

Agenda Item 59.

Application Number	Expiry Date	Parish	Ward
211686	15/12/2021	Earley	Hawkedon;

Applicant	Lower Earley Properties Ltd
Site Address	Land off Meldreth Way, Lower Earley, Reading, RG6 4HA
Proposal	Full application for the proposed erection of a food store (Use Class E), 43 no. dwellings (Use Class C3) and associated access, servicing, parking and landscaping.
Type	Full
Officer	Senjuti Manna
Reason for determination by committee	Listed for Planning Committee determination at the request of the Assistant Director – Place.

FOR CONSIDERATION BY	Planning Committee on Wednesday, 8 December 2021
REPORT PREPARED BY	Assistant Director – Place

SUMMARY
<p>This application relates to a 2.3ha parcel of land located west of the roundabout between B3270 Lower Earley Way and Meldreth Way. It is proposed to construct a foodstore (Lidl) of 2,009 sq.m of footprint on the eastern side of the site and 43 residential units on the western side along with associated accesses, parking and landscaping. Residential units will comprise of a mix of 2, 3 and 4 bed houses and 1 and 2 bed flats – 40% of which will be affordable.</p> <p>The site is located outside of the settlement limits of Lower Earley within designated countryside and is not allocated for development in the current Development Plan. It was designated as ‘open space’ in the original masterplan and is restricted by a planning condition to be used for the purpose of recreation and amenity open space only. There is no evidence that the site has not been used for the lawful purpose for more than 10 years. The site structurally forms part of the Swallows Meadow open space and contributes to the verdant character of the Lower Earley Way between Winnersh Triangle and Danehill Industrial Estate. Western part of the site appears to include Priority Habitat and the applicant has not refuted this.</p> <p>As the proposal is located within designated countryside, Core Strategy policy CP11 applies. The proposed scheme does not fall into any of the exceptional categories, as identified in the texts of CP11 and is unacceptable in principle. Additionally, the proposal will result in encroachment into and urbanisation of countryside; fragmentation of existing areas of green infrastructure; loss of existing trees and hedgerows; and will have a negative impact on the ecology of the area contrary to policies CP1, CP3, CP7, and CP11 of the Core Strategy, policies CC03, TB21 and TB23 of MDD Local Plan and core planning principles of the NPPF.</p> <p>The proposed layout is unsympathetic to the existing grain of development and the proposed foodstore will be in conflict with the building typologies of the surrounding residential estates. The site is an edge of settlement plot and the proposal does not respond to its transitional character. By virtue of its quantum of development the proposal will have a detrimental impact on the visual character of the area that will fail to maintain the quality of environment.</p>

The proposal would introduce intensive activities in connection with the retail use that will have a detrimental impact on the acoustic amenity of existing dwellings at Witcham Close. Due to its limited separation distance from the rear amenity space of existing dwellings, the new access to the residential area will result in perceived loss of privacy. The proposed layout would fail to provide acceptable level of private amenity spaces for the future occupiers. There is also likely to be an undue loss of visual and acoustic privacy between the public open spaces and several habitable rooms. Overall, the proposal will not result in a high-quality development.

The proposal has failed to demonstrate acceptable road safety impacts and concerns relating to upgradation requirements to public transport infrastructures have not been addressed. Moreover, the proposal will have negative impacts on Loddon Valley valued landscape.

The most up-to-date Five Year Housing Land Supply Statement demonstrates the Council has a five year housing land supply and as such, paragraph 11d of the NPPF will not engage in this instance. Whilst the proposal includes economic benefits in the form of retail and construction job creations and provision of 17 affordable houses, it would result in unacceptable harm to the quality of environment; will have negative impact on the landscape structure including the Loddon Valley Valued Landscape; and will result in fragmentation of the green corridor along B3270 Lower Earley Way. The proposal will result in biodiversity net loss that will have harmful impact on local badger, bat and bird species population due to loss of habitat. There are no material considerations which are considered to outweigh this harm. Consequently, the proposal is recommended for a refusal.

The application is presented to the committee at the request of the Assistant Director - Place.

PLANNING CONSTRAINTS AND STATUS

- Designated Countryside
- Contaminated Land Consultation Zone
- Minerals Site Consultation Area
- Replacement Mineral Local Plan
- Landfill Gas Consultation Zone
- Tree Preservation Orders - 1763/2020 (Area TPO covering the entire site)
- Landscape Character Assessment Area A2: Loddon River Valley
- Loddon Valley Valued Landscape
- Listed in the MAGIC Map as Priority Habitat – Deciduous Woodlands
- Natural Habitat Network
- Bat Roost Habitat Suitability
- Swallows Meadow Public Open Space
- Local Plan Update Submitted Sites – for C3 residential by Reading University and for Local Green Space by Earley Town Council
- SSSI Impact Risk Zones
- Thames Basin Heaths SPA Mitigation 7km Zones
- Ordinary Watercourses Consultation Zone
- Ordinary Watercourse

RECOMMENDATION

That the committee REFUSE PLANNING PERMISSION for the following reasons:

Reasons and informatives:

Reasons:

1. Impact on Character of the Area

By virtue of introducing mixed residential and retail developments of unsympathetic design, layout, density and quantum of development including extensive hardstanding within hitherto undeveloped Greenfield open land, the proposal would result in a layout that would be alien to the established grain of development; would have excessive encroachment of countryside and expansion of development including detrimental high intensity urbanising impact on the verdant character and visual appearance of the area. By virtue of its introduction of residential and retail blocks that will be taller than the existing houses within the surrounding estates, the proposal would disrupt the transition from built-up areas of Lower Earley into open countryside to the south, negatively impacting the openness of the area outside of development limits. The proposal will not enhance or maintain the quality of environment contrary to policies CP1, CP3 and CP11 of the Core Strategy; CC03 and TB21 of the MDD Local Plan; core planning principles of the NPPF including Section 15 and recommendations contained within the Borough Design Guide.

2. Impact on Trees and Landscape including Landscape Visual Impact:

By virtue of the loss of amenity greenspace and the removal of a substantial number of existing hedgerows and TPO trees, the proposal would result in the fragmentation of existing areas of green infrastructure detrimentally impacting landscape character of the area, both in terms of the landscape resources and visual intrusion. By virtue of introducing high density suburban development, the proposal will have a detrimental impact on the visual quality of Loddon Valley Valued Landscape. The proposed landscape layout plan will not result in high quality urban environment of appropriate functionality and visual amenity contrary to Core Strategy policy CP3, Local Plan Policies CC03 and TB21, recommendations contained in the Borough Design Guide SPD and section 15 of the NPPF.

3. Impact on Neighbouring Residential Amenity:

By virtue of the introduction of intensive activities that will take place continuously throughout the day, the proposed retail store will have a detrimental impact on the acoustic amenity of the existing dwellings at 3, 4, 6 and 7 Witcham Close. By virtue of limited separation distance, the proposed residential access from Chatteris Way will have negative impact on the acoustic amenity of the rear garden of 11 Witcham Close resulting in overall perceived loss in acoustic privacy for the existing dwellings contrary to Core Strategy policies CP1 and CP3, policy CC06 of MDD Local Plan and recommendations contained in the Borough Design Guide SPD.

4. External Amenity of Future Users:

By virtue of its inadequate garden depths and presence of TPO trees on the northern boundary of proposed plots 25 – 28, lack of any private amenity space for all flats and reliance upon public open space that will be open to people living anywhere in the wider neighbourhood, the proposal would fail to provide acceptable level of private amenity spaces for the future occupiers. There is also likely to be an undue loss of visual and acoustic privacy between the public open spaces and ground floor habitable rooms of all flats as well as acoustic amenity of proposed plot 10. This is contrary to Policies CP1 and CP3 (a), (b), (e) and (f) of the Core Strategy 2010 and R16 of the Borough Design Guide Supplementary Planning Document 2012.

5. Internal Amenity of Future Users:

The proposal has not demonstrated adequate natural light would be available to all habitable rooms for the proposed flats. Moreover, most of the ground floor flats will have to keep the only source of natural light and ventilation into habitable rooms closed to protect privacy and prevent noise disturbance. It is considered that the internal amenity of the proposed flats will be compromised, and the proposal will not result in a high-quality development contrary to MDD Local Plan policy TB07, the Borough Design Guide SPD and the NPPF.

6. Impact on Highway Safety and Road Network:

By virtue of the lack of information relating to Stage 1 Road Safety Audit; the traffic impact assessment of strategic junctions; the assessment of formal crossing on Meldreth Way; and upgrades requirements to public transport infrastructures the proposal has not demonstrated that it will not result in highway safety issues including safe and efficient movement of traffic on the surrounding network contrary to policies CP1, CP6 and CP10 of the Core Strategy, CC08 of the MDD Local Plan, recommendations contained in the Borough Design Guide and core planning principles of the NPPF.

7. Impact on Ecology:

In the absence of a habitat biodiversity impact assessment calculator showing otherwise, the proposal is considered to result in a net loss for biodiversity. Moreover, the proposal will result in loss of habitat that will have harmful impact on local badger, bat and bird species population contrary to Core Strategy policy CP7, MDD Local Plan policy TB23, paragraphs 174 and 180 of the NPPF and recommendations contained in the Borough Design Guide SPD.

8. Lack of Affordable Housing Provision

In the absence of any measures to secure the affordable housing, the proposal is considered to be in contrary to policies CP1 and CP5 of the Core Strategy 2010, Policy TB05 and Appendix 12 of the Managing Development Delivery Local Plan 2014 and the Affordable Housing Supplementary Planning Document 2013.

9. Lack of Employment Skills Plan

In the absence of any measures to secure the Employment Skills Plan, the proposal is considered to be in contrary to policy TB12 of the Wokingham Council's MDD Local Plan.

Informative:

1. This decision is in respect of the drawings and plans numbered: 092008-JAN-(01B; 02B; 03B; 04B; 05B; 06A; GIP; SS01; SS02; PER01; PER02); 092008-LIDL-(P1; E1); 092008-B1-(P1A; P2; P3; E1); 092008-HTJ-(P1; P2; E1; E2; E3; E4; E5); 092008-HTK-(P1; P2; E1; E2); 092008-HTL-(P1; E1); 092008-HTM-(P1; P2; P3; E1; E2; E3; E4); 092008-HTN-(P1; E1); 092008-(CS01; CS02); Design and Access Statement by DHA Architecture; Planning and Retail Statement by Lichfields; Landscape and Visual Impact Assessment by Aspect Landscape Planning; Arboricultural Impact Assessment by Aspect Arboriculture; Ecological Appraisal by Aspect Ecology; Air Quality Constraints Assessment by Apex Acoustics Apex Air; Noise Assessment Report by Auricl; Preliminary Risk Assessment Report by RSK Environment Limited; Highway Summary Position Statement by Evoke; and Flood Risk Assessment by Parmarbrook.
2. Reasons for refusal 8 and 9 could be addressed by submission of a suitable S106 legal agreement.
3. The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, pre-application advice was sought and advice was given regarding the proposal being unacceptable. Discussion took place in trying to find a solution, but no solution was possible.

PLANNING HISTORY

HISTORY OF LOWER EARLEY

The site forms part of Lower Earley which was master planned as a comprehensive new town development to provide additional housing and associated infrastructure. The original permission for Lower Earley township was granted in 1977 under the planning reference **01945**, conditions attached to which are material considerations for the current application.

As noted by several scholars (Healey et al 1982; Short et al 1986)¹, Lower Earley was the first truly large-scale application of the 'Planning Agreement' approach that was one of the three mechanisms identified by the central government to deliver housing through public private partnership in 1972.

As identified by the researchers as well as the planning history of Lower Earley development reveals, after lengthy negotiations between the Council and developers

¹ HEALEY, P., DAVIS, J., WOOD, M. and ELSON, M. J. (1982) Wokingham: The Implementation of Strategic Planning Policy in a Growth Area in the South East, Oxford: School of Town Planning, Oxford Polytechnic.

SHORT, J. R., FLEMING, S. and WITT, S. (1986) Housebuilding, Planning and Community Action, London: Routledge & Kegan Paul.

including University of Reading (one of the landowners), planning permission was granted in 1977 for a development of approximately 6,500 homes. Concurrently, a Planning Agreement under section 52 of the Town and Country Planning Act 1971 was signed between the Council and the developers including University of Reading which stipulated 8% of the houses' selling price would be given to the Council to fund road and other infrastructure; land for open spaces was to be conveyed for free; and there were guaranteed options to purchase school sites. In many ways, the approach to housing delivery under Planning Agreement mechanisms can be considered as a predecessor to the contemporary CIL and Planning Obligations that accompany large scale developments. Overall, Lower Earley development represents an important stage in the evolution of the more ambitious approach to housing delivery in late 1970s and the original S52 planning agreement goes to the heart of this development.

HISTORY OF THE SITE

The site is a Greenfield and there is no planning history directly relating to this site. However, from the historic plans of the Lower Earley development, it appears that the site was designated as 'open space' in the original masterplan and is restricted by a planning condition to be used for the purpose of recreation and amenity open space only. This also has been secured in the first schedule of the historic Planning Agreement (section 52) which includes all conditions of the outline approval for Lower Earley development.

In paragraphs 5.1 – 5.4 of the Planning and Retail Statement submitted to support the current application it is argued by the applicant that two planning conditions of the original approval (01945) are relevant for the current application (conditions 11 and 12) and that these conditions have been breached for more than 10 years. Consequently, the Planning and Retail Statement argued, these conditions are not applicable. It is to be noted that no Certificate of Lawfulness is available to confirm this claim.

The outline permission 01945 included 3 separate development schemes – a) a peripheral road; b) use of land for open space purposes; and c) outline application for residential and commercial developments. The current application site was included in the development referred to in paragraph b) of the description and included 3 conditions (no. 11, 12 and 13) that required that the open space shall be reinstated, seeded and landscaped (condition 11); to be used for the purpose of recreation and amenity open space only (condition 12) and the development should begin no later than 5 years from the date of the original permission (condition 13). No evidence is provided by the applicant to show that the site was not landscaped in accordance with approved details, nor it has been demonstrated that the site was not used for amenity purposes for more than 10 years. As such, there is no evidence of the breach of planning conditions, as claimed by the applicant, and all relevant conditions of the original permission carry significant weight for the purpose of determination of the current application.

In addition to the attached conditions, the permission relied upon s.52 legal agreement to secure various obligations relating to the development. Clause 8 of the original Planning Agreement stated that the Landowners (as defined in that agreement) covenanted to convey to the Council (being Wokingham District Council at the time) all the land that was marked on the plans to the agreement as being Free Open Space (again, as defined in the original agreement). This would either be within six weeks of receiving written notice from the council that they required the land to be transferred to them (clause 8(1)), or in any event, completion of any transfer must happen within 10 years of the completion of the s.52 Agreement (clause 8(1)(b)). Additionally, clause 8(1) provided that the conveyances would need to contain covenants by the Council to restrict the use of the

Free Open Space to only open space, recreational uses, allotment uses, and ancillary uses and buildings.

However, it seems that the conveyance of the current application site pursuant to the obligations in the s.52 Agreement never took place, although it appears that members of the public have, up until recently, been accessing the site and it had been thought to form part of the wider existing open space known as Swallows Meadow.

In November 2020, pre-application request was received from the current applicants for a proposal consisting of a retail unit (Use Class E), 46 residential units (Use Class C3) and associated access, servicing, parking, landscaping and associated works on the Site. A detailed response was provided on 21 December 2020 pointing out multiple issues with the proposed development including conflict with Development Plan policies. The officer response letter concluded that, *“the proposal in its current form is unacceptable in principle, would have detrimental impact on character of the area and would have potential environmental health impact including noise disturbance. The proposed scheme would not receive officer support should a full planning application is submitted in future”*.

Additionally, on 18.11.2020 the Council received complaints from residents living near the site about mass clearing of trees and vegetation from the site. Following investigation by council officers, it was considered expedient to serve an area TPO (1763/2020) over the entire site to protect the remaining trees from future pressure of development.

LEGAL POSITION REGARDING HISTORIC S.52 AGREEMENT

It is first necessary to address the legal position in relation to enforceability by the Council of the historic S.52 Agreement and the apparent breach. The legal position relating the interaction of time limits under the Limitation Act 1980 and planning obligations is not clear cut and can only be determined by the court. The potentially relevant section of the 1980 Act (Section 8) states that set time limits for enforcement action against the breach is 12 years from the date by which the legal agreement should have been complied with. In this instance, this time limit has already been crossed.

However, Section 36 of 1980 Act states that the time limits do not apply to any claim for an injunction, except in so far as these time limits may be applied by the court by analogy. There is no precedent court judgement available to clearly indicate how the courts can determine application of these provisions to planning obligations.

Following a detailed discussion with the Council’s legal department, it was considered that although the S.52 Agreement is a relevant consideration for the determination of the subject planning application, currently it would not be prudent to place material weight on the enforceability of the S.52 Agreement for the purposes of determining the application on its own. Notwithstanding, the non-conformity to the historic S.52 agreement represents a breach of planning control and Council is pursuing separate legal opinions to explore further possible actions.

SUMMARY INFORMATION	
For Commercial	
Site Area	0.9 ha
Previous land use(s) and floorspace(s)	Open Space
Proposed floorspace of each use	1,913 sq. m of Retail (Use Class E)
Change in floorspace (+/-)	+ 1,913 sq. m
Number of jobs created/lost	+ 40

Existing parking spaces	0
Proposed parking spaces	115
For Residential	
Site Area	1.4 ha
Existing units	0
Proposed units	43
Existing density – dwellings/hectare	0
Proposed density - dwellings/hectare	34 dph
Number of affordable units proposed	17
Previous land use	Open Space
Proposed Public Open Space	4,500 sq. m
Existing parking spaces	0
Proposed parking spaces	84

CONSULTATION RESPONSES	
Berks, Bucks and Oxon Wildlife Trust	No comments received
Crime Prevention Design Officer	No comments received
National Grid	No comments received
Natural England	Whilst the development includes an area of priority habitat, Natural England has no comments to make.
Royal Berkshire Fire and Rescue	No objections subject to changes to window design for some of the flats
Southern Gas Networks	No objections
SEE Power Distribution	No objections
Thames Water	No objections to foul water discharge. However, existing water network infrastructure does not have the capacity to accommodate the needs of the current proposal. Unless the developer agrees to upgrade the existing network the application cannot be supported. This can be secured as a condition/ planning obligation.
NHS Wokingham Clinical Commissioning Group	No adverse comments to make (from Chalfont Surgery)
The Environment Agency	No comments or objections
WBC Biodiversity and Ecology	Objected to the proposal and recommended refusal.
WBC Economic Prosperity and Place (Community Infrastructure)	No objections subject to securing policy compliant affordable housing contributions and Employment Skills Plan obligations
WBC Drainage	No objections subject to conditions
WBC Education (School Place Planning)	No comments received
WBC Environmental Health	No objections subject to conditions
WBC Highways	Objected to the proposal and recommended refusal.
WBC Tree & Landscape	Objected to the proposal and recommended refusal.
WBC Cleaner & Greener (Waste Services)	No comments received
WBC Property Services	No comments received

REPRESENTATIONS

Town/Parish Council:

Earley Town Council objected to the proposal on following grounds and stated that revised plans have failed to address any of the concerns:

Principle of Development:

- Wokingham Borough Council can demonstrate 5 years housing land supply and there is no evidence that 'tilted balance' will engage in this instance.
- The site is a Greenfield located outside of settlement boundaries and the proposal would be contrary to Development Plan policies CP11 and CC02. The site is not a Brownfield land and as such the proposal will not comply with para 117 of the NPPF (2019).

Character of the Area:

- The proposals fail to maintain or enhance the high quality of the environment.
- The proposals are of an inappropriate scale of activity, mass, lay out, built form and character to the area, to the detriment to the amenities of adjoining land users, including open space.
- The proposals result in the intrusion of a dense urban character into the countryside, with no graduation in response to the landscape character of the surrounding areas.
- There is a loss of local amenity arising from the loss of the current continuous green wooded corridor along Lower Earley Way.
- Existing open space and landscaping along most of Lower Earley Way creates a strong visual green corridor that is an essential part of the wider character, landscape setting and amenity of Lower Earley as a whole. The green corridor is essential to the character of Lower Earley as a transition between built up and green areas and provides an environmental buffer to the M4 motorway to the south. The proposal will result in reduction of this corridor detrimentally weakening its current character and visual function.
- The proposed food store will introduce a highly visible commercial use in a prominent location, comprising a building, with significant hard paved areas to the frontage of this part of Lower Earley Way.
- The opening up of views from the nearby roads would be considered essential for attracting customers, as indicated in the Design and Access Statement, that would detrimentally impact the visual character of the area.

Neighbour impact:

- The proposal will have negative impact on the residential amenity of neighbouring properties. The acoustic report fails to identify the impact of the noise from delivery vehicles and plant on the properties behind the store.
- The lighting report fails to give any indication of the qualitative impact of service lighting on adjacent properties, addressing only the operational needs of the lighting.

Landscape and Ecology:

- The proposals do not enhance the ability of the site to support fauna and flora; and do not integrate with the surrounding open space.

- The proposed development would fail to enhance the landscape, by not protecting or enhancing the green infrastructure.
- The proposals fail to promote accessibility, linkages and permeability between and within existing landscape corridors resulting in unacceptable fragmentation and isolation of areas of green infrastructure.
- It would also fail to ensure that the proposed development would be ecologically permeable through the protection of existing, and the provision of new, continuous wildlife corridors.
- The proposed development demonstrates a failure to enhance the natural environment and improve access to the countryside contrary to NPPF 2019 Paragraphs 8(c) and 118.
- The lighting report fails to identify the implications of additional external lighting on bats and other species.

Retail:

- The retail element of the proposals is not well connected to the existing centres and is well beyond the edge of centre of the nearest retail area, contrary to NPPF Paragraph 87, indeed seems more targeted at passing trade than to serve the immediate community.
- The retail study report makes assumptions derived from pre-pandemic retail spending patterns that may no longer apply due to people switching to online purchasing, and this does not appear to have been addressed in the Planning and Retail Statement.

Highways:

- There is a failure to demonstrate that adequate and safe access to the proposed development, in particular the Chatteris Way junction, which has been designed without regard to best practice, which would normally result in such an access being straight for at least 10m from the bell-mouth channel, and within 10 degrees either side of perpendicular. Consequently, there will be traffic safety issues when larger vehicles enter/ leave the site.
- The design of the access into the food store fails to address the potential for fast moving vehicles exiting the Lower Earley Way roundabout giving rise to potential road safety issues.

Local Members:

Objections were received from **Cllr David Hare** on following grounds:

- The argued benefits from this development do not outweigh the serious loss of green space and scrubland that the proposal would necessitate resulting in loss of carbon sink.
- The loss of this area and the existing continuous green corridor along Lower Earley Way would be very detrimental to the flora, fauna and biodiversity of Earley.
- The proposed development would not maintain the quality of the environment outside of development limits and will be contrary to policies.
- Both Wokingham Borough and Earley Town Council declared Climate Emergency and are committed to reducing carbon footprint to be net carbon zero by 2030. The proposal will result in significant increase in vehicle emission that will be contrary to the efforts to tackle climate emergency.

- Much of the existing vegetation on the site were cleared prior to carrying out site survey. As such, the extended survey dated February 2021 does not represent the valid measure of flora and fauna on the site.
- The area is ecologically beneficial as a whole since it has not been disturbed by human activities. Its loss will result in loss of habitats that cannot be replaced by manmade features.
- The site has been submitted by Earley Town Council as Local Green Space in the Local Plan Update call for sites and if granted, the site will have to be protected for the ecological services that the site provides to its neighbours.
- Additionally, neighbours access the site regularly, potentially establishing public right of way.
- The access to the supermarket will cause highway safety concerns.
- Due to the design of the parking area, it appears that there will always be significant problems and disagreement between the rights of pedestrians, cars or commercial vehicles.
- The retail development would cause critical reduction of business for existing outlets in the area.
- The Statement of Community Involvement is strongly against the applicants' own case where it is shown that 82% respondents did not want improved retail choices and 79% did not want new homes.
- The revised plans did not address all objections raised at the initial stage.

Neighbours:

Public consultation was carried out between 14 May 2021 and 18 June 2021. Following initial comments from officers raising several concerns with the proposal, an amended scheme was submitted by the applicant and public consultation was carried out on the revised scheme between 01 October 2021 and 22 October 2021. A total of 415 representations were received from occupants of 270 properties on the Council's website both supporting and objecting to the proposed development. All representations are summarised below.

SUPPORT: 57 support letters were received from the occupants of following addresses:

No house number (Allendale Road, RG6 7PD, Alsdermanwilly Close, RG41 2AQ, Barnsdale Road, RG2 7JG, Calver Close, RG41 5QT, Croft Road, RG2 9EY, Cutbush Lane East, RG2 9AA, Drome Path, Winnersh, RG41 5HB, Fibstock Close, RG6 4JX, Hazel Crescent, RG2 7ND, Harsey gardens, GU17 0ET, Hilmanton, RG6 4HJ, Ilfracombe Way, RG6 3AQ, Maiden Place, RG6 3HE, Mildenhall Close, RG7 1GB, Mlonde Road, RG5 3NJ, Oatlands Road, RG2 9DN, Strand Way, RG6 4EA, Trusthorpe, RG6 3BA); 54 Armstrong Way, RG5 4NW; 6 Ashley Close, RG6 5QY; 18 Barbel Close, RG6 1AQ; 25 Bridport Close, RG6 3DG; 38 Bridport Close, RG6 3DG; 69 Budes Road, RG40 1PL; 32 Carshalton Way, RG6 4EP; Unit 1 Cutbush Court, Danehill, RG6 4UW9; 38 Duffet Drive, RG41 5RZ; 70 Gloucester Avenue, RG2 9GA; 14 Harlton Close, RG6 4JH; 41 Hawkedon Way, RG6 3AP; 17 Jay Close, RG6 4HE; 6 Kendal Avenue, RG2 9AR; 9 Knossington Close, RG6 4EU; 73 Lingwood, RG12 7PZ; 125 Maiden Place, RG6 3HE; 61 Mays Close, RG6 1JY; 5 Mildenhall Close, RG7 1GB; 32 Orts Road, RG1 3JN; 33 Radstock Lane, RG6 5RX; 458 Reading Road, RG41 5ET; 502 Reading Road, RG41 5EX; 5 Reeves Way, RG41 2PS; 32 RG6 5UX; 45 Ryhill Way, RG6 4AZ; 32 Silverdale Road, RG6 7LS; 195 Silverdale Road, RG6 7NY; 9 Southwold Close, RG6 3UB; 5 Tamarisk Avenue, RG2 8JB; 22 The Crescent, RG6 7NN; 75 The Delph, RG6 3AW; 28 The Drive, RG6 1EG; 11 Toseland Way, RG6 7YA9;

34 Trelleck Road, RG1 6EN; 28 Vermont Woods, RG40 4PF; 3Whitton Close, RG6 3UQ; 93 Wilderness Road, RG6 5RG; 9 Wispington Close, RG6 3BN.

These representations supported the proposal on following grounds:

- The proposal will result in additional retail options and local employment.
- The site can be considered as part of a Brownfield industrial estate and its redevelopment is compliant with policy.

(Officer's note: The site is a Greenfield located within designated countryside and forms part of an existing amenity open space called the Swallows meadows).

- The proposal would add value to the surrounding area.
- People are coming to Reading to work at various new developments such as Shinfield Studios, British Museum, Science Park at University of Reading etc. The proposal would provide much needed housing for these people.
- There is not enough food store choice.

Additionally, a PR company, hired by the applicants, ran a campaign with residents of Lower Earley to publicise the proposal. A total of 410 leaflets, signed by a total of 636 individuals, were sent to the Council by the PR company to demonstrate support. These leaflets asked residents to show support only for the Lidl food store for the following reasons:

- A Lidl food store will provide quality and affordable produce in the local area.
- An instore bakery will supply a selection of fresh breads and pastries.

(Officer's note: The proposal is for the erection of a food store (use class E) and there is no surety that it will be owned by one particular food chain for perpetuity. Moreover, the retail unit can be changed to any other use under Class E such as day care, gymnasium or restaurant without requiring an application for planning permission).

- 40 new jobs for local people.

(Officer's note: Number of jobs created can be significantly lower if the building is used for other purposes under Class E).

- New electric vehicle charging points for Lower Earley.

(Officer's note: It is not clear from the submitted information if the new charging points will be available only for the customers of the food store or they will be for all residents of the area to use).

- New pedestrian and cycle links to the site.

(Officer's note: The site was accessible to all residents by foot until recently).

OBJECTIONS: 358 objection letters were received from occupants of 213 properties with the following addresses:

No house number, (3 each from Bassett Close and Chatteris Way, RG6 4JL; 1 each from Adwell Drive, RG6 4JY; Bradmore Way, RG6 4DS; RG6 4JA; Chesterment Way, RG6 4HW; 1 from Conygree Close, RG6 4XE; Doddington Close, RG6 4BJ; Elford Close, RG6

4EG; Elm Lane, RG6 5UE; Faygate Way, RG6 4DA; Finstock Close, RG6 4JX; Fleetham Gardens, RG6 4BY; Harlton Close, RG6 4JH; Knossington Close, RG6 4EU; Littington Close, RG6 4BL; Measham Way, RG6 4ES; Merrifield Close, RG6 4BN; Mill Lane, RG6 7JE; Notton Way, RG6 4AJ; Pasture Close, RG6 4UY; Sibson, RG6 3DU; Silverdale Road, RG6 7LT; Simmonds Crescent; Springdale, RG6 5PR; St Martins Close, RG6 4BS; Strand Way, RG6 4BU); 24 Askew Drive, RG7 1HG; 1 Bassett Close, RG6 4JL; 2 Bassett Close, RG6 4JL; 3 Bassett Close, RG6 4JL; 4 Bassett Close, RG6 4JL; 6 Bassett Close, RG6 4JL; 9 Bassett Close, RG6 4JL; 10 Bassett Close, RG6 4JL; 24 Bath Road, RG1 6NS; 2 Beaconsfield Way, RG6 5UX; 66 Beaconsfield Way, RG6 5UX; 27 Beauchief Close, RG6 4HY; 28 Beauchief Close, RG6 4HY; 149 Beech Lane, RG6 5QE; 12 Binbrook Close, RG6 3BW; 8 Bottisham Close, RG6 4ED; 9 Bottisham Close, RG6 4ED; 15 Bourne Close, RG6 4BH; 38 Bradmore Way, RG6 4DS; 11 Burniston Close, RG6 3XE; 11 Burwell Close, RG6 4BB; 4 Cannock Way, RG6 4EF; 37 Cannock Way, RG6 4EF; 78 Cannock Way, RG6 4EF; 9 Caraway Road, RG6 5XR; 22 Carshalton Way, RG6 4EP; 1 Catcliffe Way, RG6 4HX; 2 Chatteris Way, RG6 4JA; 4 Chatteris Way, RG6 4JA; 14 Chatteris Way, RG6 4JA; 18 Chatteris Way, RG6 4JA; 23 Chatteris Way, RG6 4JA; 30 Chatteris Way, RG6 4JA; 75 Chilcombe Way, RG6 3DB; 2 Chittering Close, RG6 4BE; 8 Chittering Close, RG6 4BE; 8 Clevedon Drive, RG6 5XE; 5 Conygree Close, RG6 4XE; 7 Conygree Close, RG6 4XE; 15 Conygree Close, RG6 4XE; 16 Conygree Close, RG6 4XE; 47 Conygree Close, RG6 4XE; 10 Culford Close, RG6 3AS; 6 Cutbush Close, RG6 4XA; 28 Cutbush Close, RG6 4XA; Oaklands Cutbush Lane, RG6 4UU; The Acorns Cutbush Lane, RG6 4UU; Planters Lodge Cutbush Lane, RG6 4UU; Holly Cottage Cutbush Lane, RG6 4UU; The Willows Cutbush Lane, RG6 4UU; 1 Dennose Close, RG6 5YP; 17 Doddington Close, RG6 4BJ; 27 Doddington Close, RG6 4BJ; 34 Doddington Close, RG6 4BJ; 50 Durand Road, RG6 5YS; 32 Easby Way, RG6 3XA; 6 Easington Drive, RG6 3XN; 51 Eastern Avenue, RG1 5SQ; 3 Ebborn Square, RG6 4JT; 14 Ebborn Square, RG6 4JT; 94 Elm Road, RG6 5TR; 55 Falstaff Avenue, RG6 5TG; 11 Felixstowe Close, RG6 3UF; 22 Finbeck Way, RG6 4AH; 30a Finch Road, RG6 7JU; 33 Finch Road, RG6 7JX; 3 Finstock Close, RG6 4JX; 5 Finstock Close, RG6 4JX; 105 Fleetham Gardens, RG6 4BZ; 143 Fleetham Gardens, RG6 4BZ; 1 Fordham Way, RG6 4BD; 7 Fordham Way, RG6 4BD; 19 Fordham Way, RG6 4BD; 43 Fordham Way, RG6 4BD; 31 Gabriels Square, RG6 3WN; 67 Gabriels Square, RG6 3WN; Hawthorns Gipsy Lane, RG6 3HG; 13 Glendevon Road, RG5 4PJ; 18 Goldthorpe Gardens, RG6 4AR; 10 Gregory Close, RG6 4JJ; 21 Gregory Close, RG6 4JJ; 29 Gregory Close, RG6 4JJ; 4 Hambledon Close, RG6 3TD; 17 Hambledon Close, RG6 3TD; 5 Harrow Way, RG41 5GJ; 40 Huntingdon Close, RG6 3AB; 4 Irvine Way, RG6 4JW; 6 Irvine Way, RG6 4JW; 9 Irvine Way, RG6 4JW; 47 Jay Close, RG6 4HE; 50 Kenton Road, RG6 7LG; 30 Ledran Close, RG6 4JF; 1 Lidstone Close, RG6 4JZ; 2 Lidstone Close, RG6 4JZ; 3 Lidstone Close, RG6 4JZ; 16 Lidstone Close, RG6 4JZ; 17 Lidstone Close, RG6 4JZ; 20 Lidstone Close, RG6 4JZ; 12 Lind Close, RG6 5QX; 2 Littington Close, RG6 4BL; 7 Littington Close, RG6 4BL; 9 Littington Close, RG6 4BL; 11 Littington Close, RG6 4BL; 6 Maiden Place, RG6 3HA; 2 Merrifield Close, RG6 4BN; 8 Merrifield Close, RG6 4BN; 10 Merrifield Close, RG6 4BN; 22 Merrifield Close, RG6 4BN; 89 Mill Lane, RG6 7JF; 16 Moorhen Drive, RG6 4NZ; 4 No street name, RG6 4JW; 26 Notton Way, RG6 4AJ; 10 Paddick Drive, RG6 4HF; 12 Paddick Drive, RG6 4HF; 51 Paddick Drive, RG6 4HF; 73 Paddick Drive, RG6 4HH; 133 Paddick Drive, RG6 4HH; 6 Pasture Close, RG6 4UY; 8 Pasture Close, RG6 4UY; 22 Pasture Close, RG6 4UY; 23 Pasture Close, RG6 4UY; 24 Pasture Close, RG6 4UY; 25 Pasture Close, RG6 4UY; 5 Pavenham Close, RG6 4DX; 9 Porter Close, RG6 4JB; 14 Porter Close, RG6 4JB; 15 Porter Close, RG6 4JB; 20 Rainworth Close, RG6 4DP; 2 Red House Close, RG6 4XB; 24 Red House Close, RG6 4XB; 50 Redhatch Drive, RG6 5QR; 82 Redhatch Drive, RG6 5QR; 16 Regent Close, RG6 4EZ; 20 Regent Close, RG6 4EZ; 6 Rhodes Close, RG6 7XJ; 2 Rose Mews, RG5 4FN; 25 Ryhill Way, RG6 4AZ; 1 Selsey Way, RG6 4DL; 16 Sevenoaks Road, RG6 7NT; 191 Shinfield Road, RG2 7DS; 271 Shinfield Road, RG2 9BE; 74

Silverdale Road, RG6 7LT; 80 Silverdale Road, RG6 7LT; 98 Silverdale Road, RG6 7LU; 264 Silverdale Road, RG6 7NU; 49 Skelmerdale Way, RG6 7YB; 8 Somerton Gardens, RG6 5XG; 6 St Martins Close, RG6 4BS; 9 St Martins Close, RG6 4BS; 3 Strand Way, RG6 4BU; 9 Strand Way, RG6 4BU; 18 Strand Way, RG6 4BU; 26 Strand Way, RG6 4BU; 46 Strand Way, RG6 4BU; 28 Sturbridge Close, RG6 4EE; 32 Sturbridge Close, RG6 4EE; 9 Thanington Way, RG6 5QF; 1 The Ridgeway, RG5 3QD; 4 Tickhill Close, RG6 4AP; Tiptrees Tiptree Close RG6 4HS; 5 Waring Close, RG6 4JE; 55 Waring Close, RG6 4JE; 78 Western Avenue, RG5 3BH; 5 Westminster Way, RG6 4BX; 45 Westminster Way, RG6 4BX; 25 Wickham Road, RG6 3TE; 30 Wickham Road, RG6 3TE; 31 Wickham Road, RG6 3TE; 6 Wimblington Drive, RG6 4JG; 38 Windsor Crescent, RG40 1GN; 1 Witcham Close, RG6 4HA; 3 Witcham Close, RG6 4HA; 4 Witcham Close, RG6 4HA; 6 Witcham Close, RG6 4HA; 10 Witcham Close, RG6 4HA; 12 Witcham Close, RG6 4HA; 14 Witcham Close, RG6 4HA; 15 Witcham Close, RG6 4HA; 10 Woodbine Close, RG6 4BA; 9 Yoreham Close, RG6 3TB and 1 address withheld.

These representations objected to the proposal on following grounds:

Policy Position:

- The site is unsuitable for the proposed development. It is located outside of settlement boundary, and it is not allocated for development in the Local Plan.
- Lower Earley is the largest housing estate that was master planned in 1980s. The original master plan allowed green spaces around residential areas to provide buffer from noise and air pollution. The proposal will result in the loss of the buffer that will be contrary to the original master plan.
- The proposal is contrary to Wokingham Development Plan policy CP11 which states that proposals outside development limits will not normally be permitted.
- The proposal is contrary to policy CC03 part 3 of Wokingham MDD Local Plan which states that development resulting in loss, fragmentation or isolation of areas of green infrastructure will not be acceptable.
- The proposal would be contrary to paragraphs 92 and 98 of the NPPF that require developments to guard against loss of valued facilities and protect and enhance public rights of way.

(Officer's note: At present there are no established Public Rights of Way over the application site).

Character of the area:

- The proposal will destroy the environment and will have negative impact on the character of the area.
- The proposed residential development represents cramped overdevelopment of the site.
- Lower Earley is already densely developed. All new proposals should be directed towards Brownfield sites and not on Greenfield lands such the application site.
- The proposal will impact the green setting of Lower Earley Way resulting in loss of its verdant character.
- Lower Earley is a high-density residential area, and the site is one of the few green amenity spaces left. The proposal will result in its loss and negatively impact the biodiversity of the area.

- The proposed block of flats is out of character since all neighbouring properties and two storey houses.
- The immediately neighbouring area of the application site is primarily residential. The supermarket will appear out of character since all neighbouring properties are two storey houses.
- The proposed development is not in keeping with the wider layout of Lower Earley.

Trees & Landscape:

- At present the site forms a vital part of the Green Corridor that runs between Shinfield Road and Wokingham Road. Earley, including Lower Earley, has very limited green space in comparison with its builtup area and there is not much connectivity between these areas. This green corridor provides a decent length of green route with meadow, woodland, open space and a little scrub, and constitutes a large biodiversity of flora and fauna.
- The proposal requires removal of 47 trees and scrubland. This will impact the landscape visual amenity of the area.

Highways:

- The proposal will result in highway safety concerns.
- The proposed food store access from Meldreth Way will add pressure to the already clogging and accident-prone roundabout. Highway safety of this junction is a major concern.
- The proposed accesses are not suitable for HGVs in terms of design. HGVs and delivery vans arriving and leaving the site will cause further highway safety concerns.
- The location of the food store will not encourage sustainable transport choices such as walking and cycling.
- Lower Earley Way is not an attractive route to walk or cycle due to traffic noise, air pollution and fast-moving traffic along the main carriageway. The proposal does not offer anything to improve the situation.
- There are other electric vehicle charging points available within wider Lower Earley area. As such, the developers' claims about additional charging points as a benefit is not fully valid.

Environmental Health:

- The traffic generated by the proposed development will cause noise and air pollution.
- Value of open green spaces has increased after the pandemic. Its destruction will have a negative impact on mental and physical health of neighbouring residents.
- Residential units are proposed closer to M4 compared to the existing estates that will expose future occupants to noise and air pollution from the Motorway.
- The site in its current condition provides environmental service by acting as a noise barrier. The proposal will result in its loss.
- The proposal will have harmful impact on the health and well-being of vulnerable & elderly residents who live in care homes within the immediate neighbourhood. Noise generated by additional traffic and shoppers late in the evening will be detrimental to the mental physical health of the care home residents.

Availability of Food Stores:

- There are 2 hypermarkets (Lower Earley ASDA & Winnersh Sainsbury's) along with other local markets/ food stores such as local Sainsbury's; local Cooperative; Marks & Spencer's food hall and Lidl Whitley are available within reasonable distance. A new food store is not needed as there is enough choices available.
- According to the Statement of Community Involvement submitted by the applicants, 82% of respondents did not support improved retail choices in the area. So, there is a clear lack of interest for the food store.

Biodiversity & Ecology:

- The proposal will have a negative impact on biodiversity and ecology by fragmenting the narrow green corridor between existing housing estate and M4.
- Pre-application site preparation has caused clearing of large area of woodland.
- The proposal will result in additional loss of trees and scrubland over and above those already removed in November 2020. This will impact the protected species that use the site as part of their movement corridor.

Infrastructure:

- The proposal will add pressure on already struggling infrastructure including school places, drainage, GP surgery etc.
- Loddon River is 200m from the site. Several minor channels criss-cross the site. The proposal would result in their loss, causing significant flooding concerns with increased risk of flooding the neighbouring area.
- The claims about local job creation have not been supported with evidence. Also, there is no mechanism to secure local employment.

Public engagement:

- The PR company employed by the developers only forwards the positive comments to the Council. This is unprofessional and unethical. It is not possible to establish the % of support received by the PR company since they do not report objections.
- The developer is mis-representing the responses received from the local residents. There is overwhelming opposition to the proposal – this is evident from discussions on various forums.
- The leaflet campaign carried out by the developers' PR company focuses only on the benefits of the supermarket. It does not talk about housing and additional infrastructure. Also, there is no option to voice objection and anyone opposing the proposal do not have an opportunity to let their concerns heard.
- Developers' feedback leaflet is biased since it only asked for positive feedback. Responses received through this campaign should carry no weight.
- Many people supporting the application do not live in this area and as such these comments should carry very limited weight.

Other issues:

- The proposal will result in likely increase in crime rate.

(Officer's note: There is no evidence provided to substantiate this claim).

- This is an affluent area, and a budget supermarket is not needed here.

(Officer's note: This is not a material consideration in planning).

- The proposal will result in devaluation of residential property prices for neighbouring dwellings.

(Officer's note: Property prices are not material consideration in planning).

- The proposal is contrary to Lidl's policies who are trying to establish themselves as environment friendly establishment. Lidl should withdraw this application.
- All objections received following re-consultation stated that the amendments failed to address the original concerns and that all original objections were still valid.

(Officer's note: These comments have been given due consideration in determining the application. Assessment of the scheme including both positive and negative aspects along with complete planning balance exercise is included in the appraisal section below.)

APPLICANTS POINTS

- It is a government priority to boost the supply of new homes. The Council's 5 years housing land supply shows substantial reduction between 2019 and 2020 positions. The proposal will result in additional homes that will help in improving the Council's 5yhl's position.
- The Council's planning policies relating to settlement boundaries are out of date and the conflict with these policies should be afforded lesser weight.
- The site being adjacent to major development location is sustainable in terms of facilities and services available within the immediate area.
- Weight should also be afforded to the provision of an essential community facility, i.e., the proposed foodstore.

(Officer's note: The applicant has not demonstrated that there is no foodstore available within acceptable distance and as such, the provision of foodstore cannot be considered an essential facility).

- The sequential assessment submitted with the application shows there are no suitable alternative sites available for the store.
- The proposed development will not have an impact on existing, committed or planned investment or the vitality and viability of centres.
- The proposed foodstore will not impact the proposed Local Centre at the South of M4 SDL.
- The proposal makes efficient use of land by providing a higher residential density. It will be a high-quality development in terms of design and circulation.
- 40% of the new dwellings will be affordable.

- The proposal will not result in any highway safety issues. Additional pedestrian and cycle access is provided at the southeast corner linking directly to the shared cycle / footway along B3270 Lower Earley Way which will improve connectivity through the site.
- The site does not include any qualitative landscape designation. Any features of note within the site would be retained, where possible, and integrated within the site wide Green Infrastructure proposals.
- The Phase 1 habitat survey has established that the site comprises habitats that are not important ecological features. Nevertheless, the proposals largely retain boundary vegetation and new habitat creation has been proposed to offset losses, in conjunction with the landscape proposals.
- The Environment Agency's updated Flood Map for Surface Water indicates that the foodstore and associated car parking are located in a 'low risk' area for surface water flooding. The residential area is located in the 'lower to medium' risk of surface water flooding. Appropriate drainage scheme will be proposed to minimise flooding risks.
- There are a number of economic and sustainability benefits arising from the proposal including creation of 40 jobs, provision of new homes with 17 affordable units, provision of convenience floorspace in the area, attracting capital investment within the Borough, supporting direct and indirect job creation through construction, incorporating measures to ensure the proposal delivers a minimum 10% reduction in carbon emissions through renewable energy or low carbon technology, and the provision of new multifunctional open space and improving permeability of the site.

PLANNING POLICY		
National Planning Policy Framework 2021 (NPPF)	Section 2	Achieving Sustainable Development
	Section 5	Delivering a Sufficient Supply of Homes
	Section 6	Building a Strong, Competitive Economy
	Section 7	Ensuring the Vitality of Town Centres
	Section 8	Promoting Healthy and Safe Communities
	Section 9	Promoting Sustainable Transport
	Section 11	Making Effective Use of Land
	Section 12	Achieving Well-Designed Places
	Section 14	Meeting the Challenge of Climate Change, Flooding and Coastal Change
	Section 15	Conserving and Enhancing the Natural Environment
Wokingham Adopted Core Strategy Development Plan Document 2010	CP1	Sustainable Development
	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
	CP10	Improvements to the Strategic Transport Network
	CP11	Proposals outside development limits (including countryside)
	CP13	Town Centres and Shopping
CP17	Housing Delivery	
	CC01	Presumption in Favour of Sustainable Development

Wokingham Adopted Managing Development Delivery Local Plan 2014	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
	CC08	Safeguarding Alignments of the Strategic Transport Network & Road Infrastructure
	CC09	Development and Flood Risk (from all sources)
	CC10	Sustainable Drainage
	TB05	Housing Mix
	TB07	Internal Space standards
	TB08	Open Space, Sport and Recreational Facilities Standards
	TB12	Employment Skills Plan
	TB15	Major Town, and Small Town/District Centre Development
	TB16	Development for Town Centre Uses
	TB20	Service Arrangements and Deliveries for Employment and Retail Use
	TB21	Landscape Character
TB23	Biodiversity and Development	
Supplementary Planning Documents (SPD)		Borough Design Guide CIL Guidance Affordable Housing Sustainable Design and Construction
		DCLG – National Internal Space Standards

PLANNING ISSUES

Site Description

1. The site is a flat piece of land measuring 2.3 hectares located to the north of Lower Earley Way and to the west of its junction with Meldreth Way. Whilst adjacent to the settlement boundary of Lower Earley, the site lies within designated Countryside and is occupied by a group of protected trees (ref: TPO-1763-2020). The Multi-Agency Geographic Information for the Countryside (MAGIC) Map shows the western section of the site includes an area of priority habitat, as listed on Section 41 of the Natural Environmental and Rural Communities (NERC) Act 2006 including grassland, scrub mosaic, and deciduous broadleaved woodland. Whilst privately owned, the site structurally forms part of an existing amenity open space known as Swallows Meadow that acts as a natural visual and acoustic buffer between the existing residential developments in Witcham Close, Chatteris Way and Bassett Close and B3270 Lower Earley Way, which is a major peripheral road with speed limit of 50 mph, and to some extent the M4 that lies approximately 15m south of B3270.
2. There is an existing gated access from Meldreth Way and the site was also linked to the amenity open space of Bassett Close from where, until recently, residential neighbours accessed the site for recreational purposes. The site has a distinct sylvan character owing to the presence of trees and hedging along the boundaries on all

sides, although extensive vegetation and scrub has already been cleared from the site as part of pre-planning preparations. Whilst remnant of trees was noted during officers' site visits, the actual number of felled trees could not be confirmed. The TPO was served in December 2020 after the clearing of trees took place to protect the remaining of the trees which offer great amenity value and contribute positively to the character of the area.

Description of Development:

3. The proposal includes a mixed development of retail and residential units along with two new vehicular accesses, associated parking, services and landscaping on land off Meldreth Way. More specifically, the proposal involves:
 - A single storey food store/ retail unit of approximately 2,009 sq. m footprint on the eastern 0.9 hectares of the site near the roundabout between Lower Earley Way and Meldreth Way.
 - Provision of a new vehicular access from Meldreth Way for the retail unit.
 - 43 dwelling units on the western 1.4 hectares of the site, consisting of:
 - A mix of eight x 1-bed and seven x 2-bed flats within a block
 - 10 no. detached and 18 no. semi-detached houses.
 - 40% of the new homes are proposed to be Affordable units (17 units).
 - Provision of a new access from Chatteris Way for the residential section of the site.
 - Pedestrian link between the residential development and retail store.
 - Retention of existing peripheral vegetation.
 - 4,500 sq.m of public open space.
 - Associated site works including parking and landscaping and a pedestrian link between the proposed residential development and existing public open space at Bassett Close.

Principle of Development:

4. The National Planning Policy Framework has an underlying presumption in favour of sustainable development which is carried through to the local Development Plan. The Managing Development Delivery Local Plan (MDD) Policy CC01 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.

- **Housing Land Supply:**

5. The National Planning Policy Framework 2021 (NPPF) advocates a presumption in favour of sustainable development. For planning decision making it means,

“(c) approving development proposals that accord with an up-to-date development plan without delay; or

(d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole” (paragraph 11 of the NPPF).*

6. Footnote 8 then goes on to explain the meaning of out-of-date policies: “*This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years*”.
7. The Council’s latest 5 years housing land supply statement shows the Council can demonstrate a policy compliant supply of land. On 31st March 2020, the Council has a housing land supply of 5.23 years against the Local Housing Need (LHN) of 789 dwellings plus 5% buffer and as such, the tilted balance of Paragraph 11 of the NPPF is not engaged in this instance.
8. In paragraphs 1.9 and 7.9 of the Planning and Retail Statement, the applicant argues that between 31 March 2019 and 31 March 2020, there was a significant reduction in the Council’s housing land supply (from 6.39 years in 2019 to 5.23 years in 2020). The applicant also points out that the planned garden village at Grazeley is no longer achievable due to the changes to the emergency planning arrangements around the Atomic Weapon Establishment in Burghfield. For these reasons the applicant considers that the Council’s 5 years housing land supply is in a very marginal position and that additional housing will improve the situation.
9. The Council disagrees with this assessment. Notwithstanding the difference between 2019 and 2020 figures, the Council can still demonstrate a policy compliant 5 years land supply with 5% buffer. The Council does not believe there is any dispute over the 5yHLS position. Moreover, in two recent appeal decisions for large housing proposals within designated countryside (APP/X0360/W/19/3235572 Land East of Finchampstead Road and APP/X0360/W/19/3238048 Land north of Nine Mile Ride), the Inspectors have found that there have been short term impacts of Covid-19 pandemic on housing land supply, which can be attributed to the noticeable change between 2019 and 2020 positions. However, as the Inspectors have ascertained, these impacts are likely to be time limited and housing land supply is a prediction over 5 years. In these decisions, Inspectors have concluded that the Council could demonstrate policy compliant supply of land for housing. Grazeley garden village was never considered as part of the 2019 and 2020 HLS calculations and as such, it does not have any material impact on the available land for housing.
10. Wokingham Borough Council has a planned approach to the delivery of housing within the Borough using 4 major Strategic Development Location (SDL) sites which is successfully delivering the Council’s future housing in addition to infill development within the settlement boundaries. The most up-to-date Five Year Housing Land Supply Statement demonstrates the Council has a five year housing land supply. As a result, the presumption in favour of sustainable development (or the tilted balance), as advocated by paragraph 11d of the NPPF is not automatically engaged in this instance.

- **Weight to be given to the Development Plan Policies:**

11. The Wokingham Borough Development Plan consists of Core Strategy 2010, MDD Local Plan 2014 and other Supplementary Planning Documents which cover up to 2026. The plan is neither silent nor absent and has a body of policies to determine the current application.
12. In paragraphs 7.14 – 7.21 of the Planning and Retail Statement, the applicant has argued that the Council's Development Plan policies CP9, CP11, CP17 and CC02 are out of date and as such the conflict with Development Plan should be given limited weight. The applicant has quoted Appeal Decisions and Court Judgements to justify this claim. The Council disputes this claim.
13. The basket of policies relevant to the current application have been applied consistently and they have been found up to date and consistent with the NPPF in their intent in multiple recent appeals for similar housing developments outside of settlement limits. Particularly in the decision notice of appeal APP/X0360/W/20/3253095 (Land adjacent to Park Farm, Copse Barn Hill Lane, Carters Hill, Arborfield RG2 9JJ), the Inspector has clearly stated that, "*The appellant has made submissions that Policies CC02, CP9 and CP11 should be viewed out of date and my attention has been drawn to a number of appeal decisions in this regard. I note from the evidence that the Council are able to demonstrate a five-year housing land supply and this is not contested by the appellants. On this basis, it would appear that the Council is meeting the aims of the Framework to boost the supply of housing, with the policies in the Core Strategy and the MDD achieving their desired aims. I consider that, having regard to Paragraph 213 of the Framework, the evidence before me shows that the Council's strategy for the delivery of new residential development, of which the use of development limits is a component, is consistent with the Framework. Conflicts with Policies CP9, CP11 and CC02 on the basis of the proposal being outside development limits should therefore be given significant weight*" (paragraph 17, decision date 8 February 2021). This is consistent with other appeal decisions such as: APP/X0360/W/18/3194044 Land at Lodge Road, Hurst, Wokingham RG10 0SG; APP/X0360/W/18/3205487 Land to the rear of No. 6 Johnson Drive, Finchampstead, RG40 3NW; APP/X0360/W/19/3235572 Land East of Finchampstead Road9; APP/X0360/W/19/3238048 Land north of Nine Mile Ride; and APP/X0360/W/19/3240232 Land to rear of Diana Close, Spencers Wood RG7 1HP.
14. The NPPF seeks to significantly boost housing supply. As noted previously and evidenced by the current 5 years housing land supply statement, the Council's strategy is delivering more homes than the minimum required and is significantly contributing to boosting the supply of housing in the area. As the NPPF advocates a plan-led approach, there is therefore nothing to indicate that the overall spatial strategy as set out in the Wokingham Development Plan is out-of-date. Neither is there any reason to suggest that the Policies CP9, CP11 and CP17 of the Core Strategy, Policy CC02 of the Local Plan should be considered out-of-date. On this basis, the presumption in favour of sustainable development (or the tilted balance), as advocated by paragraph 11d of the NPPF is not engaged in this instance and any conflict with the development plan should be given significant weight.

- **Compliance with the Development Plan**

15. The starting point for decision making is the development plan. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. This has been reaffirmed by a recent Court of Appeal ruling where Sir Keith Lindblom said that, *“If the proposal is plainly in conflict with the policies in the plan, granting planning permission for it might be seen as undermining the credibility of the plan, inimical to the 'plan-led' system itself, and contrary therefore to the basic policy of the NPPF”* (paragraph 56, *Gladman Developments Limited v Secretary of State for Housing, Communities and Local Government & Others [2020] EWHC 518 (Admin)*).
16. The application site is a Greenfield land that falls within designated countryside outside of settlement boundary and is not allocated for development in the current Development Plan. The principle of the current development being outside of the designated development limits is contrary to the policies and strategic aims of the development plan. The site has never been allocated or considered suitable for development: it is an undeveloped greenfield site in the countryside. A priority of the development plan is to limit development within the countryside. This is, inter alia, 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.
17. Maintaining and protecting the natural environment and the character of the borough is a key objective of both the Core Strategy and the MDD Local Plan. The NPPF sets out that development should recognise the intrinsic character and beauty of the countryside. A new ad-hoc housing estate and a retail store on a greenfield site within the countryside would be clearly contrary to these objectives. This issue is addressed in greater detail throughout this report.
18. The location of the development results in in-principle conflicts with policies CC02 of the MDD Local Plan and CP9, CP11 and CP17 of the Core Strategy. There is an in-principle conflict with policy CC02 of the MDD Local Plan and CP9 of the Core Strategy because the site is outside of established development limits. Both policies refer to directing development within the defined settlement limits. Moreover, there is a conflict with policy CP11 which states that developments within designated countryside will not normally be permitted unless the proposal meets one of the seven exceptions noted within the policy text.
19. The proposal is for 43 residential units and a retail unit (supermarket/food store) that would not fall within any of the specified exceptions since the site cannot be considered a rural exception site due to its location adjoining a major settlement boundary and whilst a food store may be considered a community facility, this is a town centre use that does not essentially require countryside land and as such, the proposed development of a retail unit will be contrary to policy CP11. Moreover, the proposal would result in hitherto undeveloped Greenfield land being used permanently for commercial and residential purposes with associated hardstanding, parking, and residential paraphernalia, thus introducing built form into the open space in the countryside. As such it would result in excessive encroachment and expansion of development within countryside and will be contrary to part 2 of CP11. None of the

other parts are considered applicable to the application and on this basis, the proposal does not comply with policy CP11 of the Core Strategy.

20. In their cover letter submitted as a response to the original consultee comments, the applicant has stated that, *“the application site, being located adjacent to a Major Development Location, would have only limited harm to the overarching strategy established in the development plan and that whilst the site is currently designated as countryside, development would not compromise the physical or perceived separation of Earley with other settlements”* (page 3). It is to be noted that the intent of policy CP11 is to *“protect the separate identity of settlements and maintain the quality of the environment”*. This is consistent with the requirements of the NPPF which states that policies and decisions should contribute to and enhance the natural and local environment. Whilst it is acknowledged that the proposal would not result in coalescence of two different settlements, it will nonetheless result in harm to the quality of environment, even if the harm is considered moderate. As such, the proposal would not ‘maintain’ or ‘enhance’ the character and appearance of the area. Consequently, the proposal is clearly contrary to the spatial strategy and its underlying aims and objectives.
21. In addition to being contrary to the intent of the current development plan, the proposal would not be sympathetic to the original master plan of Lower Earley. As noted in the planning history section above, the original lawful use of the land was open space, and the landowner has not demonstrated any other use of the site. Whilst there is a breach in the original legal agreement relating to the landownership, this has not resulted in the change of lawful use of the land. The land has never been allocated for development – it was quite clearly proposed to remain as open space in the original master plan, a land use that has been recognised and respected in all subsequent development plans. Indeed, the land has been offered protection in the form of ‘countryside’ designation in the current development plan even when it adjoins a major development location.

- **Open Space and Green Infrastructure:**

22. The existing lawful use of the application site is amenity open space, and the applicant has not provided any evidence to show that the site has not been used for this purpose for last 10 years. A breach of the s.52 legal agreement relating to landownership itself does not confirm change of use. Consequently, for the purpose of the current application the site is considered an amenity open space, albeit privately owned. Additionally, the site was classified as amenity greenspace in the Open Spaces Assessment (2012). The proposal would result in the complete loss of the open space.
23. In paragraphs 1.9 and 5.1 – 5.4, the applicant has argued that the Open Spaces Assessment has erroneously identified the site to be owned by the Council and that there has been breach in the original legal agreement relating to the landownership. Consequently, the applicant argues, the site is not publicly accessible and is not used for the purpose of recreation and amenity.
24. Whilst it is acknowledged that the site has always remained in private ownership, that does not mean that there is a breach in the original planning condition and that the site is not an amenity greenspace. The site was allocated for open space purposes in the original master plan, and it remained publicly accessible open space until December 2020 when the current landowner secured the site by erecting boundary fencing, thus

preventing public access. The original condition is a material consideration and the lawful use of the site, for the purpose of the current application, is considered to be amenity open space.

25. Policy CC03 of MDD Local Plan is a cross-cutting policy that would apply to most, if not all types of developments. Policy CC03 – “Green Infrastructure, Trees and Landscaping” states that:

“2. Development proposals should demonstrate how they have considered and achieved the following criteria within scheme proposals:

- a) Provide new or protect and enhance the Borough’s Green Infrastructure networks, including the need to mitigate potential impacts of new development*
- b) Promote accessibility, linkages and permeability between and within existing green corridors including public rights of way such as footpaths, cycleways and bridleways*
- c) Promote the integration of the scheme with any adjoining public open space or countryside*
- d) Protect and retain existing trees, hedges and other landscape features*
- e) Incorporate high quality, ideally, native planting and landscaping as an integral part of the scheme.*

3. Development proposals which would result in the loss, fragmentation or isolation of areas of green infrastructure will not be acceptable”.

26. The site performs an important function as part of a wider green corridor running along the route of Lower Earley Way (B3270), comprising an extensive linear strip of trees and hedgerows which form a natural buffer between existing residential and the main road (B3270). The site also forms wider linkages with other areas of greenspace along Lower Earley Way, notably Pearman’s Copse Local Nature Reserve and Red House Close Public Open Space. The development proposal would result in the fragmentation or loss of existing areas of green infrastructure and existing trees and hedgerows in this area, contrary to criteria (3) of Policy CC03 in the MDD.

27. MDD Local Plan policy TB08 states that proposals for development that could lead to the loss of open space will need to be consistent with the NPPF. Paragraph 99 of the NPPF 2021 states that:

“Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a) An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- b) The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- c) The development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use”.*

28. The Planning and Retail statement includes an assessment of open spaces within wider Lower Earley area to claim that there is ample public open space provision within the Lower Earley area and there are no policy constraints regarding the application site’s use for other purposes. However, this assessment does not justify the loss of

open space in terms of per capita requirement and if this land is surplus to requirements as required by paragraph 99a of the NPPF. Additionally, the use of the site for any purposes other than recreation and open space is restricted by the condition 12 of original permission and current development plan limits development on the site by designating it as 'countryside'.

29. Appendix 1 of the Planning and Retail Statement includes table A1.1 which presents a 'traffic light' assessment of the application site as well as other amenity spaces within this area. The application site has been marked amber for maintenance (previously overgrown), and red for lack of play equipment, presence of walkways, presence of lighting and public accessibility.
30. The assessment suggests the site is not valuable as a greenspace because is it unused and not managed. The Council disagrees with this assessment. The idea that well designed housing in a manicured landscaped setting should be used as a remedy for lack of agricultural/ natural management is contrary to the recommendations contained in Wokingham Borough Landscape Character Assessment (2019) which states in its 'landscape guidelines': Encourage appropriate management of grassland by grazing. In addition to the land maintenance, the table attributes adjoining Swallows Meadow 'presence of walkway' in green since, "*No walkways but grass was well trodden and informal walkways were clearly visible*" and public accessibility is marked in green as well.
31. The current application site was publicly assessable until recently and had displayed features similar to Swallows Meadow in terms of walkways, as confirmed by Google Earth image from April 2020 (figure 1 below). Informal walkways are clearly visible, providing evidence of public access and regular use, and this is also clearly evidenced by the numerous comments received from local residents on this point. As such, the methodology used to reach the conclusions in the open space assessment is inconsistent.



Figure 1: Informal walkways within the site (source: Google Earth, image date April 2020)

32. The site is 2.3 ha in area, all of which currently falls within open space category. The proposal includes provision of 4,574 sq. m of multifunctional open space. This would be approximately 20% of the original open space resulting in total loss of approximately 1.9 ha of greenspace. Even if it is considered that the manicured landscape, as proposed as a replacement, is of better quality compared to the existing, it would not be equivalent or better in terms of quantity contrary to part b) of paragraph 99 of the NPPF.
33. Finally, the proposed development is not for any alternative sports and recreational provision and the proposal is clearly contrary to paragraph 99c of the NPPF. It is considered that the proposed development is contrary to both the NPPF as well as to policies CC03 and TB08 by extension and is unacceptable in principle.
34. Although not for consideration as part of this planning application, it is noted that an application has been made to record a public right of way over the site. Any application for Public Right of Way is made and determined outside of the planning application process.

- **Sustainability:**

35. Policies CP1, CP4, CP6, CP9 and CP11 of the Core Strategy permit development where it is based on sustainable credentials in terms of access to local facilities and services and the promotion of sustainable transport. Expanding on this, paragraph 4.57 in the Core Strategy aims to prevent the proliferation of development in areas away from existing development limits as they are not generally well located for facilities and services and would lead to the increase in use of the private car.
36. Paragraph 79 of the NPPF states that housing should be located where it will enhance or maintain the vitality of rural communities and Paragraphs 104, 105, 110 and 112 seek to ensure the growth of sustainable transport in managing development and approval of planning applications. More specifically, paragraph 110 of the NPPF seeks to promote sustainable travel in decisions with consideration of:
 - a) *The opportunities for sustainable transport modes that have been taken up depending on the nature and location of the site to reduce the need for major transport infrastructure;*
 - b) *Safe and suitable access to the site that are achieved for all users;*
 - c) *The design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and*
 - d) *Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.*
37. This is reinforced in Paragraph 124, which refers to the “*availability and capacity of infrastructure and services...and the scope to promote sustainable travel modes that limit future car use*”.
38. In this instance, the site is located outside settlement limits within designated countryside but adjacent to major development location of Lower Earley which is considered a sustainable location in terms of availability of infrastructure and local facilities. There is a bus stop on Chatteris Way, within 100m from the proposed access

to the residential area. The major supermarket ASDA is located within 1.1km of the site and other facilities such as schools, medical practices and recreational facilities are available within walking distances.

39. A Transport Assessment (TA) has been submitted to support the application which includes walking distances and journey time from the proposed residential access point at Chatteris Way to key services and amenities. This show that most of the services and amenities will be within acceptable walking and/ or cycling distances. WBC Highways officers have reviewed the TA and whilst Highways have not raised any objection to the proposal on sustainability grounds, they have pointed out that the issues relating to the feasibility of upgrading the existing bus stops have not been resolved. On this basis, the Highways have objected to the proposal. This is further elaborated later in the report.

- **Retail Development:**

40. In addition to the residential units, the proposal includes a large food store of approximately 2,175 sq. m of footprint. A food store is classified as E use in the Use Classes Order (as amended 1 September 2020). This is a main town centre use as defined in Annex 2: Glossary in the NPPF.
41. Core Strategy Policy CP13 provides a hierarchy of town and local centres and states that the roles of all existing and new retail centres will be protected and maintained. The policy also states, amongst other things, that development will be permitted where it supports the vitality and viability of town centres and that new retail centres that will not impact upon existing retail centres may be designated through the Local Development Framework. The current application site is 'outside the defined Wokingham major town centre or the small town/district centres or local centres' and has not been allocated for development in the current development plan. Consequently, the site is not considered appropriate for town centre and retail development and the proposal is contrary to the development plan.
42. MDD Local Plan policy TB16 requires that district Centres in Arborfield Garrison, Lower Earley, Shinfield Road (N of M4), Twyford, Winnersh and Woodley should complement Wokingham Town Centre by providing for main and bulk convenience food shopping. It is also a requirement of TB16 for proposals for retail uses including extensions of 500 sq. m (gross) or above outside the primary shopping areas to satisfy sequential test and retail impact test. Similarly, paragraph 90 of the NPPF is clear that the provision of additional retail floorspace should be supported by an impact assessment and specific requirements, in particular criteria (b), to ensure development proposals do not have any significant adverse impact on town centre viability and vitality, including local consumer choice and trade in town centre and wider retail catchment.
43. The current application is supported with a sequential test and retail impact test as required by policy TB16. The assessment covers an approximately 1.5-mile radius (2.4km) from the site, which covers Maiden Place Local Centre, Lower Earley District Centre, Silverdale Road Local Centre, Shinfield Road Local Centre and Winnersh District Centre. In addition, the assessment has also considered the planned retail provision within the South of the M4 Strategic Development Location (SDL).
44. The Lower Earley District Centre provides the majority of retail options within the area, and it is expected that most of the future retail expansion is accommodated in and

around this district centre. A large plot of 1.31Ha area in Chalfront Way and adjacent to the District Centre has been allocated for a mixed residential and retail use in the current MDD Local Plan. Whilst this site would have been more appropriate for the retail development, that site does not appear to be deliverable in short term.

45. In addition to this, a retail unit is proposed as part of South of M4 SDL proposal. In paragraph 6.50, the applicant stated that this allocated site is south of M4 and hence, it was not considered to fall within the Lower Earley catchment. This assessment is contested. There is a vehicular link between the application site and the proposed SDL centre via Lower Earley Way and Black Boy Roundabout which is an approximately 8 minutes journey. As such, for the purpose of defining the catchment, the M4 is not considered a barrier that would stop shoppers from one area to another. Moreover, paragraph 4.65 of Core Strategy states that it may be appropriate for some of the 2,000 sq. m likely convenience needs for Earley to be provided within the SDL proposed under policy CP19 (South of M4 SDL). As such, it is clear that the appropriate retail facilities, as included in policy CP19.3 had already considered part of Earley and Lower Earley in the catchment and this has not been recognised in the retail sequential test.
46. In addition to the sequential test, the planning and retail statement also provides a retail impact assessment of the proposal to demonstrate the existing town centre's vitality will not be impacted by the proposed scheme. The assessment relies upon the understanding that the proposed retail unit will be operated by Lidl. It is to be noted that planning permission is sought for the use only and there is no mechanism to ensure that the store will be operated by one particular supermarket chain in the future.
47. The retail impact assessment expects that the main impact of the proposal would be on Lower Earley District Centre which will face approximately 6% trade diversion to the proposed store from the town centre. It is also stated that most of the trade diversion from the District Centre will be focused on the Asda store. Asda store appears to be trading significantly (44%) above benchmark turnover levels according to the retail assessment report. Consequently, the applicant argues, the reduction to 39% will not have any significant impact on the viability and vitality of Lower Earley Town centre.
48. One of the key aspects of town centre development is linked trips to ensure vitality of the centre. Lower Earley Town Centre offers linked trips to other town centre outlets and to other areas such as Loddon Valley Leisure Centre, Lower Earley Library, Lower Earley Community Centre and Trinity Church. The diversion of trade from the town centre retailers is likely to impact on other more specialist shops and services but also will result in additional trips. The retail impact assessment is silent on these issues.
49. Most importantly, a superstore is not an essential rural business or a community service that cannot be accommodated within development limits or would require countryside land for its operation. Consequently, the proposal is not considered to comply with policy CP11 and is unacceptable in principle.

- **Emerging Local Plan:**

50. The Local Plan Update is at a relatively early stage of preparation. Public consultation of the Draft Local Plan under Regulation 18 is currently taking place. The Draft Local Plan sets out the proposed spatial strategy for development within the borough to 2036, including proposed site allocations and draft development management policies.

51. The application site has been promoted by the University of Reading, who are understood to be the previous owners, for residential development. The application site has also been nominated as part of a wider promotion by Earley Town Council and the Earley Environmental Group for consideration as a Local Green Space designation. In the current Regulation 18 public consultation, the site is proposed as part of Lower Earley Meadows Local Green Space Allocation.
52. The Local Plan Update is currently under public consultation and attracts very limited weight in determination of the current application.

- **Conclusion**

53. By virtue of introducing mixed residential and retail developments on hitherto undeveloped Greenfield land within designated Countryside, the proposal would result in excessive encroachment of countryside and expansion of development contrary to policy CP11 of the Core Strategy. By virtue of the loss of amenity greenspace the proposal would result in the fragmentation of existing areas of green infrastructure, and loss of existing trees and hedgerows would have a detrimental impact on the quality of environment contrary to Policy CP1 and CP3 of the Core Strategy, CC03 and TB08 of the MDD Local Plan, and paragraph 99 of the NPPF. The retail development has not considered all available alternative sites as well as linked trips that are essential for the vitality of town centre contrary to policies CP13 of the Core Strategy and TB16 of the MDD Local Plan. The proposal does not comply with both Wokingham Development Plan policies as well as key planning principle of the NPPF and is unacceptable in principle.

Character of the Area:

54. The application site is on undeveloped Greenfield land within designated countryside and the relevant policies in the development plan and the NPPF refer to the requirement to maintain and/or enhance the quality environment. Whilst some of the Local Plan policies are worded differently the meaning and intent is the same.
55. Policy CP1 of Wokingham Core Strategy states that developments should maintain or enhance the high quality of the environment. Policy CP3 states proposals will be granted where they 'are of an appropriate scale of activity, mass, layout, built form, height, materials and character to the area'. Section R10 of the Borough Design Guide states the assessment of an appropriate density must be design-led as well as considering the number of units per hectare, to ensure that development relates well to local character, including the space around and gaps between the dwellings.
56. The site is Greenfield land with no previous agricultural history and was allocated for open space and recreational purposes in the original master plan. According to Natural England, the western half of the site includes priority habitat of deciduous broadleaved woodland and the site falls within habitat network enhancement zone.
57. The proposed scheme includes two distinctive uses within two sections of the site – residential use in the western half and retail use in the east. Whilst a pedestrian link is proposed between these two sections, an amenity green space clearly separates the two uses. Also, the visual and spatial characters of the two proposed areas are significantly different. Consequently, different parts of the proposal will have different impacts as well as a cumulative impact on the character of the area.

Residential Development:

- **Density:**

58. The site is located outside of the settlement boundary of Lower Earley and within designated Countryside. Policy CP5 of the Core Strategy and Policy TB05 of the MDD Local Plan require an appropriate dwelling density for all residential proposals. Moreover, page 39 of the Borough Design Guide SPD provides specific guidance relating to design of proposals in these areas.

“Development proposals at the edge of a settlement or large areas of open space must generally aim to soften the edge and to create a transition between built up areas and the countryside or such open space. In these locations landmark buildings are unlikely to be appropriate”.

59. The transition between built-up areas and open countryside is generally design-led as well as considering the number of units per hectare (i.e., residential density), to ensure that development relates well to local character. Design parameters include the height, bulk and massing of buildings, the space around and gaps between them and the space required for parking.
60. The existing densities in the neighbouring areas vary from 21 dwellings per hectare (dph) in Witcham Close to 25.5 dph in Bassett Close – both part of the original Lower Earley development. The current scheme proposes 43 units across approximately 1.2 hectare area that would result in a significantly higher density of 34.4 dph compared to the surrounding residential developments. This level of density would not be reflective of the edge of settlement transitional character of the site and is unacceptable. The increased level of residential density manifests in harm to the character of the area, which is further discussed below.
61. MDD Local Plan policy CC02 requires development proposals on edge of settlement to be less dense compared to the surrounding built-up area in order to provide appropriate transition between settlement boundaries and open countryside. The proposed density being higher than the neighbouring residential development would fail to provide appropriate transitional character and would be harmful to the general character of the area. A lower density of development would have allowed for greater areas of planting so that the houses tie in more sympathetically to the natural surroundings. An example of this is set out in the Borough Design Guide where ex-woodland areas have sparser densities so that mature trees are included on plots, rather than being limited to the margins of the site. As such, the proposal does not conform to the pattern of development of the area in terms of density and does not provide adequate space for the required infrastructure and retain and protect trees to suit its countryside/ edge of settlement location. This will be elaborated further later in this report.

- **Design, Layout, Form and Scale:**

62. In terms of building design and height, the surrounding residential estates of Bassett Close, Witcham Close and Chatteris Way include two storey dwellings of varying types (detached, semi-detached and terraced properties). Whilst there is a mix of unit types, all existing properties, nonetheless, are houses and the prevailing heights of the

buildings vary between 7 – 7.5m. On contrary, the proposal includes dwellings of ridge heights between 8.8m and 9m that will be significantly higher than the prevailing building heights of the neighbouring area. Moreover, the large block of flats near the southwest corner will be 11m in height and 20.7m at the widest point. Whilst the width of this building is comparable to the existing terraced properties within the neighbourhood, the overall footprint, bulk, mass, and height will be clearly at odds with the modest residential designs of the surrounding residential estates and will be out of keeping with the character of the area.

63. In addition to the excessive height, bulk, mass, and footprint, the apartment building will be away from the existing settlement boundary and closer to the main arterial road and open countryside. The building will also be closer to the woodlands at adjoining Swallows Meadow. The visual impact of this building is graphically illustrated in Perspective View 02 which indicates the potential effect on views from adjoining woodlands within the public open space. The apartment block would not only be prominent in the views from the west, but also will occupy 75% of the site's width at this point. Consequently, the building will appear as an unrelenting and dominating built form that will fail to promote good residential design without additional material changes and attractive small scale domestic features to break down the monolithic appearance.
64. It is to be noted that the development within Lower Earley is introvert in character with little or no frontage development along the Lower Earley Way. By introducing significantly higher mass, bulk and height closer to the main arterial road, the proposed block of flats would not only be contrary to the transitional character of the wider area but will also be highly visible from the public footpath along B3270 due to general reduction of vegetation screening as part of the proposed development. The apartment block along with other dwellings would appear as intrusive features and would fail to soften the hard edge of urban areas to the north and within settlement limits contrary to recommendations contained in the Borough Design Guide. Furthermore, since all new dwellings will be significantly higher than the existing dwellings the development will be conspicuous from public vantage points in Lower Earley Way, Meldreth Way, Chatteris Way, Bassett Close and from private gardens of surrounding properties and will disrupt the views towards open countryside to the south from existing residential estates.
65. In terms of layout, the proposal is designed in a cul-de-sac formation similar to the surrounding estates. However, unlike the fluid layout of existing estates that was developed around a central open space, the application layout has resulted in the site being compartmentalised between tight blocks of development and green areas, particularly near the southeast corner. The layout treats the dwellings as isolated objects sited in the landscape and not as a part of larger fabric of viable open spaces. Two main amenity areas are physically separated by the main driveway and other than a footpath requiring two road crossings, there is no structural or pedestrian link between the amenity spaces. The amenity areas appear after-the-fact cosmetic treatment and not as an integral part of the whole site planning.
66. This layout along with the significantly higher residential density and significantly taller buildings would result in a tight grain of development with limited scope for any significant planting in the front and rear gardens. There are green areas enveloping the housing segment, but these are pushed to the margins of the site. Consequently,

the proposal appears as new housing estate dropped onto the middle of the site rather than assimilating into the landscape.

67. Most of the dwellings will have very small front gardens and also hard surfacing would dominate the front of some of the houses (Plots 3 – 7, 9 – 10, 14 – 18, 23, and the apartment block). This will be in contrast with the general spacious and open character of the surrounding estates. Whilst some landscaping is possible in the residential part of the site, this would be limited due to lack of space.
68. Overall, the proposed residential development would have a detrimental impact on the character and appearance of the area by reason of the development of greenfield site in the countryside and the creation of a tightly laid out development. This objection is set out further in the landscape section of this report.

Retail Development:

69. The proposed retail unit will be a single block of 2009 sq. m footprint and 7.10m of height. This will be a 'box development', typical of a large-scale retail unit with associated car parking and will have little relationship with surrounding residential estate typologies. The neighbouring residential estates of Witcham Close and Chatteris Way form a separate typology of peri-urban fabric with finer grain. The existing residential gardens will occupy the northern boundary of the store and gardens of proposed units will be located to the west. The roundabout between Lower Earley Way and Meldreth Way will touch the site at the southeast corner.
70. Section S2 of the Borough Design Guide requires that, "*It is important that new developments should be well integrated into their surroundings to ... create or reinforce a positive local identity or 'local distinctiveness'*".
71. The existing residential estates branch from primary residential streets and are characterised as informal suburban in section 3B of the Borough Design Guide SPD. The sense of homogeneity that links the residential developments within Lower Earley is clearly perceivable and represent the residential typology of 1980s. In this immediate context, the proposed Lidl store, by virtue of its excessive footprint, bulk, and mass would appear starkly out of keeping. Moreover, the scale of the building is such that it would be seen from further away, particularly from B3270 Lower Earley Way while travelling in both directions. The building will also be visible from Meldreth Way as well as residential gardens of surrounding properties. The visual impact would be exacerbated by extensive hardstanding to the front, that would be required for the associated parking provision. Proposed manicured landscape near the southeast corner would do little to mitigate for the overall bulk, mass and hardstanding and there is not much space available for additional landscaping.
72. Moreover, by virtue of its bulk and height, the retail store will be tantamount to a 'landmark' building. The site is an edge of settlement plot within designated countryside and section R9 of the Borough Design Guide states that edge of settlement locations are inappropriate for landmark buildings since these will fail to respect the transitional character of the area. The proposed retail store would not only be contrary to this recommendation but also would appear alien within the streetscene of Lower Earley Way which does not have any physical development along the stretch between Danehill Way industrial estate to the west and Winnersh Garden Centre to the east. The retail unit along with residential dwellings will be highly visible, particularly in winter

months when the deciduous trees will shed leaves reducing foliage screening and will appear an island of highly urbanised area surrounded by verdant open countryside on south and east and established woodlands to the west. This will not only negatively impact the sylvan character of the area but also will result in fragmentation of the existing green 'corridor' along Lower Earley Way negatively impacting the visual amenity.

73. Paragraphs 4.2 and 4.3 of Core Strategy state that, "*the community values the high quality of the environment within the borough*" and "*Proposals that enhance the quality of the environment of the borough could include those that improve the openness of the areas outside of development limits defined under Policy CP9*". The current proposal would result in loss of existing open greenspace and will introduce high density residential as well as significantly large retail unit within designated countryside resulting in loss of openness of areas outside of development limits that will negatively impact the high quality of environment.

- **Conclusion:**

74. Policy CP3 requires optimisation of site capacity through a design-led approach whilst "*without detriment to the amenities of adjoining land users including open spaces or occupiers and their quality of life*". By virtue of its introduction of unsympathetic design, layout, density and quantum of development including extensive hardstanding within hitherto undeveloped Greenfield open land, the proposal would be alien to the established grain of development that would have a detrimental high intensity urbanising impact on the verdant landscape and the character and visual appearance of the area. By virtue of its introduction of residential and retail blocks that will be taller than the existing houses within the surrounding estates, the proposal would disrupt the transition from built-up areas of Lower Earley into open countryside to the south, negatively impacting the openness of the area outside of development limits. The proposal will not enhance or maintain the quality of environment contrary to policies CP1, CP3 and CP11 of the Core Strategy; CC03 and TB21 of the MDD Local Plan; core planning principles of the NPPF including Section 15 and recommendations contained within the Borough Design Guide.

Landscape and Trees including Landscape Visual Character:

75. The site is located within the countryside and forms part of a larger open undeveloped landscape buffer to the settlement edge of Earley along Lower Earley Way. This wider strategic landscape feature contains a mix of open informal and formal green spaces with considerable blocks of tree planting contributing to the wider landscape structure. The site itself contains some diverse unimproved grassland with a mix of broadleaved deciduous woodland and scrub some of which was cleared at the end of 2020. A proportion of the buffer planting on the site boundary adjacent to Meldreth Way and Lower Earley Way is outside the red line boundary on highway land, and along with significant areas within the site, these areas of tree planting have now been protected by an area TPO (1763/2020).
76. A Design and Access Statement (DAS) dated April 2021 has been produced by DHA Architecture which provides details of the proposed scheme, and context and design principles. Additionally, a Landscape and Visual Impact Assessment (LVIA) was undertaken to support the application. The site is located within designated countryside and forms parts of a wider landscape structure. Neither the DAS nor the findings within

the LVIA demonstrate how the scheme has been developed to reflect the wider character.

77. Wokingham Borough Landscape Character Assessment (WBLCA), November 2019, identifies a number of different landscape character areas (LCA's) across the Borough and provides key information regarding each of the LCA's. The site falls within landscape character area A2: Loddon River Valley. This area occupies the flat alluvial floodplain of the River Loddon and its tributaries the Broadwater and the Blackwater. The landscape is characterised as an agricultural landscape of irregular fields, with large scale arable fields on better drained areas and small-scale wet meadows on frequently flooded land adjacent to the river. A2 is a largely peaceful area, disturbance comes from major roads which cross the floodplain including the M4, and adjacent developments in Earley, Winnersh, the expanding settlement of Shinfield and new Science and Innovation Park.
78. The WBLCA provides a number of valuable landscape attributes for LCA A2, many of which relate to the more rural part of the river valley; however, several do relate to this site and the adjacent landscape beyond the settlement boundary. These are:
- *The naturalness of the meandering course of the River Loddon and wide floodplain landscape which provide a strong sense of place.*
 - *The wooded backdrop of mature broadleaved woodland copses and natural riparian corridors including ancient woodland which provides scenic quality and a sense of place, as well as framing views across, into and out of the area.*
79. The edge of Lower Earley generally corresponds to the edge of the floodplain with the landscape buffer to the settlement reflecting the wooded valued landscape attribute of LCA A2. The B3270 passes through this space and the character of the road is heavily influenced by the vegetation within the river valley by providing a tree lined route which is visually and physically separated from the settlement edge. This is a particularly important and defining characteristic of the local area and the site.
- **Landscape & Visual Impact Assessment (LVIA):**
80. As the site is located outside the settlement boundary within the countryside, Policy TB21 requires that proposals must demonstrate how they have addressed the requirements of the Council's Landscape Character Assessment, including the landscape quality; landscape strategy; landscape sensitivity and key issues, and this is required to be addressed through undertaking a LVIA which is also expected to help inform and develop site design.
81. The application is accompanied by a Landscape and Visual Impact Assessment dated May 2021 by Aspect Landscape Planning. The assessment over emphasises the effects of the existing urban character and transport corridors on the setting and character of the site. The site is very well enclosed by the existing vegetation with no built development within the red line and therefore contributes to the Loddon River Valley landscape character area rather than the existing settlement boundary which is not visible from the B3270 through the site. The M4 corridor does form an intrusive element in part, however the motorway close to the site is at grade and not on embankment, therefore there are longer views over the motorway creating a visual connection to the woodlands and trees beyond the M4 in the Loddon River Valley.

82. The LVIA states that this landscape is not a valued landscape with reference to the definitions within the NPPF, however WBC have produced a Valued Landscape Topic Paper (January 2020) to support the emerging Local Plan which identifies the Loddon Valley as a valued landscape. The introduction for the Loddon Valley Valued Landscape, describes the following:

“Although bisected by the A329(M) and two railway crossings, it represents a significant green and blue infrastructure corridor running diagonally across the southern half of the borough. It is valued for its character and appearance, biodiversity, history, perceptual qualities, recreational value and associations”.

83. The application site falls on the edge of the area identified as the Loddon Valley Valued Landscape and contributes to the setting of the river valley with the open undeveloped landscape buffer to the settlement edge of Lower Earley forming a transition zone to the more rural character beyond. It is therefore considered the site’s value and contribution to the wider landscape is **moderate** and not low as stated in the LVIA.
84. It is important to note that a significant groups or areas of vegetation within the site will need to be removed to accommodate the residential development and the food store. Of note the following areas of trees will need to be removed: a large proportion of the existing boundary vegetation adjacent to the roundabout, highway trees either side of the entrance to the food store, and the majority of vegetation within the site up to the red line boundary, all of which are protected by a TPO. Therefore, the retention of existing boundary vegetation that is being discussed within the LVIA is mainly all outside the red line boundary, and therefore outside the control of the applicant.
85. The LVIA lists a number of landscape proposals that will be incorporated into the scheme to help mitigate for the loss of existing vegetation and proposed built development, however it is not clear how these aspirations can be achieved as proposed development extends across the majority of the site and often up to the site boundary leaving little or no space for the strategic or structural landscape planting apart from in the areas identified as open space.
86. As part of the section on the assessment of effects, the LVIA states that a landscape-led approach to design development has been undertaken (para 5.7), however it is not clear how this has been carried forward through the design process as the proposal does not offer a coherent landscape structure. Instead, landscape appears almost as an afterthought where open spaces have been pushed to the boundaries and the landscape proposal does not read as a visually and spatially connected public environment.
87. The effects of the development on landscape character, both locally and in the wider landscape setting will be out of character with the open undeveloped landscape buffer to the settlement edge of Earley and transition zone to the setting of the river valley which this site contributes to in a positive way. The LVIA considers the character of the site as urban fringe – this assessment is contested. As noted before, due to its open character and presence of significant number of existing vegetation, the site contributes to the Loddon River Valley landscape character area rather than the existing settlement boundary. The inclusion of the landscape proposals associated with the development as set out in the LVIA will not provide appropriate mitigation for the development as there is insufficient space to mitigate impacts let alone enhance the character as suggested.

88. A visual assessment of the effects of the development has also been undertaken. Views selected are from public viewpoints directly adjacent to the site. Medium and long-distance views were assessed (views 9 & 10) but due to the intervening vegetation from the south in the Loddon Valley these are considered not to be affected by the proposals, which is accepted. The other viewpoints demonstrate the site is currently well screened by substantial boundary vegetation and there are very limited views into the site. The trees and scrub within the site and on the highway land outside the red line boundary provide a layering effect so that during the summer months there are very limited or no views into the site from outside the site boundary. As previously discussed, the proposals require extensive areas of vegetation removal and therefore this will have a significant impact on the views especially in relation to viewpoints 3, 6 and 7 where two entrances into the site will be created requiring the removal of large groups of trees. The removal of boundary vegetation adjacent to the roundabout will allow direct and open views to the food store and associated car parking.
89. The assessment for viewpoint 6 states that the landscape proposals will establish an attractive landscape entrance to the scheme, however the Landscape Strategy Plan (attached to the LVIA) indicates no such proposal, with direct and open views to the food store. Two small trees at the end of the parking spaces, as shown on the extract below (figure 2), are not adequate to create an 'attractive entrance', and no replacement planting is shown on highway land. Moreover, it is also proposed to extend the existing public footpath and cycleway to the front of the site requiring further clearing of vegetation from highway verge. Overall, the proposal will not enhance the viewpoint 6.



Figure 2: Proposed landscape near the main entrance (source: submitted drawing numbered 7354.LSP.3.0E by aspect landscape planning)

90. The combination of the loss of vegetation, and views of the proposed development will have a higher magnitude of change than is currently assessed. Views from the adjacent residential areas (view 2, 4 & 5) will also be affected by the proposed development due to loss of vegetation within the site in combination with the location of the proposed dwellings and food store. One example is from viewpoint 2, where currently the view into the site from Bassett Close is of the woodland block surveyed

as G16, this is a mix of tree species up to 15m in height of young to semi-mature trees and are protected by a TPO. The proposals require a significant proportion of this tree group within the site to be removed up to site boundary, thereby removing any effective screening of the proposed development which the LVIA appears to rely on as being intact. From inside the site the flank wall of 9 Bassett Close is hardly visible due to the extent and density of G16 as shown in the photo below (figure 3).



Figure 3: View from inside the site looking towards 9 Bassett Close (source: officer site visit photo)

91. The removal of this group and the location of the apartment block 3m of the site boundary will have a **medium** magnitude of change in relation to this viewpoint rather than low magnitude of change as identified in the LVIA leading, to a **moderate / high** significance of effects on the change of view from this location.
92. In paragraph 6.9 of the LVIA it is stated that, *“Overall, the Site is considered to be visually well contained. The Proposals have been developed in such a way to retain the majority of the existing boundary vegetation to maintain the enclosure of the Site and therefore limit the majority of views into and over the Site to no more than minor glimpsed views”*. The Council contests this assessment.
93. As stated previously, the majority of boundary vegetation to be retained is outside the red line boundary and therefore not in control of the applicant, with the majority of the remaining vegetation within the site to be removed and shown on the Tree Protection Plan. The removal of areas of existing screening and boundary vegetation will significantly open up views into the site from various locations which will be more than just the ‘glimpsed views’ as quoted above and in viewpoint locations 3, 6 & 7 there will be direct and open views of the development.
94. Vegetative screening of whatever type cannot be relied on in the longer term as the impact of age, catastrophic weather, disease or malicious removal will gradually reduce the effectiveness of this type of screen. Moreover, the planting can itself appear intrusive and would negatively impact the character and appearance of the sylvan landscape. In any case a recent appeal decision is clear that unacceptable development cannot be made acceptable by screening. As the inspector noted,

...the argument that the development could be screened is not a good one in principle; it could be repeated too often to the overall detriment of the local landscape. (APP/X0360/C/16/3142135 para 55).

95. As such, the solutions offered in the LVIA would not be acceptable due to insufficient space within the layout for replacement and additional structural planting and the proposal would appear as a dominant feature that will erode the open and verdant character of Lower Earley Way, the wider landscape buffer to the edge of Lower Earley and the landscape transition zone on the edge of Loddon Valley Valued Landscape. This is contrary to Core Strategy policy CP3 and Local Plan Policies CC03 and TB21.

- **Landscape Design:**

96. Key issues identified with the proposed landscape design are:

- Location of parking for both the food store car park and residential scheme abutting the site boundary, thereby not allowing any space for a buffer between the off-site vegetation to be retained and the development, and for additional mitigation planting to strengthen the off-site tree belts.
- Distinct lack of street tree planting (or the space for street trees) although it is clearly indicated in the DAS that the structural landscaping within the street scene is a design principle.
- Lack of meaningful front gardens does not offer opportunities for landscaping to be incorporated to soften the building hard edges.
- Gardens of plots 25 – 28 backing onto the limited boundary vegetation to be retained. Due to the limited length of gardens, it is likely that there will be pressure to remove any vegetation retained on this boundary especially as the existing vegetation encroaches into approximately one third of the garden depth, thereby decreasing the viability of the garden.
- Whilst green-blue infrastructure is mentioned in the DAS, it is not clear how that translates into the landscape design. It appears from the Proposed Drainage Layout sheets that the SuDS will be mainly a piped solution from permeable and impervious surfaces into underground surface water attenuation tanks. A proposal of this magnitude should propose an integrated and multi-functional approach to ecosystem services and SuDS for both amenity and biodiversity, in accordance with the CIRIA guidance and the Wokingham SuDS Strategy (January 2017). Both guidance documents advocate that a SuDS train should start within the development parcels themselves with on plot or very locally based treatments (site control), such as rain gardens, filter strips or swales for example which then lead to regional control features. At the very least the exiting open drainage channel should be retained as open, rather culverted, and enhanced to create integrated green-blue infrastructure within the site. These solutions have not been considered in the proposed landscape design.

97. In terms of landscape useability, the proposal will result in a large amount of anti-space which is an important spatial typology within the contemporary urban design practice. Anti-space or 'lost space' is an unused land which is usually neglected by end users for various reasons. One key element of such anti-space within the proposed

development is the open space proposed between the retail unit and residential area. This space will not benefit from any passive surveillance since nearest residential property at plot 10 will not have any side windows. Moreover, this space is located at the rear of the retail unit near the delivery bays. Consequently, not many shoppers will be near this area and visual link from the front of the site will be broken by the presence of the building itself. Finally, being close to the service bay and the mechanical plan room, this space will be exposed to constant noise disturbance and will not be an attractive outdoor space for regular use. The landscape buffer area surrounding the retail unit will not be used for any purposes. Overall, the proposed landscape in the eastern section of the proposal would gradually decline due to lack of use and result in 'lost space'.

98. By virtue of its requirement of the removal of a substantial number of TPO trees, the proposed development will have a detrimental impact on landscape character of the area, both in terms of the landscape resource and visual intrusion. By virtue of introducing high density suburban development, the proposal will have a detrimental impact on the visual quality of Loddon Valley Valued Landscape. The proposed landscape layout plan will not result in high quality urban environment of appropriate functionality and visual amenity contrary to Core Strategy policy CP3, Local Plan Policies CC03 and TB21, recommendations contained in the Borough Design Guide SPD and section 15 of the NPPF.

Neighbouring Amenities:

- **Overlooking:**

Between existing dwellings and proposed dwellings:

99. The Borough Design Guide SPD states that distance is the most common way to avoid potential overlooking or visual impact. Page 47 of the SPD includes guidelines for separation distances to maintain privacy and limit sense of enclosure. All new developments are expected to comply with these requirements. Figure 4 below shows the Council's minimum privacy and amenity distances guidelines. The SPD also specifies that character and context will also be relevant to the approach in any specific case.

Separation distances to maintain privacy and limit sense of enclosure		
No. Storeys	Type of separation	Min. distance (metres)
1 to 2 storeys (height measured to eaves)	flank to boundary	1
	front to front elevation	10
	back to back elevation*	22
	back to flank	12
Over 2 storeys (height measured to eaves)	flank to boundary	2
	front to front elevation	15
	back to back elevation (houses to houses)*	26
	back to back elevation (flats to houses)*	30
	back to back elevation (upper floor living room on a house above gd. fl.)*	30
	back to back elevation (flats to flats)*	30
	back to flank	15

Figure 4: Borough Design Guide recommended separation distances

100. Proposed dwellings at plots 1 – 5, 25 – 28 and the apartment block will share boundaries with existing properties at Witcham Close, Chatteris Way and Bassett Close. Plots 1 – 5 will back onto the gardens of 7 – 10 Witcham Close all of which are 2 storey dwellings. Most of the existing dwellings include single storey conservatory extensions to the rear which will be less than 20m from the rear walls of the new dwellings. However, the two storey habitable windows of the existing dwellings will have more than 22m separation from the two storey rear walls of the proposed units in line with the BDG recommendations and as such, no overlooking impact is considered. However, from the significantly higher roof height of the proposed units it is considered that any future proposal for creation of habitable units in the roofspace will have to be assessed for overlooking impact. For this reason, a condition restricting permitted development rights under classes B and C of Schedule 2 Part 1 of the GPDO 2015 would have been included should the application be recommended for approval. Issues such as this reinforce the concerns relating to density and overdevelopment of the site expressed above.
101. Plots 25 – 28 will share the boundary with no. 7 Chatteris Way which does not have any habitable windows facing the application site and as such will not have any direct overlooking impact. Whilst the private rear amenity space of no. 7 Chatteris Way will be approximately 17m from the first floor habitable window of plot 25, due to the relative angular siting and presence of boundary vegetation, habitable windows of plot 25 will not have an overlooking impact detrimental to the extent warranting refusal.
102. The apartment block will be sited side by side to no. 9 Bassett Close. Both these units do not have any habitable windows facing each other and consequently no overlooking would occur.

Between the New Units:

103. Whilst the proposal is considered to have an acceptable relationship with existing residential units in terms of overlooking, the second floor dormer of the apartment block

will be located only 12.4m from the front habitable windows of plot 23. This will be significantly less than the recommended 15m separation since the dormer will be more than 2 storey high. Plot 23 will rely on habitable windows to the front for light and outlook, particularly, bedroom 2 that is not served by any other window. Due to the close proximity with the proposed apartment block, the privacy of this room will be severely impacted resulting in poor quality of internal amenity. All other separation distances between the proposed units are considered acceptable.

Between Retail Unit and Residential

104. The retail unit will not have any overlooking impact since it is not proposed to have any windows on northern and western elevations facing the residential dwellings.

- **Loss of Light:**

105. Whilst the proposal will introduce significant bulk, mass and building height, due to acceptable separation distances between the existing dwellings and the proposed scheme, no loss of light impact is considered to arise from the proposed buildings. Notwithstanding, the current scheme proposes additional landscaping including large tree planting along the northern boundary with existing houses. Due to their relative orientation, these trees will overshadow the rear gardens of 3, 4, 6 and 7 Witcham Close as well as the rear gardens of 7 Chatteris Way and 9 Bassett Close significantly impacting their residential amenity.

- **Overbearing and Sense of Enclosure:**

106. Whilst the proposed residential units will be significantly higher than the existing properties, due to acceptable separation distances, no overbearing impact is anticipated.

107. The Lidl store will be located 10m from the boundaries with 4, 6 and 7 Witcham Close and will stretch over 68m along this boundary. With its unrelenting mass, bulk and height the store will block the outlooks and be overbearing to the front and rear gardens of these properties. Additional landscaping along the boundary would contribute to additional sense of enclosure for these neighbouring properties and would exacerbate the overbearing impact.

- **Noise Disturbance:**

108. Paragraph 185 of the NPPF aims to minimise potential adverse impacts resulting from noise from new development. Similarly, Policy CP3 of the Core Strategy aims to protect neighbouring amenity, Policy CC06 and Appendix 1 of the MDD Local Plan requires that development protect noise sensitive receptors from noise impact and Policy TB20 (1)(a) also notes that service arrangements and deliveries should not have a harmful impact on the amenity of adjoining land uses in terms of noise, fumes and disturbance. Particularly, paragraphs 3.92 – 3.96 of MDD Local Plan refers to the following:

Service arrangements, including night time deliveries and collections, can have a detrimental impact on the amenity of adjoining uses and on the highway network, including highway safety and congestion. Whilst the Council recognises the need for deliveries to employment and retail uses it will seek to restrict

movements which could cause a detrimental impact on the amenity of adjoining uses, including residential. This will be through the use of planning conditions.

In the case of new or extended development, the Council will require the access for delivery vehicles to minimise any impact of noise. This may be by providing an access which enables vehicles to turn and leave the site without having to reverse onto a public highway or through limiting times and days when deliveries can be made.

109. The proposed delivery bay will be located near the northwest corner of the Lidl store, within approximately 25m of the nearest existing residential property (7 Witcham Close); 32m of proposed plots 9 – 10; 34.5m of existing property at 6 Witcham Close and 42m of proposed plots 5 – 6. HGV movements will be via Meldreth Way through the front 110m into the service bay.
110. The main sources of noise would be from HGVs entering and leaving the site, manoeuvring near the delivery bay and delivery and loading and unloading activities. This would also include refrigeration equipment, braking, engines, reversing warnings, doors opening and closing, metal cages, roller doors within the building and voices of staff and delivery drivers.
111. A noise assessment report has been submitted which used a distance of 30m from the delivery area to the nearest existing residential properties. This is significantly more than the actual distance of 25m. Additionally, the timing of the assessment is not clear. The WBC Environment Health Officer has recommended restricting the hours of delivery to daytime only to protect acoustic amenity of neighbouring residential properties. However, the bellmouth of the proposed access to Meldreth Way restricts the turning of HGVs without encroaching upon the central lane divider. For this reason, the WBC Highways officers have recommended hours of delivery is restricted to out of peak periods. It is not clear if the hours of operation, as required to safeguard neighbouring acoustic amenity will be satisfactory from highway safety grounds.
112. The noise assessment report also considers noise from plant and machinery (e.g., air-conditioning /refrigeration) and predicts that the noise generated will be below the prevailing background at noise sensitive properties. Whilst this is acceptable, the WBC Environmental Health officer recommended a condition to ensure that this will be the case and that plant noise will not be audible.
113. In addition to delivery and plant, there will be other sources of noise – primarily arising from the vehicular movements, pedestrian movement and overall intensification of development within the site. The retail unit will be located within 10m of existing houses in Witcham Close with access from Meldreth Way less than 20m from the rear garden of no. 3 and parking spaces within 5m from the existing house's flank wall. The neighbouring property benefits from a habitable single storey rear extension and private patio area that would be exposed to noise from constant comings and goings of vehicles including large delivery trucks as well as shoppers constantly using the retail unit from morning till late in the evening. Parking associated with the retail use will take place close to the garden fence resulting in additional noise.
114. The new dwelling at plot 10 will be less than 5m from the main public open space behind the retail unit which is a multifunctional greenspace and is expected to be used throughout the day. There is no fence separating the dwelling from this public space.

Similarly, the public open space to the southwest will be located adjacent to the apartment block. This space includes children’s play areas and public footpath and cycle path. This area will be used throughout the day causing noise disturbance to the apartment block – particularly in summer months when the play areas will be used until late in the evening and people may sleep with their windows ajar.

115. The residential access from Chatteris Way will be 13m from the rear conservatory of 11 Witcham Close. Being the only access point into the residential area, this junction will be in constant use, resulting in loss of acoustic amenity of 11 Witcham Close.
116. The noise assessment report is silent on these sources of disturbance. Page 46 of the Borough Design Guide SPD states that, “*perceived privacy is determined more by the degree to which one hears one’s neighbours than by overlooking*”. By virtue of the introduction of intensive activities that will take place continuously throughout the day, the proposed retail store will have a detrimental impact on the acoustic amenity of the existing dwellings at 3, 4, 6 and 7 Witcham Close. By virtue of limited separation distance, the proposed residential access from Chatteris Way will have negative impact on the acoustic amenity of the rear garden of 11 Witcham Close. By virtue of no separation between public and private spaces, the public open spaces will have negative impact on the acoustic amenity of proposed plot 10 as well as on ground floor flats of the apartment block resulting in overall perceived loss in privacy contrary to Core Strategy policies CP1 and CP3, policy CC06 of MDD Local Plan and recommendations contained in the Borough Design Guide SPD.

External Amenity Space for future occupiers:

117. The Borough Design Guide specifies a minimum depth of 11 metres for rear gardens of individual houses and a 1 metre set-back from the site boundary to allow access thereto. For flats, section R16 of the Borough Design Guide SPD stipulates that each unit should have amenity space and be able to accommodate 2–4 chairs and a small table. The proposal includes gardens for plots 1 – 28 which are designed as houses. Table 1 below shows the depths and widths of these gardens.

Plot no.	Garden depth (m)	Garden width (m)	Plot no.	Garden depth (m)	Garden width (m)
1	11.0	14.4	15	10.7	6.6
2	12.2	9.3	16	11.4	7.0
3	12.2	9.3	17	11.7	5.8
4	12.0	11.3	18	11.7	8.3
5	13.1	8.9	19	11.3	9.0
6	15.0	5.8	20	11.3	7.5
7	10.7	7.3	21	11.3	7.5
8	12.5	10.2	22	11.2	8.8
9	11.2	5.4	23	11.1	8.2
10	11.5	5.3	24	12.6	6.5
11	9.1	15.8	25	11.2	5.6
12	12.0	6.9	26	11.2	5.6
13	11.0	6.6	27	10.7	7.4
14	10.9	6.7	28	12.2	8.4

Table 1: Depths and widths of proposed gardens for each house

118. As demonstrated in the above table, not all dwellings will have policy compliant garden depth. Moreover, usable depth of gardens of plots 25 – 28 will be reduced by the existing boundary vegetation that is protected by TPO 1763/2020. The lack of appropriate garden depth highlights the issues with inappropriate residential density and overdevelopment of the site.
119. None of the flats in the apartment block is provided with private external amenity contrary to the recommendations of Borough Design Guide. Instead, a communal open space area is provided at ground floor level at the rear of the proposed block, which includes lawn, play area and landscaping. However, this communal amenity area is open to public including people living in the wider neighbourhood, as demonstrated by the proposed footway linking this open space to the amenity areas of Bassett Close. As such, it is likely to present an unfavourable relationship in terms of lack of adequate privacy. The bedroom occupants in the ground and first floor units with windows facing the amenity area are likely to keep blinds or curtains closed to protect against loss of privacy, thereby reducing the internal amenity of these rooms.
120. Overall, the proposal fails to provide adequate private outdoor amenity spaces for all proposed units contrary to recommendations contained in the Borough Design Guide SPD.

Internal Amenity including Internal Space Standards:

121. Policy TB07 of the MDD Local Plan and R17 of the Borough Design Guide SPD require adequate internal space to ensure the layout and size achieves good internal amenity. Additionally, the Technical housing standards – nationally described space standard, require minimum floor areas for various housing types.
122. There are also requirements in relation to bedroom sizes and widths. The main bedroom (double occupancy) should have a minimum area of 11.5 sq.m and secondary bedrooms (single occupancy) should have a minimum area of 7.5 sq.m. The Borough Design Guide also specifies a minimum of 23-31 sq.m for living spaces depending upon the occupancy.
123. Paragraphs 130 and 134 of the NPPF seeks to promote development that has good architecture and layout with a high standard of amenity for existing and future users and Paragraphs 154 and 157 of the NPPF state that new development should take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption. R18 of the SPD requires sufficient sunlight and daylight to new properties, with dwellings afforded a reasonable dual outlook and southern aspect. In this respect, the road network and siting and orientation should be designed so that development takes full advantage of access to sunlight and outlooks.
124. The current proposal is for a mix of houses and flats ranging from 1b 2p apartments to 4b 5p houses. An internal floorspace calculator is provided for each unit which shows that all proposed dwellings will provide policy compliant internal floor areas. This is considered acceptable.
125. In addition to adequate floor spaces, all habitable spaces should have provision of adequate natural light and ventilation. Habitable rooms mean any room used or intended to be used for sleeping or living which are not solely used for cooking

purposes, but does not include bath or toilet facilities, service rooms, corridors, laundry rooms, hallways or utility rooms.

126. A daylight assessment report is submitted with the application which has shown that adequate natural light will be provided for the habitable rooms of the proposed houses. This is acceptable. However, no daylight analysis is provided for the proposed flats. An assessment of provision of natural light for the proposed flats is included below:

Flat	Availability of natural light to habitable rooms
2BF1 (ground floor)	Main living area and Bedroom 2 will be served by windows on two sides and are acceptable. Bedroom 1 will be served by 1 window facing the public footpath with 1.5m separation. The future occupants of this bedroom are likely to keep this window closed and blinds/ curtains drawn to protect against noise and loss of privacy. It is not clear that adequate natural light would be provided.
1BF4 (GF)	The kitchen dining area is a long narrow space and includes one window on the southern side and facing the public footpath with 2.8m separation. The small window has to serve a very large area. Bedroom 1 is served by one window on the southern side facing the public footpath. The future occupants of this bedroom are likely to keep this window closed and blinds/ curtains drawn to protect against noise and loss of privacy. It is not clear that adequate natural light would be provided.
1BF5 (GF)	Main living area will be served by windows on 2 sides, which is acceptable. Bedroom 1 has an angular shape and is served by one window with direct overlook onto the public open space. The future occupants of this bedroom are likely to keep this window closed and blinds/ curtains drawn to protect against noise and loss of privacy. Moreover, due to the angular shape of the room, it is not clear that adequate natural light would be provided.
1BF2, 1BF3 (GF)	Main living areas will be served by at least 2 windows, which is acceptable. Bedroom 1 will be served by a window on the eastern side. Whilst this window will have outlook over the front parking court, this is considered acceptable in this instance since this will be a residents' parking area.
1BF1 (GF)	Main living area will have dual aspect windows which is acceptable. Bedroom 1 is served by one window with direct overlook onto the public open space. The future occupants of this bedroom are likely to keep this window closed and blinds/ curtains drawn to protect against noise and loss of privacy. It is not clear that adequate natural light would be provided.
2BA1 (FF)	Main living area and Bedroom 2 will be served by windows on two sides and are acceptable. Bedroom 1 will be served by 1 window facing the public areas. However, being a first floor flat, this room will not experience loss of privacy and the window is acceptable in this instance.
1BA2 (FF)	Bedroom 1 is served by one window. This is acceptable. The kitchen dining area is a long narrow space and includes one window on the shorter side. The small window has to serve a very large area. It is not clear that adequate natural light would be provided.
2BA2 (FF)	Main living area will be served by windows on 2 sides, which is acceptable. Bedrooms 1 and 2 are served by one window each with

	direct overlook onto the public open space. However, these units will be located at first floor and loss of visual privacy will not be an issue. Whilst noise from the public open space will continue to be an issue, in terms of availability of natural lights, there is no objections.
2BF2 (FF)	All habitable rooms will have adequate access to natural light.
2BA4 (SF)	Main living area is large L shaped space with one window on southern side and one dormer window. Both bedrooms will be served by 1 dormer window each. This is acceptable.
1BA3 (SF)	Bedroom 1 is served by one dormer window. This is acceptable. The kitchen dining area is a long narrow space and includes one window on the shorter side. The small window has to serve a very large area. It is not clear that adequate natural light would be provided.
2BA3 (SF)	Bedrooms a & 2 will be served by one dormer window each. This is acceptable. The kitchen dining area is a long narrow space and includes one window on the shorter side. The small window has to serve a very large area. It is not clear that adequate natural light would be provided.

Table 2: Availability of natural light for each flat

127. Overall, it is not clear that adequate natural light would be available to all habitable rooms for the flats. Moreover, most of the ground floor flats will have to keep the only source of natural light and ventilation into habitable rooms closed to protect privacy and prevent noise disturbance. It is considered that the internal amenity of the proposed flats will be compromised, and the proposal will not result in a high-quality development contrary to MDD Local Plan policy TB07, the Borough Design Guide SPD and the NPPF.

Highways Access and Movement:

- **General:**

128. The application red line plan includes a section of highway land in the southeast corner at the junction between Lower Earley Way and Meldreth Way. This land appears to be adopted by the Highway Development Control (DC). This area contains Highway's features such as Flagpole, Landscaping and existing shared footway/cycleway. The proposal's red line plan appears to be in conflict with the WBC adopted highway. Whilst landownership is not material consideration in planning, in this instance since the subject area includes significant development features such as a pedestrian and cycle link, the ownership matter needed to be addressed prior to the determination of the application were the application to be considered acceptable on all other grounds.

129. The application also indicates the proposed main access on Meldreth Way will be outside the red line area. The access arrangement including details of adoption, maintenance and method of accurately defining and marking the position of the highway boundary are matters of S278 legal agreement considerations and should be discussed and agreed upon with the Highway DC should planning permission be granted.

- **Access:**

Residential Access

130. The access to the residential element of the scheme is proposed in the form of a priority T-junction on Chatteris Way, which is an adopted road. The proposed access junction requires dropped kerbs with tactile surface crossing to facilitate pedestrians walking at the frontage of the proposed site. The proposed residential access incorporates acceptable pedestrian crossing. Additionally, the swept path assessment (SPA) has been undertaken for an 11.3m refuse vehicle which indicates the proposed access junction can accommodate refuse vehicle manoeuvres. As such, there is no objection to the design of proposed residential access.

Retail Access

131. The access to the retail element of the scheme is in the form of a priority T-junction on Meldreth Way, which is an adopted road. The proposed access junction requires dropped kerbs with tactile surface crossing to facilitate pedestrians walking at the frontage of the proposed site. This has been provided. The swept path assessment (SPA) has been undertaken for 16.5m articulated HGV as shown on the plan R-19-0038-008/A. The SPA indicates that while egressing, the 16.5m HGV slightly encroached the centreline of the approach lane on the opposite side. This issue has been discussed with the applicant, and it is agreed between the applicant and the Highway's Authority that to avoid any road safety issue, a planning condition will be applied to restrict foodstore deliveries outside of peak hours should planning consent be granted. However, as noted before, there is a conflict between hours of delivery as required to safeguard residential amenity of existing properties and highway safety.

Road Safety Audit (RSA)

132. It should be noted that the agreement on the designs of the access junctions are subject to the agreement of stage 1 and stage 2 Road Safety Audits (RSAs). The requirement of the RSA 1 in support of the preliminary design was confirmed to the applicant at the time of the Pre-Application stage. However, this has not yet been submitted. The submission of the RSA 1, along with the designer's response in support of the preliminary design, is the fundamental requirement.
133. The purpose of a Road Safety Audit is to ensure that all road safety issues have been considered during the design process. This is done by checking design proposals against safety standards and for other potential hazards from the perspective of all road users, including pedestrians, drivers, cyclists and the mobility impaired.
134. Road Safety Audit also provides an opportunity where any element of a scheme's design is not deemed to be an accepted relaxation or (step) below the minimum standard and instead departs considerably from the standards which the applicant requires to discuss with Highway DC to assess the potential road safety issues.
135. In the absence of a Road Safety Audit, the Highway DC is not in a position to sanction any full planning application in the interest of road safety.

Accessibility & Connectivity

136. To enhance the accessibility and connectivity of the proposed site, Highway DC requested to extend the shared pedestrian/cycleway facility on the Lower Early Way / Meldreth Way junction up to the site entrance. The applicant has agreed to this requirement. The proposed site plan shows a 3m wide shared footway/cycleway that connects with the proposed retail access and continues up to the existing footway on the western side of Meldreth Way. Whilst this is acceptable, it will have to be secured by a legal agreement should permission be granted.
137. To enhance public transport accessibility of the site, it was advised that the feasibility of upgrading the existing bus stops to include raised kerbs, shelters, timetable cases, lighting, highway bus stop markings, and real-time information are to be checked with the WBC Public Transport Section. This information has yet not been provided to Highway DC, and an informed decision on this matter could not be made.
138. The Highway DC raised a concern that the proposal of a new retail store would increase the crossing demand on Meldreth Way, and considering 625 two-way traffic movements in 2026 predicted worst-case scenario; the pedestrian would find it very difficult to find gaps from the traffic to cross the road via uncontrolled crossing/dropped kerbs, therefore consideration needs to be given to upgrading existing uncontrolled crossing /dropped kerbs, and feasibility of providing controlled crossing on Meldreth Way needs to be assessed. The applicant's transport consultant investigated the requirement of the controlled crossing on Meldreth Way, however, concluded that the controlled crossing between proposed access and roundabout is not appropriate due to the following reasons;
- WBC recently implemented uncontrolled crossing on Meldreth Way, and there have been no recorded accidents involving pedestrians or cyclists (or indeed any modes) on this arm of the roundabout since the shared path/crossing were implemented.
 - A controlled crossing at this location would require a staggered arrangement as set out in LTN 2/95 (para 2.1.3 and 5.2.3) which would require significant additional works on the approach to the roundabout, including potential road widening to accommodate a lengthened island to allow for a stagger controlled crossing.
139. The applicant's transport consultant's concerns were shared with the WBC Traffic Management section, and the officer didn't support a formal crossing facility on highways safety and traffic management grounds immediately at the south of the access. The officer concluded that the likely use of a formal crossing is limited to those using the development site and does not serve the wider community. Furthermore, the crossing position is too close to the roundabout and traffic queues will adversely impact the safety of vehicles entering from Lower Earley Way, and the crossing will likely affect the performance of the Meldreth Way junction with Lower Earley Way at peak times. However, the traffic management officer requested that the formal crossing requirement needs to be assessed at the west side of the access on Meldreth Way at approximately 25m south of the junction.
140. The Highway DC shared WBC Traffic Management concerns with the applicant's transport consultant; however, this issue has not been dealt with further. Therefore, the Highway DC considers this issue has been unresolved, and as no Stage 1 RSA

has been submitted to validate these concerns, an informed decision on this matter could not be made.

- **Parking:**

141. The car parking has been proposed in accordance with the WBC's Adopted Managing Development Delivery Local Plan and Parking Demand Calculator.

Residential Parking

142. For the residential element of the site, parking has been proposed based on the habitable room. The applicant has proposed 15 flats (8 No. 1-bedroom flats and 7 No. 2-bedroom flats) and 28 houses (14 No. 2-bedroom houses, 8 No. 3-bedroom houses and 6 No. 4-bedroom houses).
143. In accordance with the WBC's Adopted Managing Development Delivery Local Plan and Parking Demand Calculator, the applicant is required to provide 15 allocated parking and 6 unallocated parking for 15 flats and 56 allocated and 7 unallocated parking for 28 houses. Therefore, the applicant is required to provide 71 allocated parking and 13 unallocated parking, including visitors parking, for the proposed residential scheme. The applicant has proposed a total of 84 car parking spaces, including 13 visitor/unallocated spaces, which is in line with the WBC's Adopted Managing Development Delivery Local Plan and Parking Demand Calculator as shown on the planning layout 092008-Jan-02. All allocated spaces are proposed near each dwelling and visitors' spaces are provided primarily along the periphery of the main access road. This is considered acceptable.
144. In accordance with the WBC's Adopted Managing Development Delivery Local Plan, the applicant is required to provide 1 cycle parking per flat for flats up to 3 bedrooms, 1 cycle parking per house for the house up to 3 bedrooms, 2 cycle parking for the house up to 5 bedrooms and 3 cycle parking for the house up to 6 bedrooms. The applicant has proposed secured cycle stores with each unit which is in line with the WBC's Adopted Managing Development Delivery Local Plan.

Retail Parking

145. The gross floor area (GFA) of the foodstore is 1913 sq.m. In accordance with the WBC's Adopted Managing Development Delivery Local Plan, the applicant is required to provide 1 car parking space per 20 sq.m. of the proposed GFA. Based on this, the foodstore would require 95 car parking spaces. The applicant has provided a total of 115 car parking spaces, including 6 disabled parking spaces, 9 parent and child and 11 EV parking spaces (of which 1 is disabled parking). This level of parking complies with the WBC standard.
146. In accordance with the WBC's Adopted Managing Development Delivery Local Plan, the applicant is required to provide 1 cycle parking space per 125sqm of the proposed GFA of the foodstore. The applicant has proposed 14 short-stay and 6 long-stay (staff parking) secured, sheltered parking in the form of Sheffield stands, and 6 motorcycle parking spaces also have been proposed, which is acceptable.

Parking Management Plan

147. The proposed scheme includes a footpath link between residential and retail elements of the proposed site. The applicant has submitted a Car Parking Management Plan (CPMP) and stated that the management company would monitor parking within the residential development, and if required, the implementation of further parking restrictions (such as a resident permit system) will be explored. This can be secured using a condition should permission be granted.
148. It should be noted that if the management of the site would be in hand of a private company, the proposed site may not be adopted. If this is the case, then a Section 106 Agreement will be required to indemnify the Council against future applications for adoption under the Private Streets and Works Act.

- **Traffic Impact Assessment**

149. The junctions which required detailed traffic impact assessment have been identified via Wokingham Strategic Transport Model 4 (WSTM4). The following junctions have been identified for the detailed traffic impact assessment.

1. Residential Access onto Chatteris Way
2. Food Store Access onto Meldreth Way
3. Chatteris Way / Meldreth Way junction
4. B3270 Lower Earley Way / Meldreth Way junction
5. B3270 / Rushey Way junction
6. B3270 / Beeston Way and B3270 / Cutbush Lane junctions

150. The WBC Highways Officers commented that residential access to Chatteris Way, food store access to Meldreth Way and the junction between B3270 Lower Earley and Meldreth Way will be able to operate within capacity with the development traffic in place. For the junction between Chatteris Way and Meldreth Way, whilst the proposal is likely to increase the queue to an additional 1 vehicle, it is not considered a significant increase warranting a refusal on its own.
151. The traffic impact assessment/traffic modelling for B3270/Rushey Way, B3270/Beeston Way and B3270/Cutbush Lane have not been provided yet, and this information is outstanding. Therefore, the Highway DC is not in a position to provide final comments on the traffic impact of the proposal in the absence of two identified junctions.

- **Conclusion:**

152. By virtue of the lack of information relating to Stage 1 Road Safety Audit; the traffic impact assessment of strategic junctions; the assessment of formal crossing on Meldreth Way; and upgrades require to public transport infrastructures the proposal has not demonstrated that it will not result in highway safety issues including safe and efficient movement of traffic on the surrounding network contrary to policies CP1, CP6 and CP10 of the Core Strategy, CC08 of MDD Local Plan, recommendations contained in the Borough Design Guide and core planning principles of the NPPF.

Flooding and Drainage:

153. The proposed development will be located in Flood Zone 1 and as such, there is no objections to the proposal on Flooding and Drainage grounds. A Flood Risk Assessment (FRA) has been submitted with the application which contains detail information regarding the site historical records, geological survey, topography, and green field run-off rates which has been calculated and presented in appendix F.
154. The WBC Flooding and Drainage officers have reviewed the submitted information and raised no objection to the proposal. However, since some parts of the drainage justifications such as calculations regarding the design and details are still missing and other are under negotiations with Thames Water, a pre-commencement drainage condition has been suggested should the application be recommended for approval.

Environmental Health:

- **Land Contamination:**

155. A preliminary risk assessment (RSK Ref: 1921650 R01 (01) Dated May 2021) has been submitted. No contamination was identified but as the site is adjacent to an area of filled ground recommendations were made regarding further ground gas investigation. A letter dated 10th May 2021 (RSK Ref 1921650 L01(00)) has been submitted which indicates that the first round of six gas sampling has taken place but there is no decision yet as to whether gas protection measures will be required. As appropriate gas protection is a Building Regulations matter, there is no objection on this ground.

- **Air Quality:**

156. An Air Quality Assessment has been submitted with the application (Ref 8713.2 Revision B Dated 22 June 2021). The report concluded that potential air quality impacts during construction phase will not be significant and can be mitigated by a suitably worded Construction Environmental Management Plan condition.
157. Traffic generated by the proposed development is predicted to have a negligible impact on annual mean NO₂ and PM10 concentrations. However, the report does not provide information on potential air quality impacts on the future occupants of the development, particularly as a result of traffic exhaust emissions associated with the B3270 Lower Earley Way. This information will have to be secured using a pre-commencement condition should the application be recommended for an approval.

Ecology:

- **Ecological Surveys:**

158. The site has been subject to a habitat mapping walkover in February 2021 by Aspect Ecology surveyors and also by ECOSA ecologists in September 2019 (an ECOSA draft report being included within the Ecological Appraisal). The February visit is outside the optimum survey season for assessing grassland diversity and the September visit appears to have taken place soon after the grassland had been mown. For these

limitations it is considered that the quality (in distinctiveness or condition) of the grassland on site could be underestimated in both these reports.

159. There is a clear difference in habitat composition between the two walkover surveys and this could be indicative of a pre-application attempt to lower the ecological value of habitats present on site. The description of the scrub present on site mentioned in the ECOSA survey indicates that there was a medium distinctiveness habitat in good condition across approximately half the site. The WBC Ecology officer recommend that this should be considered as the baseline site condition rather than the depleted transition state that has recently been created.
160. A number of protected species surveys have been undertaken by ECOSA. It is agreed that sufficient survey effort has been undertaken to be able to conclude that it is likely that great crested newts, reptile species, otter, water vole, and dormouse are absent from the site.

Badgers:

161. Whilst badger setts and activity are known in the vicinity, there is unlikely to be a currently active badger sett on site. However, that does not eliminate potential risk on badgers by the proposed development. The habitat on site is contiguous to a greenspace known to contain an active badger clan. Consequently, it is likely that this site is an important foraging area for that clan. The development proposal will lead to loss of badger foraging habitat and will likely force more frequent crossing of Lower Earley Way by badgers with an increase in risk of mortality.
162. The Aspect Ecology survey for signs of badger was undertaken in February 2021 – at a time of year when activity levels are lower and also after the removal of a significant proportion of scrub which created a lot of woody material covering the ground on site. The assessment of the foraging value of the site for badgers by Aspect Ecology has not adequately considered these limitations.
163. The data search undertaken as part of the original desktop survey will not have picked up the most recent records of badgers locally. These are indicative that badgers are present and currently do have a need to cross Lower Earley Way adjacent to this site.
164. Badger foraging habitat is not protected by legislation. However, the Council's Ecology officer considers that the proposed development will have a detrimental impact on the local badger population in that (in the absence of a habitat biodiversity impact assessment calculator showing otherwise) there will be a reduction in foraging habitat area and quality locally which will force the local badger clan to range more widely and cross the local roads more frequently, increasing the risk of road mortality.

Bats:

165. ECOSA have conducted walked transect and static detector surveys. The walked transects show that bats are present throughout the seasons in the highly suitable habitat for bat foraging and commuting. Both the scrub and grassland habitats had bat activity.
166. The initial ECOSA assessment was that the site had high suitability for supporting foraging and commuting bats (paragraph 3.6.1, page 11 of the ECOSA report). The

WBC Ecology officer recommended the use of the Ecobats tool to provide local context to the reduced static detector survey effort. This has not been complied with and a weak justification was given for deviating from the bat survey guidelines in terms of activity surveys.

167. In addition to the poorly justified reduction of survey effort, the detector failure and cold and wet weather conditions during redeployment suggests that the static detector results are at high risk of inaccurately capturing the importance of the site for foraging and commuting bats. The static detector records have recorded rarer species in Wokingham Borough – Serotine and Nathusius' Pipistrelle – and it is relevant to consider the activity levels on the site in comparison to the same species elsewhere locally rather than in comparison to the more common species recorded at the same time.
168. Notwithstanding the limitations of the survey work, the site has been shown to be being used for commuting and foraging by at least six species of bat. The proposed development will have a detrimental impact on the local bat population in that (in the absence of a habitat biodiversity impact assessment calculator showing otherwise) there will be a reduction in foraging habitat area and quality locally.

Birds:

169. Neither ECOSA nor Aspect Ecology conducted any bird focussed surveys on site. As a response to the WBC Ecology officer's initial comments, Aspect Ecology claimed an absence of red listed and/or species of principal importance bird species on site. This assessment is contested.
170. The ECOSA report considered the habitat present to be suitable for supporting species such as Dunnock and Bullfinch and overwintering species such as Redwing, Song Thrush and Fieldfare – i.e., more species with different needs to House Sparrow and Starling that the Aspect Ecology response considers.
171. WBC Ecology officer recommends precautionary principle is followed and consider the presence of these species as likely, in the absence of sufficient survey effort showing absence. The proposed development will likely cause a net loss in quantity and quality of habitat to support these red listed species. This will not be adequately compensated through the provision of bird boxes and the landscaping proposals within greenspace.

- **Biodiversity Net Gain**

172. The The Aspect Ecology Appraisal did not include a biodiversity impact assessment calculator. This was requested by the WBC Ecology officer in the initial consultation response dated 13/07/2021. A response from Aspect Ecology was received on 23/09/2021 (response dated 17/09/2021) which only provided additional comments on why BNG calculations are not required for this application.
173. Whilst BNG is yet to become mandatory for all TCPA developments (likely to become a law in 2023), it is a very reasonable approach for the local planning authority to request a calculator is used to assess the value of the proposed changes in habitat. This would allow consideration against the NPPF and also MDD local plan policy TB23. Policy TB23 sets out:

“...
...”

2. *Planning permission for development proposals will only be granted where they comply with policy CP7 – Biodiversity of the Core Strategy and also demonstrate how they:*

a) *Provide opportunities, including through design, layout and landscaping to incorporate new biodiversity features or enhance existing*

“...
...”

In way of further explanation, paragraph 3.116 of the MDD sets out that ecological surveys and reports should include:

“...
...”

iv. *how the development will deliver an overall gain for biodiversity*

“...
...”

174. The request for a biodiversity impact assessment calculator to be submitted as an objective measure of the value of the habitat change is in line with what is set out as reasonable in MDD policy TB23.
175. There is common ground in that Aspect Ecology have recognised that there will be a net loss of habitat for badger, bat and bird species. However, Aspect Ecology assert that this will not result in a significant impact on the local conservation status of these species but provide no detailed argument to support this position. Officers disagree with this assessment. The development would result in a net loss in area and quality of scrub habitat as well as grassland habitat that are likely to support bird species of conservation concern and is used by protected species for foraging. The culverting of the remaining part of ordinary watercourse at surface will cause a loss of a distinct habitat type from the site. This reduction in habitat diversity within the site – particularly the removal of wet habitat – reduces the potential for the site to support species that require a variety of habitats through their life stages.
176. Moreover, the development would result in the further fragmentation of green spaces running alongside Lower Early Way. This will cause deterioration in ecological function in neighbouring sites. The enhancement measures, as suggested in the Ecological Appraisal report will not result in habitat and faunal enhancements. This is because the proposal does not include adequate space for meaningful landscape and ecological enhancement features.
177. In the absence of a habitat biodiversity impact assessment calculator showing otherwise, the proposal is considered to result in a net loss for biodiversity. Moreover, the proposal will result in loss of habitat that will have harmful impact on local badger, bat and bird species population contrary to Core Strategy policy CP7, MDD Local Plan policy TB23, paragraphs 174 and 180 of the NPPF and recommendations contained in the Borough Design Guide SPD.

Community Infrastructure Levy (CIL), Special Protection Area (SPA) & Affordable Housing:

Community Infrastructure Levy

178. The proposal is for the construction of out of centre retail and 43 residential units. Both these developments would be CIL liable. The CIL charge for new residential

development is set at £365 (index linked) per square metre for any net increase in residential floor space. CIL charge for new out of centre retail development is set at £50 (index linked) per square metre for any net increase in retail floor space.

Special Protection Area:

179. The site falls outside of TBH SPA 5km zone but within 7km zone. Policy CP8 states that where there is net increase of 50 dwellings within 5km – 7km of the SPA, contributions to access management measures and monitoring in line with the Delivery Framework will be required. Since the proposal is for 43 dwellings, this threshold is not reached and hence no contribution is sought.

Affordable Housing:

180. Policy CP5 of the Core Strategy, Policy TB05 of the MDD Local Plan and the Affordable Housing SPD specify that affordable housing is required when the proposal is for 5+ dwellings or residential developments on a site area of more than 0.16 hectares. The proposal exceeds these thresholds and as such, a minimum of 40% of the dwellings are to be made affordable. With a net increase of 43 dwellings, there is a requirement for 17.2 affordable units.
181. WBC Affordable Housing officer requested for 18 onsite affordable homes in this location, with a 70:30 social rent:shared ownership tenure split in line with the Council's adopted policy. This equates to 13 units for social rent and 5 units for shared ownership.
182. The applicant has agreed to provide 17 affordable units and remaining 0.2 unit in the form of commuted sum. This would have to be secured by a section 106 agreement prior to determination of the application. Since the application has been recommended for a refusal for various other reasons, no legal agreement is sought to secure the affordable housing contributions. In the absence of any measures to secure the affordable housing, the proposal is considered to be in contrary to policies CP1 and CP5 of the Core Strategy 2010, Policy TB05 and Appendix 12 of the Managing Development Delivery Local Plan 2014 and the Affordable Housing Supplementary Planning Document 2013.

Employment Skills:

183. Policy TB12 of the Wokingham Borough Council MDD, requires planning applications for all major development (both commercial and residential) in Wokingham Borough to submit an employment skills plan (ESP) with a supporting method statement. ESPs are worked out using the Construction Industry Training Board (CITB) benchmarks which are based on the value of construction.
184. The value of the construction for the current planning application has been calculated as £9,782,805. This is calculated by multiplying the interior floor space of 9,544.2m² by £1025, which is the cost of construction per square metre as set out by Building Cost Information Service of RICS.
185. For this project value, the employment skills plan should provide:

Community Skills Support E.g. work experience or CSCS training courses	7
Apprenticeship starts	4
Jobs created	3

186. If the applicant elects to pay the ES Contribution, this can be provided in lieu. The monetary contribution is calculated based on the cost to WBC supporting the employment outcomes of the plan. The cost to WBC oversee and support each employment target is £3,750. As such, a total of £26,250 (£3,750 x 7) would be required in lieu of an ESP on this application. This forms part of planning obligations that are to be secured using s106 legal agreement prior to making a decision.
187. Since the application is recommended for refusal for various other reasons, no legal agreement is sought to secure the ESP. In the absence of any measures to secure the Employment Skills Plan, the proposal is considered to be in contrary to policy TB12 of the Wokingham Council's MDD Local Plan.

The Public Sector Equality Duty:

188. 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. A number of comments received from neighbours made references to children using the site for recreational purposes. Aside from this, there is no indication or evidence that persons with protected characteristics as 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 as a result of the development.
189. Policy CP2 of the Core Strategy also seeks to ensure that new development contributes to the provision of sustainable and inclusive communities, including for aged persons, children and the disabled. 10–20% of all dwellings should be to Lifetime Homes standards in accordance with Policy CP5 of the Core Strategy and Policy TB05 of the MDD Local Plan. In this case, this is between 5 and 9 units. Although the Lifetime Homes standard has been replaced by the new national technical housing standards, the need to design and build accessible and adaptable accommodation remains integral to future planning.
190. In the current proposal, 39 units are proposed to be Accessible and Adaptable Dwellings (Category M4(2)) and 3 units to be Wheelchair Users Dwellings (M4(3)). Whilst the retail unit does not include an accessible entrance, this can be secured using condition. On that basis, there is no immediate indication or evidence that persons with protected characteristics as identified by the Act will be adversely affected.

PLANNING BALANCE

191. The most up-to-date Five Year Housing Land Supply Statement demonstrates the Council has a five year housing land supply. On 31 March 2020 and published on 14 January 2021, the deliverable land supply was 5.23 years against the housing need of 789 additional homes per annum plus a 5% buffer. The Council does not understand there to be any dispute on this aspect. The council's housing land supply position was

recently considered during a Public Inquiry for the site known as Land North of Nine Mile Ride and the Inspector concluded that a 5 year housing land supply can be demonstrated, even when factoring in the worst case scenario of Covid-19.

192. Overall, it is clear that the Development Plan and spatial strategy therein is facilitating housing development in accordance with the NPPF requirements to boost housing land supply. The development plan has not expired and covers the period up to 2026. The plan is neither silent nor absent and has a body of policies to determine the application. Consequently, the basket of the most important policies is up to date and the application should be determined against the normal planning balance, as set out in section 38(6) of the Planning and Compulsory Purchase Act 2004. Planning law requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

Benefits:

193. As with all housing and retail development, the proposal would bring some benefits. The Applicant sets out three specific benefits in their Planning Statement.

- **Sustainable Location**

194. The site is adjacent to a major development location which is accessible by public transport. In that sense it is potentially sustainable location and significant weight should be given to this aspect of the proposal.

195. However, there are issues relating to the Road Safety Audit and upgradation of the existing public transport system. These are key issues that go to the heart of the proposal and unless these have been resolved, only limited weight can be afforded to the sustainable location aspect of the proposal.

- **Market Housing:**

196. The proposal involves construction of 43 new dwelling – 60% of which will be market housing. The construction of 43 dwellings would bring about economic output in terms of direct and indirect job creation. The proposal will also include planning obligations in the form of CIL. However, the council has an appreciable 5 year housing land supply. The Housing Delivery Test and the developable pipeline supply of new homes shows that housing targets for the borough are being met and exceeded.

197. In one of the latest appeal decisions in the borough (Land North of Nine Mile Ride), the Inspector gave the provision of 118 new houses limited weight in the planning balance, partly due to the housing delivery occurring in Wokingham. As such, there is no reason why a smaller quantum of development proposed in the current application should be given Moderate weight.

- **Affordable Housing:**

198. The proposal would result in 17 affordable units. Policy CP5 recognise a need for affordable housing in the borough. Recent appeal decisions (Nine Mile Ride and 6 Johnsons Drive) have given this benefit Significant to Moderate weight.

199. The 5 year housing land supply position confirms future pipeline of additional affordable homes through a combination of delivery through sites with planning permission, allocation and council approved schemes. As such, there is no deficiency of the supply of affordable housing and the provision of affordable housing will attract moderate to significant weight.

- **Retail Development:**

200. The proposed retail unit will result in 40 additional jobs and will bring capital investment into the area. It will also respond to the further convenience floorspace within the area. However, the economic output will primarily rely on trade diversion from the Lower Earley District Centre. As such, the retail unit will not generate significant amount of additional revenue. In terms of additional floorspace, provision has already been considered within the South of M4 SDL Retail Centre. It is to be noted that 20% of the retail unit will be for comparison goods and there is an oversupply of this within the Borough.

201. Additionally, whilst the proposal currently includes a Lidl store, there is no mechanism to ensure that the unit will be operated by the particular operator in future. It is also possible to change the use of the building to other Class E uses such as a day care, restaurant or gymnasium without requiring planning permission. As such, economic benefit arising from the retail development can only be given moderate weight.

- **Other**

202. The applicant's Planning and Retail Statement claims there will be environmental benefits from multifunctional open space that will improve permeability by incorporating pedestrian and cycle links. It is to be noted that the site was accessible until recently and the existing use of the site is amenity open space which has not been breached. Also, there is evidence that the pre-application site preparation has resulted in loss of biodiversity and no biodiversity net gain calculations have been provided. There are no proven environmental, ecological or landscape benefits arising from the proposal. On the contrary, there would be significant environmental harm.

Harm:

- **Principle of Development**

203. The application site is located on an undeveloped greenfield site outside of settlement limits and in the countryside. The location of the proposed development would conflict with the spatial strategy and policies of the development plan. It has never been allocated or considered for any development.

204. Paragraph 12 of the NPPF states that development contrary to the plan '*should not usually be granted*'. The Applicant also identifies that the location of the development is contrary to at least 4 policies in the development plan. This should be given significant weight.

205. The location of the site outside of settlement boundaries has been raised by many of the local resident's representations and the development would undermine the planned system, particularly when significant housing has been delivered within the borough and a number of retail choices are available within the local area.

- **Impact on Character of the Area**

206. The proposal would result in unacceptable residential and retail development within the designated countryside that will have a detrimental and urbanising impact on the landscape and the character and appearance of the area by reason of the design; scale; layout and quantum of development proposed. The proposed layout will not result in a high-quality residential environment and the retail unit would be alien to the existing development typology of the surrounding area. This is given significant weight in the planning balance.

- **Impact on Trees and Landscape**

207. The proposal would have negative impact on the landscape structure including the Loddon Valley Valued Landscape and will result in fragmentation of the green corridor along B3270 Lower Earley Way. This is given moderate weight in the planning balance.

- **Impact on Ecology**

208. The proposal will result in biodiversity net loss that will have harmful impact on local badger, bat and bird species population due to loss of habitat. No net gain calculations have been provided to show ecological benefits of the scheme. This is given significant weight in the planning balance.

- **Amenity**

209. The proposal layout would fail to provide satisfactory amenity space for the future residents, both external and internal. The layout fails to meet the minimum requirements set out the Borough Design Guide SPD. This is given moderate weight.

- **Neighbouring Amenity:**

210. The proposed layout would result in noise disturbance and perceived loss of acoustic privacy for existing residential gardens of neighbouring properties. This is given moderate weight.

- **Highways**

211. The proposal has not demonstrated that it will not result in highway safety issues including safe and efficient movement of traffic on the surrounding network. Whilst the site is potentially sustainable, without further information on upgrades relating to the existing bus stop, the sustainability of the scheme could not be confirmed. Highway safety issues are given significant weight.

CONCLUSION:

212. There are significant policy conflicts from the onset due to the speculative nature of the application to develop an unallocated greenfield site in the countryside; outside of settlement limits; which is within a valued landscape; in an area which provides ecological services; at a time when there is no un-met housing need; and the development plan is up to date.

213. There are multiple negative impacts of the proposed development that would not be outweighed by the benefits associated with the provision of market housing, retail development and provision of affordable housing. There are no other material considerations which are considered to outweigh this harm. Overall, the proposal is contrary to development plan of Wokingham Borough and the underlying spatial strategy. Consequently, the application is recommended for refusal.

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