

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 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).

APPEAL REFERENCE: APP/X0360/W/22/3309202

LOCAL PLANNING AUTHORITY REF: 220458

STATEMENT

OF

JOHN OSBORNE

JANUARY 2023

INTRODUCTION

- 1.1 My name is John Osborne and I have lived in Lodge Road, Hurst for over twenty years
- 1.2 I have a MSc in Management Studies from Brunel University, and a BSc Hons in Environmental Health from The University of Aston in Birmingham.
- 1.3 I am retired but have held the posts of Director of Environment for Bracknell Forest Borough Council, Deputy Director of Environment for Hampshire County Council, Project Director creating and delivering The Somerset Waste Partnership, and Project Director delivering the Bus Rapid Transit, a dedicated busway between Fareham and Gosport in Hampshire.
- 1.4 I am a member of The Hurst Village Society Committee. Hurst Village Society was founded in 1972, the object of the Society being *“to preserve and enhance the character of the parish of Hurst as a living community.”* The Society has 250 members, and I am the spokesperson on planning matters on behalf of the Committee.
- 1.5 Hurst Village Society made a written submission on 29th March 2022 to Wokingham Borough Council (WBC) objecting to the original outline planning application (Ref: 220458) by Mactaggart and Mikel Homes Limited. I understand that The Local Planning Authority has forwarded this to The Planning Inspectorate prior to this Planning Appeal Inquiry but for ease of reference I have attached it as Appendix A to this statement. Furthermore it is not my intention to refer to any of the matters included in that letter that have subsequently been removed from WBC’s reasons for refusal.
- 1.6 I make this statement in agreement with, and on behalf of, my colleagues on The Hurst Village Society Committee, and I believe all of the comments made therein to be true.

STATEMENT

- 2.1 “This country desperately needs more houses” is a commonly heard phrase which is frequently used to justify Whitehall mandated house building targets, and as a consequence, the presumption is in favour of development in respect of many planning decisions in England.
- 2.2 It would be very easy to shout NIMBY when people like myself, and many other local residents who I am sure will address this Inquiry, who own and live in houses in a peaceful, semi-rural, leafy location such as Hurst try to stop more houses being built there. It’s not that simplistic. People will always want to preserve the things they hold dear and it is not selfish to be concerned about villages such as Hurst losing their character and identity through a loss of landscape as well as natural habitats being concreted over to make way for a swathe of new housing.
- 2.3 I believe in the general principle that the planning system should be seen to be plan-led both at the national and local level. There appears to be agreement between the Appellant and the Local Planning Authority that because the Local Plan Update is at an early stage of preparation it will only have limited weight in the decision-making process of this Inquiry (and the national and local planning policies relevant to the determination of this Appeal are agreed within the Statement of Common Ground).
- 2.4 I am aware that although the Local Planning Authority is currently unable to demonstrate a five-year housing land supply, it has made the case that the number of houses built across the borough over the course of the past few years is in excess of the housing requirement for that period. It appears therefore that Wokingham Borough Council’s inability to demonstrate a five year housing land supply could be said to be “theoretical rather than a genuine failure” to build the required number of homes across the Borough. I respectfully request that this is borne in mind when assessing the public benefit element of ‘the tilted planning balance’.

- 2.5 I am concerned that an unintended consequence of what appears to be a temporary shortfall in the calculation of the housing land supply and in the scheme of things the relatively short delay in the adoption of the Local Plan, which is now expected by the end of 2023 could result in the permanent creation of a largescale urban-style development on a greenfield site that would be irreversible and damage the rural appearance and character of the village forever.
- 2.6 The residents of Hurst are well aware of the huge number of houses that have been built across the Borough in recent years and, in particular, the negative impact that the large estates built to the north of Wokingham have had on local infrastructure. Hurst already feels the direct effect of the marked increase in the number of cars and heavy goods vehicles that use the narrow and inadequate village roads on a daily basis. Residents have justifiable concerns about the adverse effect that this large new development will have on the volume of traffic through the village, on local schools, GP surgeries, hospitals and utility infrastructure at a time when public services are overstretched and councils have limited resources available.
- 2.7 Nevertheless the “tilted planning balance” does allow us as individual objectors the opportunity to support the arguments put forward by The Planning Authority and The Rule 6 Interested Party (Hurst Parish Council) that **the major adverse impacts significantly and demonstrably outweigh the benefits of this proposed development when assessed against the policies in the National Planning Policy Framework as a whole, such that the proposal DOES NOT represent sustainable development.**
- 2.8 Those adverse impacts can be summarised as:
- A devastating and irreversible impact on the landscape, character and appearance of the area. Hurst Village Society defined these development proposals as “speculative” when they were initially announced and that remains the same now. I believe the Local Planning Authority has referred to the proposals as the **“Wrong Development in the Wrong Location”**. I would respectfully suggest how can it be

described as anything else, by reason of the scale and density of proposed dwellings on the site.

- The proposals do nothing to “protect and enhance our natural, built and historic local environment” and the development cannot be considered to be “sympathetic to the local character and history, including the surrounding built environment and landscape setting.”

- 2.9 I am aware that the Appellant’s proposed drainage system has been agreed by Wokingham Borough Council and Thames Water and has been included in the Statement of Common Ground. I feel compelled however to request that the deficiencies in the local foul drainage infrastructure be given further consideration particularly in view of the known recurrence of flooding incidents that affect village residents.
- 2.10 Hurst is in the Wargrave Wastewater Catchment Area. A Wastewater Flow Capacity Report 2018 (Wokingham WCS Phase 1) commissioned by Wokingham Borough Council regarding site allocations in the Draft Local Plan states that “Wargrave Wastewater Treatment Works can accommodate up to 80% of the sites identified but would exceed its permit level should growth exceed this.”
- 2.11 The Thames Water Wastewater Network Assessment 2019, provided a view of existing network capacity (prior to future growth from allocated sites in the emerging Local Plan) and shows (Figure 6.1) that “Areas of least capacity for future growth include...Twyford south of the railway line and Hurst.”
- 2.12 It is well recognised that the capacity of the Broad Hinton pumping station to the north of the village can be exceeded and that it can be overwhelmed at times of heavy rainfall. Residents in the areas of Sawpit Road, Martineau, Lodge Road, Whistley Green and Broadwater Lane are well aware of the warning signs in their own homes that the drainage system is failing when WCs back-up and are unusable. The area of most impact is on Broadwater Lane which has a known, recorded history of recurrent flooding incidents requiring road closures for several days as a mixture of surface water and sewage

floods the road and residents gardens. Sandbags have been issued by WBC on occasions to prevent internal flooding of residents' homes. The last two severe incidents occurred in 2014 and 2021, the former was included in the WBC Flood Investigation Report of 2016. The Environment Agency and Thames Water have stated that alleviating flood risk to properties in Hurst would require a capital works scheme that would be highly unlikely to be economically viable.

The situation is made more critical by the fact that a Licence Continuation permits the discharge of 80 tons of toxic leachate from the Whistley Court and Lea Farm Hazardous Waste Site to be discharged into the public wastewater drainage system at Lodge Road via manhole cover 2081.

2.13 The Appellant's proposed foul waste drainage scheme may be within the capacity of the Broad Hinton pumping station when normal conditions prevail but not at times of heavy rainfall when the overall load to the pumping station is increased by surface water ingress. If the capacity of the pumping station is not improved then the increased amount of foul water coming from the proposed development is certain to overwhelm it, increasing the frequency and severity of flooding affecting residents. There is written confirmation from Thames Water that "the law recognises that we shouldn't be held responsible for the damage caused by these events...we are only responsible for damages if the flooding results from our negligence and cannot be expected to design a network that can cope with every eventuality." This gives those residents already facing inevitable further episodes of flooding affecting their homes, no comfort at all for the future if this proposal is approved.

Thank you for the opportunity to contribute to this Inquiry.

John Osborne, January 2023

APPENDIX A

Letter of Objection from Hurst Village Society to Wokingham Borough Council

E-Mail; Development.Control@wokingham.gov.uk

For the attention of the Case Officer; Planning Application; 220458

29th March 2022

Dear Sir/Madam,

Re; Land East of Lodge Road, Hurst RG10 0EH. Outline application for the proposed development of approximately 200 homes, open space, pedestrian and cycle links, recreational facilities (Use Class E) and other associated infrastructure and primary vehicular access via the existing Lodge Road gated access with required improvement (all matters reserved except for access).

Whilst as always Hurst Village Society (HVS) is grateful for the opportunity to comment on this application; for the avoidance of doubt, HVS is totally opposed to the proposed development as outlined in this application and wishes to register the most strenuous of objections to the proposals, and fully supports and endorses those objections submitted by The Hurst Parish Council and numerous other individual local residents. It is to be hoped that Wokingham Borough Council (WBC) acting in it's role as The Local Planning Authority recognises the strength of feeling in the local community in raising objections, based on material planning considerations, to these inappropriate and unacceptable development proposals and refuses this outline application.

HVS is aware that this is an outline planning application, and that it is therefore primarily to determine whether the development proposals, including the access are acceptable in principle or not. However because of the lack of clarity and certainty in the application details eg "development of approximately 200 homes" and "primary vehicular access" (the use of the word "primary" could be interpreted as implying there may well be a "secondary" or even "tertiary" access) it is, HVS would suggest, very difficult for WBC to make any decision other than to refuse the application based on such uncertain information.

The quality, accuracy, reliability and relevance of much of the data included in the many documents supporting the application is questionable and therefore raises the question as to how much weight can properly be given to arguments put forward based on such information.

It is accepted that the Applicant did properly undertake a programme of community engagement as part of the pre-submission work for the planning application as outlined in the Statement of Community Involvement, and HVS, again quite properly, in our opinion, fully engaged in this process. However, because of perhaps “the speculative” nature of the original proposals, this process failed to attract a large, and therefore representative number of local residents, resulting in a very low response rate to questionnaires and other information gathering exercises, hence undermining the value, in terms of how representative of the views and aspirations of the local community, of such data, subsequently quoted in shaping and refining the development proposals included in the application. By way of contrast, two 2 hour Drop In sessions held under the banner “Say No to 200 Houses In Hurst” attracted 140 local residents eager to fully understand the details of the application and to raise their concerns against these development proposals.

HVS considers that the application does not comply with many of the National and Local Planning Policies against which the proposals have to be determined. The following detail gives a snapshot of the evidence available to support this statement. It is not accepted that this application satisfies the three objectives in Paragraph 8 of The National Planning Policy Framework (NPPF) eg Economic, Social, and Environmental as it fails to provide evidence as to how the proposals will “help to build a strong and competitive economy”, “support strong, vibrant and healthy communities” and “to protect and enhance our natural, built, and historic environment”. The application would appear to be in direct conflict with the Government’s statement that planning policies should aim to ensure that developments “Are sympathetic to local character and history, including the surrounding built environment and landscape setting”.

The proposed development is not within the Local Development Limit and WBC’s policy CP11 of the Core Strategy states very explicitly that “proposals outside of the Development Limit will not normally be permitted” unless by

exception, specific conditions are met. These proposals do not meet any of these exceptions. As such these proposals introduce an urbanised development onto a greenfield site in designated countryside, outside the development limit and should be refused on these grounds alone. HVS is of the opinion that this application conflicts with the current WBC Local Plan which remains in force until 2026 and NPPF guidance is clear that applications must be determined in accordance with the Local Plan and that those, such as this application, that conflict should be refused. The Draft Local Plan Update did not include this site in its list of sites suitable for development because it “would be inappropriate to the existing settlement form, pattern and character of the landscape”.

HVS has noted that the applicant has questioned the ability of WBC to meet its required deliverable housing supply over the next five years implying that many of the local planning policies, against which this application will be determined, will be out of date and therefore will carry little, or no weight. The local community will of course be beholden on WBC to strenuously refute this accusation in order to ensure proper weight can be given to all relevant policies with which this application conflicts.

The Supplementary Planning Document, A Design for Hurst, (which is a material consideration) and which outlines a variety of objectives for new residential development within the village, would also support the refusal of this application in that is very clear in Objective 5.1 – that open views and vistas need to be retained as far as possible, Objective 6.1 – consideration should be given to existing wildlife corridors, and where appropriate create new ones and 11.6 – the character and housing density of the surrounding area is an important factor in considering the impact of new development on its surroundings. The latter objective is particularly relevant when even at this Outline Planning Stage the density of dwellings proposed is too large for a countryside location such as this and represents over development.

HVS strongly refutes the statement in the application “that there would be no adverse impact on the highway network of the proposals” and would suggest that the Transport Assessment underestimates the number of vehicles entering and leaving the site and does not appear to take into account tradesman and service vehicles. Clearly WBC’s Transport and Highways Engineers will examine

and analyse all the figures quoted in the report in detail and make the necessary comparisons with relevant National data and computer models. Concerns over the proposed “primary vehicular access” were raised at the beginning of this letter but the design of the junction of the proposed access with Lodge Road; a ghost island/lane, is considered to be totally inadequate and potentially unsafe even after the provision of lengthy visibility splays along Lodge Road. The Society is concerned that contrary to what is said in The Transport Assessment the proposed provision of pedestrian routes and cycle ways within and across the site do not safely link to a wider network of safe routes for cyclists and pedestrians.

Contrary to the comments in The Flood Risk Assessment there is anecdotal local evidence to suggest that areas of this site regularly flood in times of excessive rainfall, and that the network of SuDS features including detention basins and swales will be insufficient to negate the risk of surface water flooding on or off site. The Thames Water sewerage pumping stations in Hurst are known to already be at full capacity as a result of which at times of heavy rainfall they can fail and the sewers can be overwhelmed resulting in flooding along Broadwater Lane and the wider area. Because there is a combined sewer system in the area, foul sewage from kitchens and toilets mixes with rainfall so that if sewers are overwhelmed, sewage can overflow from manholes and road gullies onto land and into rivers and in the worst cases, sewage can even flood homes. In terms of wastewater management Thames Water has rated Hurst as an area of High Concern with very limited capacity, and the current sewerage network requires more extensive upgrades/ reinvestment and where any new development requires early engagement with them. Thames Water has calculated that the necessary remedial action to increase the capacity of the wastewater drainage system in Hurst would require a capital investment in the region of £25,000,000. The viability of the drainage system in Hurst is made worse as a result of the licence that is in place to allow 85 tons of toxic leachate per day from the Whistle Court and Lea Farm Landfill Site to enter the public wastewater drainage network in Lodge Road. It is hard to equate this information to the pre-planning confirmation of sufficient capacity by Thames Water based on information supplied to them by the applicant and HVS therefore believes it is imperative that The Planning Authority properly consults with Thames Water and The Environment Agency to ensure to the satisfaction of local residents whether or

not water management represents a serious impediment to any progress of this outline application. Nevertheless because of the very real risk, as has been shown by recent events, that the drainage network will be overwhelmed resulting in the potential flooding of existing residents homes this application cannot be seen to comply with the National Planning Policy Framework.

HVS is concerned that The Ecological Report fails to recognise the true biodiversity and ecological value of this site, and because of the close proximity to various Natural England projects it is hoped that they have been properly consulted on the proposals not least to confirm that any appropriate action has/will be initiated in order to properly identify any protected species, which inhabit the site or adjoining land.

HVS fully supports the concept of Planning Balance where it is applied correctly, but is not persuaded by the arguments put forward by the applicant under this heading in The Planning Statement. The economic, social, and environmental benefits associated with the development cannot be regarded as “significant” and therefore most definitely do not outweigh the harmful effects of the development, which in the Society’s opinion have either been grossly underestimated or omitted entirely and so the application should be refused.

Hurst Village Society hopes that these comments are helpful to the Planning Authority in their determination of this application.

Yours faithfully,

John Osborne, on behalf of The Hurst Village Society