

Town and Country Planning Act 1990

Appeal under Section 78(1)(a) by Bloor Homes and Sandleford Farm Partnership

Sandleford Park, Newbury

APP/W0340/W/20/3265460

LPA Reference: 20/01238/OUTMAJ

Statement of Common Ground

A. Matters agreed between the Appellants and the LPA

1. General Matters

- 1.1 A valid planning application was registered on the 24th June 2020 and the statutory period for determination expired on the 14th October 2020.
- 1.2 The LPA refused planning permission on the 13th October 2020.
- 1.3 The LPA published its Delegated Report on the 30th October 2020.
- 1.4 The application site is shown on Plan14.273 PP01 Rev B.
- 1.5 Outline planning permission is sought for the following proposed development (as stated in the application form):

up to 1,000 new homes; an 80 extra care housing units (Use Class C3) as part of the affordable housing provision; a new 2 form entry primary school (D1); expansion land for Park House Academy School; a local centre to comprise flexible commercial floorspace (A1-A5 up to 2,150 sq m, B1a up to 200 sq m) and D1 use (up to 500sq m); the formation of new means of access onto Monks Lane; new open space including the laying out of a new country park; drainage infrastructure; walking and cycling infrastructure and other associated infrastructure works.

Access is ticked in the submitted planning application form as the one of the "reserved matters for which approval is being sought". As such the description of the proposed development as consulted and determined (as per the advert, consultation and decision notices) was:

Outline planning permission for up to 1,000 new homes; an 80 extra care housing units (Use Class C3) as part of the affordable housing provision; a new 2 form entry primary school (D1); expansion land for Park House Academy School; a local centre to comprise flexible commercial floorspace (A1-A5 up to 2,150 sq m, B1a up to 200 sq m) and D1 use (up to 500sq m); the formation of new means of access onto Monks Lane; new open space including the laying out of a new country park; drainage infrastructure; walking and cycling infrastructure and other associated infrastructure works. Matters to be considered: Access.

- 1.6 The appellants consider that as set out in the description of development access on to Monks Lane is to be approved at the present time. The Council considers that all matters relating to access are not a reserved matter and need to be considered at the present time as part of the appeal proposal.
- 1.7 The Council notes that there are:
- a) three proposed points of vehicular access onto Monks Lane to the north as shown on Plans 172985/A/07.1 and 172985/A/08;
 - b) two further points of vehicular access shown on Plan 14.273/PP02 Rev H1, namely
 - i) one at the eastern boundary seeking to connect through to the A339 to the east, via the link road currently under construction by the Council; and
 - ii) one at the western boundary seeking to connect through to the A343 Andover Road to the west, via New Warren Farm and Warren Road;
 - c) also one vehicular emergency access route through the country parkland from the A339 and the south east corner of the site to Development Parcel Central.
- 1.8 All other reserved matters – appearance, scale, layout and landscaping – are reserved for subsequent approval. The LPA did not request the submission of further reserved matters under Article 5(2) of the Town and Country (Development Management Procedure) (England) Order 2015.
- 1.9 The Appellant is seeking that, in the event that planning permission were granted, then reserved matters applications would need to be in “substantial accordance” with the following ‘parameter plans’:
- 14.273 PP02 rev H1 Land Use and Access Parameter Plan
 - 14.273 PP03 rev G1 Green Infrastructure Parameter Plan
 - 14.273 PP04 rev G1 Building Heights Parameter Plan
- 1.10 The Council considers, without prejudice to its case at appeal, that in the event of outline planning permission being granted, reserved matters applications would need to be in accordance with the above plans.
- 1.11 The following plans relate to access on to Monks Lane for which planning permission is sought – 172985/A/07.1 and 172985/A/08. These plans show the general arrangement proposed, which is to the satisfaction of the highway authority subject to the provision of plans demonstrating that adequate visibility splays at the accesses can be achieved and Section 278 Highway Agreements would govern engineering details. Amended plans 172985/A/07.1 Rev A and 172985/A/08 Rev A have been submitted as part of the Wheatcroft proposal and they include visibility splays to the satisfaction of the highway authority. These plans however do not

show the impact on existing trees / hedgerows / planting, nor any replacement tree/hedgerow planting or landscaping.

- 1.12 The Appellants are requesting that the following plans, which they call "controlling plans", would guide reserved matters applications and/or schemes required by planning condition/obligation:

04627.0005.16.632.13 Figure 4.3 Strategic Landscape and Green Infrastructure Plan

04627.0005.16.306.15 Figure 7.7 Country Park: Phasing Plan

14.273/928 Access Road Plan

14.273/PP05 B Parcelisation Plan

The Council again considers, without prejudice to its case at appeal, that in the event of outline planning permission being granted, reserved matters applications would also need to be in accordance with the above mentioned plans. However there are inconsistencies between the various plans.

- 1.13 The appellants contend that these plans have a narrow purpose relating to the conditions/obligations with which they are associated. The Council determined the application on the basis that these represent the appellants' development proposals more widely. The Council and the Appellants propose to discuss the status and scope of these plans and the associated triggers as part of the review of draft conditions and Unilateral Planning obligation.

- 1.14 The following "combined plans" illustrate the development proposals alongside those submitted by Donnington New Homes for development at New Warren Farm:

14.273 PP02 Rev I Combined Land Use and Access Parameter Plan

14.273 PP03 Rev H Combined Green Infrastructure Parameter Plan

14.273 PP04 Rev H Combined Building Heights Parameter Plan

04627.00005.16.632.14 Combined Strategic Landscape and Green Infrastructure Plan

14.273 171 Illustrative Masterplan

- 1.15 The outline planning application was accompanied by an Environmental Statement which meets the requirements of the Town and Country Planning Act (Environmental Impact Assessment Regulations) 2011. No Regulation 22 request was made by the LPA.

2 Development Plan

- 2.1 The Development Plan is currently made up of the following documents:

- West Berkshire Core Strategy Development Plan Document (2006-2026) adopted July 2012;
- Housing Sites Allocation DPD adopted in May 2017;
- West Berkshire District Local Plan 1991-2006 (Saved Policies 2007 as amended in 2012 and 2017);
- Replacement Minerals Local Plan for West Berkshire incorporating alterations adopted in

December 1997 and May 2001; and

- Waste Local Plan for Berkshire adopted December 1998.

- 2.2 None of the made Neighbourhood Plans in the District relate to the Appeal Site.
- 2.3 The Appeal Site is allocated for development in the Core Strategy – Policy CS3.
- 2.4 The Core Strategy was adopted after the introduction of the NPPF and provides an up to date framework for development planning in West Berkshire consolidated by the adoption in May 2017 of the Housing Site Allocations DPD, which is also up to date. The Council contends that Development Plan as a whole is up to date save for the first paragraph of CS15 relating to Code for Sustainable Homes. The Appellants considers that such parts of the development plan as are directly relevant to the appeal proposals are up to date save for CS15 and noting that a review of the Core Strategy is progressing.
- 2.5 The Housing Site Allocations Development Plan Document (HSA DPD - adopted in May 2017) contains General Site Policy GS1, which includes the following criteria which applies to all sites allocated in the development plan: "Each allocated site will be masterplanned and delivered as a whole to achieve a comprehensive development that ensures the timely and coordinated provision of infrastructure, services, open spaces and facilities. A single planning application will be submitted for each allocated site, either an outline or full application, to ensure this comprehensive approach to development is achieved."
- 2.6 Para. 9.3 of the delegated report states "In policy terms, the residential-led development of the SSSA is clearly acceptable in principle, given its allocation in the Core Strategy as a strategic site for residential-led development. Equally the residential-led development of the application site would be acceptable in principle as it comprises part of the SSSA. However, its acceptability of this proposal needs to be assessed against the requirements of the relevant / most important development plan policies, having regard to all relevant material considerations, as they apply to this specific development proposal."
- 2.7 The Council considers that the following policies are most important for determining the appeal:-
- i) Core Strategy Policies ADPP1, ADPP2, CS1, CS3, CS4, CS5, CS6, CS13, CS14, CS15 (the part not relating to Code of Sustainable Homes), CS16, CS17, CS18, CS19; and
 - ii) HSA DPD Policies GS1, C1; and
- the parties agree that all policies (save for CS15) as mentioned above carry full weight. The appellants consider policy CS15 not to carry full weight. The Council considers that, with the exception of the first part of the policy relating to Code for Sustainable Homes, the remainder of policy CS15 carries full weight.

3 Other relevant Planning Policy Documents

3.1 The following are relevant planning policy documents:

- The National Planning Policy Framework
- The Government's Planning Practice Guidance
- West Berkshire Council's Sandleford Park Supplementary Planning Document
- Planning Obligations Supplementary Planning Document
- Sustainable Drainage Supplementary Planning Document

4 Local Plan Review

- 4.1 The LPA commenced work on a Local Plan Review in 2018. In December 2020 it published a consultation document entitled Local Plan Review 2020-2037: Emerging Draft, prior to a Regulation 19 Plan expected in 2021. At this stage of the Local Plan Review, granting planning permission (without prejudice to the Council's case at appeal) would not prejudice the plan-making process.
- 4.2 The December 2020 consultation document carries forward key principles from the Core Strategy, including the Spatial Strategy's focus on Newbury and the Sandleford Park allocation itself.
- 4.3 Paragraph 6.29 of the consultation document confirms that the Council consider "*that Sandleford Park is the most appropriate location for strategic housing delivery in Newbury*".
- 4.4 Paragraph 6.30 states: "*Whilst the site has not delivered housing to date, the Council is confident that the site will deliver housing within the plan period of the Local Plan Review and is actively working to ensure this*".

5 The Appeal Site

- 5.1 The Appeal Site forms a substantial part of the land allocated as the Sandleford Park Strategic Site in the adopted Core Strategy – Policy CS3.
- 5.2 The Appeal Site is in a highly accessible location. It is contiguous with the urban area of Newbury. Newbury is the main urban area in the District and has a range of facilities and services to support the expansion of the town.

- 5.3 The town centre and Newbury Rail Station are approximately 2kms from the Site, with the Town Centre being slightly further. Bus services operate along Monks Lane and Andover Road towards the town centre.
- 5.4 Within close proximity of the Site is Newbury Retail Park, Newbury Rugby Club, David Lloyd Fitness Centre, Falklands Surgery and Wash Common Pharmacy, Falkland Primary School, Highwood Copse Primary School (opening Sept 2021), Newbury College, St Gabriel's School (all-through school), Park House School Secondary School Academy and Sixth Form, Newbury Household Waste and Recycling Centre, public houses, and local retail. These facilities are all within a convenient walking distance of the Site. However, the existing facilities at the catchment schools and the surgery do not have the capacity to accommodate the level of additional demand arising from the development of the site and the strategic allocation.
- 5.5 The following woodlands are designated as Ancient Woodlands and Local Wildlife Sites: Crooks Copse, Slockett's Copse, High Wood, Barn Copse, Dirty Ground Copse, Waterleaze Copse. Gorse Covert is not an Ancient Woodland but it has Ancient Woodland indicator species and it is a Local Wildlife Site. There is one ancient and several veteran trees on the application site. All the trees on the application site and neighbouring locality are subject to Tree Preservation Order/s (TPO 201/21/1016-W15-MIXED and TPO 201/21/0472 - A1).
- 5.6 The Appeal Site is not designated as a 'valued landscape' in the Development Plan. The Development Plan does not designate any specific site as 'valued landscape'. The Council considers the site to be a valued landscape for the purposes of the NPPF. The Appellant disagrees.

6 The Proposed Development

- 6.1 The Land Use and Access Parameter Plan (14.273 PP02 rev H1) and the Green Infrastructure Parameter Plan (14.273 PP03 rev G1) seek to reflect the broad distribution of development set out in Policy CS3 of the Core Strategy, Appendix C Concept Plan, which *"is indicative only and a masterplan or SPD will be prepared to set out detailed guidelines for the distribution of uses and design of the site"* (Core Strategy paragraph 5.14). The Land Use and Access Parameter Plan (14.273 PP02 rev H1) and the Green Infrastructure Parameter Plan (14.273 PP03 rev G1), as elaborated by the Strategic Landscape and Green Infrastructure controlling plan (04627.0005.16.632.13 Figure 4.3) diverge and do not accord with the Masterplan Framework (Fig.13) included in the Sandleford Park Supplementary Planning Document.
- 6.2 Proposed Built development is limited to the north and west of the site which reflects Policy CS3 and Appendix C of the Core Strategy. The area of country parkland and open space across the eastern and southern parts of the Site seeks to have regard to its landscape significance, the A339 approach to Newbury, and the registered historic landscape and setting of the former Sandleford Priory. However, the Council considers that the proposal introduces intrusive and detracting elements, which would dilute the landscape. Those elements of the proposal associated with the proposed emergency access for Development Parcel Central, would have

been unnecessary were the SSSA to be developed in a holistic, comprehensive and non-piecemeal fashion.

- 6.3 The proposed building heights shown on the Building Heights Parameter Plan are appropriate.
- 6.4 The density of development – which will vary between 30 and 50 dwellings per hectare - is appropriate and consistent with Policies CS3 and CS4 of the Core Strategy and the Character Areas set out in the SPD. The site owners (including the appellants) promoted the Sandford Strategic Site Allocation (SSSA) for up to 2,000 units and this was allocated in the Council's Core Strategy as an upper limit. The latest application proposals (18/00828/OUTMAJ & 20/01238/OUTMAJ) seek permission for 1,580 units in total. The Council has had regard to all the evidence to date and the emerging Local Plan Review Policy SP16 is seeking to continue the Sandford Park allocation for a residential development of approximately 1,500 dwellings.
- 6.5 The appellants consider that the appeal proposal seeks to provide 40% affordable housing on site in accordance with Core Strategy Policy CS6. The Council welcomes the provision of 40% affordable housing in accordance with Core Strategy Policy CS6, however, inconsistencies remain in the submitted documentation which do not necessarily guarantee the provision of 40% permanently available affordable housing on site.
- 6.6 The unit size mix of housing as set out in the Planning Statement (Appendix 2) meets the requirement in Policies CS3 and CS4 for an emphasis on family housing.
- 6.7 Primary Education - The proposal identifies land for a 2FE primary school with nursery class, in accordance with the adopted Sandford SPD. This school is necessary to mitigate the impact of the development. The proposed location and capacity of the school have been agreed between the parties. The exact extent of the area of the Primary School Site to be transferred to the LEA is currently an issue of dispute but the parties consider this can be discussed and addressed in the planning obligation/condition. This school will need to be funded by the developer of the appeal site secured through a satisfactory s.106 Planning Obligation.
- 6.8 Secondary Education - Mitigation of the impact of the development on secondary education will need to be secured through a satisfactory s.106 Planning Obligation in the form of a Unilateral Undertaking. This mitigation will comprise of both financial contributions and land provision to ensure the expansion of accommodation and facilities at Park House School. The IDP Study (Appendix 3 of the Planning Statement) demonstrates a schedule of building accommodation that can meet the number of secondary school pupils from the proposed development, development of New Warren Farm and Sanfoin and spaces required by West Berkshire Council. The minimum required size of the expansion land for the school site and a scheme for the expansion of the school building accommodation have been agreed between the parties. However, the Council continues to have concerns as to the suitability of the expansion land for the school as set out in Section B Education Land pursuant to reason for refusal 10.

- 6.9 The location of the Local Centre identified on the Land Use and Access Parameter Plan is appropriate and in accordance with the Masterplan Framework (Fig.13) in the Sandleford Park Supplementary Planning Document. The proposed uses in the Local Centre are in accordance with Policy CS3 in respect of the specific provision regarding the Local Centre detailed in Policy CS3. The Council considers that, notwithstanding the development proposed in the application form, that the appeal proposal, including the draft s.106 Planning Obligation, fails to adequately secure the provision of retail and community facilities and business employment on site in the form of a local centre, and is therefore contrary to Core Strategy Policy CS3 and Sandleford Park SPD Development Principles F1 and F2.
- 6.10 Policy CS3 requires “two vehicular accesses to be provided off Monks Lane with an additional sustainable transport link for pedestrian, cyclists and buses provided from Warren Road onto the Andover Road”. The Monks Lane Character Area in the SPD states “Two principal access points will be provided off Monks Lane” (page 71). Plans 172985/A/07.1 and 172985/A/08 show three points of access on to Monks Lane. The Land Use and Access Parameter Plan 14.273/PP02 Rev H1 shows two proposed access points for ‘All Traffic Modes’ on to Monks Lane.
- 6.11 WBC has secured funding in part towards the construction of an access from the A339 to the Appeal Site. This is Local Growth Deal funding which has been granted as a contribution to the scheme in order to help unlock the housing proposed for this strategic housing allocation. The new access will also serve the new Highwood Copse Primary School (planning permission 17/003434/COMIND). The addition of a connection proposed at the boundary of the Appeal Site to the A339 Access Road (shown on plan 14.273/928) reflects the intention in the Sandleford Park SPD that additional points of access are explored (Development Principle A1). Construction of this primary school and the associated highway has commenced. Having been explored via the extensive highway modelling undertaken by the Appellants, the Local Highway Authority consider the A339 access and a financial contribution towards its construction to be essential.
- 6.12 The ‘Crooks Copse’ highway link was included at the request of the Local Planning Authority. The absence of an east-west link to the south of Crooks Copse was a reason for refusal in respect of refused applications 15/02300/OUTMAJ and 16/00106/OUTMAJ.
- 6.13 A proposed access via Warren Road is currently the subject of outstanding applications, 18/00828/OUTMAJ and 20/03041/FUL (discussed below) which are not within the control of the Appellants.
- 6.14 The location of pedestrian and cycle accesses identified on the Land Use and Access Parameter Plan (14.273 PP02 rev H1) allow connectivity with adjoining land uses. These are similar to those shown on the Masterplan Framework (Fig.13) in the Sandleford Park Supplementary Planning Document to provide access to local destinations by walking and cycling.
- 6.15 The Council considers that there is a concern in respect of the two proposed walking and cycle routes along the central valley, which are affected by the refused embankment design for the

central valley crossing. The detailed design of these pedestrian and cycle links (not the route) can be determined by the Detailed Landscape and Green Infrastructure Design and Management Plan for the Country Park and reserved matters in due course. The Appellants contend that the alignment pedestrian and cycle routes within the Country Park can be determined at that more detailed stage.

- 6.16 A financial contribution of £180k towards playing field improvements at Newbury Rugby Club is appropriate to address the need in part for sports facilities as requested and agreed by Sport England to overcome their objection to the application is satisfactory mitigation in respect of the impact of the proposal at the club.
- 6.17 A financial contribution for the extension of Falkland Surgery is required to provide necessary healthcare facilities mitigation, subject to an appropriate trigger for payment being secured, in accordance with the corresponding provision in Sandleford Park SPD Development Principle F1.
- 6.18 The Sandleford Park SPD requires in Development Principle L2 that each character area and phase of the site will have a detailed Landscape and Green Infrastructure Design and Management Plan.
- 6.16 The proposed development will result in a range of benefits as well as dis-benefits, which need to be considered in the Planning Balance. These are an area of dispute between the two sides and will be set out in the respective Planning Proofs of Evidence

7 Development Proposals at New Warren Farm and Comprehensive Development

- 7.1 The submitted "combined plans" have sought to illustrate one way in which the Appeal Scheme may be aligned with the December 2019 development proposals advanced by Donnington New Homes (DNH).
- 7.2 DNH submitted an amended application proposal (18/00828/OUTMAJ) on 25th September 2020 and various issues and concerns have been raised by consultees in response. Since then DNH have submitted a raft of additional information and amendments partly in response to apparent consultee concerns and also following the reasons for refusal for application 20/01238/OUTMAJ. These have not been accepted nor consulted by the Council to date.
- 7.3 In January 2021 DNH submitted a planning application proposing the widening of Warren Road to provide access for their development to Andover Road (ref 20/03041/FUL). The Council has issued a screening opinion that the Warren Road application proposal is EIA development, thereby requiring an Environmental Statement (ES).
- 7.4 In addition, the Council has suggested that the Warren Road proposals in application 20/03041/FUL are amalgamated into the current DNH residential application for Sandleford Park West (18/00828/OUTMAJ), along with an updated ES. On this basis the Council has advised that this would justify also admitting the additional/amended information not accepted to date, as well as any other submission DNH wish to make as part of an amended single package to

enable the Council to re-consult and progress to assessment and determination of the proposal for Sandleford Park West.

- 7.5 The Appellants consider that the Appeal Scheme does not restrict, prevent or prejudice development at New Warren Farm. The Appellant's also consider that their Infrastructure Commitments as part of this Appeal would enable the comprehensive development of the allocated site without prejudicing either the infrastructure provision or the balance of the Infrastructure.
- 7.6 As set out in reasons for refusal 1 and 2 and section 19 of this SoCG, the Council does not consider that the appeal scheme (including the draft s.106 legal agreement) would provide adequate certainty that the SSSA will be developed in a holistic, comprehensive way, and that the associated infrastructure will be provided in a co-ordinated and timely manner to mitigate the impacts of the development and to ensure the satisfactory development of the SSSA to provide a well-planned, sustainable and coherent urban extension to Newbury, contrary to development plan policies and the Sandleford Park SPD.

8 Green Infrastructure

- 8.1 The proposed woodland buffers will consist of native trees and native scrub with a variety of grasslands managed as longer grassed areas with occasional mown paths to minimise disturbance to the Ancient and other woodlands. . Two typical sections of a woodland buffer are shown in the Design and Access Statement (Figures 58 and 63). The Council considers that some of the uses and works associated with the proposed development, which would not be acceptable within buffer zones and can be restricted by conditions would be residential curtilages, buildings, hardstandings, garden areas, means of enclosure, roads, cycleways, formal footpaths, SuDS or hard elements, such as structures, drainage channels, or other forms of engineering.
- 8.2 Detailed design of the Green Links within the Site can be secured at the reserved matters stage.
- 8.3 The construction of the access points on to Monks Lane as required by Policy CS3 will result in in the loss of vegetation which will change its character. Character Area CA4. Monks Lane sets out the design principles and criteria for this part of the development one of which requires that the character of Monks Lane will be maintained through strategic planting planned for the site. No details of the location and extent of strategic planting along Monks Lane have been proposed. Details such as the schedule, timing and specification of strategic planting to be provided along Monks Lane can be provided in a detailed Landscape and Green Infrastructure Design and Management Plan for that phase (Principle L2) and the reserved matters application which shall consider "landscape". Notwithstanding, the Council is concerned that there may be insufficient space as a result of the access proposals to ensure the delivery of sufficient strategic planting along Monks Lane in accordance with Character Area CA4.

- 8.4 Mitigation planting is intended by the Sandlesford Park SPD, however, no mitigation planting in the location of the access points onto Monks Lane is shown on the Strategic Landscape and Green Infrastructure Plan. The location of some mitigation planting within the Country Parkland to be provided is shown on the Strategic Landscape and Green Infrastructure Plan and the Country Park Phasing Plan, the detail of which could be subject to a Phase specific detailed Landscape and Green Infrastructure Design and Management Plans and reserved matters application in due course.
- 8.5 An appropriate scheme for the management and maintenance of the Country Parkland can be secured by appropriate pre-commencement condition/s.
- 8.6 The extensive area of recreation space to be provided in the form of the Country Parkland will meet the needs of the resident population and is unlikely to encourage increased visitor pressure at Greenham Common SSSI provided adequate management and maintenance of the Country parkland is secured, including the provision of a full time warden. It is not necessary for the proposed development to mitigate any impacts at Greenham Common SSSI provided adequate management and maintenance of the Country parkland is secured, including the provision of a full time warden.
- 8.7 The provision of food growing areas in the form of community orchards is acceptable.
- 8.8 The LPA issued a Tree Preservation Order (201/21/1016) on the 23rd October 2020. Representations in response to this were submitted on the 3rd November 2020 and were acknowledged on the 10th November 2020.
- 8.9 In principle, a two-phased delivery of the Country Park is appropriate. The Council and the Appellants propose to discuss the triggers as part of the review of draft conditions, and Unilateral Planning obligation.

9 Heritage

- 9.1 The proposed development does not give rise to any building conservation considerations. The arrangement of land uses proposed and the provision of strategic tree planting early on in the development of the site would preserve the setting of Sandlesford Priory (Grade 1 listed house and Grade II Registered Park).
- 9.2 Warren Lodge and Squirrel Cottage are both Grade II listed buildings. The former is located off Warren Road and the latter on Kendrick Road. Both are to the west of the Appeal Site. Both are separated from the Appeal Site by current built development or future built development associated with New Warren Farm. The proposed development will not affect the significance of these heritage assets.

10 Highways and Transportation

- 10.1 WBC's VISSIM model has been used by the appellants to assess the traffic impacts of all of the accesses proposed in this development – Monks Lane and the access to the A339 link road which is currently being constructed by WBC - and the additional vehicular access to the A343 Andover Road via Warren Road. The inputs to the model and the scenarios to be run were agreed by WBC.
- 10.2 The Applicants have assessed the outputs of their modelling in their Transport Assessment.
- 10.3 The outputs from the model identified junctions where mitigation measures were required. The required mitigation measures were set out by the Local Highway Authority in their response to application 20/01238/OUTMAJ provided in September 2020.
- 10.4 With the implementation of the mitigation set out in the response to the application by the Local Highway Authority provided on 8th September 2020, the residual cumulative impacts on the road network would not be severe.
- 10.5 The highway modelling demonstrates that the proposed development as part of this appeal does not require a vehicular access to be constructed onto Warren Road/Andover Road.
- 10.6 The highway modelling undertaken to assess the development of the whole of the Sandleford Strategic Site Allocation (together with land known as Sanfoin) included the construction of an all-vehicular access onto the A343 Andover Road via Warren Road which the appeal proposal does not deliver. The Council considers that that the development of the whole of the Sandleford Strategic Site Allocation (together with land known as Sanfoin) requires the construction of an all-vehicular access onto the A343 Andover Road via Warren Road which the appeal proposal does not deliver.
- 10.7 The pedestrian and cycle improvements listed in the Transport Assessment are agreed by WBC subject to appropriate mechanisms and trigger to secure these works can be secured as a planning obligation and S278 Agreement. With the implementation of these works the proposed development would not give rise to unacceptable highway safety impacts for pedestrians or cyclists.
- 10.8 The provision of the bus service within the appeal site has yet to be agreed.
- 10.9 Street Network and Hierarchy and Street Design and Character principles set out in the Design and Access Statement (Sections 6.2 and 6.3 and Section 7) are substantially in accordance with the Sandleford Park SPD. The indicative layout of roads and streets shown in the Design and Access Statement are appropriate.
- 10.10 It appears to the Council that relevant car parking and cycle parking standards could be achieved through reserved matters.

10.11 Highways England wrote to the LPA and the Applicants on the 30th October 2020 removing its previous holding objection. Highways England do not object to impact of the proposed development on the Strategic Highway Network, subject to planning conditions relating to a construction traffic management plan and a travel plan (both of which are already anticipated by the Appellant and LPA). Reason for Refusal 7 is no longer being pursued by the Council.

11 Flood Risk and Drainage

11.1 Assessment of fluvial flood risk shows the land (aside from the River Enborne corridor) to lie in Flood Zone 1 and hence is a preferable location for residential development when considered in the context of the NPPF Sequential Test. Policy CS16 requires surface water to be managed in a sustainable manner through the implementation of Sustainable Drainage Methods. The Appellants drainage proposals are based on implementation of Sustainable Urban Drainage measures. The Council however has concerns regarding the detailed proposals as set out in RFR 13.

11.2 The single access point proposed to be provided to the River Enborne must be conditioned to provide no public access to the river.

11.3 Foul water will discharge to the existing network offsite. Upgrades to the waste-water network will be required and can be secured by planning condition.

11.4 The Council is no longer pursuing the issue of the interrelationship of surface water runoff between the appeal site and the remainder of the Sandford Strategic Site Allocation as stated in point i) of reason for refusal 13.

12 Ecology

12.1 The Council considers that the badger survey effort was inadequate to inform sufficient mitigation measures in terms of badgers. The inadequacy of the survey effort in respect of the badger population and individuals on site raises concerns regarding the potential adverse effects of the development on the local and meta population of badgers.

12.2 The Council considers that, with respect to bats, no bat surveys were conducted inside the woodlands at the site and therefore the bat survey effort has been insufficient to adequately inform the impact of the appeal proposal on this statutory protected species.

12.3 The suite of the other ecological surveys undertaken by the then Applicants, now Appellants, and included in the Environmental Statement are appropriate for the purpose of the ecological impact assessment.

12.4 The Council does not seek to pursue any matters relating to Woodpasture and Parkland BAP priority habitat.

12.5 The proposed Country Park will provide a destination for new and existing residents, helping to mitigate increased recreational pressure on other valued sites in the local area.

12.6 A detailed scheme for the management and maintenance of the Country Park and ancient woodlands can be secured by appropriate pre-commencement condition/s.

- 12.7 The proposed development achieves a biodiversity net gain (BNG). However, the Council considers that this BNG assessment does not account for the degradation of retained existing habitats and their inhabiting species on site over time.

13 Minerals and Waste

- 13.1 A planning condition relating to incidental mineral extraction is appropriate and addresses the mineral safeguarding designation in the Replacement Minerals Local Plan (May 2001).
- 13.2 The proposed development would not prevent or prejudice the operation of the Newtown Road Household Waste Recycling Centre.
- 13.3 The Local Centre will include waste recycling collection facilities, and these be secured by planning condition.

14 Noise

- 14.1 The submitted Noise Assessment is appropriate to determine the effects of the proposed development on noise receptors close to the site. The Environmental Health Officer did not object to the proposed development subject to planning condition securing a noise mitigation scheme. Subject to the Wheatcroft proposals not giving rise to adverse noise impacts.
- 14.2 Noise from construction activities can also be satisfactorily mitigated by measures included in a Construction Environment Management Plan, subject to that plan being secured by condition or planning obligation.

15 Air Quality

- 15.1 Air quality impacts from construction activities can be satisfactorily mitigated by measures included in a Construction Environment Management Plan.
- 15.2 In respect of the potential Air Quality Impacts on Special Areas of Conservation raised by Natural England, the Applicant submitted information in relation to this on the 1st September 2020 which was forwarded to Natural England by the Council. Natural England confirmed that this information was not sufficient to address their objection. The Applicant submitted further information on 25th September 2020 to the LPA but the LPA did not accept this information onto the planning file and therefore did not reconsult Natural England. The appellant submitted that information directly to Natural England who confirmed to the LPA on 16th November 2020 (after the refusal of the application) that Natural England agreed with the conclusions in the information submitted on 25th September 2020 that air quality impacts on nearby European sites can be ruled out both alone and in combination and is sufficient to remove their previous objection to the application. Therefore, Reason for Refusal 12 is no longer being pursued by the Council.

16 BREAAAM

- 16.1 The Appellants have committed to BREAAAM Excellent for non-residential uses and have submitted pre-assessment reports accordingly. The BREEAM pre-assessments submitted illustrate how the "excellent" standard can be achieved for the non-residential uses, in accordance with Policy CS15, subject to appropriate conditions securing BREEAM Excellent.

17 Housing Land Supply

- 17.1 Since 2017 the LPA has not included the delivery of any development at Sandleford Park Strategic Allocation within its five year housing land supply, because of uncertainty as to when development on site might commence.
- 17.2 The Council can demonstrate a housing supply of 7.67 years for the period April 2019 to March 2024. An update for the period April 2020 to March 2025 is due to be published shortly.
- 17.3 The Core Strategy states "at least half the housing (in the SSSA) is planned to be delivered by 2026". However it is agreed that the Council has a robust five year housing, without relying on any residential units at Sandleford Park.
- 17.4 In the emerging Local Plan Review (up to 2037) it is expected that 1000 units would be delivered at the Sandleford Park Strategic Allocation in this plan period (i.e. by 2037).

18 Section 106 Planning Obligation

The Council will review and comment on any forthcoming s.106 Unilateral Undertaking which the Appellant has advised that they will provide.

B Matters not agreed between the Appellant and the LPA

The Council confirms that matters relating to reasons for refusal 7 (the A34) and 12 (Impact on SACs) are no longer pursued at appeal, as Highways England and Natural England have withdrawn their earlier maintained objections after the Council's refusal upon receipt of additional information. The Council confirms that at this stage its case is set out in the remaining 12 reasons for refusal, all of which remain areas of dispute between the Appellant and the Council. The following sections seek to summarise those setting out the respective LPA's position followed by the Appellants' position. Furthermore, the parties disagree on the range of benefits/disbenefits of the proposal, as well as to whether the appeal proposal is or is not contrary to the development plan as a whole.

Set out below in tabular form are the areas of disagreement between the LPA and the Appellant.

Areas of Disagreement

| Topic – Holistic Comprehensive Development and Strategic Landscape and Green Infrastructure | | |
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| LPA | Appellant | Prospect of Resolution |
| <p>As set out in refusal reasons 1 and 2, the proposals are for the development of only part of the SSSA and would not deliver the required holistic comprehensive and coherent development of the SSSA, nor provide adequate certainty and confidence of delivering the required timely and co-ordinated required associated infrastructure in mitigation.</p> <p>The proposals are therefore unacceptable and contrary to a whole range of development plan policies, and also the vision, strategic objectives and development principles of the Sandleford Park SPD.</p> <p>The unacceptability of the proposal is exacerbated further by numerous inconsistencies a) between the submitted documentation; b) in relation to the proposals for the adjoining site resulting in contradictions</p> | <p>i) The Appeal Scheme and the development proposals advanced by Donnington New Homes are comprehensive;</p> <p>ii) the two schemes align with one another as shown on the "combined plans";</p> <p>iii) the Appellant will submit a draft Section 106 Planning Obligation which makes provision for infrastructure required to be delivered in a timely manner to serve the proposed development and the allocation as a whole; and</p> <p>iv) The proposed development is acceptable in its own terms and does not restrict, prevent or prejudice development at New Warren Farm.</p> | <p>No</p> <p>LPA will review Appellants forthcoming s106 Planning Obligation in the form of a Unilateral Undertaking and comment on the merits and (un)/acceptability of that once it has been provided to, and reviewed by, the LPA.</p> |

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| <p>and uncertainty; and c) in relation to the submitted draft s.106 bilateral legal agreement which the Council will not enter into at appeal stage, and which gave rise to various concerns in respect of inadequate provision for the required infrastructure mitigation, a number of which concerns were referred to in the Officers' delegated report.</p> | | |
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| Topic – Landscape and Visual Impact Assessment | | |
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| LPA | Appellant | Prospect of Resolution |
| <p>As set out in reason for refusal 3, the submitted LVIA underestimates the level of harm on the landscape and visual resource, as it fails to satisfactorily assess the landscape and visual impact of the proposal on the valued landscape of the site and on a whole range of existing features.</p> <p>The Appeal Site is considered to be a valued landscape for the purposes of NPPF paragraph 170 for the reasons detailed in the Landscape Character, Visual Impact and Green infrastructure section of the delegated report and in the response from the Landscape consultee.</p> <p>An unacceptable level of harm will be caused to key characteristics and features, with significant effects on landscape character and visual resources that have not been adequately mitigated, contrary to development plan policies and the SPD.</p> | <p>The Strategic Landscape and Green Infrastructure Plan and the Landscape and Green Infrastructure Design and Management Plan provide an appropriate response to the development of this allocated site consistent with the landscape principles in the SPD to enable new development to be satisfactorily integrated with the landscape.</p> <p>The Appeal Site is not considered to be a valued landscape in the meaning of the NPPF. The LPA has not set out a justification that it is a valued landscape in the meaning of the NPPF.</p> <p>The Appellant disagrees with the purported level of harm, especially in terms of an allocated site that the Council wish to see developed.</p> | <p>No</p> <p>There are differences of professional opinion between the parties as to the level of harm caused by the proposed development, as presented in the LVIA, reviewed at the application stage.</p> <p>The Council are considering the Wheatcroft proposals and will be commenting on those in due course.</p> |

| Topic – Affordable Housing | | |
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| LPA | Appellant | Prospect of Resolution |
| <p>As set out in refusal reason 4, the Council's policy on affordable housing (CS6 of the Core Strategy) requires a 40% on-site provision for major developments on greenfield sites, 70% of which should be for social rented. Although the application satisfies the overall 40% affordable housing requirement, it proposes that 70% of that provision to be for a mixture of affordable rented and social rented units. In this respect the proposal is unacceptable and unsatisfactory in that it fails to deliver the required proportion of units for social rent, for which there is the greatest need in the District.</p> <p>In addition, Schedule 8 of the accompanying draft Section 106 Legal Agreement submitted by the applicant proposes 80 extra care units (70x 1-bed & 10x 2-bed), which are all to be provided in one location within Development Parcel Central (DPC) and which form part of the affordable housing provision. Schedule 8 of the draft Section 106 stipulates that in the event that it was not feasible to progress the Extra Care Housing, the said units shall become General Affordable Housing Units. However, the unit mix and spatial distribution requirements of General Affordable Housing within the site are substantially different, to that of Extra Care Housing. Unless the proposal were to be considerably adjusted in good time, such a scenario would result in an unacceptable concentration of 80 units with an</p> | <p>The Appeal Scheme will provide 40% affordable housing and an Affordable Housing scheme will be prepared for each phase of development that would govern the provision of affordable housing.</p> <p>The Appellants proposals do not preclude 70% of the rented affordable housing being social rent.</p> <p>The cascade mechanism would see the Extra Care becoming General Needs Affordable Housing and subject to the Target Affordable Housing Mix and pepperpotting as part of the affordable housing scheme and relevant reserved matters application.</p> <p>In the event of a cascade the Appellant would be obliged to provide evidence to the Council and pay the Affordable Housing Commuted Sum, thus ensuring provision was still being made for meeting local housing need.</p> | <p>Possibly – subject to the parties agreeing a satisfactory planning obligation in the form of a unilateral undertaking.</p> |

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| <p>unacceptable unit mix. The development would fail to create a successful, sustainable, mixed and balanced community and to make satisfactory affordable housing provision.</p> <p>Furthermore Schedule 8 of the draft Section 106 also provides that, under certain circumstances, the 30% intermediate housing would be allowed to switch to market housing, failing to make the required 40% affordable housing provision. Should the above occur, this would also result in a material change to the description of the development proposed, for which planning permission is hereby sought.</p> <p>In all three of the above respects the application would be unacceptable and harmful to the community's need for affordable housing.</p> <p>The cascade mechanism in the draft S106 legal agreement does not guarantee the provision of 40% permanently available affordable housing on site of a policy compliant tenure mix.</p> | | |
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| Topic – Sustainable Development and Renewables | | |
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| LPA | Appellant | Prospect of Resolution |
| <p>As set out in refusal reason 5, the LPA do not consider the proposed development will deliver an exemplar development in terms of carbon dioxide emissions reductions, renewable energy generation, and zero-carbon, in relation to the proposed residential</p> | <p>The appellants consider that the residential element of the Appeal Scheme will need to be constructed in accordance with the prevailing Building Regulations Part L, which, following the withdrawal of the Code for Sustainable Homes, is now the Government's primary mechanism</p> | <p>Unclear at this stage.</p> |

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| <p>development, which comprises the overwhelming proportion of development on the appeal site.</p> <p>In respect of sustainable development and renewables the proposal is unacceptable, inappropriate and unsatisfactory, contrary to Core Strategy policies, Sandleford Park SPD vision, strategic objectives, development principles and the Council's Environmental Strategy.</p> <p>With regard to the comparatively small element of non-residential uses on site the Council notes that the Appellants have committed to BREAAAM Excellent for non-residential uses and have submitted pre-assessment reports accordingly, which matters could be secured by condition.</p> | <p>for reducing carbon dioxide emissions from new residential development in order to help meet national targets.</p> <p>The Government's response to the Future Homes Standards consultation is presently being reviewed.</p> | |
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| Development Parcel Central (DPC), Emergency Access, and the Central Valley Crossing | | |
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| LPA | Appellant | Prospect of Resolution |
| <p>As set out in refusal reason 6, the proposal is unacceptable and contrary to policies and to the SPD as the proposal to develop only part of the SSSA would not guarantee the provision of an access through to Andover Road, via Sandleford Park West, along with the failure to provide satisfactory emergency access, would mean that Development Parcel Central would constitute an unacceptable form of development, inadequate in urban design terms in respect of permeability and connectivity, in terms of vehicular access, to the DPC.</p> <p>The proposed refused illustrative central valley crossing</p> | <p>The detailed design of the Valley Crossing would follow at a later stage in the event planning permission was granted. The LPA did not request the submission of any further information either under Article 5(2) of the DMPO or Regulation 22 of the EIA Regulations. Access as defined by the DMPO is related to the surrounding highway network, not the internal road layout.</p> <p>The Appellants consider that the LPA previously accepted that detailed design of the valley crossing was appropriately undertaken at the reserved matters stage, where the issues raised in</p> | <p>The Council notes that the appellants have submitted additional proposed options in respect of the Central Valley Crossing, appended to their Statement of Case, which they are implicitly requesting the Inspector to consider as part of the appeal proposals, and which are currently the subject of a "Wheatcroft" consultation. The Council will be reviewing those and be commenting accordingly.</p> |

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| <p>comprising substantial earthworks embankment structure between the northern and central development parcels would be unacceptable and unsatisfactory, causing harm to the character and quality of the valued landscape of the central valley. Proposals for emergency access are also not acceptable and satisfactory in highways terms.</p> <p>The LPA contend that as Access is not a reserved matter, the Appellants have failed to adequately demonstrate that their proposal can provide satisfactory vehicular access to the whole proposed development of the appeal site, as the detailed access proposals fail to provide satisfactory emergency vehicular access to DPC and in this respect the proposed access details are inadequate and insufficient and therefore unacceptable in highways/access terms.</p> <p>The Council considers that a previous indication by officers that detailed design of the central valley crossing could be dealt with at reserved matters stage, was in anticipation that any such design would be in accordance with the requirements of the SPD and was provided on a without prejudice basis. The refused proposal is patently not in accordance with the requirements of the SPD.</p> | <p>respect of the illustrative design can be further considered.</p> | |
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| Education Land | | |
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| LPA | Appellants | Prospect of Resolution |
| The Council considers that the expansion land to Park House School is required to provide a | The minimum area of land required for the playing field has been agreed and an alternative | The Council will be reviewing the Wheatcroft proposal for the amended |

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| <p>full size football pitch and additional social land to enable the expansion at the school. The minimum quantum of required expansion land is agreed, but the suitability of the expansion land is not, as set out in reason for refusal 10.</p> <p>In this respect, the Council considers that the Appellant has not satisfactorily demonstrated that the playing field land can be prepared for i) the intended purpose; ii) the scale of the work; and has not agreed the costs involved.</p> | <p>playing field scheme has been provided with the Statement of Case to address the LPA concerns. Costs would be agreed through the Section 106 Planning Obligation.</p> <p>The term social land does not feature in the Council's delegated report or decision notice</p> | <p>school expansion area and football pitch and will be commenting on those in due course.</p> <p>The Appellants have advised that they will be submitting a Section 106 Planning Obligation in the form of a Unilateral Undertaking shortly and the LPA will comment on the merits and (un)/acceptability of that once it has been provided to, and reviewed by, the LPA.</p> |
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| Woodland and Trees | | |
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| LPA | Appellants | Prospect of Resolution |
| <p>As set out in refusal reasons 8 and 9, the LPA considers that the proposal is contrary to the Development Plan Policies and the SPD and the concerns over its unacceptability include:</p> <p>i) notwithstanding the 15m buffers metric in Sandlesford Park SPD, 15m buffers should be a minimum in accordance with Natural England Standing Advice and the development should be providing appropriate and more generous buffers as appropriate, to ensure unnecessary deterioration and harm to the irreplaceable habitats of ancient and other woodlands</p> <p>ii) connectivity between Crooks Copse and Highwood Copse and Slockett's Copse is seriously at risk from encroachment of development proposals into the area of the northern valley,</p> | <p>The Appeal Scheme includes 15m buffers to the woodland. The SPD prescribes uses that can and cannot be provided within the woodland buffer. Typical sections are shown in the DAS which adhere to this.</p> <p>The Appeal Scheme retains a significant area of separation between these three woodlands and is satisfactory in biodiversity and surface water terms. The Crooks Copse Links has been provided at the request of the LPA</p> <p>The detailed design of the Surface Water Drainage Strategy can address the satisfactorily.</p> <p>The loss of T34 (ancient tree) could be avoided with the alternative playing field scheme. The loss of T76 (veteran tree) could be avoided as part of the detailed design of the Valley Crossing.</p> | <p>No</p> |

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| <p>significantly narrow that corridor beyond what is envisaged by the Sandlesford Park SPD</p> <p>iii) the proposed drainage strategy potentially causes surface water run-off into Dirty Ground Copse and Slockett's Copse.</p> <p>vi) the proposed development will result in the loss of an ancient tree and the potential loss of a veteran tree and cause harm to veteran trees and a number of other trees that are subject to a TPO, as well as hedgerows, including along Monks Lane. In this respect the proposal is contrary to development plan policies and SPD provisions</p> | <p>The loss of vegetation along Monks Lane is an inevitable consequence of the access proposed by the Core Strategy and SPD. Retention and mitigation landscaping planting will be considered as part of the Detailed Strategic Landscape and Green Infrastructure Design and Management Plan for that phase and the reserved matters application where landscaping details will be approved.</p> | |
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| Ecology | | |
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| LPA | Appellants | Prospect of Resolution |
| <p>As set out in refusal reason 13, insufficient regard has been given to impacts on existing retained habitats and that the proposed development will likely lead to a significant decline in the quality of habitats on site and an unacceptable reduction in the suitability of habitats for certain protected and notable species. The Council considers that the badger surveys are inadequate and the bat surveys are insufficient and inadequate to inform the impacts of the appeal proposals on protected species.</p> <p>The Council considers that the submitted Biodiversity Net Gain Assessment is inadequate because it does not account for</p> | <p>The Appellants consider that the Strategic Landscape and Green Infrastructure Plan, the Landscape and Green Infrastructure Design and Management Plan and the Ecological Mitigation and Management Plan are appropriate at this stage and provide a suitable framework for more detailed Landscape and Ecological Management Plans and Ecological Mitigation and Management Plans that will be required for individual development phases which can be secured by planning condition.</p> | <p>No</p> |

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| the degradation of retained existing habitats. | | |
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| Drainage and SUDS | | |
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| LPA | Appellants | Prospect of Resolution |
| <p>As set out in refusal reason 13, the proposal does not provide sufficient information to allow full consideration of surface water and ground water impacts of the proposed development, including on woodlands.</p> <p>Furthermore, the proposed drainage strategy is unacceptable and incomplete. The proposal is contrary to Core Strategy Policies and the Sandleford Park and SuDS SPDs.</p> <p>The Appellants sought to submit a revised Flood Risk Assessment, amongst other additional and amended information totalling 228 pages, on 25th September 2020. The LPA advised the Appellants prior to that submission, on 18th September 2020, that, for the reasons set out in that correspondence, the LPA will not seek, allow, and/or accept the submission of any further amendments and/or additional information in relation to the planning application. The LPA further advised the Appellants on 29th September 2020, that it does not intend to accept the submissions and associated documents onto the planning file and/or to re-consult on this application. As this was not accepted onto the planning file by the LPA, the Appellants have submitted this document, together with a number of other additional and</p> | <p>The Appellant considers the illustrative Drainage Strategy is appropriately justified and will be subject to detailed design secured by way of planning condition.</p> <p>A revised Flood Risk Assessment was submitted to the Council in response to comments from the LLFA on the 25th September 2020.</p> | <p>The Council are considering the Wheatcroft proposals and will be commenting on those in due course.</p> |

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| amended documents as part of their Wheatcroft proposals. | | |
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| Infrastructure Provision and Planning Obligation(s) | | |
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| LPA | Appellants | Prospect of Resolution |
| As set out in refusal reason 14, the proposal has failed to secure satisfactory s.106 planning obligations to deliver a whole range of necessary infrastructure contrary to Core Strategy policies and Sandleford Park and Planning Obligations SPDs. | A Draft Section 106 Agreement (and draft conditions) was submitted with the Application that set out its commitments to infrastructure provision but the LPA did not consider this in any detail. | Yes – Following the LPA's suggestion, the Appellants have advised that they will be submitting a Section 106 Planning Obligation in the form of a Unilateral Undertaking shortly and the LPA will comment on the merits and (un)/acceptability of that once it has been provided to, and reviewed by, the LPA. |

19 Benefits and Disbenefits

19.1 The complete range of benefits and disbenefits of the appeal proposal is an area of dispute between the two main parties. The parties will set these benefits and disbenefits out in their respective planning proofs of evidence,

20 Assessment against the Development Plan

20.1 The LPA considers that the appeal proposal is not in accordance with the Development Plan when read as a whole for the purposes of the NPPF.

20.2 The Appellant disagrees and considers that the development proposed is in accordance with the Development Plan when read as a whole.

Niko Grigoropoulos
West Berkshire Council

Owen Jones
LRM Planning

25th February 2020