

**TOWN AND COUNTRY PLANNING ACT 1990
SECTION 78 APPEAL**

**BY
MACTAGGART & MICKEL HOMES ENGLAND LTD**

LAND EAST OF LODGE ROAD, HURST, WOKINGHAM

**OUTLINE PLANNING PERMISSION FOR THE DEVELOPMENT OF
APPROXIMATLY 200 HOMES, OPEN SPACE, PEDESTRIAN AND CYCLE
LINKS, RECREATIONAL FACILITIES (CLASS E) AND OTHER ASSOCIATED
INFRASTRUCTURE INCLUDING THE FORMATION OF A NEW HIGHWAY
ACCESS ROAD FROM LODGE ROAD LOCATED ADJACENT TO THE
EXISTING FIELD ACCESS TO BE CLOSED (ALL MATTERS RESERVED
EXCEPT FOR ACCESS)**

LPA REF: 220458

STATEMENT OF CASE

LPA: WOKINGHAM BOROUGH COUNCIL

OCTOBER 2022

APPEAL REFERENCE: XXX

DATE OF HEARING: TBC

Report Control

Project:	Land East of Lodge Road, Hurst
Client:	Mactaggart and Mickel Homes England Ltd
Reference:	20.1040
File Origin:	
Primary Author	Alyson Jones
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CONTENTS

0. Executive Summary	5
1. Introduction	9
2. The Appeal Site and Surrounding Area	13
3. Appeal Scheme	16
4. Planning Policy Framework	23
5. Five Year Housing Land Supply	40
6. Response to the Reasons for Refusal	42
7. Response to Third Party Comments	58
8. Heads of Terms	63
9. Planning Benefits	64
10. Summary of the Appeal Case	65

APPENDIX

Appendix 1 – Alyson Jones CV and Statement of Truth	
Appendix 2 – Design Appeal Statement	
Appendix 3 – LVIA Appeal Statement	
Appendix 4 – Arboricultural Appeal Statement	
Appendix 5 – Transport Appeal Statement	
Appendix 6 – Decision Notice	
Appendix 7 – EIA Screening Request	
Appendix 8 – EIA Screening Response	
Appendix 9 – Officer Report	
Appendix 10 – Site TPO	
Appendix 11 – Lodge Road TPO	
Appendix 12 – LVIA	
Appendix 13 – Site Location Plan	
Appendix 14 – Sawpit Lane Hirst Appeal	
Appendix 15 – Planning History	
Appendix 16 – Original Application Document List	
Appendix 17 – List of Documents and Plans Submitted during Determination	
Appendix 18 – Documents and Plans submitted in response to Reasons for Refusal	
Appendix 19 – WBC HLS Statement	
Appendix 20 – HLS Appeal Decisions	
Appendix 21 – St Anne’s Manor Appeal Update	
Appendix 22 – WBC Policies Map	
Appendix 23 – Agricultural Land Considerations	
Appendix 24 – On-site BNG	

0. EXECUTIVE SUMMARY

- 0.1 The Appeal scheme seeks outline permission (with all matters reserved for future consideration other than means of access) for:

“Outline planning permission for the development of approximately 200 homes, open space, pedestrian and cycle links, recreational facilities (Class E) and other associated infrastructure including the formation of a new highway access road from Lodge Road located adjacent to the existing field access to be closed (all matters reserved except for access).”

- 0.2 The Proposed Development will deliver substantial planning benefits which should carry considerable weight in the planning balance when assessing this application. The benefits are set out in more detail below.

Sustainability

- Proximity to existing community facilities
- Proximity to fast Train service into London – including cycle parking at station/bus route
- Proximity to leisure and recreational facilities in Hurst and the surrounding area

Economic

- Generation of circa £6 million of financial contributions through CIL payable to the Council which can be utilised to support highway improvements, WBC PROW Improvement Plan 2020-30;
- local community and social infrastructure, green infrastructure, public services and education;
- Through the S106 Agreement a contribution will be made towards the local economy;
- Through the construction, a number of jobs will be created;
- Through the new homes, a New Homes Bonus will be available to spend providing new infrastructure or improvements by WBC; and
- Council tax will also result from the new homes helping to fund local services.

Social

- The delivery of approximately 200 new homes in a sustainable location which will make a significant contribution to meeting the Borough's housing need and contribute to the Council's five years housing land supply. This is particularly relevant as the Council's emerging Plan is heavily reliant upon large, strategic sites with significant infrastructure requirements which are slow to deliver;
- The delivery of a wide mix and choice of new homes to satisfy local needs and aspirations. This is likely to comprise 1, 2, 3 and 4 bedroom homes;
- The delivery of 40% on-site affordable housing to make a significant contribution to meeting local need;
- The provision of significant new amenity space including a tennis court and changing facilities, local equipped area of play and outdoor trim trail for new and existing local residents to us;

- Opening up connections for pedestrians and cyclists to connect into the wider network including to Dinton Pastures Country Park;
- Provision of parking for the existing allotments;
- 5% of homes delivered will be wheelchair accessible; and
- Electric charging points for all homes.

Environmental

- Creation of a high quality and sustainable environment opening up what is currently private land creating easy access for all new and existing residents to high quality public open space and amenities;
- Enhanced mature landscape boundaries with new planting for amenity and ecological benefit;
- Biodiversity enhancements such as wildflower planting, orchard planting, retaining existing trees, planting additional trees and providing a more diverse habitat overall;
- A site wide sustainable urban drainage system;
- Walking and cycling will be promoted by the development; and
- Development of this site will reduce the need to release Green Belt land for development in the short-medium term.

0.3 In relation to the Development Plan, the following policies are deemed to be the most important policies for the determination of the Appeal as these relate specifically to the supply of housing, development limits and countryside:

- Core Strategy Policy CP9 – Scale and Location of Development Proposals
- Core Strategy Policy CP11 – Proposals Outside Development Limits
- Development Management Policy CC02 – Development Limits

0.4 It is accepted that the Appeal Scheme is not consistent with these Development Plan policies, however WBC cannot currently demonstrate a five year supply of housing. Therefore, the relevant policies for the supply of housing should be considered as out-of-date according to paragraph 11(d) of the National Planning Policy Framework (NPPF). The so called 'tilted balance' is therefore not only triggered as a consequence of the 5-year housing land position but also because the most important policies for determining this Appeal are out of date. As a result the policies which relate to the supply of housing requirement and the subsequent definition of development limits/ countryside carry less weight in the planning decision.

0.5 Paragraph 11(d) of the NPPF advises that where the policies which are most important for determining the application are out-of-date planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

0.6 As demonstrated, the development will deliver a significant number of benefits. The extent of harms arising from the proposed development have been considered in response to the reasons for refusal and evidence provided related to scale of development, minerals

sterilisation, landscape and character, sustainability, trees and hedgerows, ecology and biodiversity, highway safety and matters to be secured through a legal agreement requirements. It is considered that the harms, when assessed against the NPPF as a whole, are outweighed by the conflict with the most important policies related to the delivery of housing, in the determination of the Appeal.

- 0.7 Accordingly, in line with Section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that “*where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise*” the Appeal should be allowed.
- 0.8 The Statement of Case sets out the Appellant’s case and responds to WBC’s reasons for refusal. The Appellant’s position is summarised below.
- 0.9 Reason for Refusal 1 alleges that the scheme’s scale would be too great for the infrastructure and spatial objectives of the adopted Plan, but the Plan is out of date as far as housing need is concerned and the settlement of which the scheme would form a part if large, well connected and well served enough to absorb the proposed homes.
- 0.10 Reason for Refusal 2 alleges that the application results in the development of an area of Best and Most Versatile grade 3a agricultural land without justification. Reading Agricultural Consultants report, appended to this Statement of Case, demonstrates and justifies the loss of that part of the site, that is classified as Sub-grade 3a, in line with the statements made in both the ES Screening and the planning application.
- 0.11 Reason for Refusal 3 relates to WBC’s opinion that insufficient information has been provided demonstrating that the sterilisation of mineral deposits is acceptable. However, the site is not a preferred area for sand and gravel extraction and applications for extraction outside preferred areas would normally be refused.
- 0.12 Reason for Refusal 4 alleges that the proposal would have a detrimental impact on the landscape and character and appearance of the area as a result of the quantum, scale, density and location and that it would erode the separation between existing villages and their rural setting. In relation to scale and density, this is an outline application with all matters reserved except for access. The Statement provides evidence demonstrating that there would not be an erosion between settlements and that the proposals would not have an adverse impact in the appellant’s view.
- 0.13 Reason for Refusal 5 relates to WBC’s opinion that the site is unsustainably located and would not encourage a shift towards sustainable modes of transport due to its countryside location outside settlement limits with poor access to services and facilities, limited public transport links and poor walking and cycling. The Statement provides evidence demonstrating that the location is sustainable, with public transport and walking and cycling access and that it is appropriately served by services and facilities, as recognised recently by the Sawpit Lane, Hurst Appeal Inspector.
- 0.14 Reason for Refusal 6 relates to WBC’s view that the proposals do not demonstrate an

acceptable impact on trees and hedgerows, but there would be no loss of trees, root protection areas would be protected and veteran tree stand offs provided for. Improved hedgerows would replace hedgerows to be removed and the scheme provides for significant increases in tree and hedgerow planting across the site.

- 0.15 Reason for Refusal 7 relates to WBC's view that the proposals would have an adverse impact on ecology and biodiversity, but there would be no significant adverse impacts as confirmed in the Natural England consultation response.
- 0.16 Reason for Refusal 8 alleges that the proposed access, highway alterations and overall development would lead to an unacceptable impact on highway safety however technical assessment demonstrates that the proposals would be acceptable in relation to highway safety.
- 0.17 Reason for Refusal 9 relates to the need for a legal agreement to secure Local Employment Skills, which can be provided prior to the determination of the Appeal.
- 0.18 Reason for Refusal 10 relates to the need for a legal agreement to secure affordable housing, which can be provided prior to the determination of the Appeal.
- 0.19 The Appellants' case is that, as the technical matters have been addressed and as the most important policies related to the determination of the Appeal are out of date, as WBC does not have a five year housing land supply, that the Appeal should be allowed to enable the earliest redevelopment of this sustainably located site.

1. INTRODUCTION

- 1.1 This Appeal Statement of Case has been prepared by Alyson Jones of Boyer on behalf of Mactaggart & Mickel Homes England Ltd ('the Appellant') in relation to Land East of Lodge Road, Hurst, Wokingham ('the Appeal Site'), against the decision of Wokingham Borough Council (WBC) to refuse planning permission for outline planning permission for the development of approximately 200 homes, open space, pedestrian and cycle links, recreational facilities and other associated infrastructure and primary vehicular access via the existing Lodge Road gated access with required improvements ('the Appeal Scheme').
- 1.2 I am a Chartered Town Planner with over 20 years' experience. I am a Planning Director at Boyer in the Wokingham Office. I am familiar with the Appeal Site and surrounding area and have a good knowledge of the planning issues relevant to the Appeal Site and in Wokingham Borough more generally. A more detailed CV and Statement of Truth are provided at **Appendix 1**.
- 1.3 Boyer is a national town planning consultancy with six offices, and forms part of the Leaders Romans Group. Boyer employs approximately sixty professional staff covering the specialisms of town planning, masterplanning and architecture.
- 1.4 This Appeal Statement of Case is supported by five further documents, a Design Appeal Statement (**Appendix 2**), Landscape and Visual Appeal Statement (**Appendix 3**), Aboricultural Appeal Statement (**Appendix 4**) and a Transport Appeal Statement (**Appendix 5**), which are appended to this document. Ecological matters are also addressed within the Statement of Case.
- 1.5 The Landscape and Visual Appeal Statement has been prepared by John-Paul Friend of LVIA Ltd, the Design Appeal Statement has been prepared by Ananya Banerjee of Boyer Design, , the Aboricultural Appeal Statement has been prepared by Jon Hartley, the Transport Appeal Statement has been prepared by Andrew Whittingham of Motion and the Ecological matters set out in this Statement has been prepared by Tim Goodwin of Ecology Solutions. Together, the four documents, plus associated additional appendices, along with the main text, comprise the Statement of Case for the Appeal.
- 1.6 The Appeal is made against the refusal by WBC to grant outline planning permission (with all matters reserved other than means of access) pursuant to application ref. 220458 for:

“Outline planning permission for the development of approximately 200 homes, open space, pedestrian and cycle links, recreational facilities (Class E) and other associated infrastructure and primary vehicular access via the existing Lodge Road gated access with required improvements (all matters reserved except for access).”
- 1.7 A copy of WBC's decision notice is provided at **Appendix 6**.
- 1.8 The Application was submitted to Wokingham Borough Council (WBC) on 16 February 2022 and was validated by WBC on 24 February 2022 and given the reference number 220458.

- 1.9 The application was submitted following the submission of a comprehensive Screening Request submitted to WBC on 3 September 2021 (see **Appendix 7**). A copy of WBC's Screening Response dated September 2021 can be found in **Appendix 8**.
- 1.10 The application was refused under Officers' delegated authority on 23rd June 2022 although it is noted that the Officer Report is dated 9th May 2022, before the site visit date (**Appendix 9**).
- 1.11 The application was refused for the following reasons (**Appendix 6**). These are referred to in this Statement as the Reasons for Refusal (RfR):
1. The proposal results in an unsustainable pattern of development by reason of the creation of a new unplanned large housing estate on a greenfield site in the countryside outside of settlement limits. It would be significantly out of scale with neighbouring small village of Hurst and the level of existing infrastructure within the village. The development is contrary to the spatial objectives of the development plan and policies CP1, CP2, CP3, CP6, CP9 and CP11 of the Core Strategy, CC01, CC02, CC03 and TB21 of the MDD Local Plan, the Borough Design Guide SPD and section 2, 4, 8, 12 and 15 of the NPPF.
 2. The application results in the development of an area of Best and Most Versatile agricultural land and no justification has been provided regarding the loss of the grade 3a land, contrary to Core Strategy policy CP1 and section 15 of the NPPF.
 3. The application results in the development of land with sand and gravel deposits and insufficient information has been submitted demonstrating the sterilisation of mineral deposits is acceptable, contrary to Policy 2 Replacement Minerals Local Plan for Berkshire (incorporating the alterations adopted in December 1997 and May 2001) and section 17 of the NPPF.
 4. The proposed development will have a detrimental impact on the landscape and the character & appearance of the area by reason of the quantum, scale, density and location. It would erode of the separation between existing villages and their rural setting. The development is contrary to policies CP1, CP3, CP9 and CP11 of the Core Strategy, CC01, CC02, CC03 and TB21 of the MDD Local Plan, the Borough Design Guide SPD and section 12 & 15 of the NPPF.
 5. The application site is within an unsustainable location that would not encourage a modal shift towards sustainable modes of transport, by reason of the countryside location outside of settlement limits, distances to facilities and services, limited public transport links and poor quality of the walking/cycling an environment, contrary to policies CP1, CP2, CP3, CP6 and CP11 of the Core Strategy, CC01 and CC02 of the MDD Local Plan, the Borough Design Guide SPD and section 8 & 9 of the NPPF.
 6. Insufficient and contradictory information has been submitted that does not demonstrate and acceptable impact on existing trees and hedgerows which have contribute positively to the character and appearance of the area. The proposed development is contrary to Core

Strategy policy CP1, CP3 and CP11, MDD Local Plan policy CC01, CC02, CC03 and TB21, The Borough Design Guide SPD, The British Standard 5837:2012, sections 12 and 15 of the NPPF and section 197 of the Town and Country Planning Act.

7. The application has failed to demonstrate the proposed development will have an acceptable impact on ecology and biodiversity by reason of the impact on protected species, wildlife and habitats, contrary to policy CP1, CP3 and CP7 of the Core Strategy, CC01 and TB23 of the MDD Local Plan and section 15 of the NPPF.
 8. The application fails to demonstrate that the proposed vehicle access, highway alterations and overall development would have an acceptable impact on highway safety, contrary to policies CP1, CP2, CP3 and CP6 of the Core Strategy 2010, Policy CC07 of the Managing Development Delivery Local Plan, Borough Design Guide Supplementary Planning Document 2012, and sections 9 & 12 of the NPPF.
 9. In the absence of a completed legal agreement, the proposal fails to secure opportunities for training, apprenticeships and other vocational initiatives to develop local employability skills contrary to MDD policy Local Plan TB12.
 10. In the absence of a completed Legal Agreement, the scheme fails to make adequate provision for affordable housing, contrary to policy CP5 of the Core Strategy and section 6 of the NPPF.
- 1.12 A S106 Agreement is being drafted which will address Reasons for Refusal (RfR) 9 and 10 and will be submitted to WBC during the determination period. The Appellant will work with WBC to prepare the S106 Agreement, however in the event this is not possible a Unilateral Undertaking will be prepared and submitted to the Planning Inspectorate in accordance with the required timescales.
- 1.13 The Appeal is therefore likely to focus on RfR1 to RfR8.
- 1.14 This Appeal Statement of Case addresses all the RfR and sets out the Appellant's case that the Appeal Scheme will not cause the harm alleged by WBC and that the Appeal Scheme should be approved without delay.
- 1.15 To assist the Inspector, the Appellants are working closely with WBC to prepare a Statement of Common Ground which will be submitted to the Planning Inspectorate in accordance with the required timescales, the contents of which the Appellant will seek to maximise and agree with WBC in advance of the Inquiry.
- 1.16 This Appeal Statement of Case is structured as follows:
- i) Section 2 describes the Appeal Site and surrounding area;
 - ii) Section 3 summarises the Appeal Scheme;
 - iii) Section 4 outlines the planning policy framework;
 - iv) Section 5 deals with Housing Land Supply;
 - v) Section 6 provides a summary of the case for granting planning

- permission and responds to the RfR;
- vi) Section 7 provides a response to third party comments;
- vii) Section 8 deals with the draft Heads of Terms;
- viii) Section 9 details the Planning Benefits; and
- ix) Section 10 provides a Summary

2. THE APPEAL SITE AND SURROUNDING AREA

The Appeal Site

- 2.1 The Appeal Site covers an area of 10.73 hectares (previously stated to be 10.68 hectares incorrectly) comprising of an area of fields located between Tape Lane and Lodge Road in the Village of Hurst. The Appeal Site is located approximately 4 miles north of Wokingham, 3 miles northwest of Winnersh and 1.5 miles south of Twyford.
- 2.2 The Appeal Site is located within the administrative area of WBC.
- 2.3 The Appeal Site is generally flat, varying between approximately 38.5m AOD to the south-east corner and 37.5m AOD to the northern edge along Lodge Road.
- 2.4 The Appeal Site comprises of an area of open fields used for grazing horses. It is well defined by a boundary of trees and hedgerows. There is also a short line of trees within the north western part of the site (the triangular area of land off Lodge Road).
- 2.5 The Appeal Site lies beyond the Development Limits as defined on the Planning Policy Proposals Map and is within land designated as 'Countryside' under Policy CP11. The site does however immediately about the development limits of Hurst, is surrounded by development on three sides and benefits from being walking distance from Twyford station (with services to Reading and cross-rail services to London) and other facilities. Hurst is defined as a 'Limited Development Location' under Policy CP9.
- 2.6 To the north of the Appeal Site is an allocated site known as Valley Nurseries, Broadwater Lane, Hurst (site reference SA104). Which was granted permission at appeal (ref. APP/X0360/W/17/3171083) on 30 August 2017.
- 2.7 There is an existing access to the Appeal Site from Lodge Road to the west via a gate. There is a second access point off Tape Lane via an existing gate.
- 2.8 The Appeal Site is within an area with the strongest presumption against allowing sharp sand and gravel extraction (under Policy 2).
- 2.9 The Appeal Site is covered by a recently imposed Tree Preservation Order ('TPO') (Ref: 1781/2021). A further TPO has been imposed on land on Lodge Road (Ref: 1869/2022). Copies of the two TPO's are included in **Appendices 10 and 11**.
- 2.10 The Appeal Site contains three veteran trees.
- 2.11 Photographs of the Appeal Site and surrounding area are provided in the Landscape and Visual Impact Assessment Statement (**Appendix 12**).
- 2.12 The entire Appeal Site is located within Flood Zone 1 and therefore residential development is considered appropriate in flood risk terms. The Appeal Site is largely in the 'very low' surface water flood risk category however there are some very small areas of 'low' surface water flood risk on the site. In response the proposed drainage strategy will allow surface water falling on

the site to positively drain to the receiving attenuation and SuDS features, which will negate the risk of surface water flooding on or off site, providing a betterment to the current situation. The Appeal Site is considered to be at very low risk of flooding from groundwater

- 2.13 Thames Water advised during the consultation period that there was capacity for the proposed development in regard to Foul Water.
- 2.14 The Appeal Site is not in a Conservation Area and does not include any heritage assets or Listed Buildings.
- 2.15 The Appeal Site does not fall within the adjacent 'Area of Special Character' which comprises much of the centre of Hurst along the A321.
- 2.16 The Appeal Site is not covered by any landscape designations and is not located within the Green Belt. Other than the entrance gates, the Appeal Site is not noticeably visible from Lodge Road due to existing vegetation which only allows glimpsed views. The boundary along Tape Lane is marked by hedgerow with some existing trees allowing some views.
- 2.17 The Appeal Site is not covered by any ecological designations.
- 2.18 There are no Public Rights of Way across the Appeal site. The Appeal Site is currently private land and not open to existing residents with no public access.
- 2.19 The Appeal Site is generally flat, varying between approximately 38.5m AOD to the south-east corner and 37.5m AOD to the northern edge along Lodge Road.
- 2.20 A Site Location Plan is provided in **Appendix 13**.

The Surrounding Area

- 2.21 The southern boundary of the Appeal Site is bordered by allotments and existing rear gardens. The northern boundary is more open, allowing limited views to the settlement from the north. To the west of the Appeal Site is marked by hedgerow and trees and then open fields on the opposite side of Lodge Road.
- 2.22 The Appeal Site directly abuts existing residential areas with the majority of the settlement of Hurst located to the south and east of the site, although there are a number of properties to the north of the site in the settlement Whistley Green with a small field between these properties and the Appeal Site. To the north of the small field off Whistley Green Road, lies 16 new dwellings which received planning consent on appeal in 2017 (application no. 162219).
- 2.23 The Appeal Site is in a sustainably located close to the amenities of Hurst which include:
- Primary school;
 - Community hall;
 - Sports facilities (cricket pitch and football pitch);
 - Post office;
 - Bakery;
 - General store;
 - Church; and

- 2 local pubs.

- 2.24 The Appeal Site is accessible by public transport. The nearest bus stops are located along Sawpit Road approximately 200m from the site. These stops provide access to routes 128 and 129 which serves Reading, Twyford, Hurst and Wokingham. This service runs Monday – Friday every hour/ 45 mins with a Saturday service running every 2 hours.
- 2.25 The nearest railway station to Hurst is Twyford approximately 1.4 miles from the Appeal Site, around a 9-minute cycle and with the increasing use and availability of ebikes, more people are being encouraged to use a bike for such distances. Twyford railway station, with cycle parking and CCTV, provides regular services to Reading, Didcot, London Paddington and Henley on Thames. Trains to Reading operate every 12 minutes from Twyford and are direct. Trains to London Paddington operate every 12 minutes and stop at Maidenhead, Slough, West Drayton, Hayes & Harlington and Ealing Broadway. The station now also benefits from the Elizabeth Line.
- 2.26 The centre of Twyford is located 1.6 miles away from the Appeal Site therefore benefits from the services provided at Twyford such as a doctors surgery, shops, supermarket, petrol station, and Nursery.
- 2.27 A recent appeal decision at Sawpit Road, Hurst (ref. APP/C0360/W/21/3280255) in close proximity to the Appeal Site as shown in **Appendix 14**, noted that all of the village facilities are located in a 'reasonable' walking distance, and that many of Hurst's facilities can be reached within a 10-minute walking journey. It was further stated that *"future residents of the proposed development would benefit from realistic and viable opportunities to reach key local services and facilities on foot and by cycle, including employment, primary education, retail and leisure facilities, without the need to rely on the private car"* (para 48). Overall, the Inspector did not consider the proposed development would be contrary to the overall travel objectives of Policies CP1 and CP6.
- 2.28 The Appeal Site is located on the A321 which connects Twyford and Wokingham. The M4 is easily accessed from the site via the A329(M) which lies south of Hurst.
- 2.29 Dinton Pastures Country Park is located approximately 1 mile south west of the Site. This can be accessed on foot using existing footpaths close to the site (to the west).
- 2.30 There are four Grade II listed buildings in close proximity to the site, Elder Cottage, Parkers Cottage, Bower Cottage and Buttercups.

Planning History

- 2.31 The Appeal Site's relevant planning history is set out in full at **Appendix 15** and in the original Planning Statement.
- 2.32 We also note to the north of the Appeal Site a small field off Whistley Green Road, lies 16 new dwellings which received planning consent on appeal in 2017 (application no. 162219) (ref. APP/X0360/W/17/3171083) and which have been constructed.

3. APPEAL SCHEME

Appeal Plans and Documents

- 3.1 A list of the plans and documents comprising the original planning application and therefore the subject of this Appeal are set out at **Appendix 16**.
- 3.2 A list of additional documentation submitted during the determination period are set out at **Appendix 17**.
- 3.3 Additional documentation prepared in response to the RfR are included in **Appendix 18**.
- 3.4 The key changes to the proposals are as set out below.
- 3.5 Following an updated tree survey carried out in July 2022, three veteran trees, their Root Protection Areas (RPAs) and development exclusion zones have been carefully mapped. Utmost care has been taken to protect these exclusion zones from incursion of any form of development. This has resulted in development area being pushed back and alignment of landscape paths and play areas to be adjusted and relocated to mitigate any perceived harm that can be caused by the development to the veteran trees. The updated masterplan also respects the RPA of all trees including a number of notable trees.
- 3.6 The Appeal proposals retention of the veteran trees is aligned with Paragraph 180 of the NPPF relating to the determination of planning applications, where local planning authorities should apply the following principles, inter alia:

“development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists”
- 3.7 Following this the local equipped area of play (LEAP) has been re-located south away from the veteran trees to the central public open space referred to as the Eyre Garden in the Design and Access statement.
- 3.8 Integration and providing legible links have always been a key part of the design rationale for this scheme. The revised proposals also include clear connections to link the site to the existing footway to the north along Lodge Road. A potential additional safe crossing is also proposed across Lodge Road, in the vicinity of the site access to link to the permissive path west of Lodge Road. The pedestrian route along the southern part of Tape Lane is also proposed to be improved by cutting back overgrown vegetation.
- 3.9 With the objective of creating a safe network of routes, the pedestrian and cycle access from the site to the north of Tape Lane has also been re-designed together with an emergency access.
- 3.10 In summary, the amendments include the following:
 - Lodge Road access location updated to accord with the scheme set out in the original Transport Assessment (further north) with the closure of the existing

- access;
- Associated amendment to development parcel around entrance;
 - Pedestrian accesses onto Lodge Road in northerly direction;
 - Emergency access onto Tape Lane with associated sight lines;
 - Identification of veteran trees (x 3) with associated standoff areas;
 - Associated minor amendment to development parcel R7 to avoid the veteran RPA;
 - Indicative relocated LEAP (from avoid RPAs);
 - Indicative relocated LAPs (to avoid RPAs);
 - Detail of highway works on Lodge Road, including ghost turn;
 - Part of Hedge G28 replanted to accord with highways plans (to run parallel to the new pavement);
 - Part of the hedge on Tape Lane will also be moved slightly into the site to allow the visibility splays and shortened to allow for the emergency access,
 - Minor footpath changes on the Green spaces to avoid RPA of the Veteran trees; and
 - Minor red line amendments to north east to reflect variance in OS bases.

3.11 The following documents and reports are submitted for determination by this Appeal.

Table 1: Full List of Latest Documents submitted

Document	Prepared By	Date
Application Form	Boyer	
CIL Form	Boyer	
Planning Statement	Boyer	February 2022
Design and Access Statement	Boyer	February 2022
Landscape and Visual Impact Assessment	LVIA Ltd.	February 2022
Ecological Impact Assessment	AAE	December 2021
Historic Environmental Desk-Based Assessment	Orion	November 2021
Framework Travel Plan	Motion	May 2022
Transport Assessment (including Appendix A – M)	Motion	July 2022
Flood Risk Assessment and Drainage Strategy	Motion	February 2022
TN02 – Response to Consultee Comments on Drainage	Motion	April 2022
Desktop Subsurface Utility Report	Technics	November 2021
Statement of Community Involvement	SP Broadway	February 2022

Energy Strategy Statement	Briary Energy	December 2021
Agricultural Land Considerations	Reading Agricultural Consultants	September 2022
Arboricultural Method Statement	Arbtech	October 2022
A Tree Survey Report Arbtech TSR 02(02)	Arbtech	October 2022
TN05: Updated Junction Modelling	Motion	September 2022

Table 2: Full list of Latest Drawings submitted

Drawing	Prepared by	Date
For Approval		
Application Boundary Plan - Ref. PP01 Rev 1	Boyer	October 2022
Land Use and Access Plan for Approval – Ref. PP02 Rev 4	Boyer	October 2022
Green Infrastructure Plan for Approval – Ref. PP03 Rev 6	Boyer	October 2022
2101015-01-A3 Proposed ghosted right turn (point 1)	Motion	September 2022
2101015-06B Proposed emergency access (point 2)	Motion	September 2022
2101015-08A Proposed pedestrian connection, Tape Lane (point 3)	Motion	September 2022
Supporting Information		
Illustrative Masterplan for Information Purposes Only – Ref. 171 Rev 4	Boyer	October 2022
Development Framework Plan for Illustrative Purposes – Ref. 402 Rev 7	Boyer	October 2022
Arboricultural Impact Assessment (AIA) Ref. Arbtech AIA 02 1of4	Arbtech	October 2022
Arboricultural Impact Assessment (AIA) Ref. Arbtech AIA 02 2of4	Arbtech	October 2022

Arboricultural Impact Assessment (AIA) Ref. Arbtech AIA 02 3of4	Arbtech	October 2022
Arboricultural Impact Assessment Ref. Arbtech AIA 02 4of4	Arbtech	October 2022
Arbtech Tree Protection Plan (TPP) Arbtech 02 Sheet 1of1	Arbtech	October 2022
Arbtech Tree Protection Plan (TPP) Arbtech 02 Sheet 2of1	Arbtech	October 2022
Arbtech Tree Protection Plan (TPP) Arbtech 02 Sheet 3of1	Arbtech	October 2022
Arbtech Tree Protection Plan (TPP) Arbtech 02 Sheet 4of1	Arbtech	October 2022
2101015-03C Tracking for emergency access (point 2)	Motion	September 2022
2101015 – 10 Wayfinding	Motion	September 2022
Walk catchment map	Motion	July 2021

3.12 The Appeal scheme seeks outline permission (with all matters reserved for future consideration other than means of access) for:

“Outline planning permission for the development of approximately 200 homes, open space, pedestrian and cycle links, recreational facilities (Class E) and other associated infrastructure including the formation of a new highway access road from Lodge Road located adjacent to the existing field access to be closed (all matters reserved except for access).”

3.13 A change in the description of development relating to the access has been incorporated above related to the location of the new access. It should be noted that the original application included technical highway drawings of the access showing the proposed location to be immediately north of the existing access.

3.14 The proposed housing layout, detailed design and landscaping will be subject to a reserved matters application following the grant of outline planning permission.

3.15 Further details of each component of the Appeal Scheme is set out below.

Residential

3.16 The residential component will include approximately 200 homes of mixed types and tenure to include predominantly houses, plus a small quantum of apartments. The development will

include on-site provision of 40% affordable housing.

- 3.17 The exact number of homes, the mix of dwellings and types and tenure will be determined through the future reserved matters planning applications.
- 3.18 The Illustrative Masterplan provides an indication as to how approximately 200 homes and associated infrastructure could be accommodated within the site.
- 3.19 The residential component of the Site will include a mix of type and tenure to include predominantly houses plus some apartments. The indicative proposed housing mix is:

Unit Type	Number of Homes	% of Total Homes
1 Bed Apartment/ Maisonette	16	8%
2 Bed Apartment/ Maisonette	38	19%
2 Bed House	25	13%
3 Bed House	57	29%
4 Bed House	64	32%
Total	200	

- 3.20 The proposed number of affordable units, referencing the illustrative masterplan are as follows:

Unit Type	Number of Affordable Homes
1 Bed Apartment/ Maisonette	16
2 Bed Apartment/ Maisonette	20
2 Bed House	16
3 Bed House	19
4 Bed House	9
Total	80

- 3.21 In line with policy, 56 (70%) of the affordable homes will be affordable rented and 24 (30%) will be affordable intermediate.
- 3.22 All buildings proposed will be no higher than 2 storeys, in keeping with the surrounding area.
- 3.23 The above units are indicative only, the mix of dwellings and type and tenure will be

determined through future reserved matters applications.

- 3.24 Careful consideration of has been given to the edge of the site and the proximity of residential development toward the boundaries of the site, with provision made for pedestrian and cycle links as well as pockets of green space between the boundary and residential parcels.
- 3.25 The illustrative layout of the proposed development separates the residential development into 7 parcels of which each will represent one of the 4 character areas, Lodge Farm/ Farmstead, Lodge Green, Tape Lane West, and Woodland Edge all of which have been created from the proposed landscape setting and the relationship with the surrounding context.

Open Space and Green Infrastructure

- 3.26 The Green Infrastructure Plan shows parks and gardens, natural/semi-natural green space, amenity space, a tennis court and play area, and a community orchard will be provided on the Appeal Site. The landscaped areas will also incorporate sustainable drainage in the form of SuDS.
- 3.27 A central community green space, known as 'Eyre Garden' is will include a tennis court with associated changing facilities and local equipped area of play for both new and existing residents to enjoy. This will open up the site to the public and provide much needed facilities within Hurst.
- 3.28 A north south green corridor along Tape Lane and pocket greens with natural play areas are also proposed.
- 3.29 No trees are to be removed to facilitate the proposal, although a length of the existing hedge abutting Lodge Road will need to be removed to facilitate the proposed development, with improved replacement hedgerow planting to be re-provided within the site. The existing access will be closed and replaced by new hedgerow. The illustrative masterplan shows approximately 1,100 linear meters of new hedgerow planting within the site (not including replacement planting). Appropriate buffers and new planting to provide a natural mature landscape edge to the proposed housing development is proposed. Significant additional trees are proposed along the southern boundary of the site, culminating in a pocket grove next to the Hurst allotments.

Vehicular Access & Parking

- 3.30 This Appeal seeks detailed planning approval for an all-modes vehicular access from Lodge Road to the immediate north of the existing access which will be closed off and landscaped. There will be no loss of trees and no impact on root protection areas. A length of hedgerow will be replanted within the site on Lodge Road.
- 3.31 The proposed access was shown on the submitted access drawing titled 'Proposed Right Turn Lane' (ref. 2101015-01 rev. D) appended to the Transport Assessment as submitted with the original Application but has been further refined and submitted following discussions with WBC Highways and is included in the list of documents in **Appendix 18**.

- 3.32 An emergency vehicle access will also be provided onto Tape Lane in the north-eastern corner of the site, which is also an access for pedestrians and cycles. This access will be 3.75 metres wide and secured with a bollard to prevent non-emergency vehicle from accessing the site via Tape Lane. The bollard will be centrally located to allow pedestrians and cyclists to pass. A short length of hedgerow will be replaced within the site.
- 3.33 There are 384 car parking spaces across the site including 80 visitor spaces, as shown on the illustrative masterplan.
- 3.34 Eight parking spaces for the existing allotments are also proposed as part of the development, to the south east of the site so the current allotment parking can be used to extend the allotment plots area if the new or existing residents desire.

Pedestrian/Cycle Access

- 3.35 A network of proposed formal and informal footpaths and cycle routes through the site are proposed to help promote an active lifestyle, including a pedestrian/cycle access from Hurst allotments to the south of the site.
- 3.36 A north-east to south-west pedestrian and cycle route is shown through the proposed Eyre Garden, directly connecting Tape Lane to Lodge Road with a permissive footpath beyond.
- 3.37 A north-south route for pedestrians and cyclists is proposed along Tape Lane (within the site boundary) for existing and new residents to use.
- 3.38 Improved pedestrian connections to Dinton Pastures Country Park will be achieved through providing connectivity through the site from the village, to existing footpaths linking Hurst with the Country Park.

4. PLANNING POLICY FRAMEWORK

- 4.1 This section considers the application of the relevant policies and the most important policies for determining the Appeal in the context of the statutory development plan for WBC. This section also considers other material considerations including the NPPF, PPG and Borough Design Guide SPD.

The Development Plan

- 4.2 For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan, against which the Appeal is to be determined, comprises:

- Wokingham Borough Core Strategy (2010);
- Managing Development Delivery Local Plan (2014);
- Saved Policy NRM6 of the South East Plan (2013);
- Wokingham Borough Policies Map; and
- Replacement Minerals Local Plan for Berkshire (incorporating the alterations adopted in December 1997 and May 2001).

- 4.3 Relevant development plan policies are set out below. Other policies which are not alleged to be contravened by WBC are not considered in detail in this Statement of Case, save to note that it can be inferred that those policies are complied with. Notwithstanding this, it is noted that while the NPPF does not provide any definition of what constitutes 'most important', the inference is that it relates to the most important to the determination of the application rather than the appeal that need to be considered i.e. the consideration of the whole scheme. The full set of relevant policies are set out below.

- 4.4 The National Planning Policy Framework (NPPF) and Planning Policy Guidance (PPG) are material considerations in planning decisions, as confirmed in Paragraph 2 of the NPPF.

- 4.5 WBC's supplementary planning documents (SPDs) which are also relevant to the Appeal and which are material considerations, include:

- Borough Design Guide SPD (2012)
- A Design for Hurst (2005)
- Affordable Housing SPD (2013)
- Play Space Design Guide Technical Note SPD (2018)
- Sustainable Design and Construction SPD (2010)
- CIL Guidance + 123 List

- 4.6 The following statement is also relevant to the Appeal and should be regarded as a material consideration:

- The British Standard 5837:2012

- 4.7 A full list of development plan policies relevant to the determination of the Appeal is set out within the SoCG and will be agreed with WBC in due course.

Relevant Policies

4.8 The policies relevant to the determination of this Appeal are summarised below:

Core Strategy

4.9 By virtue of its age, the 2010 Core Strategy comprises pre-NPPF (2012) policies. The lack of consistency of several of the policies of the Core Strategy, particularly relating to the housing requirement and the subsequent definition of development limits/countryside having regard to the non-NPPF compliant assessment of housing needs means that numerous policies of the Local Plan attract limited weight in the determination of the Appeal. This is explained further below and consequently, the tilted balance applies under Paragraph 11D of the NPPF.

4.10 The following Core Strategy policies are relevant to the determination of the Appeal:

- Policy CP1 – Sustainable Development
- Policy CP2 – Inclusive Communities
- Policy CP3 – General Principles for Development
- Policy CP4 – Infrastructure Requirements
- Policy CP5 – Housing Mix, Density and Affordability
- Policy CP6 – Managing Travel Demand
- Policy CP7 - Biodiversity
- Policy CP9 –Scale and Location of Development Proposals
- Policy CP11 – Proposals Outside Development Limits
- Policy CP17 – Housing Delivery

4.11 **Policy CP1 Sustainable development** sets out a range of circumstances where planning permission will be approved:

- i) Maintain or enhance the high quality of the environment;
- ii) Minimise the emission of pollutants into the wider environment;
- iii) Limit any adverse effects on water quality (including ground water);
- iv) Ensure the provision of adequate drainage;
- v) Minimise the consumption and use of resources and provide for recycling;
- vi) Incorporate facilities for recycling of water and waste to help reduce per capita water consumption;
- vii) Avoid areas of best and most versatile agricultural land;
- viii) Avoid areas where pollution (including noise) may impact upon the amenity of future occupiers.
- ix) Avoid increase (and where possible reduce) risk of or from all forms of flooding (including from groundwater);
- x) Provide attractive, functional, accessible, safe, secure and adaptable schemes;
- xi) Demonstrate how they support opportunities for reducing the need to travel, particularly by private car in line with CP6; and
- xii) Contribute towards the goal of reaching zero carbon developments as soon as possible by:

- i) Including appropriate on-site renewable energy features; and
- ii) Minimising energy and water consumption by measures including the use of appropriate layout and orientation, building form, design and construction, and design to take account of microclimate so as to minimise carbon dioxide emissions through giving careful consideration to how all aspects of development form.

4.12 **Policy CP2 Inclusive Communities** seeks to ensure that new development contributes to the provision of sustainable and inclusive communities.

4.13 **Policy CP3 General Principles for development** sets out general principles for development where planning permission will be granted for proposals that:

- i) Are of an appropriate scale of activity, mass, layout, build form, height, materials and character to the area together with a high quality of design without detriment to the amenities of adjoining land users including open spaces or occupiers and their quality of life;
- ii) Provide a functional, accessible, safe, secure and adaptable scheme;
- iii) Have no detrimental impact upon important ecological, heritage, landscape (including river valleys) or geological features or water courses.
- iv) Maintain or enhance the ability of the site to support fauna and flora including protected species;
- v) Use the full potential of the site and contribute to the support for suitable complementary facilities and uses;
- vi) Contribute to a sense of place in the buildings and spaces themselves and in the way they integrate with their surroundings (especially existing dwellings) including the use of appropriate landscaping;
- vii) Provide for a framework of open space in secure community use achieving at least 4.65 ha/1,000 population provision together with recreational/ sporting facilities in addition to private amenity space;
- viii) Contribute towards the provision of an appropriate sustainable network of community facilities;
- ix) Do not lead to a net loss of dwellings and other residential accommodation or land; and
- x) Do not lead to a loss of community or recreational facilities/land or infrastructure unless suitable alternative provision is available.

4.14 Development proposals will be required to demonstrate how they have responded to the criteria through the submission of a variety of documentation.

4.15 Policy CP4 Infrastructure Requirements states:

“Planning permission will not be granted unless appropriate arrangements for the improvements or provision of infrastructure, services, community and other facilities required for the development taking account of the cumulative impact of schemes are agreed.”

4.16 **Policy CP5 Housing mix, density and affordability** sets out that planning permission will be granted for residential development providing a mix and balance of densities, dwelling types, tenures and sizes. Affordable housing must reflect the sizes and types that meet the proven needs of people who are not able to compete in the general housing market.

- 4.17 **Policy CP6 Managing Travel Demand** states that it is important to ensure all proposals achieve sustainable development and that they are assessed for their impact in generating travel demands including parking provisions.
- 4.18 **Policy CP7 Biodiversity** states sites designated as being of importance for nature conservation at international or national level will be conserved and enhanced and inappropriate development will be resisted.
- 4.19 **Policy CP9 Scale and Location of Development Proposals** states the scale of development proposals must reflect the existing or proposed levels of facilities and services at or in the location, together with their accessibility.
- 4.20 **Policy CP11 Proposal outside Development Limits (including Countryside)** states that in order to protect the separate identity of settlements and maintain the quality of the environment, proposals outside of the development limits will not normally be permitted except where:

“It contributes to diverse and sustainable rural enterprise within the Borough, or in the case of other countryside based enterprises and activities, it contributes and/or promotes recreation in, and enjoyment of, the countryside; and

It does not lead to excessive encroachment or expansion of development away from the original buildings; and

it is contained within suitably located buildings which are appropriate for conversion, or in the case of replacement buildings would bring about environmental improvements; or

in the case of residential extensions, does not result in inappropriate increases in the scale, form or footprint of the original building;

in the case of replacement dwellings the proposal must:

i) Bring about environmental improvements; or

ii) not result in inappropriate increase in the scale, form or footprint of the original building.

Essential community facilities cannot be accommodated within development limits or through the re-use/replacement of an existing building;

Affordable housing on rural exception sites in line with CP9” (p. 53 and 54).

- 4.21 **Policy CP17 Housing Delivery** states 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 for which substantial investment in infrastructure will be required.

Wokingham Borough Management Developing Delivery Local Plan (2014)

- 4.22 The following Management Developing Delivery Local Plan (2014) policies are relevant to the

determination of the Appeal:

- Policy CC01 – Presumption in Favour of Sustainable Development
- Policy CC02 – Development Limits
- Policy CC03 – Green Infrastructure, Trees and Landscaping
- Policy CC04 – Sustainable Design and Construction
- Policy CC05 – Renewable Energy and Decentralised Energy Networks
- Policy CC06 - Noise
- Policy CC07 – Parking
- Policy CC09 – Development and Flood Risk
- Policy CC10 – Sustainable Drainage
- Policy TB05 – Housing Mix
- Policy TB07 – Internal Space Standards
- Policy TB08 – Open Space, Sport and Recreational Facilities Standards
- Policy TB12 - Employment Skills Plan
- Policy TB21 – Landscape Character
- Policy TB23 – Biodiversity and Development
- Policy TB24 – Designated Heritage Assets
- Policy TB25 – Archaeology
- Policy TB26 – Buildings of Traditional Local Character and Areas of Special Character

- 4.23 **Policy CC01 Presumption in Favour of Sustainable Development** states that the planning application that accord with policies in the Development Plan for Wokingham Borough will be approved without delay, unless material considerations indicate otherwise.
- 4.24 **Policy CC02 Development Limits** outlines that planning permission for proposals at the edge of settlements will only be granted where they can demonstrate that the development, including boundary treatments, is within development limits and respects the transition between the built-up area and the open countryside by taking account of the character of the adjacent countryside and landscape.
- 4.25 **Policy CC03 Green Infrastructure Trees and Landscaping** states that development proposals should demonstrate how they have considered and achieved the following criteria within scheme proposals:
- 4.26 Development proposals which would result in the loss, fragmentation or isolation of areas of green infrastructure will not be acceptable.
- 4.27 **Policy CC04 Sustainable Design and Construction** states that planning permission will only be granted for proposals that seek to deliver high quality sustainably designed and constructed developments.
- 4.28 **Policy CC05 Renewable Energy and Decentralised Energy Networks** states that local opportunities to contribute towards the decentralisation energy supply from renewable and low-carbon technologies will be encouraged. Planning permission will only be granted for proposals that deliver a minimum 10% reduction on carbon emissions through renewable energy or low carbon technology.
- 4.29 **Policy CC06 Noise** states that proposals must demonstrate how they have addressed noise

impacts to protect noise sensitive receptors from noise impacts.

- 4.30 **Policy CC07 Parking** states that planning permission will only be granted where the proposal demonstrates how the proposed parking provision meets the standards. The Table below provides the allocated and unallocated standards for WBC.

No of Habitable Rooms	Allocated	Unallocated demand								
		0	1	2	0	1	2	0	1	2
	No of Bedrooms	Urban			Town and Fringe			Village		
3 or less	1-2	1.1	0.3		1.1	0.2		1.2	0.4	
4	2	1.2	0.4	0.0	1.2	0.4	0.0	1.3	0.4	0.1
5	2-3	1.4	0.5	0.1	1.6	0.6	0.1	1.5	0.6	0.1
6	3	1.6	0.7	0.1	1.7	0.8	0.1	1.7	0.8	0.2
7	3-4	1.8	0.9	0.2	2.0	1.0	0.2	2.0	1.0	0.2
8 or more	4	2.1	1.1	0.3	2.2	1.2	0.3	2.2	1.3	0.4

- 4.31 **Policy CC09 Development and Flood Risk** states that all sources of flood risk, including historic flooding, must be taken into account at all stages and to the appropriate degree at all levels in the planning application process to avoid inappropriate development in areas at risk of flooding.
- 4.32 **Policy CC10 Sustainable Drainage** states that all development proposals must ensure surface water arising from the proposed development (including taking into account climate change) is managed in a sustainable manner.
- 4.33 **Policy TB05 Housing Mix** states that proposals for residential development shall provide for an appropriate housing mix which reflects a balance between the underlying character of the area and both the current and projected needs of households.
- 4.34 **Policy TB07 Internal Space Standards** states that proposals for new residential units, including change of use or conversions, should ensure that the internal layout and size are suitable to serve the amenity requirements of future occupiers.

Dwelling Type	Minimum gross internal area (GIA) (sq ft)	Designed occupancy (Bed spaces per property)
1 bedroom flat	50 (538.2 sq ft)	2
2 bedroom flat	61 (656.6 sq ft)	3
2 bedroom house	83 (893.4 sq ft)	4
3 bedroom house	87 (936.46 sq ft)	5

4 bedroom house	100 (1,076.4 sq ft)	6
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- 4.35 Household accommodation should in general provide two social spaces, such as a living room and a kitchen/ dining room. WBC will seek the following minimum combined floor area for these spaces.

Designed occupancy (Bed spaces per property)	Minimum combined floor area of living, dining and kitchen space (sq m)
2 person	23 (247.57 sq ft)
3 person	25 (269.1 sq ft)
4 person	27 (290.63 sq ft)
5 person	29 (312.15 sq ft)
6 person	31 (333.68 sq ft)

- 4.36 **Policy TB08 Open Space, sport and recreational facilities standards for residential development** states that proposals for development that could lead to the loss of open space, sport or recreational facilities will need to be consistent with paragraph 74 of the National Planning Policy Framework. Open space; indoor or outdoor play; sport and recreational facilities should be provided on site and proposals need to demonstrate how they meet the standards set out.
- 4.37 **Policy TB12 Employment Skills Plan** states that proposals for major development should be accompanied by an Employment and Skills plan to show how the proposal accords opportunities for training, apprenticeship or other vocational initiatives to develop local employability skills required by developers, contractors or end users of the proposal.
- 4.38 **Policy TB21 Landscape Character** states that proposals must demonstrate how they have addressed the requirements of WBC's Landscape Character Assessment, including the landscape quality; landscape sensitivity and key issues.
- 4.39 **Policy TB23 Biodiversity and Development** states that planning permission for development proposals will only be granted where they comply with policy CP7- Biodiversity of the Core Strategy and also demonstrate how they:
- Provide opportunities, including through design, layout and landscaping to incorporate new biodiversity features or enhance existing
 - Provide appropriate buffer zones between development proposals and designated sites as well as habitats and species of principle importance for nature conservation

- Ensure that all existing and new developments are ecologically permeable through the protection of existing and the provision of new continuous wildlife corridors, which shall be integrated and linked to the wider green infrastructure network.

4.40 **Policy TB24 Designated Heritage Assets** (Listed Buildings, Historic Parks and Gardens, Scheduled Ancient Monuments and Conservation Areas) states that the Borough Council will conserve and seek the enhancement of designated heritage assets in the Borough and their settings by:

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

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

4.42 **Policy TB26 Buildings of Traditional Local Character and Areas of Special Character** states that planning permission will only be granted for proposals to or affecting Buildings of Traditional Local Character and Areas of Special Character where they demonstrate that they retain and enhance the traditional, historical, local and special character of the building or area and its setting.

Replacement Minerals Local Plan for Berkshire (incorporating the alterations adopted in December 1997 and May 2001)

4.43 **Policy 2** notes that the local planning authorities will oppose development proposals which would cause the sterilisation of mineral deposits on proposed development sites, or which would prejudice the future working of minerals on adjacent sites, except where it is demonstrated that:

- The mineral deposit is of no commercial interest, and is unlikely to be so in the future; or
- Having regard to all relevant planning considerations, there is an overriding case in favor of allowing the proposed development to proceed without the prior extraction of the mineral; or
- Extraction of the mineral would be subject to such strong environmental or other objection that it would be highly unlikely that it would ever be permitted in any circumstance.

4.44 The LPA consider it of great importance to phase the release of sand and gravel sites in order to prevent the concentration of activities in any particular area at any one time in a way which

would cause unacceptable harm to the area's character or environment, or to local people's living conditions.

4.45 **Policy 8 Preferred Areas** states that the preferred areas are indicated on the proposals map (the Appeal Site is not identified as a preferred areas). There will be a presumption in favour of allowing applications for the extraction of sharp sand and gravel.

4.46 **Policy 10 Outside the Preferred Areas** states that applications for the extraction of sharp sand and gravel will normally be refused. In considering whether or not to make an exception to this general presumption, the local planning authorities will take account of:

- Whether there is a need to disturb land outside of the Preferred Areas in order to maintain provision for the levels of production or the landbank figure.
- Whether that need could be more acceptably met elsewhere than on the application site, having particular regard to the presumption against extraction in specific areas.
- Whether the proposals overcome or accommodate all constraints deriving from the considerations.

4.47 **Policy 11** states that there will be the strongest presumption against allowing the extraction of sharp sand gravel from land within built-up areas.

4.48 **Policy 13** outlines that there will be a strong presumption against allowing the extraction of sharp sand and gravel:

- from land outside any of the areas of land specified in Policies 11 and 12 but which would adversely affect any of those areas; or
- Which would adversely affect the function of land important to the character or amenities of individual settlements, including land important to the separation of settlements.

Most Important Policies

4.49 It is relevant that the Core Strategy comprises pre-NPPF (2012) policies and the Managing Development Delivery (MDD) DPD is also more than five years old.

4.50 The lack of consistency of several of the policies of the Core Strategy, particularly relating to the housing requirement and the subsequent definition of development limits/ countryside having regard to the non-NPPF compliant assessment of housing needs means that numerous policies of the development plan attract limited weight in the determination of the Appeal. This is explained further below and consequently, the tilted balance applies.

4.51 The following policies are deemed to be the most important policies for the determination of the Appeal as these relate specifically to the supply of housing

- Policy CP9 – Scale and Location of Development Proposals
- Policy CP11 – Proposals Outside Development Limits
- Policy CC02 – Development Limits

4.52 In considering the weight of the relevant development plan policies for the determination of the Appeal (as required by Paragraph 11 of the NPPF), it is necessary to identify the most

important policies for determining the Appeal and to assess their consistency with the NPPF and their datedness as required by Paragraph 219 of the NPPF. This is set out in the table below.

Relevant policies	Most important policies for the determination	Consistency with the NPPF	Weight to be afforded	Appeal Scheme compliance
CP1 – Sustainable development	X	√	Full	√
CP2 – Inclusive communities	X	√	Full	√
CP3 – General principles for development	X	X	Limited	√
CP4 – Infrastructure requirements	X	√	Full	√
CP5 – Housing mix, density and affordability	X	X	Limited	√
CP6 – Managing travel demand	X	X	Limited	√
CP7 – Biodiversity	X	√	Full	√
CP9 – Scale and location of development proposals	√	X	Limited	X
CP11 – Proposals outside development limits	√	X	Limited	X
CP17 – Housing delivery	X	X	Limited	√
CC01 – Presumption in favour of sustainable development	X	√	Full	√

Relevant policies	Most important policies for the determination	Consistency with the NPPF	Weight to be afforded	Appeal Scheme compliance
CC02 – Development limits	√	X	Limited	X
CC03 – Green infrastructure, trees and landscaping	X	√	Full	√
CC04 – Sustainable design and construction	X	X	Limited	√
CC05 – Renewable energy and decentralised energy networks	X	√	Full	√
CC06 – Noise	X	√	Full	√
CC07 – Parking	X	√	Full	√
CC09 – Development and Flood Risk	X	√	Full	√
CC10 – Sustainable drainage	X	√	Full	√
TB05 – Housing mix	X	√	Full	√
TB07 – Internal space standards	X	√	Full	√
TB08 – open space, sport and recreational facilities standards	X	√	Full	√
TB12 – Employment skills plan	X	√	Full	√
TB21 – Landscape character	X	√	Full	√
TB23 – Biodiversity and development	X	√	Full	√

Relevant policies	Most important policies for the determination	Consistency with the NPPF	Weight to be afforded	Appeal Scheme compliance
TB24 – Designated heritage assets	X	√	Full	√
TB25 – Archaeology	X	√	Full	√
TB26 – Buildings of traditional local character and areas of special character	X	X	Limited	√

4.53 This table shows that the most important policies (Policies CP9, CP11 and CC02) are out of date. This was confirmed by the Inspector for the Sawpit Road Appeal decision (APP/X0360/W/21/3280255) (**Appendix 14**) where it was stated that “*I have found that some of the most important policies for determining the appeal are out-of-date, notably MDD Policy CC02 and CS Policies CP11 and CP9*”.

The National Planning Policy Framework

4.54 The NPPF sets out a presumption in favour of sustainable development and is a material consideration in the making of planning decisions.

4.55 The main purpose of the NPPF is to help achieve sustainable development. Achieving sustainable development means that the planning system has three overarching objectives, which are inter-dependent and need to be pursued in mutually supportive ways:

- 1 *An economic objective* – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support the growth, innovation and improved productivity; and by identifying and co-ordinating the provision of infrastructure;
- 2 *A social objective* – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and culture well-being;
- 3 *An environmental objective* – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

4.56 As detailed in Paragraph 10, at the heart of the NPPF is a presumption in favour of

sustainable development. In addition, Paragraph 11 advises that development that accords with an up-to-date development plan should be approved “*without delay*”.

4.57 Paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development. For decision-taking, this means:

“d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless

iii) The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

iv) Any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”

4.58 The NPPF is a material consideration but does not replace the development plan for decision making. The development plan is the focus for decision making (Section 38(6)). Of particular relevance to the consideration of this Appeal is paragraph 12 which states:

“the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed”.

4.59 Alternatively, since the most important policies for determining the Appeal are out of date, this results in the presumption in favour of sustainable development outlined in paragraph 11d) of the NPPF applying.

4.60 The presumption in favour of development therefore applies and it is on this basis that the Appeal should be determined.

4.61 In addition to the presumption in favour of sustainable development as a golden thread through the NPPF, there are other paragraphs which are of particular relevance to the Appeal.

4.62 In respect of the countryside, apart from ‘valued landscapes’, paragraph 174 of the NPPF entertains no blanket protection of the countryside, instead referring only to the need to recognise the intrinsic beauty of the countryside. ‘Recognition’ and ‘protection’ are not the same as a blanket protection or restrictive approach to development within the countryside which is a characteristic of the policies in both the Core Strategy and Managing Development Delivery DPD (MDD). They are clearly distinguishable terms and accordingly, the Core Strategy and MDD countryside policies are inconsistent with the NPPF and cannot be seen as being up-to-date. As such, the most important policies for determining the appeal (Policies CP9, CP11 and CC02) are out of date, triggering the tilted balance as set out in paragraph 11d) of the NPPF.

4.63 The Government also strongly encourages local planning authorities to approach decision

taking in a positive way to foster the delivery of sustainable development with paragraph 38 stating that:

“Local planning authorities should approach decisions on proposed development in a positive and creative way... and work proactively with applications to secure development that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible”.

- 4.64 With regard to delivering a wide choice of high quality homes, paragraph 60 requires local planning authorities to *“support the Government’s objective of significantly boosting the supply of homes”*.
- 4.65 Paragraph 78 and 79 are supportive of growth in rural areas where it can support the viability of existing services. Furthermore, paragraph 105 emphasises that access to public transport and other services will vary between urban and rural areas. Both of these points are important factors which support development in Hurst, a location which WBC has accepted is suitable for additional housing in the adopted and emerging Local Plan.
- 4.66 Paragraph 105 notes that the planning system should actively manage patterns of growth and should focus development on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. The NPPF notes that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.
- 4.67 Paragraph 124 advises that planning policies and decisions should promote an efficient use of land.
- 4.68 Paragraph 126 is clear that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps makes development acceptable to communities.
- 4.69 The Government also attaches great importance to the design of the built development which is illustrated in Section 12 achieving well-designed places. In particular, paragraph 130 states that planning policies and decisions should aim to ensure that developments:

“Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

Establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life of community cohesion and resilience”.

4.70 Paragraph 132 advises that design quality should be considered throughout the evolution and assessment of individual proposals and encourages early discussion between the applicants, the Local Planning Authority and the local community about the design and style of the emerging schemes is important for clarifying expectations and reconciling local and commercial interests.

4.71 Paragraph 180 indicates that when determining planning applications, local planning authorities should apply the following principles, inter alia:

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

4.72 Paragraph 219 states that existing policies should not be considered out of date simply because they were adopted or made prior to the publication of the NPPF. However, it advises that due weight should be given to them, according to their degree of consistency with the NPPF (i.e. the closer the policies of the plan to the policies in the NPPF, the greater weight that may be given to them).

The Borough Design Guide SPD

4.73 The Design Guide SPD outlines the layout and design principles new development should meet.

4.74 As the Appeal Scheme is submitted in Outline, with matters of layout, design and appearance reserved for future consideration, the SPD is only relevant where it relates to matters of principle. In which case, the following is relevant:

4.75 Section 1.5.3 notes that the spatial strategy for development outside Strategic Development Locations (SDLs) is for the scale of development to relate to the settlement hierarchy.

4.76 Hurst is a defined settlement, although the Appeal Site lies beyond the settlement boundary. The SPD states that “*modest or limited development will take place in other settlements, where it supports the vitality of local services*”.

- 4.77 The SPD refers to Hurst, as one of the examples, of a 'loose (rural) village' (page 23). The SPD notes that the character of these villages is defined by a dominance of landscape and they are generally more spacious, with streets being less enclosed. It notes that landscape and the rural hinterland penetrate into the village with trees and vegetation between buildings and along boundaries. It states that these villages generally consist of housing areas that have been built at various times, with the landscape creating a consistency in character (page 26). Planting tends to dominate boundary treatments and roofs are noted as being the dominant feature of homes in Hurst. The Illustrative Masterplan is reflective of these characteristics and in particular the retention of all trees and with hedgerow planting on all the boundaries. Further to which, while illustrative it is demonstrated that the homes along with the green spaces would reflect the existing characteristics.
- 4.78 The SPD (Section 4) notes that "the appropriate density for a proposed development will depend upon a range of factors, including:
- How it will relate to the character of the local area, including the form and scale of built development;
 - The relationship to its context, and its neighbours in particular;
 - The housing mix; and
 - Accessibility to public transport, facilities and services".
- 4.79 The SPD goes on to note that as density increases, communal spaces become more intensively used, so good design is important to make sure the development will be attractive, will work well, and will also be durable.

Emerging Policies

- 4.80 WBC have commenced work on a new Local Plan to guide development in the Borough.
- 4.81 The emerging Local Plan is reliant upon greenfield sites adjoining current settlement boundaries to meet its housing needs. Two of the greenfield edge of settlement sites envisaged in the latest draft of the Plan (January 2020) adjoin the current boundary of Hurst. This raises the question over the weight and datedness of the current settlement boundaries and countryside notations.
- 4.82 To meet the level of housing need established by the Standard Method, greenfield sites will need to be allocated.
- 4.83 The emerging Local Plan is expected to be adopted in 2023, although this is likely to be extended.
- 4.84 The policies of the emerging Local Plan carry no weight in current planning decisions.
- 4.85 In a recent WBC Appeal Decision dated 5 July 2022 (Sawpit Road, Hurst Ref. 3280255) (**Appendix 14**) the Inspector stated the following with which the Appellants would concur:

“7. The Council has commenced work on the review of the development plan through the preparation of a new Local Plan which will provide a strategic planning policy framework for development in the Borough. The Local Development Scheme (July 2021) suggests that the new Local Plan would not be submitted for examination until late 2022 with the examination in public occurring during 2023 and adoption towards the end of 2023.

8. No substantive reference has been made to the policies contained within the emerging new Local Plan by the main parties and I have no evidence to suggest the extent to which there are unresolved objections to policies contained therein. Consequently, in accordance with paragraph 48 of the National Planning Policy Framework (the Framework), I have attached little weight to the policies contained within the emerging plan.

9. A Hurst Neighbourhood Plan Working Group is in the process of producing a Neighbourhood Plan. I have no evidence to suggest that consultation on this Plan, pursuant to Regulation 16 of the Neighbourhood Planning (General) Regulations 2012, has commenced and there is no evidence before me as to when this Plan may be subject to formal examination. Consequently, the emerging Neighbourhood Plan is currently not made and I have afforded the policies contained therein no weight in the determination of this appeal.”

Summary

- 4.86 The most important policies relating to the supply of housing include Policies CP9, CP11 and CC02 related to the supply of housing, development limits and the countryside.
- 4.87 It is accepted that the Appeal Scheme is not consistent with these Development Plan policies, however WBC cannot currently demonstrate a five year supply of housing. Therefore, the relevant policies for the supply of housing should be considered as out-of-date according to paragraph 11(d) of the National Planning Policy Framework (NPPF). The so called ‘tilted balance’ is therefore not only triggered as a consequence of the 5-year housing land position but also because the most important policies for determining this Appeal are out of date. As a result the policies which relate to the supply of housing requirement and the subsequent definition of development limits/ countryside carry less weight in the planning decision.
- 4.88 Paragraph 11(d) of the NPPF advises that where the policies which are most important for determining the application are out-of-date planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

5. FIVE YEAR HOUSING LAND SUPPLY

- 5.1 WBC published on 7 January 2022 its most recent assessment of housing land supply up to 31 March 2021. WBC considered that it had a 5.10 year supply of deliverable housing sites (**Appendix 19**) and therefore meets the requirement of ensuring that WBC has a five year housing land supply as required by NPPF and PPG.
- 5.2 However, there have subsequently been three Appeal decisions since February 2022 (contained in **Appendix 14 and Appendix 20**), where the Inspectors have confirmed that WBC do not have a five year housing land supply. These include:

Site	Appeal Ref	Housing Land Supply Figure
Willow Tree House, Brookers Hill, Shinfield	APP/X0360/W/21/3275086	4.84 years
Land at Baird Road, Arborfield Garrison	APP/X0360/W/21/3276169	Between 4.35 and 4.74 years
Land at Junction of Sawpit Road and School Road, Hurst	APP/X0360/W/21/3280255	4.92 years (This figure was based on the Appellants evidence due to no comment being provided by WBC the Inspector did not dispute it)

- 5.3 I also note that WBC Planning Policy, unusually for WBC, did not provide any consultation response to the Case Officer in relation to the planning application prior to determination.
- 5.4 The Officers Report (**Appendix 10**) addresses weight to the development plan (page 37 onwards) and seeks to rely on the Five Year Housing Land Supply Statement published on 7 January 2022 (relating to the period up to 31 March 2021) that WBC has a 5.10 Housing Land Supply. The Officer indicated that WBC does not agree with the Willow Tree House and Baird Tree Road appeal decisions housing land supply positions of 4.84 years (although this was not the conclusion in relation to Land at Baird Road) and considered that the 5.1 year position was the most robust.
- 5.5 The Officer goes on to state on page 39 that the basket of most important policies for the determination of the application is not out of date, despite the Appeal Inspectors related to the Appeals above finding in the alternative.
- 5.6 The Officer also refers on Page 37 to WBC's Housing Delivery Test performance being 189% for the period 2020-2021, however in line with the NPPF and PPG, while the Appeal Inspector for Willow Tree House acknowledged this, it was still demonstrated that WBC did not have a five year housing land supply.

- 5.7 As a result of WBC not having a 5 year housing land supply, footnote 8 of paragraph 11 of the NPPF is applicable. Consequently, the relevant policies for the supply of housing should be considered out of date as per paragraph 11(d) of the NPPF. The 'tilted balance' is therefore triggered in relation to not only the 5 year housing land supply but in relation to the most important policies for determining the Appeal which are also considered are out of date, as expanded upon further in this SOC.
- 5.8 In addition to the three Appeal decisions referred to above, it is noted that in a press statement (**Appendix 21**) released by the Borough in relation to an ongoing Appeal related to a proposal for 54 dwellings at St Anne's Manor (Appeal Ref: APP/X0360/W22/3297645), that WBC will not be pursuing two of the original four reasons for refusal (leaving only two related to need to secure contributions/infrastructure through a legal agreement in dispute). WBC have stated that:
- "we've been advised that the first two grounds are no longer valid so it wouldn't be helpful to defend them.*
- This is because of a recent decrease in the amount of housing land available in the borough, which under national planning rules gives us fewer reasons for refusing new development.*
- We therefore won't present evidence to support these points and the appeal will continue on the third and fourth grounds only, as we continue to negotiate these issues with the appellant."*
- 5.9 This statement by WBC appears to confirm that WBC accept that they no longer have a five year housing land supply and was subsequently confirmed in the WBC Opening Statement to the St Anne's Drive Inquiry which is also enclosed at **Appendix 21**
- 5.10 The Appellant reserves the right to submit additional detailed evidence on the extent of the housing land supply, the Housing Delivery Test and tilted balance in the event prior to the Inquiry, particularly if the matter cannot be addressed through the SOCG.

6. RESPONSE TO THE REASONS FOR REFUSAL

- 6.1 This section provides a response to the Reasons for Refusal (RfR) in light of the planning policy context and other material considerations.
- 6.2 A Section 106 Agreement or Unilateral Undertaking (UU) to address RfR9 and RfR10 is being prepared and will be submitted to the Planning Inspectorate within the required timescales. It is anticipated that the completion of the S106/UU will remove these RfR before the Appeal is heard.
- 6.3 This Section will address RfR1 to RfR8 in detail and makes the planning case for the Appeal Scheme. It also addresses RfR9 and RfR10 more briefly.
- 6.4 WBC's RfR rely on the relevant policies being up-to-date. As WBC can no longer demonstrate a 5 year housing land supply, the tilted balance applies and the most important policies referred to in Section 4 are out of date. Notwithstanding this, the response to the RfR are set out below.

Reason for Refusal 1

- 6.5 This Reason for Refusal (RfF1) states that:

“The proposal results in an unsustainable pattern of development by reason of the creation of a new unplanned large housing estate on a greenfield site in the countryside outside of settlement limits. It would be significantly out of scale with neighbouring small village of Hurst and the level of existing infrastructure within the village. The development is contrary to the spatial objectives of the development plan and policies CP1, CP2, CP3, CP6, CP9 and CP11 of the Core Strategy, CC01, CC02, CC03 and TB21 of the MDD Local Plan, the Borough Design Guide SPD and section 2, 4, 8, 12 and 15 of the NPPF.”
- 6.6 RfR1 identifies Policies CP1, CP2, CP3, CP6 and CP11 of the Core Strategy and CC01, CC02, CC03 and TB21 of the MDD as well the Borough Design Guide SPD and NPPF against which WBC consider the application is contrary.
- 6.7 RfR1 does not refer to any other policies of the development plan which WBC considered the application to be contrary to. It must therefore follow that WBC considered that in relation to RfR1, the application is compliant with all other policies relevant to the determination of this Appeal.
- 6.8 It is relevant to note that in particular, Policy CP11 is out-of-date and therefore carries less weight in the planning decision.
- 6.9 The RfR explicitly states that the Appeal Scheme would result in an unsustainable pattern of development, would be significantly out of scale with neighbouring small village of Hurst and the level of existing infrastructure within the village. Having regard to the RfR this section relates to the following key issues:
 - i. Pattern of unsustainable development

- ii. Scale of Development
- iii. Contrary to spatial objectives of the Plan

i) Pattern of unsustainable development

- 6.10 The Appeal site falls outside the settlement boundary of Hurst as defined on the Policies Map (**Appendix 22**), however we note that footnote 8 of paragraph 11d applies.
- 6.11 It is the Appellant's view that the Appeal Site is sustainably located. Hurst itself has a number of facilities including a Post Office and Village Store, Primary School, Pre-school, Public House, Bakery, Church and Village Hall. Secondary schools and medical surgeries are located further afield.
- 6.12 The Appeal Site is accessible by bus services which provide services to larger settlements including Reading and Wokingham. The nearest railway station is at Twyford and is accessible by bus.
- 6.13 WBC's view that the site is in an unsustainable location does not fully reflect the NPPF (Paragraph 105) which recognises that variation in access to sustainable transport solutions exist between urban and rural areas.
- 6.14 It is the Appellant's view that WBC's criteria for what represents good public transport accessibility is unrealistically challenging for most areas outside of key urban centres, and indeed in the large majority of locations WBC seeks to promote development in the Borough, do not benefit from a bus service that would be defined as good using WBC's criteria. Contrary to the NPPF paragraphs 104, 105, 110 and 112 WBC's blanket criteria fails to recognise that sustainable transport solutions will vary between urban and rural areas.
- 6.15 Accordingly, the absolute requirement for good public transport accessibility should not be seen as a determinative issue when the NPPF requires the decision maker to take into account varying circumstances between urban and rural areas. WBC's approach is irrespective of whether it is in an urban or rural location.
- 6.16 The Appeal Site is serviced by an hourly bus service from Hurst to larger service centres such as Twyford, Reading, Winnersh and Wokingham and these in turn provide a connection to rail services at Twyford and Winnersh. Therefore the Appeal Site provides a reasonable connection to public transport for its village location. The Appeal Site should therefore not be regarded as being in an unsustainable location.
- 6.17 Indeed, the Inspector for the Sawpit Road, Hurst appeal noted that "*in my view, future residents of the proposed development would benefit from realistic and viable opportunities to reach key local services and facilities on foot and by cycle, including employment, primary education, retail and leisure facilities, without the need to rely on the private car*" (Paragraph 48).

6.18 The Inspector also stated that:

“I consider that the proposed development would be adequately accessible to local facilities by means of walking and cycling. Paragraph 79 of the Framework supports the sustainable growth of rural areas but it acknowledges that it is not always possible for such areas to provide for the full needs of its community, and in such cases, nearby villages will be likely to support each other” (paragraph 49).

6.19 He therefore went on to note that “I do not consider that the occupants of the proposed dwellings would be wholly reliant on the use of private motorised transport for most of their day-to-day needs” (Paragraph 51) and that “Whilst there would likely be some car use to access facilities further afield, there is no basis to support the assertion that the future occupants of the proposed dwellings would be overly reliant on private motor vehicles or that the site is so unsustainably located of an extent to dismiss this appeal on those grounds” (Paragraph 52).

6.20 Given the Appeal Sites is around 250m from the Sawpit Road appeal site, it is reasonable to suggest that the same approach to sustainable location applied.

6.21 The development plan identifies Hurst as a location for limited development (Policy CP9). The plan therefore accepts, in principle, that some development will take place in Hurst. In doing so, the plan and WBC must accept that Hurst is suitable for additional residential development from a sustainability perspective.

6.22 Indeed, in the recent appeal decision at Sawpit Road, Hurst (APP/X0360/W/21/3280255 in **Appendix 14**), the Inspector noted that “I have found that the effect on the character and appearance of the area would be localised and limited and that the development, given its location, would be reasonably accessible” (Paragraph 87). My emphasis.

ii) Scale of Development

6.23 Scale is a matter to be dealt with at Reserved Matters stage. This application seeks approval only for principle of development and details of the access.

iii) Contrary to spatial objectives of the Plan

6.24 In the absence of a 5 year housing land supply and the application of the tilted balance, the site will deliver housing, including 40% affordable housing, on a site abutting the existing settlement boundary, in close proximity to services and facilities, as well as public transport including train services from Twyford (as confirmed by the Sawpit Road Appeal decision (**Appendix 14**)).

6.25 As confirmed by the Inspector in the recent Sawpit Road, Hurst appeal decision, the most important policies for the determination of the Appeal (i.e. Policies CP9, CP11 and CC02) are out-of-date and will therefore carry less weight in the planning decision.

Reason for Refusal 2

6.26 This Reason for Refusal (RfR2) states that:

“The application results in the development of an area of Best and Most Versatile agricultural land and no justification has been provided regarding the loss of the grade 3a land, contrary to Core Strategy policy CP1 and section 15 of the NPPF.”

6.27 Paragraph 174 in section 15 of the NPPF refers to the ‘economic benefits of the best and most versatile agricultural land’. However, while the entire site measures approximately 10.68 ha, as noted in the Officers Report (**Appendix 10** page 10) only 5.9ha of the site is considered to be grade 3a which constitutes the lowest grade of best and most versatile.

6.28 As set out in the Screening Request (**Appendix 8**), issues pertaining to the site size and grade of land were identified. Further to which the site is bounded by residential dwellings and allotments to the south, by Tape Lane and residential development to the east and by Lodge Road to the west, leaving a heavily constrained agricultural unit.

6.29 Further evidence is provided in Agricultural Land Considerations Report (September 2022) (see **Appendix 23**) prepared by Reading Agricultural Consultants. The report confirms that only 5.6ha (52% of the site) is classified as Subgrade 3a with 4.6ha (43% of the site) to the east classified as Subgrade 3b.

6.30 The report sets out an assessment and an appraisal and concludes that:

“National policy does not preclude the loss of BMV land but indicates that decisions should recognise the economic and other benefits of BMV agricultural land. In this case, the economic benefits of BMV land area, have been, very limited. The site is farmed as a single block with no differentiation in management between the Subgrade 3a and the Subgrade 3b land, and the land managed in accordance with the lowest grade present.

Core Strategy policy seeks to avoid areas of BMV agricultural land. However, it is evident that it is not possible to avoid BMV land in meeting local development needs around Hurst and that, of the known ALC, the site east of Lodge Road represents the lowest quality of land available.”

6.31 The issue set out in relation to RfR2 was not raised with the Appellant by the LPA at any point during the determination of the application. The Reading Agricultural Consultants report demonstrates and provides justification for the loss of that part of the site, that is classified as Sub-grade 3a, in line with the statements made in both the ES Screening and the planning application.

Reason for Refusal 3

6.32 This Reason for Refusal (RfF3) states that:

“The application results in the development of land with sand and gravel deposits and insufficient information has been submitted demonstrating the sterilisation of mineral deposits is acceptable, contrary to Policy 2 Replacement Minerals Local Plan for Berkshire (incorporating the alterations adopted in December 1997 and May 2001) and section 17 of the NPPF.”

- 6.33 The RfR3 indicates that the application result in the development of land with sand and gravel deposits, contrary to Policy 2 of the WMLP.
- 6.34 Policy 2 provides three exceptions where proposals should not be opposed on the basis of minerals sterilisation. Evidence will be provided to directly respond to Policy 2 (i) to confirm there is no commercial interest or likely to be in the future, due to the size of the site. In addition, while only 1 reason is required, Evidence will be presented to demonstrate that the tests of iii) can be met due to the close proximity of existing residential properties to the site.
- 6.35 Notwithstanding the above, the Officers Report (**Appendix 10** page10) appears to ignore the other specifically relevant policies applicable to the consideration of this site.
- 6.36 The MWLP confirms in Section 4 Where Should Future Sand and Gravel Extraction Take Place? and confirms that “the Plan has adopted an approach of identifying ‘Preferred Areas’ for mineral extraction, that is to say where.” The Plan then identifies a number of preferred areas for mineral extraction, which do not include the Appeal site.
- 6.37 Policy 10 confirms that outside of the Preferred Areas, applications for sharp sand and gravel will normally be refused. The site is not in a preferred area.
- 6.38 Further to which Policy 11 indicates that there will be the ‘strongest presumption against allowing the extraction of sharp sand and gravel from, inter alia (x) land within built-up areas. The Appeal Site abuts built up areas along two boundaries and is in very close proximity to properties on the northern boundary, albeit not directly abutting. The Appeal Site would therefore not meet the tests of Policy 11.
- 6.39 It is noted that the Officers Report (**Appendix 10** page 10) only refers to Policy 13, however, the tests of Policies 10 and 11 have already not been met, therefore sand and gravel extraction would not be able to take place. This will be further supported by additional evidence in due course. The tests of Policy 13 under both subclause i) as the land would be caught by Policy 11 in any event as indicated above, as well as subclause ii) given its close proximity to the settlement. However, we do not agree that this creates a ‘dichotomy’ as suggested by the Officer as the MWLP relates purely to minerals and waste while the Core Strategy and DMMLP relate to all the other types of developments and it is not possible to imply meaning from one Plan to suggest that it would follow that another Plan’s policies are not met, given that they consider very different matters.
- 6.40 Notwithstanding the Policy position, further evidence will be provided to support the assertion that the site size is too small to be viable to be set out in a Minerals Assessment to be prepared by Hydrock Consultants.

Reason for Refusal 4

6.41 This Reason for Refusal (RfF4) states that:

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

6.42 RfR 4 references policies CP1, CP3, CP9, CP11, CC01, CC02, CC03, TB21, the Borough Design Guide and the NPPF. RfR4 does not refer to any other policies of the development plan which WBC considered the application to be contrary to. It must therefore follow that WBC considered that in relation to RfR4, the application is compliant with all other policies relevant to the determination of this Appeal. As noted previously in this Statement, Policy CP11 is out-of-date and therefore carries less weight in the planning decision.

6.43 RfR4 states that the proposal would have a detrimental impact on the landscape and the character and appearance of the area, by reason of the quantum, scale, density and location.

6.44 This RfR also states that it would erode the separation between existing villages and their rural setting.

6.45 Having regard to the RfR this section relates to the following key issues:

i) Landscape Impact on the character and appearance of the area by virtue of

- Quantum of development
- Scale of Development
- Density
- Location

ii) Erosion of the separation between existing villages and their rural setting

iii) Landscape Impact on the character and appearance of the area

6.46 A full response to RfR2 is sets set out in fuller detail in the Design Appeal Statement in **Appendix 2** and the Landscape Appeal Statement in **Appendix 3**.

6.47 The appeal scheme seeks consent for the principle of development only as it is in outline form. The scale and density will be considered at Reserved Matters stage. The layout submitted is illustrative only. Set in a generous landscape framework, the overall number of homes can be designed in different ways and the detailed layout should be a matter of consideration for detailed design.

6.48 Notwithstanding this, the overall gross density of the proposed scheme is 19.34 dwellings per

hectare which is comparable to the evolution and density of parts of Hurst. Delivering development at a lower density than this would be contrary to the NPPF by failing to make the most efficient and optimum use of land.

- 6.49 NPPF Chapter 11, entitled, 'Making Effective Use of Land', incorporates the principle of reusing land that has been previously developed. In particular, Paragraph 117 states that *"Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land"* (my emphasis).
- 6.50 The settlement of Hurst has been historically anchored along Wokingham Road. Spatially it is well defined by Lodge Road to the west. Wokingham Road/Broadwater Lane links Hurst with Whistley Green and acts as the artery along which clusters of perimeter developments have evolved over the years. This pattern is clearly visible around Hinton Road/Dalby Close northeast of the site and existing built form along Martineau Lane immediately south of the site.
- 6.51 The grain of the village varies in density from large manor homes set in detached grounds along Wokingham Road/Broadcommon Road crossing, more formal staggered form of linear clusters along School Road and Tape Lane, denser cul-de-sacs in Dalby Close and the recent collection of 7 houses in Tape Lane (No 21-26) located adjacent to the site. The village is unified by scale (mostly 2 storeys) with houses set amongst trees and gardens in a landscape setting.
- 6.52 As set out in the submitted Design and Access Statement, section 4.1 sets out 4 clear design principles that promote integration with the settlement of Hurst. It is the appellant's view that the proposed development will respect the unique identity of the village of Hurst and will continue to maintain the gap with Twyford and the wider setting. The proposed scheme and extent of development is naturally limited and defined by Lodge Road to the west and will provide a significant open space referred to as Eyre Garden that will frame the new homes amongst trees and open space. The entire development will be limited to 2 storeys in scale.
- 6.53 NPPF Paragraph 122 states that "planning policies and decisions should support development that makes efficient use of land" (my emphasis) taking into account certain criteria including:
- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
 - b) local market conditions and viability;
 - c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
 - d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and
 - e) the importance of securing well-designed, attractive and healthy places.
- 6.54 Paragraph 123 goes on to advise that *"where there is an existing or anticipated shortage of*

land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at lower densities, and ensure that development make optimal use of the potential of each site”.

- 6.55 There can be no doubt that national planning policy requires development to make effective and optimal use of previously developed land as is proposed by the Appeal Scheme.
- 6.56 The settlement limits within the Core Strategy are out of date as they are based upon outdated housing requirements and therefore Paragraph 11d of the NPPF is engaged, as detailed elsewhere within this Appeal Statement. As the site lies outside the defined settlement boundary, Policy CP9 and Policy CP11 protect land outside the settlement boundary from development. However, Policies CP9 and CP11 seek a blanket protection over the countryside which is a more stringent test than paragraph 174 in the NPPF which seeks to protect and enhance ‘*valued landscapes*’ and recognises the ‘*intrinsic character and beauty of the countryside*’. The site is not a valued landscape and the character of the site is an area for grazing. The Council policies are therefore not wholly consistent with the Framework and the weight that can be attributed to them within the decision making process decreases.
- 6.57 It is the appellant’s view that the proposal will not have a detrimental impact upon the immediate or wider character of the area and the Landscape and Visual Impact Assessment (LVIA) submitted alongside this application demonstrates that residential development could be successfully accommodated within the site and surrounding landscape without unacceptable effects on landscape character.
- 6.58 Whilst the proposal would have an impact on the site’s character and appearance, it is not a valued landscape and therefore in the appellant’s view development here is acceptable.

ii) Erosion of the separation between existing villages and their rural setting

- 6.59 WBC’s view is that the proposals would erode the separation between existing villages and their rural setting.
- 6.60 Hurst and Whistley Green are physically linked by built development which extends along the whole of the frontage between Hurst and Whistley Green on Broadwater Lane and both of which are shown linked on the WBC Planning Policy Proposals Map under the ‘Limited Development Locations’ designation, as well as a number of other policies.
- 6.61 Notwithstanding the above, it is the appellant’s view that the erosion of the gap or ‘pocket’ in which the site sits will not be able to be experienced by an observer, i.e. there is currently no location from which an observer can see two separate settlements and this will not change once the proposal is built. A gap will remain in both physical and visual terms. Further to which, given the nature of the proposals to reinforce the boundary planting and with the retention of trees and with roofs being a characteristic of Hurst (under the SPD Design Guide), the proposals are considered appropriate in that context.
- 6.62 The appellant’s view is further detailed in the Landscape Statement (**Appendix 3**) and the Design Statement (**Appendix 2**).

Reason for Refusal 5

6.63 This Reason for Refusal (RfF5) states that:

“The application site is within an unsustainable location that would not encourage a modal shift towards sustainable modes of transport, by reason of the countryside location outside of settlement limits, distances to facilities and services, limited public transport links and poor quality of the walking/cycling an environment, contrary to policies CP1, CP2, CP3, CP6 and CP11 of the Core Strategy, CC01 and CC02 of the MDD Local Plan, the Borough Design Guide SPD and section 8 & 9 of the NPPF.”

6.64 This RfR references policies CP1, CP2, CP3, CP6, CP11, CC01, CC02, the Borough Design Guide and the NPPF. It must therefore follow that WBC considered that in relation to RfR5, the application is compliant with all other policies relevant to the determination of this Appeal.

6.65 As the site lies outside the defined settlement boundary, Policy CP11 protects land outside the settlement boundary from development. However, Policy CP11 seeks a blanket protection over the countryside which is a more stringent test than paragraph 174 in the NPPF which seeks to protect and enhance ‘valued landscapes’ and recognises the ‘intrinsic character and beauty of the countryside’. The site is not a valued landscape and the character of the site is an area for grazing. The Council policies are therefore not wholly consistent with the Framework and the weight that can be attributed to them within the decision making process decreases.

6.66 It is WBC’s view that the site is within an unsustainable location that would not encourage the use of sustainable modes of transport.

6.67 WBC also reference the countryside location outside of settlement limits and the distance to services and facilities.

6.68 Although the site lies beyond the development limits of Hurst, it is immediately adjacent to it, abutting the built up area and contained within the settlement by Lodge Road. The village of Hurst comprises a range of facilities including include a Primary School, community hall, sports facilities (cricket pitch and football pitch), post office, church and local pubs (less than 5 minutes’ walk from the site). The site is located 320m from the nearest bus stop on Broadwater Lane and Sawpit Road. This bus stop is served by the 128 and 129 bus which offers services to Central Reading and Wokingham. It is also possible to walk to Twyford railway station in 25 minutes or cycle in 6 minutes. Twyford station offers fast services to London Paddington and Reading and services to Henley and Wargrave.

6.69 It is the appellant’s view that the site is therefore in a sustainable location and suitable for development for housing in line with national planning policy and Core Strategy Policies CP1, CP2 and CP3 and MDD Policy CC01.

6.70 In line with the NPPF, the Proposed Development will deliver a wide choice of high quality homes, including affordable housing and will support the Government’s objective of significantly boosting the supply of homes. We understand from information provided by the

Council at the emerging Local Plan consultations that c. 2,000 affordable homes have been delivered within the current plan period. The proposals would deliver much needed affordable housing in an area of the Borough that has had little affordable housing delivered.

- 6.71 The proposal will also provide much needed open space as well as pedestrian and cycle improvements within the village. Pedestrian and cycle connections in the area of the site will be improved by the proposals, including along Lodge Road, Tape Lane and School Road. The proposals therefore accord with Core Strategy Policy CP6.
- 6.72 There is no prescriptive and definitive national planning policy regarding acceptable walking distances to services and facilities as these will obviously vary between individuals and circumstances.
- 6.73 The site is highly permeable and enhances the connectivity of existing routes. In addition, the site is served by public transport which will be enhanced by the additional demand from residents of the site. Twyford Railway Station is also easily accessible from the site via foot and by bicycle.
- 6.74 Policy CP6 does not require that all development is required to meet the definition of a 'good' level of service but rather that it is a standard intended to be applied generally across the Borough which the Borough seeks to maintain and improve where possible. The development will support existing bus services in the area. Infrastructure improvements are also proposed to enhance bus infrastructure to encourage use.
- 6.75 In the Sawpit Lane, Hurst appeal (ref. 3280255) (**Appendix 14**) (for which the conclusions are entirely applicable for the appeal site) the Inspector concluded the following:
- that the site benefited from realistic and viable opportunities to reach key facilities on foot and by cycle, including employment, primary education, retail and leisure facilities, without the need to rely on the private car (Para 48);
 - Paragraph 79 of the Framework supports the sustainable growth of rural areas and acknowledges that it is not always possible for such areas to provide for the full needs of its community and villages support each other (Para 49);
 - The surrounding areas of Twyford, Reading, Winnersh and Wokingham are accessible from bus stops in the vicinity of the site (Para 50);
 - The occupants of the proposed development would not be wholly reliant on the use of motorised transport for their day-to-day needs. It would make a small contribution to supporting the vitality of the nearby shops and services (Para 51).
- 6.76 The Inspector thus concluded:

'...I do not consider that the proposed development would be contrary to the overall objectives of Policies CP1 and CP6 of the CS. These policies, amongst other things, require development proposals to demonstrate opportunities to reduce the need to travel by car and provide sustainable forms of transport that allow travel choice.' (Para 53)

Reason for Refusal 6

- 6.77 This Reason for Refusal (RfR7) states that:

“Insufficient and contradictory information has been submitted that does not demonstrate and acceptable impact on existing trees and hedgerows which have contribute positively to the character and appearance of the area. The proposed development is contrary to Core Strategy policy CP1, CP3 and CP11, MDD Local Plan policy CC01, CC02, CC03 and TB21, The Borough Design Guide SPD, The British Standard 5837:2012, sections 12 and 15 of the NPPF and section 197 of the Town and Country Planning Act.”

- 6.78 This RfR references policies CP1, CP3, CP11, CC01, CC02, TB21 the Borough Design Guide and the NPPF. It must therefore follow that WBC considered that in relation to RfR6, the application is compliant with all other policies relevant to the determination of this Appeal.
- 6.79 The Arboriculture Appeal Statement (**Appendix 4**) sets out a comprehensive suite of arboricultural reports including tree survey, Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan. Along with the LVIA Appeal Statement in **Appendix 3** and the Ecology commentary below demonstrates that there would not be an adverse impact as a result of the proposals.
- 6.80 The layout of the proposed development has been strongly influenced by the existing landscape present on site including the existing trees and these have been retained as part of the proposed development.
- 6.81 The layout of the proposed development has been strongly influenced by the existing landscape present on site including the existing trees and these have been retained as part of the proposed development.
- 6.82 There would be no loss of trees and 3 veteran trees will have appropriate stand offs. Further to which the scheme provides for significant increases in hedgerow planting across the site.
- 6.83 The existing hedge abutting Lodge Road is proposed for part removal to facilitate sight lines. Any loss that may be felt because of this removal can be mitigated through improved replacement hedgerow planting within the site along the frontage.
- 6.84 The proposals include orchard planting and additional tree planting as well as new hedging and wildflower planting to deliver a positive impact to the area and a diverse habitat. The scheme will include woodland planting to the south west of the site. The proposal will be to submit this to The Queen's Green Canopy initiative. Mactaggart & Mickel also propose to work towards receiving an 'excellent' accreditation for the Building with Nature standards in the future.
- 6.85 In line with Policy CC03 of the Core Strategy, Policy TB23 of the MMD and Objective 5.6 of the Hurst Design SPD, the wooded site boundaries will be protected by an appropriate buffer zone of 12m. The appellant's view is that there would be no adverse impact on trees and hedgerows or to the character of the area.

Reason for Refusal 7

- 6.86 This Reason for Refusal (RfF7) states that:

“The application has failed to demonstrate the proposed development will have an acceptable impact on ecology and biodiversity by reason of the impact on protected species, wildlife and habitats, contrary to policy CP1, CP3 and CP7 of the Core Strategy, CC01 and TB23 of the MDD Local Plan and section 15 of the NPPF.”

- 6.87 This RfR references policies CP1, CP3, CP7, CC01, TB23 and the NPPF. It must therefore follow that WBC considered that in relation to RfR7, the application is compliant with all other policies relevant to the determination of this Appeal.
- 6.88 WBC’s view is that the proposals have not demonstrated an acceptable impact on ecology and biodiversity.
- 6.89 The 2021 Ecological Impact Assessment (EclA) submitted for the site confirmed that there are no statutory or non-statutory designated sites located within, or immediately adjacent to, the appeal site.
- 6.90 There are however a number of statutory designated sites which fall within 5km of the site, these include: Lodge Wood & Sanford Mill Site of Special Scientific Interest (SSSI), Lavells Lake Local Nature Reserve (LNR), Alder Moors LNR, Ali’s Pond LNR, Highwood LNR, Maiden Erleigh Park LNR, and Holt Copse & Joel Park LNR.
- 6.91 The nearest being Lodge Wood & Sanford Mill SSSI, which is located approximately 0.6km to the west of the site on the opposing side of the Lodge Road and open land, at its nearest point.
- 6.92 Non-statutory designated sites which are located within 2km of the appeal site, include: River Loddon (part) Local Wildlife Site (LWS), Lea Farm LWS, Lavell’s Lake LWS, Whistley Mill Farm Woodland/Copse LWS, Dinton Pastures Country Park LWS, Wood Near Hintonhatch Corner LWS, Sanford Fen Copse LWS, Alder Moors LWS, Berkshire Aviation Museum LWS, and, Norris’ Copse Bird Sanctuary. A proposed LWS (Land Adjacent to Vine Cottage, Hurst) is also located within 2km of the site.
- 6.93 The Loddon Valley Gravel Pits Biodiversity Opportunity Area (BOA) is located to the west of the site, on the opposing side of the Lodge Road, at its closest point. The Waltham to Binfield Woods and Parklands BOA is located approximately 300m to the east of the site, at its closest point.
- 6.94 In their consultation response, received 08.06.22, Natural England confirmed that in their opinion, the proposals would have no significant adverse impacts on any statutory designated sites, and therefore, held no objection to the proposals. In respect of non-statutory sites, it will further be demonstrated that the proposals will not significantly impact non-statutory sites, owing to both the distance/separation of such sites, as well as the appropriate mitigation (via condition) that could easily be incorporated for the site.
- 6.95 The ecological baseline of the appeal site itself is set out within the submitted EclA and is described as being primarily comprised of heavily grazed grassland of relatively poor species diversity, areas of rougher boundary grassland, as well as boundary hedgerows, treelines and

dry ditches. Small areas of bareground and ruderal vegetation are also scattered throughout the site.

- 6.96 Updated 2022 habitat baseline survey work corroborates the majority of the findings set out within the EclA. Where slight amendments have been found, this largely relates to the baseline condition of the grassland on site, which has been modestly increased to reflect the results of the 2022 survey effort, in addition to increased areas of ruderal dominated vegetation. Notwithstanding this, the broad habitat types and assessment as set out within the 2021 EclA remain, on the whole, robust and valid.
- 6.97 The post-development habitats, as shown on the Illustrative Masterplan and Green Infrastructure plan, where not taken up by areas of hardstanding/built-form will include for species-rich habitats concentrated mainly around boundary areas but also discreetly spread throughout the in-plot areas themselves. Additionally, new aquatic habitats (in the form of dual-purpose attenuation ponds and bioswale) and new hedgerow habitats will be delivered throughout the site. It is envisaged that the majority of post-development habitats on site will be managed sensitively in order to maximise their benefit to wildlife and ecology.
- 6.98 Notwithstanding the above, having assessed the appeal site through a draft Biodiversity Net Gain (BNG) Metric (V3.1), at present there is forecast to be an approximate -44% BNG net loss of habitat area on site, and a +73.50% BNG net gain of linear hedgerow units, when considered purely from a BNG perspective. The results of the onsite BNG modelling are appended to this SoC in **Appendix 24**, which contains:
- Graphics
 - o Eco1: BNG baseline (onsite)
 - o Eco2. BNG post-development (onsite)
 - Appendices
 - o BNG metric PDF (onsite only)
- 6.99 As Section 6 of the Environment Act 2021 is not yet in force, in order to remain compliant with both current and relevant national and local planning policy, the proposals would need to be shown capable of delivering a +1% BNG as a minimum. It will be shown that this is possible through the adoption of a suitable and robust BNG strategy for the site utilising suitable off-site solutions. The results of which will ensure that suitable mitigation is provided and secured in the long-term to mitigate for the impacts of habitats, on-site. There are currently two options for this, each of which is described below.
- Option 1 – Includes the conversion of over 9ha of currently poor quality arable (crop) land into large areas of connected ecologically valuable habitat. This will include for the creation of a mosaic of species-rich grassland and mixed native scrub planting. The site will be created and managed for a minimum of 30-years. The proposed BNG site is located in the adjoining LPA of Basingstoke and Deane.
 - Option 2 – Includes for 3 parcels of land located in the floodplain in the vicinity of the site. Indicative proposals include for the conversion of the land (currently fairly-species poor heavily grazed grassland) to species-rich habitats with emphasis placed on the encouragement of a ‘wetland’ style mosaic. Any habitat

enhancement plan will include for details on habitat creation as well as maintenance for a 30-year minimum period. The Option 2 land is located within the LPA of Wokingham.

- 6.100 Whilst current policy only requires a nominal (+1% BNG), it will be ensured that both Option 1 and 2 deliver in excess of +10% BNG, when accounting for on-site losses.
- 6.101 As of 30 September 2022, Part 7 (sections 117 – 139) of the Environment Act 2021 came into force. As far as this relates to the securing off-site BNG commitments, this means that it is now possible in England to enter into either a “conservation covenant”, or a section 106 planning obligation, in order to secure the delivery of off-site BNG, as such, ensuring that any losses associated with the development site, are appropriately mitigated for in full.
- 6.102 Option 1 is well progressed and will be secured as part of the appeal process with habitat creation to be delivered subject to the approval of planning permission. As such, Option 1 is currently considered to be the most appropriate route to ensure BNG is delivered. Notwithstanding this, Option 2 does remain a valid alternative source of off-site BNG and is included as an example to show that multiple sources of off-site BNG are easily achievable for the site.
- 6.103 Full information regarding both the on-site habitats and off-site habitats (Option 1 and 2) will be provided in forthcoming documents and / or provided in response to a suitably worded planning condition. Notwithstanding this, it is proposed that discussions be held between the Appellant and local Council ahead of the forthcoming appeal inquiry, in order to discuss the BNG strategy for the site in more detail
- 6.104 Where losses of hedgerow will be experienced on site, they will be limited only to facilitate access requirements as well as visibility splays. Whilst some additional hedgerow loss is anticipated compared to that set out within the 2021 EclA, through the adoption of replacement planting on site, this will be off-set in full with a betterment provided.
- 6.105 Surveys for species have been undertaken across the site. The results of which have confirmed the presence of foraging and commuting bat species (albeit mostly dominated by more common and widespread species, or more notable bats only being recorded in smaller numbers), these surveys are being bolstered by additional 2022 survey work. Badger commuting activity was recorded on site, albeit no potential setts or breeding behaviour was recorded. The hedgerows and mature trees are of some value to nesting birds and the habitats on site would likely support a number of invertebrate species, albeit the majority of the more valuable features are limited to boundary areas set to be retained. There are no permanent ponds or waterbodies on site and the ditches are recorded to dry frequently. As such, there are not considered to be any suitable Great Crested Newt (GCN) breeding opportunities within the site and the horse grazed pasture, which comprises the majority of the site, is considered to be sub-optimal for the majority of the year. 2022 surveys for reptiles confirmed that this species group remain absent from the site.
- 6.106 Whilst it is considered that there remains opportunity for small scale impacts on foraging and

commuting bats through light spill and boundary habitat loss, it will be shown that with appropriate mitigation secured via way of an appropriate condition and the adoption of the proposed landscaping measures, adverse impacts will be sufficiently mitigated for.

Furthermore, through the installation of various bat boxes (details of which can be secured via an appropriately worded planning condition), enhancements to roosting opportunities for bats can be delivered.

- 6.107 In regard to other protected or notable species recorded on site, or within the local area, it will be demonstrated that through the adoption of suitable mitigation (secured via a suitably worded planning condition), any potential adverse impacts will be mitigated for. This will also be guided by the results of updated 2022 survey work, where required.

Reason for Refusal 8

- 6.108 This Reason for Refusal (RfF8) states that:

“The application fails to demonstrate that the proposed vehicle access, highway alterations and overall development would have an acceptable impact on highway safety, contrary to policies CP1, CP2, CP3 and CP6 of the Core Strategy 2010, Policy CC07 of the Managing Development Delivery Local Plan, Borough Design Guide Supplementary Planning Document 2012, and sections 9 & 12 of the NPPF.”

- 6.109 This RfR references policies CP1, CP2, CP3, CP6, CC07, the Borough Design Guide and the NPPF. It must therefore follow that WBC considered that in relation to RfR8, the application is compliant with all other policies relevant to the determination of this Appeal.

- 6.110 Policy CP6 of the Core Strategy addresses the transport and highway impacts of proposed developments. A Transport Strategy has been prepared by Motion and was submitted with the application an update was submitted prior to determination, which summarised a safety audit, but we note that it is not commented on in the Officers Report. However, at the time of determination discussions with WBC Highway officers were ongoing and modelling work commissioned by the Appellant was still awaited from WBC.

- 6.111 This Statement analyses the suitability for approximately 200 dwellings to be built on the site and confirms that there would be no adverse impact on the highway network as a result of the proposals.

- 6.112 The site will be accessed via a ghosted right turn priority junction located to the north of the existing gate access, which will be closed off and landscaped. Turning traffic at this junction will serve to reduce vehicles speeds along Lodge Road.

- 6.113 The layout of the proposed development has been designed to ensure safe and suitable access for pedestrians and cyclists as well as to ensure routes into the site connect with existing walking and cycling networks. Integration and providing legible links have always been a key part of the design rationale for this scheme. The revised proposals also include clear connections to link the site to the existing footway to the north along Lodge Road. A potential additional safe crossing is also proposed across Lodge Road, in the vicinity of the

site access to link to the permissive path west of Lodge Road. The pedestrian route along the southern part of Tape Lane is also proposed to be improved by cutting back overgrown vegetation.

6.114 The Highway evidence will demonstrate that:

- A safe and efficient highway access to serve the development has been designed to DMRB and the Borough Design Guide SPD standards and has been subjected to a satisfactory safety audit;
- Highway safety will be enhanced by relocating the existing 30/40 mph speed limit from north of the proposed access to the south of the proposed site access to the benefit of speeds entering Whistley Green;
- Development of the site will enhance safe pedestrian and cycle facilities enabling more use of existing footways and footpaths to the benefit of both villagers and residents of the Appeal site;
- Junction modelling, based on surveyed traffic counts, and the WBC WSTM4 traffic model confirms that there will be no safety issue related to the proposed site access or offsite traffic impact.

6.115 This will demonstrate compliance with policies CP1 and CP6.

Reason for Refusal 9

6.116 This Reason for Refusal (RfF9) states that:

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

6.117 The Appellants agree to the inclusion in the S106 Agreement (or Unilateral Undertaking) of an obligation to secure opportunities for training, apprenticeships and other vocational initiatives to develop local employability skills.

6.118 The S106 / UU will be submitted in advance of the Inquiry which will remove RfR9.

Reason for Refusal 10

6.119 This Reason for Refusal (RfF10) states that:

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

6.120 The Appellants agree to the inclusion in the S106 Agreement (or Unilateral Undertaking) of an obligation to secure the delivery of affordable housing in accordance with the requirements set out by the Housing Officer (**Appendix 10**).

6.121 The S106 / UU will be submitted in advance of the Inquiry which will remove RfR10.

7. RESPONSE TO THIRD PARTY COMMENTS

7.1 This section provides a response to third party representations made in relation to the Appeal Scheme.

Hurst Parish Council

7.2 Hurst Parish Council (HPC) objected to a number of matters. The Appellant's response to HPC's objections is provided in the Table below:

Hurst Parish Council Objects	Appellant's Response
Conflict with the development plan which is considered to be up to date	The Core Strategy pre-dates the NPPF and the MDD was adopted shortly after the publication of the first NPPF. WBC can no longer demonstrate a five year supply of housing land and therefore the policies of the development plan which relate to housing delivery and settlement boundaries are considered to be out of date and carry less weight in planning decisions.
WBC has a 5 year housing land supply	Section 5 has demonstrated that there are now numerous appeal decisions where it has been successfully demonstrated that WBC no longer maintains a five year supply of housing land which has also been acknowledged by the WBC Administration in relation to the St Anne's Drive Appeal (see Appendix 21).
The proposals fall outside the settlement boundary and in the countryside and not an allocated site nor an emerging site allocation	It is accepted that the Appeal Sites is outside the settlement boundary and is not allocated for housing. However, it does abut the settlement boundary and is considered a suitable and accessible site to meet housing need. Further to which as WBC can no longer maintain a five year supply of housing land as demonstrated in numerous recent appeal decisions, and as such the tilted balance applies and three Inspectors decisions to date, have found the policies related to settlement boundaries to be out of date.
WBC have over delivered on their housing supply	WBC can no longer maintain a five year supply of housing land as demonstrated in numerous recent appeal decisions, and as such the tilted balance applies. Notwithstanding the above, any 'over supply' in recent years as the Strategic Development Locations were delivering, followed a

Hurst Parish Council Objects	Appellant's Response
	significant period of under supply in the early and middle parts of the Plan period, which required delivery to catch up.
Scale, mass and density of development is unacceptable	The application is summited in Outline only for approximately 200 homes. The overall site area is 10.68 hectares equating to a density of c19 dph, as set out in detail in the Design and Access Statement (see page 73). This is an entirely appropriate density given the location of the Appeal Site. The Design Appeal Statement in Appendix 2 responds to the points raised and provide evidence to justify the assessment.
Development does not integrate into the surrounding	The Appeal Site is surrounded on three sides by housing and is centrally located in the settlement of Hurst. Whilst layout is to be determined at the Reserved Matters stage, it will be entirely possible for the layout to integrate with the surrounding residential area. The LVIA (in Appendix 12), the LVIA Appeal Statement (in Appendix 3) and the Design Appeal Statement in Appendix 2 respond to the points raised and provide evidence to justify the assessment.
Development does not take into account existing facilities and services	The Appeal Scheme will support the existing local services and facilities in Hurst including the primary school, community hall, sports facilities (cricket pitch and football pitch), post office, bakery, general store, church and two local pubs. Reference is made to the recent Sawpit Lane appeal decision (in Appendix 14), where the Inspector considered the facilities and services in allowing the Appeal.
Site contains best and most versatile agricultural land	Contained in Appendix 23 to this SoC is an Agricultural Land Considerations report prepared by Reading Agricultural Consultants which confirms the site is suitable for development.
Flaws in the LVIA and impact on character and appearance of the area	The LVIA (in Appendix 12) and the LVIA Appeal Statement in Appendix 3 respond to the points raised and provide evidence to justify the assessment.
Loss of trees and hedgerow including 'ancient' hedgerow on Tape Lane	There will be no loss of trees and the RPA of all trees will be protected, with three identified Veteran Trees having appropriate standoffs. The hedgerow on Tape Lane has been assessed in two arboricultural reports and the replacement of parts of the hedge is assessed as being beneficial.

Hurst Parish Council Objects	Appellant's Response
Loss and fragmentation of green infrastructure and diminishing gap between Hurst and Whistley Green	The LVIA (in Appendix 12), the LVIA Appeal Statement (in Appendix 3) and the Design Appeal Statement in Appendix 2 respond to the points raised and provide evidence to justify the assessment.
Impact on tranquillity	The Appeal Site is located centrally in Hurst and surrounded on three sides by housing and two roads. Further to which there is no public access into the site at present.
Impact on protected species including bats and birds and Great Crested Newt foraging habitat	<p>The majority of features considered to be most greatest value to bats and birds are located around the boundaries of the site, which are to be almost entirely safeguarded. Where impacts will be realised for access and visual reasons etc, the landscaping design of the scheme will provide suitable mitigation.</p> <p>Suitable mitigation secured via way of an appropriately worded planning condition will ensure that the potential for impacts on any other protected species are mitigated for.</p>
Location between three DEFRA National Nature Recovery Network Enhancement Zones 1 and is designated as a DEFRA Habitat Network Expansion Zone 3	The location of the site has been considered as part of the Ecological Assessment and will be taken into account as part of the appropriate Biodiversity Net Gain modelling / strategy for the site.
Ecological value of grassland and wildlife corridors	The grassland (and site as whole) has been subject to rigorous survey work across both 2021 and 2022. The results of which will be included as part of appropriate Biodiversity Net Gain modelling and strategy for the site. In any event, the proposals for the site will look to retain and enhance better quality boundary areas and features located within the site, thereby ensuring opportunities for wildlife dispersal within the site are provided.
Exacerbating flooding and drainage problems	The LLFA removed their objection
Unsustainable, poor cycle, walking (which doesn't meet disability	The Appeal Site is in a sustainable location with access to services and facilities within the Hurst, and access to a wider range of facilities in nearby higher order settlements which are accessible by public transport. Indeed, the Inspector for the Sawpit Road appeal

Hurst Parish Council Objects	Appellant's Response
needs) and bus provision	decision (in Appendix 14) accepted that the location offers potential for public transport accessibility.
No genuine sustainable transport modes which will increase car journeys on rural roads and impact on air quality	The Appeal Site is in a sustainable location with access to services and facilities within the Hurst, and access to a wider range of facilities in nearby higher order settlements which are accessible by public transport. Indeed, the Inspector for the Sawpit Road appeal decision (in Appendix 14) accepted that the location offers potential for public transport accessibility.
Hurst has a basic range of facilities	Hurst is supported by a good range of local services and facilities including the primary school, community hall, sports facilities (cricket pitch and football pitch), post office, bakery, general store, church and two local pubs. The Appeal Scheme will support the future viability of these facilities.
Twyford station is not accessible	Twyford Station is accessible by bus from Hurst and is within a 9 minute pedal cycle ride. The increased use of e-bikes will further encourage cyclists. There is a good network of footpaths linking Twyford.
Loss of vegetation on Lodge Road for visibility splays and access	The LVIA Appeal Statement in Appendix 3 responds to the points raised as does the Arboricultural Appeal Statement (see Appendix 4) and the Ecology commentary above. There will be significant hedgerow planting to replace any hedgerow required to be set back as well as significant hedgerow planting within the site as shown on the Green Infrastructure Plan.
TRICS database sites used are not comparable	As set out in the Transport Appeal Statement (Appendix 5) and the submitted reports (listed in Appendix 17 and contained in Appendix 18) highway modelling work was being undertaken using WBC's model during the determination period and concluded post determination. The SoCG will address this matter in due course.

- 7.3 These matters have all been addressed in either the Planning Statement, statutory consultee responses (including WBC Highways), the Officer Report or this Statement of Case (including the appendices), however we reserve the right to provide additional information should Hurst Parish Council provide further detail or objection in relation to these or any new points. We also refer to the Sawpit Road Appeal Inspector's comments regarding sustainability and access to facilities in particular (see **Appendix 14**).

Other Representations

- 7.4 402 letters of objection were received, many repeating commentary set out in the HPC Objection and the Appellant's response is not duplicated. A summary is provided in the Officer Report (**Appendix 10**).
- 7.5 42 letters of support were received with the following comments:
- Hurst has ample space for the development;
 - The objections are not valid;
 - Good for jobs and businesses;
 - It will help people who want to buy in the area;
 - The development will bring new people into the area;
 - It will help support local businesses;
 - The field is surrounded by houses;
 - The development will result in affordable homes;
 - The site is a logical extension to the village;
 - More homes are needed in the area; and
 - There has been a lack of new homes in the area.

8. HEADS OF TERMS

8.1 The following list comprises the anticipated S106 planning obligations associated with the Appeal proposals. The detailed scope, including delivery mechanisms, timing, provision of land (in kind contributions) and financial contributions will be agreed with WBC prior to the Inquiry or will be addressed through a Unilateral Undertaking if required.

- Affordable Housing;
- Skills Training;
- SUDs maintenance and management;
- Formal sports provision;
- Community Facility;
- Off-site Highway Improvements;
- Off-site BNG;
- Travel Plan; and
- Landscape maintenance and management.

9. PLANNING BENEFITS

9.1 The Appeal Scheme is in accordance with planning policy and will deliver a number of planning benefits including:

Environmental

- Creation of a high quality and sustainable environment opening up what is currently private land creating easy access for all new and existing residents to high quality public open space and amenities;
- Electric charging points for all homes;
- Enhanced mature landscape boundaries with new planting for amenity and ecological benefit;
- A site wide sustainable urban drainage system;
- Development of this site will reduce the need to release Green Belt land for development in the short-medium term; and
- Biodiversity Net Gains.

Social

- The delivery of a wide mix and choice of new homes to satisfy local needs and aspirations. This is likely to comprise 1, 2, 3 and 4 bedroom homes;
- The delivery of 40% on-site affordable housing to make a significant contribution to meeting local need;
- The provision of significant new amenity space including a tennis court and changing facilities, local equipped area of play and outdoor trim trail for new and existing local residents to us;
- Opening up connections for pedestrians and cyclists to connect into the wider network including to Dinton Pastures Country Park;
- Provision of parking for the existing allotments; and
- 5% of homes delivered will be wheelchair accessible.

Economic

- The delivery of approximately 200 new homes in a sustainable location which will make a significant contribution to meeting the Borough's housing need and contribute to WBC's five years housing land supply;
- Generation of around £6 million of financial contributions through CIL payable to WBC which can be utilised to support highway improvements, local community and social infrastructure, green infrastructure, public services and education;
- Through the S106 Agreement a contribution will be made towards the local economy;
- Through the construction, a number of jobs will be created;
- Through the new homes, a New Homes Bonus will be available to spend providing new infrastructure or improvements by WBC; and
- Council tax will also result from the new homes helping to fund local services.

10. SUMMARY OF THE APPEAL CASE

- 10.1 This Appeal Statement of Case has been prepared by Alyson Jones of Boyer Planning on behalf of Mactaggart & Mickel Homes England Ltd in response to the decision of WBC to refuse planning permission for outline planning permission for the development of approximately 200 homes, open space, pedestrian and cycle links, recreational facilities and other associated infrastructure and primary vehicular access via the existing Lodge Road gated access with required improvements.
- 10.2 The Appeal Scheme was subject to an EIA Screening Request and subsequent Opinion from WBC and public consultation.
- 10.3 The application was refused under delegated authority by the Planning Officer.
- 10.4 This Statement of Case sets out the Appellant's case and responds to WBC's reasons for refusal. The Appellant's position is summarised below.
- 10.5 Reason for Refusal 1 alleges that the scheme's scale would be too great for the infrastructure and spatial objectives of the adopted Plan, but the Plan is out of date as far as housing need is concerned and the settlement of which the scheme would form a part if large, well connected and well served enough to absorb the proposed homes.
- 10.6 The site will deliver housing, including 40% affordable housing, on a site abutting the existing settlement boundary, in close proximity to services and facilities, as well as public transport.
- 10.7 The most important policies for the determination of the Appeal (i.e. Policies CP9, CP11 and CC02) are out-of-date and will therefore carry less weight in the planning decision.
- 10.8 Reason for Refusal 2 alleges that the application results in the development of an area of Best and Most Versatile grade 3a agricultural land without justification. Reading Agricultural Consultants report, appended to this Statement of Case, demonstrates and justifies the loss of that part of the site, that is classified as Sub-grade 3a, in line with the statements made in both the ES Screening and the planning application.
- 10.9 Reason for Refusal 3 relates to WBC's opinion that insufficient information has been provided demonstrating that the sterilisation of mineral deposits is acceptable. However, the site is not a preferred area for sand and gravel extraction and applications for extraction outside preferred areas would normally be refused.
- 10.10 Reason for Refusal 4 relates to WBC's opinion that the proposal would have a detrimental impact on the landscape and character and appearance of the area as a result of the quantum, scale, density and location and that it would erode the separation between existing villages and their rural setting. In relation to scale and density, this is an outline application with all matters reserved except for access. The Statement provides evidence demonstrating that there would not be an erosion between settlements and that the proposals would not have an adverse impact in the appellant's view.
- 10.11 Reason for Refusal 5 relates to WBC's opinion that the site is unsustainably located and would

not encourage a shift towards sustainable modes of transport due to its countryside location outside settlement limits with poor access to services and facilities, limited public transport links and poor walking and cycling. The Statement provides evidence demonstrating why the development location is sustainable and that it is appropriately served by services and facilities, as recognised by the Sawpit Lane Appeal Inspector.

- 10.12 Reason for Refusal 6 relates to WBC's view that the proposals do not demonstrate an acceptable impact on trees and hedgerows. This Statement and the appended Statements related to Landscape and Arboriculture and the Ecology commentary above demonstrates that there would not be an adverse impact as a result of the proposals. There would be no loss of trees and 3 veteran trees will have appropriate stand offs. Further to which the scheme provides for significant increases in hedgerow planting across the site.
- 10.13 Reason for Refusal 7 relates to WBC's view that the proposals would have an adverse impact on ecology and biodiversity. The Ecology commentary set out above demonstrates that there would be no significant adverse impacts (as per the Natural England consultation response).
- 10.14 Reason for Refusal 8 relates to WBC's view that the proposed access, highway alterations and overall development would lead to an unacceptable impact on highway safety. The submitted Transport Appeal Statement demonstrates that the proposals would be acceptable in relation to highway safety.
- 10.15 Reason for Refusal 9 relates to WBC's opinion that the proposal has failed to secure a Local Employment Skills. This RfR is expected to be removed prior to the determination of the Appeal as it can be fully addressed by a S106 Agreement or Unilateral Undertaking.
- 10.16 Reason for Refusal 10 relates to WBC's opinion that the proposal has failed to secure a affordable housing. This RfR is expected to be removed prior to the determination of the Appeal as it can be fully addressed by a S106 Agreement or Unilateral Undertaking.
- 10.17 The Appellant has addressed each of the reasons for refusal and it is the Appellants' case is that, as the most important policies related to the determination of the Appeal are out of date, as WBC does not have a five year housing land supply, that the Appeal should be allowed to enable the earliest redevelopment of this sustainably located site.

APPENDIX ONE – ALYSON JONES CV AND STATEMENT OF TRUTH

APPENDIX TWO – DESIGN APPEAL STATEMENT

APPENDIX THREE – LVIA APPEAL STATEMENT

APPENDIX FOUR – ARBORICULTURAL APPEAL STATEMENT

APPENDIX FIVE – TRANSPORT APPEAL STATEMENT

APPENDIX SIX – DECISION NOTICE

APPENDIX SEVEN – EIA SCREENING REQUEST

APPENDIX EIGHT – EIA SCREENING RESPONSE

APPENDIX NINE – OFFICERS REPORT

APPENDIX TEN – SITE TPO

APPENDIX ELEVEN – LODGE ROAD TPO

APPENDIX TWELVE – LVIA

APPENDIX THIRTEEN – SITE LOCATION PLAN

APPENDIX FOURTEEN – SAWPIT LANE HURST APPEAL

APPENDIX FIFTEEN – PLANNING HISTORY

APPENDIX SIXTEEN – ORIGINAL APPLICATION DOCUMENT LIST

APPENDIX SEVENTEEN – LIST OF DOCUMENTS AND PLANS SUBMITTED DURING DETERMINATION

APPENDIX EIGHTEEN – DOCUMENTS AND PLANS SUBMITTED IN RESPONSE TO REASONS FOR REFUSAL

APPENDIX NINETEEN – WBC HLS STATEMENT

APPENDIX TWENTY – HLS APPEAL DECISION

APPENDIX TWENTY-ONE – ST ANNE’S MANOR APPEAL UPDATE

APPENDIX TWENTY-TWO – WBC POLICIES MAP

APPENDIX TWENTY-THREE – AGRICULTURAL LAND CONSIDERATIONS

APPENDIX TWENTY-FOUR – ON-SITE BNG