise may apply. In these circumstances, therefore, the housing requirement of the Core Strategy cannot be said to be up to date in the terms of the Framework.
25. The Council has started work on a new Local Plan, albeit that this work remains in its early stages. Nonetheless, an important part of the evidence base for the new Local Plan has been produced in the form of a Strategic Housing Market Assessment (SHMA)⁷, which was published in January 2016. The Council is one of six authorities in Berkshire which jointly commissioned the SHMA.

⁶ South Northamptonshire Council v Secretary of State for Communities and Local Government, Barwood Land and Estates Limited, 10 March 2014, EWHC 573 (Admin)

⁷ Berkshire (including South Bucks) Strategic Housing Market Assessment, GL Hearn Limited, January 2016

Reasons

Housing Land Supply

26. As outlined above, the housing requirement of the Core Strategy is not up to date in the terms of the Framework. Consequently, in line with the relevant legal authorities, it is for me to assess the housing requirement in order to properly determine the appeal in accordance, among other things, with paragraph 47 of the Framework. This is consistent with the approach adopted by another Inspector in her fairly recent appeal decision for residential development at another site in Spencers Wood (the Beech Hill Road appeal)⁸.
27. The Beech Hill Road appeal Inspector concluded that the Council could not demonstrate a five-year housing land supply in accordance with the Framework. However, there have been significant changes in circumstances since that decision was made. In particular, the SHMA has been produced and the Council has also published a mid-year Strategic Housing Land Availability Assessment (the Mid-Year SHLAA)⁹.
28. The Mid-Year SHLAA is an update to the, more detailed, SHLAA that was before the Beech Hill Road Inspector (the Main SHLAA)¹⁰. The evidence indicates that the Council has altered some of the methods it employs in the production of its SHLAA in light of the Beech Hill Road appeal decision such that the projections in the Mid-Year SHLAA foresee different delivery trajectories for many of the identified sources of housing compared to the Main SHLAA. This includes a change to the way in which lead-in times are calculated.
29. The parties disagree over both principal aspects of the five-year land supply in terms of the full objectively assessed need for housing (the FOAN) and the anticipated amount of homes that will be delivered over the five year period. I consider these matters in turn.

Housing Need

30. Much of the differences between the parties on the FOAN relate to the exact nature of the model used and the inputs that are fed into it. While the Council may not have formally adopted the SHMA I do not consider that that necessarily reduces its weight. No doubt the figures will come under renewed scrutiny in due course during the Local Plan review process. In the context of this appeal, however, the main concern is whether or not, on the evidence before me, the SHMA reliably identifies the FOAN for Wokingham.
31. While the appellant is critical of many aspects of the SHMA, in my view it appears to broadly follow the policy, guidelines and advice set out in the Framework, the Planning Practice Guidance (the PPG) and the PAS Guidance¹¹. However, from what I read and heard as part of the appeal process, I do have some concerns and these have led me to conclude that the SHMA is likely to understate the FOAN for Wokingham.
32. In respect to economic forecasts, the SHMA uses Cambridge Econometrics (CE) base forecasts and does not appear to take into account or at least make

⁸ Appeal Decision Ref APP/X0360/2209286, dated 8 July 2015

⁹ Mid-year update to April 2015 Summary SHLAA (at 1 October 2015), published January 2016

¹⁰ Strategic Housing Land Availability Assessment at 31 March 2015, published June 2015

¹¹ CD 29 – Planning Advisory Service - Objectively Assessed Need and Housing Targets Technical Advice Note Second Edition, July 2015

significant adjustment for alternative sources. When compared to other forecasts, as well as to past trends, the CE forecasts appear to be relatively conservative. This may, at least in part, be due to the origins of these forecasts being some two years old such that they do not take into account the most recent trends and data. The SHMA itself states that the CE forecasts are generally at the cautious end of the forecasting spectrum compared to Oxford Economics (OE) and Experian.

33. The CE forecasts appear to have been employed in the SHMA, at least partly, because they were used in the Thames Valley Berkshire Local Economic Partnership's (the LEP) Strategic Economic Plan (SEP). I also note the LEP's involvement as part of the SHMA steering group. While I acknowledge that there is likely to be benefit in attempting to align the future Local Plan and the existing SEP, this should not be at the expense of an accurate FOAN. I also recognise that, as the SHMA uses an integrated model, the application of alternative data sources can be problematic and must be approached with caution such that I am not entirely persuaded by the appellant's suggested approach, including the introduction of OE figures.
34. Nonetheless, the CE forecasts do appear to be rather conservative such that on the evidence they are likely to have had a suppressing effect on the FOAN figure for Wokingham identified in the SHMA. However, given the nature of the models employed by the main parties it is difficult to identify the precise extent to which the SHMA understates the FOAN in this regard.
35. Both parties consider that a market signals uplift is justified, but differ regarding the level of uplift. The SHMA concludes that for Wokingham an upward adjustment of 9.1% or 72 dpa is necessary to improve affordability and household formation rates amongst younger households. This adjustment takes the dwellings per annum from 784 to the final SHMA FOAN figure of 856 dpa. However, I share the appellant's concern that it is not clear how the allowance made for different headship rates relates to the Council's past performance in housing delivery, particularly during the 2000s, such that it is not entirely apparent whether the 9.1% adjustment is proportionate. The evidence also indicates that housing in Wokingham is markedly less affordable than in the rest of the Western HMA authorities identified in the SHMA and affordability also appears to have worsened in the past 2-3 years.
36. The evidence refers to the application of a flat rate by other Inspectors to deal with a market signals uplift while others have concluded that no increase would be justified¹². In those cases where an increase was found to be justified the rates range from 10% to 20%, albeit that 20% appears to be somewhat out of the ordinary while 10% is more common. The PPG does not set out how any such adjustment should be quantified, though it must be 'reasonable'; *the more significant the affordability constraints (as reflected in rising prices and rents, and worsening affordability ratio) and the stronger other indicators of high demand (e.g. the differential between land prices), the larger the improvement in affordability needed and, therefore, the larger the additional supply response should be.*
37. I pause here to reflect on the context and background to the Borough's housing delivery and affordability issues. As set out above, the housing requirement of the Core Strategy is not up to date in the terms of the Framework. Any

¹² Notably as summarised in paragraph 7.88 of the SHMA

backlog of unmet housing need from during the Core Strategy plan period up to the start of the SHMA period should be taken into account in establishing the objectively assessed need for housing. On that basis, if there is perceived to be such a backlog, it should not be added to the five-year housing land supply calculation as to do so would be double counting. In other words, any shortfall should be captured as part of the SHMA housing need data such that it should not be added.

38. In Wokingham there was under-delivery against the Core Strategy housing requirement over the period 2006-13 (i.e. the start of the Core Strategy plan period to the start of the SHMA period) of 1438 homes¹³. Clearly, the housing requirement of the Core Strategy is out of date so this figure should not be relied upon to provide an accurate measure of residual housing need. It is, nonetheless, an indicator that there was likely to have been a genuine backlog of unmet housing need at the start of the SHMA period and that such a backlog is likely to have been reasonably significant. I have come to this conclusion based on a number of considerations.
39. The Council itself acknowledges that it has a record of persistent under delivery of housing as reflected in its acceptance of the use of a 20% buffer in the calculation of its five-year housing land supply. The RSS figures that informed the Core Strategy, while now out of date, were based on forecasting and are consequently relevant as they illustrate how supply failed to keep up with the forecasts. The average annual housing requirement of the Core Strategy for the period up to the start of the SHMA was 629 dpa; this was a constrained, policy-on figure rather than the FOAN figure as it was understood at that time. This compares to the substantially higher FOAN figure identified in the SHMA of 856 dpa, albeit that this figure would include a proportion of any preceding housing backlog.
40. For these reasons, therefore, it is reasonable to conclude that it is likely that there was a fairly significant backlog of unmet housing need at the start of the SHMA period. It is also common ground that there is already a cumulative shortfall in delivery of 919 homes in the Borough over the two and a half years from the start of the SHMA period to the Mid-Year SHLAA.
41. In this context and with reference to the evidence regarding affordability, I consider that a more substantial market signals uplift, along the lines of that promoted by the appellant and as used by other Inspectors, in the range of 10% to 14% would be reasonable, proportionate and justified.
42. Applying a 13.5% uplift, as promoted by the appellant, would result in a FOAN of some 890 dpa. Alternatively, applying a flat rate uplift of 10%, as employed by other Inspectors, would result in a more conservative FOAN of some 862 dpa.

Housing Delivery

43. The appellant also disputes several aspects of the Council's projected housing delivery as set out in the Mid-Year SHLAA. In summary, the Council considers that the housing supply will be 7504 homes over the five year period from 1 October 2015 (the five year period), whereas the appellant maintains that it will be only 5731 homes.

¹³ The total Core Strategy housing requirement for the seven years from 2006 to 2013 was 4400 homes compared to the total of 2962 homes delivered during that period

44. In light of the Beech Hill Road appeal decision, for the Mid-Year SHLAA the Council amended its approach to calculating lead-in times by applying a 24 month period from the submission of the planning application, which includes 21 months to represent the time taken from planning permission to first home sale. I see this as a positive step. I am, nonetheless, concerned regarding the remaining three month period, which is intended to account for the time taken to determine planning applications.
45. The Council's rationale for using three months is that the statutory period for the determination of major planning applications is 13 weeks. However, this overlooks that planning applications for development requiring Environmental Assessment should be determined in 16 weeks. Perhaps more significantly it also fails to recognise that in practice many planning applications are not determined within the statutory time period.
46. While I have not found within the evidence an overall figure for the average time taken to determine applications for major residential development, there are numerous examples which illustrate where the Council has taken very much longer than the statutory period, in excess of two years in some cases. Planning appeals will also generally result in a longer timeframe. Consequently, there is a reasonably strong likelihood that the delivery figures set out in the Mid-Year SHLAA have been buoyed by what is likely to be an artificially constrained lead-in period in respect to the time taken from the submission of planning applications to their approval.
47. As was the case at the Beech Hill Road appeal, the appellant has referred to the Council's past record in forecasting housing delivery, which is fairly poor in terms of its tendency to over-predict provision compared to how many homes were actually completed. But like the Beech Hill Road Inspector, in my experience, this is not unusual and illustrates the difficulty of the task. There is no apparent reason why the fact that past forecasts have proven to be mistaken, or the evidence of previous slippage in delivery, should alone necessarily lessen the weight that attaches to the current SHLAA. This does, nonetheless, indicate that the forecasts should be viewed with caution, as tending to present a 'best case' scenario. I now look at the main matters of disagreement between the parties regarding the sources of housing delivery.
48. A substantial proportion of the Borough's planned housing delivery is from the four Strategic Development Locations (SDLs) identified in the Core Strategy. The Arborfield Garrison SDL is allocated by Core Strategy Policy CP18 for the phased delivery of around 3,500 dwellings. The appellant maintains that this site will yield 445 fewer dwellings than the Mid-Year SHLAA predicts. While I note the appellant's submissions, I do not find that the current circumstances are significantly changed from when the Beech Hill Inspector concluded that the Council's approach, while very optimistic, is not unfeasible.
49. I also note that in respect to the Crest Homes part of the Arborfield Garrison SDL the projected delivery of 200 dwellings per annum does not appear to conform to the assumed delivery rates of the Mid Year SHLAA, particularly given that there is no evidence that that site will be developed by more than one house builder. This too suggests that the projections are very optimistic.
50. The South of the M4 SDL is allocated by Core Strategy Policy CP19 for the phased delivery of around 2,500 dwellings by 2026. This SDL is sub-divided

into different areas, which are the subject of a number of separate planning permissions and applications. The appellant suggests that 50 dwellings should be removed as the 'Non-SDL consortia land north of Hyde End Rd, Spencers Wood' cannot be considered available now. However, from the evidence I am not persuaded that it is not available. While it does not have planning permission it still appears to be allocated in the development plan and I have not found any other reason to believe that it is not deliverable. I do note, nonetheless, that the evidence indicates that it is a long standing development plan allocation.

51. The appellant had raised concerns over the land west of Shinfield, which is also within the South of the M4 SDL. I broadly agree with the matters raised by the appellant's witness Mrs Mulliner in her proof of evidence regarding potential slippage. However, in light of a breakdown of SDL delivery provided by the Council during the Inquiry¹⁴, I consider the annual delivery set out therein broadly reflects that kind of slippage and generally appears to be reasonable. Overall, therefore, I do not see any justification to alter the Council's projected delivery for the South of the M4 SDL.
52. The North Wokingham SDL is allocated by Policy CP20 of the Core Strategy for the phased delivery of around 1,500 dwellings by 2026. This SDL is also sub-divided into different areas, which are the subject of a number of separate planning permissions and applications.
53. In her proof of evidence Mrs Mulliner identifies that there was an increase in projected delivery from the North Wokingham SDL from the Main SHLAA to the Mid-Year SHLAA. While this was unexplained at that stage, during the Inquiry the Council shared the three responses it had had from developers/agents regarding its projections for the Mid-Year SHLAA¹⁵. One of these was from the agent for the Matthews Green Section of this SDL who estimates different projected completion rates for this land that result in a net increase of 77 homes. That correspondence also indicates that the site has two developers rather than one as Mrs Mulliner appears to have assumed. On this basis the Council's projections for the Matthews Green Sector appear reasonable.
54. Although it is clearly delivering, the wider North Wokingham SDL does, nonetheless, appear to have experienced some slippage. Again, while in my view the appellant has not provided any specific evidence to justify a reduction in the Council's projected supply from this SDL, I am concerned that the projections appear somewhat optimistic.
55. The South Wokingham SDL is allocated under Core Strategy Policy CP21 for the phased delivery of around 2,500 dwellings by 2026. The area of the SDL that lies to the north of the Wokingham-London railway line received outline planning permission in December 2012 for up to 650 dwellings. The appellant's concern, however, is with the area south of the railway line, which the evidence indicates is dependent, at least in part, on the provision of a railway crossing and other infrastructure.
56. The Council has produced evidence to support the projections of the Mid-Year SHLAA in respect to this land. This includes letters from the local highway authority and Network Rail, as well as an email from Kier, one of the

¹⁴ Included within Inquiry Document 10

¹⁵ Inquiry Document 11

developers of this land, which are positive regarding the delivery of infrastructure and housing in this part of the SDL¹⁶. However, the appellant's evidence in Mrs Mulliner's proof suggest that there has already been slippage on infrastructure delivery and also indicates that there is good reason to believe, for instance the absence of any planning permissions and the complexity of the infrastructure requirements, that the Council's housing delivery projections for this part of the SDL are unrealistic.

57. Shortly before the Inquiry opened the appellant also submitted a letter from Miller Homes¹⁷. On my reading, the letter although from Miller Homes is written on behalf of the consortium of developers for the land south of the railway line at this SDL. It clearly sets out a range of considerations affecting this land and concludes that the earliest that completions can now be expected from the site would be late 2019. It adds that this is an optimistic timetable. Having reviewed all of the evidence, I consider that it would be appropriate to adjust the housing supply forecast for this land in line with the earliest delivery time indicated in the letter. I would also note that, in my view, this letter supersedes the earlier estimates contained in the Miller Homes email¹⁸.
58. I therefore conclude that the Council's calculation of its five year supply of deliverable sites should be reduced from 7504 by 300 to 7204 dwellings to reflect slower delivery from the Wokingham South SDL.
59. The appellant also raised concerns regarding other, non-SDL sites that are included in the Mid-Year SHLAA. Loddon Vale House has a prior approval for 11 flats. However, in view of the appellant's evidence regarding how the site is being marketed for other purposes it seems unlikely that it will come forward for that residential development. For these reasons, the Council's identified supply should be further reduced by 11 units to 7193 dwellings.
60. Land at Hatch Farm Dairies, Winnersh is allocated in the MDD and has outline planning permission for 433 homes dating from November 2014. While I note that a pursuant reserved matters application recently went to the Council's Planning Committee for approval, given the evidence regarding pre-commencement conditions and on the basis that only one developer appears likely to be involved, I agree with the appellant that the first year is unlikely to yield 100 dwellings nor subsequent years 120 units. Accordingly, the Council's supply figure should be further reduced by 220 homes to 6973 dwellings.
61. While the appellant requests that a further 125 units should be omitted in respect to development at land at Elms Lane and The Paddock, I note that an application for full planning permission was to be reported to the Council's Planning Committee at the end of March 2016. I see no good reason why it would not gain planning permission. On this basis there is no overriding reason why these 125 homes should not remain in the projected supply. Nonetheless, given that the site is previously developed and requires relocation of existing uses, I again consider that this is a reasonably optimistic forecast by the Council.

¹⁶ Included within Inquiry Document 7

¹⁷ Letter from Andy Evans, Associate Director Planning, Miller Homes, 9 March 2016

¹⁸ Included within Inquiry Document 11

62. Mrs Mulliner's evidence also criticises the way in which the Mid-Year SHLAA deals with supply from small previously developed sites delivering nine units or less. In short the combined supply for years 2017/18 and 2018/19 is 81 and 107 dwellings respectively. However, the evidence suggests that this results in double counting as the two categories that make up these figures appear to be drawn from the same pool of sites. Therefore, a further reduction of 80 units is warranted, which would bring the Council's supply down to 6893 dwellings.
63. Although the potential application of a lapse rate was discussed during the Inquiry and referred to in the evidence, one is not included in the SHLAA and nor does the appellant request the application of one. I also note that Beech Hill Road Inspector did not apply a lapse rate at that appeal. Nonetheless, for the reasons set out throughout this subsection I consider that a lapse rate of 10% is warranted on the evidence before me.
64. In summary, these reasons include the potentially over-optimistic character of the Council's projections for the sites discussed above, its record of tending to over-predict delivery and the likelihood that the lead-in times employed in the Mid-Year SHLAA are artificially constrained. Furthermore, while I note the wider evidence gathering and checking undertaken as part of the SHLAA process, given that the Council received only three written responses from developers/agents to its request for information, the degree of verification in this respect appears rather limited in the circumstances.
65. On this basis the Council's housing supply should be reduced by a further 689 units to 6204 dwellings.

Five-Year Housing Land Supply Conclusion

66. I have concluded that the FOAN lies in the range of 862 to 890 dpa which equates to some 4312 and 4449 homes respectively over five years. As identified above, there is a deficit of 919 homes in delivery against the Council's preferred figure of 856 dpa since the start of the SHMA period. This rises to 935 and 1004 homes against a FOAN of 862 and 890 dpa respectively thus resulting in totals of 5247 and 5453 dwellings. When the undisputed 20% buffer is applied, and following the Sedgefield method, this results in five-year requirement figures of 6297 and 6544 dwellings respectively. Setting these figures against the projected housing delivery of 6204 dwellings results in a shortfall of some 93 and 340 homes respectively for the five year period in question¹⁹.
67. Therefore, even applying the more conservative FOAN figure of 862 dpa arising from the application of a 10% flat rate for market signals there would not be a Framework compliant supply of housing land. On this basis, while the shortfall would be only 93 homes it is, nonetheless, significant and exceeds the 56 net dwellings that the appeal scheme would potentially yield.

Affordable Housing and Housing Summary

68. Both parties agree that there is a need for affordable housing in the Borough. The Council's evidence indicates that there are 1400 households on its housing register awaiting suitable rented accommodation and a further 900 households waiting for Help to Buy products. The proposed level of affordable housing

¹⁹ The five year FOAN figures and the deficits over the two and a half year period in this paragraph are a little higher than the respective cumulative annualised figures as the latter have been rounded down to whole numbers

equates to the 40% generally required by the development plan as part of schemes of this type. Nonetheless, affordable housing provision should be regarded as a benefit, particularly where it would help meet an identified need and therefore should be weighed against any harm identified.

69. The proposed development, therefore, would make a valuable contribution to identified housing need. For the reasons outlined, I find that the need for both market and affordable housing carries weight in favour of the proposal.

Borough Development Strategy

70. The Council's location strategy for new development in the Borough is set out in the development plan. Core Strategy Policy CP9 is particularly relevant as it identifies that 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. The Policy identifies three categories: *major*, *modest* and *limited* development locations. The supporting text explains that the SDLs have been selected on the basis of compliance with Policy CP9.
71. Spencers Wood is one of the eight *modest development locations* identified in Policy CP9. In the supporting text to this Policy they are said to be those locations with access to some facilities and services either within them or through good public transport services to major development locations or centres in neighbouring areas such as Bracknell, Crowthorne and Reading. The text also states that it is within the development limits of these second tier settlements where modest development would be acceptable.
72. On my reading of the development plan the Council's location strategy for new development is principally based on housing and associated service and infrastructure delivery via the SDLs, which is informed by and also supported by the hierarchical approach of the major, modest and limited development locations for non-SDL development.
73. While the appeal site is located adjacent to the western edge of Spencers Wood, other than a small portion adjacent to Basingstoke Road, it is not within the defined settlement limits in the terms of Core Strategy Policy CP11 and MDD Policy CC02. Nor does it fall within a site identified for development in the wider development plan. Consequently, the appeal development would be at odds with the Council's location strategy for new development in conflict with Policies CP11 and CC02 of the Core Strategy and the MDD respectively.

Landscape Character & Visual Impact and Trees

74. While I identify these matters as separate main issues, any effect on trees is likely to have at least some influence in terms of landscape character and visual impact. Given this interrelationship I consider these issues together; firstly the scheme's effect on off-site trees and then on the overall landscape character and visual impact, including in respect to on-site trees.

Off-Site Trees

75. The Council's concerns in this regard relate primarily to the lines of Oak trees and Wellingtonia to the north of the site boundary. The appellant's evidence concedes that its initial illustrative layout showed development 'too close' to the trees along the northern boundary and there was a risk that they could have caused issues of conflict with overhanging canopies from the adjacent

Oaks. Although the illustrative layout has been amended the Council's objections remain.

76. While all matters other than access are reserved for future consideration these illustrative details are a useful guide as to how the site might be developed. They also give an indication of the extent to which trees are likely to be affected by the development and vice versa. The amended illustrative layout shows how conflict could be avoided within the current root protection area (the RPA) of the line of Oak trees to the northern boundary. That amended layout, along with additional details submitted by the appellant regarding surface water drainage²⁰, also indicates how sustainable drainage solutions (SuDS) could be incorporated into the proposed development without having a material effect on these off-site Oaks. The remaining issues in respect to off-site trees, therefore, relate mainly to any effect on the Wellingtonia to the north of the line of Oak trees.
77. The Wellingtonia are very tall trees. The Tree Report²¹ records the survey results for both lines of Wellingtonia as a group, G14. Because they are recorded as a group the values shown in the Tree Report are likely to represent an average. Although there is likely to be a degree of difference in the trunk diameters and heights of these trees, from what I have read, heard and seen during the appeal process, any deviation from the average appears unlikely to be significant. The Tree Report records the height of these trees as 37 metres and their trunk diameter as 1840mm. While the Wellingtonia are shown as being 'mature' the Report also indicates their 'expected remaining contribution' to be more than 40 years.
78. During the Inquiry there was discussion regarding how the RPA of the Wellingtonia should be calculated. There is a Table at Appendix D to BS 5837:2012²² that indicates for single stem trees with a trunk diameter of 1250+mm the RPA is 15 metres based on the radius of a nominal circle, such that it is capped at this distance. A note to the Table indicates that the figures within it are derived from the calculations at paragraph 4.6 of the document. In short, the relevant calculation is 12 x the trunk diameter. Apply this formula to the information in the Tree Report gives a RPA radius of 22.08 metres (i.e. 12 x 1.84 metres), albeit that the effect of Appendix D appears to be to cap the upper limit of the RPA radius at 15 metres.
79. The illustrative layout shows the proposed built form - the closest parts of which are a road turning head and access driveways - standing well beyond the 15 metres RPA radius of the Wellingtonia. Even if a more cautious, uncapped RPA radius of 22.1 metres was to be applied, I see no reason why the built form and any associated works and excavations could not be reasonably contained outside that area. I also note the evidence regarding ground conditions, ground works and the construction of foundations²³, which indicates that the scheme could be designed to accord with NHBC standards²⁴ and that subject to controls it would not materially affect the neighbouring trees.

²⁰ Mr Allder's Rebuttal Statement, dated 9 March 2016, including Appendix 1 – Proof of Evidence by Mr Simon Darch regarding Surface Water Drainage

²¹ Tree Report (Tree Survey and Constraint Advice) prepared by ACD Arboriculture, as revised 22 July 2014

²² BS 5837:2012 Trees in Relation to Design, Demolition and Construction - Recommendations

²³ Appendix 2 to Mr Allder's Rebuttal Statement, Expert Opinion of Michael Neden's Expert Opinion, March 2016

²⁴ Inquiry Document 5

80. On this basis, therefore, subject to the careful consideration of the reserved matters as well as tree protection measures during construction and the use of appropriate construction techniques, which could be reasonably controlled by planning conditions, it appears that the development could proceed without any material harm to off-site trees including the Wellingtonia.
81. The Council is also concerned regarding any potential threat such large trees may pose to property and safety, particularly bearing in mind that the Wellingtonia have considerable potential additional growth. This concern is in respect to any actual threat as well as any threat that may be perceived by residents of the proposed development.
82. I acknowledge that the Wellingtonia are already tall and may have the potential to grow much taller still. However, on the evidence this appears unlikely to be on anything like the scale of Wellingtonia in their native habitat bearing in mind the relatively mild climate and the fairly open context found in this case. Due to their height relative to surrounding landscape features the Wellingtonia also appear to be potentially vulnerable to lightning strike. Nonetheless, I do not consider these matters and the other considerations that have been brought to my attention would be likely to pose a significant threat to people and property at the developed appeal site.
83. I have come to this conclusion bearing in mind, among other things, my assessment that the development could be completed without materially affecting the trees as outlined above. I have also taken into account that, on balance, the evidence indicates that, notwithstanding their height, Wellingtonia are generally a reasonably windfirm and disease resistant species. Furthermore, the closest row of Wellingtonia is located some 14 metres from the site boundary and based on the revised illustrative layout the nearest houses would be some 30 metres away from their trunks. The intervening line of substantial Oak trees is also likely to offer an element of protection should any of the Wellingtonia fail.
84. Given these circumstances any potential perception of threat from these neighbouring trees to the development and its occupants can attract little weight. I have also come to this view having in mind that these trees are very readily apparent and are likely to attract occupants to the development who would perceive them as welcome neighbours rather than as a threat. For all of these reasons it would be likely that any future pressure from residents of the development to remove or cut back these trees could be reasonably resisted.
85. In coming to this view I have also had regard to the evidence concerning pressure to remove Wellingtonia due to their effect on an existing neighbouring residential property²⁵. However, that property is substantially closer to the nearest of these trees than the houses shown on the revised illustrative layout. It also appears unlikely that that dwelling would have been constructed to the standards that would be available to the appeal development, particularly in respect to the foundation design and protection.
86. For the reasons outlined above, subject to appropriate controls and careful consideration of reserved matters, the proposed development would not have a harmful effect on off-site trees and nor would trees be likely to present a significant threat to occupants of the development and their property. In this

²⁵ Including Inquiry Document 19

regard, therefore, the proposals do not conflict with Core Strategy Policies CP1 and CP3 or with MDD Policies CC01, CC03, and TB21 and would also meet the requirements of BS 5837:2012.

Landscape Character & Visual Impact and On-Site Trees

87. The site is located within the Spencers Wood Settled and Farmed Clay landscape character area. The LCA states that this area is an undulating pasture dominated with a patchwork of moderate sized pasture and arable fields divided by hedgerows featuring mature hedgerow oaks and that there are a number of woodlands, either mixed woodland belts and tree clumps associated with the remnant deciduous copses that once formed part of the extensive woodlands of Windsor Forest.
88. The LCA also states that the presence of parkland is a feature of the landscape and parkland trees stand out as features against the skyline especially the avenue of Metasequoia [sic] at the entrance to Stanbury Park. Key characteristics of this character area identified in the LCA include former Common land at Spencers Wood, to the west of Basingstoke Road, which is an important defining feature of the settlement and based around Stanbury Park and Highlands.
89. These features and characteristics are largely consistent with what I observed when I visited the area around the site, with remaining parkland planting particularly notable at the site and the surrounding land, including the lines of Oak trees and Wellingtonia to the north of the site. The LCA goes on to identify key issues for this area as including continuing pressure for expansion and infill within existing settlements leading to loss of features such as trees, woodland and historic features and damage to the landscape's green lanes. Nonetheless, the LCA identifies that the Spencers Wood Settled and Farmed Clay is a landscape of overall moderate quality due to its moderate character and moderate condition.
90. The site currently has no specific landscape designation or protection in adopted planning policy terms. Nonetheless, it is clear from the evidence and from my own observations when visiting the area that it contributes positively to the local landscape as well as to the setting of Spencers Wood village. The Council's landscape witness Mr Hannington also considers that the site forms part of a 'valued landscape' in the terms of paragraph 109 of the Framework.
91. The Guidelines for Landscape and Visual Impact Assessment²⁶ identifies a series of factors that are generally agreed to influence value and which help in the identification of valued landscapes. The Wellingtonia discussed above are an attractive and rather unusual, eye-catching feature in the landscape, yet they stand beyond the site boundary. The remnant parkland features within the site also make a positive contribution to the landscape and visual amenity of the area and are of some, albeit fairly limited, historical and cultural interest. Beyond these considerations the appeal site does not have any particularly significant or rare features, qualities, interest, aspects or associations and is not available for recreational use, such that I am not convinced that it does amount to *valued landscape* within the meaning of Framework paragraph 109.

²⁶ Appendix 12 to CD 16

92. The appellant has produced a detailed Landscape and Visual Impact Assessment (LVIA) of the proposal²⁷. The Council has not produced its own LVIA and does not challenge the methodology of the LVIA. It has, nonetheless, made a fairly detailed assessment of its own which is critical of some aspects of the LVIA and comes to different conclusions regarding the effect of the development in landscape and visual impact terms. Consequently, I focus primarily on the principal matters on which the main parties differ.
93. From the evidence and what I saw when I made my visits, the parkland character of the area appears to have diminished over time, for instance through the loss of some planting, changes to land use and management as well as due to the demolition of Stanbury house and the Wellington Court development that replaced it. Nonetheless, the remaining parkland features of the area, including the tree lined access to Wellington Court and planting within the appeal site, continue to have a positive influence on the character and appearance of the area.
94. There is some development to the west of Basingstoke Road in the vicinity of the site including that adjacent to the road, that at Wellington Court and the commercial uses at Highlands. However, this is generally of limited scale and/or fairly well screened such that the area at large, including the appeal site, has the appearance of being largely open, undeveloped countryside, beyond the settlement.
95. The appeal site is fairly well contained, for instance by Basingstoke Road and the existing intervening development and the mature planting in the wider landscape. Nonetheless, the introduction of up to 57 dwellings and associated infrastructure would be perceptible from beyond the site from some public views, particularly from Basingstoke Road and The Square via the proposed access, as well as from neighbouring private property including from along the quasi-public road to Wellington Court.
96. The built form of the village would also be extended by the appeal development westward beyond the existing development within the settlement to the west of Basingstoke Road. While I recognise that the introduction of development to any undeveloped site would be very likely to alter its character, this scale and form of development would be somewhat at odds with the small scale incremental development that this part of the village appears to have traditionally experienced. Additionally the remnant parkland character of the site would be eroded through the introduction of development of the scale and kind proposed. Although the illustrative layout reasonably indicates how many of the on-sites could be retained, some of the existing planting, including some of the trees that are the subject of the recently made TPO, would be likely to be lost as a result of the development.
97. The development of the proposed SANG to the west of the appeal site would open that land and the associated access from Basingstoke Road to public use thereby reducing the appeal site's current degree of containment and offering more views into and across it. Nonetheless, the approach taken by the LVIA is reasonable in this regard given that such public access and views are not currently available and that, if the appeal were to be allowed, it would be likely to be developed at roughly the same time as the SANG.

²⁷ CD 1.6

98. I note that planning permission for the SANG runs to 31 October 2016 but have no good reason to believe that the permission could not be extended. Indeed it also seems likely that the SANG would be delivered in the event that the appeal were to be dismissed bearing in mind that it could offer valuable mitigation for other development. Although the SANG would result in a vehicular access similar to the appeal proposal, the new access would nonetheless 'sign-post' the existence of the proposed residential development and would also provide views into the developed site. Moreover, the proposed access and associated highway works would in themselves introduce additional built form beyond that of the SANG access details which would have a further urbanising affect close to the edge of the settlement along a Green Route.
99. In summary, I disagree with some of the Council's conclusions, including the effect of the appeal scheme on off-site trees; however, in some limited but notable respects the proposal's effects in terms of landscape and visual impacts are more closely aligned to the conclusions of the Council's witness than those of the Appellant's. For the reasons outlined above, therefore, although the Spencers Wood Settled and Farmed Clay is a landscape of overall moderate quality and the site is not a *valued landscape*, the proposed development would have a detrimental effect regarding landscape character and visual impact, including in respect to the loss of some on-site trees. Consequently, while the harm in this regard would be somewhat limited, it would conflict with Policies CP1, CP3 and CP11 of the Core Strategy and Policies CC01, CC03 and TB21 of the MDD as well as with the Framework.

Other Issues, Housing Land Supply Policy and Planning Balance

100. In undertaking the planning balance I have considered the weight to be given to the relevant development plan policies and made an assessment of whether the appeal proposal would amount to sustainable development in the terms of the Framework. In doing so I have had regard to, among other things, the absence of a Framework compliant supply of housing land, albeit that the more conservative shortfall that I have identified is reasonably small, as well as the contents of the Framework as a whole.
101. Since Core Strategy Policy CP11 seeks to direct development, including residential uses, toward locations within the development limits, and to restrict the amount that takes place outside those limits, it is a policy that is of relevance for the supply of housing. Policy CC02 of the MDD has similar objectives and consequences. To the extent that they concern the supply of housing, then, neither of these Policies should be considered up-to-date given the absence of a five-year housing land supply.
102. In terms of the economic and social dimensions of sustainable development, if implemented the appeal proposal would increase the supply and choice of housing, including affordable homes at a rate of 40% of the greater development, in an area where there is not a Framework compliant supply of housing land.
103. The appellant is not a house builder and there is no evidence to demonstrate that there is a developer lined-up to take on the scheme in the event that the appeal is allowed. Time would also be required to secure the matters controlled by conditions, including in respect to reserved matters, and to deliver the SANG mitigation. While these matters along with other development requirements would undoubtedly take some time to resolve,

given the reasonably modest scale of the development and as the site does not appear to be otherwise significantly constrained it is reasonable to assume that the development would be deliverable within the relevant five-year period.

104. The development would also contribute towards economic growth during the construction phase in terms of employment and possibly an increase in local spending. In the longer term, the additional population may increase the potential for spending, for instance in local shops, and help support the sustainability of local services.
105. The role that local people have to play in shaping their surroundings is an important part of the planning process. In this case the site has not been allocated through the plan-making process and is not proposed to be. The appeal development has also attracted considerable public opposition. Nonetheless, the weight carried by that role is tempered in the circumstances of this case given that the Core Strategy was adopted prior to the publication of the Framework, with a contrasting housing requirement against which there has been under-delivery of homes, and bearing in mind the absence of a Framework compliant housing land supply.
106. The appeal development would also be at odds with the Council's location strategy for new development in the Borough. Nonetheless, given the site's location on the western fringes of Spencers Wood, as outlined in the *Background* section, the appeal development would be in a reasonably sustainable location such that residents would have access to a good range of facilities, services and transport options.
107. Regarding the environmental dimension, the development offers potential for the incorporation of energy efficiency/renewable energy measures as well as additional planting and habitat enhancement, for instance as associated with the proposed SuDS. The provision of the neighbouring SANG, as would be required by the S106 Agreement, for general public use would be of environmental and social benefit although it would be likely to also serve as mitigation for other development. All of these matters weigh in favour of the proposals albeit to a limited extent.
108. Nonetheless, as set out above, the scheme would cause some harm in terms of landscape character and visual impact, including in respect to some on-site trees, and by consequence on the intrinsic character and beauty of the countryside. In these regards I have also taken into account the cumulative effect of development/proposals elsewhere in Spencers Wood including that allowed on appeal at Beech Hill Road insofar as it is apparent from the evidence before me.
109. In summary, the appeal scheme would conflict with the location strategy for new development in the Borough contrary to Core Strategy Policy CP11 and MDD Policy CC02. It would also cause some harm to the landscape character and visual amenity of the area contrary, in those respects, to Core Strategy Policies CP1, CP3 and CP11 of the Core Strategy and Policies CC01, CC03 and TB21 of the MDD. However, in the current circumstances these important considerations, along with the other factors identified that weigh against the appeal scheme, do not significantly and demonstrably outweigh the matters that are in favour of the proposals, particularly the delivery of housing. Overall, therefore, the appeal development would represent sustainable development in the terms of Core Strategy Policy CP1 and of the Framework.

Other Matters

110. In the event that planning permission were to be granted and implemented the S106 Agreement would secure the provision of affordable housing; the provisions of the approved off-site SANG; and the provision of a footpath south from the proposed site access along the western side of Basingstoke Road to the existing bus stop unless provision for an alternative bus stop is secured prior to the first occupation of the development.
111. The Council has submitted a S106 Agreement Note²⁸, which addresses the application of statutory requirements to the planning obligations within the S106 Agreement and also sets out the relevant planning policy support/justification. I have considered the S106 Agreement in light of Regulation 122 of The Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and government policy and guidance on the use of planning obligations. Having done so, I am satisfied that the obligations of therein would be required by and accord with the Policies set out in the S106 Agreement Note. Overall, I am satisfied that all of those obligations are directly related to the proposed development, fairly and reasonably related to it and necessary to make it acceptable in planning terms.
112. In addition to the foregoing matters, concern has been expressed, including by those who spoke at the Inquiry, in respect to several considerations. These include the development's effect, including in combination with other development, on highway safety and congestion; on the wider character and appearance of the area, including The Square, and in terms of its relative density; on light pollution, pollution and carbon emissions; on existing services, utilities and the adequacy of existing and future infrastructure/ facilities, including schools, healthcare, pedestrian facilities, park and ride and public transport, libraries, drainage/sewerage and electricity; on the living conditions of neighbouring occupiers, including in regard to being overlooked and loss of light, views and security as well as noise and disturbance; and on wildlife and biodiversity.
113. Other issues raised include the loss of grazing/farmland; the accuracy of the highways/traffic information submitted in support of the development; that the village does not need nor can it accommodate any more housing and there is already enough housing development on-going/planned to meet needs; the loss of 'open skies'; the SANG scheme may have been a 'stealth' tactic and also may not be implemented; motorbikes may use the SANG as they already use the bridleway to the west; the site was once designated as SANG for development at Spencers Wood; the development conflicts with and is not allocated within the development plan; there is other land that should be occupied/developed prior to green fields; the scheme should make a fair contribution to the planned infrastructure for development in the wider area; it would have a greater cumulative impact when combined with the other planned/permitted development; and the scheme would represent overdevelopment and be out of proportion to the village and would create a precedent for further development.
114. These matters are largely identified and considered within the Council officer's report on the appeal development. They were also before the Council when it prepared its evidence and when it submitted its case at the Inquiry.

²⁸ Inquiry Document 18

Other than as set out above, the Council did not conclude that they would amount to reasons to justify withholding planning permission. I also note that, notwithstanding the substantial concerns raised locally, the local highway authority has not objected to the proposal. I have been provided with no substantiated evidence which would prompt me to disagree with the Council's and the local highway authority's conclusions subject to the identified obligations of the S106 Agreement and the imposition of planning conditions.

115. Concern has also been raised in respect to the conduct and motives of the appellant. However, this is not a matter for my consideration in the determination of the appeal.

Conditions and Conclusion

116. The Council and the appellant jointly prepared a list of draft conditions, which include the standard time limit/implementation conditions. I have considered these in the light of government guidance on the use of conditions in planning permissions and made amendments accordingly.
117. In order to provide certainty, to protect the character and appearance of the area, in the interests of highway safety and to accord opportunities for training, apprenticeships or other vocational initiatives to develop local employability skills, a condition would be necessary to control proposed levels, bin/recyclable storage and internal circulation and parking, and also to secure an employment skills plan. Also in the interests of highway safety, as access is not a reserved matter, conditions would be necessary to ensure that the approved access is implemented in a timely manner.
118. In the interests of highway safety and to safeguard residents' living conditions, conditions would also be necessary to ensure that the construction works proceed in accordance with a Construction Management Plan and within limited hours. A condition would be necessary to ensure that features of archaeological interest are properly examined/recorded. Conditions would also be necessary to secure arboricultural and biodiversity mitigation to protect the character and appearance of the area as well as trees and hedgerow and wildlife and their habitat.
119. A condition to promote and control the use of renewable/low-carbon energy would be necessary in the interests of sustainable development. For that reason and to promote sustainable modes of transport and to reduce the need for travel, a condition to secure the implementation of a Travel Plan would be necessary. A condition requiring that an investigation of the nature and extent of any contamination affecting the site, along with any requisite remediation, would be necessary to safeguard the health and well being of future occupiers, albeit that the suggested conditions could be rationalised into a single condition. Conditions to secure the installation of sustainable drainage as part of the development and foul water drainage would be necessary in the interests of flood prevention, to provide appropriate/adequate facilities and to protect the environment.
120. Overall, therefore, notwithstanding the identified policy conflict and its effect on the location strategy for new development in the Borough, on landscape character and visual amenity and on trees, given the absence of a five-year housing land supply in the terms of the Framework and the status of relevant policies of the development plan for the supply of housing, I find that the

considerations that weigh against the development collectively do not significantly and demonstrably outweigh those matters that are in its favour, particularly the delivery of housing. On this basis the proposals would be sustainable development and, consequently, the appeal is allowed subject to the identified conditions.

G D Jones

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Saira Kabir Sheikh, of Queens Counsel	Instructed by Laurel Isaacs, Shared Legal Solutions
She called	
Chris Hannington BSc(Hons) MPhil CMLI	Tree and Landscape (Development Management) Team, Wokingham Borough Council
Nick Ireland BA(Hons) MTP MRTPI	Planning Director at GL Hearn
Manpreet Kanda BA(Hons) DipTP RTPI licentiate	Land Use and Transport Team Manager, Wokingham Borough Council
Laura Ashton BA(Hons) MSc MRTPI	Development Management Team Manager, Wokingham Borough Council

FOR THE APPELLANT:

Gregory Jones of Queens Counsel	Instructed by Cooper Strategic Land Limited
He called	
Dr Ricardo Gomez BA MA PhD	Director, Regeneris Consulting
Jacqueline Mulliner BA(Hons) BTP MRTPI	Director, Terence O'Rourke Ltd
Chris Alder MSc HNDArbA MICFor	Barrell Tree Consultancy
Mark Gibbins BA(Hons) MLI	Director, Indigo Landscape Architects Limited
Paul Watson BA(Hons) MTP MRTPI	Director, Phillips Planning Services Limited

INTERESTED PERSONS:

Richard Crowe	Local Resident
Andrew Pobjoy	Wellington Court Estate (Shinfield) Ltd and separately as a Local Resident
Jeannie Brice	Local Resident
David Wilford	Wellington Court Estate (Shinfield) Ltd

DOCUMENTS submitted at the Inquiry/Prior to the Inquiry being closed

- 1 Mr Hannington's replacement Summary Proof
- 2 Draft Section 106 Agreement
- 3 Tree Preservation Order No: 1519/2016
- 4 Written statement as read by Richard Crowe on the first day of the Inquiry
- 5 Building Near Trees - Chapter 4.2, NHBC 2016
- 6 Letter from the Board of Directors of Wellington Court Estate (Shinfield) Ltd
- 7
 - a) Email from Kevin Dixon of Kier Property dated 11 March 2016
 - b) Letter from Chris Easton, Service Manager Highways Development Management of the Borough Council dated 14 March 2016

- c) Letter from Nick Carvell, Development Manager of Network Rail dated 16 June 2015
- d) Email from Andy Evans, Associated Director Planning of Miller Homes dated 15 March 2016
- 8 Email correspondence between Mrs Ashton (2 March 2016) and Mr Watson (4 February 2016)
- 9 Appeal decision reference APP/H1840/A/13/2202364, dated 2 July 2014, and associated Inspector's Report
- 10 Draft, unsent, email and attachments prepared by the Council
- 11 Email from Matthew Jeal of Country Estates Ltd & Darcliffe Homes Ltd dated 19 October 2015
- 12 Suffolk Coastal DC v Hopkins Homes & SSDCLG and Richborough Estates v Cheshire East BC & SSDCLG, Neutral Citation Number: [2016] EWCA Civ 168, 17 March 2016
- 13 Letter from David Wilford for and on behalf of Wellington Court Estate (Shinfield) Ltd
- 14 Superseded S106 Agreement dated 18 March 2016
- 15 'Expert Opinion of Andrew Blackman', March 2016
- 16 S106 Agreement dated 17 October 2013 regarding the SANG land to the west of the appeal site
- 17 Email and note from Mr Watson regarding the S106 Agreement and suggested conditions as contained in the Statement of Common Ground
- 18 The Council's S106 Agreement Note
- 19 Representation from the occupant of South Lodge, Wellington Court
- 20 Extract of the Agenda for the Council's Planning Committee meeting on 30 March 2016, including report in respect to planning application ref 153125 for development at Land Between Wellington Road & Shute End (Elms Field and Paddocks Car Park), Wokingham RG40 2QB
- 21 Final S106 Agreement dated 22 March 2016
- 22 Written statement of Mr Wilford on behalf of Wellington Count Estate (Shinfield) Limited, 22 March 2015
- 23 Truncated letter and attachment letters from the Council concerning conditions attached to planning permission reference nos: O/2014/2280 and 150162
- 24 Statement made by Andrew Blacker on Behalf of Cooper Estates Strategic Land Limited, 29 March 2016, concerning highways matters
- 25 Wychavon District Council v SSDCLG & Crown House Developments Ltd, Neutral Citation Number: [2016] EWHC 592 (Admin), 16 March 2016
- 26 Appeal decision letter - APP/G2245/W/15/3130787, dated 5 April 2016
- 27 Appeal decision letter - APP/T2215/A/13/2195591, dated 14 August 2015

SCHEDULE OF CONDITIONS FOR APPEAL REF APP/X0360/W/15/3097721:

1. Details of the appearance, hard and soft landscaping including means of enclosure, layout and scale (hereinafter called the "reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Any applications for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission. The development hereby permitted shall begin no later than two years from the date of the approval of the last reserved matters to be approved.
3. The details submitted pursuant to Condition 1 above shall, among other things, incorporate:
 - Details of the internal and external spaces for the storage and collection of refuse and recyclable materials for all dwellings;
 - Identification of the trees, hedges and shrubs to be retained;
 - Details of existing and proposed levels;
 - A detailed scheme to maintain the ecological permeability of the site;
 - An employment skills plan to show how the development scheme accords opportunities for training, apprenticeships or other vocational initiatives to develop local employability skills; and
 - Other than in respect to the details hereby approved, the full details of accesses, driveways, parking provision and turning areas.
4. The development hereby permitted shall be carried out in accordance with the following approved plans, in so far as those plans relate to matters not reserved for future determination: Location Plan 043023 and Site Access Plan Drawing 4956-SK-001B Rev C.
5. Construction work, including preparatory work prior to building operations, shall only take place between 0730 hours and 1800 hours Mondays to Fridays and 0830 hours and 1300 hours on Saturdays and at no time on Sundays or Bank or National Holidays.
6. Prior to the commencement of development a Construction Management Plan (CMP) shall be submitted to and approved in writing by, the local planning authority. The approved CMP shall be adhered to throughout the construction period. The CMP shall detail matters including:
 - Phasing of construction;
 - The site access junction works, including a timetable for their provision;
 - Lorry routeing and numbers;
 - Types of piling rig and earth moving machinery to be used;
 - Measures to mitigate the impact of construction operations on nearby residential properties;
 - Any temporary lighting;
 - The parking of vehicles of site operatives and visitors;
 - Loading and unloading of plant and materials;
 - Storage of plant and materials used in construction the development;
 - Security fencing where appropriate;
 - Measures to prevent mud from vehicles leaving the site; and
 - Measures to control the emission of dust, dirt and noise during

construction.

7. The development hereby permitted shall not commence unless and until:
 - a) A method statement for site investigation has been submitted to and approved in writing by the local planning authority (LPA) and the approved scheme is implemented;
 - b) The site investigation and associated risk assessment have been undertaken in accordance with the approved details; and
 - c) A method statement and remediation strategy, based on the information obtained from (b) above and including a programme of works, have been submitted to and approved in writing by the LPA.

The development shall be carried out in accordance with the approved method statement and remediation strategy. In the event of any contamination of soil and/or ground or surface water being discovered during excavation or development of the site, the LPA shall be contacted immediately. Site activities in the area affected shall be suspended until such time as a method and procedure for addressing the contamination is approved in writing by the LPA.

8. No development shall commence until a programme of archaeological work (which may comprise more than one phase of work) has been implemented in accordance with a written scheme of investigation, which has been submitted to and approved in writing by the local planning authority.
9. No development or any other operations shall commence until a comprehensive Arboricultural Impact Assessment and a comprehensive Arboricultural Method Statement (including a Scheme of Works) have been submitted to and approved in writing by the local planning authority. All development, works and operations associated with the approved development including site preparation shall be carried out in full accordance with the approved details.
10. The mitigation, contingency and enhancement measures contained within the submitted Ecological Appraisal (Aspect Ecology August 2014) shall be implemented in accordance with a timetable that has first been submitted to and approved in writing by the local planning authority.
11. Prior to the commencement of development a method statement shall be submitted to the local planning authority for approval that deals with the removal and long term management of *Rhododendron Ponticum*, a Schedule 9 species identified within the Wildlife and Countryside Act 1981. The method statement should accord with best practise as outlined in DEFRA Environmental Management Guidance 2013 or subsequent updates and include a timetable for implementation. The approved scheme shall be carried out in accordance with the approved method statement and approved timetable.
12. Prior to the commencement of development a scheme for generating 10% of the predicted energy requirement of the development from decentralised renewable and/or low carbon sources shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the development is first occupied and shall remain operational for the lifetime of the development.
13. Prior to the commencement of development a Travel Plan shall be submitted to and approved in writing by the local planning authority. The Travel Plan shall include a programme of implementation and proposals to promote alternative forms of transport to and from the site, other than by the private car and

provide for periodic review. The Travel Plan shall be fully implemented, maintained and reviewed as so-approved.

14. None of the dwellings shall be occupied until works for surface water drainage, management and disposal have been provided to serve the development hereby permitted in accordance with details to be submitted to and approved in writing by the local planning authority.
15. None of the dwellings shall be occupied until works for the disposal of foul and storm water sewage have been provided to serve the development hereby permitted in accordance with details to be submitted to and approved in writing by the local planning authority.
16. Prior to occupation of any of the dwellings hereby permitted the approved access junction shall be provided in accordance with the details hereby approved.
17. Prior to the commencement of any works associated with their installation, details of all roads, service runs, paths and parking areas including permeability and any proposed changes to ground levels shall be submitted to and approved in writing by the local planning authority. These works shall only be completed in accordance with the approved details.



Appeal Decision

Inquiry Opened on 27 February 2018

Site visit made on 8 May 2018

by Lesley Coffey BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th September 2018

Appeal Ref: APP/X0360/W/15/3097721

Land at Stanbury House, Basingstoke Road, Spencers Wood RG7 1AJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Cooper Estates Strategic Land Limited against Wokingham Borough Council.
 - The application Ref O/2014/2101, is dated 23 September 2014.
 - The development proposed is up to 57 new homes, access from Basingstoke Road and the delivery of 6 hectares of Suitable Alternative Natural Greenspace (SANG).
 - This decision supersedes that issued on 20 June 2016. That decision on the appeal was quashed by order of the High Court.
-

Decision

1. The appeal is allowed and planning permission is granted for up to 57 new homes, access from Basingstoke Road, at Land at Stanbury House, Basingstoke Road, Spencers Wood RG7 1AJ in accordance with the terms of the application, Ref O/2014/2101, dated 23 September 2014, subject to the conditions in the attached schedule.

Procedural Matters

2. The inquiry opened on 27 February 2018, and adjourned on 1 March due to adverse weather conditions. It resumed on 9 and 10 May 2018. I made an unaccompanied visit to the appeal site and the surrounding area on 8 May.
3. The description above is taken from the application form. The previous inspector amended the description to reflect the fact that the proposed SANG lies beyond the appeal site boundary. At the inquiry the parties agreed that the description should be amended in the same manner.
4. The appeal relates to an outline planning application with all matters except access reserved for future determination. Appearance, landscaping, layout and the scale of the proposal are reserved for future approval.
5. This is an appeal against the Council's failure to determine the application within the prescribed period. Following the submission of the appeal the Council set out five putative reasons for refusal. In summary these are: the location of the site outside the settlement envelope for Spencers Wood; the unacceptable harm to the local landscape character; the failure to deliver affordable housing; the unacceptable harm to the trees on and off of the

- appeal site; and the failure to provide mitigation in relation to the Thames Basin Heaths Special Protection Area(SPA).
6. The appellant submitted a revised indicative layout, to address the impact of the proposals on the trees on and adjacent to the site. The indicative plan, drawing number 13-2318-03 Rev A, was considered by the Inspector at the time of the previous inquiry, and I have used the same plan. Although it has been submitted for illustrative purposes it shows the potential relationship between the trees, on and adjacent to the site, with the proposed dwellings.
 7. Prior to the opening of the original inquiry the appellant submitted an Agreement under Section 106 of the Town and Country Planning Act 1990. On the basis of the obligations within it the Council withdrew the putative reasons for refusal in relation to affordable housing and the mitigation in relation to the Thames Basin Heaths SPA. A revised Agreement was submitted to the inquiry. This covenants to provide a footpath link to the bus stop, the delivery of 12 hectares of SANG, and the provision of affordable housing. I have taken it into account in reaching my decision.
 8. The previous appeal Inspector allowed the appeal, however the decision was quashed by the High Court on 21 July, 2017. The High Court challenge did not refer to the Inspector's conclusions as to the sustainability, or suitability of the appeal site to provide new housing as a matter of principle, nor the potential harm to the landscape or trees from the proposed development. He concluded that there would be some limited harm to the landscape character of the site and to some trees within it, but when weighed in the overall planning balance these considerations did not significantly and demonstrably outweigh those matters that are in its favour, in particular the delivery of housing. The Council's updated statement of case confirms that it accepts the Inspector's conclusions in respect of the effect of the proposal on the landscape character of the locality and the trees. I have considered the appeal accordingly.
 9. The Council's housing land supply proofs of evidence was based on the *March 2017 Five Year Housing Land Supply Position*. This showed 4.93 years housing land supply assuming a 20% buffer. A few days before the commencement of the inquiry the Council published *Five Year Housing Land Supply Statement at 30 November 2017 (HLSS)*. This was subsequently re-published a number of times in order to address errors within it. The most recent version submitted to the inquiry was published on 18 April 2018. On the basis of these more recent figures the Council submitted that it now had in excess of a five year housing land supply and should no longer be a 20% buffer authority.
 10. The Council's witnesses updated their evidence in relation to the housing land supply orally. Mr Howard was unable to attend the inquiry and his evidence, in respect of Land South of the M4, was adopted by Mr Chancellor.
 11. The appeal site lies within five kilometres of the Thames Basin Heaths Special Protection Area (SPA). On 12 April 2018 the Court of Justice of the European Union (CJEU) issued the *People over Wind, Peter Sweetman v Coillte Teoranta* judgment which ruled that Article 6(3) of the Habitats Directive must be interpreted as meaning that mitigation measures (referred to in the judgment as measures which are intended to avoid or reduce effects) should be assessed within the framework of an appropriate assessment and that it is not permissible to take account of measures intended to avoid or reduce the harmful effects of the plan or project on a European site at the screening stage.

12. Prior to this judgement, all parties, including Natural England, accepted that the appeal scheme in combination with the Suitable Alternative Greenspace (SANG) to be delivered by the proposal would have no significant environmental effects on the Thames Basin SPA. The appellant submits that this appeal may be distinguished from *People Over Wind*, since the trigger for an appropriate assessment relates to the project in question. In this case the appeal scheme is part of a larger project that includes the SANG. On this basis the appellant submits that the project as a whole would not have any likely significant effects. Whilst I consider that there is some merit in this argument, both parties accept that sufficient information has been submitted to enable me to undertake an appropriate assessment. In my view such an assessment is required.
13. At the commencement of the inquiry the appellant wished to include whether the Council had a five year supply of affordable housing as well as market housing land as a main issue. The Council considered that it would be prejudiced if this issue were included, since it would need to identify the relevant component of the Objectively Assessed Need (OAN) figure to be used as the requirement for affordable housing. It suggested that it may not be possible to establish such a figure. It considered that detailed evidence would be required to address this issue, and an adjournment would be required if this issue were to be considered as part of the inquiry.
14. The appellant stated that it was intended to rely on the existing evidence within the proofs submitted by Mr Watson and Ms Mulliner, together with the Council's Affordable Housing Position Statement (which clarifies the application of Core Strategy policy CP5) and the Issues and Options Consultation Document (August 2016). The Council suggested that the Affordable Housing Position Statement could not be relied on since it was an officer's memo and had no official standing. The inquiry was shown the relevant part of the Council's website and the Position Statement was located within Planning Policy /Housing Evidence. There is no credible evidence to suggest that it does not represent the Council's official approach to affordable housing. The fact that its contents accord with the Issues and Options Consultation Document adds weight to this view.
15. The parties were unable to reach agreement on this matter outside of the inquiry. Mr Jones stated that in the light of the inability to reach agreement with the Council on the approach to this matter and the likely delay the appellant did not wish to pursue it further.
16. The Council sought a ruling as to whether the availability of a five year supply of affordable housing would be a main issue in this decision and also wished the appellant to amend their opening statement to reflect the change in position. I explained that since the appellant was no longer pursuing this matter a ruling was not necessary. The Council agreed.
17. Following the close of the inquiry the appellant submitted an appeal decision in respect of Sonning Golf Club¹. The parties were provided with an opportunity to comment on this decision and I have taken their comments into account.
18. The revised National Planning Policy Framework (the Framework) was published on 24 July 2018. As confirmed by paragraph 212 the Framework is a

¹ APP/X0360/W/17/316/7142

material consideration in respect of applications from the day of publication. The parties were provided with an opportunity to comments upon it. I have taken their comments, and the revised Framework into account in reaching my decision.

Main Issues

19. Having regard to the matters above, I consider the main issues to be the Council's five year housing land supply position and the overall planning balance.

Reasons

Background

20. Spencers Wood is located to the south of Reading from which it is separated by the M4 motorway. The site is about 2.9 hectares in area and is mostly utilised for general grazing purposes. The site frontage is occupied by an existing residential property with a domestic garage. Access to the site is from Basingstoke Road. The frontage dwelling lies within the defined settlement limits for Spencers Wood, but the majority of the site falls outside.
21. To the west of the site is agricultural land which is the subject of an extant planning permission which allows its conversion from agricultural land to a SANG. The approved access is from Basingstoke Road and runs along the southern edge of the appeal site.
22. To the north the site is bound by a tree lined access road which serves the dwellings at Wellington Court. To the south it benefits from a tree-lined boundary with office commercial development at Highlands beyond.
23. The appeal site is not subject to any landscape designations or protection. The previous Inspector found that it was not a valued landscape. Based on the illustrative plans and other information submitted to the inquiry, he was satisfied that the proposal would be unlikely to have an adverse impact on the off-site oak trees. He also found that there would be sufficient separation between the Wellingtonia and the proposed dwellings to avoid any harm during construction, or give rise to undue pressure from future residents for their removal. He was however, concerned that the proposal would give rise to the loss of some of the trees protected by the TPO.
24. He found that the site contributed to the local landscape as well as the setting of Spencers Wood Village. He considered that although the site was fairly well contained, the proposed dwellings and associated infrastructure would be perceptible from Basingstoke Road and The Square, as well as from the neighbouring private property. He also considered that the proposal would be at odds with the small scale incremental development that this part of the village has traditionally experienced. Overall, He concluded that the proposal would have a detrimental effect in terms of landscape character and visual impact, and would include the loss of some on-site trees, but that such harm would be limited.
25. I agree with the conclusion of the previous Inspector in relation to this matter. At the time of my site visit, I noted that views of the appeal site from Basingstoke Road were confined to a short distance to the south of the appeal

site, whilst views from Wellington Court would be substantially screened by the existing trees and proposed woodland buffer.

Development Plan Context

26. The development plan comprises the Core Strategy (adopted January 2010), the Managing Development Delivery DPD (MDD) (adopted February 2014) and the Shinfield Neighbourhood Plan (February 2017). The Council is currently preparing a Local Plan, but it is still at an early stage in the plan-making process and I am unable to afford it any weight.
27. The Council does not seek to rely on the housing requirement within the Core Strategy or policy CP17. At the time of the inquiry the parties agreed that the housing requirement and housing land supply should be assessed against an Objectively Assessed Need (OAN) of 894 dpa. The recently published Framework states that in order to determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance. Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies.
28. The Council state that using the standardised methodology the housing requirement reduces from 894 dpa to 864 dpa. It advises that this figure is based on the 2014 household projections and the affordability ratio published in April 2017. It anticipates that the household projection figures to be published in the autumn may reduce the figure further. Notwithstanding this, at the inquiry, and in Mr Croucher's evidence, the Council stated that using the standardised methodology the figure would be 876dpa. There has been no change in the household projections or the affordability ratio since the date of the inquiry. I therefore prefer the figure of 876dpa which was submitted to the inquiry and is also the figure within the HLSS.
29. The Government notes that the revised projections are likely to result in the minimum need numbers generated by the standardised method being subject to a significant reduction, once the relevant household projection figures are released in September 2018. However, in the housing white paper it was clear that reforms set out (which included the introduction of a standard method for assessing housing need) should lead to more homes being built. In order to ensure that the outputs associated with the method are consistent with this, the Government states that it will consider adjusting the method after the household projections are released in September 2018.
30. Policy CP3 sets out the general principles for development. Amongst other matters it requires proposals to avoid a detrimental impact on important ecological, and landscape features. Policy CP9 requires proposals to reflect the existing or proposed level of facilities and services at, or in, the location, together with their accessibility. It states that development will be acceptable within the modest development locations which include Spencers Wood. The accompanying text states that such development should be within the development limits of such locations. Policy CP11 restricts development outside of development limits in order to protect the separate identity of settlements and maintain the quality of the environment. It also states that development away from existing development limits is likely to lead to the increased use of the private car.

31. Although the MDD was adopted following the publication of the 2012 Framework, it seeks to deliver the policies and housing requirement within the Core Strategy. MDD policy CC01 reflects the presumption in favour of sustainable development within the Framework, whilst policy CC02 also restricts development to the settlement boundaries.
32. At the inquiry the appellant submitted that policies CP9, CP11 and CC02 were out of date since they rely on the settlement boundaries necessary to deliver the Core Strategy housing requirement, rather than the higher OAN figure. Although the standardised housing requirement figure is lower than the OAN agrees at the inquiry, it still substantially exceeds the Core Strategy requirement.
33. The Spatial Vision for Wokingham Borough includes the provision of a good transport system, concentrating developments in Strategic Development Locations (SDLs), and towns and villages with a significant range of infrastructure, whilst respecting the character and attractiveness of the area. Policies CP9 and CP11 contribute to this strategy through directing development towards accessible locations with a range of services and facilities (CP9), and seeking to maintain the separate identity of settlements and reduce dependency on the use of the private car (CP11). I consider both policies to be broadly consistent with the aims of the Framework. Nevertheless, the settlement boundaries on which they rely were predicated on a much lower housing requirement and therefore the weight to be afforded to these boundaries is limited, nonetheless, the proposal still falls to be considered against the aims of these policies.
34. The Shinfield Neighbourhood Plan was made in February 2017, following the previous appeal decision. The appeal site is included in the Neighbourhood Plan Context Map and is identified as an approved development expected to be delivered during the lifetime of the plan. However, this is not an allocation, but is a reflection of the quashed decision, which was extant at the time the Neighbourhood Plan was adopted. The Neighbourhood Plan is supportive of development within the development limits, but development adjacent to these limits is only supported where the benefits of the development outweigh its adverse impacts.
35. The Council refer to Court of Appeal Decision *Gladman Developments Ltd v Daventry DC v SoS CLG [2016] EWCA Civ1146*. This considered two development plan policies that restricted development to the village confines and resisted development within the open countryside. Both policies were saved pursuant to a direction from the Secretary of State in 2007. It was held that the policies were not necessarily inconsistent with the 2012 Framework simply because they were adopted under a superseded Structure Plan. It was found that they remained part of the development plan and they should be assessed on the basis of their consistency with the Framework as a whole, which encouraged plan-led decision making. I have adopted this approach above and consider it to be consistent with paragraph 213 of the Framework.

Housing Land Supply

36. The parties agree that the housing requirement within the Core Strategy is not up-to-date. At the inquiry it was assessed, against an OAN of 894 dwellings per annum with a base date of 1 April 2013, whilst the housing land supply was

assessed from a base date of 1 December 2017. It was agreed that there was a shortfall of 537 dwellings for the five year period ending 30 November 2017.

37. The Sonning Golf Club Inspector² expressed concern regarding the level of completions in the current Housing Land Supply Statement (HLSS). Whilst Ms Mulliner expressed similar concerns about the robustness of the completion figures within the HLSS, no substantive evidence was submitted to the inquiry to suggest that the level of completions was significantly lower than that within the HLSS. The number of completions was agreed by the parties in the Statement of Common Ground.

Buffer

38. Paragraph 73 of the Framework states that the supply of specific deliverable sites should include a buffer moved forward from later in the plan period. Where there has been a significant under delivery of housing over the previous three years, the buffer should be 20% to improve the prospect of achieving the planned supply. From November 2018 this will be measured against the Housing Delivery Test.
39. The Council has assessed previous delivery against the Housing Delivery Test Measurement Rule Book and concluded that 151% of the requirement has been delivered. I have some difficulty with the Council's figures in that the number of completions does not accord with the HLSS. Notwithstanding this, the Housing Delivery Test does not come into effect until November 2018, I therefore consider that the Council's delivery record should be assessed against paragraph 73 of the Framework.
40. When assessed against the requirement of 894 dpa within the HLSS, and on the basis of the last three complete years, 2,025 dwellings have been delivered against a requirement for 2,682. This represents a significant under-delivery. The extent of under-delivery remains significant even if the lower standardised housing requirement figure is applied retrospectively. Nevertheless, the most recent HLSS indicates that there were 1,122 completions over an 8 month period. The Council suggest that in future years the requirement will continue to be met or exceeded as the larger development sites start to deliver dwellings. If the year 2017/18 is used rather than the year 2015/16 the requirement would be met, even in the absence of any further completions after November 2017. In these circumstances, and having regard to the purpose of the 20% buffer, namely to improve the prospect of achieving the planned supply, I consider that, on balance, a 5% buffer is appropriate.

Housing Land Supply

41. The Council submits that it has a deliverable supply of 7,023 dwellings. Based on a minimum requirement of 876 dpa and a 5% buffer this equates to a 7.64 year supply of dwellings. The appellant disputes the delivery from a number of sites, primarily those within the Strategic Development Locations.
42. The glossary to the Framework states that to be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. Sites that are not major development, and sites with detailed planning permission, should be considered deliverable until permission

² APP/X0360/W/17/316/7142

expires, unless there is clear evidence that homes will not be delivered within five years. Sites with outline planning permission, permission in principle, allocated in the development plan or identified on a brownfield register should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.

43. At the inquiry the Council submitted that deliverable should be interpreted in accordance with the Court of Appeal judgement in *St Modwen Developments Ltd v SSCLG, East Riding of Yorkshire Council and Anor* [2017] EWCA Civ 1643. It considers that if a site is capable of being delivered it is deliverable. This position is reflected in the Council's HLSS. I agree that in order for a site to be deliverable this does not mean that there needs to be certainty that it will be delivered. Nonetheless, the Framework, which post-dates the *St Modwen* Judgement, requires there to be '...a realistic prospect that housing will be delivered on the site in the next five years....'. This goes beyond whether a site is capable of delivery, and as set out in the Judgment is fact sensitive. I have therefore approached whether a site is deliverable in accordance with the definition within the Framework.
44. The Council's housing land supply is predominantly derived from large sites with planning permission. It anticipates that these will deliver 6069 dwellings over the five year period. The Council explained that it has adopted a more robust approach to the assessment of whether housing sites are likely to be delivered than in the past. This includes sending letters and emails to developers requesting progress updates and visits to large sites with planning permission to ascertain whether development has commenced or been completed and seeking information from the site manager regarding anticipated delivery.
45. The Council has also set up a specialist Delivery Team to progress The Strategic Delivery Locations which make up a high proportion of the housing land supply. The HLSS explains that where the developer/landowner provides completion and projected delivery information the Council critically appraises it against historic delivery rates and specific knowledge of the site and the rates are adjusted accordingly.

Disputed Sites

46. Arborfield Garrison/Arborfield North Outline permission was granted for 2,000 dwellings in March 2015. Temporary planning permission, for a period of 9 years from February 2017 was granted for use of part of the site as a film studio. As a consequence, the remainder of the site is able to accommodate 1,750 dwellings. The site is divided into a number of smaller plots, several of which benefit from reserved matters approval. The Council suggests that together the sites that comprise Arborfield North will deliver 1,248 dwellings over the five years to November 2022.
47. The appellant does not dispute the number of dwellings to be delivered on the sites with reserved matters approval, but considers the delivery on the residual parts of the site to be unrealistic. The Council's figures suggest that the residual sites will deliver 385 dwellings over the five year period. Of these 120 completions are projected to be delivered by December 2019.
48. The Council's figures are derived from information provided by Crest Regeneration. Whilst Crest Regeneration is developing some of the parcels of

land and providing infrastructure across the scheme, some of the sites to which it refers will be developed by others. It submitted projected completion figures, which include the residual sites, however, the basis for these figures is unclear. The Council suggest that since the infrastructure is to be delivered by Crest Nicholson Regeneration, the delivery of houses may be quicker than at present, but no evidence has been submitted to support this view.

49. It is agreed by the parties that there will ultimately be four developers on the site, although there are only three at present. Based on average delivery rates of about 55.3³ dwellings per developer a year the overall delivery rate would be about 221 dwellings a year across the entire site. The figures within the Council's trajectory, which are consistent with those put forward by Crest Nicholson Regeneration, are considerably higher for the years 2018/19 and 2019/20. Reserved matters applications have not yet been submitted for the residual part of the site. The Housing Land Supply Statement suggests that the average time from approval of reserved matters to first sale on sites of this size is 17.7 months. I therefore consider the Council's trajectory to be overly optimistic, and that the first dwellings on the site are unlikely to be delivered before 2019/20. Even on this basis the projected delivery of 310 dwellings for 2019/20 would appear to be unrealistically high. In the absence of any justification for this figure, I consider that an overall figure consistent with the Council's usual delivery rates is more realistic.
50. The evidence does not support that there is a realistic prospect that the number of dwellings in the Council's trajectory will be delivered in the five year period. I therefore conclude that the delivery from this site should be reduced by 120 dwellings for the year 2018/19 to allow for the submission and determination of the reserved matter application and by 89 dwellings for the year 2019/20 due to reflect more realistic build out rates. Accordingly the number of dwellings delivered from this site should be reduced by 209.
51. Arborfield Garrison/ Hogwood Farm Outline planning permission for 1,500 dwellings was granted in January 2017. The Council advise that a reserved matters application is anticipated later this year. The Council expects the first dwellings to be delivered between December 2019 and November 2020. The owners of the site, Legal and General have indicated that they intend to use a modular building system, which should allow for faster construction rates. They also anticipate that two phases of the development will be operational at any one time. The delivery rates anticipated by the developer are reflected within the Council's HLSS.
52. The appellant considers these rates to be unrealistically high, particularly since Legal and General does not have a track record of delivery within Wokingham. Although there is only limited information available, the response from the developer has taken account of the site constraints and delivery of infrastructure. Whilst the delivery rates seem high, due to the modular construction method, it is possible that the delivery rates would be higher than the average rates relied upon by the appellant, particularly given that there may be two phases of development. I therefore do not consider that the figures in the Council's trajectory need to be adjusted.
53. South of the M4 The Council anticipate that this site will deliver 587 dwellings over the five year period. The appellant considers that this figure should be

³ Five Year Housing Land Supply Statement Table 3.4

reduced by 100 dwellings due to the delivery rates put forward by the Council. Overall the outline permission provides for 900 dwellings, of these, 818 will be delivered by reserved matters applications. Three of the sites with reserved matters are under construction. There are only 24 dwellings outstanding at land North of Hyde End Road, Spencers Wood, and these are expected to be completed this year.

54. Construction has commenced on land north of Church Lane and the Council's trajectory reflects its average build out rates. The Council has used a higher rate for land North of Croft Road on the basis that there are two developers. The Consortium responsible for the South of the M4 did not respond to the Council's request for information and the delivery rates were provided by the Council's delivery team. The comment under achievable would appear to be incorrect in that it refers to three site managers and completion by the end of 2017/18. This does not accord with the trajectory.
55. When taken together the trajectory for these sites anticipates 155 dpa for 2018/19 and 2019/20 and 135 dwellings during 2020/21, although there are only two developers for this period. The Council suggested that these rates were realistic since one of the sites is geographically separate from the other and therefore it could be treated as a separate site. There is no evidence to suggest that the developer concerned intends to adopt this approach. In the absence of any supporting evidence from the developers there does not appear to be a credible basis to depart from the Council's average delivery rates or indicate that there is a realistic prospect that the number of homes within the Council's trajectory will be delivered in the five year period. Therefore on the basis of the information available I agree with the appellant that the delivery from this site should be reduced by 100 dwellings to reflect the average delivery rate.
56. Land to the West of Shinfield Outline planning permission was granted for 1,275 dwellings. A further outline planning permission was granted at appeal for 1200 dwellings and 150 units of specialist residential accommodation. The Council expects this site to deliver 973 dwellings over the five year period. Reserved matters have been approved for two parts of the site, and the appellant does not dispute delivery from these. The concern is with the residual dwellings which the Council suggest will provide 233 dwellings.
57. An application for reserved matters in respect of 80 extra care units (Use Class C2) within the residual part of the site has recently been submitted. On the basis of the guidance at PPG paragraph ID: 3-037-20150320 I am satisfied that these units contribute to the supply of housing land.
58. At the present time there are three developers on the site and the Council's trajectory is based on its average build out rates for those parts of the site with reserved matters approval. The Council anticipates that delivery from the residual part of the site will be 68 dwellings in 2020/21 and 155 dwellings in 2021/22.
59. I accept that some dwellings are likely to be delivered on the residual part of the site, particularly in the light of the recent planning application. Notwithstanding this, there does not appear to be any evidence to support the scale of delivery within the HLSS. The Council suggest that this area will be developed more quickly because it forms part of the District Centre. It is possible that the Care Home units will be built by a different developer and

therefore the delivery rate may be higher than that suggested by the appellant, which assumes three developers across the entire site. Notwithstanding this, care homes, unlike market housing, are often delivered as a single development when all the dwellings and facilities are complete. Moreover, the provision of the additional facilities associated with a care home could add to the construction period.

60. Therefore based on the information submitted to the inquiry, I consider that the Council's average delivery rate of 55 dwellings a year should apply to the residual part of the site, and that the overall delivery from this site should be reduced by 113 dwellings.
61. CP19 South Cutbush Lane and North Arborfield Road These sites are allocated for development, Bellway Homes the prospective developer advises that the first legal completions on Cutbush Lane will be in August 2020, and October 2021 for the North Arborfield Road site. The developer advised that the sites would deliver about 40-50 dpa due to a shortage of labour and a tougher sales market
62. The Council's trajectory anticipates that 175 dwellings across both sites will be delivered by the end of the five year period. These sites are allocated for development, but at the time of the inquiry an application had not been submitted. I understand that a full planning application has recently been submitted in respect of the Cutbush Lane site.
63. The Council's trajectory shows 100 dwellings across both sites will be completed in the final year. The appellant considers this to be unrealistic in that the sites are adjacent to each other and there would be only one developer. It considers the trajectory should be revised downwards by 45 dwellings in the final year and 3 the previous year. It is clear from the evidence submitted by the developer that various factors have been taken into account in arriving at this trajectory, and the developer will be aware of the proximity of the two sites. I therefore do not consider that it should be treated as a single site. However, I consider that in the absence of any planning permission, or application in the case of the North Arborfield Road site, that these trajectories fall short of the requirement for clear evidence that housing completions will begin on these sites within the next five years. The Council relies on the upper end of the developer's suggested completion rate, I consider that the appellant's figures to be more realistic. Accordingly the delivery from this site should be reduced by at least 48 dwellings.
64. I am aware that the Sonning Golf Club Inspector, did not consider that any dwellings would be delivered from the Cutbush Lane Site over the five year period. However, his conclusion was based on the information before him, but the information submitted to me, for the reasons explained above, leads me to a different conclusion.
65. Matthews Green, North Wokingham Outline planning permission was granted in April 2015 for 760 dwellings. 572 dwellings will be delivered by reserved matters. The appellant does not dispute that the dwellings permitted as part of Phases 1, 2a, 2b and 3 will be delivered within the five year period, but suggests that the delivery in Phases 2b and 3 will be slower than in the Council's trajectory. The number of dwellings delivered in Phase 4 and the number of residual dwellings to be delivered in the five year period is also disputed.

66. In terms of Phase 2b, the Council advises that the 68 remaining dwellings are under construction and it expects the site to complete in the current monitoring year. This is based on information from the developer. I note that the trajectory in the previous HLSS, which was also based on information from the developer, indicated that 16 dwellings would be completed in the period April 2017 – March 2018, and 50 dwellings the following year, with the final 7 during the period April 2019 to March 2020. It would seem that only 5 dwellings were completed during this period, and when this figure is adjusted to take account of the different dates for the monitoring periods, this falls short of the expectations for the previous year. Whilst this figure of 68 dwellings seems optimistic, I note that all of the dwellings are currently under construction, and I therefore consider that although the projected completions are optimistic, there is a realistic prospect that they could be completed within the current monitoring year.
67. Reserved matters in respect of Phase 3 were approved in July 2017. The Council expects 45 dwellings to be delivered in the current monitoring year and 29 the following year. These figures are based on information received from the house builder and I see no justification to depart from them, particularly since they accord with the Council's average rates for such sites.
68. The Council resolved to grant permission for Phase 4 in February 2018. It anticipates that the first dwellings will be delivered between December 2018 and November 2019, with the first full year of completions in 2019/20. The appellant considers that the first dwellings will be delivered in 2019/20. I consider the Council's trajectory to be optimistic but achievable.
69. In terms of the residual part of the site, the Council has assumed that 188 dwellings will be delivered over the final three years of the period, whereas the appellant considers that no dwellings will be delivered. The justification for the appellant's approach is that Phase 4 and those on the residual land are due to be delivered by a single housebuilder. The evidence as to whether the same housebuilder will be involved at Phase 4 is unclear at the present time. Based on the evidence submitted to the inquiry I consider that the rates within the HLSS are achievable.
70. South Wokingham The site is expected to deliver 1,840 dwellings, the HLSS indicates that 44 of these dwellings will be delivered during the five year plan period. The appellant considers that no dwellings will be delivered due to the complexities of the site.
71. It is evident that the Council has been in discussion with the consortium due to develop this site for over two years, but an application is not yet forthcoming. The evidence submitted to the inquiry indicates that there are a number of complexities with the site, these include a restrictive covenant that prohibits development and the site is located within 5km of the Thames Basin Special Protection Area. It would seem that the Council is willing to lift the covenant subject to a number of commitments from the consortium, including the provision of land for the Southern Distributor Road and an undertaking to submit a planning application by 30 September this year. The evidence suggests that there has been some progress towards the release of the restrictive covenant, however, it remained in place at the time of the inquiry. The Consortium does not intend to appoint a consultant team until it was satisfied that the covenant would be lifted.

72. In the light of the People Over Wind Judgement an appropriate assessment would also be necessary. There would also need to be a stopping up order. If this gave rise to objections a public inquiry would be required which would add to the timescale. On the basis of the available evidence I am doubtful that the site will deliver any houses within the five year period. Therefore 44 dwellings should be removed from the housing land supply. I appreciate that the Council's projection is considerably lower than those previously put forward by the Consortium. However, the Consortium's latest position is that it is unable to provide any advice as to likely completions in the next five years. Accordingly, on the basis of the submitted information I am not persuaded that there is a realistic prospect of delivery on this site within the five year period.
73. Hatch Farm Dairies The HLSS anticipates 356 dwellings delivered from this site over the five year period. The appellant considers the delivery rate in the years 1-3 to be unrealistically high, based on past performance. It is suggested that the site will only deliver 300 dwellings. There are two developers on site, and during the period April 2017 – November 2017 45 dwellings were completed (67.5 dpa). The appellants suggested trajectory applies a figure of 60 dwellings per annum, however if 67.5 dpa is used 338 dwellings would be delivered over the five year period. This would only be 18 dwellings short of the Council's trajectory. Given that there are two developers on site I consider that here is a realistic prospect that these houses could be delivered within the five year period. I have taken account of the appellant's view that the delivery rates would decline over the winter period, but there is no evidence to suggest that this is not reflected in the projected delivery rates.
74. Prior Approvals The appellant also contests delivery from a number of Prior Approvals sites, on the basis that they are not available. Ilex House and Rosa Building are expected to provide 78 dwellings. Prior approval was granted in respect of both sites in September 2016. Both sites remain in business use and there is no indication from the owners that they intend to implement the Prior Approval Consent.
75. The Riseley Business Park is also occupied, and a letter from the agent states that it is intended that the rear part of the site will be retained in commercial use. Therefore there is no realistic prospect that the 26 dwellings on this part of the site will be delivered in the five year period.
76. I agree with the appellant that these sites are not available now and based on the information submitted to the inquiry there is no realistic prospect that that housing will be delivered on these sites in the next five years. I therefore conclude that 104 dwellings should be removed from the housing land supply

Overall Housing Land Supply Conclusion

77. The Council's position is that it has a housing land supply sufficient to deliver 7,023 dwellings. I have found above that this figure should be reduced by 618 dwellings, giving a housing land supply sufficient for 6405 dwellings. I therefore conclude that the Council has a housing land supply of just under 7 years housing land supply, including a 5% buffer.

Other Matters

Affordable Housing

78. The Framework requires strategic policies to make provision for housing, including affordable housing. It also requires an assessment of the housing needs of different groups, including those who require affordable housing, and the type of affordable housing required. The proposal would deliver 23 affordable homes in accordance with Core Strategy policy CP5.
79. Policy CP5 seeks affordable housing contributions from developments of 5 dwellings or more. The Council's Affordable Housing Position Statement notes that national planning guidance restricts affordable housing contributions to developments of 10 or more dwellings. The Council nevertheless considers there are specific and genuine local circumstances that justify an exception to national policy and guidance, due to the exceptional need for affordable housing within the Borough. It confirms that the 2016 Berkshire Housing Market Assessment (SHMA), shows a need of 441 affordable homes (net) per annum. It concludes that due to the acute affordable housing need the Core Strategy Policy CP5 threshold of 5 dwellings carries considerable weight and will continue to be applied.
80. The Issues And Options Consultation Document in relation to the emerging Local Plan states that the Borough has a significant need for affordable housing and that this will continue to be high over the plan period. It refers to the SHMA which confirms a net need for 441 affordable homes per annum for the period 2013-2026.
81. The Council suggest that the figure of 441 dpa cannot be relied upon to assess the extent of the existing need for affordable housing in the Borough, since affordable housing is a component of the overall OAN figure and informed the extent of the uplift to the OAN. The Council rely on the SHMA figure to justify an exception to national policy, and in the absence of any alternative figure I consider that it provides a reasonable indication as to the extent of the need for affordable housing in the Borough.
82. The Council's Housing Strategy '*Housing Facts & Figures April – September 2017*', indicates that the delivery of affordable housing has consistently fallen well below the figure of the 441dpa. Evidence submitted by the appellant suggests that the need for affordable housing has increased significantly since the time of the previous inquiry (from 1,400–1,900). I note the Council's view that there is no definitive figure for affordable housing need within the Borough. I find this surprising given the Council's justification for an exception to national policy, as well as the requirement within paragraph 47 of the 2012 Framework to meet the full objectively assessed need for market and affordable housing and to illustrate the expected rate of delivery for market and affordable housing. Such a figure will be required as part of the housing requirement in order to comply with the Framework.
83. Notwithstanding this, it is evident that there is a clear mismatch between the SHMA figure and the number of affordable dwellings delivered in recent years. On the basis of the submitted evidence I conclude that there is a considerable and growing need for affordable housing within the Borough. In these circumstances I consider that the provision of affordable housing is a significant benefit of the proposal.

Thames Basin Heath Special Protection Area.

84. The appeal site lies within 5 km of the Thames Basin Heaths Special Protection Area (the SPA), which is an internationally designated site of nature conservation importance, with special reference to ground nesting birds, namely the Nightjar, Woodlark and Dartford Warbler. The SPA is protected by the Conservation of Habitats and Species Regulations 2017 (The Habitats Regulations).
85. Regulation 63 of the Habitat Regulations states that a competent authority, before deciding to grant planning permission for a project which is likely to have a significant effect on a European site (either alone or in combination with other plans or projects), and is not directly connected with or necessary to the management of that site, must make an appropriate assessment of the implications of the plan or project for that site in view of that site's conservation objectives.
86. In order for development to be acceptable, these regulations require it to demonstrate that it will have no likely significant adverse effect on the SPA, either alone or in combination with other proposals. If it cannot, measures must be proposed to remove the impact, or the proposal should be refused.
87. The Habitats Regulations Assessments of the South East Plan and the Core Strategy found that the cumulative effect of additional residential development within 5km of the SPA would be likely to have a significant effect, particularly when considered in combination with other projects. The appeal scheme is not directly connected with, or necessary to, the management of the SPA and therefore an appropriate assessment is required.
88. The conservation objectives of the SPA are to maintain in favourable condition the habitats for breeding populations of three rare bird species: Dartford warblers, woodlarks and nightjars, which nest on or near the ground and are as a result, very susceptible to predation and to disturbance from informal recreational use, especially walking and dog walking. Research demonstrates that all three bird species are vulnerable to impacts on breeding success from surrounding urban pressures, in particular, recreational disturbance.
89. Various studies have found that public access to the SPA has led to an increase in damaging recreational use, the introduction of incompatible plants and animals, soil erosion, disturbance by humans and pets, and an increase in wild fires, amongst other factors. Research has confirmed that 70% of visitors to the SPA travel from within 5km. Therefore in the absence of mitigation the risk of harm to the integrity of the SPA cannot be excluded.
90. Policy NRM6 of the South East Plan indicates that the impact of such development can be mitigated through a combination of measures including managing access to the SPA and the provision of SANG to meet Natural England's standards. These standards form part of the Council's Impact Avoidance Strategy for Residential Development upon the Thames Basin Heath Special Protection Area.
91. The proposed mitigation includes the provision of a SANG adjacent to the site. The SANG would be about 12 hectares in area. Planning permission was granted for the SANG in 2017 and it would be secured by the s106 Agreement. The Council is satisfied that the proposed SANG will meet the necessary

standard. Therefore having regard to the proposed mitigation, I am satisfied that the proposal would not have an adverse effect on the integrity of the Thames Basin Heath SPA, either alone, or in combination with other projects.

Accessibility to Services

92. Although the majority of the site is situated outside of the settlement limits, the site is centrally located relative to the existing village. It stands reasonably close to a range of shops and services within Spencers Wood. These include a restaurant, a church, a village hall, a primary school, a library, a preschool, a veterinary practice, a petrol station and shops including a post office.
93. Cycleways provide the opportunity to cycle into Reading from Spencers Wood. In addition, there are a number of commercial and business uses within Spencers Wood, including those at the Wellington Industrial Estate. There are bus stops within 200 metres of the site entrance on both sides of Basingstoke Road. However, there is no footpath access to the south of the site leading to the bus stop on the west side of Basingstoke Road. A footpath link from the site to this bus stop is to be provided by the appellant or secured by way of the s106 agreement. Bus services run through Spencers Wood and provide access to Reading and other nearby settlements.
94. I therefore conclude that the appeal site occupies an accessible location, close to a range of services and employment opportunities. Consequently, the proposal would be consistent with policy CP9 of the Core Strategy in all respects, other than the conflict with the settlement boundary.

Location of Development

95. Policy CP11 restricts development outside of development limits in order to protect the separate identity of settlements and maintain the quality of the environment. It also states that development away from existing development is likely to lead to the increased use of the private car
96. The previous Inspector found that the proposed dwellings and associated infrastructure would be perceptible from Basingstoke Road and the Square, and would be at odds with the small scale incremental development that this part of the village has traditionally experienced. He did not conclude that the proposal would erode the separate identity of the village, or give rise to any merging with a nearby settlement. Due to the self-containment of the site public views would be confined to a short length of Basingstoke Road to the south of the site, and from The Square, which is located opposite the appeal site. Therefore the impact of the proposal would be very localised.
97. The appeal site is not located away from existing development, and for the reasons given above, would not be likely to lead to increased dependence on the use of the private car. Therefore the proposal would be broadly consistent with the aims of policy CP11, although it would be located outside of the development boundary.

Country Park and Footpath

98. The proposal would deliver 12 hectares of Country Park and a new footpath link. The park would be available to the general public. The proposed footpath link through the site would facilitate a circular walk from the village. It would be managed in a manner to preserve and enhance biodiversity, including the

creation of a range of habitats. This would contribute to the social and environmental dimensions of sustainability.

Overall Planning Balance

99. Planning law requires that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework is one such material consideration and confirms that the development plan is an essential component of the plan-led system. Since the Council is able to demonstrate a five year supply of housing land, and the proposal is subject to an appropriate assessment, the tilted balance within the Framework is not engaged.
100. The appeal site is located outside of the defined development limits for Spencers Wood and in this regard the proposal conflicts with policies CP3, CP9 and CP11 of the Core Strategy. As found by the previous Inspector there would be some limited harm in terms of landscape character and visual impact, although this would be very localised. Therefore there would be some conflict with policy CP3 and CP11 in this respect. The proposal would occupy an accessible location close to a range of facilities and services. It would therefore be consistent with the aims of policy CP9. It would also be consistent with the aims of policy CP11 in so far as it would not detract from the identity of Spencers Wood or lead to the increased use of the private car.
101. The proposal would provide benefits in terms of the delivery of housing within an area where there is an existing shortfall in housing delivery, and an increasing and acute need for affordable housing. The Council suggest that since the proposal will only deliver a policy compliant level of affordable housing this consideration should not outweigh the conflict with the development plan. The provision of affordable housing is a matter to be weighed in the overall planning balance. Given the considerable and increasing need for affordable housing, and the Council's view that the only means by which affordable housing can be delivered is as a component of market housing, I consider this to be an important benefit of the proposal and I afford it significant weight. The delivery of market and affordable housing would contribute towards the social dimension of sustainability through the provision of dwellings to meet the needs of present and future generations.
102. I have found above that subject to the provision of the SANG, the proposal would not harm the integrity of the Thames Basin Heath SPA. The management of the SANG would broaden the range of species, including invertebrates on the site, the proposed pond would be a further ecological enhancement and would weigh in favour of the proposal. There would also be a benefit in terms of the provision of a publicly accessible country park and pedestrian access to the bus stop.
103. Economically, the development would bring short-term advantages in respect of jobs. In the longer term it would increase household spending within locality. It would also support economic growth through the provision of housing and the creation of jobs in local services to meet the additional demands arising from the development.
104. The weight to be afforded to the settlement boundaries is limited in that they were derived from policy CP17, which sought to meet a much lower housing requirement by comparison with the OAN. I do not consider that the

proposal would conflict with policy 1 of the Neighbourhood Plan in that the benefits of the proposal would outweigh its adverse effects. I consider that having regard to the Spatial Vision of the Core Strategy the proposal complies with the development plan as a whole.

105. Overall I conclude that the benefits of the proposal significantly outweigh the conflict with the settlement boundaries and the limited harm in terms of landscape character and visual impact.

Conditions

106. I have considered the suggested conditions in the light of discussions at the inquiry, the advice at paragraphs 203 and 206 of the Framework and the PPG, including the advice in relation to pre-commencement conditions.
107. The proposal has been submitted in outline and I agree that reserved matters in relation to appearance, landscaping, layout and scale should be submitted for approval. The proposal should be implemented in accordance with the approved plans.
108. In order to safeguard the living conditions of surrounding residents the hours of construction should be limited. A Construction Management Plan should be submitted prior to the commencement of works in order to safeguard the amenity of surrounding residents, limit the effect of the proposal on the highway network and ensure that waste is managed appropriately.
109. The site lies within an area of archaeological potential. In order to ensure that any remains are adequately investigated and recorded, or preserved in situ, a programme of archaeological work is necessary. Due to the potential impact of any works associated with the development the scheme needs to be subject to a pre-commencement condition. The site is considered to be at low risk of contamination. However, given the potential risk to human health, I agree that a condition requiring the site to be assessed for potential contamination is necessary.
110. An Arboricultural Method Statement was submitted with the application, and includes measures for tree protection within the root protection areas of the trees. Since this is an outline application the layout of the site may change from that shown on the indicative plan. Therefore an updated Arboricultural Method Statement is necessary, and this should include details of roads, service runs, and parking areas. A separate condition in relation to these matters is not necessary. The mitigation measures set out within the Ecological Appraisal are necessary in order to safeguard the biodiversity of the site. The ecological survey of the site found *Rhododendron Ponticum*, an invasive species on the site, and recommended that it be eradicated from the site. I therefore agree that a condition requiring a method statement for its removal and control is necessary.
111. In the interests of energy efficiency and in order to accord with MDD policy CC05 a scheme to provide 10% of the predicted energy requirement from renewable or low carbon sources is necessary. A Travel Plan is required in order to promote sustainable transport. The proposed access should be implemented prior to first occupation of the dwellings in the interest of highway safety. Details of foul and surface water drainage are necessary in order to

ensure satisfactory living conditions for future residents and ensure that the development is safe from flooding.

112. The previous decision included a condition requiring a range of matters to be submitted as part of the reserved matters. A separate condition specifying matters that come within the scope of reserved matters, including refuse storage, accessways or parking areas is not necessary. The Arboricultural Method Statement will detail the trees, shrubs and hedges to be retained. I am doubtful that the ecological permeability of the site would come within the scope of the reserved matters, it would however be included as part of the ecological mitigation and enhancement measures. Details of existing and proposed levels are necessary in order to ensure that the scheme integrates satisfactorily with its surroundings and I have imposed a separate condition in relation to this matter. An Employment Skills Plan does not come within the scope of the reserved matters, however such a Plan would accord with policy TB12 of the MDD. I have therefore imposed a separate condition.

Conclusion

113. For the reasons given above I conclude that the appeal should be allowed.

Lesley Coffey

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Saira Kabir Sheikh QC
Instructed by Shared Legal Solutions

She called

Sophie Morris	Delivery Manager North Wokingham
Emy Circuit	Delivery Manager South Wokingham SDL
Nick Chancellor	Delivery Manager Arborfield SDL
Ian Bellinger	Category Manager for Growth and Delivery
Mark Croucher	Senior Town Planner

FOR THE APPELLANT:

Gregory Jones QC
Instructed by Phillips Planning
Services

Paul Watson	Planning Consultant P.P.S.
Jacqueline Mulliner	Planning Consultant Terence O'Rourke

DOCUMENTS SUBMITTED AT THE INQUIRY

- 1 Supplemental Proof of Evidence Ian Bellinger
- 2 Housing Land Supply Statement submitted by the Council
- 3 Affordable Housing Position Statement submitted by the appellant
- 4 Statement of Common Ground in relation to Five Year Housing Land Supply
- 5 Statement of Common Ground in relation to Planning Matters
- 6 Attachment to Crest Nicholson email regarding projected Annual Starts and Completions submitted by the Council
- 7 Statements in respect of Affordable Housing submitted by the appellant
- 8 Extract from Wokingham Borough Local Plan Update Issues & Options Consultation Document (August 2016) submitted by the appellant
- 9 Request for Ruling from Wokingham Borough Council
- 10 Note regarding the Implications of the Shinfield Neighbourhood Plan submitted by the appellant
- 11 Witness Background Ian Bellinger
- 12 Screenshot from Wokingham Borough Council website showing Affordable Housing Position Statement
- 13 Copy of Planning permission for Eastern Gateway (South Wokingham Distributor Road) submitted by the Council
- 14 Copy of Reserved Matters Application for the Extra Care Unit submitted by the Council
- 15 Correspondence regarding restrictive covenant South Wokingham SDL submitted by the Council

- 16 People Over Wind Judgement submitted by the Council
- 17 Updated Statement of Common Ground in relation to Five Year housing land supply
- 18 Appellant's Updated housing land supply calculation
- 19 Council's updated housing land supply calculation
- 20 Shinfield Neighbourhood Plan Policy 1
- 21 Land West of Shinfield application details submitted by the Council
- 22 Gladman Developments v Daventry District Council Judgement submitted by the Council
- 23 Thames Basin Heath SPA Impact Avoidance Strategy submitted by the Council

DOCUMENTS SUBMITTED AFTER THE INQUIRY

- A Appeal Decision APP/X0360/W/17/3167142 submitted by the appellant
- B Appellant's further comments
- C Council's further comments
- D Appellant's comment on the Framework
- E Council's comments on the Framework

Appeal Ref: APP/X0360/W/15/3097721

Schedule of Conditions

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Any applications for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission. The development hereby permitted shall begin no later than two years from the date of the approval of the last reserved matters to be approved.
- 3) The development hereby permitted shall be carried out in accordance with the following approved plans, in so far as those plans relate to matters not reserved for future determination: Location Plan 043023 and Site Access Plan Drawing 4956-SK-001B Rev C.
- 4) Prior to the commencement of development a Construction Management Plan (CMP) shall be submitted to and approved in writing by, the local planning authority. The approved CMP shall be adhered to throughout the construction period. The CMP shall detail matters including:
 - Phasing of construction;
 - The site access junction works, including a timetable for their provision;
 - Lorry routing and numbers;
 - Types of piling rig and earth moving machinery to be used;
 - Measures to mitigate the impact of construction operations on nearby residential properties;
 - Any temporary lighting;
 - The parking of vehicles of site operatives and visitors;
 - Loading and unloading of plant and materials;
 - Storage of plant and materials used in construction the development;
 - Security fencing where appropriate;
 - Measures to prevent mud from vehicles leaving the site; and
 - Measures to control the emission of dust, dirt and noise during construction
- 5) Construction work, including preparatory work prior to building operations, shall only take place between 0730 hours and 1800 hours Mondays to Fridays and 0830 hours and 1300 hours on Saturdays and at no time on Sundays or Bank Holidays.
- 6) The development hereby permitted shall not commence unless and until:
 - a) A method statement for site investigation has been submitted to and approved in writing by the local planning authority (LPA) and the approved scheme is implemented;
 - b) The site investigation and associated risk assessment have been undertaken in accordance with the approved details; and
 - c) A method statement and remediation strategy, based on the information obtained from (b) above and including a programme of works, have been submitted to and approved in writing by the LPA.

The development shall be carried out in accordance with the approved method statement and remediation strategy. In the event of any contamination of soil and/or ground or surface water being discovered during excavation or development of the site, the LPA shall be contacted immediately. Site activities in the area affected shall be suspended until such time as a method and procedure for addressing the contamination is approved in writing by the LPA.

- 7) No development shall commence until a programme of archaeological work (which may comprise more than one phase of work) has been implemented in accordance with a written scheme of investigation, which has been submitted to and approved in writing by the local planning authority.
- 8) The mitigation, contingency, and enhancement measures contained within Section 6 of the Ecological Appraisal (Aspect Ecology August 2014) shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented prior to the first occupation of the dwellings hereby permitted, or in accordance with a timetable that has been previously approved by the local planning authority.
- 9) No development or any other operations shall commence until an Arboricultural Method Statement (including a Scheme of Works) has been submitted to and approved in writing by the local planning authority. All development, works and operations associated with the approved development, including site preparation, roads, service runs, paths and parking areas shall be carried out in full accordance with the approved details.
- 10) A method statement to address the removal and long term management of Rhododendron Ponticum, shall be submitted to the local planning authority and approved in writing by the local planning authority. The method statement should accord with best practice as outlined in DEFRA Environmental Management Guidance 2013 or subsequent updates and include a timetable for implementation. The approved scheme shall be implemented in accordance with the approved method statement prior to the first occupation of the dwellings.
- 11) A scheme for generating 10% of the predicted energy requirement of the development from decentralised renewable and/or low carbon sources shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the development is first occupied and shall remain operational for the lifetime of the development.
- 12) A Travel Plan to promote alternative forms of transport to and from the site, other than by the private car, shall be submitted to and approved in writing by the local planning authority. The Travel Plan shall be implemented before the dwellings are first occupied.
- 13) None of the dwellings shall be occupied until works for surface water drainage, management and disposal have been provided to serve the development hereby permitted in accordance with details to be submitted to and approved in writing by the local planning authority.
- 14) None of the dwellings shall be occupied until works for the disposal of foul and storm water sewage have been provided to serve the

development hereby permitted in accordance with details to be submitted to and approved in writing by the local planning authority

- 15) Prior to occupation of any of the dwellings hereby permitted the approved access junction shall be provided in accordance with the details hereby approved.
- 16) Details of the existing and proposed ground levels showing any changes to levels, finished ground slab levels, shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.
- 17) Prior to the commencement of development an employment skills plan to show how the development scheme accords opportunities for training, apprenticeships or other vocational initiatives to develop local employability skills shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details.

Appeal Decision

Hearing held on 18 October 2022

Site visit made on 18 October 2022

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 November 2022

Appeal Ref: APP/H1705/W/22/3298464

Land at Redlands, Reading Road, Sherfield on Loddon, Basingstoke RG8 0PL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Cooper Estates Strategic Land Limited against the decision of Basingstoke and Deane Borough Council.
 - The application Ref 21/00808/OUT, dated 3 March 2021, was refused by notice dated 22 March 2022.
 - The development proposed is Outline application for up to 57 no. new dwellings (all matters reserved except access and layout).
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Decision

1. The appeal is allowed and outline planning permission is granted for up to 57 no. new dwellings (all matters reserved except access and layout) on Land at Redlands, Sherfield on Loddon, Basingstoke RG8 0PL in accordance with the terms of the application, Ref 21/00808/OUT, dated 3 March 2021, subject to the conditions set out in the attached schedule.

Procedural Matters

2. The application is made in outline with details of access and layout provided for consideration. The submitted masterplan is titled as 'indicative' but the main parties were agreed that it should be considered on the basis that the layout is fixed and the landscaping illustrative. The scale and appearance of development and landscaping of the site are all reserved for future approval.
3. My formal decision takes the site address from the decision notice and appeal form, as this is a more precise description of the location.
4. The final draft of a unilateral undertaking (UU) was available for discussion at the hearing, supported by a Community Infrastructure Levy (CIL) Compliance Statement. A signed version of the UU dated 1st November 2022 was provided after the event. Its text has been agreed with the Council and I note that the authority is satisfied that the obligations within the UU address the third reason for refusal. I shall return to the matter of CIL compliance later.

Application for Costs

5. An application for costs was made by Cooper Estates Strategic Land Limited against Basingstoke and Deane Borough Council. This is the subject of a separate decision.

Main Issues

6. The main issues are:

- a) the effect of the proposal on the character and appearance of the area;
- b) whether future occupants of the development would have acceptable access to services and facilities; and
- c) whether material considerations exist to outweigh any conflict with the development plan in respect of the first two issues.

Reasons

Character and appearance

7. The appeal site comprises the eastern third of a 9.4 ha area of land known as 'Redlands' which has been allocated for residential development under Policy SS3.7 of the Basingstoke and Deane Local Plan (2011 to 2029) (LP). The Inset Map to the LP shows the site as falling within the settlement boundary but outside of the area indicated for development, which is shown hatched.
8. Outline planning permission was granted in September 2017 to enable the construction of 150 homes to the west of the site. I shall refer to this as 'the 150 unit scheme'. Reserved matters approval has been secured and this development is well advanced, with a number of dwellings already occupied. The appeal scheme would be accessed through this development which is served by a new arm on the A33 Taylor's Farm roundabout.
9. The land to the east of the A33 has historically been agricultural, the only significant urban influence being an energy recovery plant and sewage treatment works on Whitmarsh Lane, approximately 500 m south of the site. The 150 unit scheme breaches the barrier of the A33, but it forms part of a planned extension of Basingstoke. To the south of Redlands, another site known as 'Land East of Basingstoke' has been allocated for 450 dwellings and the provision of social and physical infrastructure.
10. The 150 unit scheme represents an incongruous protrusion into the countryside when considered on plan. However, the reality is that it is well contained by mature trees and hedging which screen much of the development. The main public views are from the access road and the public footpath (RoW4) which runs along the southern boundary. These are negative impacts in landscape and visual terms, measured against the original baseline, but ones which the Council will have considered when allocating the Redlands site for development.
11. The Redlands site falls within the 'Lowland Mosaic Open' Character Area, as defined within the Hampshire Integrated Character Assessment. Aerial photography shows a patchwork of agricultural fields which could be described as a mosaic. There are some attractive open views southwards from RoW4, but the landscape in the vicinity of the appeal site is predominantly enclosed. A strong framework of mature trees, hedges and woodland blocks acts to truncate views.
12. Following the accompanied site visit, I walked an agreed route using public footpaths in the area. This included Whitmarsh Lane and Moulshay Lane. The development under construction is not visible from most vantage points. Even allowing for the seasonality of vegetation, the housing is largely screened from the surrounding countryside and has no effect on its prevailing rural character.

13. The Council's landscape witness argued that the appeal site has a sense of scale and grandeur and that it is a significant piece in the overall jigsaw puzzle. This overstates the importance of the site in the wider landscape. The absence of buildings does give the land an open character, but this is only experienced within the site itself, from the new housing development immediately adjacent and in views from a short section of public footpath across the 'Redlands Garden Site'. The latter does not have permission for development but it forms part of the Redlands allocation and is likely to be developed in the future. There may be scope to preserve views into the site as part of a future scheme, but the probability is that the quality of those views will be significantly eroded.
14. The photograph taken from Viewpoint 31 within the Council's evidence was taken from a position several metres off the footpath and on the edge of the site. This is not representative of the public views available, but even if it was the land is seen against the backdrop of buildings. The approved plans for the 150 unit scheme show negligible landscaping along the boundary with the site. The visibility of the new housing detracts from the rural character of this land.
15. The Council has raised concerns over the effect of the proposal on views from the nearest dwellings within the adjoining development. These properties are not yet complete or occupied and therefore future residents would choose their new home in full knowledge of any planning application for the appeal site. This is not a matter to which I have attached any significant weight, notwithstanding the appellant's acceptance that the receptors should have been factored into the Landscape and Visual Appraisal submitted with the application.
16. There was discussion at the hearing on whether some of the vegetation on the periphery of the site is within the appellant's control. The precise boundary is difficult to establish even with the benefit of a site visit. Nevertheless, the layout of the appeal scheme makes provision for a landscaped margin on its north, south and east boundaries. There is no information to suggest that existing trees and hedging may be removed by adjoining landowners. Indeed, I saw that there has been substantial tree planting outside of the eastern boundary which should develop over time into a woodland block and thereby reinforce the new edge to the settlement.
17. Policy SS3.7 of the LP sets out the requirements for ensuring high quality development on the Redlands site. Criterion b) is most relevant to the Council's case. This states that the development should respond positively to the special landscape qualities of the area, ensuring that the density, heights and layout of buildings minimise any visual impacts of this location. The design and layout of development needs to present a strong and defensible green buffer to the north and east, including the use of open space to limit the visual impact of development. According to the policy, this will include 'locating development in the western part of the site' and avoiding residential development to the north of the existing field boundary, which forms the northern edge of the site.
18. The scheme under construction takes up two thirds of the Redlands allocation leaving the easternmost third undeveloped. The proposed development would occupy this area, outside of the hatched area on the Inset Map and on land which is shown to be retained in its existing land use on the Indicative Development Framework Plan in the East of Basingstoke and Redlands Development Brief Supplementary Planning Document (2017) (SPD). The proposal would conflict with the requirement of Policy SS3.7 that development

be confined to the western part of the site. However, it would comply with other aspects of the policy, notably through its provision of a multi-functional green space corridor around the outer edges of the site. Details of the planting within this corridor would be provided as part of the reserved matters, but I am satisfied that it would be effective in mitigating any adverse visual impacts. The Council has accepted that the site already enjoys a high level of containment.

19. The net density of the proposal would be broadly similar to that of the 150 unit scheme. The Council argued that the density was too high and that this would fail to make the transition between suburban development immediately to the west and open countryside immediately to the east. However, I am not altogether convinced that a lesser density is necessary. The proposal would create an appropriate edge to the built-up area – better in fact than the 150 unit scheme which provides a weak boundary with the adjoining field.
20. My overall conclusion is that, whilst there would be a degree of conflict with the LP Policy SS3.7, the proposal would meet the overarching objectives of the policy insofar as it seeks to ensure that development responds positively to the special landscape qualities of the area and limit the visual impacts of the development. There would be compliance with LP Policies EM1 and EM10 insofar as these seek to ensure that new development is sympathetic to the character and visual amenity of the landscape.

Access to services and facilities

21. Redlands is a discrete allocation within the LP, but it has close connections with the East of Basingstoke allocation immediately to the south. Criterion i) of Policy SS3.7 explains that joint masterplanning of the two sites should be used to ensure that development is brought forward in a coordinated manner. The policy states that the Redlands site should not be developed in isolation.
22. The SPD sets out more detailed development principles that build on Policy SS3.7 (Redlands) and Policy SS3.9 (East of Basingstoke). It has been the subject of public consultation and is a material consideration in determining planning applications. Development Principle 1e within the SPD reinforces the need for a coordinated approach to the delivery of housing and related social and physical infrastructure. It recognises that the majority of infrastructure will be on the larger of the two sites and therefore the landowners of Redlands will need to provide appropriate contributions towards infrastructure. Development is required to be phased in a manner which sees the introduction of the facilities and primary school at the earliest point possible, to begin to establish a local community. The SPD explains that conditions will be used at the outline stage where appropriate to secure this coordinated approach.
23. The development plan gives some idea as to the Council's expectations on the timing of development. Policy SS3.7 suggests that Redlands will deliver in the period 2017/18-2020/21 whereas Policy SS3.9 anticipates delivery for East of Basingstoke being 2018/19-2022/23. There is an implied acceptance here that development at Redlands may take place in advance of the neighbouring site. This is not surprising; the East of Basingstoke allocation is more complex, involving multiple land uses in addition to housing. There will be a need to provide a community centre, local shopping facilities, sports facilities including playing pitches, and a primary school if required by the Education Authority.

24. The 150 unit scheme was permitted without any mechanism to ensure that the infrastructure on the East of Basingstoke site would be in place. However, the Council does not wish to see additional housing on the Redlands site until substantive progress has been made on the East of Basingstoke allocation. This site has not moved forward and discussions are still at an early stage. There are no current applications and the latest Strategic Housing and Economic Land Availability Assessment is predicting the delivery of only 250 units before 2029. The remaining 200 units would be delivered beyond the plan period. The Council is therefore concerned that the proposal would bring forward housing without the necessary supporting infrastructure – thus failing to adopt the coordinated approach being sought under the development plan.
25. The phasing information within Policies SS3.7 and SS3.9 means that it was always likely that at least some of the future residents of the Redlands site would move into their new homes without having access to the infrastructure in the neighbouring allocated site. There is no compelling evidence to suggest that this infrastructure will not be delivered. It is more a question of when it will come forward and what residents of the proposed development would do in the meantime. The evidence suggests that there may be a delay of several years before infrastructure is in place. This is clearly not ideal, but it needs to be balanced against the benefits of housing delivery in a situation where the Council cannot demonstrate a 5 year supply of deliverable housing sites.
26. Residents of the appeal scheme would need to travel to existing services and facilities in the interim period. The 12 pupils generated by the development would most likely travel to Four Lanes Primary School which is roughly 2.5 km away on foot. A controlled crossing on the A33, installed as part of the 150 unit scheme, improves safety on this journey, and also provides access to the Sherfield Park development which contains a modern community centre, local shop, playing field and equipped play area. I was told that secondary pupils catch the bus from Sherfield Park to Everest Community Academy. More extensive shopping facilities, including a superstore, are available at the Chineham District Centre, approximately 3.3 km away along the A33. A regular bus service links Sherfield Park to this District Centre, in addition to providing access to Basingstoke Town Centre and railway stations at Basingstoke and Bramley.
27. Sherfield Park Parish Council have stated that the existing facilities within its area do not have the capacity to serve the proposed development. It states that Sherfield Park Community Centre is already at capacity for bookings and further advises that the nursery has a waiting list. However, these claims are not supported by any firm evidence and the concerns of the Borough Council are centred on whether occupants of the new homes would be reliant upon the private car. It would be naive to suggest that there would be no additional trips by motor vehicle – it is likely that some residents would choose this mode of transport. However, the opportunity exists to walk and cycle to local facilities, in addition to using public transport.
28. Looking at the matter in the round, the delay in providing infrastructure within the East of Basingstoke development must weigh against the appeal scheme. However, future residents would have reasonable access to existing services and facilities in the intervening period and a proportion of journeys would be made via sustainable transport modes. The situation would improve in the longer term once the new community to the east of the A33 is established and therefore any harm arising from additional car use would reduce over time.

Other Matters

29. I heard from one local resident concerned about the effect of the proposal on traffic on the A33. It was obvious at my site visit that this is a busy main road. However, the Council will have considered the impacts on the highway network when deciding whether to allocate land for development at Redlands and Land East of Basingstoke. The proposal would be modestly scaled relative to the committed dwelling numbers in those allocations and the existing access road has the capacity to accommodate the additional traffic generated. The Highway Authority considers the highway impacts to be acceptable and I concur.
30. There is no substantive technical evidence to support the suggestion, advanced by a local councillor, that the proposal may have an adverse impact on ecology within the catchment of the River Loddon. The Biodiversity Officer raised no objection to the scheme which I note from the calculations submitted would secure a net gain for biodiversity.
31. The site is situated approximately 590 m from the Grade II Listed Le Fevre to the north and roughly 735 m from the Grade II Listed Church of St Leonard. I saw that the church spire is visible from within the site, above the trees and vegetation on the northern boundary. However, the Council confirmed at the hearing that it was not alleging any adverse impacts on heritage assets, including the remnant parkland associated with Sherfield Hall. Based on my observations at the site visit, I have no reason to take a different view.

Unilateral Undertaking

32. The submitted UU includes commitments relating to affordable housing, allotment provision, on-site open space, public art, a landscape management plan, travel plan and school travel plan contribution. On the basis of the CIL Compliance Statement, I am satisfied that the obligations within the UU are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. They meet the requirements of Regulation 122 of the Community Infrastructure Levy Regulations 2010 and secure compliance with Policies CN1, CN6, CN9 and EM4 of the LP in relation to infrastructure delivery.

Planning Balance

33. It is common ground that the Council is unable to demonstrate a 5 year supply of deliverable housing sites. A report to members¹ advised that the authority had a 4.5 year supply on 1 April 2021, calculated using the standard method set out in national planning practice guidance (PPG). This amounts to a deficit of roughly 720 homes after applying a 10% buffer. This does not represent an acute housing shortage, but it is a shortfall nonetheless. The parties are agreed that the position is likely to worsen and will not be rectified until sometime after the adoption of the review local plan. This is not expected until Autumn 2025 at the earliest. The housing land supply position will not be helped by the ongoing delays in bringing forward the East of Basingstoke allocation.
34. The failure to demonstrate the requisite supply of housing land means that paragraph 11 (d) of the National Planning Policy Framework ('the Framework') is engaged. This explains that, in situations such as this, the policies which are most important for determining the application should be deemed out-of-date.

¹ Local Plan Update, Appendix 1 of the Statement of Common Ground

Permission should therefore be granted unless: i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

35. There is no suggestion here that the proposal would affect any of the protected areas or assets listed in Footnote 7 of the Framework. The relevant balance to apply is the 'tilted balance' set out in the second limb of paragraph 11 (d).
36. The scheme would provide a number of important benefits, notably the delivery of 34 market homes and 23 affordable homes. Given the shortage of housing in the Borough and worsening affordability, and the Government's objective of significantly boosting the supply of homes, these benefits carry great weight as a material consideration. The scheme would also generate employment and support the construction industry, in addition to providing a net gain for biodiversity. These benefits attract some additional weight in favour of granting planning permission.
37. The submitted UU contains various provisions but the majority are aimed at mitigating the impacts of the development and providing for a high quality environment which caters for the needs of future residents. With the exception of the obligations relating to affordable housing, which are positive benefits, I have treated the UU as neutral in the planning balance.
38. Against the benefits I must weigh the adverse impacts. The delay in providing infrastructure within the East of Basingstoke development must count against the proposal. However, this is tempered by the fact that future residents would have reasonable access to existing services and facilities in the intervening period, including by sustainable transport modes. In the longer term, the scheme would be wholly sustainable in locational terms.
39. There would be a degree of conflict with the LP Policy SS3.7. However, the scheme would meet the overarching objectives of the policy and it would not cause any material harm to the character or appearance of the area. The well-contained nature of the site and restricted views into the development mean that any adverse impacts resulting from the development of the eastern part of the allocation would be extremely limited. The fact that the proposal would take the Redlands site above the allocation figure of 165 dwellings does not, in itself, constitute a reason for dismissing the appeal.
40. I have given careful consideration to the evidence, including that presented by interested parties. However, my overall finding is that there are no adverse impacts which would significantly and demonstrably outweigh the benefits of the development, when assessed against the policies of the Framework taken as a whole. The proposal would therefore constitute a sustainable form of development. This compliance with national policy is an important material consideration which would be sufficient to outweigh any conflicts with the development plan and its supporting SPD.

Conditions

41. The main parties put forward a list of suggested conditions for discussion at the hearing. I have considered these against the tests set out in paragraph 56 of the Framework and the PPG.

42. In addition to the standard conditions for outline permissions, I have attached a condition specifying the approved plans to provide certainty. To protect the safety and living conditions of local residents during the build phase, conditions are needed to secure a Construction Environmental Management Plan and Construction Method Statement. For the same reasons, a condition is justified to control the timings of deliveries to the site and removal of spoil from the site.
43. I have attached various conditions specifying the information to be submitted as part of the reserved matters. These secure compliance with relevant development plan policies and cover matters such as housing mix, sustainable design, biodiversity mitigation and enhancement (including tree protection, environmentally sensitive lighting and the monitoring of new habitat creation). I have also attached a condition to ensure compliance with water efficiency standards. Landscaping is a reserved matter, but it is reasonable to impose a condition setting out the level of detail expected, in addition to a condition regarding finished ground and floor levels.
44. The site lies in an area of archaeological potential and therefore a condition is necessary to secure the submission and implementation of a written scheme of archaeological investigation. This will ensure that any buried features and deposits are recorded prior to development taking place.
45. To encourage sustainable transport modes, conditions are needed to secure the provision of cycle parking, electric vehicle charging infrastructure and pedestrian and cycle connections into the Redlands Garden Site. To ensure the longevity of the roads within the proposed development, I have imposed a condition requiring details of future management and maintenance.
46. It is important that future residents have satisfactory access to refuse storage and that adequate provision is made for refuse collection, and therefore I have attached the suggested condition in relation to this.
47. Although the submitted details of surface water drainage are deemed to be acceptable by the local planning authority, conditions are necessary to ensure their implementation and the long term maintenance of the system. This will prevent surface water flooding.
48. A condition is suggested in relation to the approval of external materials, but this is unnecessary as the appearance of development is a reserved matter. The proposed condition requiring 15% of affordable dwellings to be built to lifetime mobility standards duplicates provisions within the UU and therefore fails the test of necessity.

Conclusion

49. For the reasons set out above, and having taken account of all other matters raised, I conclude that the appeal should be allowed.

Robert Parker

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Gregory Jones KC	Instructed by Phillips Planning
Paul Watson	Phillips Planning
Mark Gibbins	Indigo Landscape
Andrew Blacker	WSP (Transport)

FOR THE LOCAL PLANNING AUTHORITY:

Brigid Taylor	Planning Consultant acting on behalf of Basingstoke and Deane Borough Council
David Coomes	EDCO Design
Gregg Chapman BSc MSc MRTPI	Assistant Planning Manager, Basingstoke and Deane Borough Council

INTERESTED PARTIES:

Christopher Circuit	Chair of Sherfield Park Parish Council
Paul Miller	Chineham ward councillor
Nick Robinson	Bramley ward councillor
Chris Tomblin	Bramley ward councillor
Kate Tuck	Basing & Upton Grey ward councillor
Jenny Vaux	Chineham ward councillor
Thanga Rekha Venkatasubramaniam	Local resident

DOCUMENTS SUBMITTED AT THE HEARING

Council

- 1) Parish Boundaries Map
- 2) Landscape and Visual Impact Assessment Report (with corrections)

Appellant

- 3) Closing Statement
- 4) Wyatt, R (On the application Of) v Fareham Borough Council (Rev1) [2022] EWCA Civ 983
- 5) Costs application summary

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Location Plan (Drawing No.19/01 Rev D)
 - Site Layout Plan (Drawing No. 775-GA-01 Rev F)
 - Tree Protection Plan (Drawing No. 15087-7)
 - Refuse and Cycle Strategy (Drawing No. 775-GA-02 Rev A)
 - Indicative Masterplan (Drawing No. 775-MP-01 Rev K)
 - Indicative Masterplan - Schedule (Drawing No. 775-MP-02 Rev J)
 - Masterplan Swept Path Analysis (Drawing No. 70002740-ATR-004 Rev C)
- 2) The development hereby permitted shall be begun either before the expiration of 3 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is later.
- 3) Applications for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this planning permission.
- 4) Details of the appearance, landscaping and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.
- 5) No development (including site clearance, groundworks or construction) shall take place until a Construction Method Statement with details, schedules and drawings that demonstrate safe and coordinated systems of work affecting or likely to affect the public highway and/or all motorised and/or non-motorised highway users, has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall include details of:
 - i. the parking and turning of vehicles of site operatives and visitors off carriageway (all to be established within one week of the commencement of development);
 - ii. loading and unloading of plant and materials away from the maintainable public highway;
 - iii. storage of plant and materials used in constructing the development away from the maintainable public highway;
 - iv. wheel washing facilities or an explanation why they are not necessary;
 - v. measures to control the emission of dust and dirt during construction;
 - vi. a scheme for recycling and disposing of waste resulting from construction work; and
 - vii. the management and coordination of deliveries of plant and materials and the disposing of waste resulting from construction activities so as to avoid undue interference with the operation of the public highway,

particularly during the Monday to Friday AM peak (0800 to 0900 Hours) and PM peak (1630 to 1800 Hours) periods.

- 6) No development (including site clearance, groundworks or construction) shall take place until a site specific Construction Environmental Management Plan to manage the impacts of construction during the life of the works has been submitted to and approved in writing by the Local Planning Authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise. The plan should include, but not be limited to:
- a. Procedures for maintaining good public relations including complaint management, public consultation and liaison;
 - b. Arrangements for liaison with the Council's Environmental Protection Team;
 - c. All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours: 0730 Hours and 1800 Hours on Mondays to Fridays and 0800 and 1300 Hours on Saturdays and at no time on Sundays and Bank Holidays;
 - d. No impact pile driving in connection with the construction of the development shall take place on the site on any Saturday, Sunday or Bank Holiday, nor on any other day except between the following times: Monday to Friday – 0900 to 1700 Hours unless in association with an emergency or with the prior written approval of the Local Planning Authority;
 - e. Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above;
 - f. A waste disposal policy; and
 - g. A programme for the suppression of dust during the construction.

Development shall be carried out in accordance with the approved details.

- 7) No development (including site clearance, groundworks or construction) shall take place until the applicant has secured the implementation of a programme of archaeological assessment in accordance with a Written Scheme of Investigation (WSI) that has been submitted to and approved by the Planning Authority in order to recognise, characterise and record any archaeological features and deposits that may exist on the site. The assessment should take the form of trial trenches located across the whole of the application area. The investigation shall be carried out in accordance with the details so approved.
- 8) No development (including site clearance, groundworks or construction) shall take place until a programme of archaeological mitigation in accordance with the approved written scheme of investigation as secured under Condition 7 has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological mitigation shall include where appropriate, details of a post-excavation assessment, specialist analysis and reports, the method of archaeological recording of archaeological remains to mitigate the impact of development and details of any publication and public engagement. The development shall be carried out in accordance with the approved details.

- 9) No development (including site clearance, groundworks or construction) shall take place until a Wildlife Protection and Mitigation Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the following:
- (a) details of how woodland and hedgerow habitats adjacent to the area of the proposed development will be protected during the construction works and how woodland hedgerow buffers in line with the Council's Landscape, Biodiversity and Trees SPD will be maintained between development and the woodland/hedgerows during the operational phase of the development.
 - (b) details of the timing/ecological watching brief required to address the protection of breeding birds, bats, badgers and reptiles before and during any development works.
 - (c) details of proposals for mitigating any potential adverse effects on bats, badgers or birds and any features that they are dependent on. This is to include details of measures that will be taken to avoid light spillage along bat commuter routes and habitat as well as a badger re-survey prior to any development on site.
 - (d) provisions for the supervision and monitoring of the plan, including briefing construction personnel, and the name and contact details of the person responsible for this.

No development or other operations shall take place other than in complete accordance with the approved Wildlife Protection and Mitigation Plan. No habitat or other landscape features that are to be retained as part of the approved Wildlife Protection and Mitigation Plan shall be damaged or destroyed or removed without the prior written approval of the Local Planning Authority, before practical completion of the development. If a habitat or other landscape feature is removed or damaged in contravention of this condition, a scheme of remedial action, with a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority within 28 days of the incident. The scheme of remedial action must be approved by the Local Planning Authority before practical completion of the development and implemented in accordance with the approved timetable.

- 10) No development (including site clearance, groundworks or construction) shall take place until full details of a habitat creation, enhancement and management scheme to achieve the biodiversity net gain, as shown in the submitted DEFRA biodiversity offsetting metric, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter maintained in accordance with the details so approved. The details shall include:
- a) The additional recommendations given in Section 5.16 of Corylus Ecology's Biodiversity Net Gain Report dated 29th Jan 2021.
 - b) The proposals for on-site habitat creation and enhancement to achieve the biodiversity net gain as shown in the submitted DEFRA biodiversity offsetting metric (including sources of planting stock and its origin).
 - c) The provision of arrangements to secure the delivery of the offsetting measures (including a timetable for their delivery) submitted; and

- d) A management and monitoring plan (to include for the provision and maintenance of the submitted offsetting measures in perpetuity). The written approval of the Local Planning Authority shall not be issued before the arrangements necessary to secure the delivery of the agreed offsetting measures have been executed. The scheme shall be implemented in full accordance with the requirements of the scheme or any variation so approved and thereafter retained in perpetuity.

A monitoring report shall be provided to the Local Planning Authority on the 1st November of each year of monitoring (Years 1-3 after creation / enhancement, year 5, year 10 and every 5 years thereafter), which will assess the condition of all habitats created and/or enhanced and any and all necessary management or replacement / remediation measures required to deliver the agreed biodiversity net gain.

- 11) No part of the development shall be occupied until cycle parking facilities have been provided in accordance with detailed drawings to be submitted to and approved in writing by the Local Planning Authority, such drawings to show the position, design, materials and finishes thereof. Development shall be carried out, and thereafter maintained, in accordance with the approved details.
- 12) No part of the development shall be occupied until refuse storage and collection facilities have been provided in accordance with detailed drawings to be submitted to and approved in writing by the Local Planning Authority. Such drawings shall show the position, design, materials and finishes thereof. Development shall be carried out, and thereafter maintained, in accordance with the approved details.
- 13) No part of the development shall be occupied until a Construction Statement detailing how the new dwellings shall meet a water efficiency standard of 110 litres or less per person per day has been submitted to and approved in writing by the Local Planning Authority (unless otherwise agreed in writing with the Local Planning Authority through a demonstration that this requirement for sustainable water use cannot be achieved on technical or viability grounds). The development shall be carried out in accordance with the approved details.
- 14) No part of the development shall be occupied until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established - details of which shall have first been submitted to and approved in writing by the Local Planning Authority.
- 15) Applications for the approval of reserved matters shall be in accordance with Policies CN1 and CN3 of the Basingstoke and Deane Local Plan 2011-2029 with particular regard to the provision of an appropriate housing mix.
- 16) Applications for the approval of reserved matters shall be supported by full details of both hard and soft landscape works including ground levels or contours; means of enclosure; location and design of play areas; hard surfacing materials and minor artefacts and structure (e.g. furniture, refuse or other storage units, signs, lighting, external services). Soft landscape details shall include planting plans with specification (including cultivation and other operations associated with plant and grass establishment), schedules of plants

noting species, plant sizes and proposed numbers/ densities where appropriate, a schedule of tree planting to include the specification of tree planting pits where appropriate with details of any irrigation or drainage infrastructure, tree root barriers (if necessary) to prevent damage or disruption to any proposed hard surfacing or underground services, drains or other infrastructure and details of the location of external lighting sufficient to demonstrate how lighting is to be achieved without conflict to proposed tree planting, with allowance for reasonable growth. The hard and soft landscaping details shall be accompanied by an implementation programme.

All hard and soft landscape works shall be carried out in accordance with the approved details prior to the occupation of the relevant part of the development or in accordance with the timetable agreed with the Local Planning Authority which shall include appropriate planting to be undertaken at the earliest opportunity. Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced in the next planting season with others of species, size and number as originally approved, to be agreed in writing by the Local Planning Authority. The development shall be carried out and thereafter maintained in accordance with the details so approved (and in accordance with the separate S106 Landscape Management Plan), to include detailed long term design objectives, management responsibilities and maintenance schedules for all landscape areas to address all operations to be carried out in order to allow successful establishment of planting and the long term maintenance of the landscaping in perpetuity, and including provisions for review at least every five years).

- 17) Applications for the approval of reserved matters shall be supported by an Arboricultural Impact Assessment prepared in accordance with the BS5837:2012 "Trees in relation to design, demolition and construction" (or equivalent document if replaced). The assessment shall be based upon a comprehensive survey of all the trees on and adjacent to the site and shall demonstrate which trees can be retained and which trees are to be removed, plus details of any tree protection necessary as a result of the survey. Development shall be carried out in accordance with the approved details.
- 18) Applications for the approval of reserved matters shall be supported by a statement of how the development will be of a high quality of sustainable design. This will include reference to how the layout, design and construction of the development will involve the efficient use of natural resources through: reducing resource requirements in terms of energy demands and water use; the consideration of opportunities for renewable and low carbon energy technologies; the use of passive solar design to maximise the use of the sun's energy for heating and facilitate sustainable cooling of buildings; and the mitigation of flooding, pollution and overheating.
- 19) Applications for the approval of reserved matters shall be supported by a measured survey and plan prepared to a scale of not less than 1:500 showing details of existing and intended final ground levels and finished floor levels in relation to a nearby agreed datum point which shall be submitted and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

- 20) Applications for the approval of reserved matters shall be supported by an environmentally sensitive lighting plan. The plan shall be in line with recommendations made under Guidance note 8 by The Bat Conservation Trust and Institute Of Lighting Professionals. The scheme shall be implemented in full accordance with the requirements of the scheme or any variation so approved and thereafter retained in perpetuity.
- 21) Applications for the approval of reserved matters shall be supported by a scheme for the provision of Electric Vehicle Charging Infrastructure for both unallocated and allocated parking spaces. The development shall then proceed in full accordance with the approved scheme.
- 22) Applications for the approval of reserved matters shall include vehicular, pedestrian and cycle access connections into the Redlands Garden Site allocation and to the further part of the Redlands site allocation (policy SS3.7 of the Basingstoke and Deane Local Plan 2011 - 2029 referred to as 'Phase 1' on Inset Map 'Policies SS3.7 and SS3.9 Inset Map' within the Basingstoke and Deane Local Plan 2011 - 2029) and shall include details of these accesses. The details shall include the road width, kerb radii, visibility splays, details including sections of construction, finishing materials and the cross falls and longitudinal falls, surface water drainage, and lighting. The approved details of the accesses shall be completed in accordance with a schedule and associated plan for the construction of the roads and the aforementioned accesses that shall have first been submitted to and approved in writing by the Local Planning Authority. The accesses shall not be opened to vehicular traffic if they are able to provide vehicular access to the A33 along the Public Right of Way; Sherfield on Loddon Footpath 4.
- 23) The drainage system shall be constructed in accordance with the Additional Surface Water Drainage Details and Flood Risk Assessment ref: 02740 and thereafter maintained. Surface water discharge shall be limited to 4.7 l/s. Any changes to the approved documentation must be submitted to and approved in writing by the Local Planning Authority and Lead Local Flood Authority. Any revised details submitted for approval must include a technical summary highlighting any changes, updated detailed drainage drawings and detailed drainage calculations.
- 24) Details for the long-term maintenance arrangements for the surface water drainage system shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any of the dwellings. The submitted details shall include:
 - a) Maintenance schedules for each drainage feature type and ownership;
 - b) Details of protection measures.Development shall be carried out and thereafter maintained in accordance with the approved details.
- 25) No deliveries of construction materials or plant and machinery and no removal of any spoil from the site shall take place before the hours of 0730; nor after 1800; Monday to Friday, before the hours of 08:00; nor after 1300; Saturdays nor on Sundays or recognised bank or public holidays.

*** END OF CONDITIONS ***