



Appeal Decision

Site visit made on 26 November 2019

by Patrick Hanna MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 January 2020

Appeal Ref: APP/X0360/W/19/3235895

Land south of Reading Road and Arborfield Road, east of Chestnut Crescent, west of the River Loddon, Shinfield

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by the University of Reading against the decision of Wokingham Borough Council.
 - The application Ref 181631, dated 24 May 2018, was refused by notice dated 26 February 2019.
 - The development proposed is change of use of 21.7 hectares of land from agricultural use to informal recreation ("Suitable Alternative Natural Greenspace SANG") and associated infrastructure including pedestrian and vehicle access, a car park, footpath network and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of 21.7 hectares of land from agricultural use to informal recreation ("Suitable Alternative Natural Greenspace SANG") and associated infrastructure including pedestrian and vehicle access, a car park, footpath network and landscaping at land south of Reading Road and Arborfield Road, east of Chestnut Crescent, west of the River Loddon, Shinfield in accordance with the terms of the application, Ref 181631, dated 24 May 2018, subject to the conditions in the attached schedule.

Procedural Matter

2. The proposed "SANG" is not connected to any specified housing development and there are no firm details of what it might be mitigating. The appellant's statement is clear that the appeal proposals are for an application that merely 'allows for' the creation of what is in effect an addition to publicly accessible green infrastructure, and if the proposed "SANG" cannot adequately address impacts on the Thames Basin Heath Special Protection Area (SPA) then the housing applications that seek to rely upon it would be refused, having been subject to their own Appropriate Assessment. I therefore concur that whether it ultimately becomes a SANG is not a matter before me and I have therefore considered this appeal as being primarily for the change of use of land to recreational use, along with the associated operational development proposed.

Main Issue

3. The main issue is whether or not the proposed development would allow continued recreational use in the event of flooding.

Reasons

4. The appeal site comprises low-lying agricultural land, with field boundaries defined by lines of mature trees and hedging. The appeal site is identified as being predominantly within Flood Zones 2 and 3, with the River Loddon forming the south-eastern boundary of the site, and with gentle incline in levels up to the settlement of Shinfield bounding the west. The effect of the proposal would be to facilitate open access to members of the public through provision of carparking and a network of footpaths, as a proposed extension to the existing Langley Meads SANG which is located to the immediate south.
5. The Planning Practice Guidance (PPG) on Flood Risk and Coastal Change identifies 'amenity open space' as being water-compatible development. Consequently, the proposed change of use would be appropriate development in any flood zone, compliant with the PPG in terms of flood risk vulnerability and flood zone compatibility.
6. Notwithstanding this, in amplifying the reason for refusal, the Council clarifies that it is not satisfied as to the usability of the proposed "SANG" with reference to the frequency, depth and duration of flooding across the site. As a consequence, the Council doubt the ability of the appeal site to divert future residents, and their pets, of potential new residential development away from the SPA, where three internationally important species of rare bird (Dartford Warbler, Woodlark and Nightjar) nest on or close to the ground. However, whether it can be used as a SANG to mitigate the impacts of future development is something that will be for consideration should that scenario arise in the future.
7. Flood Zone 3 covers approximately 90% of the site, which suggests flooding will occur with a frequency of at least once every hundred years. However, local representations indicate that actual flood events are much more regular than this, with photographic evidence submitted of flooding at the existing adjacent SANG.
8. Hydrological modelling¹ of the wider area was carried out as part of the appeal into the Shinfield West appeal² in 2011 and has been submitted with the current appeal. That modelling considered the effects of flooding resulting from the Aborfield Road relief road (now constructed) bounding the north of the appeal site and flooding effects on the Langlands Mead (then Loddon) SANG bounding the south of the appeal site. Whilst the current appeal site was not specifically addressed, the modelling for Langlands Mead SANG indicates there could be two flood events per year of just over 1 day duration (covering 5.47 of 18.3 hectares); one event of 1 day and 16 hours (6.82 hectares); a 5% chance of 2 days and 8 hours (12.65 hectares); and a 1% chance of 3 days and 1 hour (15.57 hectares).
9. The modelling also contains floodwater extent and residence times in spatial and diagrammatic form, which partially cover the appeal site. Whilst not complete, these show less frequent flooding events than at Langlands Mead SANG (no inundation during Q0.5/Annual Exceedance Probability of 200%). When flooding events occur, they would initially be within the eastern part of the current appeal site, to similar maximum flood depths as at Langlands

¹ Letter and attached Notes G to I from Dr Andrew Clay, RPS group, dated 20 July 2011

² Appeal Decision Ref: APP/X0360/A/11/2151402 (Loddon SANG)

Mead, albeit with small pockets at higher levels, with rarer events seeing flood waters across the western part of the site.

10. The Secretary of State found no reason to conclude that the Shinfield West flood analysis was not rigorous, and I find no reason to disagree with that position. Although the Council state that no information has been provided to address their concerns, they do not dispute those findings. Whilst this evidence has some limitations, the weight I attach to this evidence insofar as it relates to the appeal site, is considerable. The modelling supports my site observations that both the appeal site and the Langlands Mead SANG exhibit broadly similar drainage characteristics, being boggy and waterlogged.
11. Therefore, whilst frequency, duration and depth of flood events across the entirety of the proposed "SANG" have not been fully modelled, no evidence has been presented to me that would suggest the proposal would be significantly different from the existing situation at Langlands Mead. Furthermore, submissions from the appellant suggest that the Langlands Mead SANG has been successful in attracting visitors, with an average of some 500 visits a week. Indeed even in the rainy and ground soaked conditions of my site visit, I saw a handful of walkers. I also note Natural England praise Langlands Mead as being a great example of a SANG which works for both people and nature.
12. Many third parties have commented that the flooded and waterlogged ground conditions affect usability of the existing SANG. However, the purpose of the existing and proposed facilities is not to provide an urban or sanitised outdoor experience, but to allow walkers to enjoy the outdoors in a semi-natural environment, as would be the case at the SPA. To my mind, this could include navigating waterlogged fields and footpaths after heavy rainfall, re-routing walks from familiar routes which are cut-off by flood waters, and negotiating cow dung and grazing cattle.
13. The proposed paths would offer the opportunity of keeping to higher ground along the west of the site (approximately 48.0 metres AOD) or, as part of Phase 2, exploring areas more prone to flooding along the riverside (approximately 42.0 metres AOD), with additional linkages to the existing SANG footpaths. These differences in levels and flood water attenuation would provide increased variety in natural habitats, thereby attracting greater range of wildlife, increasing interest for walkers, and contributing to the overall attractiveness of the proposed "SANG". Furthermore, given my above findings, inaccessibility due to flood events is likely to represent a relatively small proportion of each year.
14. Whilst the appropriateness or otherwise of the use of boardwalks is discussed by main and third parties alike, the proposed drawings indicate only gravel paths, and I have considered the appeal on that basis. Whilst ground conditions in particular places across the appeal site may benefit from elevated boardwalks, they are not absolutely necessary to make the development acceptable. Should boardwalks be subsequently proposed, the Council have indicated that they may require planning permission.
15. I see no reason why the high-quality recreational experience of Langlands Meads SANG cannot be extended into the appeal site to provide equally attractive routes, particularly in the longer term. Although Natural England state that the arterial Aborfield Road could act as a disincentive to walkers, this road is elevated above the fields and footpaths, thereby providing an element

- of separation. Alongside existing young boundary planting associated with the new road, which will mature in time, proposed clusters of planting along the northern boundary will further mitigate against any such disincentive.
16. Whether or not the proposed "SANG" is ultimately utilised for its intended purpose to prevent harm to the SPA, as opposed to use as a 'country park', will depend largely on the outcome of any future applications for residential development. Should future residential development seek to rely upon the "SANG", appropriate mechanisms to secure SANG objectives could be suitably achieved at that time.
17. I conclude that the proposed development would allow continued recreational use in the event of flooding. Consequently, in respect of the provision of a recreational area, I find no conflict with policies CP1, CP3, CP8 and CP19 of the Wokingham Borough Local Development Framework Core Strategy Development Plan Document (2010), policies CC01, CC03 and CC09 of the Wokingham Borough Development Plan Managing Development Delivery Local Plan (2014), policy 9 of the Shinfield Parish Neighbourhood Plan, the Wokingham Borough Council South of the M4 Strategic Development Location Supplementary Planning Document (2011), and saved policy NRM6 of the South East Plan Regional Spatial Strategy for the South East. Together these policies seek to avoid inappropriate development in areas at risk of flooding and to safeguard nature conservation interests, amongst other matters.

Other matters

18. As a standalone proposal which will provide recreational land for local residents, and being unrelated to any other proposals for residential or other development, the appeal proposal would not have a significant effect on the interest features of the SPA, either alone or cumulatively. Consequently, appropriate assessment is not required. Objections are raised concerning loss of flora and fauna, however, the evidence suggests that the proposal is expected to result in a net biodiversity gain. Permeability with the existing dwellings in Shinfield is already achieved via an existing right of way bounding the school, which would also link into the appeal site.
19. The access to the proposed car park has been assessed as being of acceptable standards by the Council. I see no reason to find otherwise. The car park is only intended to serve users of the proposal. As such, whether or not the car park falls within Flood Zone 3, use in flood events would be both self-policing and unlikely. Representations relating to residential development in the area, whether or not associated with the proposed "SANG", cannot be considered as part of the current appeal, which must be considered on its own merits.

Conclusion

20. A condition defining the plans is necessary for certainty. In the interests of highway safety, conditions are imposed relating to parking, visibility, surfacing, drainage, and security measures. To prevent increased risk of surface water flooding, details of the attenuation ponds are required. Details of pedestrian linkages to existing footpaths are necessary to improve connectivity and ensure accessibility. Archaeological investigations are necessary to preserve and record any historic features or artefacts. No evidence has been submitted to suggest that a construction method statement is necessary given the minor nature of the construction works. Pre-commencement conditions have been

agreed by the appellant in their submissions. Minor amendments have also been made to the wording of some conditions, and duplication removed, for clarity and to ensure accordance with the tests set out in paragraph 55 of the Framework.

21. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

Patrick Hanna

INSPECTOR

Schedule – conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: RG-L-01D (Masterplan); RG-L-03-01A (Field Boundaries); RG-L-03-2A (Pedestrian Gates and Path Details); RG-L-04-01B (Site Furniture); RG-L-04-02B (Boundary Treatments); RG-L-05B (Phasing Plan); RG-L-06A (Application boundary); A119-LM-100 P2 (Site Location Survey); A119-LM-101 P1 (General Arrangement); A119-LM-110 P1 (Vehicular Tracking); A119-LM-600 P1 (Materials Layout).
- 3) No development shall take place until a Written Scheme of Investigation shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions and:
 - i) the programme and methodology of site investigation and recording;
 - ii) the programme for post investigation assessment;
 - iii) the provision to be made for analysis of the site investigation and recording;
 - iv) the provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - v) the provision to be made for archive deposition of the analysis and records of the site investigation;
 - vi) the nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.No development shall take place other than in accordance with the approved Written Scheme of Investigation.
- 4) The development hereby permitted shall not be brought into use until space has been laid out within the site in accordance with the approved plans for 12 cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. That space shall thereafter be kept available at all times for those purposes.
- 5) The car park hereby permitted shall not be brought into use until details of cycle storage/parking shall have been submitted to and approved in writing by the local planning authority. The said cycle storage/parking shall be implemented in accordance with the approved details prior to the car park being brought into use, and retained thereafter.

- 6) The car park hereby permitted shall not be brought into use until visibility splays shall have been implemented in accordance with the approved plans. Thereafter, no structure or erection exceeding 0.6 metres in height shall be placed within the sight lines shown on the approved drawings.
- 7) The car park hereby permitted shall not be brought into use until the vehicular access has been surfaced with a bonded material across the entire width of the access for a distance of 10 metres measured from the carriageway edge, and once installed shall be retained thereafter.
- 8) The development hereby permitted shall not be brought into use until details of any CCTV and lockable height barrier shall have been submitted to and approved in writing by the local planning authority. The CCTV and lockable height barrier shall be installed in accordance with the approved details prior to the car park being brought into use, and shall be retained thereafter.
- 9) Development of the car park hereby permitted shall not begin until drainage details for the car park have been submitted to and approved in writing by the local planning authority. The details shall include car park levels, falls towards filter drain, storage volume calculations, and culvert capacity. The car park shall be formed in accordance with the approved details prior to the car park being brought into use, and shall be retained thereafter.
- 10) No above ground development shall take place until details of the attenuation ponds hereby permitted shall have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details, and once installed shall be retained thereafter.
- 11) Prior to Phase 2 being brought into use, details of pedestrian links from within the site to footpaths 5 and 6 shall have been submitted to and approved in writing by the local planning authority. Thereafter, development shall be carried out in accordance with the approved details, and shall be retained thereafter.

End of Schedule