

Agenda Item 68.

Application Number	Expiry Date	Parish	Ward
230074	16.02.2024	St Nicholas Hurst	Hurst

Applicant	Helmsley Land Ltd
Site Address	Land adjacent to School Road and Orchard Road, Hurst, Reading
Proposal	Outline planning application for the proposed erection of 23 dwellings with associated access and 15 carparking spaces for the local Primary school. Access only to be considered (with Appearance, Landscaping, Layout and Scale to be reserved) (amended description) REVISED PLANS.
Type	Outline permission for the proposed accesses only.
Officer	Mark Croucher
Reason for determination by committee	Major application

FOR CONSIDERATION BY	Planning Committee on Wednesday, 14 February 2024
REPORT PREPARED BY	Assistant Director – Place and Growth

RECOMMENDATION	<p>That the committee authorise the GRANT OF PLANNING PERMISSION subject to the following:</p> <p>A. Completion of a legal agreement relating to the following head of terms:</p> <ol style="list-style-type: none"> 1. Affordable Housing delivery of at least 40% of the number of dwellings delivered. 2. Employment Skills Plan 3. Highway adoption details for on-site roads and management details of open spaces, including the school car park. 4. Highway works 5. MyJourney contribution at £540 per dwelling (prior to occupation) 7. Off-site Sports and Recreation Contributions in accordance with TB08 8. Biodiversity net gain of at least 10% <p>B. Conditions and informatives as set out in Appendix 1 (subject to any additions and updates agreed with the Assistant Director – Place and Growth between the date of the resolution and the issue of the decision).</p> <p>OR</p> <p>C. Refuse full planning permission if the legal agreement is not completed within three months of the date of this resolution unless officers (on behalf</p>
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of the Assistant Director – Place and Growth) agree to a later date for completion of the legal agreement.

SUMMARY

The application is for outline planning permission for the proposed erection of up to 23 dwellings with associated access, and 15 carparking spaces for the local primary school, with access only to be considered. Appearance, landscaping, layout and scale are to be reserved matters. Along with the proposed accesses, matters for consideration are the principle of development and whether the quantum of up to 23 dwellings is appropriate for the site.

The application was amended to remove a southern access onto Orchard Road, reduce the number of houses by one dwelling and to provide a greater buffer to a Public Right of Way located along the eastern boundary of the site. The removal of the southern vehicle access was considered appropriate to orientate the development towards the village and minimise the impact on the more rural setting of Orchard Road. A public consultation was undertaken for the amended plans and the additional comments received are summarised in this report.

The site is outside of, but adjacent to the settlement limits of Hurst, which is classified as a Limited Development Location with a limited range of day-to-day facilities. The quantum of development is in keeping with the scale of development that is acceptable within Limited Development Locations, notwithstanding the site fall outside of these settlement limits. The policies that establish settlement limits are however out of date by reason of the absence of a NPPF compliant housing land supply and this effectively reduces the weight of this spatial conflict.

The site would relate well to the existing settlement pattern of Hurst, infilling a gap between the St Nicholas School and the Village Hall. There would be harm regarding the loss of the field and the settling this provides to the settlement and an Area of Special Character, but this impact would be localised. Overall, the location of the development is considered to be a logical extension to Hurst that would adjoin existing residential and a community land uses.

Indicative drawings demonstrate that the quantum of development could be achieved whilst striking an appropriate balance between existing densities in the area and making efficient and effective use of land. The proposal would have an acceptable impact on highway safety. The site is Flood Zone 1 and there are no drainage implications that warrant refusing the application.

The proposal would provide market and affordable housing on a site of an appropriate scale, and this is an appreciable benefit that meets the government objective within the NPPF of significantly boosting housing land supply.

The most important policies for determining the application are out of date by virtue of the absence of a NPPF compliant housing land supply. Paragraph 11 of the Framework therefore states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or there are specific policies in the Framework which indicate that development should be restricted. In this regard the tilted balance is engaged, all-be-it tempered due to past over-delivery.

Whilst it is fully recognised that there will be impacts of permitting this development, it is considered that those adverse impacts identified do not significantly and demonstrably outweigh the identified benefits of the proposal, and therefore the presumption in favour of sustainable development applies. It is recommended that permitting outline development on this site is supported subject to the conditions listed and the completion of a suitable Section 106 agreement.

RELEVANT PLANNING HISTORY

None.

DEVELOPMENT INFORMATION	
Proposed units	23
Proposed density - dwellings/hectare	18.3
Number of affordable units proposed	10
Previous land use	Agriculture
Existing parking spaces	N/A
Proposed parking spaces	14 school parking spaces (indicative) 43 residential parking spaces (indicative)
CONSTRAINTS	Limited Development Location Tree Preservation Order Countryside Agricultural Land Grade 3 Public Right of Way Local Wildlife Site Consultation Zone Flood Zone 1 Adjacent to Area of Special Character Adjacent to Grade II Listed Building.

CONSULTATION RESPONSES	
WBC Drainage	Recommend approval subject to conditions.
WBC Environmental Health	No objection.
WBC Landscape	Objection.
WBC Highways	No objection subject to conditions.
WBC Affordable Housing	No objection subject to legal agreement.
WBC Employment Skills Plan	No objection subject to legal agreement.
WBC Heritage	No objection but comments made regarding the setting of Area of Special Character.
WBC Ecology	Subject to demonstrating offsite compensation, no objection.
Berkshire Fire and Rescue	No objections raised
Natural England	No objection
Thames Water	No objection subject to conditions.

REPRESENTATIONS

Two consultation exercises were undertaken as a result of amended plans being received. The first was on 09.02.2023 and the second on 15.12.2023. The results are set out below.

Parish Council:

The Parish Council's full responses are appended to this report. The Parish Council have objected to the original scheme and the amended plans for reasons summarised below:

- Principle of development
- Contrary to previous appeal decisions
- Impact on Heritage Assets
- Contrary to landscape character of Hurst and detrimental impact on landscape
- Detrimental effect on trees and historic hedgerows
- Loss of Best and Most Versatile agricultural land
- Impact on biodiversity
- Conflict with pattern of development and setting
- Drainage and flood risk
- Site sustainability transport, access and services
- Impact on education services
- Lack of facilities within the village
- Poor bus services
- Poor walking and cycling infrastructure
- Lack of employment facilities
- Transport and highway safety
- Traffic volume and speed data
- Impact on school parking
- Access to the development site
- Insufficient community involvement statement
- The harms demonstrably and significantly outweigh the benefits
- It will set a precedent

Local Members:

None

Neighbours:

215 representations received from the first consultation and 163 from the second consultation exercise objecting to the development, which are summarised below (378 in total):

- The development is not logical
- Detrimental impact on the countryside
- It is a speculative application
- Contrary to the Core Strategy
- Limited footpaths in the area
- Limited local infrastructure and services
- Electricity blackout in the area occur and this will exacerbate such impacts
- There is local flooding
- The roads are narrow and busy
- Impact on highway safety
- There are no doctors facilities

- Housing development is better located in more built-up areas.
- The site is not allocated in the local plan
- Outside of settlement boundaries
- It is within the countryside
- Harm the local character and appearance of the settlement
- Additional traffic impact will cause safety issues with the school
- Impact on children's safety due to additional traffic around the school
- The proposed car park will not mitigate the existing the impact of traffic to children's safety
- The village school is small and will not expand
- There are no secondary schools in the area
- Outside of settlement limits and conflicts with policy CP11
- There is no safe and easy access on foot to the village
- Hurst is a beautiful village and the development will detrimentally impact this
- Overcrowding at local schools
- Utility infrastructure is insufficient
- The site represents a Green Lung for the village
- There would be a loss of wildlife
- There is no evidence that this type of development is needed for Hurst.
- Local buses are infrequent
- Public transport options are limited
- The car park for the school is not needed
- Unsustainable location
- The site is a DEFRA "Network Enhancement Zone 1" and is significant for wildlife networks. This development compromises the implementation of the local and national "Nature Recovery Network" which is contrary to the NPPF.
- Lighting from the development will have a harmful impact on the rural character
- The community consultation lacked detail
- The Green-field site is valued by many residents
- It would erode the village status
- Lack of designated cycle routes
- The width and condition of footpaths make walking and trips hazardous for disabled people and pushchair users
- High density development
- Urbanisation
- Impact on local Heritage Assets
- The site is important to the setting of Hurst
- Loss of green gap
- Overdevelopment
- Safety of horse riders will be impacted
- The site was used for public amenity
- Loss of biodiversity
- There is no overriding need.
- Impact on Area of Special Character
- The access onto Orchard Road will remove hedging and trees an impact the street scene
- Wrong development in the wrong place
- The site is prone to flooding
- Construction works will make the road network dangerous by the school
- Impact on highway safety at school drop off and pick up times

- Loss of TPO trees.
- Residents will be reliant on private cars
- It is outside of the village envelope
- In the summer it is a perfect habitat for butterflies
- Schools in the area are oversubscribed
- Orchard Road is unsafe
- The junction is opposite Tape and will be unsafe
- Additional traffic and construction will impact air quality
- Orchard Road is too narrow
- Impact on neighbour amenity
- Views from neighbouring gardens would be lost
- The amended plans do little to answer the points made in numerous objections to the original plans
- Transport Assessment does not address parking on School Road
- Impact on neighbour amenity and the quality of life
- Impact on the Public Right of Way and views across the site
- Tape Lane is an access only lane. This restriction in this single-track lane is already abused and this will only get worse with an access point for at least fifty cars opposite now that this is the only road access to the site.
- The proposal offers no discernible benefits.
- The proposed car park will not resolve parking and highway issues in the vicinity.

A total of 17 representations received supporting the development, which are summarised below:

- Buying in Hurst is near impossible and the development would allow families like mine to buy in the village
- The development would have affordable housing
- Whilst the beauty of the site is appreciated, it is privately owned
- The Orchard and Dinton Pastures is in close proximity
- The development will help the community to grow and flourish
- Most houses in the area were also fields at one point that we've got used to now
- It is a workable plan and fitting contribution to the village
- There is a good mix of houses
- It will allow a diverse range of people to enjoy and live in the village
- The location is in keeping with the character of the village
- The number of dwellings proposed could easily integrate into local services
- Car park to the school will make a difference
- It will be an opportunity for families to live in the village
- The plans are good fit
- It's a small number of homes
- It would help to sustain local facilities and clubs

Officer's Note:

From the second consultation exercise on the amended plans, many representations reiterated the concerns previously raised. Additional concerns were raised about the development now having one access onto School Road and the highway safety and implications of that aspect, particularly in relation to the school during drop-off and pick-up times. This impact is addressed in the body of the report.

PLANNING POLICY

National Planning Policy Framework National Design Guide National Planning Practice Guidance

Core Strategy (CS)

CP1 – Sustainable Development
CP2 – Inclusive Communities
CP3 – General Principles for Development
CP4 – Infrastructure Requirements
CP5 – Housing Mix, Density and Affordability
CP6 – Managing Travel Demand
CP7 – Biodiversity
CP8 – Thames Basin Heaths Special Protection Area
CP9 – Scale and Location of Development Proposals
CP11 – Proposals Outside Development Limits
CP17 – Housing Delivery

MDD Local Plan (MDD)

CC01 – Presumption in Favour of Sustainable Development
CC02 – Development Limits
CC03 – Green Infrastructure, Trees and Landscaping
CC04 – Sustainable Design and Construction
CC05 – Renewable Energy and Decentralised Energy Networks
CC06 – Noise
CC07 – Parking
CC09 – Development and Flood Risk
CC10 – Sustainable Drainage
TB05 – Housing Mix
TB07 – Internal Space Standards
TB08 – Open Space, Sport and Recreational Facilities Standards
TB21 – Landscape Character
TB23 – Biodiversity and Development
TB24 – Designated Heritage Assets
TB25 – Archaeology

Joint minerals and waste plan

M2 - Safeguarding sand and gravel resources

Other

Borough Design Guide Supplementary Planning Document
CIL Guidance + 123 List
Affordable Housing Supplementary Planning Document
Sustainable Design and Construction Supplementary Planning Document
A Design for Hurst

Principle of Development:

1. The starting point for decision making is the development plan. Section 70[2] of the TCPA 1990 & 38[6] of the PCPA 2004 states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The plan-led approach established in law is reinforced through the NPPF including paragraph 47:

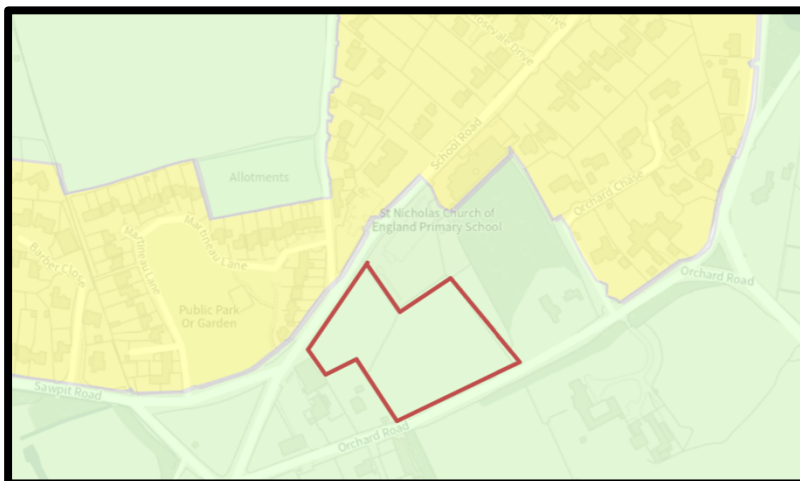
'Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.'

2. Paragraph 15 and 20 of the NPPF state the development plan must include strategic policies to address each local planning authority's priorities and an overall strategy for the pattern, scale and quality of development.
3. The Development Plan includes the Core Strategy (adopted in January 2010) and the Managing Development Delivery Local Plan (adopted in February 2014) (MDD Local Plan). The Core Strategy and MDD Local Plan sets out the vision for the borough and the policies to achieve those objectives. The core spatial strategy established by the Core Strategy was informed by engagement with the community.
4. The NPPF has an underlying presumption in favour of sustainable development which is carried through to the Development Plan. Policy CC01 of the MDD Local Plan states that planning applications that accord with the policies in the Development Plan for Wokingham Borough will be approved without delay, unless material considerations indicate otherwise.

Development Plan - Core Strategy and MDD Local Plan

5. A priority of the Development Plan is to steer new housing to the most sustainable locations within settlement boundaries and limit development within the countryside. This is, among other things, in order to promote sustainability, maintain the quality of the environment, protect the separate identity of settlements and provide certainty regarding how the borough will be developed. It is also well-explained in the Borough Design Guide at pages 6 -7.
6. The spatial vision explains that in order to deliver the necessary development within the Borough the Council has identified a number of high-quality Strategic Development Locations (SDLs) where the majority of the minimum 13,230 new houses to be delivered in the Core Strategy local plan period will be located. This approach seeks to locate schemes where they can provide easy access to existing facilities and services or where infrastructure improvements can be delivered. In addition, the spatial vision seeks to concentrate development in those towns and villages that either have a significant range of infrastructure including facilities and services now - or will have them as a result of the development proposed through the CS. Development is stated to be less likely in locations where these facilities and services will not be available.

7. Paragraph 83 of the NPPF states that *‘to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.’*
8. With the above in mind, policy CP9 of the Core Strategy and CC02 of the MDD Local Plan states that proposals will be permitted within development limits where the scale of the application reflects the facilities and services within the settlement. The settlements are split into three categories depending on the sustainability of those locations; Major, Modest and Limited Development Locations.
9. Hurst is defined as a Limited Development Location. Para 2.87 of the MDD Local Plan states *‘these settlements have a limited range of facilities, and do not have access to good quality public transport services’* [...] *‘due to the limited range of facilities, it is not considered that significant development is appropriate in these locations, although smaller proposals which help support the communities and provide for an identifiable local need may be acceptable.’*
10. Policy CP17 states that development within Limited Development Locations should not generally exceed 25 dwellings, within an allowance of 100 dwellings over all sites within Limited Development Locations during the plan period. The proposed development of up to 23 dwellings and is of a scale that is compatible with the size of the village and level of services within it – notwithstanding the site is outside of the settlement boundaries.
11. Whilst it is recognised that the application site is opposite the southern settlement limits of Hurst, the site is outside of the settlement boundary and within the countryside (see plan below). Therefore, an assessment against policy CP11 of the Core Strategy is required. This refers to development within the countryside and states *‘in order to protect the separate identity of settlements and maintain the quality of the environment, proposals outside of development limits will not normally be permitted’*, other than the exceptions listed. The proposed development would not fall within the exceptions set out in policy CP11 and conflicts with this development plan policy.



12. In summary, the location of this development is not in accordance with the Development Plan, taken as a whole. This is because by seeking to develop this countryside location, outside the Hurst defined development limits, is at odds with the spatial vision for the Borough, set out at Section 3 of the Core Strategy, and would conflict with a number of adopted policies such as CS Policies CP9 and CP11, as well as MDD Local Plan Policy CC02.
13. Whilst the conflict with the spatial strategy in the development plan should be noted, as required by Section 38[6] of the PCPA 2004, it is necessary to consider whether there are any other material considerations which apply. In this case other material considerations can include other relevant policy or supporting documents, emerging local plan, and the NPPF. The conflict with the development limits must be considered in the context of a housing land supply shortfall within the borough and that policies CP9, CP11 and CP17 are out of date in accordance with para 11 of the NPPF. This consideration will be covered in subsequent sections and revisited again in the planning balance section at the end.
14. Representations have referred to the history of the site, where it was used for Hurst Show and Country Fayre in the past. The show is now hosted on a mix of sites that include Martineau Lane, the local primary school and the village hall. The site has no designation for open space or Local Green Space as defined in the NPPF.

Joint Minerals and Waste Plan

15. The Central and Eastern Berkshire Joint Minerals and Waste Plan (Joint Plan) was adopted by Wokingham Borough Council on 19 January 2023. The Joint Plan identifies site allocations and extensions to help provide a future supply of sand and gravel extraction. However, despite these allocations, there remains a shortfall of supply during the plan period. The policy response to address the shortfall is the identification of a 'Minerals Safeguarding Area' (MSA), where Policy M2 of the plan applies, and also an 'Area of Search' where Policy M4 applies. This approach is to demonstrate the potential for, in effect, windfall provision within the Plan area.
16. The site is located within a MSA but is less than 3 hectares in area and is therefore considered to be economically unviable for extraction, as set out in the supporting text of policy M2. The location of the site is within close proximity to sensitive land uses such as residential dwellings, a primary school, pre-school and community facilities and these factors would also impede the suitability of the site for any mineral extraction.

Neighbourhood Plan

17. St Nicholas Hurst Parish has been designated as a Neighbourhood Area on 10 April 2018 following the decision by the Council's Executive on 29 March 2018 but there is no Neighbourhood Plan at this stage.

Emerging Local Plan Update

18. The Local Plan Update (LPU), the plan which will supersede the Core Strategy and MDD Local Plan, is at the consultative stage of preparation. To date, the Council has consulted on two draft strategies for the LPU: the Draft Plan (2020) and the Revised Growth Strategy (2021).

19. Whilst the site was promoted by the landowner, it is not included as a specific allocation with the revised growth strategy consultation. The LPU is at a consultative stage, the draft strategy and related draft policies have limited weight in determining planning applications at this time.

National Planning Policy Framework

20. The NPPF is an important material consideration in the decision-making process. The NPPF outlines the Government's planning policy on a national level and highlights sustainable development as the centre of the decision-making process incorporating economic, social and environmental objectives. These three objectives seek to balance growth and local community needs against the protection of the natural, built and historic environment. It does not however change the status of the development plan as the starting point in the decision-making as established above.

Housing land supply

21. To achieve sustainable development, the NPPF (Dec 2023) requires LPAs to identify a four-year supply of specific deliverable sites to meet housing needs. However, against this requirement, the Council is currently only able to demonstrate 3.2 years' worth of deliverable sites. Subsequently, Core Strategy Policies CP9 and CP11, as well as MDD Local Plan Policy CC02 identified above, which are most important for determining applications for new housing, are considered out-of-date in accordance with paragraph 11 of the NPPF.

22. Paragraph 11 goes on to state that where policies which are most important for determining the application are out-of-date, permission should be granted unless:

- the application of policies in the Framework that protect assets of particular importance provides a clear reason for refusing the development; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

23. Firstly, in considering i), it must be recognised that the proposed site is not located within any protected areas or assets of particular importance (as outlined above and within footnote 7 and paragraph 181 of the NPPF). Officers must therefore consider the application under ii) and determine whether there are any adverse impacts generated by the development that would significantly and demonstrably outweigh the benefits. This is referred to as the 'tilted balance', as harm and benefits are not weighed equally, but tilted in favour of approval where the above applies.

24. In acknowledging the requirements of paragraph 11(d) ii) and the tilted balance being engaged, it is necessary to consider whether there are any circumstances which affect the degree to which the tilted balance is engaged. This includes the underlying reason for any shortfall in deliverable housing sites .

25. It has been established that the identified shortfall is acknowledged to not be a result of under-delivery of housing but is in fact due to a significant over delivery in recent years, reducing the bank of land with extant planning permissions. Taking

Inspector's conclusions from recent appeal decisions into consideration, whilst the tilted balance is engaged, as decision maker, it remains appropriate that the tilted balance should be tempered due to identified past over delivery during the plan period.

26. Having established the tilted balance is engaged and 'tempered', Paragraph 11d(ii) requires the proposal to be considered against the policies of the NPPF taken as a whole.

Best and Most Versatile Agricultural Land:

27. Policy CP1 states that planning permission will be granted for development proposals that avoid areas of Best and Most Versatile (BMV) agricultural land. BMV agricultural land is grades 1, 2 and 3a of the Agricultural Land Classification.
28. Council records show the land to be grade 3 agricultural land quality, although there is no information whether the land is 3a or 3b. The proposal therefore has the potential to result in a loss of BMV Land.
29. Taking a precautionary approach and treating the site as BMV Land, it is necessary to consider its current use, size, and potential. Historical aerial records show that the site has been used for grazing but not for arable farming since at least 1999. Even if the site had been used for arable farmland, its small size and configuration would mean its loss would likely have negligible consequences for any crop growing enterprise. Therefore, on the assumption the site consists of BMV land, is not considered that this factor weighs significantly against the use of the site for other purposes.
30. The loss of any BMV land conflicts with policy CP1 of the Core Strategy and Section 15 of the NPPF, but for the reasons identified above has limited weight in the overall planning balance considering the diminutive size of the plot land and how it has been used in the recent past.

Design Character of the Area:

31. The application is for outline permission with all matters reserved apart from the accesses. The Planning Practice Guidance (PPG) sets out how design should be considered for an outline application:

'How is design considered in outline planning applications?

Applications for outline planning permission seek to establish whether the scale and nature of a proposed development would be acceptable before fully detailed proposals are put forward. However, design is often considered at this stage in order to assist community engagement, inform an environmental impact assessment or design and access statement (where required) and provide a framework for the preparation and submission of reserved matters proposals.'

[...]

'Design quality cannot be achieved through an outline planning application alone. Outline planning applications allow fewer details about the proposal to be submitted than a full planning application, but can include design principles where these are fundamental to decision making.'

32. Whilst the site is outside of settlement limits it does infill a gap between existing built form and non-countryside based land uses. To the east is Vine Cottage and the playing field / playground associate with the St Nicholas School - it is however noted that Vine Cottage spacious grounds and the school playing fields does have some open and undeveloped qualities. To the north is School Road and properties in Martineau Lane. An aerial photograph of the site and the surrounding context is set out below.



33. Immediately to the west of the site is the Village Hall, a dwelling called Willowmead and the Village Pre-school. The development would continue this existing built form towards the village. Whilst the buildings to the west are outside of settlement limits, they are perceived as part of the village, particularly considering the social function that the Village Hall plays. The development would result in a logical addition to Hurst and would link into and consolidate the existing buildings to the west, resulting in a new coherent and legible settlement boundary – albeit newly defined from the Core Strategy settlement limits.

34. The north of the site is more closely related to the built form of the village and therefore the application was amended to remove the access to the south and orientate the development towards School Road. The southern end of the site has a more rural interface with Orchard Road and the vegetation along the roadside is being retained, with the development being set back into the site.

35. The proposed development will have a density of 18.25 dwellings per hectare (dph). There is a mix of densities within Hurst. The area to the east, along School Road, has a low density of 8dph. Opposite the site, Martineau Lane has a density of approximately 33dph (not including the central green). Generally, the settlement is a mix of detached properties on spacious plots dispersed with areas that have a

tighter grain of development, which are either modern infill style developments or late Victorian/Edwardian semidetached houses and small terraces. Whilst the proposed development would be denser than the larger plots along School Road and Orchard Road, it would be looser than Martineau Lane which is directly opposite the site.

36. Para 128 of the NPPF refers to making efficient use of land and maintaining an area's prevailing character and setting. Taking the above into consideration, the quantum of development proposed would strike an acceptable balance between respecting existing densities and character areas within Hurst and making efficient and effective use of land.
37. Paragraph 84 of the NPPF seeks to avoid new isolated homes in the countryside unless there are special circumstances. This site is located adjacent to the village limits, adjoining other residential dwellings and community facilities. As such, the proposal will not result in isolated new homes and will comply with the aims of paragraph 84.
38. The site is adjacent to an Area of Special Character and this is considered in the Heritage section of the report.

Landscape:

Policy and guidance

39. Policy CC02 of the MDD Local Plan reinforces the development limits of each settlement area stating that *'planning permission for proposals on the edge of settlements will only be granted where they can demonstrate that the development, including boundary treatments, is within development limits'*. Policy CC03 states that development should promote the integration of the scheme with any adjoining public space or countryside and proposals that result in the loss, fragmentation or isolation of areas of green infrastructure will not be acceptable.
40. Policy TB21 of the MDD Local Plan states that proposals must demonstrate how they have addressed the requirements of the Council's Landscape Character Assessment (LCA), including the landscape quality; landscape strategy; landscape sensitivity and key issues and proposals shall retain or enhance the condition, character and features that contribute to the landscape.
41. The site is located within 'Wokingham Borough Landscape Character Assessment' Area C2 – 'Hurst River Terrace', a landscape of moderate condition and sensitivity, and moderate capacity for change. The eastern site boundary is adjacent to WBLCA Area I4 'Hurst Farmed Clay Lowland', also a landscape of moderate condition and sensitivity with a limited capacity for change.
42. The Landscape Strategy for the area is *'to maintain the landscape character of the Hurst River Terrace the following strategy is required: to conserve and enhance the quiet, rural and agricultural landscape with its scattered rural farmsteads and small red brick villages connected by narrow rural lanes.'*
43. Relevant associated guidelines include:

- Conserve the open and rural qualities of the landscape
- Conserve and manage hedgerows and hedgerow trees
- Maintain the sparse settlement pattern
- Enhance sense of place through careful design
- Conserve the scenic value and rural character of the villages
- Maintain and enhance the character of rural lanes

Assessment

44. The existing site is an open field surrounded by field boundary trees and hedgerows. It provides a positive countryside setting and this can be observed from the public Right of Way to the east, School Road and Orchard Road. The open field will be lost as a result of the development.
45. The existing Right of Way to the east is experienced in two sections. The northern part of the footpath is narrow and located between the site and the school grounds, bordered by fences and hedges. This section has limited attractiveness. The southern section of the path is across the existing open field, and this has greater amenity value with views across the site to the west. The development has been amended so that there is a buffer between the built form and the footpath however, the experience of using this path would be notably changed due to the built form of the new houses and views across the field would be lost.
46. Amended plans have removed the access onto Orchard Road and the characteristic field boundary to the south of the site can be maintained. Orchard Road has a more rural character than School Road and the indicative plans show the proposed houses will be positioned 20m back from the carriageway to reduce the visual impact on this street scene.
47. The council's Landscape Officer has objected and advised that *'the north side of the development appears to fit slightly better with the residential street pattern opposite but will dramatically change the streetscene of School Road and the sense of permeability, landscape character and tranquillity provided by the wooded pasture field. The development will also change the character of the PROW which becomes embedded in the scheme.'*
48. Overall, the proposed development would have a harmful impact on the landscape by reason of the loss of an existing open field and replacement with residential dwellings. This impact would however be localised due to the confinement of the site by existing developed areas associated with Hurst and retention of the field boundary to the south.

Neighbouring Amenity:

49. The site is next to the boundary of two existing dwellings called Vine Cottage & Willowmead.
50. Willowmead is located to the west of the site and has a relatively open boundary to the application site. Whilst the plans are indicative, they do provide an indication that the development can be achieved without a detrimental impact to the amenity of the neighbouring occupiers. Properties along the southern boundary are shown to follow the same buildings line and orientation. The indicative plans show the

nearest property to be 4m from the side boundary and approximately 18.8m from Willowmead and would not detrimentally impact the amenity of the neighbouring residents.

51. The indicative building to the north would contain six flats and this structure would be between 7 and 12.5 metres from the boundary with Millow Mead and 37m from rear elevation to rear elevation at its nearest point. The placement of habitable room window in this building will have to take into account potential overlooking and officers are satisfied this can be adequately addressed as the reserved matters stage.
52. There is a gap along the eastern boundary for a Public Right of Way which means the built form of the development would be appreciably away from Vine Cottage to the east. Indicative plans show the nearest dwelling would have a side elevation 11m from the boundary with Vine Cottage and 50m from that dwelling itself.
53. Subject to the reserved matters, a development of this quantum could be achieved without a detrimental impact to the amenity of neighbouring residents in terms of overlooking, overbearing impact and loss of light.
54. The proposed residential use is compatible with the surrounding residential dwellings and there is no good evidence that there would be any detrimental noise impacts. The Environmental Health Team have raised no objection.

Highway Access and Parking Provision:

55. As stated, the development has been amended to remove the southern access so that the houses will have a single access onto School Road. It is proposed that there will be two accesses onto School Road, one for car park associated with the school and the other for all 23 dwellings.
56. The information submitted states that during the AM peak (8-9am) there would be a total of 13 two-way movements, 4 arrivals and 9 departures. During the PM peak (5-6pm) there would be a total of 14 two-way movements, 10 arrivals and 4 departures. The development will have a very small impact on the wider highway network traffic flows with a maximum increase of 2.16% at the A321 Wokingham Road / School Road / A321 Broadwater Lane junction during the PM peak period with all other junctions impacted to a lesser degree. The forecast traffic increases will be indiscernible from traffic flows on the wider network.
57. Representation letters raised concerns regarding the impact of vehicle movements during school pick-up and drop-off times. During the AM peak there would be few movements (13 in total) associated with the development and these would be dispersed over an hour period. The new car park for the school and traffic regulation orders along the road would also help to mitigate conflicts with vehicles using the access and pick up and drop offs. The new access would have tactile paving and the curvature of the access road and contours of the site would naturally reduce vehicle speeds.
58. On-street parking demand on School Road was surveyed and identified that the average demand during school drop-off and pick-up periods is between 11-13 vehicles. Outside of school collection times, no/limited parking is generally present.

The 15-space car park will accommodate these average demands and will limit the potential for further on-street parking which occurs during these periods.

59. The access to the proposed dwellings would be a 5m wide road with a 2m pavement on the east side of the road. The proposed access would be around 20m from the junction of Tape Lane and School Road. The Highway Engineer has advised that *'due to the number of vehicles using Tape Lane, the layout of this junction and the low level of traffic generated by the site there would be no highway impact. No mention of any safety concern was included in the Road Safety Audit.'*
60. The access to the school car park would be via a 6m crossover with gates and a height barrier. The parking surveys around entry and exit times indicate that parking could have an impact on the proposed access for the dwellings and the car park and measures would be required to ensure that there is safe operation of this access through e.g. parking controls which would also persuade the car park to be used. Condition 7 is therefore recommended to ensure that suitable parking controls along School Road are implemented. As stated in previous paragraphs, the new car park would exceed the average number of cars that park in this location for school drop-off and pick-ups. It should also be noted that the relationship between schools and the residential area which surround them is not uncommon and unlikely to pose any significant issue which cannot be adequately managed by recommended conditions.
61. Automatic traffic counts were installed on School Road and Orchard Road to collect speed data to inform visibility splays. The Council's Highway Officer has advised that the lengths of the visibility splays would be acceptable for both the access to the dwellings and the school car park. The trees to the front of the site would not fall within visibility splays.
62. Swept path assessments for a refuse vehicle, fire tender and box van with acceptable dimensions have been submitted. The information shows that a refuse vehicle passing a large car would not be possible at some of the bends of the internal access road. Given the nature of the new road being a quiet residential cul-de-sac with slow speeds and open visibility, this would not be a frequent occurrence and cars could pass once refuse vehicles have manoeuvred passed certain sections of the internal road. The council's Highway Engineer has advised *'whilst the turning movements of the refuse vehicle do take up much of the access road, this has been accepted in MfS as these vehicles are infrequent'*. Such passing arrangements are not uncommon in residential cul-de-sacs and mews'.
63. Whilst the plans are indicative, the council's Highway Engineer is satisfied that appropriate parking in accordance with the council's standards can be delivered on the site. It is proposed that there would be 28 allocated spaces, 12 unallocated spaces for the affordable dwellings and 6 visitor spaces. A parking ratio of 2.0 without garages. The Transport Statement states that the affordable units would have unallocated parking, 1 space per unit. EV charging can be secured by condition 9 and the reserved matter details.

Sustainable Location:

Policy

64. Policy CP9 of the Core Strategy states *'the scale of development proposals in the borough must reflect the existing or proposed levels of facilities and services at or in the location, together with their accessibility.'*

65. Policy CP6 states of the Core Strategy states:

'Planning permission will be granted for schemes that:

a) Provide for sustainable forms of transport to allow choice;

b) Are located where there are or will be at the time of development choices in the mode of transport available and which minimise the distance people need to travel;'

66. The supporting text to Policy CP6 states:

'Paragraph 2.16 recognises that the borough has one of the highest car ownership rates of any English local authority. To reduce the likelihood that these vehicles will be used and to encourage modal shift, it is important to ensure all proposals achieve sustainable development'

'To help achieve sustainable development, proposals likely to generate significant demands for travel movements should be located in areas with best access to existing good services. This means that people can have the widest range of choice in selecting transport modes and help reduce the use of the private car. The availability of good existing public transport services has been considered in drafting the strategy for the Borough.'

Walking

67. The Borough Design Guide SPD states *'if places are to be sustainable then the aim should be to create: Walkable neighbourhoods, with a range of facilities within 10 minutes walking distance of residential areas, which encourage people to travel on foot or by bicycle.'* Walkable neighbourhoods are defined in Manual for Streets (MfS) as those typically characterised by having a range of facilities within 10 minutes walking distance from residential areas. Manual for Streets clarifies that 10 minutes walking distance is roughly 800 metres. The Urban Design Compendium further advises:

'People should be able to walk in 2-3 minutes (250 metres) to the post box or telephone box: the newsagent's should be within 5 minutes (400 metres). There should be local shops, the bus stop, the health centre and perhaps a primary school within a walking distance of (say) 10 minutes (800 metres).'

68. The National Design Guide (Oct 2019) defines walkable as local services being no more than a 10 minute walk (800m radius).

69. The Chartered Institution of Highways and Transportation (CIHT) document 'providing for journeys on foot' advises that 400 metres is a desirable walking distance outside of city centres; 800 metres is stated as acceptable and 1,200 metres is the preferred maximum. The document clarifies that the suggested

walking distances are for pedestrians without mobility impairment. These distances are also cited in the Wokingham Highway guidance Living Streets.

70. The village of Hurst is classed as a Limited Development Location, which is summarised in the development plan as those settlements containing '*a basic range of services and facilities and are physically and socially cohesive*' and is at the bottom of the settlement hierarchy. The site is opposite the existing development limits of the village.
71. There are several facilities that would fall within acceptable walking distances (taken from a mid-point within the site) including a shop/post office, primary school, pre-school, parish hall and outdoor recreational facilities:
- St Nicholas CoE Primary School 250m
 - St Nicholas PreSchool 180m
 - Broadwater Lane Play Area and playing field 600m
 - Hurst Post Office and Village Store 670m
 - Hurst Village Hall 150m
 - Scout Hut 200m
 - Green Man Public House 875m
 - Bakery 720m (limited open hours)
 - Hurst Gospel Hall 1,200m (via School Road)
72. A Primary School, Pre School, Scout Hut and Village Hall either abut the site or are very close to it and would be very highly accessible.
73. The Village Store/Post Office, Broadwater Lane Play Area and Green Man pub are accessible by walking east along School Road. The road does narrow, particularly at the eastern section and is generally below the minimum footpath width of 2m and only on one side of the road. There is no regular street lighting along the road.
74. The A321 has no crossing points. There are pavements but these are below 2m wide and on one side of the road for large sections. The Green Man Public House is situated along Hinton Road which has a pavement on one side less than 2m wide and only in one side of the road.
75. In addition to the above, to the south, along Church Lane, is a Public House called The Castle Inn, Hurst Bowling Club and St Nicholas Church, which are approximately 520m – 600m away from the middle of the site. There is however no footpath along Church Lane and the southwestern section of School Road and walking to these destinations would unlikely be desirable.
76. The Elephant & Castle Public House to the north is approximately 1,400m from the middle of the site and this is outside of recommended walking distances.
77. Hurst Cricket Ground is located within a convenient walking distance from the site and is located on the eastern side of the A321 but it is a private facility.
78. The nearest secondary schools would either be Piggot Secondary (5.2km) or The Waingels Secondary School (4.2km), which is also a six form college. It is not realistic that public or parents would walk to these secondary schools, and therefore the reasonable expectation that there will be a reliance on private vehicle.

79. Overall, the village has several walkable facilities and services which would serve some day-to-day needs. Whilst walking infrastructure is not optimal, it is generally in line with what would be expected of a village of this size and the quantum of development proposed is commensurate to this.

Buses

80. There are bus stops along School Road immediately opposite the site on both sides of the road serving the 128 and 129 buses. The frequency of service does not however meet the good service as set out in policy CP6:

*'a) At least a thirty minute service frequency during peak times (7:00 to 9:00 and 16:00 to 19:00 Monday to Saturday); and
c) At least an hourly service frequency during off-peak hours (9:00 to 16:00 and 19:00 to 22:00 Monday to Saturday and between 7:00 and 22:00 on Sundays).'*

81. There are no services on Sundays or during evening periods. Services during peak hours do not have a frequency of 30 minutes. There's a two-hour gap between the first bus of the day at 7.22 and the next bus at 9.23. It is considered that the 128/129 bus service is unlikely to be seen as an attractive alternative to the private car, and therefore would not offer residents a genuine choice of transport modes.

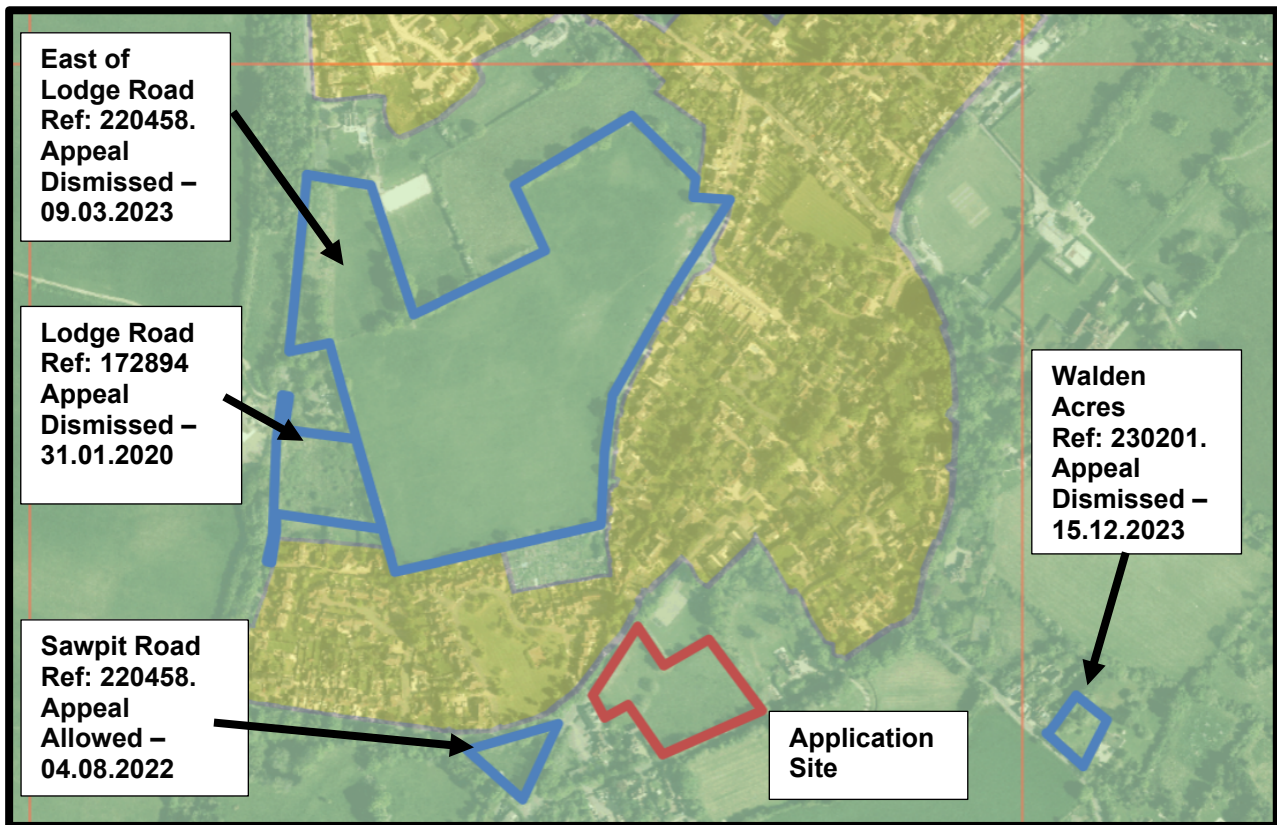
Cycling

82. There are no cycle lanes along the road network that connect to the site. The nearby A and B roads are busy and this would impact the attractiveness of cycling.

33. The CHIT document Planning for Cycling estimates the modal share of cycle trips to equate to around 2% of all journeys. Cycling also has a seasonal bias and is only an opportunity for those that are physically capable. Even if good cycle infrastructure was in the vicinity, it is likely to only contribute to small number of journeys.

Previous appeal decisions

83. There have been several notable appeal decisions around the settlement of Hurst referring to the sustainability of the village and these are set out on map below.



84. The closest to the application site is an appeal known as Sawpit Road and was allowed for 4 dwellings. The Inspector made the following observations:

‘Given the close geographical relationship to the existing settlement, in my view, future residents of the proposed development would experience a similar degree of accessibility to local facilities as those residents of the surrounding existing residential areas.’

[...]

‘In my view, future residents of the proposed development would benefit from realistic and viable opportunities to reach key local services and facilities on foot and by cycle, including employment, primary education, retail and leisure facilities, without the need to rely on the private car.’

[...]

‘Whilst Hurst village offers a good range of local facilities to address many everyday needs which are accessible by walking and cycling, it is inevitable that there will be demands for travel outside of the village, to higher order settlements in the local area, or to alternative service centres that can offer facilities that Hurst does not. Further essential facilities and services including railway stations, local and supermarket shopping, a GP surgery, and employment, are provided in Twyford, Reading, Winnersh and Wokingham which are accessible from the bus stops in the proximity of the site.’

[...]

'As a consequence of the above, I do not consider that the occupants of the proposed dwellings would be wholly reliant on the use of private motorised transport for most of their day-to-day needs. Moreover, the development would make a small contribution to supporting the vitality of the nearby shops and services.'

85. The application site is located closer to the facilities and services within the village than this site and this is material when considering the accessible options for future residents.

86. After the Sawpit Road decision, an appeal for approximately 200 homes was dismissed to the north of the village, east of Lodge Road and north of Tape Lane. The Inspectors decision stated that:

'it is my judgement that the location of the appeal site would not follow sustainable principles. Residents of the site would not be likely to take advantage of walking, cycling or public transport to any significant degree. In my judgement this is not an accessible location as required by Policy CP9.'

87. Whilst on the face of it this does appear to contradict the Sawpits decision, the Inspector did address this and explained that the Lodge Road appeal site had materially different circumstances and was assessed on its merits:

'I have had regard to the Sawpit Road appeal decision and note that the site is of a similar geographical distance to the main settlement. However, unlike the appeal site, the site was closer to the development limits and, in my opinion was better connected to Hurst. It is therefore materially different.'

88. It is however noted that Inspector for Sawpit Road and the Inspector for Lodge Road did conclude differently as to the likelihood of sustainable travel facilities further afield to Twyford and Wokingham. The Lodge Road Inspector stated:

'Turning to consider how easy and convenient it would be for future residents of the proposed development to travel to more distant facilities and services I note, firstly, that the Colleton Primary School in Twyford, Twyford Rail Station, secondary schools, supermarkets and GP surgeries could not reasonably be reached on foot. This is because they lie outside the preferred maximum distance of 1.2km applicable in this case, and also outside the preferred maximum distance of 2.0km considered appropriate for commuting and school trips. Furthermore, whilst several of the facilities referred to, such as Twyford Station and the various secondary schools do lie within acceptable cycling distances, no specific evidence was placed before me to show that cycling to such facilities could reasonably be seen as attractive and viable options.'

[...]

'Using public transport in such circumstances would clearly be problematic, and like the Council I consider that the limited timetable and the consequent long intervals between services has the potential to cause significant inconvenience and long waits for travellers.'

89. The most recent appeal (ref: 230201) was to the south of the settlement along Wokingham Road for three dwellings and was dismissed. In this case the Inspector stated the following on the accessibility of the location.

'The existing footway is particularly narrow and is not consistent along one side of the road. Future occupiers of the development would have to cross the main road in front of the appeal site, and then again further along. As I observed at my site visit, visibility at the crossing points is compromised by the alignment of the road, the position of buildings and roadside vegetation. Pedestrians would therefore have limited awareness of approaching traffic without edging out into the carriageway which would necessitate an increased attention when crossing and pose a potential risk for approaching drivers. Therefore, whilst Hurst would be within reasonable walking distance, the combination of these factors is such that this would not be an attractive route for future occupiers, particularly during the hours of darkness and for those individuals with pushchairs and young children, wheelchair users or people with limited mobility.'

90. The Inspector also referred to the Sawpit Road allowed appeal and noted that the sites had material different circumstances:

'I have had regard to the Sawpit Road appeal decision and note that the site is of a similar geographical distance to the main settlement. However, unlike the appeal site, the site was closer to the development limits and, in my opinion was better connected to Hurst. It is therefore materially different.'

91. There was also a further appeal to the east of Lodge Road for 5 houses. the Inspector stated:

'it is my judgement that the location of the appeal site would not follow sustainable principles. Residents of the site would not be likely to take advantage of walking, cycling or public transport to any significant degree. In my judgement this is not an accessible location as required by Policy CP9.'

92. Pulling the threads of these appeal decisions together, there are several relevant factors to take forward in assessment of this current application. The first is that it remains the case that each application must be considered on their own individual merits. Whilst some of the sites are closely positioned, they would offer different walking and accessibility experiences for the occupants and this why the Sawpit Road Inspector came to a different conclusion to the other Inspectors. The site-specific circumstances of this application are very similar to Sawpit Road and the site is in-fact closer to the facilities within the village.

93. The second observation is that the scale of the development is a material factor when considering the sustainability of the location. The Inspector for the Lodge Road appeal made this observation, *'the question of scale of development is an important determinant when the sustainability of a location is under consideration.'* As stated above, the scale of the proposed development does accord with that outlined as suitable for a Limited Development Location, notwithstanding the site is opposite but outside of development limits.

94. The third point is the different view Inspectors have taken regarding the accessibility to facilities and service beyond the village, most notably those in Twyford. Whilst each site does have a different walking experience to facilities within Hurst, trips via bus, cycle and foot out of the village would, on the whole, be broadly similar. The Lodge Road decision is the most recent that considered travel beyond the village and provides detailed consideration of this after a Public Inquiry. Whilst it is for the committee to apply their own judgment, officers consider that trips beyond the settlement are likely to have a high reliance on private car given the distances, walking environment and frequency of public transport.

Summary

95. The level of services within the village is factored into the quantum of development (25 dwellings) that can reasonably be accommodated in Limited Development Locations under policy CP17. As referred to above, whilst the site is outside of settlement limits, and therefore not supported by CP17, this policy is out of date by reason of the absence of a NPPF compliant housing land supply and therefore the settlement limits set out in the development plan are also out of date. The observation that the site is outside of development limits and does not benefit from the 25 dwelling tolerance in CP17 has diminished weight. The quantum of development is commensurate to the size of Hurst and the site would be generally located with the envelope of built form associated with the Village.

96. Given the location of the site, it is realistic that future residents, like those who already live in the village, would continue have a reliance on private vehicles. However, the harm attached to this is materially diminished given the appropriate scale of development in relation to the size of the village and the existing facilities within it that can be accessed.

Impact on Trees:

97. As a result of the proposed access three trees along School Road would be removed, which comprise of a Common Ash and two Common Lime trees. The internal road would result in the loss of one further Ash tree that is located centrally within the site. All the trees on the site are protected by TPO1784/2021.

98. The existing trees along School Road are relatively modest in height but they do have a positive impact on the street scene and character of the area. The indicative layout shows that there would be opportunities to replace some of the trees lost to facilitate the proposed access. Other than the gap for the new access road, the indicative layout show that the tree lined frontage along School Road can be retained. There would also be opportunities for planting additional trees within the application site.

99. The Indicative layout shows the placement of buildings is broadly away from the existing trees on site. There would be some minor incursions into the RPAs from the buildings but not to the extent where it could not be mitigated with reserved matter details. No dig construction or cell-web is appropriate mitigation for the hard surfaced areas within the site and would be reserved matter detail.

100. Overall, whilst there would be some loss of trees, these can be replaced. There would be gap for the access road, but tree line feature along School Road can be

largely retained. The vegetation and trees to the south, adjacent to the more rural interface of Orchard Road would be retained.

Ecology:

101. The site predominantly comprises of improved grassland fields with trees and hedgerows along the boundaries. There are no biodiversity designations on the site, and it is outside the Berkshire Biodiversity Opportunity Areas. The grounds of Vine Cottage to the east are a Local Wildlife Site, which is a non-statutory designation.

Great Crested Newts

102. The site does not have any ponds. The council's Ecologist has observed that the predominant habitat type on site is close cropped modified grassland and is unlikely to support a significant population of this protected species in its terrestrial phase and stated that, *'the risk to this protected species could be adequately mitigated through the application of reasonable avoidance measures during the construction phase. I therefore recommend that a CEMP condition is applied to resolve the detail of those mitigation measures to apply during the build.'*

Bats

102. The council's Ecologist has advised that the development proposal is unlikely to result in loss of a resting space for this protected species group. The change in habitats from modified grassland to residential development, with a mix of sealed surface and vegetated grassland, is unlikely to cause a significant impact on the foraging resource and the scale and nature of the change is unlikely to result in a significant loss of foraging resource for bats.
103. The Preliminary Ecological Assessment does recommend that the development designs an external lighting scheme with mitigation measures to retain, as much as possible, the connectivity of the site for foraging and commuting bats. A condition is therefore recommended for external lighting, in order to ensure that mitigation measures are secured and implemented.

Other protected species

104. The council's Ecologist has advised that the risk to other protected species is primarily during the construction phase and that a CEMP condition, as recommended initially in relation to Great Crested Newts, could equally apply for other protected species and secure adequate mitigation.

Net Gain

105. A separate Biodiversity Net Gain Assessment has been submitted. Whilst the report has provided an accurate baseline characterisation of the site the council's Ecologist has raised concerns regarding whether the post development scenario is viable on site.
106. Notwithstanding the above, the Defra metric does allow for compensation for loss on-site to be provided via off-site habitat creation or enhancement. They have therefore recommended that the off-site mechanism to compensate for on-site

habitat unit loss secured by a legal agreement. A Landscape and Ecological Management Plan condition is also recommended.

Affordable Housing:

107. To meet the requirements of Policy CP5 of the Core Strategy, a minimum of 40% of the total number of units (net) should be provided as affordable housing. This equates to 10 of the proposed 23 dwellings.
108. The Affordable Housing Team have advised that the preference is for onsite affordable housing in the first instance, with a 70:25:5 Social Rent: First Homes: Shared Ownership housing tenure split in line with our policy. Therefore, 7 x Social Rent, 2 x First Homes and 1 x Shared Ownership dwelling are requested. The shared ownership model is for a 35% minimum equity share on initial purchase and rent capped on the unsold equity at 1.5% per annum.
109. It is acknowledged that the housing mix is purely indicative at this stage. The legal agreement requires the reserved matters application to be accompanied by a detailed affordable housing scheme and an affordable housing statement. This would state the types, tenure model, size and location of each affordable dwelling. The size of the dwellings would need to address the most up to date needs data at that point in time.
110. There is an identified affordable housing need within the borough, and this extends to villages like Hurst. The proposed development would therefore help meet the requirements of households in the area across a range of different bedroom requirements.
111. In light of the above, the proposals are compliant with policy CC05 of the and the wider objective of the NPPF. The section 106 agreement will secure 40% affordable housing in line with the policy requirement of which the final mix will be dealt with at reserved matters stage.

Heritage:

112. There are no Heritage Assets on the site. To the east of the site is the Grade II Listed Vine Cottage and to the west The Old School House Area of Special Character, which is represents a specifically identified area of historic and or traditional buildings and landscape characteristic identified as worthy for consideration.

Vine Cottage

113. The Historic England Listing describes Vine Cottage as a late 15th Century Hall House with 17th century extensions and other 20th Century additions. It is two storey with timber frame, brick, clay roof tiles and large chimneys.
114. The application site is approximately 40m from the side elevation of Vine Cottage, which sits in a spacious plot to the east of the site. The Indicative layout and Parameter Plan submitted shows the development being located away from the boundary with this property by approximately 11 and therefore the nearest dwelling within the development would be approximately 51m away from Vine Cottage.

There is some vegetation along the boundary but there would be intervisibility between the application site and the grounds of Vine Cottage.

115. The council's Conservation Officer has raised no objection regarding the impact on the setting of Vine Cottage. Whilst there would be some intervisibility between the development and this building, this would not be harmful due to the separation distances and by reason of Vine Cottage retaining its spacious curtilage. Buildings to east in Orchard Chase and Orchard Road are appreciably closer to Vine Cottage (21m) than the proposed development.

The Old School House Area of Special Character

116. The Old School House Area of Special Character (AoSC) is a non-designated heritage asset and therefore different policies apply than those considered for Vine Cottage.
117. As previously referred to, to the west of the site is a triangle of land boarded by Sawpit Road and School Road within the AoSC where a planning appeal for 4 houses was allowed. The Inspector made the following observations with regard to the Area of Special Character:

'The ASC is defined as being predominantly Victorian in character with red brick and tiles. In my view, the spatial arrangement with the old School House, the Lodge and the Village Hall are the most relevant components of the spatial arrangement of the site with the existing buildings.'

[...]

I agree that there are a variety of design styles, materials and forms of buildings within the area.

118. MDD Local Plan Policy TB06 states planning permission will only be granted for proposals to or affecting Areas of Special Character *'where they demonstrate that they retain and enhance the traditional, historical, local and special character of the building or area and its setting.'* Paragraph 209 of the NPPF states:

'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'

119. The buildings within the AoSC next to the site include a residential dwelling known as Willowmead, Hurst Village Hall and St Nicholas Pre School. The buildings have no functional tie to the application site.
120. Whilst raising no objection, the council's Conservation Officer has advised that the proposal for a housing development on traditional open arable fields would lead to an intensification of the urban build-up of Hurst settlement would have a visual impact on the looser and more rural nature of this unbuilt gaps abutting the AoSC.
121. It is considered that there would be some localised harm to the setting of spatial

character of the AoSC as an inevitable consequence of the change in the spatial setting around the existing buildings that would be caused by the development of the current open site in the countryside. This would mainly be experienced from School Road and from views across the open field from the Public Right of Way. This moderate degree of harm will be weighed in the planning balance.

Archaeology

122. The site has no archaeological designations. Notwithstanding the area does have historical associations and condition 19 is therefore recommended to record any archaeological remains.

Flooding and Drainage:

123. The site is in Flood Zone 1 where the risk of flooding from rivers is low. Residential development is a compatible land use within Flood Zone 1. There is a small area towards the north of the site with a low risk of Surface Water Flooding and this also shown as an area that has historically flooded.
124. The proposed SuDS strategy involves the use of permeable paving to manage surface water runoff generated from the site. Infiltration should be used where possible as the main source of discharge from the site. Should on-site infiltration testing prove that soakaway drainage is not viable, a connection to the existing highway drainage system or existing foul water network should be pursued. The proposed surface water drainage system can effectively control all runoff generated within the site and maintain pre-development Greenfield runoff, without increasing flood risk elsewhere.
125. The Council's Drainage Engineer raises no objection subject to a surface water and foul water drainage strategy submitted at the reserved matters stage, once a final layout has been designed. There is no inherent reason, given the Flood Zone 1 location of the site, why a satisfactory drainage strategy could be designed for reserved matters details.
126. Thames Water have advised that with regard to the water network, water treatment infrastructure capacity, wastewater network and sewage treatment works infrastructure capacity, they would not have any objection.

Environmental Health:

127. The site is used agricultural grazing land and there are no records of previous contamination. The Council's Environmental Officer raises no objection regarding contamination, subject to a recommended condition ensuring appropriate remediation is undertaken should contamination be found during construction.
128. The Council's Environmental Health Officer has further advised that noise during construction could impact neighbouring residents and therefore conditions requiring a Construction Method Statement and limiting construction hours has been recommended.
129. The presence of Hurst Village Hall adjacent to the western-most proposed plots on School Road could be a source of noise to future occupiers of the proposed plots in

this area. Whilst the Environmental Health Officer has advised a condition for the control of noise emanating from Hurst Village Hall, this is unenforceable because the Hall is situated outside of the redline - the Village Hall has no functional connection with the application site. There are other dwellings close to the village hall and such village facilities are regularly within close proximity to the properties which they serve. Therefore, it is not considered that any noise from the Hall would detrimentally impact the amenity of future residents. In addition, excessive noise emanating from such uses can be enforced via other Environmental Health Legislation.

130. Representations have referred to an impact on air quality. The development will not be of a size where additional traffic would create adverse air quality and such issues are generally caused by traffic queuing for long periods or high volume transport routes. A CEMP condition is recommended to mitigate environmental impacts during construction.

Employment Skills Plan:

131. Policy TB12 of the MDD Local Plan states that for Proposals for major development should be accompanied by an Employment and Skills (ESP) plan to show how the proposal accords opportunities for training, apprenticeship or other vocational initiatives to develop local employability skills required by developers, contractors or end users of the proposal. Whilst the detailed layout and scale is a reserved matter, a S106 agreement ensures that an Employment Skill Plan or contribution in lieu for vocational opportunities is delivered.

Sustainable Design:

132. A Sustainability & Energy Statement has been submitted demonstrating how the development could achieve a 75% reduction in baseline CO₂ emissions arising from the development. The report outlines that thermal efficient and air tightness measures that improve on Building Regulations standards can be incorporated. Low carbon technology including air source heat pumps into all houses and exhaust air heat pumps for apartments can also be implemented.
133. The detailed design is a reserved matter and therefore such measures would be considered at that stage. The information submitted does however satisfactorily demonstrate that sustainable and energy efficient technologies can be incorporated into the final design. The development can therefore meet the requirements set out in policy CC04 and contribute to the Council's climate change goals whilst fulfilling the national sustainability objectives. This is afforded moderate weight.

Planning Balance:

134. Due to the council's housing land supply position, the requirements contained within Paragraph 11d(ii) must be considered alongside the policies in the NPPF taken as a whole. The three overarching objectives contained within paragraph 8 of the Framework are the social, economic and environmental dimensions. These seek to balance growth and local community needs against protection of the natural, built and historic environment. The benefits and disbenefits are therefore considered against these three broad topic areas below.

135. Whilst the policies which are most important for determining the application are out of date by virtue of the absence of a 5-year housing land supply, that does not mean the policies carry no weight. The weight attached to the development plan policies is a matter for the decision maker(s). The conflict with the spatial strategy of the plan still weighs against the application.

Economic

136. As with all housing development, the proposal would result in economic benefits. This is broadly set to arise from the short-term economic contribution of the construction via construction industry jobs. In the longer term, future residents will contribute to the viability and vitality of businesses in the village and nearby towns. At the current time, such localised spending can often prove critical for the long-term success of many rural shops and services. CIL payments and New Homes Bonus would also be an economic benefit of the proposal. These benefits are not insignificant, and the development is therefore considered to perform a positive economic role.
137. The proposal would result in the potential loss of Grade 3 Agricultural Land but the site is not used as arable farm land and the development would have limited/no commercial or viability impact given limited its size.

Social

138. The provision of 23 new dwellings, including 10 affordable homes would positively assist in furthering the social objective of sustainable development. Planning Inspectors have given the benefit of affordable housing varying weight. Broadly speaking, the greater number of homes and affordable units provided within a development tends to attract greater weight from government Inspectors. Given the location of the site, this particular development is considered to perform a positive social role.

Environmental

139. There would be a degree of localised harm to the character and appearance of the countryside and the Area of Special Character via the loss of undeveloped open fields that provide a setting to the south of School Road. The scale of the development is however commensurate with what would be expected within Hurst and the facilities and services within the village. The opportunity would exist for occupants to access services a facilities in the village by foot, however like many existing occupants of Hurst, the use of a private vehicle would remain a reality for journeys beyond the village into nearby towns.
140. There would be a temporary environmental impact from the construction phase of the development associated with quarrying, processing and transportation of materials along with the general construction on site and emissions from travelling to and from the site. Biodiversity net gain is secured via a legal agreement in accordance with Defra Metric. Improved sustainability in accordance with the most up to date mandatory energy efficiency standards will be achieved.

Conclusion:

141. The starting point for decision making is the development plan. The most important policies for determining this application must however to be considered out-of-date, because the Council cannot demonstrate a deliverable Housing Land Supply and, as a result, the 'tilted balance' detailed in paragraph 11(d)(ii) of the Framework is engage, albeit tempered due to past over-supply.
142. Paragraph 11 of the Framework therefore states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or there are specific policies in the Framework which indicate that development should be restricted.
143. There is an in-principal policy conflict with the spatial strategy for the location of new development as contained within Policy CP9 and CP11 of the Core Strategy but these policies are considered out of date by reason of the housing land supply shortfall.
144. The site is outside of, but adjacent to the settlement limits of Hurst, which is classified as a Limited Development Location with a limited range of day-to-day facilities within the village. The quantum of development is in keeping with the scale of development that is acceptable within Limited Development Locations, notwithstanding the site fall outside of these settlement limits.
145. The site would relate well to the existing settlement pattern of Hurst, infilling a gap between St Nicholas School and the Village Hall. There would be a degree of harm regarding the loss of the field and the settling this provides to the settlement and an Area of Special Character, but this impact would be localised. Overall, the location of the development is considered to be a logical extension of Hurst that would adjoin existing residential and a community land uses.
146. The application is for outline permission with the access only, but indicative proposals demonstrate that the quantum of development could be achieved whilst striking an appropriate balance between existing densities in the area and making efficient and effective use of land.
147. Whilst past over-delivery is relevant, it is also pertinent that the current housing land supply shortfall will likely remain until the new LPU is adopted and consequently this development would fulfil the government's objective of significantly boosting the supply of homes. The supply of market and affordable housing is a weighty material consideration in favour of this application.
148. There would be economic benefits and there is no reason why ecological and sustainable design objectives cannot be achieved at the reserved matters.
149. Whilst it is fully recognised that there will be impacts of permitting this development, it is considered that those adverse impacts identified do not significantly and demonstrably outweigh the identified benefits of the proposal, and therefore the presumption in favour of sustainable development applies. In light of the above, it is recommended on balance that the principle of permitting outline development on this site is supported subject to the conditions listed and the completion of a suitable Section 106 agreement.

The Public Sector Equality Duty (Equality Act 2010)

In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. There is no indication or evidence (including from consultation on the application) that the protected groups identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application and there would be no significant adverse impacts upon protected groups as a result of the development.

APPENDIX 1 - Conditions / informatives or Reasons for refusal

APPROVAL subject to the following conditions and informatives:

Time Limit

1. A) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.

B) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: In pursuance of s.92 of the Town and Country Planning Act 1990 (as amended by s.51 of the Planning and Compulsory Purchase Act 2004).

Approved Details

2. Approval of the details of the appearance, landscaping, layout and scale of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the application form and associated details hereby approved.

3. The development hereby permitted shall be carried out in accordance with the following approved plans: Parameter Plan Rev C, Location Plan and Site Access Plan.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the application form and associated details hereby approved.

Quantum of Development

4. The number of dwellings hereby permitted shall not exceed 23 in total.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the application form and associated details hereby approved.

Access

5. Prior to commencement of the development, there shall be submitted to and approved in writing by the local planning authority, details of the proposed vehicular accesses on to School Road to include visibility splays as well as the pedestrian facilities on School Road. The accesses shall be formed as so-approved and the visibility splays shall be cleared of any obstruction exceeding 0.6 metres in height prior to the occupation of the development. The access shall be retained in accordance with the approved details and used for no other purpose and the land within the visibility splays shall be maintained clear of any visual obstruction exceeding 0.6 metres in height at all times.

Reason: In the interests of highway safety and convenience. Relevant policy: Core Strategy policies CP3 & CP6.

Highway Construction Details

6. Prior to the commencement of development, full details of the construction of roads and footways, including levels, widths, construction materials, depths of

construction, surface water drainage and lighting shall be submitted to and approved in writing by the local planning authority. The roads and footways shall be constructed in accordance with the approved details to road base level before the development is occupied and the final wearing course will be provided within 3 months of occupation, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that roads and footpaths are constructed to a standard that would be suitable for adoption as publicly maintainable highway, in the interests of providing a functional, accessible and safe development. Relevant policy: Core Strategy policies CP3 & CP6.

Parking Management Strategy

7. Prior to the commencement of development a Parking Management Strategy for the management of the parking arrangements of the School Car Park shall be submitted to and approved in writing by the local planning authority. The submitted Parking Management Strategy shall include details of the management of all parking spaces, traffic regulation orders and the monitoring and the delivery of additional electric vehicle charging spaces when required. The approved details shall be implemented prior to the first occupation of the development and shall be permanently maintained.

Reason: To ensure satisfactory development in the interests of amenity and highway Safety.

Construction Method Statement and Ecological Management Plan

8. No development shall take place, until a Construction Method Statement, including a CEMP (Construction Ecological Management Plan), has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The statement shall provide for but not be limited to the following:

- (a) construction of suitable works access;
- (b) the parking of vehicles of site operatives and visitors;
- (c) loading and unloading of plant and materials;
- (d) storage of plant and materials used in constructing the development;
- (e) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- (f) wheel washing facilities;
- (g) measures to control the emission of dust and dirt during construction;
- (h) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- (i) hours of construction;
- (j) hours of delivery; and
- (k) mitigation and avoidance measures for ecology and biodiversity.

Reason: In the interests of highway safety & convenience, neighbour amenities and ecology. Relevant policy: Core Strategy policies CP3 & CP6.

Electric Vehicle Charging

9. Prior to commencement of development, an Electric Vehicle Charging Strategy shall be submitted to, and approved in writing by, the local planning authority. This

strategy shall include details relating to onsite electric vehicle charging infrastructure in accordance with Building Control Regulations Approved Document and details of installation of charging points. The development shall be implemented in accordance with the agreed strategy thereafter.

Reason: In order to ensure that secure electric vehicle charging facilities are provided so as to encourage the use of sustainable modes of travel.

Landscaping details

10. Prior to above ground construction works of the development hereby permitted, full details of both hard and soft landscape proposals shall be submitted to and approved in writing by the local planning authority. These details shall include, as appropriate, proposed finished floor levels or contours, means of enclosure, car parking layouts, other vehicle and pedestrian access and circulation areas, hard surfacing materials and minor artefacts and structure (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, external services, etc). Soft landscaping details shall include planting plan, specification (including cultivation and other operations associated with plant and grass establishment), schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate, and implementation timetable.

All hard and soft landscape works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a timetable approved in writing by the local planning authority. Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced in the next planting season with others of species, size and number as originally approved and permanently retained.

Reason: In the interests of visual amenity. Relevant policy: Core Strategy policy CP3 and Managing Development Delivery Local Plan policies CC03 and TB21 (and TB06 for garden development)

Landscape Management Plan

11. Prior to the first occupation of the development hereby approved, a landscape management plan, including long term design objectives, management responsibilities, timescales and maintenance schedules for all landscape areas, other than privately owned, domestic gardens, shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved.

Reason: In order to ensure that provision is made to allow satisfactory maintenance of the landscaping hereby approved. Relevant policy: Core Strategy policy CP3 and Managing Development Delivery Local Plan policies CC03 and TB21

Tree Protection

12. a) No development or other operation shall commence on site until a scheme which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent the site in accordance with BS5837: 2012 has been submitted to and approved in writing by the local planning authority (the Approved Scheme); the tree protection measures approved shall be implemented in complete accordance with the Approved Scheme for the duration of the development (including, unless

otherwise provided by the Approved Scheme) demolition, all site preparation work, tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening or any other operation involving use of motorised vehicles or construction machinery.

b) No development (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening or any other operation involving use of motorised vehicles or construction machinery) shall commence until the local planning authority has been provided (by way of a written notice) with a period of no less than 7 working days to inspect the implementation of the measures identified in the Approved Scheme on-site.

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

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

Reason: To secure the protection throughout the time that the development is being carried out of trees shrubs or hedges growing within or adjacent to the site which are of amenity value to the area, and to allow for verification by the local planning authority that the necessary measures are in place before development and other works commence Relevant policy: Core Strategy policy CP3 and Managing Development Delivery Local Plan policies CC03 and TB21

Tree Retention

13. No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted wilfully damaged or destroyed, cut back in any way or removed without previous written consent of the local planning authority; any trees, shrubs or hedges removed without consent or dying or being severely damaged or becoming seriously diseased within 5 years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species unless the local planning authority gives written consent to any variation.

To secure the protection throughout the time that development is being carried out, of trees, shrubs and hedges growing within the site which are of amenity value to the are. Relevant policy: Core Strategy policy CP3 and Managing Development Delivery Local Plan policies CC03 and TB21

Drainage

14. No development approved by the permission shall be commenced until a Detail Drainage Strategy has been submitted to and approved in writing by the Local Planning Authority. The Strategy should be supported by evidence of ground conditions and modelling of the scheme to demonstrate it is technically feasible; and where applicable adheres to the NPPF, Non-statutory technical Standards for Sustainable Drainage, Building Regulation H and local policy. The drainage scheme

shall be carried out in accordance with the approved details. Where surface water requires disposal off site (i.e. not infiltrated) the applicant must provide evidence of consent to discharge/connect through 3rd party land or to their network/system/watercourse.

Reason: To ensure the development is provided with a satisfactory means of drainage and thereby preventing the risk of flooding. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage in the locality.

Hours of development works

15. No work relating to the development hereby approved, including works of demolition or preparation prior to building operations, shall take place other than between the hours of 08:00 hours and 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays and at no time on Sundays or Bank or National Holidays.

Reason: to protect the occupiers of neighbouring properties from noise and disturbance outside the permitted hours during the construction period.
Relevant policy: Core Strategy policies CP1 and CP3 and Managing Development Delivery Local Plan policy CC06.

Unexpected Land Contamination

16. If land contamination is found at any time during site clearance, groundwork, and construction the discovery shall be reported as soon as possible to the local planning authority. A full contamination risk assessment shall be carried out and if found to be necessary, a 'remediation method statement' shall be submitted to the local planning authority for written approval.

Reason: To ensure that any contamination of the site is identified at the outset to allow remediation to protect existing/proposed occupants of property on the site and/or adjacent land. Relevant policy: NPPF Section 15 (Conserving and Enhancing the Natural Environment) and Core Strategy policies CP1 & CP3.

Sustainability/renewables

17. The reserved matters shall include details of renewable energy and low carbon technology demonstration that the development and dwelling will result in carbon reductions below the relevant the baseline. No building shall be occupied until the sustainability measures associated with that property are installed in full working order in accordance with details thereby agreed. So far as practical, the sustainability measures shall be maintained in full working order unless they are replaced by more efficient and sustainable technology.

Reason: to mitigate and adapt to climate change and ensure the building are energy efficient.

Landscape and Ecological Management Plan

18. Prior to the commencement of the development hereby permitted, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and be approved in writing by, the local planning authority. The content of the LEMP shall include the following.

- a) Description and evaluation of features to be managed

- b) Ecological trends and constraints on site that might influence management
- c) Aims and objectives of management, to include management of habitats for biodiversity net gain
- d) Appropriate management options for achieving aims and objectives
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period)
- g) Details of the body or organization responsible for implementation of the plan
- h) Ongoing monitoring and remedial measures

The plan shall set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To incorporate biodiversity in and around developments.

Archaeology

19. Prior to the submission of any reserved matters applications, the applicant or their agents or successors in title must secure the implementation of a phased scheme of archaeological works (which may comprise more than one phase of works) in accordance with a written scheme of investigation, which has been submitted to and approved in writing by local planning authority. The development shall only take place in accordance with the detailed scheme approved pursuant to this condition.

Reason: The site is identified as being of archaeological potential and investigation is required to allow preservation and recording of any archaeological features or artefacts before disturbance by the development.

External Lighting

20. Prior to the occupation of the first dwelling, details of external lighting shall be submitted to and approved in writing by the local planning authority before the development is occupied. The details shall include location, height, type and direction of light sources and intensity of illumination for all external lighting strategies including details of lighting for all highways, cycleways, footpaths, public areas and any non-residential buildings. No further external lighting shall be installed without the written approval of the local planning authority

Reason: to ensure a satisfactory and safe public realm, avoid detrimental impacts on existing and future residents and to ensure impacts on bats and protected species are satisfactorily minimised.

Informatives

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations,

including planning policies and any representations that may have been received. This planning application has been the subject of positive and proactive discussions with the Applicant.

2. The applicant is reminded that this approval is granted subject to conditions which must be complied with prior to the development starting on site. Commencement of the development without complying with the pre-commencement requirements may be outside the terms of this permission and liable to enforcement action. The information required should be formally submitted to the Council for consideration with the relevant fee. Once the details have been approved in writing the development should be carried out only in accordance with those details. If this is not clear please contact the case officer to discuss.
3. This permission should be read in conjunction with the legal agreement under section 106 of the Town and Country Planning Act, the obligations in which relate to this development.
4. The developer's attention is drawn to the fact that this permission does not authorise the physical construction of the proposed off-site highway works and site access connections to the public highway. A separate legal agreement made with the Council under s.278 of the Highways Act 1980 is required. No work within or affecting the public highway shall commence until the agreement has been completed and the Council, as local highway authority, has approved all construction and installation details together with a programme of works.
5. The development hereby permitted is liable to pay the Community Infrastructure Levy. The Liability Notice issued by Wokingham Borough Council will state the current chargeable amount. A revised Liability Notice will be issued if this amount changes. Anyone can formally assume liability to pay, but if no one does so then liability will rest with the landowner. There are certain legal requirements that must be complied with. For instance, whoever will pay the levy must submit an Assumption of Liability form and a Commencement Notice to Wokingham Borough Council prior to commencement of development, failure to do this will result in penalty surcharges being added. For more information see the Council's website – Community Infrastructure Levy advice page. Please submit all CIL forms and enquiries to developer.contributions@wokingham.gov.uk.
6. Fire service vehicles currently operated by Royal Berkshire Fire & Rescue Service exceed the requirements stated in the current edition of Approved Document B. The applicant should be made aware of the following amendments:- The minimum carrying capacity for a pumping appliance is 16 tonnes. The minimum carrying capacity for a high reach appliance is 26 tonnes. Structures such as bridges should have the full vehicle carrying capacity. Any structural fire precautions and all means of escape provision will have to satisfy Building Regulation requirement. These matters are administered by the local authority Building Control or approved inspectors, who you are advised to contact in this regard.
7. Thames Water advise Prior to the commencement of development; a Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. The developer shall demonstrate what measures they will

undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk . Application forms should be completed on online.

APPENDIX 2 - Parish Council Comments

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