

29 June 2011

Mr John W Cornwell
Bell Cornwell Partnership
Oakview House
Station Road
Hook,
Hampshire
RG27 9TP

Our Ref: APP/W0340/A/10/2133957
Your Ref: jc/6073/1

Dear Mr Cornwell,

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78
APPEAL BY BLUE LIVING LTD, BLUE LIVING (PINCENTS HILL) LTD, ALASDAIR
BARRON & PRISCILLA PLATT
SITE AT LAND OFF PINCENTS LANE, TILEHURST, READING
Application ref: 09/01432/OUTMAJ**

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, John Papworth DipArch(Glos) RIBA, who held an inquiry on 22-25 February and 1 & 2 March 2011 (and which was closed in writing on 11 March 2011) into your clients' appeal against the refusal of West Berkshire Council (the Council) to grant outline planning permission for a development to provide up to 750 dwellings; a healthcare centre; a library and children's library; business and community forum; a nursery/crèche; up to six shops; a 40-bed hotel with spa and gym facilities; up to two restaurants and cafes; one drinking establishment; a primary school; open space and landscaping; three energy centres; new and improved accesses; parking for residents, staff and visitors; walking, jogging and fitness trails; ecology and wildlife corridors; up to four commercial offices; and up to ten homeworking units at land off Pincents Lane, Tilehurst, Reading in accordance with application ref: 09/01432/OUTMAJ.
2. The appeal was recovered for the Secretary of State's determination on 18 August 2010, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act 1990, because it involves development of over 150 residential units which would significantly impact on the Government's objective to create high quality, sustainable, mixed and inclusive communities.

Inspector's recommendation and summary of the decision

3. The Inspector recommended that the appeal be dismissed. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions and with his recommendation. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

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Procedural Matters

4. In reaching his decision the Secretary of State has taken into account the Environmental Statement which was submitted under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. The Secretary of State is content that the Environmental Statement complies with the above regulations and that sufficient information has been provided for him to assess the environmental impact of the application.

Matters arising after the close of the inquiry

5. Following the close of the inquiry, the Rt Hon Greg Clark MP issued a Written Ministerial Statement on 23 March 2011, entitled: *Planning for Growth*, which emphasised that significant weight should be attached to the need to secure economic growth and employment. The Planning Inspectorate wrote to the parties to this appeal inviting comments on this Statement. The Inspector describes the comments received at IR131-134, and the Secretary of State agrees with him (IR135) that the conclusions of the IR are not altered following consideration of the Statement and the written comments received.
6. The Secretary of State has also taken account of a representation dated 21 March 2011 from Mrs Sarah Chilton. As this did not raise any new matters that would affect his decision, he has not considered it necessary to circulate it to all parties, but copies of this representation can be made available upon written request to the address at the foot of the first page of this letter.

Policy considerations

7. In deciding the application, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan for the area in which the appeal proposal lies includes the South East Plan 2009 (Regional Strategy – RS), the saved policies of the *West Berkshire District Local Plan 1991-2006* (LP) and the saved policies of the *Replacement Minerals Local Plan for Berkshire 2007*. However, as it is the Government's intention to revoke RSs (as reflected in the Localism Bill now before Parliament), limited weight has been given to the proposed revocation in determining this case. The Secretary of State agrees with the Inspector that the development plan policies most relevant to the appeal are those described at IR14-17. He has also given some weight to the emerging Core Strategy (IR28-31) and has had regard to the Supplementary Planning Documents and other guidance listed at IR18.
8. Other material considerations which the Secretary of State has taken into account include the national planning policy documents listed by the Inspector at IR19, along with *The Planning system, General Principles*, which was published alongside PPS1; Circular 11/1995: *Use of Conditions in Planning Permission*; Circular 05/2005: *Planning Conditions*; and the Community Infrastructure Levy (CIL) Regulations.

Main issues

9. The Secretary of State considers that the main issues in this case are those listed by the Inspector at IR8.

Objectives of emerging Core Strategy, including five year supply of land

10. The Secretary of State has taken account of the fact (IR45) that the housing land allocations in the LP have been built out. Therefore, while giving limited weight to his intention to revoke to RS (see paragraph 7 above) and therefore to its policies, the Secretary of State agrees with the Inspector (IR78) that it is reasonable to proceed on the assumption of an overall requirement for 10,500 dwellings in West Berkshire between 2006 and 2026 as set out in emerging Core Strategy policy CS1. He also agrees that, for the reasons given at IR79, the Council is currently able to identify a 5.3 year housing land supply. The Secretary of State acknowledges the appellants' doubts over the delivery of the full extent of some of the sites which make up this five year supply (IR81 and 82), but he agrees with the Inspector and the Council (IR83) that it would be unfair to judge the suitability and developability of other sites in the context of this appeal.
11. Therefore, taking account of the Inspector's analysis of the most significant sites and those which the appellants consider to have developability constraints (IR84), as well as the Inspector's reasoning at IR 85-86, the Secretary of State agrees with the Inspector's conclusion at IR 87 that present figures suggest that there is currently a sufficiently robust five year supply, with no indication of a compelling need to develop the appeal site at the proposed rate of 750 dwellings ahead of the completion of the Core Strategy process and the site allocations DPD.
12. The Secretary of State has also had regard to the fact that, although LP policy HSG9 requires the provision of 30% affordable housing, policy CS7 of the emerging Core Strategy seeks 40% on greenfield sites such as the appeal site (IR126). While accepting the various uncertainties set out by the Inspector at IR126 and the fact that he cannot yet give full weight to the emerging Core Strategy (see paragraph 7 above), the Secretary of State nevertheless agrees with the Inspector's conclusion that the potential for achieving a higher percentage of affordable housing in the future adds weight to the view that bringing the site forward now could prejudice achieving the aims of the emerging Core Strategy.

Character and appearance, countryside and gaps between settlements

13. The Secretary of State agrees with the Inspector (IR102) that, for the reasons given at IR88-101, the proposed development would cause harm to the landscape character of the area including failing to preserve the natural beauty of the North Wessex Downs Area of Outstanding Natural Beauty; and that the harm would be apparent over a significant area and from a range of viewpoints. He therefore also agrees with the Inspector that the proposal would be contrary to the aims of those development plan policies listed at IR102. In coming to this conclusion, he further agrees with the Inspector that there would be a tendency to cause the coalescence of settlements which would cause harm to the spatial characteristics of the area and the perception of separate defined places (IR102) and, like the Inspector, he regards this to be intrinsically harmful rather than simply undesirable because it would represent an arbitrary application of the LP "gap" policy (ENV4) which has subsequently been superseded by PPS7 (IR89 and IR128-129).

Highway safety and traffic

14. For the reasons given at IR103-112, the Secretary of State agrees with the Inspector's conclusion at IR113 that the provisions included in the appeal proposals

to reduce the use of vehicles, taken together with the present highway arrangements and the results of modelling the effects of development as mitigated by highway improvements, mean that the appeal scheme should have only a limited effect on highway safety and the free flow of traffic. The Secretary of State therefore also agrees with the Inspector that, subject to the implementation of the proposed mitigation measures, the proposal would accord with the development plan policies listed at IR113 and that there would be a benefit over the situation of no development taking place and, hence, of no related highway works being undertaken (IR127).

Other considerations

15. The Secretary of State agrees with the Inspector that the appeal scheme would preserve the setting of the Grade II listed Pincents Manor Hotel (IR121); and that the development of the appeal site would not seriously harm the opportunity for exercise (IR122). He also agrees with the Inspector (IR123) that the mitigation proposals for the loss of habitat are acceptable and that the proposed conditions would ensure no harmful effects relating to water run-off, drainage, piling and water supply.
16. The Secretary of State sees no reason to disagree with the Inspector's conclusion at IR124 that there is no need to conclude against the appeal development in relation to any possible cumulative effect arising from it being located within the consultation area around the Atomic Weapons Establishment at Burghfield. He also agrees with the Inspector (IR130) that, while refusing this application would not be solely on grounds of prematurity, granting permission now for such a substantial amount of development, with the harm identified, would adversely affect the spatial planning of the wider area.

Conditions

17. The Secretary of State is satisfied that the conditions proposed by the Inspector at Appendix A to the IR and considered at IR73-74 would be reasonable and necessary and would comply with the provisions of Circular 11/95. He similarly agrees with the Inspector that the proposed conditions relating to the protection of the TPO and non-TPO trees on the appeal site would safeguard and enhance its biodiversity, thereby ensuring compliance with LP policy OVS2 (IR114-115); and that the proposed condition relating to making the best possible use of those mineral resources that occur on the appeal site would comply with the RS and Minerals Local Plan policies 1 and 2 (IR116-117). However, overall, the Secretary of State does not consider that, either individually or cumulatively, the proposed conditions would overcome his reasons for dismissing the appeal.

S106 Undertaking

18. The Secretary of State agrees with the Inspector that, for the reasons given at IR119-120, the matters contained in the completed Unilateral Undertaking dated 2 March 2011 (including the subsequent signed amendments as set out in Inquiry document A14 – listed at IR page 48) are necessary and relevant to the proposed development and meet the tests set out in Circular 05/2005 and the CIL Regulations 2010. However, for the reasons set out above, he does not consider that these provisions are sufficient to overcome his concerns with the appeal scheme as identified in this decision letter.

Overall Conclusions

19. Overall, the Secretary of State concludes that, although the appeal proposal would provide a range of housing, including affordable units, plus facilities and services, it lies outside the current settlement boundary and within open countryside where policies of restraint apply and within which it would cause substantial harm. The Secretary of State also concludes that there is a robust case for accepting that the Council has in excess of a five year supply of housing land without developing the appeal site, so that this harm could not be justified in terms of an inadequate supply of housing land; and he therefore sees no justification for permitting a proposal of the scale proposed at the current time given the risk that it could adversely affect the overall spatial planning of the area through the Council's Local Development Framework. The Secretary of State therefore concludes that, although the appeal proposal accords with the LP to a limited extent, there are a number of material considerations which outweigh that.

Formal Decision

20. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendations and hereby dismisses your clients' appeal against the Council's refusal to grant outline planning permission for a development to provide up to 750 dwellings; a healthcare centre; a library and children's library; business and community forum; a nursery/crèche; up to six shops; a 40-bed hotel with spa and gym facilities; up to two restaurants and cafes; one drinking establishment; a primary school; open space and landscaping; three energy centres; new and improved accesses; parking for residents, staff and visitors; walking, jogging and fitness trails; ecology and wildlife corridors; up to four commercial offices; and up to ten homeworking units at land off Pincents Lane, Tilehurst, Reading in accordance with application ref: 09/01432/OUTMAJ.

21. This letter serves as the Secretary of State's statement under regulation 21(2) of the Town and Country (Environmental Impact Assessment) (England and Wales) Regulations 1999.

Right to challenge the decision

22. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court within six weeks from the date of this letter.

23. A copy of this letter has been sent to the Council and the Rule 6 party. A notification letter has been sent to all other parties who asked to be informed of the decision.

Yours sincerely

Jean Nowak

Authorised by Secretary of State to sign in that behalf

RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS;

The decision may be challenged by making an application to the High Court under Section 288 of the Town and Country Planning Act 1990 (the TCP Act).

Challenges under Section 288 of the TCP Act

Decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged under this section. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application under this section must be made within six weeks from the date of the decision.

SECTION 2: AWARDS OF COSTS

There is no statutory provision for challenging the decision on an application for an award of costs. The procedure is to make an application for Judicial Review.

SECTION 3: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the report of the Inspector's report of the inquiry or hearing within 6 weeks of the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.



Report to the Secretary of State for Communities and Local Government

by John Papworth DipArch(Glos) RIBA

an Inspector appointed by the Secretary of State for Communities and Local Government

Date: 4 May 2011

TOWN & COUNTRY PLANNING ACT 1990 SECTION 78

Appeal by

**BLUE LIVING LTD, BLUE LIVING (PINCENTS HILL) LTD,
ALASDAIR BARRON & PRICILLA PLATT**

Against the Decision of

WEST BERKSHIRE COUNCIL

Inquiry held on 22 – 25 February, 1 & 2 March 2011

Land off Pincents Lane, Tilehurst, Reading.

File Ref: APP/W0340/A/10/2133957

File Ref: APP/W0340/A/10/2133957
Land off Pincents Lane, Tilehurst, Reading.

- 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 Blue Living Ltd, Blue Living (Pincents Hill) Ltd, Alasdair Barron & Pricilla Platt against the decision of the West Berkshire Council.
- The application Ref 09/01432/OUTMAJ, dated 23 July 2009, was refused by notice dated 26 February 2010.
- The development proposed is to provide up to 750 dwellings; a healthcare centre; a library and children's library; business and community forum; a nursery/creche; up to six shops; a 40-bed hotel with spa and gym facilities; up to two restaurants and cafes; one drinking establishment; a primary school; open space and landscaping; three energy centres; new and improved accesses; parking for residents, staff and visitors; walking, fitness and jogging trails; ecology and wildlife corridors; up to four commercial offices; and up to ten homeworking units.

Summary of Recommendation: The appeal be dismissed.

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Procedural Matters

1. The Secretary of State for Communities and Local Government has directed, by letter dated 18 August 2010, that he shall determine this appeal. The reason for this is that the appeal involves development of over 150 units which would significantly impact on the Government's objective to secure a better balance between housing demand and supply, and to create high quality, sustainable, mixed and inclusive communities.
2. The application was in outline with only means of access for consideration at this time, with details of layout, appearance, scale and landscaping to be reserved matters.
3. The Inquiry sat for a total of 6 days with an accompanied site inspection being carried out on 2 March 2011 to an agreed itinerary¹. That inspection included viewpoints referred to in evidence and as set out in photographs². In addition I carried out various unaccompanied tours of the surrounding road network during both morning and evening peak periods which included roads near schools during a term-time morning peak period. I viewed sites at Theale referred to in evidence, identified the location of the railway stations at Theale and Tilehurst and viewed the site from more distant locations.
4. A signed Unilateral Undertaking was presented at the Inquiry and fully discussed, it being relevant to the Council's reasons for refusal 6 and 9. However, a minor error was discovered and at the end of the proceedings on 2 March 2011 this remained to be corrected and signed. There were also other documents to be presented and I therefore arranged to receive all outstanding items within an agreed timescale. I adjourned the Inquiry and, following receipt of the amended Undertaking³ and other documents as agreed, the Inquiry was closed by letter dated 11 March 2011⁴.
5. During the Inquiry I published and updated a numbered list of documents received, and these numbers are referred to in the parties' closing submissions⁵ and are scheduled at the end of this Report.

The Council's Reasons for Refusal

6. The Decision Notice dated 26 February 2010⁶ cited nine reasons for refusal and these are set out in full as follows;
 - **Reason 1.** The application proposes inappropriate and unjustified development, on a greenfield site outside of the current settlement boundary. Material considerations do not outweigh the general presumption against development in the countryside. Accordingly the proposal is contrary to advice in PPS3 '*Housing*', PPS7 '*Sustainable Development in Rural Areas*', Policy SP3 of the South East Plan 2009 and Policies OVS1 and

¹ DOC C13

² DOC 1ii and 1iii, Bettina Kirkham Appendices

³ DOC A14

⁴ DOC P7

⁵ Council DOC C14, Appellant DOC A15 and Rule 6 DOC 6/9

⁶ DOC P6

ENV18 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007.

- **Reason 2.** The application proposes development within a Gap between Settlements. The proposed development would detract from the open and rural character of this area of land and would severely compromise the clear physical and visual separation between Theale and Tilehurst/Calcot. The proposal would have a significant adverse impact on the open rural character of the gap, not only on the site itself, but also on the overall gap. Accordingly the proposal is contrary to Policy C4 of the South East Plan 2009 and Policy ENV4 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007.
- **Reason 3.** The proposed development is considered to undermine the achievement of the policy objectives of the emerging Core Strategy (at this stage West Berkshire's Core Strategy Draft Submission) as the site is not allocated as a Strategic Site Allocation for residential development. Additionally the Council can demonstrate a 6.5 year housing land supply as of September 2009. Accordingly the application is considered to be premature and is contrary to guidance set out in PPS3 '*Housing*'.
- **Reason 4.** The proposed development would have a direct adverse landscape and visual impact on that part of the site within the North Wessex Downs Area of Outstanding Natural Beauty and on the setting of the AONB along its boundary with Pincents Lane. Accordingly the proposal does not conserve or enhance the natural beauty of the AONB and is therefore contrary to government guidance in PPS7 '*Sustainable Development in Rural Areas*', Policy C3 of the South East Plan 2009 and Policy ENV1 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007.
- **Reason 5.** The proposed development is not in keeping with and would materially harm the landscape character of the area. Accordingly the proposal is contrary to the guidance contained with the North Wessex Downs Landscape Character Assessment 2002 and the Newbury District-wide Landscape Character Assessment 1993. Additionally the applicant has failed to provide sufficient information on the visual impact of the development, without which it is not possible for the Local Planning Authority to determine the impact of the development on views to the site or on local visual amenity. The proposed development is thus contrary to PPS7 '*Sustainable Development in Rural Areas*', Policies CC1, CC6 and C4 of the South East Plan 2009 and Policies OVS2 and ENV1 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007.
- **Reason 6.** The proposed development would have a cumulative adverse impact on road safety and the local transport infrastructure. The applicant has failed to satisfy the Local Planning Authority and the Highways Agency that appropriate measures will be taken to mitigate that impact, contrary to Policy T1 of the South East Plan 2009, Policies OVS2, OVS3 and TRANS1 of the West Berkshire District Local Plan 1991 - 2006 Saved Policies 2007 and PPG13 '*Transport*'.
- **Reason 7.** The applicant has failed to provide sufficient information to demonstrate that the proposal would not have an adverse impact on TPO

and non-TPO trees on site. Without the information to make this assessment, the Council's Tree Officer cannot be satisfied that the proposal would not have an adverse impact on trees. The proposed development is therefore contrary to Policy OVS2 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007.

- **Reason 8.** The applicant has failed to demonstrate that the proposed development would not sterilise mineral resources. As such the proposal is contrary to Policies 1 and 2 of the Replacement Minerals Local Plan for Berkshire Saved Policies 2007, Policy M5 of the South East Plan 2009 and advice given in MPS1 *'Planning and Minerals'*.
 - **Reason 9.** The development fails to provide an appropriate scheme of on-site works and/or off-site mitigation measures to accommodate the impact of the development on local infrastructure, services or amenities or provide an appropriate mitigation measure such as a financial contribution secured by a planning obligation. The proposal is therefore contrary to government advice contained in Circular 05/05, Policy CC7 of the South East Plan 2009 and Policies OVS3 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007 as well as West Berkshire Council's adopted SPG4/04 *'Delivering Investment from Sustainable Development'*.
7. The Council did not pursue all reasons for refusal at appeal or at the Inquiry as a result of agreement reached with the appellants, but all of these will be addressed in this Report, particularly as some remained matters of contention between the appellants and the Rule 6 Party.

Main Issues

8. The main issues, as identified at the opening of the Inquiry, or as varied in the light of evidence, are;
- The effect of the development on the policy objectives of the emerging Core Strategy, including consideration of the five year supply of land. (reason for refusal 3)
 - The effect of the development on the character and appearance of the area, having regard to the aims of policies that seek the protection of the countryside and the saved Local Plan Policy on Gaps between Settlements (reason for refusal 1, 2, 4 & 5)
 - The effect of the development on highway safety and the free flow of traffic. (reason for refusal 6)
 - The effect of the development on trees. (Reason for refusal 7)
 - The effect of the development on mineral resources. (Reason for refusal 8)
 - The effect of the development on local infrastructure. (Reason for refusal 9)

The Site and Surroundings

9. A written description of the site and surroundings is in the Statement of Common Ground (SOCG)⁷;
- The appeal site lies outside the settlement boundary of the Eastern Urban Area of West Berkshire district. The site, referred to throughout as Pincents Hill, covers an area of 19.4 hectares. The site is wholly within private ownership and part of the site has in recent years been used as a golf course. A public right of way crosses the site from east to west. Two fields adjacent to Pincents Lane are used for pasture grazing, and the site is otherwise currently unused except for informal public access.*
 - Pincents Hill is located on the western fringe of Reading adjacent to the urban areas of Tilehurst and Calcot, 6km from Reading town centre by road. To the west and north across Pincents Lane lies the nationally designated North Wessex Downs Area of Outstanding Natural Beauty. To the south-west of the site is a complex of industrial units, including the Porsche Cars UK Headquarters complex, and the Pincents Lane Retail Park, incorporating a Sainsbury's hypermarket, which separates the site from the M4 motorway. Across the M4 lies the town of Theale and the Arlington Business Park employment area. To the north east and south east, the site abuts late twentieth century residential cul-de-sacs. All these developments ultimately connect to the A4 Reading-to-Newbury road, which meets the M4 at Junction 12 to the south west of Sainsbury's.*
10. The Design and Access Statement contains the following description;
- The site lies within the local authority area of West Berkshire Council in the parish of Tilehurst on the outskirts of Reading, as illustrated in figures 3 and 4. It adjoins the residential area of Calcot, Tilehurst Parish Council playing fields, Sainsbury's retail development and a retail and office park. The North Wessex Downs Area of Outstanding Natural Beauty (AONB) lies to the west and north of Pincents Lane, which defines and forms an appropriate boundary.*
 - The site itself is a degraded and largely unused piece of land formerly used for soil and mineral extraction and more recently as a golf course. A public right of way crosses the site from east to west. The A4 main road from Reading to Newbury feeds into Junction 12 of the M4 immediately to the west of the site and leads to Reading town centre in the east.*
 - Community and shopping facilities are found in individual parades and buildings locally, while the Tilehurst Triangle provides a more concentrated local centre. Local schools, churches, community organisations and recreation and leisure facilities are to be found in the area, which includes the settlement of Theale just across the M4.*
11. The factual descriptions in both documents appear accurate although it should be noted that the Design and Access Statement also contains matters of

⁷ DOC 16

subjective comment. The various features referred to were identified during the site inspection which included views of the site from some distance.

12. A useful list of views into and from within the site are in Bettina Kirkham's Proof of Evidence cross-referenced to photographs in her Appendices⁸.
13. Additional features to be recorded are;
 - The southern boundary with the Sainsbury's retail outlet is formed by a retaining wall, the rear car park of the shop being at a lower level. There is a recently erected metal fence along the boundary with the Parish Council playing fields. The eastern boundary is less clearly defined, while that to the north is predominantly shared with the rear gardens of residential development and the Garston Park Home Village, the remaining boundaries being formed by the present line of Pincents Lane and the rear of the industrial park.
 - In addition to the footpath mentioned in the Design and Access Statement, designated 13/3, there is a surfaced footpath numbered 14/1 running from Starlings Drive to Royal Crescent and onwards to the A4 main road. Another path, 15/1, is shown to skirt around the northern boundary adjacent to the park home village, but this appears to be within vegetation and a more southerly line appears to be in use. A path running north-south from near Farm Drive to the playing fields is being designated as a further right of way.
 - The former use as a golf course is hardly discernible, although once in the knowledge of that fact it is possible to identify unnatural land forms in limited locations.
 - The site slopes down from a plateau along the north edge towards the south with a hedge-line with trees across the slope. It appears that the former golf course fairways were arranged to run either side of this line.
 - There are extensive views from the top of the site across the River Kennet valley to the south, taking in the motorway, lakes and the ridgeline beyond. More filtered views to the south-west and west are available from places, with the distinctive Theale church being visible above other buildings.
 - The site is visible in views from the A4 Bath Road and beyond, from parts of footpath 12/1 'Berkshire Circular Routes' to the west and from more distant locations.
 - There is a Grade II listed building on the far side of Pincents Lane at the south-west corner of the site, now the Pincents Manor Hotel. A former listed barn to the east of that building was lost to fire and subsequently de-listed, and has since been replaced by a conference centre between the site and the hotel⁹.

⁸ DOC 1i Bettina Kirkham POE Sections 5.45 to 5.84 and Appendices DOC 1ii and 1iii

⁹ DOC P8 Listing descriptions

Planning Policy

14. At the date of the Inquiry and the writing of this Report, The Development Plan includes The South East Plan 2009 (Regional Spatial Strategy), the saved policies of the West Berkshire District Local Plan 1991-2006 and the saved policies of the Replacement Minerals Local Plan for Berkshire 2007.
15. *The South East Plan*
 - *Policy SP3 Urban Focus and Urban Renaissance* The prime focus for development in the South East should be urban areas, in order to foster accessibility to employment, housing, retail and other services, and avoid unnecessary travel. Policies should seek at least 60% of all new development to be on previously developed land. New urban extensions are to be well designed and consistent with the principles of urban renaissance and sustainable development
 - *Policy C3 Areas of Outstanding Natural Beauty* A high priority will be given to conservation and enhancement of natural beauty in the region's Areas of Outstanding Natural Beauty (AONBs) and planning decisions should have regard to their setting.
 - *Policy C4 Landscape and Countryside Management* Outside nationally designated landscapes, positive and high quality management of the Region's open countryside will be encouraged and supported. Plans and programmes should recognise, and aim to protect and enhance, the diversity and local distinctiveness of the region's landscape, informed by landscape character assessment.
 - *Policy CC1 Sustainable Development* The principal objective of the Plan is to achieve and to maintain sustainable development in the region. Sustainable development priorities for the South East are identified and include achieving sustainable levels of resource use and ensuring the physical and natural environment of the South East is conserved and enhanced.
 - *Policy CC6 Sustainable Communities and Character of the Environment* The creation of sustainable and distinctive communities will be actively promoted and a local shared vision will be developed and implemented which respects, and where appropriate enhances, the character and distinctiveness of settlements and landscapes throughout the region and uses innovative design processes to create a high quality built environment which promotes a sense of place.
 - *Policy CC7 Infrastructure and Implementation* states that the scale and pace of development will depend on sufficient capacity being available in existing infrastructure to meet the needs of new development. Where this cannot be demonstrated the scale and pace of development will be dependent on additional capacity being released through demand management measures or better management of existing infrastructure, or through the provision of new infrastructure.
 - *Policy T1 Manage and Invest* seeks policies that achieve a re-balancing of the transport system in favour of sustainable modes as a means of access to services and facilities, foster and promote an improved and integrated

network of public transport services in and between both urban and rural areas, and encourage development that is located and designed to reduce average journey lengths.

- *Policy M5 Safeguarding of Mineral Reserves, Wharves and Rail Depots* requires existing mineral sites, and proposed sites and 'areas of search', to be identified in mineral development documents for the extraction and processing of aggregates, clay, chalk, silica sand and gypsum. These should then be safeguarded in local development documents.
- *Policy WCBV1 Core Strategy* identifies Reading as a Regional Hub, and Newbury as a Sub-regional Hub and these will be the main focus for transport investment and development in the sub-region. To the extent that development cannot be satisfactorily accommodated in the existing built-up areas, sustainable urban extensions will be promoted at selected settlements. Sustainable greenfield allocations should be mainly focused on the periphery of those hubs where other constraints do not prevent this – Basingstoke, Reading, Bracknell and Newbury – but smaller allocations may be brought forward at other settlements, subject to their meeting the same sustainability considerations. These urban extensions should minimise incursions into Green Belt or areas protected (or proposed for protection in local development documents) as Areas of Outstanding Natural Beauty or by other policies of regional, national and international importance.
- *Policy WCBV3 Scale and Distribution of Housing Development* states that local planning authorities will allocate sufficient land and facilitate the delivery of 102,100 net additional dwellings in the Western Corridor and Blackwater Valley sub-region between 2006 and 2026. Wokingham's requirement is stated to include some 2,500 dwellings that will contribute to the delivery of housing to serve the needs of Greater Reading. The figure for West Berkshire does not include such requirement.

16. *Replacement Minerals Local Plan for Berkshire*

- *Policy 1* requires local planning authorities to husband the mineral resources of Berkshire to prevent their wasteful use or sterilisation.
- *Policy 2* seeks to avoid the sterilisation of mineral deposits by development unless the deposit is of no commercial interest, there is an overriding case for the development or there would be environmental objection to the extraction.

17. *The West Berkshire District Local Plan*

- *Policy OVS1 The Overall Strategy* states that the Council will follow the existing settlement pattern and hierarchy found within the district area in seeking sustainable locations for development which minimise the need to travel and with appropriate access to public transport services and other community facilities. In this context the Council would prefer to see the redevelopment of brownfield sites (land previously developed) than the use of 'greenfield' (undeveloped) land.
- *Policy OVS2 Core Policy* sets various criteria for development including showing a high standard of design including landscape treatment which respects the character and appearance of the area, retaining and protecting

important landscape and nature conservation features and providing for further landscape treatment, and retaining important open space areas of recreational and/or amenity value within or on the edge of settlements.

- *Policy OVS3 Planning and Community Benefits* The Council will require to be satisfied that the infrastructure, services and amenities made necessary by the development are provided or will be provided at the appropriate time so as to ensure the proper planning of the area. In addition, when considering proposals for development, opportunities will also be sought for securing environmental improvements and community benefits.
- *Policy ENV1 The Wider Countryside* seeks to conserve and enhance the special features and diversity of the different 'landscape character areas' found within West Berkshire.
- *Policy ENV4 Gaps Between Settlements* The Council will not permit development which would detract from the open or rural character of areas of land identified on the Proposals Maps essential to the maintenance of a clear physical and visual separation between distinct settlements. The locations to which this policy will be applied include land between Theale and Tilehurst/Calcot.
- *Policy ENV18 Control of Development in the Countryside* states that the nature and scale of development in rural areas should seek to encourage and sustain balanced rural communities. Development outside of settlements, allocated sites and other defined areas will be permitted only where it will benefit the rural economy or it will provide beneficial use of a brownfield site or it is within the permissible categories of housing development in the countryside. Each of these rely on accordance with other policies, and the policy goes on to state that this is provided it will maintain or enhance the environment and is appropriate in scale, form, impact, character and siting to its location in the countryside.
- *Policy TRANS1 Meeting the Transport Needs of New Development* requires the transportation needs of new development to be met through the provision of a range of facilities associated with different transport modes including public transport, walking, cycling and parking provision.
- *Policy HSG9 Affordable Housing for Local Needs* sets out the factors in determining the level of affordable housing and the type of sites that would be expected to make provision. The explanatory text states '*therefore as a starting point applicants for residential development should consider the provision of at least 30%.*'

18. *Supplementary Planning Documents and Other Guidance*

- *SPG4/04 `Delivering Investment from Sustainable Development'*
- *North Wessex Downs Landscape Character Assessment 2002*
- *North Wessex Downs AONB Management Plan 2009 - 2014*¹⁰
- *Newbury District-wide Landscape Character Assessment 1993.*

¹⁰ DOC 1ii Bettina Kirkham Appendix L5

19. *National Planning Policy* is contained in the following;
- Planning Policy Statement 1 "*Delivering Sustainable Development*" (PPS1)
 - Planning Policy Statement 3 "*Housing*" (PPS3)
 - Planning Policy Statement 7 "*Sustainable Development in Rural Areas*" (PPS7)
 - Planning Policy Guidance Note 13 "*Transport*" (PPG13)
 - Minerals Policy Statement 1 "*Planning and Minerals*" (MPS1)

Planning History

20. This is set out in the Statement of Common Ground as follows;
- Appeal Reference: APP/G0310/A/87/77053, an appeal against refusal of permission for residential development with associated infrastructure and provision of public open space on 23.03ha of land adjacent to Pincents Lane. The appeal was dismissed by the Secretary of State by letter dated 10 November 1988 following an Inquiry and a report by an Inspector.
 - Application Reference: 139251, application for a change of use of agricultural land to 9 hole pay and play golf course with kiosk, car parking and road widening to Pincents Lane. Planning permission granted on the 27 January 1995 and this use was implemented but has since ceased.
21. However, the Rule 6 Party, Save Calcot and Save Pincents Hill Action Groups, list further applications and decisions. The discrepancy is not explained but there is agreement over the most recent and I do not consider anything turns on this difference.

The Proposed Development

22. The Statement of Common Ground agrees the following description;
- *The Appeal scheme proposes in outline form (with only 'access' reserved matters submitted);*
 - *total of 750 dwellings;*
 - *healthcare centre including accommodation for GPs;*
 - *library and children's library;*
 - *business and community forum;*
 - *nursery/crèche;*
 - *40-bed hotel with spa and gym facilities;*
 - *up to six shops;*
 - *up to two restaurants and cafes;*
 - *one drinking establishment;*
 - *primary school (subject to s106 agreement);*

- *open space and landscaping including a net increase in public open space and improved access to the North Wessex Downs AONB;*
- *three energy centres;*
- *new and improved accesses including to public transport services;*
- *parking for residents, staff and visitors;*
- *walking, jogging and fitness trails;*
- *ecology and wildlife corridors including preserved trees and habitats;*
- *up to four commercial offices;*
- *up to 10 homeworking units.*
- *With the exception of revisions to the parking strategy as detailed in a revised Transport Assessment and Travel Plan, the Appeal scheme is as described in the Design and Access Statement, masterplan and supporting strategies and assessments submitted in support of the Outline Planning Application.*

Other Agreed Facts

23. In addition to those matters already referred to (the description of the site and surroundings, planning history, relevant planning policy and the description of the proposals) a Statement of Common Ground covers the following matters of full agreement between the appellants and the Council;
- *Nine reasons were given by the LPA for refusal of the outline planning application. The parties agree that:*
 - *Further work on transport and highways matters has produced agreed modelling inputs and outputs and satisfactorily identified the likely impact of the development and a package of appropriate and affordable mitigation measures. An Agreed Statement has been prepared between the appellant, the Local Highway Authority and the Highways Agency to detail a common position.*
 - *Concerns about the impact on trees can be dealt with by the imposition of planning conditions;*
 - *Further geotechnical investigations have confirmed that remaining minerals deposits on the site are not of commercial interest and are not, therefore, subject to the higher levels of safeguarding. A condition will be imposed requiring a scheme for the appropriate use of minerals to be submitted prior to the commencement of development.*
 - *Reasons for refusal numbered 7 and 8 are therefore withdrawn subject to conditions.*
24. The Statement also notes the following matters of partial agreement;
- *The parties agree on.....parts of the Environmental Statement submitted with the planning application.*

- *The parties agree that the correct boundary for the North Wessex Downs AONB is as shown on the West Berkshire Local Plan Proposals Inset Map C and follows the western edge of the carriageway along Pincents Lane.*
 - *The parties agree the principle of a buffer to the AONB, measured from the AONB edge adjacent to Pincents Lane, to set a minimum distance between (a) the AONB boundary and any buildings and (b) the AONB boundary and any infrastructure other than landscape planting, footpaths and low-level lighting, to be covered by a condition. The width of the buffer will vary according to conditions on the ground and the nature of the development.*
 - *The parties agree that dedication of land north and west of Pincents Lane in the applicants' control (i.e. that shown within the blue-lined boundary on the Landscape Masterplan included in the Design and Access Statement) to public access and community uses is to be covered by a condition and/or S106 obligation;*
 - *Land-use proposals shown in the Landscape Masterplan are illustrative and will be subject to further detailed proposals having regard to, inter alia, the North Wessex Downs AONB Management Plan.*
25. There is a second document, 'Agreed Statement on Highways and Transportation Matters'¹¹ which is signed on behalf of the Council (as highways authority), the Secretary of State for Transport (responsible through the Highways Agency for the M4) and the appellants. In addition to agreement on factual matters, there is agreement between the appellants, the Council and the Highways Agency over modelling, scenarios and outputs. The Travel Plan is agreed subject to further details, management, monitoring and delivery secured through the S106 Undertaking. Off site mitigation measures are agreed to result in a general improvement in network performance in a 2020 forecast year when compared to a 'do nothing' with no development at Pincents Hill scenario.
26. However the following should be noted;
- The Rule 6 Party, the Save Calcot and Save Pincents Hill Action Groups, are not a signatory of either the Statement of Common Ground or the Highways and Transportation document and they, along with local residents, remain opposed to the development on the grounds of the effect on highways, and have reservations over the effect on trees, reasons for refusal 6 and 7.
 - The neighbouring Reading Borough Council as highway authority for that area object to the highway implications of the scheme¹².

The Case for the Council

The material points are;

27. This is a proposal that is opposed by the Officers who recommended against it in strong terms, the Council members who unanimously refused permission, the 1560 people who opposed it and politicians of Conservative, Labour, Liberal Democrat and Green parties, of Reading Borough, West Berkshire District and

¹¹ DOC 17

¹² Within DOC 30, and in response to appellant's POE, in DOC 31

- the local Member of Parliament. The site has been expressly rejected in the emerging Core Strategy for a strategic site.
28. As part of the outcome of evidence-gathering for the preparation of the Core Strategy, a combination of focusing development on brownfield land, strategic urban extensions and smaller urban extensions were favoured methods of meeting the need for housing growth in the district. Sites put forward by developers and landowners included Pincents Hill, the appeal site. All sites were assessed on a consistent basis¹³ and short-listed sites taken forward to be consulted on through the preferred options Core Strategy¹⁴. The focus for development is to be in the Newbury/Thatcham area and the Eastern Urban Area. In the latter, three strategic sites considered were Pincents Hill, Kennet Valley Park and Whitehart Meadow. Kennet Valley Park was excluded early-on due to flooding, ecological and transportation concerns.
29. The remaining two sites were tested further following a meeting of the Council's Planning Task Group¹⁵ and a broader range of five options were consulted on, including these two¹⁶. A meeting of the Task Group¹⁷ resulted in Option 4 being proposed to be taken forward to the Core Strategy, with the Eastern Urban Area plus the rural service centres of Theale and Pangbourne as broad locations for development, sites to be identified through the Site Allocations and Delivery DPD, likely to come forward after 2016 due to development already committed. The vision for the eastern area includes the reference *'the individual identities of Purley on Thames, Tilehurst and Calcot will be maintained and enhanced as will the qualities of the built environment'*. The Area Delivery Plan Policy 4 of the Core Strategy¹⁸ states that the eastern area will accommodate approximately 1400 new homes during the plan period, a number of sites which have future potential for development have been identified in the Strategic Housing Land Availability Assessment (SHLAA)¹⁹ and at March 2010 there were 692 dwellings left to be identified.
30. The Core Strategy is at an advanced stage and *'The Planning System; General Principles'* sets out at paragraph 17 the instances where refusal of planning permission on grounds of prematurity might be appropriate. That provision applies in this case. The proposal is contrary to the plan-led system. To allow this appeal would put a strategic site in the east area when the Full Council has rejected this approach.
31. Planning Policy Statement 3 requires Local Planning Authorities to identify a five year supply of housing land and the requirement for West Berkshire is set out in the South East Plan at 10,500 dwellings between 2006 and 2026 and this figure is included within the Core Strategy. The average of completions between March 2006 and March 2010 has been above that needed to meet the required figure and the Council can now show a 5.3 year supply with no

¹³ DOC 2ii Elizabeth Alexander Appendix 1

¹⁴ DOC 2ii Elizabeth Alexander Appendix 3

¹⁵ DOC 2ii Elizabeth Alexander Appendix 2

¹⁶ Listed at 3.8 DOC 2ii Elizabeth Alexander POE, and within DOC C12 (Elizabeth Alexander Appendix 3 is not the final version but there is no change to pages 68/69)

¹⁷ DOC 2ii Elizabeth Alexander Appendix 4

¹⁸ DOC C5

¹⁹ DOC C4

- additional sites coming through the planning system. The exercise has been robust and the Council has a good track record of housing delivery.
32. Rather than continue to rely on local gap policies (Local Plan ENV4), the Council is taking an evidence-based approach to inform decisions on accommodating future growth adjacent to settlements and on any necessary settlement boundary reviews through the Site Allocations and Delivery DPD. Core Strategy Policy CS20 is being updated during the suspension of the Examination to explain the principle in more detail.
 33. The site is within the countryside, outside adopted settlement boundaries and having regard to the nature of the golf course use, should be regarded as being greenfield land. The preference for the use of previously developed land is stated in PPS3 and in Local Plan Policy OVS1. Planning Policy Statement 7 requires development in rural areas to be in keeping with its location and sensitive to the character of the countryside and Local Plan Policy ENV18 restricts the type of development in the countryside. Whilst the proposals are put forward as being sustainable, the development is not regarded as being exceptional and the land could be sold on with the benefit of permission to a volume house builder with little guarantee of the sustainable features being built.
 34. The proposed development will lead to the loss of an open and rural tract of land resulting in a significant adverse impact on the role of the site in maintaining a strategic gap between Tilehurst and Theale in accordance with saved policy ENV4. The importance of the gap was emphasised in the Local Plan Inspector's report. The four areas of land that make up this gap are important in mitigating the effect of the commercial sites and the perception of urban sprawl out of Reading. If the appeal site were to be developed the commercial sites would be subsumed into greater Tilehurst, extending the continuous built form of Reading up to the M4. The development will lead to the loss of distinction between the separate settlements of Tilehurst and Theale to the detriment of their separate identity by virtue of this loss of an open and rural tract of land.
 35. The development will result in a significant adverse impact on the landscape character of this part of West Berkshire's open countryside as it is visually prominent. The loss of its current open landscape character will also be visible from a wide area, affecting a significant number of local viewpoints. The existing tree cover and hedgerows are important aspects that would be lost or reduced.
 36. The development will have a direct and indirect adverse impact on the special qualities and natural beauty of the AONB and its setting. The boundary of the AONB runs along the west side of Pincents Lane. The lane is typical of the sunken lanes that characterise this part of the AONB and the land to the east, the appeal site, is not currently visible from the AONB due to the banks and vegetation. The visual impact of development on the land in N8 and N10 would be detrimental to the AONB and the change to the road alignment to accommodate the northern access would involve development within the designated area; it is difficult to see a need for this access which would override national policy. The proposed 12m landscape buffer would not be wide enough to remove the perception of development and would not be sufficient to protect the setting of the AONB at either 1 year or 15 years.

37. The Environmental Statement and the appellants' analyses have underestimated the visual impact of the development on a wide variety of visual receptors and have over-estimated the benefit of the landscape proposals. The proposed landscape measures, such as green infrastructure, do not overcome the harm arising from the development. As such the proposed development is contrary to current landscape policy and guidance.
38. This is a development that is contrary to the Development Plan, is contrary to the emerging Core Strategy, consideration now being premature and unfair to the promoters of other sites. In addition the development would cause harm. Other material considerations would need to be of enormous weight to counteract these concerns, but they are not sufficient. Affordable housing is now proposed at 30%, a reduction from the 35% originally proposed, and less than the 40% that would be sought in the Core Strategy on greenfield sites. Level 4 of the Code for Sustainable homes will not be exceptional at the likely time of development. The amount of open space is not exceptional, and the proposals for the blue land within the AONB include suggested benefits that would need separate permissions to be delivered. There is nothing unusual in the proposed travel plan and bus subsidy.
39. In addition to matters dealt with by the Council's four witnesses at the Inquiry, there were a further seven proofs of evidence addressing;
- The need for and level of education contributions²⁰.
 - The need for and level of ecology contributions, and the need for Conditions²¹.
 - The need for and level of contributions towards adult social care²².
 - The need for and level of affordable housing sought²³.
 - The need for and level of contributions towards library provision²⁴.
 - The need for and level of the healthcare contribution²⁵.
 - The justification for open space provision²⁶.
40. The authors of these documents were not called to give evidence and were therefore not tested at cross-examination. They did however address matters which were agreed between the Council and the appellants. I will consider these matters as appropriate, with regard to conditions, the Section 106 Undertaking and the merits of the case.

²⁰ DOC 5

²¹ DOC 6

²² DOC 7

²³ DOC 8

²⁴ DOC 9

²⁵ DOC 10

²⁶ DOC 11

The Case for the Appellants

The material points are;

41. The scheme has ten principle objectives²⁷; enabling sustainable growth in Greater Reading and West Berkshire, meeting urgent housing and infrastructure need, building a healthy community, reducing dependency on the private car, using natural resources sustainably, using land efficiently, increasing public access to green and other open space, active management and governance through a management company, whole life economics repaying the carbon debt over time and improving with time, and creating a culture of sustainability.
42. There is a high degree of certainty in this scheme due to the detail provided and the scheme was developed with public consultation. It meets the requirements for high quality in PPS3 and will provide affordable housing for which there is an existing chronic need.
43. The gap policy (ENV4) is not a credible reason for refusal as the policy has been overtaken by events. The proposed development does not lead to greater coalescence between Tilehurst/Calcot and Theale, which is the purpose of the gap designation. Prematurity is not a legitimate planning reason in this case and the site will provide benefits, including that it will deliver housing early in the plan period.
44. PPS3 requires Councils to be able to demonstrate a 5 year supply of deliverable sites, but the Council uses a calculation method that has not been supported at appeal²⁸ whereas the appellants' method²⁹ gives the true picture. Having regard to the likely delivery of sites, the results are a supply of between 3.43 years and 4.36 years³⁰. Either way, the Council are unable to demonstrate a 5 year supply of deliverable housing sites.
45. The Local Plan was adopted in 2002 and expired in 2006, and its allocations have been built-out. Whilst policies have been saved it is clear that this does not endorse their continued suitability and there is no document in place to meet the policy vacuum or to identify the necessary development allocations. The Core Strategy has reached an advanced stage, but requires further evidence to be presented to the Inspector, and the hearings are now adjourned.
46. There are doubts over the Council's Sustainability Appraisal of the potential strategic sites. The appeal site scored +4 and was ranked third out of eleven³¹. The worst performing site, Sandford Park, was however selected for allocation, and the LDF Inspector has sought further information on that. Such an allocation, taken together with Newbury Racecourse, would place considerable development near Newbury but not address the needs of the eastern area or Reading as a regional hub. The scoring of the appeal site is

²⁷ DOC 14 para 3.5 to 3.14

²⁸ DOC 15i para 4.20 and 4.21

²⁹ DOC 15i para 4.23

³⁰ DOC 15i pages 21 to 27

³¹ DOC 15i para 4.47

considered incorrect³² and if correctly carried out would place the appeal site as the highest ranked of the potential sites. However, the appeal site was deleted from the allocations and the appellants suspect that this was due to local pressure at a time of political activity in a marginal constituency leading up to the General Election. It is not the case that either Sandford Park or the appeal site should be allocated, but that the appeal site is required whether the other site goes ahead or not, to satisfy the needs of the eastern area.

47. Reading is a regional hub and provides employment for many West Berkshire residents, shopping and other services³³. Area Delivery Plan Policy 4 states that 1,400 new homes will be accommodated in the eastern area in order to support the growth of the Reading area and sustain services in Pangbourne and Theale. The key diagram identifies the appeal site within a narrow defined area of broad locations. There are constraints to development of other sites in the area, flooding, the AONB, traffic noise, overhead power lines, access and agricultural land designations, that do not affect the appeal site. It is concluded that the appeal site is not only desirable to develop but actually necessary to meet the Council's proposed planning objectives.
48. The Council presented an updated Strategic Housing Land Availability Assessment, dated February 2011, during the Inquiry³⁴ and a revised statement was produced by the appellants in response at the Inspector's request³⁵. This shows, depending on the assumptions, a land supply of either 4.2 years or 4.8 years. In the eastern area, the required 1,400 dwellings cannot be met without the appeal site.
49. In landscape terms, a very small proportion of the site is covered by any national designation, the North Wessex Downs AONB. The site has undergone previous changes to its landform and character, and has limited visibility from within the AONB.
50. The layout of the development incorporates landscape design features such as the two parks, two formally laid-out squares and streets, and green infrastructure as part of the built form, green and brown roofs, terraces and green walls will provide for food production and ecology. The blue land within the AONB will incorporate a community farm and allotments, new planting, an orchard and a community meadow and improved public access.
51. The effect of the development has been assessed through a landscape and visual impact assessment^{36 & 37}. Generally the development would have a neutral impact on the landscape character of surrounding areas, through these having their own distinct character or through enhanced boundary planting. There would be residual slight adverse, or in some cases, moderate adverse visual impact in views towards the site, with a moderate adverse impact from within the site.

³² DOC 15ii Appendix 15

³³ DOC 15i para 6.7 and 6.12

³⁴ DOC C4

³⁵ DOC A8 (NB subject to alteration at cross examination)

³⁶ DOC BRB1 Environmental Statement sections 9.97 to 9.158

³⁷ DOC 13 section 6

52. With regard to reason for refusal number two, the effect on the gap, it accepted that the development would have an effect on the open character of the site through introducing built form, as is the case with any such development whether on land bearing a 'gap' designation or not. The purpose of the gap policy was to prevent the coalescence of Tilehurst/Calcot with Theale. The proposed development would link the existing commercial and retail park with Tilehurst, but the M4 corridor serves to both connect and divide. In the latter it creates a clear physical and movement barrier between Tilehurst and Theale which separates them in perpetuity. The Council's landscape witness had stated in the West Reading Potential Sites Strategic Assessment (May 2009) that some development on the appeal site could be acceptable provided it is well designed with substantial green infrastructure³⁸.
53. Reason for refusal four concerns the effect on the AONB. Only 72m of realigned road is to be within the AONB by a maximum width of approximately 25m. The adverse impact during construction will be mitigated and enhanced over time by planting, with the development being hard to discern during the summer and autumn in views from a national trail within the AONB. The development proposal will moderately enhance the setting of the AONB along the Pincents Lane boundary in year 15 due to the planting of native trees³⁹.
54. Regarding the fifth reason for refusal, on the landscape character of the area, the proposals will retain mature trees and supplement the planting, and will form a linear woodland belt continuous with Oliver's Copse and Withy Copse to the east and Harefield Copse to the west, in the AONB. High quality public spaces will be formed including access to the AONB and will, overall, moderately enhance the landscape character of the area⁴⁰.
55. A previous appeal into a housing scheme for 300 dwellings on, more or less, the same site was dismissed in 1988, but there have been significant changes between then and now. There was then no overt restriction on use of greenfield sites in growth areas and so there were many alternative less constrained sites available. The emphasis at that time was on deliverability whereas the need now is for sustainable sites, where the appeal site scores highly, being the most sustainable site in West Berkshire. There is no longer a wedge of largely undeveloped land stretching towards Reading since the Blagrove Hospital site was developed for housing.
56. In response to matters raised by the Save Calcot and Save Pincents Hill Action Groups and not addressed elsewhere in response to the Council's concerns⁴¹;
- The site is not regarded as being previously developed land on the advice of the Council and the reference to 'greater Reading' is to capture a wider point about the functional economic geography of Reading, and this term does feature in the South East Plan such as at paragraph 21.4.

³⁸ DOC 13 section 7.2 to 7.12

³⁹ DOC 13 section 7.13 to 7.23

⁴⁰ DOC 13 section 7.25 to 7.31

⁴¹ DOC A4

- The appellants responded to the CABE Design Review and there were further letters regarding concern over the nature of that review. Dwellings will achieve at least Code for Sustainable Homes Level 4.
 - The HSE letter only states that they would not advise against development beyond the Outer Safety Zone to AWE Burghfield and makes no mention of a population threshold.
 - Flooding, piling, water, sewerage and fire safety are all agreed to be dealt with by conditions.
 - The effects on education provision will be mitigated by financial contributions with the possibility of providing land and buildings for a new primary school.
 - Highway effects and mitigation measures have been agreed with the relevant authorities.
 - Thames Valley Police were consulted by the Council at the time of the application and will be further involved as detail design progresses.
 - The use of land within the blue line is not required as mitigation for the proposals within the red line.
 - Natural England confirmed that they did not object to the proposals and the Binfield Badger Group have been involved and following discussions the Council have confirmed that they are happy to agree that any biodiversity issues can be covered by conditions.
 - The Council's Environmental Health Officer has confirmed that noise and air quality can be dealt with by conditions.
 - The setting of the listed building Pincents Manor is not affected and the Council agree that its setting is westwards, with the new building and wall being between the site and the listed building.
57. The appellants carried out a full consultation exercise during the design process and acknowledges the changes likely through the Government's Localism Bill, but evidence will still have a central role and the need to provide sufficient housing to meet demand remains. Whilst there were 1,560 letters of objection to the original application, many were copies or minor variations of standard letters and ignoring the possibility of multiple letters from the same address and from those too far away to be directly affected, there is still a 'silent majority' of at least 75% of all households who raised no objection. Few considered the wider question of where, if not on the appeal site, the homes necessary to meet West Berkshire's own proposed housing targets for the eastern area should go.

The Case for Save Calcot and Save Pincents Hill Action Groups

The material points are;

58. The Group accepts and adopts the evidence of the Council but considers that the application fails on a number of points over and above those raised by the Council. Nearly 1,500 letters of objection were received which is the greatest

number ever objecting to a development, this shows the level of concern in the community. This is not a matter of 'not in my back yard'.

59. The site is not a brownfield site, is outside the settlement boundary and adjoins an Area of Outstanding Natural Beauty. It is on a steep slope that is not suitable for development. The development would cause the loss of open space and hedgerows, and the loss of this habitat would adversely affect wildlife. The site is a green area separating Calcot, Tilehurst and Theale and is the only area of natural countryside left that the public has access to. The Government is encouraging people to take exercise and this land provides for that. CABE have criticised the quality of the proposals.
60. Traffic in the area will increase significantly and despite the intention to provide for cycling and buses these are unlikely to be used for journeys to work in Reading and the like due to congestion. City Road and Little Heath Road are already very busy and with schools and the pub of City Road, peak time traffic is chaotic with parents parking on pavements. There have been accidents on the local roads and with schools nearby this is relevant. The development will provide a through route, which was previously stopped through Pincents Lane, so that drivers will take a short cut between the M4 and Tilehurst. The proposal to develop an IKEA store will exacerbate this situation with people cutting through from the Oxford area. The development will affect roads and junctions within Reading Borough and they are opposed to this. The development proposes inadequate parking which will increase parking in adjoining roads to the detriment of highway safety.
61. Schools are already crowded and even if a primary school is provided there will be no space at secondary schools. There is no demand for a drinking establishment as existing ones have closed recently. Another hotel is not needed in the area as there are two already which are open to non residents. Similarly, local shops have closed or become takeaways so there is no demand for a new shop as proposed.
62. The local railway stations (Tilehurst and Theale) are not within reasonable walking distance, particularly up-hill on the way back and for older people and those with shopping or pushchairs. Many residents have timed their walk and dispute the figures produced by the appellants.
63. There is considerable water run-off from the site at present and this will get worse once it is built on. Piling would cause contamination of the aquifer. Thames Water has said that the pressure is insufficient for the development. Although Grampian conditions can be used to ensure development does not occur until additional services are in place, this will cause disruption and loss of access to properties.
64. The HSE have made it clear that the development would place further constraints on future residential development in the consultation zones around AWE Burghfield and such constraint would adversely affect the ability to develop other sites.

Submissions at Inquiry from Interested Parties

65. The Member of Parliament for Reading West, in whose constituency the site and nearby housing areas are located, referred to the numbers of people against the proposals and including both local authorities and the previous MP

for the area. The objections are cross-party and are not politically motivated. The Government's objectives on localism are to involve local people in decisions that affect them. There are sound planning grounds for refusing this application, the site is greenfield outside the settlement boundary within a strategic gap. It is not an allocated site and the Council has agreed to put forward a 'basket' of sites to provide the required numbers of houses. The site is used as an amenity by local residents, and green areas are of particular importance to local people. Transport infrastructure is already stretched and Reading object to the proposals for that reason. Local schools are already under pressure.

66. Two ward councillors expressed concerns over the loss of open space, traffic and road safety, the effect on the quality of life of residents,
67. Tilehurst, Hollybrook and Theale Parish Councils objections include the effect on traffic, the loss of green space and on schools which are already full.
68. CPRE Bradfield representative referred to the importance of the local gap and stated that although an impressive proposal it is in the wrong place. Traffic congestion will get worse and light pollution will be evident due to the location above the Kennet valley.
69. The owner of a local hotel, and other businesses, doubted the need for a hotel as Reading has too many beds already, and shops have been affected by the Sainsbury supermarket.
70. Other local residents also addressed the Inquiry on similar issues to those raised by the Rule 6 Party.

Written Representations

71. Letters⁴² were received by the Planning Inspectorate in response to the Council's notification of the appeal. The material points are mainly those raised by the Save Calcot and Save Pincents Hill Action Groups and by others in submissions to the Inquiry, and will be addressed in my conclusions.
72. Letters received solely as written representations and which raised separate issues relevant to this appeal were;
 - Reading Borough Council⁴³ commented on the appellants' Proof of Evidence on traffic flows and disputes the assertion that more traffic flows out of Reading in the AM peak than in. Surveys undertaken by Reading show the opposite to be the case. The proposed alterations to the City Road/Park Lane junction are within the Reading BC area and have not been agreed. Reading is of the view that the proposed widening would adversely affect pedestrian safety.
 - North Wessex Downs Area of Outstanding Natural Beauty⁴⁴ are concerned that the proposed structures on the blue land, within the AONB, will not conserve and enhance the natural beauty of the area. They will result in the addition of new-built structures and suburban features within an area of

⁴² DOC 30

⁴³ DOC 31

⁴⁴ DOC 32

countryside and fails to provide a proper buffer between development and the AONB. The AONB would support the community meadows, additional tree planting and improved footpath access within the blue land but other suburban features from allotments to the associated buildings should be contained in the red land.

Conditions

73. A total of sixty conditions were agreed between the Council and the appellants and are set out in Document C8. These and any alterations were discussed at the Inquiry. I consider the conditions accord with the six tests in Circular 11/95; that they are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. I comment below on the resulting conditions which are as set out in Annex A to this Report and are recommended in the event that the Secretary of State allows the appeal;
- *Conditions 1, 2 and 3;* the application was dated 23 July 2009 and therefore three years would be the correct time, and being in outline only, there is a need to allow for the approval of reserved matters.
 - *Condition 4;* for the avoidance of doubt and to ensure the proper planning of the area there is a need to state the drawings and other relevant documents that were submitted with the application.
 - *Condition 5;* some form of phased development is proposed and it is necessary that the Council is aware of the detail in order that the correct degree of control is exercised. I consider this a case where some flexibility may be exercised in the Council being able to agree changes as development progresses.
 - *Conditions 6 and 7;* the energy credentials of the development are put forward as a benefit and conditions are required to ensure delivery. There is a need to alter the wording to make clear that phasing is to be as previously agreed in Condition 5.
 - *Condition 8;* whilst appearance of the buildings is a reserved matter, it is right that a specific condition be attached requiring samples of the materials to be used. I consider this a case where the Council should not be able to agree subsequent changes which should be the subject of new proposals.
 - *Condition 9;* similarly, details of means of enclosure would be required to control the appearance of the development and again the Council should not be able to agree variations.
 - *Condition 10;* there was evidence at the Inquiry as to the effect of lighting on this elevated site, when seen from viewpoints on lower ground, and control of this element of the scheme is required to avoid harm. A mention of phasing needs to be added.
 - *Condition 11;* control should be exercised over the provision of play space and the timing. The condition should be re-worded to be similar to Condition 12, 'no development within any phase shall commence...'
 - *Condition 12;* control should be exercised over the provision of public open space and the timing.

- *Condition 13*; this is a sloping site and control of ground and slab levels is required to ensure the quality of the development.
- *Condition 14*; the provision of fire hydrants should be detailed to ensure the safety of occupiers and fire fighters, as requested by the Royal Berkshire Fire and Rescue Service. There should be mention of phasing.
- *Condition 15*; there are existing residential properties abutting parts of the site and due to the intention to phase development, new occupiers would also be affected, so that control over the times and manner of carrying out development works is required. Times should be in the 24 hour clock format and 'public holidays' should be added as they are different from 'bank holidays'.
- *Condition 16*; there has been alteration to natural ground levels in the past and concern has been expressed over groundwater and the aquifer. Control of decontamination operations is necessary. There is a need for minor re-wording and I see no need for the reference to 'ancient monuments'.
- *Condition 17*; the development is proposed to include uses that may require significant air handling equipment and control of noise is reasonable to safeguard the living conditions of occupiers nearby. Minor re-wording is required and a reference to the equipment being maintained should be added.
- *Conditions 18, 19 and 20*; there may be sources of noise within the development and the main road and motorway are not far away. Control as proposed is reasonable.
- *Condition 21*; given the location of the site the monitoring of air quality appears a reasonable precaution. Re-wording is required to make clear that the management plan is not to be 'erected and commissioned', but is to be supplied.
- *Conditions 22 and 23*; there has been concern expressed over water run-off and the risk of flooding and SUDS has been put forward as part of the scheme.
- *Condition 24*; similar to the condition on contamination, the protection of the aquifer is required through control of piling. Minor re-wording is required to refer to 'consent' and not 'approved details'.
- *Condition 25*; there is a watercourse to the east boundary and protection of the ecology is required. Minor re-wording is required to incorporate the 'Note' as a requirement.
- *Condition 26*; similar to the conditions on surface water drainage, there is a need to control connections to the public foul water system on this presently undeveloped sloping site.
- *Condition 27*; concern has been expressed over the capacity of the water supply, and an informative proposed refers to water pressure. This condition is required to ensure there is no adverse effect on existing supplies and that an adequate supply is available to new buildings.

- *Conditions 28 to 36;* a series of conditions are required to ensure that there is no harm to the biodiversity of the site, either through the submission of details of the proposed development or mitigation measures. Condition 34 needs re-wording to incorporate the details about breeding birds into the main body of the condition. Condition 35 needs to make clear that the mitigation measures to be implemented are the approved ones, not just the proposed ones.
- *Condition 37;* an alteration was discussed to ensure that the buffer zone is measured from the southern edge of the AONB boundary. The implementation clause needs to be amended to provide for the implementation of the hard landscaping as well as soft.
- *Condition 38;* the extent and quality of the landscaping are put forward as benefits of the scheme and a long term management plan should be provided. I consider this a case where some flexibility may be exercised in the Council being able to agree changes to the species, as the original choice may have been proved, by its death or disease, to have been inappropriate.
- *Condition 39;* similarly the proposals within the blue edged land should be secured as a benefit. I consider the same flexibility over species should be allowed.
- *Conditions 40, 41, 42, 43, 44 and 45;* the retention of mature and protected trees should be secured by these conditions. In Condition 40 the note needs to be incorporated as a requirement. In Condition 44 I have added the word 'only' before 'in accordance'. In Condition 45 the approval needs to be in writing.
- *Condition 46;* reference has been made to the possibility of archaeological remains on the site and this condition would ensure any finds are investigated and recorded. This needs re-wording in accordance with the standard condition.
- *Condition 47;* this is the condition referred to in the Statement of Common Ground as overcoming the eighth reason for refusal.
- *Condition 48;* the development would include some non-residential uses alongside dwellings and control over opening hours would be reasonable.
- *Condition 49;* should not contain the requirement for works to be to the satisfaction of the Local Planning Authority, and a scheme to be submitted and approved would be more precise and set the standard at the outset.
- *Condition 50;* this is vague as to the requirement and a scheme to be submitted and approved would be more precise and set the standard at the outset.
- *Condition 51;* whilst means of access is part of the application at this stage, there would be a need for the detail to be submitted and approved.
- *Condition 52;* a Grampian style condition is required to ensure that off-site works are completed prior to occupation.

- *Condition 53*; further details of refuse storage are required and the provision put in place at the appropriate time.
 - *Condition 54*; concern had been expressed over there being additional access points onto Pincents Lane and this condition is required to prevent that.
 - *Condition 55*; there should be room on the site for vehicles to be parked without overhanging the highway, although the appellants state that few private garages on plots will be provided.
 - *Condition 56*; there was discussion over this at the Inquiry, as the condition as drafted is imprecise as to which dwellings might be occupied by people with impaired mobility. It was agreed that the submission of a scheme was required.
 - *Conditions 57 and 58*; it is essential that provision for parking and cycles is made in each phase.
 - *Condition 59*; this needs to make clear that it refers to construction traffic and that phasing is to be taken into account in the scheme.
 - *Condition 60*; control of the overall dwelling mix is an important feature of the development.
74. The agreed conditions also had a series of informatives attached. These were discussed at the Inquiry and it was agreed that if they were essential they should be changed to being conditions. It was further agreed that this was not necessary, some are legal requirements in any event and others should be taken into account in the submission of details pursuant to a condition.

S106 Undertaking

75. A signed Deed of Unilateral Undertaking dated 2 March 2011 was presented and provides for the following, all as set out in the 'Main Provisions'⁴⁵, document supplied by the appellants;
- £183,449 towards the costs of providing, expanding or improving library facilities in West Berkshire libraries or an on-site facility;
 - £3,807,587 towards the provision of primary and secondary school education with the option for the Council to require the provision of a primary school on site or re-arrange catchment areas.
 - £121,576 for healthcare facilities to serve the development;
 - £464,235 to meet the impact of the development on adult social care provision;
 - £7,000 for interpretation and footpath improvements to Withy Copse;
 - £5,000 for improvements and better interpretation within the SSSI.

⁴⁵ Attached to S106 DOC A14

- £15,100 for improvements to the Rights of Way Network in the vicinity of the site.
 - £129,320 to improve links between the site and Theale railway station.
 - £81,300 towards installing and maintaining MOVA/SCOOT at the M4 Junction 12 and along the A4.
 - £2,000 for commencement of traffic regulation orders along Pincents Lane.
 - £12,000 towards the provision of cycle parking at Theale railway station.
 - Provision for further highways works at junctions affected by the development.
 - Affordable housing to be provided at the overall outturn rate of 30%, although individual phases can be below 30% following a viability assessment. The mix is to be 70% affordable rented or social rented with the remaining 30% shared ownership.
 - A Travel Plan is to be produced with funding for monitoring. A contribution of £1.45m is to be payable in seven stages towards the provision of bus services to the site.
 - Provision for an equitable division of costs depending on the grant of planning permission for the IKEA outlet and any agreed mitigation measure in that connection.
 - Provision for public access to the blue edged land.
76. As aspects of the Undertaking remain at issue between the appellants and the Rule 6 Party, this will be addressed as part of the Conclusions in this Report.

Inspector's Conclusions

77. Having regard to the main issues that I have identified my conclusions are as follows. Numbers in brackets [] refer to paragraph numbers in this Report;

The Objectives of the Emerging Core Strategy including the Five Year Supply of Housing Land

78. The Regional Spatial Strategy, The South East Plan, remains part of the Development Plan although there is the intention to abolish it. However, in this case, the future of this part of the Development Plan and statements regarding its status in decision making are of less importance than might otherwise be the case, as the Council has resolved to take forward the South East Plan's overall housing figures into the Core Strategy. Whilst there is no certainty of the outcome of this process, I consider it reasonable to proceed on the assumption of the South East Plan figure of 10,500 as set out in Core Strategy Policy CS1. [31]
79. Planning Policy Statement 3 "*Housing*" requires Councils to be able to identify sufficient specific deliverable sites to deliver housing, managed so that a continuous five year supply is maintained. Reason for refusal number three states that the Council can demonstrate a 6.5 year housing land supply as of September 2009. At the date of the Inquiry this is confirmed by the Council to be 5.3 years. However, the Council states that this is not a decline as such as the first, higher, figure included the current year, and that the 5.3 figure is a robust one. There were two areas of disagreement between the parties over procedure but neither appear to make much difference, The first is over the time period to be adopted, and the Council's use of April 2011 to March 2016 for figures published in December 2010 accords with guidance⁴⁶. The other area is over the method of calculation and there is strong evidence in the reference to Sedgefield⁴⁷ for this Council's approach. [31, 44]
80. Core Strategy Area Delivery Policy 4 (ADPP4) sets out the intention that the Eastern Area will accommodate approximately 1400 new homes during the plan period. Figure 5 shows a hatched area over that part of the West Berkshire area to the west of Reading, with a small overlap along the western fringe into the AONB, then extending over the appeal site and across the motorway to Theale⁴⁸. The notation for this hatching is 'Eastern area broad location for development'. However, one of the proposed changes in this document is a note on the preceding page '*Figure 5 to be amended to remove hatching indicating broad location for development and update the key accordingly*'. Another change that is printed is a reduction from 1500 to 1400 new homes. The Council have decided against the allocation of strategic sites in the eastern area, and that in effect is a decision against including the appeal site. What is described as a 'basket' of smaller sites is being promoted to achieve the required figure. [29]
81. The appellants cast doubts over the delivery of the full extent of some committed sites that make up the 5 year supply due to the current economic

⁴⁶ DOC C1 page 4

⁴⁷ DOC C1 pages 5 and 6

⁴⁸ DOC C5 page 39

situation [44]. Delivery as expected is a major part of the equation, given that on the Council's reckoning the housing supply stands at just over the five year figure. Whilst a 10% contingency is built in for smaller sites, no such contingency is thought necessary for the larger one. I can see the reasoning for the former, these small sites are made up of numerous types of site and types of developer, with permission not always sought with the intention of developing soon, if at all. Larger sites by comparison are more likely to be part of a developer's phased business, to replace those being built-out. Delivery will be in tune with the developer's view of the market as well as in response to planning and other constraints. I acknowledge the appellants' view as to developers being optimistic, but at the same time they would not be able to continually mislead the Council. The Council's contact with the developers on these larger sites should be a trustworthy source of information and obviate the need for a contingency.

82. New sites being put forward as set out in the SHLAA have been assessed and considered in terms of their deliverability and developability[28]. The latest version of that document before the Inquiry included the appeal site as being without planning permission and outside settlement boundaries⁴⁹. The document makes clear that the identification of a specific site in the Assessment does not mean that the sites will be allocated for housing development. The overall purpose of the assessment is to identify as many sites with housing potential in and around as many settlements as possible.
83. The appellants do not agree the deliverability and the developability of existing and new sites. I concur with the view of the Council that it would be unfair to the promoters of those other new sites to judge their suitability and ability to develop when compared with the appeal site. Furthermore, by way of a s78 appeal into a single site, the information available on these other sites is, of necessity, not as full as would be before the LDF Inspector. The complete picture is being considered in suitable detail at the Core Strategy Examination and will be the subject of a site allocations DPD developed through the LDF process having regard to all relevant evidence. [30]
84. Nevertheless, comment is required in some cases either because the sites in question make up a significant part of the required housing numbers, or because they are said by the appellants to have developability constraints;
- Newbury Racecourse is a large part of the housing provision, and there are constraints to the full development, in the need for infrastructure and including a bridge over the railway. The permission is clear as to how much can be built-out before key items are in place⁵⁰. The developer is in contact with the Council over their intended phasing and timetable⁵¹. [46]
 - Theale Lakeside provides a significant number of dwellings and various pre-conditions have been discharged⁵². The appellants consider that the development may not be built as permitted, stated to be a high density flatted development not supported by the market. The housing market is

⁴⁹ DOC C4 Appendix C Site EUA007

⁵⁰ DOC A13 Conditions

⁵¹ DOC C9 page 7

⁵² DOC C9 page 2 onward

subdued at present, but that is likely to be temporary. There is evidence in the work to discharge the conditions, which relate to detail, to suggest that the developer is preparing to carry out work on site, or has already commenced work, in relation to the permission, described as a residential development of 350 houses and apartments, with associated access, parking, amenity space and landscaping. I consider it reasonable to include the figures relied on by the Council.

- Sandleford Park, SHLAA site NEW030, is stated to be suitable for 2000 dwellings as a strategic urban extension, but development is envisaged from 2016 on. The appellants have commented on the process for proposing this site, and its low sustainability score [46]. This will be a matter for the resumed LDF examination, but this comment on such a large potential supply does appear to be an indication of fragility in the overall figures. [46]
 - Two sites at Stoneham's Farm, Tilehurst, are dealt with differently in the SHLAA although both are outside the existing settlement boundary and within the AONB. EUA003 is considered not suitable for development due to the rural character of the site and the surrounding views into the AONB. Under the heading 'Overcoming Constraints' is noted 'development dependent on allocation or settlement boundary review through DPD', although I am unsure of the AONB point here. The adjacent EUA008 has the same 'overcoming constraints' note but is considered potentially developable for low density housing. The final decision and likely outturn numbers through the LDF/DPD process will need to consider landscape issues.
 - Sites to the south of the A4 Bath Road between Junction 12 and Dorking Way, EUA025 and EUA026, are ones that I will refer to later with regard to the gap as being less visually apparent than the appeal site. There are constraints noted with flooding, traffic noise and the separation of settlements. However, these could be either overcome or designed-around.
 - The sites on the Theale side of the motorway and north of the A4 are THE001, THE002 and THE005. These are all noted in the SHLAA as being potentially developable, with comment on the sequential approach to flooding on the latter two. In that respect the appeal site is sequentially preferable. There also appear to be overhead power lines and a question over the accessibility of THE001, although the Council says that there is a viable route through Blossom Lane⁵³ without needing to wait for THE002. Traffic noise is again an issue.
85. With regard to the supply of housing land required by PPS3, there has been a falling off in the housing trajectory⁵⁴ and the figures rely on this trend being reversed. Nevertheless the SHLAA has identified sufficient sites making use of a robust methodology, albeit that the margin is slim and as with most SHLAAs, there are doubts over delivery. On the evidence before me and tested at Inquiry I consider that the Council can demonstrate in excess of a five year supply of housing land without the appeal site.

⁵³ DOC C9 Extract from SHLAA Map

⁵⁴ DOC C1 page 30

86. Turning to the Eastern Area, I concur that housing is required here to meet the wider aims of the South East Plan, and as proposed to be carried forward as Core Strategy Policy ADPP4, to support the growth of the Reading area and to sustain services in the rural service centre of Theale. A major commitment is in place at Theale Lakeside and other sites identified will need to be agreed, but the Council point out that the 1400 dwellings are required over the period to 2026 and that 749 have been completed or committed. The total offered at the appeal site is in excess of that required over the whole period to 2026, but the 1400 figure is not a target; it is referred to as being approximate and could be exceeded. [29]
87. I conclude that the housing land supply is marginal and that only limited changes in the deliverability of key sites could tip the balance. On present figures though, there is a sufficiently robust five year supply. In the eastern area there are doubts over the ability of the Council to meet aspirations of there being sufficient new housing to service the needs of Reading as a regional hub, but there is a lengthy time period in which to address these doubts. In the balance, the marginality and doubts do not, at present, indicate a compelling need to develop the appeal site at the rate of 750 dwellings as proposed ahead of the Core Strategy process and the site allocations DPD. These are the proper methods for reconciling these matters given the inter-relationship of sites and timescales.

Character and Appearance, Countryside and Gaps between Settlements

88. The site is within open countryside where policies of restraint apply. Saved Local Plan Policy ENV4 identifies the site as being within 'land between Theale and Tilehurst/Calcot' as a gap between settlements. The policy states that *"the Council will not permit development which would detract from the open, or rural character of areas of land identified on the Proposals Maps essential to the maintenance of a clear physical and visual separation between distinct settlements"*. The supporting text states that *"the definition of settlement boundaries under..... (saved) policy HSG. 1 of the Local Plan, generally provides for sufficient protection of the character and setting of settlements and of the countryside outside of settlements where development is to be strictly controlled"* and *"Important open areas in this regard are identified in the Local Plan under the following policies. In implementing this policy the Council will have regard to the locational and operational needs of agriculture, while ensuring minimum harm to the visual character and open nature of the gap or setting area."*
89. However, Planning Policy Statement 7 *"Sustainable Development in Rural Areas"* contains advice that local landscape designations are generally to be replaced by carefully drafted criteria based policies, unless such policies cannot provide the necessary protection. That guidance was published in 2004, after the adoption of the Local Plan, and although Policy ENV4 was saved in 2007, I concur with the view of the appellants that the policy designation as such carries limited weight, greater weight attaching to an analysis of the landscape and of the part that the site plays in the character and appearance of the wider area [52]. I attach weight to the aim of gap policies however, in preventing the coalescence of built-up areas, and note that the South East Plan does provides

for their continued use in the Western Corridor and Blackwater Valley, as long as they are justified⁵⁵.

90. It does appear that at the time of the 1988 appeal decision there was a recognisable separation between Tilehurst to the north and Calcot to the south. The former appears to have spread up from the valley of the River Thames and the latter up from the valley of the River Kennet and the A4 Bath Road. The separation could be described as being at the site of Blagrove Hospital referred to in that previous decision as being part of a wedge of largely undeveloped land stretching towards Reading. That land can be identified as linking the present appeal site through Withy Copse and Oliver's Copse to Curtis's Wood and the golf course to the east. The hospital land can be identified⁵⁶ as having been developed for housing (Voller Drive and its *cul de sacs*). That separation is less obvious now along Langley Hill rising from Calcot, but the two copses still provide a green relief from the appearance of a continuous built up area along the settlement boundary. Generally the development of Tilehurst has stopped at the ridge line, which adjoins the appeal site and which extends round to the north and west being near the boundary of the North Wessex Downs Area of Outstanding Natural Beauty in that location.
91. The saved policy refers to a separation between Tilehurst/Calcot and Theale. By reference to an aerial view⁵⁷, the components that make up the land between the edges of the two stated settlements can be described as;
- Along the north side of the A4 Bath Road, the open space of the Parish Council recreation ground; the roads, car park and buildings of the retail and commercial development; the elevated Junction 12 of the M4 motorway; the open land that is SHLAA Site THE005⁵⁸; then Theale town centre.
 - Along the south side of the A4 Bath Road there is the open land of the SHLAA Sites EUA026 and EUA025⁵⁹ separated by Dorking Way; the elevated Junction 12 of the M4 motorway; the built-up area of the Arlington Business Park, which is followed by further commercial development on both sides of the railway.
92. The appellants refer to the motorway as serving to both connect and divide, and I concur with that view [52]. It is not strictly open land, but it does form an open corridor through the landscape, being six lanes of traffic, the median strip and hard shoulders together with, for the most part, a strip of open land either side. At the junction the land-take is greater allowing for the slip roads and the roundabout. Working against the openness is the raised nature of the roundabout and its approach roads, the A4. Development presently borders on two of the quadrants, Pincents Lane's commercial area to the north and Arlington Business Park to the south, and the presently open SHLAA sites occupy the other two quadrants. Those sites are set relatively low and the road infrastructure remains a dominant feature.

⁵⁵ DOC C14 paragraph 4.4

⁵⁶ DOC C3 cf 1986 and 1996

⁵⁷ DOC A2 page 5

⁵⁸ DOC C4 Map 2.4 Theale

⁵⁹ DOC C4 Map 2.3 Calcot

93. That already results in Theale and Tilehurst/Calcot being effectively joined along the line of the main road, it being possible to trace a continuous belt of development across the M4 interchange roundabout, albeit crossing from one side to the other on occasions, and with only fingers of land such as the above mentioned SHLAA sites and the playing fields preventing this line being continuous on both sides. Development of the appeal site would not materially alter this state of affairs.
94. Whilst the future of the SHLAA sites identified above is a matter for the Core Strategy and the allocations document, there is clearly the possibility of them being built on. But, they are not visually prominent resulting in the Parish Council playing fields as a major permanent open space along the main road. Furthermore, I find the landscape importance of that land to be enhanced by its rising terrain and the separation it affords between the housing and the commercial area, along this predominantly built-up main road. The playing field is, at present, visually continuous with the appeal site, the boundary being a metal fence allowing through visibility. The appeal site is visually prominent as open land in views from the main road and the supermarket car park, as well as in more fleeting views from further afield on the main road route and from locations in the River Kennet valley. There is public access along footpaths that cross and skirt the site and which approach it from the playing fields. The North Wessex Downs Area of Outstanding Natural Beauty abuts the site to the west and footpath 12/1 'Berkshire Circular Routes', being a designated path, is an important receptor. Whilst there is intervening vegetation, the open nature of the site is apparent.
95. The site therefore performs an important landscape role in my judgement. It delineates the extent of built form along the ridgeline. It forms a link between the open land of the AONB and the open land of the playing fields, bringing the countryside character into the built-up area. It links the protected woodland at Withy Copse with the AONB and another wooded area, Harefield Copse. Regardless of any 'gap' designation it also forms a visual buffer between housing in Tilehurst and the commercial uses around the lower end of Pincents Lane, and thus prevents a further coalescence of built form and hence settlements. Due to the fragmented nature of the open spaces, even allowing for the possibility that the SHLAA sites may not be built on, or may incorporate open space and buffer zones to the motorway, the site forms a prominent open space in an area of substantially developed land. [34]
96. The appeal proposals, both in terms of the intention to develop up to 750 dwellings plus the other buildings referred to, and as indicated on the application drawings, will cover a significant proportion of the site⁶⁰, whilst indicating building heights⁶¹ of 2 to 3 storeys at the south end, with 3 to 4 storeys at particular corners and to the north, and what is described as '4 storeys minimum' in the centre. I am of the view that given the parameters of the intended accommodation this combination of building heights and open space appears feasible. However, it appears to me that whilst a pleasant internal character and appearance could be achieved, with avenues of trees, planting of roofs and in private gardens, interesting layouts and the high

⁶⁰ DOC A2 page 8

⁶¹ DOC A2 page 11

quality of building and landscaping that is put forward as a benefit of the scheme [50], the view from the important locations identified earlier in this report would be harmed.

97. Other combinations of building heights and open space designed to achieve the same level of provision could appear either taller with more space around, or lower, but more built up with less landscaping around. Neither of these variations would overcome the harm that would be caused to the wider landscape character and appearance.
98. Being a sloping site the buildings would appear above and behind each other in views from the south, similar to that presented by Royal Avenue, Oliver Drive and Garston Crescent, albeit setting out to be more softened by planting, green roofs and the like. I share the concerns of the CPRE over the possibility of lighting being obvious and intrusive, due to the raised siting [68]. There would be a backdrop of trees along the ridgeline⁶², and this would prevent the development visually merging to any great extent with the Tilehurst built-up area in long views, but I consider that likely harm limited in any event. There appears more justification in landscape terms for the development to appear as an extension of the housing of the settlement, than the more likely effect of the development appearing to merge with the retail and commercial area, and hence, due to that area's association with the motorway and Arlington Business Park, with Theale itself.
99. In views from the AONB there would be some screening or filtering of the effect of building, but even the 15 year effect would leave areas of the site in plain view during significant parts of the year due to leaf fall, when the filtering effect of bare trees would be insufficient⁶³. In addition to proposing building close to the AONB boundary, the realigned Pincents Lane at the north end would cross into the designated area. This will introduce urban features and change the character and appearance of the rural lane into an estate road to the detriment of the natural beauty of the area.
100. The appeal proposal includes land edged blue, being under the appellants' control, on the west side of Pincents Lane and within the AONB. It is proposed to provide open spaces, food production and further planting on what is at present land used for grazing horses. I share the concerns of the North Wessex Downs Area of Outstanding Natural Beauty [72] over the use of this land. Whilst certain of the structures indicated may well require separate permission in any event, I am not persuaded that the land would retain its natural beauty, tending to appear domesticated, signalling a transition to developed land rather than being a form of buffer.
101. That is not to say that any form of development on the site would necessarily be harmful. A new line would be formed along Pincents Lane, which is already the boundary with the AONB, and that line would fall outside the existing commercial development immediately south of the appeal site, cutting across behind the present bowling alley and retail site, where IKEA is proposed. Development of the appeal site would be an extension of the built-up area and could be said to repair the present fragmented character and appearance to a

⁶² DOC 13 G Payne Proof of Evidence Figure PE2b

⁶³ DOC 13 G Payne Proof of Evidence Figure PE3c

certain extent. I note that the Council's landscape witness has stated a view that some development of the site could be acceptable [52]. However, any such development would bring buildings closer to the AONB boundary with the risk of harm. The depth and form of any buffer would be crucial.

102. In conclusion, the proposed development would cause harm to the landscape character of the area including failing to preserve the natural beauty of the North Wessex Downs Area of Outstanding Natural Beauty, and the harm would be apparent over a significant area of viewpoints. There would be a tendency to cause the coalescence of settlements which, without reference to Policy ENV4, would cause harm to the spatial characteristics of the area and the perception of separate defined places. The proposal would be contrary to the aims of;

- South East Plan Policy C3 on the conservation and enhancement of natural beauty in the region's AONBs including with regard to their setting.
- South East Plan Policy C4 which seeks positive and high quality management of the Region's open countryside outside of nationally designated landscapes.
- South East Plan Policy CC6 in failing to enhance the character and distinctiveness of settlements and landscapes.
- Local Plan Policy ENV1 which seeks to conserve and enhance the special features and diversity of the different 'landscape character areas' found within West Berkshire.
- Local Plan Policy OVS2 which requires development to respect the character and appearance of the area.

Highway Safety and Traffic

103. This was the subject of the Council's sixth reason for refusal, which begins by stating that the development would cause harm, and then goes on to say that the appellants had failed to satisfy the Council and the Highways Agency that appropriate measures will be taken to mitigate that impact. At the opening of the Inquiry an agreed statement had been produced and signed on behalf of the Council, the Secretary of State for Transport and the appellants⁶⁴.

104. Various measures are now incorporated within the Section 106 Undertaking⁶⁵ as set out previously, resulting from agreed modelling work with improvements to junctions, signalling performance and the like under Section 278 Agreements. The package of works and measures would improve the flow of traffic along the A4 Bath Road and through junctions at A4/Pincents Lane/Dorking Way, at A4/Royal Avenue/Charrington Road, and Junction 12 A4/M4 slip roads. Further works either to be carried out or be funded include improvement to the pedestrian and cycle access to Theale railway station, and to other footways and footpaths. The result of these measures is stated to be an improvement in the traffic situation over that which would occur in 2020 even without the appeal development. Whilst this could be considered as

⁶⁴ DOC 17 Agreed Statement on Highways and Transportation Matters

⁶⁵ DOC A14

providing more than is required to mitigate the effects of the development, that is because it is not possible to carry out only a part of some of the improvements.

105. However, neither the Save Calcot and Save Pincents Hill Action Groups, nor the Reading Borough Council agree these measures as being able to overcome their objections. [60, 72]
106. The Action Groups, together with individual members of the public and local residents make representation to the effect that the road system is already overloaded and that at school times there are further problems and risk to safety. In addition to the base information contained in the appellants' highways evidence⁶⁶, I had the opportunity during the Inquiry of seeing conditions first-hand. The Inquiry venue was the Pincents Manor Hotel, on the far side of Pincents Lane to the south-west corner of the site, and my hotel was on the north side of the A4 at Calcot, between the Royal Avenue/Charrington Road roundabout and the light controlled junction at the foot of Langley Hill. I also observed traffic conditions at morning and evening peak times around the schools in the City Road, Royal Avenue and Little Heath areas⁶⁷ both during half term holiday and during school term time. The A4 Bath Road was busy during the peak periods with some stationary traffic and delays at the junctions, particularly at pinch-points where two lanes reduce to one. The existing roundabouts appear to cause delays also due to the priority arrangements. The proposal to install signals instead, suitably controlled, would even-out the flows according to need. Traffic around the schools was heavy and there were instances of inconsiderate parking. Were this to be considered a hazard, further measures could be employed to control the situation in any event.
107. These observations were only 'snapshots' and included the effects of some road works on Little Heath Road and City Road, and reported lane closures on the M4 nearer Junction 11, the type of incident which I was told affects traffic on the A4 seeking to avoid the problem. The layout of the roads appear to me a combination of pinch-points where there is only a single route from Tilehurst to Calcot, causing traffic to funnel and queue, and multiple routes through some areas causing the risk of 'rat-running' to avoid problems.
108. With these observations in mind I concur with the view of the Highways Agency that *'the modelling is robust and that the results show a negligible impact from the development traffic on the operation of M4 Junction 12'* and the Council that *'the additional traffic from the proposed development appears to be catered for by the proposed improvements, with the submitted models suggesting that the operation of the junctions along the A4 Bath Road will be at least no worse than the current situation.'*⁶⁸
109. Reading Borough Council's concerns⁶⁹ have been addressed in the appellants' evidence⁷⁰, with the further letter from Reading⁷¹ being dealt with at the

⁶⁶ DOC 12i and figures DOC 12ii

⁶⁷ DOC A2 page 25 shows these marked yellow.

⁶⁸ DOC 12i paragraph 8.13.6

⁶⁹ In DOC 30

⁷⁰ DOC 12i Section 6

inquiry. With regard to the A4 corridor, it appears to me that measures to keep traffic moving while in the West Berkshire highways area are beneficial. The appellants consider Reading's view unreasonable that the present throttle on the A4 within West Berkshire benefits Reading in reducing flow there. The local authority and highway authority boundary is somewhat artificial in traffic flow terms and I acknowledge the point about some outward-bound traffic originating on the Ford Farms estate. However, the modelling is robust and the mitigation measures are reasonable. The aim should be modal shift, getting residents to use viable alternatives to the car, through bus priority and reliable alternative transport measures, and that should be of benefit to both highway authorities' areas.

110. With regard to the City Road/Park Lane junction and proposals to widen one arm⁷², although this is a likely route from parts of the site to the wider network, the junction itself is within the Reading Borough area. Reading are on record as not agreeing to the improvement⁷³ the concern being that the wider carriageway would adversely affect pedestrian crossing and hence safety. They would not therefore presently be prepared to enter into the agreement for the works. There needs to be a reasonable balance between the free flow of traffic and pedestrian safety and in this case I consider that Reading have a valid objection. However, it also appears that this alteration is not a necessity, and further consideration could be given to this in the light of experience. The lack of the additional lane, being so short, is not going to make a great difference to vehicle waiting times and clearance of the junction.
111. Late in the run-up to the Inquiry an application was received from IKEA to redevelop the Homebase and bowling alley site, with parking on the south-east side of Pincents Lane. Such stores attract considerable patronage from a wide area and, by nature of the products and how they are sold, attract vehicle visits. The Action Groups and residents are concerned that opening a through route on the site will encourage rat-running between IKEA and destinations such as Oxford via Pangbourne. It appears to me that firstly, the A4/A340 route would be the more direct route, secondly, the M4 will supply a significant proportion of vehicles due to the wide catchment area and thirdly, the design and layout of the appeal development could be such as to reduce the effectiveness of a through route.
112. Another concern is the possibility of a cumulative traffic effect, and at the time of the Inquiry it was not known how the IKEA application would be determined. The revised S106 Undertaking has included provision described as follows⁷⁴; *'If permission is granted for the IKEA (located to the south of the site), the owners agree to use reasonable endeavours to negotiate with IKEA, the Council and the Highways Agency to agree an equitable distribution of the costs of the total transport cumulative impact, provided that the owners are not liable to pay any more than is necessary to accommodate the Pincents Hill development'*. I consider this sufficient to safeguard the situation.

⁷¹ DOC 31

⁷² DOC A2 page 37 shows layout

⁷³ DOC 28

⁷⁴ DOC A14 explanatory paper 'Main Provisions'

113. In conclusion on this main issue, the provisions to reduce the use of vehicles, taken together with an analysis of the present highway arrangements and a robust modelling of the effects of development as mitigated by highway improvements all lead me to the view that there should be a limited effect on highway safety and the free flow of traffic. Subject to implementation of the mitigation measures the proposal would accord with the following;

- South East Plan Policy T1 which seeks sustainable transport and development that is located and designed to reduce average journey lengths.
- Local Plan Policy OVS3 in the provision of infrastructure made necessary by the development.
- Local Plan Policy TRANS1 that the transportation needs of new development are met.

Trees

114. Reason for refusal seven expressed a concern that the applicant had failed to provide sufficient information to demonstrate that the proposal would not have an adverse impact on TPO and non-TPO trees on site. Without that information the Council's Tree Officer could not be satisfied that the proposal would not have an adverse impact on trees. The Statement of Common Ground recorded the agreement of the Council and the appellants that conditions could satisfactorily protect such trees. A series of conditions have been suggested that would provide the necessary protection and would safeguard and enhance the biodiversity of the site and the development. There would be opportunity for additional landscape planting secured by condition. Enhancement of the blue land on the far side of Pincents Lane would be a benefit with regard to biodiversity and planting among other things, if not the landscape.

115. A local resident was doubtful of the effectiveness of these conditions, being concerned that substantial native trees lost during construction would be replaced with ornamental varieties of less visual value. That is not the intention, but I acknowledge that unforeseen problems can arise. Nevertheless, I consider the conditions robust and to provide the Council with sufficient opportunity to ensure compliance and a satisfactory outcome in line with the following;

- Local Plan Policy OVS2 in retaining and protecting important landscape and nature conservation features.

Mineral Resources

116. The eighth reason for refusal stated only that the applicant has failed to demonstrate that the proposed development would not sterilise mineral resources. Further information has been put forward that shows that the resources concerned are not commercially viable and the Statement of Common Ground stated that agreement had been reached on the use of a condition.

117. Suggested Condition 47 states; *"No development shall commence until details of a scheme for the appropriate and efficient use of on-site mineral reserves, in particular Reading Sand, in the site preparation and construction works have*

been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented in full." With that condition in place there would be sufficient opportunity to make use of what resources there are and that by using them on-site, there would be less use of transport than would be the case otherwise, both in removing material dug out, and in bringing aggregates in. With that provision, the proposal would accord with;

- South East Plan Policy M5 which requires the safeguarding of mineral reserves.
- Minerals Local Plan Policies 1 and 2 on the husbanding of mineral resources and the avoidance of development that would sterilise such resources.

Local Infrastructure

118. The Council's reason for refusal number nine stated that the proposal fails to accommodate the impact of development on local infrastructure, services or amenities or provide an appropriate mitigation measure such as a financial contribution secured by a planning obligation. The Council's evidence included written submissions from officers and others responsible for the planning and delivery of services within the Council area.

119. The completed Undertaking responds to these comments and makes the provisions set out earlier in this Report. They can be cross-referenced to the relevant written submissions as follows;

- Library provision is in the proof of evidence of the Manager Library Services⁷⁵ details the statutory responsibility and the effect of any growth in population. There is an audit trail showing how a sum of £183,449 is arrived at, and that is the sum appearing in the Undertaking.
- Education provision is in the proof of evidence of the Children and Young People Assets Manager⁷⁶ giving likely child yields including those with special needs, the ability of schools in the area to meet the impact, the costs of providing extra places, and the costs and delivery of projects to meet the need. There is an audit trail showing how a sum of £3,807,587 is arrived at, and that is the sum appearing in the Undertaking.
- Healthcare facilities are detailed in the proof of evidence of the Primary Care Advisor Berkshire PCT⁷⁷ giving the likely effect on GP lists and the measures needed to accommodate the increase. There is an audit trail showing how a sum of £121,576 is arrived at, and that is the sum appearing in the Undertaking.
- Adult social care effects are set out in the proof of evidence of the Project Manager Community Services⁷⁸ on the basis of a two year delay in central funding catching up with any increase in population. There is an audit trail showing how a sum of £464,235 is arrived at, and that is the sum appearing in the Undertaking.

⁷⁵ DOC 9 Christine Owen Proof of Evidence

⁷⁶ DOC 5 Mark Lewis Proof of Evidence

⁷⁷ DOC 10 Andrea Johnson Proof of Evidence

⁷⁸ DOC 7 Nigel Owen Proof of Evidence

- Withy Copse is close to the site and already well used, use will increase with the development and could lead to a degradation of the area. Mitigation measures are set out in the proof of evidence of the Principal Ecologist⁷⁹. There is an audit trail showing how a sum of £7,000 is arrived at, and that is the sum appearing in the Undertaking. There is also justification for conditions.
- The effect on the nearby Site of Special Scientific Interest through increased activity is also detailed in the proof of evidence of the Principal Ecologist. There is an audit trail showing how a sum of £5,000 is arrived at, and that is the sum appearing in the Undertaking.
- Affordable housing requirements are contained in the proof of evidence of the Housing Enabling Officer⁸⁰ who states that the minimum level sought would be 30% in line with the requirements of Local Plan Policy HSG9. That is the figure contained in the Undertaking. There is also reference in the submissions to the higher requirement within the emerging Core Strategy and I shall address this matter in my conclusions.

120. With regard to this reason for refusal and main issue, I concur with the view of the Council as to the necessity of the mitigation measures proposed and find the levels of contribution and other provisions of the Undertaking to be justified, subject to further consideration of the level of affordable housing. The proposals satisfy the tests in Regulation 122 of the Communities Infrastructure Levy Regulations 2010, being necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. The proposals therefore also satisfy the requirements of;

- South East Plan Policy CC7 on ensuring infrastructure is in place to meet development needs.
- Local Plan Policy OVS3 having similar aims requiring that the infrastructure, services and amenities made necessary by the development are provided.
- SPG4/04 *'Delivering Investment from Sustainable Development'*.

Other Considerations

121. The Pincents Manor Hotel to the south-west of the site is a Grade II listed building, but due to the loss of the formerly listed barn and its replacement by the conference building, it is now divorced from the site and its setting is more towards the open countryside to the west. The development would preserve the setting of this listed building as required by Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and as advised in Planning Policy Statement 5 *"Planning for the Historic Environment"*.

122. The value of the land for exercise and health was referred to by residents, but it should be borne in mind that another process has determined that the land is not a 'village green' and that access is by rights of way which will remain accessible. There would be publicly accessible land within the AONB and the

⁷⁹ DOC 6 Jeremy Davy Proof of Evidence

⁸⁰ DOC8 Karen Felgate Proof of Evidence

description of development includes walking, fitness and jogging trails. The woodland copses would be enhanced and the Parish playing fields would still be available for use. Overall, the development of the land would not seriously harm the opportunity for exercise.

123. Loss of habitat was also a concern, but the appellants have set out in response the steps that have been taken⁸¹ and the Council's Principal Ecologist has commented on the effect of the proposals⁸² suggesting a level of contribution and conditions. The development will result in open land being built on, but the mitigation proposals are acceptable. Similarly, concern over water run off, drainage, piling and water supply are not supported at official level and the undertaking responsible has commented only on the need for conditions to ensure no harm results.
124. The Health and Safety Executive have commented on the proposal, as a result of the site being within the consultation area from AWE Burghfield⁸³. They state that they would not wish to object to the proposal. However, there is reference to this increase in population having an affect on the ability to develop elsewhere. The Council's Committee Report of 24 February 2010 reported to members that the HSE would not advise against development beyond the Outer Zone with no further advice on any resulting effect of development. It is of note that Core Strategy 'New Policy CS9a' details the process for the consideration of planning applications and the possibility of a cumulative effect with other authorities. On the information before me, there is no reason to conclude against the appeal development on this basis. [56, 64]
125. The appellants make a point about the percentage of households that have objected to the proposal, referring to a remaining 'silent majority'. It is the nature of such development that objections are voiced by those felt to be affected or having an interest in the matter. Whether or not in this case there is a large number who expressed no view, and whether or not much of the correspondence from those who did express a view was in the form of 'standard letters', it is a fact that this proposal has attracted a large number of objections at both application and appeal stage, and many people chose to attend the sessions of the Inquiry and express their concerns. Reference was made by the Member of Parliament to the Localism Bill and the role played by local people in shaping their neighbourhood. The weight of public opinion is a consideration in the determination of this appeal.
126. The level of affordable housing offered in the S106 Undertaking is 30% with provisions for housing mix and phasing. That is in line with Policy HSG9 as set out. However, the emerging Core Strategy seeks at Policy CS7, a figure of 40% on greenfield sites such as in the case of this appeal. Nevertheless, that higher figure would still be subject to viability, and clearly a lower figure may well be acceptable at the time of any consideration. It is for the LDF Inspector to consider the soundness of a plan which contains this proposed policy, but it is apparent that awaiting the outcome of the LDF process may result in a higher level of affordable housing on site, if this site did, after all, need to be

⁸¹ DOC A4

⁸² DOC 6

⁸³ DOC A4 appendix B

included in the allocation of sites to meet the housing need and land supply requirements. There are many unknowns over this, but it does add weight to the view that bringing the site forward now could prejudice the achieving of the aims of the Core Strategy.

Overall Balance and Conclusion

127. The benefits of the scheme are acknowledged. There would be a range of housing including affordable units, plus facilities and services, set on the fringe of a settlement, which makes the development sustainable in location and provision. Trees would be protected and further planting introduced, residents would be able to gain access to work and leisure facilities without the need for their own car, and there would be no sterilisation of worthwhile mineral resources. The site scores highly in an analysis of the sustainability of sites in the locality. Although not previously developed land, that is also true of other sites being considered in the SHLAA and which have been referred to in this Report. The possibility of adverse effects on the highway network and pressure on services can be mitigated by conditions and the S106 Undertaking, and in the case of the highways works, there would be a benefit over the situation of no development taking place and hence no related highway works being undertaken.
128. However, the site is outside the current settlement boundary and within open countryside where policies of restraint apply. Whilst only limited weight attaches to the saved Local Plan 'gap' policy ENV4, there is substantial evidence of likely harm to the landscape character of the area and the adverse effect on the identity of settlements in an area where there is a fragmented spatial quality. There is harm to the setting of the North Wessex Downs Area of Outstanding Natural Beauty by reason of the presence of built form just outside the boundary, and actual harm through the formation of the road diversion and the possibility of there being structures within the designated area.
129. My conclusion is that there is a robust case for the Council having in excess of a 5 year supply of housing land, although the degree of excess is marginal. Were that not considered by the Secretary of State to be the case on the evidence presented, paragraph 71 of PPS3 states that where there is less than five years supply of deliverable sites, planning applications for housing should be considered favourably, having regard to the policies in the PPS including the considerations in paragraph 69. Among those other policies are the aims in paragraph 16 on the quality of development, and of importance in this appeal, the relationship with the local area and any distinctive character. The effect on the wider spatial character of the area would be harmful, not because of an arbitrary application of a 'gap' policy, but because of the effect as seen from important viewpoints over an appreciable area. I consider that environmental harm to militate against the grant of permission, notwithstanding it being determined that there is a shortfall in the 5 year housing land supply.
130. Lastly, this is not a case of refusal solely on grounds of prematurity as warned against in paragraph 72 of PPS3. But having mind to the guidance in *'The Planning System, General Principles'* it is my view that grant of permission now for such a substantial amount of development, and more than is required to meet the remaining policy requirement in the Eastern Area over the next 15 years, with harm caused as identified, is not justified at this stage in the LDF

process and would adversely affect the spatial planning of the area, an aim of the LDF process and the plan led system.

Written Comments on Ministerial Statement of 23 March 2011

131. Mr Greg Clark, Minister of State for Decentralisation, published a written statement *'Planning for Growth'* after the Inquiry had closed. However, the main parties to the appeals were asked through the Inspectorate whether they considered that this affected their case. Written responses were received as follows;
132. The Council indicated⁸⁴ that they are planning for sustainable growth through the LDF Core Strategy. With regard to the plan-led system, the Statement expects local authorities to plan positively for new development and deal promptly and favourably with applications that comply with up-to-date plans, and wherever possible approve applications where plans are absent, out-of-date, silent or indeterminate. The local plan is out-of-date, but the Core Strategy is at an advanced stage and progress has not been affected by awaiting the revocation of Regional Strategies. The Core Strategy has objectives that support the planning for growth approach, such as enabling housing growth, meeting the needs of the economy and ensuring that infrastructure is in place. It is not silent with regard to the appeal site, having rejected the option of a strategic site allocation. The policies of the Core Strategy will play a key role in planning for growth, based on evidence, consultation and a sustainability appraisal.
133. The Appellants indicated⁸⁵ that the proposal would contribute directly to achieving the policy outcomes sought in the Statement. Reading is an economically buoyant place but relies on surrounding areas to provide for its growth needs. The appeal proposals provide for this. The proposals are not just housing and would provide other facilities and hence balanced growth of homes, jobs and infrastructure. The proposal exemplifies sustainable development in a location on the urban edge, being designed and located to save energy, with new green infrastructure. The scheme is the type of sustainable development that the Government means to encourage through the proposed 'presumption in favour of sustainable development' alluded to in the Statement.
134. Save Calcot and Save Pincents Hill Action Groups indicated⁸⁶ that they acknowledge and recognise the aims and aspirations of the Government, but do not consider that means that every open space should be built on. The Government has resolved to abolish Regional Strategies in order to work with communities to build more homes in locations agreeable to all. Pincents Hill is not such a location.
135. I have considered these comments with regard to the Ministerial Statement. There is no adopted up-to-date plan, but the Core Strategy is well advanced and does accord with key aspects of the Statement as set out by the Council. The Council is seeking development of significant numbers of houses within the

⁸⁴ DOC C18

⁸⁵ DOC A19

⁸⁶ DOC 6/10

period and the approach chosen, of a basket of sites, would provide opportunities for a range of employment and services over the district. There remain the other concerns over the effects on the environment; the character and appearance of the area. The conclusions of this report as set out in paragraphs 127 to 130 above are not altered following consideration of the Statement and the written comments received.

Recommendation

136. I recommend that the appeal be dismissed.
137. However, should the Secretary of State disagree with my recommendation, I am of the view that the conditions set out in Annex A should be attached to a planning permission, in addition to the Section 106 Undertaking.

S J Papworth

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Richard Ground He called;	of Counsel
Bettina Kirkham DipTP BLD CMLI	Director Kirkham Landscape Planning Ltd
Elizabeth Alexander BA MPHIL MRTPI	Planning Policy Team Leader West Berkshire District Council
Gordon Currie DipTP MRTPI	Planning Team Leader West Berkshire District Council
Paul Goddard B.ENG(Hons)	Highways Development Control Team Leader West Berkshire District Council

FOR THE APPELLANTS:

Rupert Warren He called;	of Counsel
Richard Hutchings BSc CENG FCIHT CMILT MAPM MICE	Director WSP UK Development and Transportation Limited
Gavin Payne DipLA CMLI	Associate Nicholas Pearson Associates
Neil Murphy MA(Oxon)	Director Planning, Policy and Economics, Beyond Green Ltd
John Cornwell BA(Hons) FRTPI DipMS MIM FRSA	Partner Bell Cornwell LLP

FOR THE SAVE CALCOT AND SAVE PINCENTS HILL ACTION GROUPS

Chris Maile He called;	of Campaign for Planning Sanity
Pat Roffe Douglas Murdock Julia Gentle Antony Greenfield Iain Jones Sarah Clarke Sally Jones Virginia Addison	

Clive Taylor
Christopher Jones
Joan Lawrie
Steve Karlsen

INTERESTED PERSONS:

Alok Sharma	Member of Parliament Reading West Constituency
Cllr Mooney	Ward Councillor West Berkshire District Council
Cllr Emma Webster	Ward Councillor West Berkshire District Council
Mary Bedwell	Chair Hollybrook Parish Council
David Wood	Chair Theale Parish Council
Jean Gardner	Chair Tilehurst Parish Council
Edward Golton	Chair CPRE Bradfield District
Ian Dunn	Business Owner
Mike Summers	
John Betteridge	
Sarah Guy	
Barry Cahill	

DOCUMENTS AT START OF INQUIRY

Proofs of Evidence

Council;

Document	1	Bettina Kirkham Proof of Evidence (doc 1i) Appendices Vol 1 (L1 – L8, L10 – L16 , L18 – L23) (doc 1ii) Appendices Vol 2 (L9 and L17) (doc 1iii)
Document	2	Elizabeth Alexander Proof of Evidence (doc 2i) Appendices 1 – 5 (doc 2ii)
Document	3	Gordon Currie Proof of Evidence (doc 3i) Appendices 1 & 2 (doc 3ii)
Document	4	Paul Goddard Proof of Evidence, Summary and Appendices i to iv
Document	5	Mark Lewis, Children and Young People Assets Manager Proof of Evidence (doc 5i) Appendices 1 – 3 (doc 5ii)
Document	6	Jeremy Davy, Principal Ecologist Proof of Evidence (doc 6i) Appendices 1 – 3 (doc 6ii)
Document	7	Nigel Owen, Project Manager Community Services Proof of Evidence and Appendices 1 & 2
Document	8	Karen Felgate, Housing Enabling Officer Proof of Evidence and Topic Paper
Document	9	Christine Owen, Manager Library Services Proof and Appendix 1
Document	10	Andrea Johnson, Primary Care Premises Advisor PCT Proof of Evidence and Appendix 1
Document	11	Stewart Souden, Grounds Maintenance Manager Proof of Evidence and Topic Paper

Appellants;

Document	12	Richard Hutchings Proof of Evidence (doc 12i) Summary (doc 12ii) Appendices A – I (doc 12iii)
Document	13	Gavin Payne Proof of Evidence and Figures bound in
Document	14	Neil Murphy Proof of Evidence
Document	15	John Cornwell Proof of Evidence (doc 15i) Appendices 1 – 23 (doc 15ii)
Document	16	Statement of Common Ground, Council and appellants
Document	17	Agreed Statement on Highways and Transportation Matters Council, Secretary of State for Transport and appellants

Save Calcot and Save Pincent's Hill Action Groups;

(all the following in single ring binder)

Document	18	Statement of Case and Appendices 1 – 3
Document	19	Pat Roffe, Proof of Evidence
Document	20	Douglas Murdock, Proof of Evidence
Document	21	Julia Gentle, Proof of Evidence
Document	22	Antony Greenfield, Proof of Evidence
Document	23	Sarah Clarke, Proof of Evidence
Document	24	Sally Jones, Proof of Evidence
Document	25	Virginia Addison, Proof of Evidence
Document	26	Clive Taylor, Proof of Evidence
Document	27	Christopher Jones, Proof of Evidence
Document	28	Joan Lawrie, Replacement Proof of Evidence (Doc 6/1) and four attachments (plus later Proofs of Evidence Doc 6/2 & 6/3)

Interested Parties;

Document	29	Five blue folders containing Appeal Questionnaire documents, including third party written representations received by Local Planning Authority at Application stage.
Document	30	Two blue folders of third party written representations received by Planning Inspectorate at Appeal stage, including Parish Councils, Reading Borough Council and North Wessex Downs Area of Outstanding Natural Beauty (with Management Plan 2009 – 2014)
Document	31	Reading Borough Council letter dated 18 February 2011
Document	32	North Wessex Downs Area of Outstanding Natural Beauty letter dated 11 February 2011

Application Plans, Statements and other Documents

Document	P1	Design and Access Statement July 2009
Document	P2	Masterplan July 2009
Document	P3	Strategies July 2009
Document	P4	Plans 1 – 36 (includes those numbered in Condition 4)
Document	P5	Draft Residential Travel Plans March 2009 and January 2010
Document	P6	Council Decision Notice 26 February 2010
Document	P7	Letter from Planning Inspectorate to the main parties dated 11 March 2011 closing the Inquiry
Document	P8	Listing Descriptions
Document	BRB1	Environmental Statement Volume 1 Main Text and Figures
Document	BRB2	Environmental Statement Volume 2 Appendices 1 – 6
Document	BRB3	Environmental Statement Volume 2 Appendix 7
Document	BRB4	Environmental Statement Volume 2 Appendices 8 – 14
Document	BRB5	Environmental Statement Volume 3 Non-Technical Summary
Document	BRB6	Transport Assessment Report, Appendices A – T and Figures 1 – 32

DOCUMENTS SUBMITTED AT INQUIRY

Council	C1	Additional documents for Planning Policy Evidence 21 February 2011
Council	C2	Opening on behalf of West Berkshire Council
Council	C3	Bundle of aerial photographs, maps and other documents
Council	C4	Strategic Housing Land Availability Assessment February 2011
Council	C5	West Berkshire Submission Core Strategy Incorporating Changes: Examination Proposed Changes February 2011
Council	C6	Extract South East Plan Cross Cutting Policies CC6, WCBV1, WCBV2 and WCBV3
Council	C7	IKEA Application
Council	C8	Draft conditions
Council	C9	Planning Evidence for Pincents Hill Appeal 1 March 2011
Council	C10	Photograph view from grounds of Englefield House
Council	C11	Summary of Executive Decisions 17 February 2011
Council	C12	Bundle of documents headed Planning Policy Task Group 28 August 2009, and including 'Options for the Future'
Council	C13	Suggested site visit itinerary
Council	C14	Closing submissions
Council	C15	Response to Document A16 (comments by appellants on Document C12)
Council	C16	Response to Bedford BC v SSCLG (Document A17)
Council	C17	F G Whitley & Sons Co Ltd v Secretary of State for Wales and Another
Council	C18	Response regarding Ministerial Statement ' <i>Planning for Growth</i> '
Appellants	A1	Appellants' Opening Points
Appellants	A2	A3 sized extracts for use at Inquiry
Appellants	A3	Extract, (superseded by entire document A5)
Appellants	A4	Response to Matters Raised by the Save Calcot Action Group
Appellants	A5	Report of the Inspector into an Application to Register and Appeal site as a Town or Village Green
Appellants	A6	Pincents Hill Design Enquiry Report 4 – 8 September 2008
Appellants	A7	Letters Catalyst Housing Group, Development Securities plc and Willmott Dixon Housing January and February 2011
Appellants	A8	Update Housing Land Supply Position
Appellants	A9	Site Selection Framework
Appellants	A10	Photographs Pincents Hill D&A and Masterplan
Appellants	A11	Pincents Hill Sustainable Travel Plan V3 January 2011
Appellants	A12	Bundle of documents regarding Theale Lakeside development
Appellants	A13	Planning Permission 09/00971/OUTMAJ Newbury Racecourse
Appellants	A14	S106 Undertaking signed and dated 2 March 2011 (with signed amendments) and explanatory paper 'Main Provisions'
Appellants	A15	Closing Submissions
Appellants	A16	Additional Comments on Document C12
Appellants	A17	Bedford Borough Council v (1) The Secretary of State for Communities and Local Government (2) Aleksander

Appellants	A18	Stanislaw Murzyn Regina v Warwickshire County Council Appellant ex parte Powergen plc
Appellants	A19	Response regarding Ministerial Statement ' <i>Planning for Growth</i> '
Rule 6 Party	6/1	Replacement Proof of Evidence Joan Lawrie (now bound in with other Rule 6 Proofs, Document 18 – 28)
Rule 6 Party	6/2	Proof of Evidence Iain Jones (now bound in with other Rule 6 Proofs, Document 18 – 28)
Rule 6 Party	6/3	Proof of Evidence Steven Karlsen (now bound in with other Rule 6 Proofs, Document 18 – 28)
Rule 6 Party	6/4	Pincents Hill Calendar
Rule 6 Party	6/5	Extract from Pincents Hill Design Enquiry Report (full version is Document A6)
Rule 6 Party	6/6	IKEA Briefing Note
Rule 6 Party	6/7	Views for AONB
Rule 6 Party	6/8	Maps of new and existing footpaths
Rule 6 Party	6/9	Closing submissions
Rule 6 Party	6/10	Response regarding Ministerial Statement ' <i>Planning for Growth</i> '
Third parties	3/1	Submission from Cllr J Mooney
Third parties	3/2	Submission from Rose Higgins
Third parties	3/3	Submission from CPRE Bradfield District
Third parties	3/4	Submission from Abigail Turner
Third parties	3/5	Submission from Barry Cahill
Third parties	3/6	Submission from Patricia MacDonald

ANNEX A

Conditions

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins 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 three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The submission of reserved matters should be in general accordance with the following plans and additional information unless otherwise agreed in writing by the Local Planning Authority;

Outline Application Plan drawing reference: 3

Illustrative Key Features Plan drawing reference: 5

Layout Plan Structure drawing reference 6

Land Use Plan drawing reference: 7

Housing Plan - Heights drawing reference: 9

Housing Plan - Densities drawing reference: 10

Legibility Plan drawing reference: 12

Road and Street Layout Plan drawing reference: 14

Pedestrian Access Plan – Proposed drawing reference: 16

Disability Access Plan drawing reference: 18

Car Parking Plan drawing reference: 19

Landscape Master plan drawing reference: 22

Total Urban Ecology Plan drawing reference: 23

Ecology Plan – Proposed drawing reference: 25

Design and Access Statement July 2009

Masterplan July 2009 Strategies July 2009

Planning Statement of Common Ground signed 14th February 2011

Highways Statement of Common Ground signed 15th February 2011

- 5) No development shall commence until a site-wide phasing scheme has been submitted to and approved in writing by the Local Planning Authority. This shall include the phasing of site accesses, service infrastructure, energy centres, structural landscaping, open space and play spaces and residential development including the local centre, as well as when all ecological enhancement measures will be implemented. The orchard and new woodland is to be planted, community meadow provided and woodland walks created prior to the commencement of development, to mitigate the impact of the development on the local badger community, unless agreed otherwise in writing by the Local Planning Authority. Land for the community farm and allotments is to be brought into use in accordance with a phasing scheme to be approved in writing by the Local Planning Authority, to ensure the timely introduction of a sustainable aspect of the proposal. The overall development shall thereafter proceed in accordance with the approved phasing plan unless otherwise agreed in writing by the Local

Planning Authority. In relation to other conditions seeking approval of details prior to the commencement of development, such approval may relate to the commencement of individual phases in accordance with the provisions of the approved phasing plan.

- 6) No phase of residential development shall commence until a Design Stage assessment of the dwellings, appropriate to the Code for Sustainable Homes or an equivalent assessment methodology demonstrating that the development for the phase will attain a minimum Code 4 rating, or the relevant equivalent, has been submitted to and approved in writing by the Local Planning Authority. The development of that phase shall then be carried out and fully completed in accordance with the approved assessment. Prior to the first occupation of the dwellings in that phase a post construction review, carried out by a licensed assessor, confirming appropriate compliance shall be submitted to and approved in writing by the Local Planning Authority. Compliance shall be phased in accordance with the phasing scheme agreed pursuant to Condition 5).
- 7) No development of the non-residential buildings hereby approved shall commence until a full BREEAM or equivalent assessment demonstrating that these buildings will attain BREEAM 'excellent' has been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved assessment. Prior to the first occupation of these buildings hereby approved, a post construction review, carried out by a licensed assessor, confirming appropriate compliance shall be submitted to and approved in writing by the Local Planning Authority. Compliance shall be phased in accordance with the phasing scheme agreed pursuant to Condition 5).
- 8) No buildings or hard surface for any phase shall commence until samples of the materials to be used for the buildings and hard surfaces in that phase have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in the materials approved.
- 9) No phase of development shall take place until details of all screens, boundary walls, fences and any other means of enclosure for that phase of development have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved details. No buildings in that phase of development shall be occupied until the boundary treatments specific to that phase have been fully implemented. The approved fence, wall or other means of enclosure shall thereafter be retained and maintained at the height and position as approved unless otherwise agreed in writing with the Local Planning Authority.
- 10) No external lighting in any phase shall be installed until such details for that phase have been submitted to and approved in writing by the Local Planning Authority. Such details shall include location, height, type and direction of light sources and intensity of illumination. No building in that phase shall be occupied until the external lighting has been installed in accordance with the approved details.
- 11) No development within any phase shall commence until the locations and details of the play spaces in that phase, together with details of the management and maintenance of the play spaces, have been submitted to and approved in writing by the Local Planning Authority and shall be in general accordance with approved plan number 5 (Illustrative Key Features Plan). The play spaces shall be constructed prior to the occupation of neighbouring plots (to

be identified and agreed with the Local Planning Authority) surrounding the play spaces.

- 12) No development within any phase shall commence until details of the location of the public open spaces for that phase, together with details of the management and maintenance of the public open spaces, have been submitted to and approved in writing by the Local Planning Authority. The public open space shall then be implemented in accordance with the approved details prior to the completion of that phase.
- 13) No phase of development shall commence until details of floor levels in relation to existing and proposed ground levels for that phase have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved levels.
- 14) No development shall commence in any phase until a scheme for the provision and location of fire hydrants, if required, to serve that phase, has been submitted to and approved in writing by the Local Planning Authority. No development shall take place other than in accordance with the approved scheme.
- 15) No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority in accordance with the submitted construction method statement. This shall include measures during the construction process to minimise the amount of dust generated, minimise the amount of noise generated, identify the hours of operation, phasing of construction, specify construction traffic haul routes and potential numbers and travel and parking arrangements for construction workers and maintaining access to existing premises. The approved Construction Management Plan shall be implemented in full for the full duration of the construction activity relating to this permission at the site. The hours of work for all contractors for the duration of the site development shall unless otherwise agreed by the Local Planning Authority in writing be limited to;

07.30 to 18.00 on Mondays to Fridays, 08.30 to 13.00 on Saturdays and no work shall be carried out on Sundays or Bank/Public Holidays.

Any deviation from the construction management plan shall first be agreed in writing by the Local Planning Authority.

- 16) No development shall commence in the area indicated on plan 3 (Outline Application Plan), other than investigative work until;
 - i) Two copies of a contaminated land assessment and associated remedial strategy if appropriate, together with a timetable of works, have been submitted to, and approved in writing by the Local Planning Authority. The contaminated land assessment shall include details of investigative works and sampling, risk assessment and based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

The works shall be carried out by a suitability qualified consultant appointed to investigate the nature and extent of contamination, if any, in, on or under the parts of the land referred to in this condition. This must be conducted in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*'. Details of the method of investigation and sampling on site, together with the

results of analysis must be submitted to the Local Planning Authority (and the Environment Agency as appropriate). If a hazard or hazards are identified from such investigations, a site specific risk assessment shall be undertaken to consider risks to the following: human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems and archaeological sites.

- ii) A verification plan has been submitted to and approved in writing by the Local Planning Authority providing details of the data that will be collected in order to demonstrate that the works set out in i) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- iii) Approved remediation works shall be carried out in full. If during any works any significant underground structures or contamination is discovered which has not previously been identified then the additional contamination shall be fully assessed. No further remediation works shall take place until a report detailing the nature and extent of the previously unidentified structures and contamination and the proposed remedial action plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter, all further remediation works shall be undertaken in accordance with the most recent approved remediation action plan.
- iv) On completion of all remediation works this condition shall not be discharged until a verification report has been submitted to and approved in writing by the Local Planning Authority. The report shall make reference to all published information associated with the development and shall demonstrate compliance with the remediation strategy as set out in the verification plan. It shall include the following: details of quality assurance certificates to show that all works have been carried out in full and according to best practice; consignment notes demonstrating the removal of contaminated materials; certification to show that new material brought to the site is uncontaminated; and details of any on-going post-remediation monitoring and sampling, including a reporting procedure to the Local Planning Authority and Environment Agency.

Any changes to these components require the agreement in writing by the Local Planning Authority.

- 17) Prior to the installation of any air handling plant the following shall be submitted to and approved in writing by the Local Planning Authority;

Written details concerning any proposed air handling plant including: the proposed number and location of such plant as well as the manufacturer's information and specifications.

The acoustic specification of the plant including general sound levels and frequency analysis under conditions likely to be experienced in practice.

The intended operating times.

Calculations showing the likely impact of noise from the development.

A scheme of works or such other steps as may be necessary to minimise the effects of noise from the development.

The plant shall thereafter be installed and maintained in accordance with the above details.

18) No development shall commence in a phase until a scheme of works for protecting the occupiers of that phase of development from externally generated noise has been submitted to and approved in writing by the Local Planning Authority. All works forming part of the approved scheme shall be completed before any development in that phase is first occupied.

19) No development shall commence until the following has been submitted to and approved in writing by the Local Planning Authority;

The findings of a noise survey undertaken in accordance with BS 4142 (or such other standard acceptable to the Local Planning Authority) to determine noise levels in the vicinity of the proposed energy centres and the retail and business centres.

Written details and calculations showing the likely impact of noise from the proposed energy centres and the retail and business centres.

A scheme of works or such other steps as may be necessary to minimize the effects of noise from the proposed energy centres and the retail and business centres.

All works forming part of the scheme must be completed before any of the dwellings are first occupied.

20) Noise resulting from the use of plant, machinery or equipment after construction shall not exceed a level of 10dB(A) below the existing background level when measured according to British Standard BS4142-1997, at a point one metre external to the nearest noise sensitive premises.

21) No development shall commence until seven Nitrogen Oxide Diffusion Tubes, have been erected and commissioned in locations agreed in writing with the Local Planning Authority, and a management plan has been submitted and approved in writing by the Local Planning Authority. The Nitrogen Oxide Diffusion Tube sites shall be maintained throughout the construction of the whole development hereby approved and for two years following the completion of the last dwelling. Monitoring results from all of the monitoring stations shall be submitted to the Local Planning Authority on a monthly basis.

22) The development hereby approved shall only be carried out in accordance with the approved Pincents Hill Outline Drainage Strategy Report No. 161323-GERO1 September 2009 and the following mitigation measures detailed within the Outline drainage strategy:

Limiting the surface water run-off generated by the critical storm event to the existing greenfield run-off rate of 4.6 l/s/ha so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding of the surrounding area (refer to Tables 2.1 and 3.1).

Provide the required storage on site for the critical storm event (as set out in Table 3.2) through the provision of a range of SUDS methods.

These methods should include green roofs, brown roofs, permeable paving, attenuation and rain gardens, flow control features, basins, ponds and wetlands within the detailed surface water drainage scheme (as set out in Figure 3 of the proposed drainage strategy).

Thought should be given to the feasibility of SUDS methods appropriate to each Zone as detailed in the SUDS portfolio (section 5 of the surface water strategy).

Allocated green space as shown on drawing Fig 3 to ensure provision of storage and conveyance methods.

- 23) No development shall take place until a detailed surface water drainage scheme, as set out by the principles of the approved outline drainage strategy and section 10.213 of the EIA, has been submitted to, and approved in writing, by the Local Planning Authority. The scheme shall include;

Detailed design of how the scheme will ensure that no soakaways are constructed in contaminated land.

Detailed design of how the SUDS scheme will reduce flood risk as well as enhance biodiversity.

Detailed design including complex perimeter edges to the ponds, with a variety of edge slopes and water depths to maximise the opportunities for wildlife.

Details of all planting, using locally native species of UK genetic provenance.

Details of how the scheme shall be maintained and managed after completion for flood risk and biodiversity.

Detailed surface water calculations for all rainfall events up to and including the 1 in 100 year plus 30% for climate change.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

- 24) Piling using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall thereafter be carried out in accordance with the consent.

- 25) No development shall take place until a scheme for the provision and management of a 10 metre buffer zone along the watercourse on the eastern edge of the proposed development has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme. The scheme shall include;

Plans showing the extent and layout of the buffer zone.

Details of the planting scheme using locally native species of UK genetic provenance.

Details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term.

The buffer zone is to be a minimum of 10 metres wide measured from bank top for the whole extent of the site. Bank top is defined as the point at which the bank meets normal land levels. This zone should be without structures, hard standing, footpaths, fences or overhanging development such as balconies and should not include domestic gardens or formal landscaping. The

- buffer zone are to be designed and managed to develop this natural character and planted with locally native species of UK genetic provenance.
- 26) No development shall commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved in writing, by the Local Planning Authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.
 - 27) No development shall commence until impact studies of the existing water supply infrastructure have been submitted to and approved in writing, by the Local Planning Authority. The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point.
 - 28) No development shall commence until a detailed Lighting Strategy has been submitted to and approved in writing, by the Local Planning Authority. The Lighting Strategy shall ensure that dark corridors for bats are retained. Luminaries will achieve E1 on the edge of development next to AONB, next to ecological corridors and where hedge/woodland corridors are broken by roads. The site should achieve an average of E2 across site.
 - 29) No development shall commence until a detailed Ecological Management Plan covering non development areas has been submitted to, and approved in writing, by the Local Planning Authority. This plan will include details of all the proposed mitigation outlined in the Environmental Statement and details of who will be responsible for implementing and monitoring the Ecological Management Plan and a timetable for the works. Bat boxes are to be incorporated in at least 10% of all houses; bat boxes will be attached to 5% of the retained trees and bird boxes incorporated in 50% of all houses (this to include 5 groups of 10 swift boxes in addition to the swift/house martin tower in the orchard). Detailed drawings of the bat barn should also be included. The approved Ecological Management Plan will be implemented in full in accordance with the timetable and be maintained thereafter.
 - 30) No development shall commence until full details have been submitted to, and approved in writing, by the Local Planning Authority of the proposed bat/dormouse bridge and badger tunnel, where hedge H16 is crossed by the main access road, as shown in Volume 2 (Technical Appendices), Folder 3, Appendix 10.2 (Hedgerow Technical Report) of the Environmental Statement produced by Environmental Perspectives LLP and dated July 2009. The bridge and tunnel shall be implemented in full concurrently with the construction of the road.
 - 31) No development shall commence on each building phase until full details of the proposed SUDS scheme have been submitted to, and approved in writing, by the Local Planning Authority. The submitted scheme should incorporate at least 100m² of permanent water and be implemented prior to the completion of the last building in that phase and maintained thereafter.
 - 32) Monitoring of badger, dormouse, reptile and bat populations is to be undertaken throughout the development, and for 5 years after completion of the whole site, by a suitable qualified ecologist. The information collected shall be submitted to the Local Planning Authority on a 6 monthly basis.
 - 33) No lighting within the site is to illuminate existing bat roosts or new bat roosts.

- 34) No tree felling or scrub clearance work shall take place during the bird breeding season (March to August inclusive) without prior approval in writing from the Local Planning Authority. Such approval will only be granted if a report by a suitable qualified ecologist has been submitted showing that no breeding birds are present.
- 35) No development shall commence until further reptile studies to determine the size of the reptile population and the development of appropriate mitigation measures, including timings, have been submitted to, and approved in writing, by the Local Planning Authority. Any mitigation measures shall be implemented strictly in accordance with the details approved.
- 36) No development shall commence until a detailed badger mitigation plan, including timings, has been submitted to, and approved in writing, by the Local Planning Authority. The approved plan will be implemented in full strictly in accordance with the timings submitted.
- 37) No landscaping of any phase shall commence until detailed landscape designs and specifications for that phase have been submitted to and approved in writing by the Local Planning Authority. The landscape design and specifications shall include the following;

Soft landscaping;

Details of planting plans, written specifications and a schedule of plants.

Landscape treatment of roads, courtyards and mews.

Details of the landscape buffer across the northern boundary of the site excluding the northern and southern primary access roads (to be a minimum of 12 metres wide measured from the boundary of the AONB).

A specification for the establishment of trees within hard landscaped areas.

Details and specification of proposed earth modelling or changes in site levels across the site, proposed levels and contours to be formed.

Hard landscaping;

Full details of play equipment including surface material.

Construction details and cross sections of road, paths and cycleways;

Details of all proposed hard surfacing material, lighting and street furniture.

A timetable for implementation.

The soft landscaping shall then be implemented in the first available planting season following completion of that phase and the hard landscaping shall be constructed in accordance with the approved timetable.

- 38) No development shall commence until a landscape management plan, including long-term design objectives, an implementation programme and details of written specifications including cultivation and other operations involving tree, shrub and grass establishment, management responsibilities and maintenance schedules for a minimum period from commencement until 12 years after occupation of the final dwelling for all landscaped areas (except privately owned domestic gardens), has been submitted to, and approved in writing, by the Local Planning Authority. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the Local Planning Authority. The scheme shall include the following elements;

Details of the extent and type of new planting (NB planting to be of native species).

Details of maintenance regimes.

Details of any new habitat created on site.

Details of treatment of site boundaries and/or buffers around water bodies.

Details of the linear woodland as set out in section 10.199 and 10.264 of the EIA.

Details of soil preparation, plant protection, watering and weeding.

Completion of the scheme during the next planting season following the completion of the relevant phase, or such other date as may be agreed in writing by the Local Planning Authority.

If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written approval to any variation.

- 39) No development shall commence until a landscape management plan, including long-term design objectives, an implementation programme and details of written specifications including cultivation and other operations involving tree, shrub and grass establishment, management responsibilities and maintenance schedules for a minimum period from commencement until 12 years after occupation of the final dwelling for the Community Orchard, Community Meadow, new woodland and woodland walks as referenced within the Pincents Hill Outline Planning Application Design and Access Statement dated July 2009, has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the Local Planning Authority.

The scheme shall include the following elements:

Demonstrate how this area will provide habitat for local Biodiversity Action Plan species.

Details of the extent and type of new planting, to be of native species.

Details of maintenance regimes details of any new habitat created on site.

Details of treatment of site boundaries and/or buffers around water bodies.

Details of soil preparation, plant protection, watering and weeding.

Completion of the scheme during the next planting season following the completion of the relevant phase, or such other date as may be agreed in writing by the Local Planning Authority;

If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written approval to any variation.

- 40) No development (including site clearance and any other preparatory works) shall commence on site until a scheme for the protection of trees to be retained is submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all as specified at Chapter 9 and detailed in figure 2 of B.S.5837:2005. Such fencing shall be erected prior to any development works taking place and at least 2 working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities or storage of materials whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.
- 41) No development or other operation on site shall take place until an Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall include details of the implementation, supervision and monitoring of all temporary tree protection and any special construction works within any defined tree protection area. Thereafter the development shall incorporate and be undertaken in accordance with the approved statement.
- 42) No development shall commence on site (including site clearance and any other preparatory works) until details of the proposed accesses, hard surfacing, drainage and services providing for the protection of the root zones of trees to be retained have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.
- 43) No development shall commence until details showing the location and species of every tree over 75mm diameter and any perimeter hedgerow to be retained as part of the scheme has been submitted to and approved in writing by the Local Planning Authority. Such trees and hedgerows shall thereafter be retained in accordance with the approved details.
- 44) No development shall commence until a detailed schedule of tree works including timing and phasing of operations has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out only in accordance with the approved schedule.
- 45) No site works, demolition or development shall take place within the application area until the applicant has secured the implementation of an arboricultural watching brief in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.
- 46) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.
- 47) No development shall commence until details of a scheme for the appropriate and efficient use of on-site mineral reserves, in particular Reading Sand, in the site preparation and construction works have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented in full.

- 48) No development of any phase shall commence until the operating hours of any non-residential development in that phase have been submitted to and agreed in writing by the Local Planning Authority. The operating hours of any non-residential development shall be adhered to in accordance with the details submitted.
- 49) No development shall commence until a scheme for the primary north to south route through the site has been submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be completed prior to the completion of the 180th house.
- 50) No development shall commence until a scheme for the road and footpath design and vehicle parking and turning provision has been submitted to and approved in writing by the Local Planning Authority together with phasing details. The approved scheme is to be implemented in accordance with the approved phasing details.
- 51) No development shall commence until details of the proposed accesses, in general accordance with the application access drawings, into the site have been submitted to and approved in writing by the Local Planning Authority. Thereafter the accesses shall be constructed in accordance with the approved details before the commencement of building and other operations on the site.
- 52) No occupation of the development shall occur on site until a section 278 agreement under the 1980 Highways Act has been completed with the Council. Further the works as agreed under this agreement shall be completed within the timescales stated within the agreement.
- 53) No phase of development shall commence until details of the provision for the storage of refuse for development in that phase has been submitted to and approved in writing by the Local Planning Authority. The approved storage shall be provided prior to occupation of that phase and thereafter refuse shall be stored in accordance with these approved details.
- 54) There shall be no direct vehicular access onto Pincent's Lane on the western edge of the site between the proposed primary northern and southern accesses into the site.
- 55) The building line of any garages erected on the site shall be set back not less than 5.5 metres from the highway boundary.
- 56) No development shall commence until details of the proposed private drives and paths, including gradients and surfacing to suit the needs of mobility impaired persons, have been submitted to and approved in writing by the Local Planning Authority. Thereafter the drives and paths shall be constructed in accordance with the approved details before the occupation of the buildings concerned.
- 57) No phase of development shall commence until details of the vehicle parking and turning space/areas for that phase have been submitted to and approved in writing by the Local Planning Authority. The vehicle parking and turning spaces (areas) shall subsequently be provided in accordance with the approved details prior to the development of that phase being brought into use.
- 58) No phase of development shall commence until details of the cycle parking and storage space to be provided within the site, for that phase, have been submitted to and approved in writing by the Local Planning Authority. The cycle parking and storage space shall be provided in accordance with the approved details prior to

the development of that phase being brought into use and retained for this purpose at all times.

- 59) No development shall commence on site until details of wheel washing facilities to be provided and maintained for all construction traffic concurrently with the development of the site have been submitted to and approved in writing by the Local Planning Authority. Such facilities shall be provided at the commencement of development and thereafter retained in accordance with the approved details until the development has been completed and shall during that time be used for cleaning of all such vehicles when leaving the site.
- 60) The mix of dwellings constructed for the whole development shall be in general accordance with the stated mix in page 4 of the Masterplan document received on 24 July 2009.