



Appeal Decision

Inquiry held between 21 and 23 January 2020

Site visit made on 23 January 2020

by Mark Dakeyne BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 March 2020

Appeal Ref: APP/X0360/W/19/3238203

Land to the south of Cutbush Lane, Shinfield, Berkshire RG2 9AG

- 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 Bellway Homes and the University of Reading against the decision of Wokingham Borough Council.
 - The application Ref 181499, dated 24 May 2018, was refused by notice dated 25 June 2019.
 - The development proposed is full planning application for the erection of 249 dwellings, new public open space, landscaping, surface water attenuation, access and associated works.
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Decision

1. The appeal is allowed and full planning permission is granted for the erection of 249 dwellings, new public open space, landscaping, surface water attenuation, access and associated works at land to the south of Cutbush Lane, Shinfield, Berkshire RG2 9AG, in accordance with the terms of the application, Ref 181499, dated 24 May 2018, subject to the conditions set out in the attached schedule.

Procedural Matters

2. The proposed development falls under Schedule 2 Category 10 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 as an urban development project exceeding the thresholds and criteria in Schedule 2 of the Regulations. An Environmental Statement was submitted by the appellants following the obtaining of screening and scoping opinions from the Council.
3. The Environmental Statement complies with the above Regulations. The information provided is sufficient to enable the environmental impact of the proposed development to be assessed. The contents of the statement, comments received on it and all other environmental information submitted in connection with the appeal, including that given orally at the inquiry, have been taken into account in arriving at this decision.

Main Issues

4. The application was refused for four reasons. The Statement of Common Ground (SOCG) between the appellants and Wokingham Borough Council (WBC) records that three of the reasons for refusal are unlikely to remain as matters of dispute between those parties. Specifically, reason for refusal 2

relating to affordable housing has been withdrawn by WBC. It was anticipated in the SOCG that reasons for refusal 3 (lack of obligations for infrastructure and services) and 4 (mitigation measures relating to the Thames Basin Heath Special Protection Area (SPA)) would be resolved by the completion of a legal agreement under Section 106 of the 1990 Act (s106). A s106 was completed shortly after the close of the inquiry. I return to the s106 later in this decision.

5. Having regard to this background, the main issues in this appeal are:
 - (1) The effect of the three storey apartments, play area and pumping station on the character and appearance of the area; and,
 - (2) Whether the location of the play area and pumping station would create a safe environment.
6. SOS Save Our Villages Residents Group (SOV) have been given Rule 6 status in relation to the inquiry proceedings. SOV and others raise a number of matters which were not covered by the main issues. These matters were discussed at the inquiry and are dealt with in this decision.

Reasons

Planning Context

7. The appeal site comprises some 9.26 ha of improved grassland between the eastern edge of the existing built-up area of Shinfield and the Eastern Relief Road (ERR). Most of the site is contained by a drainage ditch and hedgerow on its southern side, but a small portion extends beyond the hedgerow. That part of the site to the north of the drainage ditch, where the housing would be built, is allocated for residential development by the Wokingham Borough Core Strategy (adopted January 2010) (CS) and the Wokingham Borough Managing Development Delivery Local Plan (adopted February 2014) (MDDLDP). Policy 1 of the Shinfield Neighbourhood Plan (SNP) includes the land to the north of the ditch within the defined settlement limits. The land to the south of the hedgerow, where a play area and pumping station would be located, is beyond the settlement limits.
8. The principle of the housing development on the northern part of the site is supported by Policy CP19 of the WBCS, Policy CC02 of the MDDLDP, the SNP and the 'South of the M4 Strategic Development Location (SDL) Supplementary Planning Document' (SPD). The play area and pumping station are subject to consideration against Policy CP11 of the WBCS, Policy CC02 of the MDDLDP and Policy 1 of the SNP which deal with proposals outside development limits.

Character and Appearance

Landscape Character

9. The appeal site straddles the Landscape Character Areas (LCAs) of the Loddon River Valley and the Spencers Wood Settled and Farmed Clay as defined by the WBC Landscape Character Assessment 2004. These LCAs provide a good baseline for the quality and character of the landscape as a whole with the latter recognising the suburban character of Shinfield and the other villages within the SDL. However, in undertaking a localised assessment of the site and its surroundings, the appellants note the strong relationship with adjacent housing developments and that the ERR now forms a new defensible edge.

Taking into account recent development, the majority of the appeal site has a low susceptibility to change, a low landscape value and, therefore, a low landscape sensitivity.

Three storey apartments

10. The SDL SPD sets out some design principles and character typologies for housing development within the SDL. The appeal site, as it lies on the edge of Shinfield, is shown as being suitable for the 'Village Residential' and 'Rural Interface' typologies. The former typology refers to occasional three storey development as a built form which would be acceptable at key corners and along important secondary streets.
11. Three storey apartments would be sited in two locations within the development within an area shown indicatively in the SDL SPD for 'Village Residential'. Two splayed blocks of apartments would face towards the fairly wide estate spine road where it turns south not far from the site entrance, framing a triangular area of open space. Two further blocks would be splayed at the intersection of a secondary street and east-west side road, framing a view towards adjacent countryside. Therefore, the three storey apartments would accord with the advice within the SDL SPD in terms of their location and would be appropriately sited within the layout.
12. The most recent development in the vicinity, on land to the north of Cutbush Lane, includes a number of buildings that exceed two storeys in height, including 2 ½ storey houses fronting the main approach route from the ERR. This route would continue across Cutbush Lane, into the appeal scheme, where it would become the spine road. As such there would be some continuity between the two developments in that taller buildings would front the main route through the combined housing area.
13. The apartment blocks would be bulkier and have longer continuous ridge lines than other buildings within the development and the taller buildings in the most recent development to the north of Cutbush Lane. However, the bulk would be broken up by the use of forward projecting balconies and robust vertical and horizontal bands in contrasting materials on the front elevations. The roof line would step down at one end of each block. From many viewpoints within the development the blocks would be seen obliquely and as part of a kinetic experience when passing through the development, and the articulation would be more apparent than shown by the elevation drawings. These elements would be assisted by the splayed form of the buildings.
14. There would be gaps between the end of the apartment blocks and other buildings to allow views of other parts of the scheme and glimpses of the countryside setting. The apartments would add to the variety of built form within the development and would not look out of place. The more contemporary form of the apartments, developed during discussions with the Council, would be more successful than the traditional design used on the bulky 2 ½ storey apartments in Monarch Drive off Cutbush Lane.
15. The roof tops of the apartments would be visible from the ERR and open countryside beyond. However, the higher buildings would form a relatively small component of the overall roofscape. Moreover, in some views the roofs would be seen against the backdrop of development on higher ground to the north. Parts of the apartment blocks on the spine road would be visible from

Cutbush Lane but the roofs would appear to be no higher than the intervening two storey development because of the fall in levels. The blocks would not appear as a continuous frontage, as houses fronting the spine road would break up the foreground. The three storey apartments would not appear discordant from viewpoints outside the development.

Play area and pumping station

16. The play area and pumping station would lead to the development encroaching into the northern section of the open field to the south of the proposed housing. This specific area of the local landscape has a greater sensitivity to change than the land to the north of the hedge but, because of the proximity of the ERR and the adjacent housing, is still in a range of low to medium sensitivity.
17. Whether or not the play area and pumping station would appear urban in character would depend to a great extent on the detailed design of the play area and the screening and softening effects that could be secured by landscaping. In this respect the appellants have developed indicative proposals showing predominantly timber play equipment with planting to the south and east of the play space. A Multi-Use Games Area previously shown, which would have had high metal fencing around it, would not now be included.
18. To my mind these revisions demonstrate an approach which recognises the rural edge location. The scheme would still include surfacing and other hard elements. However, views of the play area would be predominantly from the south and east where proposed and existing housing would form the backdrop. Landscaping would provide effective softening and screening within a few years as demonstrated by recent planting that has taken place alongside the ERR. The play area would be alongside a new footpath and cycleway which would run along the whole length of the southern field and which itself would have some urbanising effects.
19. Users of the permissive path would notice a significant change looking southwards. The visual effects are described as substantially adverse from this one receptor. However, the impacts would be very localised and over a short distance. Moreover, users of the footpath would be cognisant of the housing development to the north of the hedgerow.
20. I note that other play areas have already been located or are proposed on the edge of developments in the SDL. In some cases, these are sited beyond the development limits. That said, the effects on character and appearance vary. For example, the play area to the east of the Orchard Rise development in Three Mile Cross is separated from the open countryside by a hedgerow. In respect of this issue, each case should be considered on its own merits. The proposal before me would lead to a play area in a relatively conspicuous location but, for the reasons stated, it would not be intrusive.
21. The proposals to lower the hedge, referred to below, would make the houses beyond it more visible to those using the ERR and the countryside beyond. However, existing housing within Shinfield is already a characteristic of views looking west from the ERR. It would be more so when the northern field is developed. Proposed planting would soften the views over time and would create a less urban settlement edge.

22. The pumping station would be predominantly underground, albeit it would include a small kiosk and would be surrounded by a 2m high palisade security fence. The pumping station needs to be sited at the southern end of the development so that it can pump foul water up the slope towards the receiving treatment works to the north. This sort of utility infrastructure is not an uncommon sight at the edge of developments. It would be small scale, above ground elements would be dark green and it would be screened by planting encircling the fencing, and the existing and proposed landscaping nearby.

Conclusions on character and appearance

23. In conclusion, the three storey apartments, play area and pumping station would have acceptable impacts on the character and appearance of the area. The landscape and visual effects of the proposal would not be significant. The development would comply with Policies CP1 and CP3 of the WBCS and Policy 2 of the SNP and would be visually attractive in accordance with the National Planning Policy Framework (the Framework).

Safe Environment

24. The play area would be on the edge of the development but would benefit from surveillance from some 10 houses which would have their main front elevations facing south. In addition, people would pass along the permissive path between the hedgerow and the play area and the proposed pedestrian and cycle route which would link the development with Arborfield Road and the Suitable Alternative Natural Greenspace (SANG) beyond. The latest proposals show that the hedge between the houses and play area would be maintained at a height of about 1.2m. As the houses would be at a higher level, such management of the hedgerow would allow those occupying the houses to look over the play area.
25. The hedgerow is currently straggly and backed by brambles and scrub on its northern side such that at points along its length it is difficult to see through it. However, filling of the gaps and traditional layering of the hedgerow to a height of 1.2m and clearing the undergrowth would allow people to look over it whilst making it a more attractive feature. At the same time, it would retain its biodiversity value.
26. The Council's Play Space Design Guide recommends a buffer of 30m around a Neighbourhood Equipped Area for Play (NEAP) and Youth Space. The proposal would achieve the appropriate buffer whilst maintaining a reasonable degree of surveillance. The play area would also include a Local Area for Play (LAP) which are intended for younger children and require only a relatively small buffer of some 5m.
27. Integration of the play areas within the development rather than siting them on the edge would be an alternative option and is referred to in the Borough Design Guide SPD and noted by the Secured by Design Consultant. It is often the case that play areas, particularly the smaller type, are dotted through developments. However, the Council itself stated a preference for the NEAP, Youth Area and LAP to be sited together to assist with management and to combine all publicly adopted open space in one location. The design would allow mutual surveillance between the LAP and NEAP, where adults would be more likely to be present with younger children, and the Youth Area. As

referred to above there are other examples within the SDL where facilities have been combined on the edge of developments.

28. The siting of the play area would not result in active frontages along all sides of the play area as referenced in the National Design Guide¹ (NDG). However, some informal oversight would be achieved. Most of the attributes referred to in paragraph 107 of the NDG would be features of the play space, namely a location that would be open and accessible to all communities; connected into a movement network; and appealing to different groups.
29. Moreover, although not currently allocated, there is a possibility that development will come forward on the southern field. Indeed, in 2017 the Council's Executive invited planning applications for housing on both fields. In the event that development does progress to the south, the play area would be well-placed to serve both developments and fully integrated with them.
30. I conclude that the location of the play area and pumping station would create a safe environment. The place that would be created would be safe, inclusive and accessible in accordance with paragraph 127 f) of the Framework.

Other Matters

Ecology

Appropriate Assessment

31. The development would be within a 5km linear distance of the Thames Basin Heath SPA which was designated in 2005 because of its internationally important populations of Dartford Warbler, Woodlark and Nightjar. Additional recreational pressure from residents of new housing development, such as dog walking, could lead to disturbance of birds. The combined effects of numerous residential developments on the SPA are likely to be significant if no mitigation is in place.
32. An avoidance strategy has been developed with Natural England to prevent disturbance of the SPA. A key component of the strategy is the provision of SANG. A further element of mitigation is a contribution to the Strategic Access Management and Monitoring (SAMM) which is being implemented within the SPA.
33. In relation to the appeal proposal, SANG would be provided by a portion of an extension to the existing SANG known as The Ridge. The Ridge would be about a 20-minute walk from the appeal site which would not be a significant distance for recreational users, including dog-walkers. The SANG would also be easily accessible by car. The extended SANG would provide sufficient capacity for the appeal scheme. This, in combination with other existing and proposed SANG and linking strategic green space around Shinfield, would ensure that there would be no net increase in recreational pressure on the SPA.
34. In terms of the efficacy of SANG provision, flooding occurs on some of the land designated as SANG within the SDL. However, The Ridge is not significantly affected by flooding. Seasonal grazing by cattle occurs at The Ridge and other SANG in the area, for conservation management reasons. However, a docile breed is used. Research indicates that cattle grazing is not a significant

¹ National Design Guide MHCLG October 2019

deterrent to visitors to SANG. In any event both cattle grazing and occasionally flooded land contribute to the stimulating natural environment that is required of SANG.

35. Having regard to the above, the development, either alone or in combination with other plans or projects, is not likely to have a significant effect on the integrity of the SPA. The SANG together with a contribution of about £40,000 towards SAMP would be secured by the s106. The s106 also includes a contingency sum in the event that the Council is required to step in and maintain the SANG. These provisions resolve the fourth reason for refusal and ensure that the development complies with Policies CP3, CP7, CP8 and NRM6 of the WBCS.

On-Site Ecology

36. The appeal site was subject to an ecological impact assessment which concluded that, with mitigation, the proposals would not have any significant effects for on-site ecology. Indeed, with biodiversity enhancements built into the development, including planting, permeable boundaries, bird and bat boxes and woodpiles, the development would deliver net gains for biodiversity in accordance with paragraph 174 of the Framework. Several reptile surveys have been undertaken in the area over the last few years, but these do not reveal any significant populations of any reptile species.
37. Clearance of some on-site vegetation took place in early March 2019. Most of the vegetation cleared was young nursery trees which were remnants of the University of Reading horticultural research facility. The works were planned by an ecologist who carried out pre-works checking for nesting birds, reptiles and badgers. Therefore, although the works took place just within the nesting season, necessary precautions were put in place.

Highway Safety

38. A SOCG between the appellants and WBC states that the Council raises no objection to the proposals from a transport and highways perspective subject to the imposition of conditions and the securing of contributions towards off-site highway and transport improvements.
39. A number of highway improvements have been undertaken in connection with the SDL, including in particular, works to the Black Boy Roundabout, Junction 11 of the M4, and the A327, and construction of the ERR. More localised improvements at roundabouts and other junctions within the Shinfield area are either underway or planned.
40. The Transport Assessment (TA) submitted with the application takes into account all committed developments in the SDL i.e. more than the 2500 units referred to in Policy CP19 of the WBCS. It also uses appropriate locally derived trip rates. The TA indicates that some junctions in the area would operate under stress as a result of the proposals, taking 2026 as the design year.
41. The s106 secures improvements to the ERR/Arborfield Road roundabout (known as the Magpie and Parrot roundabout). Improvements to the ERR/Thames Valley Science Park roundabout have already been agreed. There is the scope to increase the capacity of the Black Boy Roundabout by removing hatching so that four circulation lanes would be available. The M4 is currently subject to a Smart Motorway upgrade which will increase its capacity. The

development would add to the amount of traffic on the highway network. Queueing would still occur at some junctions and on some roads within the area at peak hours. But the increase in the length of queues attributable to the development, once planned improvements are undertaken, would be within acceptable limits.

42. Other transport improvements have also been implemented, including the SDL bus service which now benefits from the sustainable transport link between Shinfield and Spencers Wood. The link should avoid the need for buses to use the narrow central section of Hyde End Road where conflict has occurred between buses and construction HGVs. The service is intended to operate in the future with 3 buses an hour. A park and ride facility near to Junction 11 of the M4 has been constructed.
43. The appeal site would have a pedestrian link to Oatlands Road which then provides a walking route to the centre of the village. The footway/cycleway link to Arborfield Road would provide a further potential connection towards the village centre and the existing and proposed SANG in due course. A new footpath has recently been provided parallel to Hyde End Road.
44. The s106 would secure contributions to the My Journey initiative which seeks to encourage residents, employees and students to use modes of travel other than the private vehicle. A bus services contribution is also included within the s106.
45. The proposal would provide appropriate opportunities to promote sustainable transport modes, achieve safe and suitable accesses for all users and would mitigate any significant impacts from the development on the transport network. There would not be an unacceptable impact on road safety or a severe residual impact on the road network.

Flood Risk

46. The appeal site lies predominantly within Flood Zone 1. A small proportion of the site towards the south-eastern corner lies within Flood Zone 2. However, this flood risk would only affect the band of open space adjacent to the ERR and would be compensated for by a minor regrading of the landform (a 200mm depression) in the south-east corner.
47. Surface water attenuation within the site would ensure that run-off would not exceed greenfield rates. This would result in the site having less impacts on downstream catchments as run-off is currently uncontrolled. Foul water would be pumped north so would not affect the Parrot Farm pumping station to the south.
48. The standing water in gardens to the north of Cutbush Lane is probably attributable to underlying clay. Bellway Homes, who developed the site, propose remedial action. In relation to the appeal site, the appellants acknowledge that the ground is not suitable for infiltration of surface water so other suitable measures, including in relation to groundwater, would need to be implemented.

Local Services and Infrastructure

49. New primary schools have been provided within the catchment. A new school has been constructed on the western edge of Shinfield and is due to open later

in 2020. Secondary school capacity is to be increased at Bohunt School to the south of Arborfield.

50. Swallowfield Medical Practice has a branch surgery in Shinfield. Shinfield Health Centre lies in the village centre. There are currently three GPs based at the centre, but the building has consulting rooms available for up to six. It is understood that there have been difficulties in recruiting full-time GPs. Locums have been used in the meantime. These factors have led to difficulties in obtaining appointments. But this is not an issue which is peculiar to Shinfield and would not be a reason to prevent development coming forward.
51. Education and health care infrastructure are covered by Community Infrastructure Levy (CIL) contributions. The development would be liable to CIL which could contribute to additional school places and health care facilities required as a result of the development.

Other Issues

52. The development would be subject to some noise from the ERR. The noise assessment submitted with the application indicates that noise levels within the properties and garden areas would be within recommended guidelines. Noise levels for existing housing to the west of the site would reduce as a result of the intervening development.
53. The appeal site has been subject to ground investigation that identified that the site has been used as farmland and for horticultural purposes with low levels of contamination present. A single soil sample revealed some asbestos fibres, but this is likely to be localised and would be subject to further investigation and remediation. The issue of low-level radio-active material connected with the National Institute for Research in Dairying appears to be related to activities that took place on land to the west of Shinfield.

Planning Obligations

54. The s106 would secure 35% affordable housing through the provision of 87 dwellings on-site with a financial contribution of £24,000 equating to the additional 0.15 of a dwelling. An additional contribution of £250,000 would be made to offset the proposed variation in tenure compared to the requirements of Policy CP5 of the WBCS². The variation is supported by the Affordable Housing SPD which notes that tenure should be agreed on a site by site basis depending on housing need and site-specific and other factors. The contributions would be used to provide affordable housing elsewhere in the Borough.
55. An employment skills contribution of £60,000 would be secured in accordance with Policy TB12 of the MDDL and the Council's Employment Skills Plan Guidance for Developers.
56. The play area and some of the other open space within the development would be adopted by the Council and a maintenance contribution would secure its continuing provision in good order in accordance with Policies CP2, CP3 and CP4 of the WBCS and Policy TB08 of the MDDL. A need for outdoor sports provision is generated by the development in accordance with Policy TB08 of

² 50% social rented and 50% shared ownership to be provided compared to 70% social rented and 30% shared ownership referred to in Policy CP5

the MDDLDP and Policy 10 of the SNP. This would be achieved by the s106 through provision of a cricket pitch and pavilion at The Manor which is within walking and cycling distance of the appeal site.

57. As referred to above, the s106 would also secure obligations relating to My Journey and bus services contributions, improvements to the Magpie and Parrot roundabout, and SMM and SANG provisions. The s106 also covers the footpath/cycleway link to Arborfield Road; improvements to the footpath link with Oatlands Road and the permissive footpath running parallel with the southern hedgerow; the design specification for a new footway/cycleway along part of the northern edge of Arborfield Road; reinstatement of the highway following construction works; and a bond to cover the roads to be adopted within the development.
58. The above obligations would resolve the third and fourth reasons for refusal; are needed to address development plan policy requirements; make the development acceptable in planning terms; are directly related to the development; and are fairly and reasonably related in scale and kind to the development.

The Development Plan and Planning Balance

59. As discussed earlier, the majority of the site is allocated for housing in the development plan. However, that part of the development site encroaching beyond the settlement limits needs to be considered against Policy CP11 of the WBCS. The play area and pumping station do not constitute a rural enterprise or countryside-based activity, so this aspect of the proposal fails against the first criterion of Policy CP11. The play area is an essential community facility, but it could be accommodated within the development limits (criterion 6). The play area and pumping station would not erode the identity of settlements and would maintain the quality of the environment which are the objectives of the policy. But there would be conflict with Policy CP11. There would also be conflict with Policy CC02 of the MDDLDP as part of the proposal would not be within the development limits.
60. However, the development plan should be considered as a whole. That part of the development which would contain the housing itself complies with Policy CP19 of the WBCS, Policy CC02 of the MDDLDP and the SNP. The 2,500 dwellings referred to in Policy CP17 and elsewhere is not a ceiling and can be exceeded if development and associated infrastructure is well planned, as is the case here. There would be compliance with a raft of other generic development plan policies, many of which are referred to above. As I have not found any harm to character and appearance, there would be no conflict with Policies CP1 and CP3 of the WBCS and Policy 2 of the SNP.
61. In considering the development plan as a whole I have taken into account the reasoned justification for Policies CP11 and CC02 which imply that these policies are mainly concerned with restricting built development away from settlements. Indeed paragraph 2.7 of the MDDLDP expressly distinguishes between built and non-built development.
62. I note that the Officer's report on the application did not identify any conflict with the development plan, in assessing the proposal. Other schemes within the SDL that have involved some encroachment of development beyond the settlement limits have been dealt with in a similar way.

63. The scheme could be redesigned so that all the development lies within the settlement limits. However, that is not the proposal before me. Moreover, I have nothing before me to indicate what the implications of a redesign would be for the number of houses provided, including affordable dwellings.
64. There are considerable social and economic benefits arising from the new housing, particularly the affordable homes because of the acute need. Although principally required for mitigation, some benefits would arise for residents of Shinfield as a whole and the environment from the provision of SANG, on-site and off-site open space, transport and highway improvements, surface water mitigation and ecological enhancement. I have not found any material harm in relation to the two main issues. The benefits of the development would outweigh the adverse impacts arising from the conflict with Policies CP11 and CC02. As a result, there would be compliance with Policy 1 of the SNP.
65. The proposal conforms with the development plan as a whole and should be approved without delay.

Conditions

66. I have considered the conditions included in the SOCG against the advice within the Framework and the Planning Practice Guidance. I have amended the wording and combined some conditions as necessary so that the conditions meet the relevant tests, are proportionate and avoid repetition.
67. I have imposed a condition relating to the approved plans for certainty. Phasing is necessary to ensure the orderly delivery of the development and in the interests of the living environment of existing and new residents. Details of materials, levels, hard and soft landscaping, tree protection and landscape management are required in the interests of the character and appearance of the development and its surroundings.
68. Conditions requiring garages and spaces to be retained for parking and the submission of a parking management strategy are necessary so that the likelihood of roadside parking is reduced in the interests of highway safety and the appearance of the development. Details of cycle parking, a walking and cycling strategy and electric vehicle charging points are required to encourage sustainable modes of travel. Conditions relating to visibility splays, the construction of the roads and pavements and a construction environmental management plan (CEMP) are needed in the interests of highway safety and the living environment of existing and new residents.
69. Remediation is needed to ensure a safe living environment. Details of surface water and foul drainage are required to reduce flood risk and prevent pollution. Design details of the electric sub-station and pumping station are needed in the interests of the appearance of the development and the future living environment.
70. Ecological permeability, enhancement and reptile mitigation measures are needed to achieve a net gain in biodiversity. Archaeological investigation should be secured to ensure the recording of any remains of historic interest.
71. Conditions relating to phasing, electric charging points, visibility splays, highway construction, the CEMP, levels, landscaping, tree protection, remediation, drainage, ecology and archaeology need to be discharged pre-

construction as they are matters that require investigation or need to be in place before works commence; or are details that will affect the layout. These pre-commencement conditions have been agreed in writing by the appellants.

72. A condition removing permitted development rights for new windows is not necessary as it is unlikely that occupiers would seek to alter the elevations as constructed. Moreover, such rights should only be removed in exceptional circumstances. None have been put forward. Rat and other vermin control measures are covered by non-planning legislation.

Conclusions

73. For the above reasons the appeal is allowed subject to conditions.

Mark Dakeyne

INSPECTOR

Attached: Schedule of Conditions

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

Plans

- 2) The development hereby permitted shall be carried out in accordance with the approved plans listed in the attached Schedule of Plans.

Phasing

- 3) Prior to the commencement of development, a strategy for the sub-phasing of the development hereby approved shall be submitted to, and approved in writing by, the local planning authority. The phasing strategy shall define:
 - a) the development to be delivered within each sub-phase of the development;
 - b) indicative timescales; and,
 - c) details of the coordination of housing and infrastructure delivery, including triggers for delivery of infrastructure and the arrangements to prevent interruption of delivery across sub-phase and phase boundaries. Development shall be carried out in accordance with the approved phasing strategy.

Materials and Boundary Treatments

- 4) Prior to residential development above finished floor level in respect to each sub-phase as defined by condition no 3, samples and details of the materials to be used in the construction of the external surfaces of the buildings and external boundary enclosures (other than close boarded fencing) shall have first been submitted to, and approved in writing by, the local Planning authority. Development shall be carried out in accordance with the approved details.

Permitted Development

- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), the garage accommodation on the site identified on the approved plans shall be kept available for the parking of vehicles and cycles and ancillary domestic storage to the residential use of the site at all times. It shall not be used for any business nor as habitable space.

Parking, Transport and Highways

- 6) Prior to the first occupation of any dwelling, a Parking Management Strategy that sets out how the use of on-street parking shall be managed and controlled within different areas of the development, including measures for managing and designating parking bays for visitor and unallocated users, monitoring whether parking enforcement measures are required, and responsibility for managing parking in both adopted and privately maintained areas of the site, shall be submitted to, and approved in writing by, the local planning authority. The development shall be implemented in accordance with the agreed Parking Management Strategy thereafter.

- 7) No part of any dwellings hereby permitted shall be occupied until the vehicle parking and turning space serving that dwelling has been provided in accordance with the approved plans. Thereafter, the vehicle parking shall not be used for any other purpose other than parking and the turning space shall not be used for any other purpose other than for turning vehicles.
- 8) No part of any dwellings hereby permitted (with the exception of the dwellings that have two on-plot allocated parking bays and a garage) shall be occupied until details of secure and covered bicycle storage/parking facilities serving that dwelling for the occupants of, and visitors to the development, has been submitted to, and approved in writing by, the local planning authority. The cycle storage/parking shall be implemented in accordance with the approved details before occupation of the development hereby permitted and shall be permanently retained in the approved form for the parking of bicycles and used for no other purpose.
- 9) Prior to the first occupation of any dwelling within the development, a Walking and Cycling Strategy for the whole development linked to the overarching South of the M4 Walking and Cycling Strategy, to demonstrate connectivity between the site and the wider footpath and cycle network, shall be submitted to, and approved in writing by, the local planning authority. The development shall be implemented in accordance with the agreed strategy thereafter.
- 10) Prior to commencement of development, an Electric Vehicle Charging Strategy shall be submitted to, and approved in writing by, the local planning authority. This strategy shall include details relating to on-site electric vehicle charging infrastructure, including a plan showing at least 40% coverage of electric vehicle charging provision across the site in accordance with Appendix E of the WBC Living Streets: Highways Design Guide (2019), and details of installation of charging points and future proofing of the site. The development shall be implemented in accordance with the agreed strategy thereafter.
- 11) Prior to the commencement of the development, details of the proposed vehicular accesses onto Cutbush Lane to include visibility splays of 2.4 metres x 43 metres shall be submitted to, and approved in writing by, the local planning authority. The accesses shall be formed as approved and the visibility splays shall be cleared of any obstruction exceeding 0.6 metres in height prior to the occupation of the development. Thereafter, the accesses shall be retained in accordance with the approved details and used for no other purpose. The land within the visibility splays shall be maintained clear of any visual obstruction exceeding 0.6 metres in height at all times.
- 12) Each dwelling shall not be occupied until pedestrian visibility splays of 2.0 metres by 2.0 metres serving that dwelling have been provided at the intersection of the driveway and the adjacent footway. (Dimensions to be measured along the edge of the drive and the back of the footway from their point of intersection). The visibility splays shall thereafter be kept free of all obstructions to visibility above a height of 0.6 metres.
- 13) Prior to the commencement of development, full details of the construction of roads and footways, including levels, widths, construction

materials, depths of construction, surface water drainage and lighting, shall be submitted to, and approved in writing by, the local planning authority. The roads and footways shall be constructed in accordance with the approved details to road base level prior to occupation of the dwellings served by the approved roads and footways and the final wearing course shall be provided within 3 months of occupation, unless other variations are agreed in writing with the local planning authority after the date of this permission and before implementation.

Construction Management Plan

- 14) Before the development hereby permitted is commenced, a Construction Environmental Management Plan (CEMP) shall be submitted to, and approved in writing by, the local planning authority. Construction shall be carried out in accordance with the approved CEMP at all times. The CEMP shall include the following matters:
- a) details of construction accesses;
 - b) a construction travel protocol to encourage sustainable modes of travel where practicable, or a Green Travel plan, for the construction phase including details of parking and turning for vehicles of site personnel, operatives and visitors;
 - c) loading and unloading of plant and materials;
 - d) storage of plant and materials;
 - e) programme of works (including measures for traffic management and operating hours). No works on the site, including works of preparation prior to building operations, shall take place other than between the hours of 08:00 and 18:00 Monday to Friday and 08:00 to 13:00 Saturdays and at no time on Sundays or Bank or Public Holidays
 - f) piling techniques;
 - g) provision of boundary hoarding;
 - h) protection of the aquatic environment in terms of water quantity and quality;
 - i) details of proposed means of dust suppression and noise mitigation;
 - j) details of measures to prevent mud from vehicles leaving the site during construction;
 - k) details of any site construction office, compound and ancillary facility buildings. These facilities shall be sited away from woodland areas;
 - l) lighting on site during construction;
 - m) measures to ensure no on-site fires during construction;
 - n) monitoring and review mechanisms;
 - o) implementation of the CEMP through an environmental management system;
 - p) details of the haul routes to be used to access the development;
 - q) details of the temporary surface water management measures to be provided during the construction phase;
 - r) details of the excavation of materials and the subsurface construction methodology;
 - s) timings of deliveries to the site (not to exceed the hours of construction as set out above);
 - t) details of mitigation measures for protected species to be applied; and,
 - u) appointment of a Construction Liaison Officer.

Levels, Landscaping and Trees

- 15) No development shall take place until a measured survey of the site and a plan prepared to scale of not less than 1:500 showing details of existing and proposed finished ground levels (in relation to a fixed datum point) and finished roof levels has been submitted to, and approved in writing by, the local planning authority. The scheme shall be fully implemented in accordance with the approved plan.
- 16) Prior to the commencement of the development, full details of both hard and soft landscape proposals shall be submitted to, and approved in writing by, the local planning authority. These details shall include, as appropriate, proposed finished floor levels or contours; means of enclosure/boundary treatments; the equipment and structures within the play area; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; and minor artefacts and structure (e.g. furniture, refuse or other storage units, signs, lighting, external services). Soft landscaping details shall include planting plans; specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate; proposals for the hedge adjacent to the proposed play area; and an implementation timetable.
- All hard and soft landscape works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a timetable approved in writing by the local planning authority. Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced in the next planting season with others of species, size and number as originally approved, and permanently retained.
- 17) No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without previous written consent of the local planning authority; any trees, shrubs or hedges removed without consent or dying or being severely damaged or becoming seriously diseased within 5 years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species unless the local planning authority gives written consent to any variation.
- 18) A) No development or other operation shall commence on site until the tree protection measures, as shown on the Arboricultural Method Statement 37-1035.02 Sheets 1 & 2, are implemented in complete accordance with the Approved Scheme for the duration of the development, including (unless otherwise provided by the Approved Scheme) all site preparation work, tree felling, tree pruning, soil moving, temporary access construction, and any other operation involving use of motorised vehicles or construction machinery.
- B) No development (including any tree felling, tree pruning, demolition works, soil moving, temporary construction access and any other operation involving use of motorised vehicles or construction machinery) shall commence until the local planning authority has been provided (by way of a written notice) with a period of no less than 7 working days to

inspect the implementation of the measures identified in the Approved Scheme on-site.

C) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within an area designated as being fenced off or otherwise protected in the Approved Scheme.

D) The fencing or other works which are part of the Approved Scheme shall not be moved or removed, temporarily or otherwise, until all works including external works have been completed and all equipment, machinery and surplus materials removed from the site, unless the prior written approval of the local planning authority has first been sought and obtained.

- 19) Prior to commencement of development, technical details of the trenchless thrust boring method within the Root Protection Area of veteran tree 7010 shall be submitted to, and approved in writing by, the local planning authority. The details shall demonstrate that there is minimal disturbance of the tree. Development shall be carried out in accordance with the approved details.
- 20) Prior to the occupation of any of the dwellings hereby permitted, a landscape management plan, including long term design objectives, management responsibilities, timescales and maintenance schedules for all landscape areas, other than privately owned domestic gardens, shall be submitted to, and approved in writing by, the local planning authority. In addition, a maintenance schedule for measures to maintain ecological permeability and/or provide biodiversity enhancement in the public open space shall be included. The landscape management plan shall be carried out as approved.

Environmental Protection

- 21) No development shall take place until a detailed remediation scheme that describes how the site shall be made suitable for the intended use, has been submitted to, and approved in writing by, the local planning authority. The remediation scheme shall include the proposed remediation objectives and remediation criteria, details of all works to be undertaken, the timetable of works and site management procedures. The remediation scheme shall ensure that the site cannot be declared as being contaminated under Part 2a of the Environmental Protection Act 1990, in relation to the intended use, after remediation works are completed.
- 22) The approved remediation scheme shall be implemented before other groundworks or construction works commence unless a phased approach has been agreed as part of the approved remediation scheme or unless written approval has otherwise been given by the local planning authority. The applicant or contractor shall give at least two weeks written notice before remediation works commence. Following completion of remediation works at the site, or upon completion of each phase, a verification report shall be submitted to the local planning authority for written approval.
- 23) If unexpected contamination is found at any time during development this shall be reported in writing as soon as possible to the local planning authority. An investigation and risk assessment shall be carried out, and

where remediation work is necessary, a remediation scheme shall be prepared and submitted to, and approved in writing by, the local planning authority. Following the completion of measures set out in the approved remediation scheme and prior to occupation of any dwellings, a verification report shall be submitted to, and approved in writing by, the local planning authority.

- 24) Before construction of the electric sub-station commences a site plan, floor plan, elevations and technical specification shall be submitted to, and approved in writing by, the local planning authority. The technical specification shall include a noise assessment and mitigation report identifying any attenuation measures to ensure that the sub-station is designed and insulated to mitigate against the noise produced by the substation (whether directly or indirectly). The attenuation measures shall be implemented, maintained and retained thereafter in accordance with the approved details.

Drainage

- 25) No development shall take place until full details of the drainage system for the site have been submitted to, and approved in writing by, the local planning authority. The details shall include:
- a) calculations indicating the Greenfield runoff rate from the site;
 - b) BRE 365 test results demonstrating whether infiltration is achievable or not;
 - c) use of Sustainable Drainage Systems (SuDS) following the SuDS hierarchy, preferably infiltration;
 - d) full calculations demonstrating the performance of soakaways or capacity of attenuation features to cater for a 1 in 100 year flood event with a 40% allowance for climate change and runoff controlled at 30 l/s, or better;
 - e) calculations demonstrating that there shall be no flooding of pipes for events up to and including the 1 in 100 year flood event with a 40% allowance for climate change, or how any flooding shall be managed within the site;
 - f) groundwater monitoring to confirm seasonal high groundwater levels;
 - g) a drainage strategy plan, indicating the location and sizing of SuDS features, with the base of any SuDS features located at least 1m above the seasonal high water table level; and,
 - h) details demonstrating how any SuDS for this development shall be managed throughout the lifespan of the development and who shall be responsible for maintenance.
- 26) No dwelling hereby permitted shall be occupied until
- a) foul water drainage works which serve that dwelling have been implemented in accordance with details that have been submitted to, and approved in writing by, the local planning authority;
 - (b) details of the foul pumping station have been submitted to, and approved in writing by, the local planning authority and implemented in accordance with the approved details. The details shall include a site plan, floor plan, elevations, fencing and technical specification. The technical specification shall include a noise assessment and mitigation report identifying any attenuation measures to ensure that the pumping station is designed and insulated to mitigate against the noise produced by the pumping station (whether directly or indirectly). The attenuation

measures shall be implemented, maintained and retained thereafter in accordance with the approved details.

(c) confirmation has been provided that either:- all wastewater network upgrades required to accommodate the additional flows from the development have been completed; or a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

Ecology

- 27) Prior to commencement of development full details of a strategy to maintain the ecological permeability of the site (especially with regard to reptiles, amphibians and hedgehogs) shall be submitted to, and approved in writing by, the local planning authority. The strategy shall include:
- a) details of measures to be applied to boundary treatments and retaining walls;
 - b) details of measures to prevent entrapment of animals in the surface water drainage scheme; and,
 - c) locations of the above measures within the detailed layout.
- The mitigation and contingency measures contained within the strategy shall be implemented in accordance with the approved plan.
- 28) Prior to commencement of development above finished floor level, full details of a biodiversity enhancement strategy to provide a mixture of bat boxes, bird boxes, hedgehog houses, and insect homes/habitat piles suitable for priority species across the development site at a ratio of at least 1 per 2 dwellings shall be submitted to, and approved in writing by, the local planning authority. The measures contained within the strategy shall be implemented in accordance with the approved strategy.
- 29) Prior to commencement of development, full details of a reptile mitigation strategy shall be submitted to, and approved in writing by, the local planning authority. The surveys, mitigation and contingency measures contained within the strategy shall be implemented in accordance with the approved strategy.

Archaeology

- 30) No development shall take place within the application area until the applicant, their agents or successors in title have secured and implemented a programme of archaeological field evaluation in accordance with a written scheme of investigation (WSI), which has been submitted to, and approved in writing by, the local planning authority. The results of the evaluation shall inform the preparation of a subsequent mitigation strategy which shall be submitted to, and approved in writing by, the local planning authority prior to the commencement of the development. The mitigation strategy will provide for:
- i) a programme of site investigation and recording, or alternative appropriate mitigation, within the area of archaeological interest. Development will not commence within the area of archaeological interest until the site investigation has been satisfactorily completed; and,
 - ii) a programme of post investigation assessment, analysis, publication, dissemination and archiving. This part of the condition shall not be discharged until these elements of the programme have been fulfilled in

accordance with the programme set out in the WSI.

Schedule of Plans

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Presentation Planning Layout	041611-BEL-TV-01	D
Supporting Layout	041611-BEL-TV-02	D
Storey Height Layout	041611-BEL-TV-03	C
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The Potter – Feature Brick Elevations	PO-2B-2S-TF-E	/
The Potter – Tile Elevations	PO-2B-2S-TT-E	/
The Potter – Floor Plans	PO-2B-2S-P1	/
The Turner – Feature Brick Elevations	TU-3B-2S-TF-E	/
The Turner – Tile Elevations	TU-3B-2S-TT-E	/
The Turner – Floor Plans	TU-3B-2S-P1	/
The Thatcher – Tile Elevations	TH-3B-2S-TT-E	/
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The Quilter – Brick Elevations	QU-3B-2S-TB-E	/
The Quilter – Feature Brick Elevations	QU-3B-2S-TF-E	/
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The Mason – Brick Elevations	MA-3B-2S-TB-E	/
The Mason – Feature Brick Elevations	MA-3B-2S-TF-E	/

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The Scrivener – Brick Elevations	SC-4B-2S-TB-E	/
The Scrivener – Feature Brick Elevations	SC-4B-2S-TF-E	/
The Scrivener – Floor Plans	SC-4B-2S-P1	/
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The Weaver – Feature Brick Elevations	WE-4B-2S-TF-E	/
The Weaver – Tile Elevations	WE-4B-2S-TT-E	/
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H20 – Floor Plans	041611-H20-P1	/
H30 – Brick Elevations	041611-H30-TB-E	/
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Apartment Block 1 - Elevations sheet 1	041611-B1-E1	A
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Apartment Block 1 - Ground Floor Plan	041611-B1-P1	A
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Apartment Block 2 – Elevations sheet 1	041611-B2-E1	A
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Apartment Block 3 – Elevations sheet 3	041611-B3-E3	/
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The Potter – Floor Plans	PO-2B-2S-P1	/
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The Saddler – Floor Plans	041611-SA-P1	/
The Turner – Brick Elevations	TU-3B-2S-CB-E	/
The Turner – Tile Elevations	TU-3B-2S-CT-E	/
The Turner – Floor Plans	TU-3B-2S-P1	/
The Thatcher – Tile Elevations	TH-3B-2S-CT-E	/
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The Quilter – Brick Elevations	QU-3B-2S-CB-E	/
The Quilter – Floor Plans	QU-3B-2S-P1	/
The Mason – Brick Elevations	MA-3B-2S-CB-E	/
The Mason – Tile Elevations	MA-3B-2S-CT-E	/
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The Scrivener – Brick Elevations	SC-4B-2S-CB-E	/
The Scrivener – Floor Plans	SC-4B-2S-P1	/
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The Scrivener – Tile Elevations	SC-4B-2S-CT-E	/
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The Weaver – Tile Elevations	WE-4B-2S-CT-E	/
The Weaver – Floor Plans	WE-4B-2S-P1	/
The Weaver – Render Elevations	041611-WE-CR-E	/
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Engineering Drawings

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General Arrangement Sheet 2	A106-RM-12	P6
Street Lighting Plan Sheet 1	A106-RM-15	P3
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Landscape

Document	Document Ref	Revision
ASP1 Location Plan	6454.SLP.01	A
ASP2 Site & Setting Plan	6454.SSP.02	A
ASP3 Landscape Designation Plan	6454.LDP.ASP3	A
ASP4 Landscape Character Plan	6454.LCP.ASP4	A
ASP5 Landscape Strategy Plan	6454.LSP.ASP5	I
ASP7 Play Space Details Plans	6454/ASP7	G

Trees

Document	Document Ref	Revision
Arboricultural Impact (Tree Loss) Assessment	CC37-1035	
Tree Protection Plan & Arboricultural Method Statement	37-1035.02 Sheets 1 and 2	

APPEARANCES

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Jim Frewin

Mark Chatfield

Richard Ingham

Andrew Grimes

INTERESTED PERSONS

Clive Jones

LIST OF PLANS AND DOCUMENTS SUBMITTED AT THE INQUIRY

ID1 Extract from Guidelines for Landscape and Visual Impact Assessment

ID2 Opening submissions of Wokingham Borough Council

ID3 Site Layout North of Cutbush Lane

ID4 Extracts from Proposals Map

ID5 SDL Concept Plan with Development Names

ID6 Walking Routes from land south of Cutbush Lane to Ridge SANG and Manor
POS

ID7 Letter from RPS Consulting dated 22 January 2020

ID8 Letter from Bellway Homes Ltd dated 22 January 2020

ID9 Closing statement of SOV

ID10 Closing submissions of Wokingham Borough Council

ID11 High Court Judgement - Sefton MBC v SOS for Environment, Transport and
Regions CO/2217/2001 EWHC 119 Admin

ID12 Court of Appeal Judgement – Stephenson v SOS for Environment 274 EG
1385 1388

ID13 Wavendon Properties Ltd v SOS for Housing, Communities and Local
Government [2019] EWHC 1524 Admin

ID14 Closing submissions of the appellants

ID15 Regina v Rochdale MBC ex parte Milne CO/292/2000

ID16 Suffolk Coastal v Hopkins Homes Ltd, Richborough Estates Partnership LLP v
Cheshire East Borough Council [2017] UKSC 37

ID17 E-mail from Benjamin Kite dated 23 January 2020

ID18 Letter from Barton Wilmore dated 22 January 2020