



Appeal Decision

Hearing Held on 17 October 2022

Site visit made on 16 October 2022

by C Beeby BA (Hons) MIPROW

an Inspector appointed by the Secretary of State

Decision date: 9 January 2023

Appeal Ref: APP/X0360/W/22/3300991

423-431 Reading Road, Winnersh RG41 5HU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Steve Wood on behalf of Roy Wood Transits Ltd against the decision of Wokingham Borough Council.
 - The application Ref 211277, dated 8 April 2021, was refused by notice dated 14 January 2022.
 - The development proposed is the demolition of an existing workshop and store and the erection of 7 x 3 bedroomed terraced houses with parking and new access road.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of an existing workshop and store and the erection of 7 x 3 bedroomed terraced houses with parking and new access road at 423-431 Reading Road, Winnersh RG41 5HU, in accordance with the terms of the application, Ref 211277 dated 8 April 2021, subject to the conditions set out in the Schedule of Conditions at the end of this decision.

Application for Costs

2. An application for costs was made by Mr Steve Wood, against Wokingham Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The proposal seeks outline planning permission, with all matters reserved except access, layout and scale. I have considered the appeal on this basis and have treated any plans in relation to the reserved matters as illustrative.
4. The description of development in the heading above has been taken from the planning application form. In Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
5. The description of development within the application form refers to the retention of an existing property. I have removed that phrase from the description above because retention is not an act of development and the phrase is consequently superfluous.

Main Issue

6. The main issue is whether the proposed development can viably support the provision of affordable housing (AH).

Reasons

Main Issue

7. The Council's sole reason for refusal of permission is the lack of AH offered by the development. Policy CP5 of the Wokingham Borough Core Strategy Development Plan Document (2010) (the CS) provides that all residential proposals of at least 5 dwellings (net) or covering a net site area of at least 0.16 ha will provide up to 50% of the net additional units proposed as affordable dwellings, where viable. The Council seeks a commuted sum in place of the provision of a minimum of 1.4 units of AH at the site, due to the small number of dwellings proposed.
8. The appellant contends that the scheme would not generate a sufficient return to support an AH contribution, and that such a contribution would consequently render the scheme unviable.
9. Whilst other inputs to the assessment of the proposal's financial viability are agreed by the parties, agreement has not been reached on the matters of whether particular circumstances justify the need for a viability assessment (VA), costs and land value.
10. The Planning Practice Guidance (the PPG) sets out that the applicant must demonstrate whether particular circumstances justify the need for a VA at the application stage. An illustrative list of such circumstances is given and I shall consider these in turn.
11. The appellant submits that the development plan's evidential base is significantly out of date. The Council states that the viability study and update supporting the plan tested schemes of a minimum of five dwellings, and that sites similar to the appeal site were assessed in a later VA, and there is minimal substantive contradictory evidence in this regard. A development of the type proposed by the appeal was consequently tested in the viability studies which support the local plan. Thus, I am satisfied that the development proposed is not of a wholly different type to those used in the VA that informed the plan. Furthermore, the market housing provided by the appeal scheme would be a standard model of development.
12. Turning to whether a recession or similar significant economic changes have occurred since the development plan was brought into force, the appellant submits that the introduction of Community Infrastructure Levy (CIL) has had a "dramatic" effect on costs. The Council introduced a CIL charging schedule in 2015. Such a schedule must be supported by a VA and must undergo a public examination by an independent person before the charging authority can formally approve it. Representations may be made to the draft charging schedule and these will be considered by the examiner. Taking these matters into account, the appeal does not demonstrate that the CIL charging examination process failed to sufficiently account for compliance with Policy CP5. Therefore this matter does not justify the need for a VA.

13. The Council considered that the provision of further information on costs would contribute to a resolution and the appellant provided further information on costs in their assessment. Furthermore, in this case there was a significant divergence of opinion on the matter of viability between the parties and further information was submitted in this regard, in an attempt to reach common ground. These particular circumstances consequently justify the need for a VA.
14. Two valuation reports on behalf of the appellant assessed the existing use value (EUV) of the site. The appellant concludes that the benchmark land value (BLV) would be in the range £1,365,000-£1,800,000, depending on the EUV and landowner premium used. The appellant considers the residual land value to be £1,090,208-£1,219,500.
15. The Council provides a VA which updates base build costs and sales values using the BCIS All in TPI and the Land Registry HPI respectively, and which includes a policy-compliant AH contribution. This concludes that the residual land value of the proposal is £1,130,520. This figure is significantly greater than the Council's calculated BLV (£789,947). As a result, the Council considers that the development could provide a policy-compliant AH contribution whilst remaining financially viable.
16. Whilst the scheme would reduce the size of the garden of the existing dwelling at the site, it does not otherwise propose the development of the property. Thus, I am unconvinced that a premium to the landowner to bring the existing dwelling forward for development should be applied in assessing BLV. It follows that I do not concur with the submission that the entire site should be valued on an EUV+ basis, and therefore that I have doubts about the methodology of this aspect of the appellant's VA.
17. Details of the evidence supporting the valuation of the existing dwelling are minimal within one of the valuation reports. Without these, I cannot attach weight to that assessment.
18. A valuation of the business at the site based on its accounts is not informed by market evidence of current uses, costs and values. It consequently does not reflect the government's recommended approach to defining key inputs as set out in the PPG and, as a result, I do not attach weight to that assessment.
19. There is disagreement between the parties on the number of vehicles which could be parked at the site, but minimal evidence on the matter, although the numbers are all within a similar range. Notwithstanding this, there is nothing before me to suggest that any area of the site has permission to operate as a commercial car park, with spaces generating income in their own right. This calls into question the accuracy of the significant value attached to car parking within both valuations.
20. There is additionally a considerable difference between the parties' assessments of achievable rent for the commercial premises. One valuation provides rental figures for local industrial units, citing them as comparable to the commercial premises, giving rise to a substantially higher assessment of rental value than the Council's position. Whilst I was able to view some of these units, they lay primarily within modern established industrial estates which differed significantly from the mainly residential area of the appeal site and indeed none of the buildings appeared to be in motor trade use, which is

confirmed by the valuation. There is little further evidence on the type of businesses operating at the other sites.

21. Thus, I am unconvinced that these sites are sufficiently similar to the appeal site to provide accurate data in the assessment of BLV. The use of valuation office agency data in assessing rental levels is supported by the PPG, and as a result this method is the more appropriate in this instance.
22. The Council submits that the appeal site is in a Sui Generis use and that its use for a similar purpose as the other units referred to would require change of use permission, rendering an assessment based on that valuation one of Alternative Use Value (AUV). Nevertheless, there is minimal evidence before me which might demonstrate that permission for a change of use at the appeal site would be necessary in order to implement a similar use to the other units. As a result, it has not been demonstrated that the valuation is partially based on AUV.
23. The appellant considers that the value of the site in its existing use is significantly greater than the value which would be generated by the development. Whilst I acknowledge the appellant's wish to benefit the local community by the removal of a "bad neighbour" use and their interest in design, these matters nevertheless do not adequately explain why an apparently financially sub-optimal scheme is being pursued. This matter introduces additional uncertainty regarding the transparency of assumptions behind evidence submitted as part of the VA.
24. Assessments of the BLV made by the appellant over a one-year period suggest a range of values between £1,056,000 and £1,800,000. This represents a substantial fluctuation in value and further calls into question the reliability of the calculations used.
25. Furthermore, the appellant's informal offer to cover the Council's costs of viability advice additionally leads to ambiguity as it suggests that the proposal could make some level of AH contribution.
26. As a cumulative result of the above factors I attach only limited weight to the appellant's assessment of BLV, which consequently significantly reduces the overall weight which I attach to their assessment of the proposal's viability.
27. Therefore the appeal fails to demonstrate that the scheme would not be viable with the required contribution in respect of AH. As a result, the contribution's absence causes the proposal to conflict with Policy CP5 of the CS, the aims of which are set out above. Further conflict exists with Policy TB05 of the Managing Development Delivery Local Plan 2014 (the MDDLDP), which requires any scheme that requires the provision of AH to provide an appropriate mix of accommodation on a site by site basis, reflecting the Council's Housing Strategy and the AH Supplementary Planning Document. Additional conflict exists with the AH Supplementary Planning Document (2013), which states that the Council will seek to secure AH to meet local need on residential schemes, using the criteria set out in the adopted CS (Policy CP5).
28. The harm arising from this policy conflict would be moderate as, whilst the parties agree that there is a high need for AH in the area, it is undisputed that delivery has improved in recent years and the proposal would contribute only a small number of AH units (equivalent to 1.4 dwellings).

Other Matters

29. Concern has been raised regarding the proposal's effect on highway congestion in the vicinity. Nevertheless, the development's small scale would not give rise to any significant increase in vehicle movements. Furthermore, the highway authority has raised no objection subject to the imposition of requested conditions, which I consider would contribute to the provision of an acceptable development in this regard. There is consequently minimal substantive evidence to suggest any harmful effect on highway congestion in the area.
30. Whilst the proposal is in outline, layout and scale are matters for approval and the submitted details and my observations at the site suggest that the development would have an acceptable effect on the living conditions of surrounding occupiers with regard to light, privacy and noise, in the absence of substantive contradictory evidence.

Other Considerations

31. The scheme would use suitable brownfield land within a settlement for homes, a matter to which I attach substantial weight. Occupants of the proposed development would have adequate access to shops, services and transport links in a major development location, bringing about an enduring environmental benefit which conforms with development plan policies (CP1, CP4, CP6 and CP9 of the CS) which aim to locate development close to such facilities, a consideration which attracts limited weight due to the small size of the development. For the same reason I attach limited weight to the provision of housing as a benefit.
32. Whilst it is submitted that the scheme would remove a "bad neighbour" use and hence would improve living conditions for surrounding residents, any evidence that this would be the case is minimal and hence I attach no particular weight to this matter as a benefit. Similarly, although the construction phase would bring about modest time-limited economic benefits through employment opportunities, the existing commercial use at the site already generates employment and therefore this matter would be likely to have a relatively neutral effect. Biodiversity gains, landscaping benefits and highway safety improvements are not supported by sufficient evidence as potential benefits to attract any weight.

Whether the proposal conflicts with the development plan as a whole

33. In refusing permission the Council relies partially on Policy CP1 of the CS. This policy concerns sustainable development. Nevertheless, I have identified no specific areas of conflict with the policy.
34. The National Planning Policy Framework (2021) (the Framework) states that the provision of AH should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). The Framework defines major development, for housing, as development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more.
35. The Framework further states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework - the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.

36. As Policy CP5 of the CS requires the provision of AH by all residential proposals of at least 5 dwellings (net) or covering a net site area of at least 0.16 ha, where viable, the policy consequently seeks the provision of AH for schemes of less dwellings than the threshold set within the Framework. Policy CP5 of the CS is consequently not consistent with the Framework.
37. Policy TB05 of the MDDLDP states that any scheme that requires the provision of AH should provide an appropriate mix of accommodation on a site by site basis, which reflects the Council's Housing Strategy and the AH Supplementary Planning Document (SPD). Whilst my attention has not been drawn to any Housing Strategy which may be relevant in this regard, the AH SPD states that the Council will seek to secure AH on residential schemes using the criteria set out in Policy CP5 of the CS. Thus, Policy TB05 of the MDDLDP, insofar as it relates to this proposal, is not consistent with the Framework, as it requires compliance with a policy which I have found above to be inconsistent with the Framework.
38. The Council stated at the hearing that it cannot demonstrate a five-year housing land supply (5YHLS), based on recent planning appeal decisions in the borough. It considers the shortfall in supply to be minor, and accepted the submission of two appeal decisions¹ by the appellant.
39. The first decision found that whilst there was a shortfall in 5YHLS in the borough, this was by a "very modest" degree (at 4.84 years' HLS), and that despite the shortfall the Council was meeting the Government's objectives to significantly boost the supply of housing. The second decision found the Council's HLS to lie somewhere between 4.35 and 4.74 years.
40. As there is minimal contradictory evidence, I therefore concur with the Council's assessment that the extent of the shortfall in HLS is relatively minor. Nevertheless, as there is a shortfall and this is an application for the provision of housing, the development plan policies which are most important for determining the application (in this case Policies CP5 of the CS and TB05 of the MDDLDP) are deemed to be out-of-date in accordance with paragraph 11d) of the Framework.
41. I have additionally found above that both policies are not consistent with the Framework, and as a result they are in fact out-of-date. It is consequently necessary, in accordance with paragraph 11d) of the Framework, to grant permission unless i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
42. As the two policies are out-of-date but seek to address an accepted need for AH, the weight which I give to the identified conflict with the development plan is moderate. In terms of benefits, I have found above that the proposal's environmental benefits would gain support from development plan policies which aim to locate development close to facilities, a consideration which attracts only limited weight due to the small size of the development. Thus, the proposal would conflict with the development plan as a whole.

¹ 1) APP/X0360/W/21/3275086 and 2) APP/X0360/W/21/3276169

Paragraph 11d) balance

43. I have not identified policies in the Framework that protect areas or assets of particular importance which are relevant to the proposed development. That being the case, it is necessary to assess the proposal against the policies in the Framework taken as a whole.
44. The conflict with the development plan would cause harm to which I attach moderate importance, as whilst the parties agree that there is a need for AH in the area, the proposal would contribute only a small number of AH units.
45. Conversely, the scheme would use suitable brownfield land within a settlement for homes, a matter to which I attach substantial importance. Occupants of the proposed development would have adequate access to shops, services and transport links in a major development location, bringing about an enduring environmental benefit. The proposal would additionally provide housing in an area without a 5YHLS. I attach limited importance to these two considerations due to the small size of the development and furthermore, in the latter case, as the shortfall in HLS is modest. Nevertheless, these matters, taken as a whole, outweigh the harm associated with the scheme.
46. Thus, the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The proposal consequently benefits from the presumption in favour of sustainable development.

Conditions

47. The submission and approval of details in respect of the reserved matters is necessary due to the outline nature of the proposal. The inclusion of materials samples is necessary to protect the appearance of the area, in accordance with Policies CP1 and CP3 of the CS. The inclusion of details of the proposed glazing scheme for three of the properties is necessary to safeguard the living conditions of neighbouring occupiers, in accordance with Policy CP3 of the CS.
48. I have imposed a plans condition because it creates certainty for all parties.
49. Conditions requiring the submission, approval and implementation of a landscaping scheme are necessary to safeguard green infrastructure and the appearance of the area in accordance with Policy CC03 of the MDDL and Policy CP3 of the CS. The suggested condition in this regard proposed the submission of details in respect of several other matters. Notwithstanding this, it is either insufficiently clear why it would have been necessary to refuse permission in their absence, or they concern details which have been submitted for approval as part of the outline application. As set out in the Planning Practice Guidance, conditions cannot be used to reserve such details for subsequent approval. Therefore I have not included these matters in the condition. The first landscaping condition is a pre-commencement condition in order to provide certainty prior to the commencement of development.
50. Conditions concerning the retention and protection of trees at the site are necessary in order to safeguard the green infrastructure and character and appearance of the area, in accordance with Policies CP3 of the CS and CC03 of the MDDL. Two of these are pre-commencement conditions in order to provide appropriate protection over the full course of development.

51. A condition requiring a Construction Method Statement is necessary in order to protect the safety of highway users in the vicinity of the site and the living conditions of surrounding residents, in accordance with Policies CP3 and CP6 of the CS. This is a pre-commencement condition in order to provide appropriate protection over the full course of development.
52. A condition requiring the submission and approval of an electric vehicle charging strategy is necessary to minimise the emission of pollutants into the wider environment and to provide an adaptable scheme in accordance with Policies CP1 and CP3 of the CS. It is additionally necessary in order to provide appropriate vehicular parking, in accordance with Policy CP6 of the CS. Whilst the suggested condition required details of "future proofing" of the site, the meaning of this phrase has not been satisfactorily demonstrated and therefore I have removed it from the condition. This is a pre-commencement condition in order to provide certainty prior to the commencement of development.
53. Conditions concerning contamination risk are necessary to minimise risks to users of the land during and after the development, and to surrounding occupiers and the environment, in view of the historic use of the land for vehicle maintenance. At the hearing the appellant submitted that it would be necessary to demolish buildings at the site to allow for soil investigations prior to the production of the risk assessment. The Council raised no objection to this and consequently the condition allows for this sequence of works.
54. A condition concerning highway construction at the development is necessary to ensure that roads and footways are constructed to a standard that would be suitable for adoption by the highway authority, as limited details are submitted in this regard and in accordance with Policies CP3 and CP6 of the CS. This is a pre-commencement condition in order to provide certainty prior to the commencement of development.
55. The suggested condition concerning highways construction sought to reserve matters in respect of surface water drainage for future consideration. However, as details in this regard are submitted in a Surface Water Drainage Strategy with the application for approval, a condition concerning these matters cannot be imposed. The plans condition requires the development to be carried out in accordance with the submitted drainage strategy, allowing for compliance with Policies CP3 and CP6 of the CS.
56. A condition concerning cycle parking is necessary to promote sustainable transport in accordance with Policies CP1, CP3 and CP6 of the CS. Conditions 17, 18 and 19 are pre-occupancy conditions in order to provide acceptable living conditions for the occupants of the development for its full duration.
57. A condition concerning bin storage is necessary in order to safeguard the appearance of the area and the functionality of the development, in accordance with Policies CP3 of the CS and CC04 of the MDDLDP.
58. A condition concerning vehicle parking and turning is necessary to safeguard highway safety and convenience in accordance with Policies CP3 and CP6 of the CS and Policy CC04 of the MDDLDP.
59. I have not imposed a suggested condition which would require the submission and approval of a landscape management plan, as the evidence before me does not demonstrate that this is necessary in order to avoid a refusal of

permission. I consider that such a condition would be likely to place a disproportionate burden on the appellant given the scale of the development and the resulting relatively limited areas which will be available for landscaping.

60. I have not imposed a suggested condition which would require the submission and approval of a parking management strategy because it has not been proven that this is necessary in order to avoid a refusal of permission. Furthermore, provision within the suggested condition for the delivery of plug-in vehicle charging spaces is made in a separate condition.
61. I have not imposed a suggested condition requiring the provision of two bat boxes, bricks or tiles as, whilst I note support within the Framework for the integration of biodiversity improvements within developments, it has not been proved that the condition is necessary in order to avoid a refusal of permission.
62. I have not imposed a suggested condition concerning the construction of the access as it has not been demonstrated to be necessary in view of the existing condition concerning turning and parking.
63. I have not imposed suggested conditions which would have removed certain permitted development rights associated with the proposed properties. I am mindful of advice in the PPG and I consider that the evidence does not demonstrate why removing such rights is necessary, and why these circumstances may be exceptional in that regard.
64. A number of suggested conditions include discretionary (or “tailpiece”) provisions which sought to allow for the agreement of the Council not to complete a suggested action, or to alter it. I have removed these in the majority of cases (with the exception of a tree protection condition where the risk is relatively low), as such wording can create a risk that significant changes could be sought to the development without the opportunity for other parties to comment.

Section 38(6) balance

65. The outcome of the paragraph 11d) assessment indicates that permission should be granted, as material considerations exist which indicate that the decision should be taken otherwise than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should succeed.

C Beeby

INSPECTOR

Schedule of Conditions

- 1) Details of the appearance and landscaping (hereinafter called "the reserved matters"), including samples of the materials to be used in the construction of the external surfaces of the buildings and details of the glazing schemes of dwellings at Plots 3, 4 and 7, shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans insofar as they relate to matters of access, layout and scale: Plan Nos 20.64-101, 20.64-102, 20.64-103 (revision F), 20.64-110 (revision B), 20.64-111 (revision B), 20.64-112 (revision B), 20.64-120 (revision A), 20.64-121 (revision A), 20.64-122 (revision A), 20.64-123 (revision A), 502.0112.002 and the Surface Water Drainage Strategy (Baker and Associates, March 2021).
- 5) No development shall take place until a scheme to secure landscaping at the site shall have been submitted to and approved in writing by the local planning authority as part of the reserved matters submissions required by condition 1. The scheme shall include a planting plan, specification (including cultivation and other operations associated with plant and grass establishment), schedules of plants (noting species, planting sizes and proposed numbers/densities where appropriate), and an implementation timetable.
- 6) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 7) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.
- 8) No development (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and/or widening or any other operation involving use of motor vehicles or construction machinery) shall take place until the tree protection works required by

the approved tree protection plan and/or the approved arboricultural method statement have been implemented.

- 9) 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 tree protection plan and/or the approved arboricultural method statement.
- 10) Any fencing or other works within the approved tree protection plan and/or the approved arboricultural method statement shall not be moved or removed, temporarily or otherwise, until all works, including any related external works, have been completed and all equipment, machinery and materials removed from the site, unless otherwise agreed by the local planning authority in writing.
- 11) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v) wheel washing facilities;
 - vi) measures to control the emission of dust and dirt during construction;
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - viii) the control of noise;
 - ix) the control of surface water run-off;
 - x) the control of rats and other vermin;
 - xi) the proposed method of piling for foundations (if any); and
 - xii) delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 12) No development shall commence until an Electric Vehicle Charging Strategy for the development shall have been submitted to and approved in writing by the local planning authority. The strategy shall include details of on-site vehicle charging infrastructure and the location and installation of charging points at the site. Development shall be carried out in accordance with the approved charging strategy.
- 13) No development (with the exception of demolition, and contamination risk investigation works) shall commence until an assessment of the risks posed by any contamination shall have been submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in

accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall include:

- a) a survey of the extent, scale and nature of contamination;
 - b) the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems and archaeological sites and ancient monuments.
- 14) No further development shall take place where (following the risk assessment) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out before the development is occupied.
- 15) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.
- 16) No development shall take place until details of the construction of roads, access and footways, including levels, widths, construction materials, depths of construction and lighting have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details to road base level before the development is occupied and the final wearing course shall be provided within 3 months of occupation.
- 17) No dwelling shall be occupied until details of secure and covered bicycle storage/parking facilities to be provided within the site for the use of the occupants of the development hereby permitted 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 shall be permanently retained in the approved form for the parking of bicycles and used for no other purpose.
- 18) No dwelling shall be occupied until details of a bin storage area/facilities within the site 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 shall be permanently retained in the approved form and used for no other purpose than the temporary storage of refuse and recyclable materials.

- 19) No dwelling shall be occupied until space has been laid out within the site in accordance with drawing no. 20.64-103 (Revision F) for cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear and that space shall thereafter be kept available at all times for those purposes.

APPEARANCES

For the Appellant:

Ms D Wells	Project Manager
Mr S Corp	Director, S106 Affordable Housing
Mr S Wood	Site owner
Mr P Memmott	Surveyor

For the Local Planning Authority:

Mr M Lloyd	Director, Trebbi Continuum
Ms B Pulahi	Planning Officer
Mr S Taylor	Principal Planning Officer/Team Leader

DOCUMENTS

- Wokingham Borough Council AH Completions table
- Written costs application of Mr Steve Wood
- Planning Appeal Decisions: APP/X0360/W/19/3224032, APP/X0360/W/21/3275086 and APP/X0360/W/21/3276169.