



**LRM**  
PLANNING  
LIMITED

# **Town and Country Planning Act 1990 Appeal under Section 78**

APP/W0340/W/20/3265460

Sandleford Park, Newbury

Bloor Homes and Sandleford Farm Partnership

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(APP/1)

April 2021



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## PREAMBLE

1. I am a Chartered Town Planner and have been a Member of the Royal Town Planning Institute for over 20 years. I hold a Bachelor of Arts in Planning and Local Economic Development and a Post-Graduate Diploma in Town Planning, both awarded from Coventry University. I also have a MSc in Residential Development awarded from Nottingham Trent University.
2. I am a Director of LRM Planning Limited, a Town Planning Consultancy operating across England and Wales. Prior to joining LRM, I was employed by Boyer Planning between 2001 – 2016 and held various positions, including Executive Director. I was also employed by the (then) House Builders Federation between 1998 – 2001, first as a Land and Planning Officer, and then as Regional Planner for the South West.
3. I am a non-Executive Board Member of Ateb Group, a Housing Association operating in Pembrokeshire and Ceredigion in West Wales. In conjunction with this, I am an advisor to Millbay Homes, a subsidiary of Ateb Group.
4. I have a great many years' experience in the promotion of land for development both in the forward planning and development management processes. I have appeared at numerous Development Plan Examinations and Section 78 Inquiries.
5. Elsewhere I am advising clients in respect of various urban extension proposals including 4000 new homes on land removed from the Green Belt in the Gloucester Cheltenham Tewkesbury Joint Core Strategy, 1000 new homes allocated for development in the Ashford Local Plan and now part of the South Ashford Garden Communities initiative for which Government funding has been provided, 1100 new homes adjoining St Albans in Hertfordshire that has been identified as a Broad Location for future development, 300 new homes in Arun District which is part of a Strategic Allocation of 1200 new homes in the adopted Local Plan, and 800 new homes and construction of the Stratford Western Relief Road at Stratford-upon-Avon for which planning permission was granted by the Secretary of State following a recovered Appeal in 2012.
6. I was first instructed by Bloor Homes in relation to the Appeal Site in 2012. I was responsible for the various planning applications submitted on behalf of Bloor Homes and Sandleford Farm Partnership in relation to the Appeal Site since 2015.





7. My evidence provides contextual information concerning the background to the proposed development and explains the planning policy framework relevant to the determination of the Appeal. I specifically address Reasons for Refusal 1 and 2 which I consider under the heading *comprehensive development*, Reason for Refusal 4 relating to *Affordable Housing* and Reason for Refusal 14 concerning the *Section 106 Planning Obligation*.
8. My evidence is to be read in conjunction with that of other witnesses acting on behalf of the Appellants: Mr Cooper in respect of landscape and visual matters, Mr West in respect of ecology matters, Mr Allder in respect of trees and woodlands, Mr Bird in respect of highways and transportation matters, Mr Garratt who considers sustainability and energy performance, Mr Williams who provides evidence in respect of masterplanning and urban design, Mr Hinde in respect of Education, and Mr Witts who provides evidence in respect of drainage matters.
9. My documents comprise this Proof of Evidence (APP/1), an accompanying volume of Appendices (APP/2) and a separate Summary (APP/3). The Appellants and the Local Planning Authority have prepared a Statement of Common Ground, and wherever possible, I have avoided repetition of material therein. Similarly, I have sought, wherever possible, to avoid repetition of material in the planning application documents and cross refer as appropriate.
10. Lastly, my evidence, set out herein, is true and has been prepared and is given in accordance with the guidance of my professional institution and I confirm that the opinions expressed are my true and professional opinions.



# 1 Introduction

- 1.1 The Appeal Site is a substantial part of the Sandleford Park Strategic Site; a site allocated in the West Berkshire Core Strategy for development up to and beyond 2026.

## **Proposed Development**

- 1.2 Outline planning permission is sought for the following proposed development:

*The construction of 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.*

- 1.3 All matters are reserved for subsequent approval save for means of access from Monks Lane.
- 1.4 The Appeal Scheme is framed by and accords with the Development Plan when read as a whole.
- 1.5 Whilst the Appeal Site does not extend across the whole of the allocated Site, the development proposals do not restrict, prevent or prejudice development at New Warren Farm, which comprises the residual part of the allocated Site. Rather, the Appeal Scheme facilitates and enables the development of that land, such that, together, the land use and infrastructure components of the Strategic Site Allocation can be delivered in a comprehensive, coordinated and timely manner.

## **Determination of the Application**

- 1.6 The planning application to which this Appeal relates was submitted on the 28th May 2020 and duly registered by West Berkshire Council on the 24th June 2020. The statutory period for determination was the 14th October 2020.
- 1.7 During the determination period, the LPA did not request the submission of further details in respect of the reserved matters pursuant to Article 5(2) of the Town and Country (Development Management) Order 2015, nor did they request additional environmental information under Regulation 22 of the Town and Country Planning



(Environmental Impact Assessment) Regulations 2011. Equally, the LPA did not request an extension to the statutory period of determination.

- 1.8 In fact, the LPA wrote to the (then) Applicants on the 18<sup>th</sup> September 2020 indicating that it had decided in the circumstances that it would not seek, allow, and/or accept the submission of any further amendments and/or additional information in relation to the planning application and that it would proceed to determine the application without any further reference to the applicants.
- 1.9 The LPA refused the application on the 13<sup>th</sup> October 2020; the Decision Notice is at *Appendix 1* and cites 14 reasons for refusal. The LPA's Delegated Report was published later on the 30<sup>th</sup> October 2020 (CD4.1)
- 1.10 In broad terms, the reasons for refusal relate to the following matters: the absence of a comprehensive development across the whole allocated site; an alleged harmful effect on the community's need for affordable housing; alleged adverse impacts on landscape and visual resources, ecological habitats and protected species, ancient woodland and trees; inadequate urban design; insufficient information in respect of impacts of development traffic on the strategic highway network and European Designated Special Areas of Conservation; insufficient information in respect of surface water drainage details; a failure to demonstrate a high quality and sustainable design or high environmental standards; and a failure to secure a satisfactory Section 106 planning obligation.
- 1.11 A number of these reasons for refusal came about, in my opinion, because of the approach the LPA took to determining the application without enabling comments from consultees to be addressed by the Applicants, actively discouraging engagement between the consultees and the Applicants that might have resolved queries, and the absence of any meaningful engagement with the Applicants during the determination period. All of which manifests itself as the absence of a positive approach towards dealing with, what is, after all, a planning application for the proposed development of a major part of a large, allocated site.
- 1.12 Shortly after the Application was refused, both Natural England and Highways England wrote to the LPA indicating that, in fact, they did not object to the proposed development and thus the basis of RFR 7 and RFR11 fell away at that point. The LPA has since confirmed in its Statement of Case that it is not pursuing these Reasons for Refusal (para 1.5 refers). Moreover, the LPA' Statement of Case indicates that it is not



pursuing certain matters in respect of ecology (RFR11) and drainage (RFR13).

### **Secretary of State recovery**

- 1.13 By letter dated the 25<sup>th</sup> February 2021, the Secretary of State issued a Direction under the Town and Country Planning (Determination of Appeals by Appointed Persons) (Prescribed Classes) Regulations 1997 that the Appeal should be determined by himself. The reason given for this Direction is that the Appeal involves proposals for residential development of over 150 dwellings which would significantly impact on the Government's objective to secure a better balance between housing demand and supply and create high quality, sustainable, mixed and inclusive communities.

### **Rule 6 Parties**

- 1.14 Newbury Town Council, Greenham Parish Council and 'Say No to Sandleford' have each been granted Rule 6 Status at the Appeal. The Appellants' evidence considers the points raised by the parties in their respective Statements of Case which were received on the 22<sup>nd</sup> March 2021.

### **Wheatcroft**

- 1.15 The Appellants have consulted on a number of documents that it wishes to be considered as part of the Appeal.
- 1.16 On the 25<sup>th</sup> September 2020, within the period for determination of the application and prior to it being refused, the then Applicants submitted comments on the consultation responses to the application, which included the following:
- 1.16.1 Appendix 1 visibility splays for the Monks Lane accesses;
  - 1.16.2 Appendix 2 a revision to the Flood Risk Assessment;
  - 1.16.3 Appendix 3 an Air Quality Assessment relating to Special Areas of Conservation; and
  - 1.16.4 Appendix 4 information in response to Hampshire County Council's questions regarding highway matters.
- 1.17 The LPA did not accept or consult on this material at that time. This material was then submitted as part of the Appellants' documentation when the Appeal was lodged on the 17<sup>th</sup> December 2020.



- 1.18 In submitting the Appeal, the Appellants included with its Statement of Case several appendices which included:
- 1.18.1 Appendix 4 Valley Crossing Study; and
  - 1.18.2 Appendix 5 Alternative Playing Field Scheme for the expansion of Park House School.
- 1.19 The Appellants also provided an amended Arboricultural Impact Assessment when submitting its Appeal.
- 1.20 This information was prepared in response to some of the LPA's reasons for refusal and submitted as part of the Appeal and has been the subject of the recent "Wheatcroft" consultation exercise. These documents can be accessed and reviewed by using either of the following links:
- i) <https://lrmplanning.com/sandleford-park-appeal/> or
  - ii) on the Council's website  
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=20/01238/OUTMAJ>.
- 1.21 CD6.6 provides the consultation responses that have been received in respect of this. In some instances, most notably in response to the Valley Crossing Study and the proposed alternative playing pitch scheme, the comments raise helpful points to illustrate how, through detailed design, the principles shown can be further refined. Where appropriate, certain witnesses comment on these points to explain the design evolution that could be expected at the later stages in the event outline permission was granted.

### **An Overview of the merits of the Appeal Scheme**

- 1.22 The Appeal Scheme provides substantial benefits consistent with the Core Strategy's policy objectives and the adopted Sandleford Park Supplementary Planning Document (SPD). The proposed development emanates from and sets out to deliver plan-led outcomes.
- 1.23 It will provide 1000 new homes immediately adjacent to the District's principal settlement where the Core Strategy encourages new housing to be located to support a sustainable pattern of development. The proposed housing mix will contribute to an increase in family housing in the District which is a specific aim of the Core Strategy.



The scheme will contribute to an increase in housing supply in the short term whilst providing surety over the longer term, as intended by the Core Strategy.

- 1.24 The provision of extra care housing will meet an identified need for this type of specialist housing in the District. Consistent with the Core Strategy, 40% of new homes provided will be affordable housing.
- 1.25 The arrangement of land uses across the Site reflects the Core Strategy and SPD with development located within the north west of the Site and contained by the landscape framework provided by the existing landform and woodlands.
- 1.26 A substantial part of the Appeal Site will be laid out as a new Country Park, as envisaged by the Core Strategy. The Strategic Landscape and Green Infrastructure Plan illustrates the Appellants' approach towards the design and function of the Country Park, which will provide recreational opportunities, biodiversity enhancements and new landscaping including woodland planting.
- 1.27 This is supported by a Landscape and Green Infrastructure Design and Management Plan that provides an overarching framework for the combined Sandleford Park Site and a basis for the more detailed landscape and ecological plans that the SPD wishes to be produced for each phase of the development. The Country Park and its associated landscape planting has been designed to minimise adverse landscape character and visual impacts, protect heritage assets, protect and enhance the Site's ecology and contribute to a net gain in biodiversity. Areas of woodlands and important trees will be appropriately retained and managed. Sustainable urban drainage measures are proposed that will control surface water run-off, improve water quality and provide biodiversity benefits, all of which are objectives in the Core Strategy, the Sandleford SPD and the Council's Sustainable Urban Drainage SPD.
- 1.28 Community infrastructure will be provided in the form of a local centre with retail, business and community facilities; these uses will create local employment opportunities. A new 2 form entry primary school is to be provided which will include early years accommodation. Land has also been identified to facilitate the expansion of Park House Secondary School contiguous with its existing boundary. Walking and cycling measures are to be provided that support active travel within the development and to nearby locations, taking advantage of the Site's accessible location. Investment in public transport is also proposed with services between the site and key destinations in the town centre.



- 1.29 Development related traffic can, with the identified off-site improvements, be accommodated on the highway network without an unacceptable impact on highway safety and the residual cumulative impacts on the road network would not be severe. The Appellants will provide a connection to the new A339 access which the Council is building in order to disperse development traffic.
- 1.30 The Appeal Scheme has been arranged along with development proposals on the adjoining area of land within the Strategic Allocation such that the two schemes are complementary and suitably aligned. The Appellants will provide a vehicular link and pedestrian and cycle routes to the adjoining area of land within the Strategic Allocation to ensure connectivity between the two development areas. The prospective developer of the adjoining land has similarly made this commitment.
- 1.31 The Appellants have reviewed their approach to energy performance reflecting the Government's *Response to the Future Homes Standard* which was published after both the planning application was refused and the Appeal was lodged. The Appellants now propose a planning condition that would require the new homes to achieve in the first instance a minimum 19% reduction in carbon emissions compared with the 2013 Building Regulations Part L and thereafter the improvements in energy efficiency and carbon emission reductions in subsequent revisions to the Buildings Regulations as they are introduced in 2022 and 2025. The non-residential buildings will be built to the BREAAAM Excellent standard.
- 1.32 The Appeal Scheme will also make a CIL contribution estimated to be in the region of £6m which the Council will be able to use for local infrastructure provision.
- 1.33 Overall, the Appeal Scheme provides a sound framework for the creation of a vibrant, well-designed community that will be a desirable place to live.

### **The Scope of my evidence**

- 1.34 My evidence addresses the planning policy context and material considerations in the instance of this Appeal. Drawing on contextual information, the application material and the evidence of other witnesses, I describe the Appeal Scheme and its benefits. I also describe the development proposals on the adjoining land at New Warren Farm to illustrate the compatibility of the two proposals. I specifically deal with the first, second, fourth and fourteenth reasons for refusal which are planning matters as they relate to comprehensive development, affordable housing and the Section 106 planning obligation. I also address comments made by third parties.



- 1.35 My conclusions draw together the Appellants' response to the reasons for refusal as a whole and provide the reasons why the Appellants ask that the Appeal be allowed and planning permission granted.
- 1.36 As such, the structure of my evidence is as follows:
  - 1.36.1 In Section 2 I describe the Appeal Site;
  - 1.36.2 In Section 3 I provide relevant contextual and background information relating to planning history;
  - 1.36.3 In Section 4 I describe the Appeal Scheme; identify its status in the development plan and also describe the adjoining development proposals at New Warren Farm, and highlight the extent of alignment and complementary nature of two proposals;
  - 1.36.4 In Section 5 I identify and discuss the relevant Development Plan policies and how the proposed development complies with those;
  - 1.36.5 In Section 6 I describe the extent to which the Appeal Scheme accords with the Vision and Development Principles in the Local Planning Authority's Supplementary Planning Document relating to Sandleford Park and other such guidance;
  - 1.36.6 In Section 7 I refer to the National Planning Policy Framework and how the Appeal Scheme accords with its policy objectives;
  - 1.36.7 In Sections 8 and 9 I respond to the first and second reasons for refusal relating to *comprehensive development*;
  - 1.36.8 In Section 10 I respond to the fourth reason for refusal relating to the provision of *affordable housing*;
  - 1.36.9 In Section 11 I respond to the fourteenth reason for refusal concerning the *planning obligations*;
  - 1.36.10 In Section 12, for completeness, I apply the conclusions of other witnesses in respect of those remaining reasons for refusal in the context of relevant development plan policies;
  - 1.36.11 In Section 13 I provide the Appellants response to the objections from third





parties to the proposed development, drawing upon the evidence of other witnesses where relevant;

1.36.12 In Section 14, I set out the planning balance I have applied to reach my conclusion that the Appeal should be allowed; and

1.36.13 Finally, in Section 15 I provide my summary and conclusions.

1.37 My Summary has also been reproduced separately as APP/3.



## 2 Description of the Appeal Site

2.1 In this section of my evidence, I describe the Appeal Site.

### **The Appeal Site and its environs**

- 2.2 The Appeal Site forms a substantial part of the land allocated as the Sandford Park Strategic Site in the adopted Core Strategy – Policy CS3. The extent of the area of land allocated as the Strategic Site in the Core Strategy is shown at *Appendix 2* and the extent of the Appeal Site is shown on plan 14.273/PP01 RevB at *Appendix 3*. I also attach at *Appendix 4* an extract from the Design and Access Statement which provides a context plan for ease of reference.
- 2.3 The Appeal Site comprises approximately 114 hectares and is primarily in agricultural use. The Site is divided between the town of Newbury and the parish of Greenham.
- 2.4 The Appeal Site is in a highly accessible location. It is located immediately south of the existing built-up area of Newbury, contiguous with the existing and established urban area. Newbury is the main urban area in the District; it has a population of approximately 40,000 residents and a range of service and facilities comparable with its role and function.
- 2.5 The town centre and Newbury Rail Station are approximately 2kms from the Site. Regular bus services operate along Monks Lane and Andover Road towards the town centre.
- 2.6 Newbury Rugby Club is located to the north-west of the Appeal Site and south of Monks Lane; the Borough Council has recently proposed that the sports facilities at the Rugby Club are enhanced to provide a borough wide public facility. To the north east of the Site is Newbury College; the College provides full- and part-time courses with progression up to master's degree from this purpose-built campus on Monks Lane and from other community venues in the District. Falklands Surgery, Wash Common Pharmacy and David Lloyd Fitness Centre are also located on Monks Lane.
- 2.7 Park House School, a secondary school and sixth form, adjoins the Site's western boundary. Wash Common local centre and Falklands Primary School are located within the residential area on the west side of Andover Road. A new primary school is being built by West Berkshire Council to the east of the Site and south of Newbury College.



- 2.8 To the north-east of the Site and Newtown Road (A339) is Newbury Retail Park, which comprises a range of food outlets including a large format superstore. St Gabriel's School (grade 1 listed building and grade II registered park) is to the east of the Appeal Site beyond the A339. Greenham Common is located further east.
- 2.9 The Appeal Site contains several areas of ancient woodland and Local Wildlife Sites: Crooks Copse, Slockett's Copse, High Wood, Barn Copse, Dirty Ground Copse and Waterleaze Copse. Gorse Covert is not an Ancient Woodland but is a Local Wildlife Site. The status of these woodlands was the same at the time when the Core Strategy was being prepared and when the Site was allocated for development. The Site is divided into a number of fields, which are bounded by hedgerows. The characteristics of the Site in these terms is described in detail by Messrs Alder, Cooper and West.
- 2.10 The Appeal Site has a complex topography but generally slopes downwards from north to south towards the river Enborne. Figure 7.2 of the Environmental Statement (CD1.8) illustrates the Appeal Site's topography; a valley lies in a relatively central location within the site which runs from the north-west corner until it reaches the river Enborne in the south-east corner. The fringes of the site are flat or gently sloping land. The Site's topography and its influence in landscape terms is described by Mr Cooper's evidence, whilst Mr Witts explains this in terms of surface water run-off.
- 2.11 There are no major access routes into the Site, but a public footpath (GREE/9) runs through the Site from its western boundary to Newtown Road (A339) in the east. The highway network local to the Site is described by Mr Bird.

### **New Warren Farm**

- 2.12 The remaining part of the allocated site that is not part of the Appeal Site is known as New Warren Farm. It is within separate ownership to the Appeal Site. The boundary between the Appeal Site and New Warren Farm is defined by hedgerows and tree belts. Similar to the Appeal Site, the fields within New Warren Farm are either open or contained by tree lines or woodland copse, the largest being Brick Kiln Copse which runs north-south through the site. Brick Kiln Copse forms a natural drainage basin for that Site; surface water currently collects in the base of the copse before being carried via a tributary to the River Enborne, south of the site. Where relevant, the characteristics of New Warren Farm are described by my colleagues.
- 2.13 New Warren Farmhouse is located towards the centre of the site, with two other existing properties to the west of the site at Sanfoin.



- 2.14 New Warren Farm is currently accessed via Warren Road, which links directly to Andover Road. Warren Road is partly un-surfaced and provides access to a number of houses adjoining the site. The LPA granted planning permission in 2014 for the widening of Warren Road to 4.8 meters and re-surfacing to adoptable highway standards (App 14/02416/FUL). Public Right of Way NEW/2 extends from GREE/9 westwards via the green lane south of Park House School, along Warren Road to Andover Road.
- 2.15 A planning application for the development of land at New Warren Farm and an adjoining parcel of land referred to as Sanfoin was submitted by Donnington New Homes in March 2018 (App 18/00828/OUTMAJ). I describe those development proposals in Section 4.

### **Development Plan Status**

- 2.16 The West Berkshire Core Strategy was adopted in 2012 (CD8.5). It sets out the overall planning strategy to 2026 and beyond, including the overall housing requirement, the settlement hierarchy and strategic allocations. It is common ground that the Core Strategy is an up-to-date development plan document in relation to the key issues in this appeal.
- 2.17 Policy CS3 of the Core Strategy allocates Sandleford Park as a strategic site for a mixed-use development, comprising up to 2,000 new homes, a country park and associated community infrastructure. Development of this site is integral to meeting the housing needs of West Berkshire and was intended to provide 1,000 new homes by 2026 with remaining completions beyond the plan period. The Core Strategy clearly identifies, both in its text, and in diagrammatic form, how new development should be arranged on the Site (Policy CS3, 2<sup>nd</sup> bullet point and Appendix C: Sandleford Concept Plan refer).
- 2.18 The LPA also produced a Supplementary Planning Document (SPD) to provide a framework for future development of the allocated site (CD8.14). The SPD includes a series of Framework Plans alongside development principles and urban design principles that proposals should reflect. I refer to this in more detail in Section 3 and Section 6.
- 2.19 The LPA has commenced a review of its Local Plan; in December 2018 it published a Regulation 18 consultation document and, two years later, it published a further Regulation 18 consultation document entitled Local Plan Review 2020-2037: Emerging



Draft (CD8.13). It is instructive to note that this consultation document continues the Sandleford Park allocation, and the supporting text refers to development at Sandleford Park in the following terms:

*“the Council consider that Sandleford Park is the most appropriate location for strategic housing delivery in Newbury”* (Paragraph 6.29 refers).

*“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”.* (paragraph 6.30 refers)

2.20 Whilst certain criteria in the Draft Policy (Policy SP16) are intended to amend Policy CS3 of the Core Strategy, which I discuss later in Section 5, in overall terms, the Policy seeks to achieve similar land use objectives as the Core Strategy.

2.21 As I describe in more detail in Section 4, the Appellants’ development proposals have been prepared in the context of the Core Strategy’s policies and are in accordance with the Development Plan, read as a whole, as the starting point for consideration of the Appeal. The Appellants’ development proposals also satisfactorily reflect the Sandleford Park SPD.



### 3 Planning History

3.1 In this Section of my evidence, I provide a summary of the planning history associated with Sandleford Park and seek to explain aspects that are germane to the current development proposals and this Appeal. I have sought to approach this in a chronological manner but there is some inevitable overlap.

#### **Core Strategy**

3.2 Sandleford Park was proposed by the LPA as a strategic site to contribute towards meeting future housing needs in its draft Core Strategy. The Core Strategy was the subject of an Examination between 2010 and 2012 during which the suitability of the site and the nature of the development proposals were considered by the appointed Inspector. This included a comparative assessment of potential alternative development locations at Newbury and Thatcham, with the LPA favouring development at Sandleford because of its various benefits relative to other urban edge locations.

3.3 During the Examination, the LPA provided the Inspector with a masterplan illustrating how Sandleford Park could be developed, and this is referred to by the Inspector in his report (CD8.10, para 105). I have attached this Plan at *Appendix 5*. Following various proposed modifications, certain of which were to provide more specification within the Sandleford site-specific policy, including the means of access from Monks Lane and the arrangement of built development in the north and west of the Site, the Inspector concluded that the Sandleford Park allocation, and the Core Strategy more generally, was sound.

3.4 The Core Strategy was adopted in July 2012.

#### **Sandleford Park Supplementary Planning Document**

3.5 In 2013, the LPA published a Supplementary Planning Document to guide development proposals at Sandleford. This was prepared in the context of Policy CS3 of the adopted Core Strategy. The landowners were involved in the preparation of the SPD. The SPD was subject to consultation in accordance with the provisions of the Town and Country Planning (Local Planning) (England) Regulations 2012.



### **Community Infrastructure Levy**

- 3.6 Following shortly after the Core Strategy, the Council also prepared its Community Infrastructure Levy and this was submitted for Examination in August 2013.
- 3.7 It is readily apparent that the Council and the consultants who prepared the associated viability work on their behalf, *Dixon Searle*, had intended that infrastructure provision at Sandford Park would be catered for by way of planning obligations rather than CIL. I comment on this later.
- 3.8 In the event, CIL became operational in 2015 and thus Sandford Park is liable for such payments in addition to the infrastructure that it will provide either directly or by means of planning obligation. Residential development is subject to a charge of £75 per sq.m and retail development is subject to a charge of £125 per sq.m.
- 3.9 By the present time, the Council's Regulation 123 list has been withdrawn and, by means of its CIL Governance Arrangements, monies collected via CIL are directed towards highway and education improvements, and community infrastructure.
- 3.10 Based on the current CIL arrangements, it is estimated that the Appeal Scheme will generate a payment of approximately £6m to the LPA for local infrastructure.

### **Pre-application Discussion**

- 3.11 I first attended pre-application discussions in spring 2014. These were framed by the emphasis given by Officers present that the SPD was a substantial material consideration alongside Policy CS3.
- 3.12 Discussions around development proposals continued through 2014 and focused on three main issues:
- 3.13 First, the level of primary school education provision and whether more than one primary school should be provided. The Local Education Authority's "rule of thumb" was that each 500 new homes generated a 1 form of entry, which implied two, 2 form entry schools to serve up to 2000 new homes, whereas Policy CS3 refers to a single primary school.
- 3.14 Second, the access strategy and the need or otherwise for additional points of access to be provided. Initially there was an acceptance by the Council that, whilst it had a preference for an access onto the A343 via Warren Lane and onto the A339 to the east in order to spread the impact of development traffic, Bloor/SFP could only deliver the



accesses within the land under its control and these additional points of access required other parties' land. It was understood that if Bloor/SFP delivered highway links to the edge of its land ownership, other parties could link into these at a future point in time to deliver these additional accesses should they be required. Whilst this established the basis of the Appellants' approach moving forward, and has been consistently adopted since, the LPA's position changed and they sought to require the Appellants to be responsible for additional highway links not required by the Core Strategy and on land outside of its control.

- 3.15 Third, the need to prepare a comprehensive masterplan for the whole of the allocated Site to ensure the development proposals overall were appropriate and coordinated.
- 3.16 Correspondence from the LPA in respect of these matters was received during 2014 which is at *Appendix 6*.
- 3.17 The LPA and the Appellants discussed the preparation of a Planning Performance Agreement and, as is referred to in the Delegated Report, this reached an advanced stage of drafting. However, the cost associated with entering it to that agreement, suggested by the Officers to be in excess of £80,000, was prohibitive, and when viewed in the context of the clear differences of opinion about how development should be brought forward, was not justifiable.
- 3.18 Negotiations between Sandleford Farm Partnership and the owners of New Warren Farm during 2014 had not resulted in a landowner agreement because of commercial disagreements. Irrespective of this, Donnington New Homes' planning objective was to secure a separate access to New Warren Farm so as to enable its land to be developed in parallel with the Appeal Site and earlier than would otherwise be the case if vehicular access to that land followed the phased implementation of the overall development – starting in the north of the Site at Monks Lane and progressing south and west. Donnington New Homes held separate meetings with the LPA and referred to themselves as the developer controlling New Warren Farm and Park Cottage and thus separate from Bloor Homes and Sandleford Farm Partnership.

### **Warren Road**

- 3.19 In October 2014, an application to widen and improve Warren Road was submitted by the proprietor of Donnington New Homes. This proposed a carriageway of 4.8m in width with a 1.5m footway on one side.





3.20 This was granted planning permission in December 2014 (CD13.7).

3.21 The Council's Highway Development Control Officer's consultation response is instructive because it considers this scheme in the context of potential development proposals at Sandleford Park to the east. He states:

*"I have assessed this planning application on the proposed road serving the existing uses along its route. However, I consider it useful to comment on potential uses, within the context of the proposed Sandleford development of up to 2,000 dwellings identified within the Council's Core Strategy. What the road can or cannot ultimately be used for is irrelevant to the current planning application that is submitted. However I consider that some points need to be clarified at this stage for objectors and for the applicants.*

*Should the proposed access road be adopted, then it is capable of serving tens of additional houses. The road would be of sufficient width and the existing A343 Andover Road / Warren Road could probably accommodate the additional traffic. The existing parking that occurs within Warren Road associated with the schools would need to be managed with waiting restrictions along with marked on parking spaces within Warren Road placed at intervals to ensure that traffic could pass through.*

*The proposed access road can also serve the Sandleford development, but as a route for buses, cyclists and pedestrians only.*

*The proposed access road is not of sufficient width to provide an all vehicular access to serve the hundreds of houses that would be expected within the Sandleford development. To serve this number of houses, the access road would need to be at least six metres wide with two metre wide footways on both sides of the carriageway. The existing A343 Andover Road / Warren Road [junction] would not be able to accommodate the additional traffic and would need to be replaced with a traffic signal junction with pedestrian phases. The existing parking that occurs within Warren Road associated with the schools would need to be totally removed with waiting restrictions.*

*Replacement alternative parking would be required to be provided elsewhere by the developer in liaison with the schools.*

*The Sandleford development will be served via two accesses onto Monks Lane, however the Highway Authority is aiming for a total of four accesses to serve the development, or at least three accesses. Additional accesses could either be onto the A339, and or the A343 Andover Road. This is for the Sandleford developer/s to finalise."*

3.22 I draw attention to this for several reasons. First, there is recognition that this improvement scheme could provide bus access to Sandleford. Secondly, it identifies that an amount of housing could be developed at Sandleford and access and egress via Warren Road. Thirdly, for more than "tens" of houses to use Warren Road for access and egress, a further widening would be required. Fourthly, whilst four points



of access are being “aimed” for, three is seen as the minimum and this could be either onto the A339 or via Warren Road. I return to the relevance of this later.

### **Proposed Amendments to Core Strategy Policy CS3**

- 3.23 Whilst preparing its Housing Sites Allocation Development Plan Document during 2014, the LPA proposed to amend Core Strategy Policy CS3 to require the additional points of access referred to above and two primary schools. In July 2014 it published a Preferred Options Consultation.
- 3.24 In the event, and in response to representations submitted in relation to this, including those by myself on behalf of the Appellants that drew attention to the absence of any new evidence since the Core Strategy or SPD were adopted to justify these propositions, the Council did not continue with these amendments to Policy CS3 through later stage of the Housing Sites Allocation Development Plan Document.
- 3.25 Instead, the Council incorporated a generic policy into this DPD – Policy GS1 – which seeks planning applications to cover the whole of allocated sites. I discuss this later in Section 5.

### **Amendments to the Sandfield Park Supplementary Planning Document**

- 3.26 In December 2014, the LPA decided it would seek to amend the SPD to reflect their intention for a single planning application for the site and a comprehensive masterplan. The reasoning given for this is that a single planning application would ensure that the site is comprehensively delivered, with timely and well-planned provision of infrastructure. This was set out as a new development principle for the site (Principle S1) and reflected through certain other amendments in the SPD (i.e. consequential changes).
- 3.27 The landowners submitted representations in respect of this, but the Council formally amended and republished the SPD in March 2015.

### **Public Engagement**

- 3.28 As part of the process of preparing a planning application in 2015, the then prospective Applicants undertook various public consultation events in person and via an online portal as described in the *Meeting Place Communications* Statement of Consultation (CD1.11). In addition to this, at various points since 2015 the then Applicants and Donnington New Homes participated in a series of public meetings with, and presentations to Newbury Town Council and Greenham Parish Council, the



most recent of which were in summer 2020.

- 3.29 Throughout this period, the objections to the proposed development have remained consistent, and include, an objection in principle to the development of this greenfield site, the effects of traffic from the proposed development on the local highway network in particular Monks Lane and Warren Road/Andover Road, the adequacy of alternative sustainable modes of travel, the character of the proposed development, the environmental effects of the proposed development particularly on the landscape and wildlife, concerns over increased flooding, and the extent to which existing infrastructure can support additional development. Such issues continue to form the basis of Third Party representations at this Appeal.

### **Planning Applications**

- 3.30 Four planning applications have previously been submitted for development at Sandlesford Park.
- 3.31 A hybrid planning application (ref: 15/02300/OUTMAJ) for the entire allocation, comprising 136 hectares of land, was submitted by Bloor Homes and Sandlesford Farm Partnership in September 2015 for:

*'(1) outline proposal for up to 2,000 new homes (C3), 80 bed extra care housing (C2), a local center to comprise flexible commercial floorspace (retail A1-A5 up to 2,150sq.m, business B1a up to 200sq.m) and community uses (D1), 2no two form entry primary schools (D1), the formation of new means of access onto Monks Lane, Warren Road (to include part demolition of Park Cottage) and Newtown Road, Green Infrastructure comprising of the laying out of open space including a Country Park, drainage infrastructure, walking and cycling infrastructure and other associated information - with access only to be considered at this stage; and (2) detailed proposal for 337 of those dwellings on a parcel of land immediately south of Monks Lane (Development Parcel North 1).'* (First Application)

- 3.32 This *First Application* complied with the Council's desire for a single planning application over the whole of the allocated site and proposed an "Arsenal Condition" to regulate the use of land and associated planning obligations on those parts of the Site that were not in the Appellants' control.

- 3.33 A second planning application (ref: 16/00106/OUTMAJ) in December 2015 for:

*'(1) detailed proposal for 337 dwellings, associated means of access and green infrastructure; (2) outline proposal for a two form entry primary school on a parcel of land immediately south of Monks Lane (Development Parcel North 1) which forms part*



*of Sandleford Park Strategic Site Allocation.’ (Second Application)*

- 3.34 The *Second Application* related to the first phase of development (Development Parcel North 1 or DPN1), which formed part of the wider scheme covering the whole strategic site in the First Application.
- 3.35 In February 2017, the Applicants agreed with the LPA to place the First and Second Applications into abeyance until November 2017. In March 2017, the LPA and the Applicants agreed to work together to explore how a Third Application (described below) could be positively determined, notwithstanding that it did not extend across the whole of the allocated site.
- 3.36 Without further reference to the Applicants, the LPA refused both the First and Second Applications on the 8th November 2017.
- 3.37 A *Third Application* was submitted by the Applicants in December 2016 which related to land owned by Sandleford Farm Partnership (ref:16/03309/OUTMAJ). It did not include land at New Warren Farm. On this occasion the capacity of the site was reduced to 1,000 dwellings (and associated uses) reflecting further work that had been undertaken in relation to detailed design and layout. This continued to provide the connections to New Warren Farm and the Newbury College Link to the A339, as included in the First application.
- 3.38 The Third Application was however refused on the 14th December 2017.
- 3.39 This Appeal does not concern these earlier planning applications, but at various points in my evidence, where relevant, I refer to how matters were treated by the Appellants and the LPA at those points.

### **Local Enterprise Partnership Funding**

- 3.40 To assist with providing additional points of access to Sandleford Park, the Council began the process in March 2014 of making an application to the Local Enterprise Partnership for monies to “*provide a new access to part of the Sandleford Park SDL site to south of Newbury, thus unlocking the delivery of up to 2,000 new homes*” [sic]. This funding application was finally approved in July 2016. The monies were to enable both an eastern access (via the A339 and in association with Highwood Copse Primary School) and a western access via Warren Road to the A343 Andover Road. The approval of funding from the LEP also required S106 contributions, capital funding from West Berkshire Council and private investment from Newbury College.



### **Highwood Copse Primary School**

- 3.41 In January 2017, West Berkshire Council applied for planning permission to construct a new primary school on land east of the Appeal Site and south of Newbury College. The description of development is as follows:

*Construction of a new 1 F E single-storey primary school south of the existing Newbury College, with associated soft and hard landscaping. Construction of a temporary access to the school from the Newbury College site and a new permanent access from the A339 to serve the allocated strategic housing site and form the permanent access to the school.*

- 3.42 Planning Permission was first granted in June 2017.
- 3.43 A second permission was sought in December 2017 which on this occasion included the additional provision of bunds and this was granted in March 2018 (CD13.6). Works pursuant to this second permission have commenced and are substantially complete, including the length of access road to the boundary of Sandford Park.
- 3.44 Condition 22 of this permission requires that within two years of the school opening, the vehicular, pedestrian and cycle access via the A339 and associated engineering operations shall be constructed in accordance with the approved drawings. The temporary access via Newbury College should at this point be stopped up, thus requiring the A339 access to be open to traffic. The School is due to open in September 2021, and, on this basis, the A339 access will be open to traffic by September 2023.

### **Applications 18/00764/OUTMAJ and 18/00828/OUTMAJ**

- 3.45 By late 2017, Donnington New Homes had prepared development proposals for its land and an adjoining Parcel known as Sanfoin which is not within the allocated site but is within the Town's Settlement Boundary. At this time, there was meaningful engagement around coordinated development proposals and parallel planning applications and associated assessments. To reflect this, the Appellants and Donnington New Homes agreed to both submit planning applications in March 2018 that would be accompanied by a Memorandum of Understanding that illustrated the combined development proposals and identified individual and shared infrastructure commitments. The MOU was signed on 20<sup>th</sup> March 2018, a copy of which is at CD16.18. I describe this further at paragraph 3.56.
- 3.46 In this context, planning applications for each of the two areas of the allocated Site was simultaneously submitted in March 2018. For the Appellants, this incorporated the



revisions proposed in October 2017 to Application 16/03309, and where relevant, responded to the various Reasons for Refusal associated with the earlier applications. These applications were accompanied with a joint Illustrative Masterplan prepared for both Donnington New Homes and the Appellants that presented the combined development proposals (i.e. a masterplan for the whole allocated site).

- 3.47 To continue the dialogue between the applicants and the LPA, two streams of work were established – ‘strategic meetings’ and ‘technical meetings’.
- 3.48 The ‘strategic meetings’ involved both applicants, senior officers of the Council, various other Council Officers and, from time to time, the Portfolio Holder attended those meetings as an observer. Several of these meetings were held in 2018 and 2019, and their purpose was to discuss and find resolutions to the matters relating to development at Sandleford. These meetings represented the fact that all parties believed a coordinated approach could be achieved in the context of two separate but coordinated applications and that all parties were committed to achieving this.
- 3.49 Between June 2018 and October 2019 various ‘technical meetings’ were also held that were attended by the LPA, the case officer, various of the Council’s consultees, and both applicants. These were based around an action list identified by the then case officer arising from his consideration of the application material and the consultation responses. The actions represented the key issues that needed to be considered in respect of both schemes. This led to the Appellants proposing certain amendments to its scheme and additional assessment work was submitted at various points in 2018 and 2019.
- 3.50 During 2019 it became apparent, at least to the Appellants, that the delivery of the access proposed via Warren Road was not easily achieved and formed the opinion that its planning application could be determined positively separately from the DONNINGTON NEW HOMES scheme. Moreover, DONNINGTON NEW HOMES had indicated that it wished to make amendments to its scheme that were substantial and would have implications for the alignment of uses along its boundary with the Appeal Site, for example the location of its primary school.
- 3.51 In this regard, the Council undertook to write to the Applicants to explain how it saw a decoupled approach being taken forward, enabling the two applications to be determined separately from one another reflecting the different speeds with which the schemes were progressing. Unfortunately, the Council did not in fact provide its



opinion as it had undertaken to do.

- 3.52 By the Autumn of 2019, the Appellants wished to formally amend its application and submitted plans and documents to this effect to the LPA, who undertook to informally review the submission. This led to requests for further information. In December 2019, DONNINGTON NEW HOMES then formally proposed the amendments it wished to make to the scheme, which in turn required the Appellants to adjust the combined plans to take account of the changes outside its application site.
- 3.53 As the Delegated Report refers, this led to a protracted period of the case officer considering the information submitted and, quite fairly, requesting further information and clarification. By March 2020, the Appellants believed they had satisfied the requests for information and received confirmation in respect of this from the LPA. However, the LPA had still not accepted the Appellants amendments formally and there was no certainty that they would do so.
- 3.54 For this reason, the planning application to which the Appeal relates was intended to draw together the amendments to application 18/00764/OUTMAJ which the LPA had not formally accepted.
- 3.55 For its part, DONNINGTON NEW HOMES continued to propose amendments to its scheme during 2020 and formally submitted an amended scheme in September 2020. At the time of writing, the LPA has requested this application be amended to include new access details for Warren Road (discussed in para 3.63 below) and to incorporate other amendments that DONNINGTON NEW HOMES wish to put forward. I refer to this in more detail in Section 4.

### **Memorandum of Understanding**

- 3.56 As part of the co-operation between the Appellants and Donnington New Homes, they jointly prepared and signed a Memorandum of Understanding in March 2018.
- 3.57 The purpose of the Memorandum of Understanding was to set out the commitment that the two Applicants had made to work collaboratively together to deliver the comprehensive development of Sandleford Park.
- 3.58 At Appendix 1 of the MOU were Combined Plans which brought together the respective proposals, representing a scheme for the whole of the Allocated Site.
- 3.59 Appendix 2 listed the infrastructure commitments for the two schemes – Sandleford



Park and Sandleford Park West. Read together these identify those individual elements of the overall scheme which each applicant would be responsible for and other elements towards which both applicants would contribute (i.e combined infrastructure). In overall terms, these infrastructure commitments deliver the measures specified in Core Strategy Policy CS3.

### **Warren Road Widening – 19/02707/FULL**

- 3.60 Separate from its outline planning application, in October 2019, DONNINGTON NEW HOMES submitted a full application for the widening of Warren Road to 6m. This widening scheme required land from Park House School, which is leased from West Berkshire Council, to enable its construction.
- 3.61 I am aware that discussions in respect of the possible acquisition of this land between Donnington New Homes, West Berkshire Council as landowner and Local Education Authority, and Park House School as the occupier, took place during 2018 and 2019, but I do not believe these culminated in any agreement that would enable the delivery of this 6m widening scheme. I further understand that, by September 2020, West Berkshire Council had returned part of the monies it had secured to contribute towards the western access solution for Sandleford Park to the Local Enterprise Partnership.
- 3.62 Donnington New Homes withdrew this planning application in September 2020.

### **Warren Road Widening - 20/03041/FUL**

- 3.63 Donnington New Homes have since submitted a further application for the widening of Warren Road in December 2020. On this occasion, the widening scheme requires land that forms the curtilage of private residential dwellings on the south side of Warren Road.
- 3.64 On the 25<sup>th</sup> January 2021 the LPA adopted a Screening Opinion under the EIA Regulations that this infrastructure project together with the planning application for development at New Warren Farm amount to a “single project” and represents EIA development. The Applicants confirmed on the 12<sup>th</sup> February 2021 that it would prepare an Environmental Statement.
- 3.65 On the 2<sup>nd</sup> February 2020 the LPA wrote to Donnington New Homes requesting that this access proposal should be incorporated into application 18/00828/OUTMAJ. This will, amongst other things, require the Environmental Impact Assessment for that application to be updated to take account of the access proposal.





3.66 At the time of writing, this application is presently undetermined.

### **Local Plan Review**

3.67 The LPA commenced work of a new Local Plan in 2018 and published an Issues and Options consultation in November that year. In December 2020, the LPA produced an emerging draft of the Local Plan Review (CD8.13), which identifies the development that is required to meet local needs up to 2037, the strategy for distributing development within the District and policies for conserving and enhancing the natural and built environment.

3.68 It is notable that the LPA continue to allocate Sandleford Park as a strategic site for housing development. Certain of the criteria in the site-specific allocation are proposed to be amended but the overall intention for development at Sandleford Park is not materially different from the Core Strategy and SPD. I discuss this further in Section 5.

3.69 The LPA's Local Development Scheme suggests that the Regulation 19 Plan will be published in May 2021, followed by Submission for Examination in October 2021, an Examination in spring 2022 and adoption by the end of 2022.

### **Synthesis**

3.70 I believe the above is a fair representation of the history associated with the development proposals at Sandleford Park.

3.71 It is a matter of fact that there is no landownership agreement between Sandleford Farm Partnership and Donnington New Homes. The reasons for this are beyond the scope of my evidence and professional qualifications. At the outset, the LPA were rightly concerned to ensure that development proposals at Sandleford Park were approached in a comprehensive manner and the Appellants have consistently sought to achieve this and have not proposed a development that would restrict, prevent or prejudice development at New Warren Farm.

3.72 The Appellants have consistently proposed to make the connections to the additional point of access to the A339 and similarly to the boundary of New Warren Farm. Equally the Appellants have adopted a pragmatic approach to the fact its land is required to deliver the local centre, the country park and the extension to Park House School and that these elements should take account of development at New Warren Farm (and Sanfoin), as and when that happens.



- 3.73 Over time, and as additional transport modelling has become available after the Council's VISSIM model was published in 2018, the Appellants have worked collaboratively with WBC's highway consultants *WSP* and Donnington New Homes' consultants *WYG/Ridge* to design the necessary highway mitigation measures. Equally, the Appellants worked closely with the LEA in 2018 and 2019 to devise an acceptable scheme for Park House School that is to their satisfaction.
- 3.74 The Appellants provided both draft conditions and a draft Section 106 agreement at various points to encourage discussion with the LPA as to the practical implications of the scheme and how, consistent with the SPD, more detailed design can supplement the structural elements that would be secured with the grant of outline planning permission. The Council has never engaged meaningfully with these proposals as the planning authority. Only through this Appeal has it considered how planning conditions and obligations can contribute to a satisfactory development.
- 3.75 Whilst the Appellants have modified its development proposals in response to comments and to address objections, the scheme is fundamentally similar to the Masterplan provided by the Council to the Core Strategy examination in 2012 as well as the parameter plans and masterplans provided with earlier applications.
- 3.76 I am certain that at different times during the past seven years, the parties will have caused frustration to each other, although I do not believe consideration of this Appeal will be well served by attempts to re-argue points which are not directly relevant to the outstanding matters, and I have approached my evidence accordingly.



## 4 The Appeal Scheme

4.1 In this section of my evidence, I describe the Appeal Scheme.

### Proposed Development

4.2 Planning permission is sought for the following proposed development:

*Up to 1,000 new homes; 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.*

### Means of Access

4.3 "Access" from Monks Lane is not a Reserved Matter and Drawings 172985\_A\_07.1 and 172985\_A\_08 provide the detail design of the accesses for which planning permission is sought. These are described by Mr Bird.

### Controlling Plans

4.4 As outline planning permission is being sought, in the event the Appeal was allowed, it would represent a part of a multi-stage consent. The Planning Practice Guidance describes this in the following terms:

*a first stage involving a principal decision (such as an outline planning permission) and the other an implementing decision (such as reserved matters).*

4.5 The Appellants intend to tie the permission to the following plans and that subsequent reserved matters applications, and schemes required to be prepared pursuant to planning conditions (e.g. the design of the Country Park), are in *substantial accordance* with these 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

04627.0005.16.632.13 Strategic Landscape and Green Infrastructure Plan

4.6 For convenience I have reproduced these plans, along with the Parcel Plan at *Appendix*



*7, 8 and 9.*

- 4.7 As is conventional, requiring the implementation consents to be in substantial accordance with the parameter plans allows a degree of flexibility, or tolerance, such that the arrangement of land uses and principles shown on these plans are achieved but the designer has the ability to refine the scheme as the more detailed work is undertaken. This is entirely normal practice with outline planning applications for large scale development. The exact wording of a condition to secure this will of course be discussed at the roundtable session on planning conditions.
- 4.8 The PPG also explains how, in the context of multi-stage consents “subsequent applications” are subject to EIA Screening having regard to the adequacy of the environmental information before a LPA at that time.

### **Reserved Matters**

- 4.9 The Planning Practice Guidance explains that Reserved Matters are those aspects of a proposed development which an applicant can choose not to submit details of with an outline planning application, (i.e. they can be ‘reserved’ for later determination). These are defined in Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 as:
- 4.9.1 ‘Access’ – the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.
- 4.9.2 ‘Appearance’ – the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.
- 4.9.3 ‘Landscaping’ – the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features;
- 4.9.4 ‘Layout’ – the way in which buildings, routes and open spaces within the



development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.

- 4.9.5 'Scale' – the height, width and length of each building proposed within the development in relation to its surroundings.
- 4.10 In its consideration of the application, the LPA assert that, because the Appellants have not reserved Access, it should be seeking detailed approval for roads and routes within the Site and specifically the Valley Crossing as access to Development Parcel Centre (DPC). In my opinion, this is not the correct interpretation of the definitions as routes within the development fall to be determined under Layout and, in any event, the Council are not consistent in how they are applying this.
- 4.11 I interpret "Access" as the positioning and treatment of access and routes within the Site as they relate to the surrounding access network. It is not conventional to fix internal roads and routes with the associated geometry and engineering works when Access is not reserved for subsequent approval. Rather, this is considered under Layout which relates to the way in which routes within the development are provided, situated and orientated.
- 4.12 Other reserved matters, namely, layout, appearance and landscaping are equally important in determining the detail design of the Valley Crossing; these relate to:
- 4.12.1 the visual impression of the structure, its architecture, materials, decoration, lighting, colour and texture;
- 4.12.2 the way in which the structure is to be provided, situated and orientated in relation to other aspects of the development; and
- 4.12.3 the treatment of land in close proximity to the structure for the purpose of enhancing or protecting the amenities including planting, the formation of banks, terraces or other earthworks.
- 4.13 The issue of whether the Appellants had provided sufficient information in relation to "Access" arose previously when the first application was submitted in 2015. Initially the LPA believed the Appellants should provide all of the details associated with the proposed internal roads and routes but then accepted that would not be required. The LPA then determined that first application, and thereafter subsequent applications, on the basis that internal roads and routes could be dealt with satisfactorily at a later



date under reserved matters applications. In relation to the Valley Crossing in particular, the Officer Report for application 15/02300/OUTMAJ records the following as the Council's position:

*"There are differing requirements for this bridge in highways, ecological and landscape terms that need resolving which could result in a very different solution to that shown on the Strategic Landscape and Green Infrastructure Plan and shown as indicative in the Transport Assessment. However, it is considered that details of the bridge and ancillary landform changes could be dealt with under subsequent reserved matters applications." (page 47) (attached at Appendix 10) (my emphasis)*

4.14 In respect of Application 16/03309/OUTMAJ the following is recorded:

*"There are differing requirements for this bridge in highways, ecological and landscape terms that need resolving which could result in a very different solution that indicated in the submitted design and access statement. As this application is seeking outline permission only it is considered that details of the bridge and ancillary landform changes could be dealt with under subsequent reserved matters applications." (page 23) (attached at Appendix 10) (my emphasis)*

4.15 For the avoidance of doubt application 16/03309/OUTMAJ was an outline application will all matters reserved save for means of access, the same as the Appeal Scheme.

4.16 Moreover, at no point during the determination of the application did the LPA request either submission of details with regards to the reserved matters or information in respect of the Valley Crossing. In this regard, I would note that the Highway Officer raised comments about the design of the Valley Crossing in his response of the 8<sup>th</sup> September 2020, but shortly thereafter, the Case Officer wrote to the Applicants indicating the LPA did not wish to engage with the Applicants and that they were instructing consultees not to engage either.

4.17 Mindful of these comments, the Appellants set out options for the design and appearance of the Valley Crossing in its Statement of Case and these matters are discussed by various of the Appellants' witnesses in relation to Reason for Refusal 6.

### **Arrangement of Built Development**

4.18 As shown on the Land Use and Access Parameter Plan at *Appendix 7* built development is focused to the north and west of the application site. This reflects the arrangement of development land referred to in Core Strategy Policy CS3, the Core Strategy's Concept Plan and the Framework Masterplan that is part of the Sandford Park SPD. The LPA do not dispute that the broad arrangement of built development is consistent



with these and appropriate.

- 4.19 The proposal is for up to 1,000 new homes with a range of house types and sizes and 80 extra care units as part of the affordable housing element of the scheme. As encouraged by the Core Strategy and SPD, this provides a focus on family housing; 65% of the housing comprises family accommodation. The LPA agree that the housing mix is appropriate and reflects evidence from its Strategic Housing Market Assessment.
- 4.20 Affordable housing is to be delivered throughout the site and, consistent with Core Strategy Policy CS6, will comprise 40% of dwellings including the Extra Care. Residential densities on the site range between 30 and 50 dwellings per hectare which accords with the Core Strategy Policy CS4 and the Sandlesford Park SPD.
- 4.21 Character Areas across the site are referred to in the Design and Access Statement and draw upon principles identified in the SPD to which Mr Williams refers. The LPA do not contend that the Appellants' approach to the character of the residential environs is in anyway unacceptable.
- 4.22 A mixed-use local centre is proposed in Development Parcel Centre within the western neighbourhood; this is consistent with its location in the SPD's Framework Masterplan and will be accessible both to residents of the proposed development and also those at New Warren Farm. The local centre will allow for flexible floorspace to be developed within the A, B1a, and D1 use classes, as well as residential development (C3). Of note is that the Amendment to the Use Classes Order which came in to force on the 1<sup>st</sup> September 2020 brings use classes A1/2/3 into Class E(a,b,c), use class A4/5 as *sui generis*, use class B1 as Class E(g)(i) and use class D as Class F2b. The local centre will also provide waste recycling facilities. The local centre will be accessible by a range of transport modes including bus, pedestrian and cycle routes.
- 4.23 A new two-form entry primary school is proposed in Development Parcel North 1 reflecting longstanding discussions with the Local Education Authority (LEA). The implementation and delivery of the primary school site will be controlled by planning condition/planning obligation. Safe walking routes to schools will be integrated within the development.

#### **Development Parcel North 1**

- 4.24 Within Development Parcel North 1, shown on the Parcelisation Plan at *Appendix 9*, the development comprises new residential development, a two-form entry primary



school, areas of amenity open space, and a Local Equipped Area of Play. A new community orchard will also be planted.

- 4.25 New junctions will be formed on Monks Lane (drawings 172985\_A\_07.1 and 172985\_A\_08). The internal highway network will connect both to Development Parcel North 2 and to the eastern boundary of the application site at Newbury College to adjoin with the new access road that is currently being built to connect to the A339 referred to as the **Newbury College Link (A339 Access)**, as approved under planning permission 17/03434/COMIND. I explain this further in paragraphs 4.45 – 4.47.
- 4.26 A highway link will be constructed south of Crooks Copse to connect the two areas of residential development west and east of this woodland; this is referred to in various documents as the **Crooks Copse Link** and I refer to this further at paragraphs 4.48-4.50.
- 4.27 Pedestrian and cycle links are also proposed from Monks Lane. Sustainable urban drainage features will be provided within the area of built development, drawing from the options identified in the Drainage Strategy. Attenuation will also be provided within areas of open space south of Crooks Copse. A 15m buffer is provided around Crooks Copse alongside which will be a new footpath which will provide a Trim Trail and Foraging Trail. The SPD indicates that the informal recreation and planting and informal footpaths can be situated within these buffers (SPD Page 33, criterion b refers). The same buffer is provided around High Wood.

### **Development Parcel North 2**

- 4.28 Development Parcel North 2 will comprise residential development. The main access road will be built through this parcel extending from DPN1 to the Valley Crossing. Additional planting would be provided within the built development. Sustainable urban drainage features will be provided within the area of built development. A 15m buffer is provided around Slockett's Copse and a dedicated recreational route is to be provided within this Copse; this is consistent with the SPD which refers to managed access via a series of identified paths and routes.

### **Development Parcel Centre**

- 4.29 Development Parcel Centre will comprise residential development, the local centre, the Extra Care Housing and land for the expansion of Park House School.
- 4.30 Pedestrian and cycle routes are to be laid out within the development area connecting





to the lane at the eastern extent of Warren Road, the area of land safeguarded for the expansion of Parkhouse School, the Country Park and the Neighbourhood Area of Play to the east, and the recreational routes within Barn Copse, Dirty Ground Copse and Gorse Covert. A Local Equipped Area of Play is also to be provided. Sustainable urban drainage features will be provided within the area of built development.

### **Main Access Road**

- 4.31 The SPD identifies a 'Main Access Route' from Monks Lane to Andover Road. This principal route is shown on the Land Use and Access Parameter Plan extending from the points of access defined in Policy CS3 to the boundary of the Appeal Site at New Warren Farm. Corresponding plans for the Donnington New Homes application illustrate the continuation of this route through New Warren Farm.
- 4.32 The Appellants have consistently indicated that they would construct this 'Main Access Road' to the boundary of New Warren Farm within a prescribed period of time – the draft Section 106 agreement submitted with the application obliged the Appellants to construct this road within 6 years of the commencement of development.
- 4.33 The point at which the 'Main Access Road' adjoins New Warren Farm is to be in the location shown on the Parameter Plan, allowing a degree of flexibility to align with future development proposals at New Warren Farm, noting that the location is mirrored on the Donnington New Homes Plans. This will be determined in its final form through the approval of the layout for the respective parcels

### **Park House School Expansion**

- 4.34 To the west of the Appeal Site is **Park House School**; it is only in this location that the boundary of the Strategic Allocation and Park House School are co-terminous. The Core Strategy requires provision of an extension to Park House School to cater for the increase in secondary school pupils that arise from the proposed development. Initially, the Local Education Authority commissioned a Feasibility Study by consultants *Corde* to explore the potential options for the expansion of Park House School associated with the 2,000 new homes which Policy CS3 refers to. As Mr Hinde describes, the Corde work identifies the land within the Appeal Site for the expansion of Park House School to provide playing fields (whereas new or refurbished buildings would be within the existing School site).
- 4.35 With the refinement of the likely residential capacity of the strategic allocation (i.e. up to 1,500 dwellings rather than 2,000), *IDP* were commissioned by the Appellants to



review the potential expansion options and in turn they produced a further feasibility study which considered the combined effects of the Appeal Scheme and the development proposals at New Warren Farm. Mr Hinde describes this in detail and, as with the *Corde* work, this identifies playing field land to the west of the school and within the Appeal Site in Development Parcel Centre.

- 4.36 An area of at least 1.6 hectares is required and I am conscious that the Officers' Delegated Report is critical of the inconsistencies in the application documents where figures of 1.6ha, 1.61ha and 1.62ha are referred to. Whilst these different figures are unfortunate it does not change the obvious intention of the Appellants that an area of land sufficient to accommodate the expansion of the school site will be transferred to the LPA, that this is not less than 1.6ha in size, and that the area of land to be transferred to the Council pursuant to the planning obligation would need to be to their satisfaction.
- 4.37 The LPA do not consider the area of land proposed for the expansion of Park House School to be appropriate because the laying out of the playing field would cause the loss of T34 which is a veteran tree, even though this is what *Corde* had proposed in the first place.
- 4.38 To retain this tree, the playing field would need to be moved further east, as shown in *Appendix 11* which has been discussed with the LPA since the Appeal was submitted. This is a larger area of land than shown previously but does not change the premise of the Land Use and Access Plan as it continues to fall within an area shown for development. This would enlarge the area to 1.93 hectares which would provide sufficient flexibility to design and implement a playing field scheme. The Appellants intend that it is this Plan that will form the basis of the transfer to the LEA.

### **Pedestrian and Cycle Routes**

- 4.39 Pedestrian and cycle routes which link into Newbury's existing walking and cycling networks will be provided via Monks Lane and off-site improvements have been identified at the following locations:
- 4.39.1 Monks Lane and Pinchington Lane, Newton Road, Rupert Road, Chandos Road, Wenden Road;
- 4.39.2 A339 to Deadmans Lane (as part of the Newbury College Link);
- 4.39.3 via the PROW footpath Gree/9 and the A339 towards Greenham Common and



Greenham Common Park; and

4.39.4 along the A343 Andover Road.

4.40 These improvements are described by Mr Bird and their implementation is referenced in the draft Section 106 planning obligation.

4.41 The development also incorporates improved linkages to existing services and facilities in the locality, including links to Newbury Rugby Club, Newbury College and Park House School as shown on the Land Use and Access Parameter Plan. These are sites that are privately owned and operated with controlled access and no public right of way. The ability to make these connections depends therefore on cooperation from adjoining landowners.

#### **Bus Provision**

4.42 The proposal includes new public transport provision in the form of a bus route, which will access and egress the site from Monks Lane, details of this are described by Mr Bird. This can be extended to Warren Road and Andover Road with development at New Warren Farm.

#### **Off-site junction improvements**

4.43 Off-site junction improvements, derived from West Berkshire Council's VISSIM modelling of the overall scale of development at the Appeal Site and at New Warren Farm, are identified at the following locations:

4.43.1 Newtown Road/Pound Street and Bartholomew Street/Market Street

4.43.2 A339/Pinchington Lane/Monks Lane/Newtown Road

4.43.3 A339/A343 St. John's Roundabout

4.43.4 A339/B4640 Swan Roundabout

4.43.5 A339 Access

4.44 These improvements will either be delivered by means of a financial contribution in the Section 106 Planning Obligation or by a Highway Works Agreement under Section 278 of the Highway Act 1980, again as described by Mr Bird.



### **Newbury College Link (A339 Access)**

- 4.45 In addition to access from Monks Lane that is referred to in Policy CS3, as I have described in Section 3, an additional point of access from Sandleford to the A339 has been an objective of the LPAs. A new road from the A339 to the boundary of the Appeal Site is now substantially complete.
- 4.46 As shown on the Land Use and Access Parameter Plan, the Appellants intend to construct a road to the boundary of Newbury College to facilitate a vehicular connection to A339 Newtown Road and thus achieve the third point of access. Again, the draft Section 106 Agreement / planning condition would oblige the Appellants to construct this prior to the occupation of 300 new homes. At the time of writing the Council are considering this trigger.
- 4.47 Reflecting the Council's longstanding objective to secure a connection from Sandleford Park to the A339, the Officer's Delegated Report refers to this connection in the following terms "*Access from the A339 to serve the SSSA is necessary in order to adequately distribute the traffic onto the local highway networks, as demonstrated by the VISSIM modelling*". With the Appellants' commitment to build a road to the boundary of the Appeal Site to connect to the A339 access (as shown on Plan 14.273/928), combined with the fact the construction of the road to the A339 is well underway, and due to be complete and open to traffic within 2 years of the opening of the new School, the additional point of access that the Council has been seeking, would be secured.

### **Crooks Copse Link**

- 4.48 The provision of an east-west highway link within the northern part of the development has been referred to as "*essential*" by the District Council in order to distribute traffic, notwithstanding that this location is environmentally sensitive.
- 4.49 This link was not originally proposed by the Appellants when its first application was submitted in 2015, and indeed the Appellants made submissions to the LPA to resist its provision at that time. It is instructive that one of the Reasons for Refusal for Application 15/02300/OUTMAJ was the absence of an east-west link and the Officers Delegated Report in that instance sets out the Council's response to the Appellants' submissions in the following terms:
- 4.49.1 the proposed built form of DPN1 and DPN2 together with associated lighting would intrude into the character of the northern valley across which an



additional crossing is being sought;

4.49.2 a crossing would largely be hidden from wider views by the surrounding proposed built form as well as High Wood and Slockett's Copse;

4.49.3 a crossing over the smaller, complementary feature of the northern valley would not represent a significant obstacle in landscape terms; and

4.49.4 there may be some ecological and landscape impacts that would have to be carefully considered in the design of a road link to the south of Crooks Copse. However, it is not considered to be unachievable as similar considerations have already been addressed in the proposed valley crossing over the central valley. *(see pages 98 and 100 refer, Appendix 12)*

4.50 Accordingly, the Appellants included this additional highway link in application 18/00764/OUTMAJ and the Appeal Scheme thereafter, yet certain of the consultee responses, and indeed the Officers Delegated Report on this occasion, refers to potential adverse environmental effects. Adopting the LPA's original position, these potential effects would need to be considered in the detail design of this vehicular route but those considerations do not preclude such a highway link. This is discussed further by Mr Cooper and Mr West in respect of landscape, visual and ecological matters.

### **Open Space**

4.51 Approximately 50% of the overall site will be in the form of greenspace accessible for new and existing residents (excluding the areas of woodland). The Strategic Landscape and Green Infrastructure Plan (drawing 04627.00005.16.632.13) illustrates the Green Infrastructure strategy for the site. As required by the SPD, this Plan provides details of the Country Parkland and SUDS, non-vehicular access, strategic planting, green links and recreation and open space provision at a "strategic level". Moreover, the Combined Strategic Landscape and Green Infrastructure Plan (drawing 04627.00005.16.633.14) provides the illustration of how the principles within the Appeal Site extend to and align with the proposal at New Warren Farm which together provide information about the approach to the whole allocated site.

4.52 The Country Park is located in the south eastern part of the site with an area of approximately 86 hectares in size including the existing areas of woodland. The design philosophy of the Country Park and its consistency in these terms with the SPD is



described by Mr Cooper. Mr West similarly describes the ecological mitigation that the Country Park will provide, again explaining the consistency with the SPD. I note that that landscape principles of the Country Park and the biodiversity measures accord with the Core Strategy Policy CS3, the Vision of the SPD to conserve and enhance the Site's natural environment, and various of its Principles, although I recognise that the LPA contest the extent to which this is satisfactorily achieved.

4.53 In this regard, I would draw attention to the design cascade that the SPD in fact envisages – pages 31, 32 and 38 refer. Both in respect of landscape and ecology, future, more detailed, plans are expected to be prepared later in the planning process. In this regard, the Strategic Landscape and Green Infrastructure Plan, the Strategic Landscape and Green Infrastructure Design and Management Plan (Appendix G7 of the ES) and the Ecological Mitigation and Management Plan (Appendix F18 of the ES) provide a framework for the more detailed design and management regimes that would be prepared in the event planning permission was granted. The draft Planning Conditions and the draft Section 106 agreement submitted as part of the application indicate the Appellants' commitment to this design cascade.

4.54 The green links throughout the site make connections via paths and open spaces between the wider urban area, Country Park, areas of ancient woodland, the primary and secondary schools and children's play area. The location of green links are not specified in the SPD, but a satisfactory approach was established through discussion with the Council's previous landscape consultant<sup>1</sup>. I do not believe the Council Officers have demurred from that opinion in so far as those routes are shown within the Appeal Site. I note however that the LPA's Delegated Report focuses upon the pedestrian and cycle link proposed with Gorse Cove and the fact that this is shown differently on the Land Use and Access Parameter Plan and the Strategic Landscape and Green Infrastructure Plan and that there is no corresponding connection within New Warren Farm. I would make two observations in relation to this criticism:

4.54.1 In the first instance, any variances in presentation is a distinction without a difference; the principle of a route through this woodland and from the built development is shown clearly and its alignment will be a matter of detailed design.

4.54.2 Secondly, whether there is or is not a connection to the school shown on the New Warren Farm application can be controlled by planning condition if the

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<sup>1</sup> Kirkham Landscape Planning, response to application 18/00764, 4<sup>th</sup> June 2018



LPA were so minded.

- 4.55 Indeed, if the LPA are sufficiently concerned that such a route through Gorse Covert is unacceptable for environmental reasons it could also restrict this by planning condition and an alternative east west route could be provided along the southern edge of the built development in this location as part of determining the Detailed Landscape and Green Infrastructure Design and Management Plan and the subsequent reserved matters.
- 4.56 The open space proposals differ to the SPD in one regard; the location of the Neighbourhood Area of Play. On the Public Open Space Framework Plan in the SPD, the indicative location of the NEAP is shown between Barn Copse and Dirty Ground Copse, however, on the Strategic Landscape and Green Infrastructure Plan it is situated between Gorse Covert and Dirty Ground Copse at the edge of the Country Park. The Appellants have proposed the NEAP in this broad location since the first application in 2015 and, in response to Applications 16/03309/OUTMAJ and 18/00764/ OUTMAJ, the LPA's position has been that this location is acceptable in landscape and visual impact terms.<sup>2</sup> Mr Cooper describes the landscape and visual effects further in his evidence.

### **Drainage**

- 4.57 A surface water drainage strategy is included in the Flood Risk Assessment at Appendix K of the ES. This is based on sustainable urban drainage measures, both within the area of built development and the Country Park, with storm water being conveyed to the existing watercourses that outfall at the southern edge of the site into the River Enborne. Mr Witts describes in detail the measures proposed and I note that the principles are consistent with those in the SPD.<sup>3</sup> The SUDS proposals include treatment stages for surface water run-off, enabling water quality improvements before being discharged into the watercourse, whilst the swales and attenuation basins enable ecological enhancements. As Mr Witts describes, the principle of this strategy was agreed by Officers of the District Council in 2018<sup>4</sup>, with detailed design being determined by way of planning condition as is conventional; however, on this occasion they have found a reason to object to the same scheme.
- 4.58 At various points in the LPA's documentation they draw attention to the fact that the

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<sup>2</sup> Officers Delegated Report 16/03309 (page 28), Kirkham Landscape Planning, response to application 18/00764, 4<sup>th</sup> June 2018

<sup>3</sup> SPD, page 43, Development Principles H1 and H2

<sup>4</sup> LLFA response to application 18/00764, 11<sup>th</sup> May 2020 (Mr Witts Appendix 1)



Outline Surface Water Drainage Scheme in Appendix K of the ES omits information immediately adjacent to the River Enborne. This was correct and arose in cropping the electronic file at that time. The only information not shown in Appendix K as the LPA will have known, is the long-established outfall to the River Enborne. This was corrected in the FRA that was submitted to the LPA on the 25<sup>th</sup> September 2020.

4.59 In terms of foul water, improvements to the local sewerage network will be required as detailed in the response to the Application from Southern Water. Such improvements have been widely understood to be necessary and are referenced in Appendix D of the Core Strategy.

### **Infrastructure Provision**

4.60 Table 4 of the Planning Statement lists the infrastructure commitments proposed by the Appellants. These are essentially the same as the infrastructure commitments set out by the Appellants in the 2018 Memorandum of Understanding. It is intended that these are secured either by way of planning obligation subject to the satisfaction of CIL Regulation 122, or planning condition. The draft Section 106 Agreement submitted with the Application and the draft Planning Conditions illustrate further the Appellants commitments in this regard. The infrastructure commitments are derived from Core Strategy Policy CS3, Appendix D of the Core Strategy, the SPD, and previous consultation responses, but have been considered in more detail alongside the particular development proposals that are advanced.

### **Planning Obligations**

- 4.61 A draft Section 106 Planning Obligation was prepared by the then Applicants and included obligations relating to the following:
- i. The provision of affordable housing
  - ii. The provision of land for education purposes (a new primary school and extension of Park House School) and associated financial contributions
  - iii. The Local Centre
  - iv. Green Infrastructure (the Country Park, early landscaping and planting, a management and maintenance scheme)
  - v. Highway works and contributions
  - vi. Pedestrian and Cycleway works
  - vii. Play Facilities





- viii. Financial contributions towards Public Transport, Healthcare, Travel Plan, and sports pitch improvements at Newbury Rugby Club
- ix. Contribution Control Strip
- x. Affordable Housing

4.62 Whilst the Appellants had prepared a draft bilateral agreement as part of the application, the LPA informed the Appellants that they do not, as a matter of policy, enter into such an agreement in an Appeal situation and, therefore, the Appellants will have to proceed by way of unilateral undertaking. The Appellants intend to submit a draft in accordance with Appeal timetable along with an explanatory note.

4.63 I understand the LPA will prepare a CIL compliance table which explains why and how these obligations accord with CIL Regulation 122.

### **Benefits of the Proposed Development**

4.64 The Appeal Scheme, framed by Policy CS3 of the Core Strategy, delivers the following benefits:

#### **Housing**

- i. 1,000 new homes located at the District's main urban area where new housing is intended to be concentrated. This will contribute towards housing supply in the short term and provide surety of supply over the longer term, as intended by the Core Strategy.
- ii. 40% affordable housing in accordance with Policies CS3 and CS6 with a mix that meets the identified need in the Strategic Housing Market Assessment and of a tenure that meets the Council's Supplementary Planning Document (70% rent and 30% intermediate housing).
- iii. A predominance of family housing – 2-bed, 3-bed and 4-bed housing – which is intended to attract younger demographics to the South of Newbury to counter the ageing population in the District and increase available workforce.
- iv. 80 extra care housing units that will contribute to meeting an unmet need for such accommodation in the District and its changing demography as the number of elderly people is projected to grow in the longer term.



### **Green Infrastructure**

- v. 86 hectares of green infrastructure to be laid out as a Country Park; this will both protect the sensitive landscape in perpetuity and the registered historic landscape setting of the former Sandleford Priory, whilst also providing a substantial recreational resource for future residents of the development as well as existing communities.
- vi. A bespoke long-term management and maintenance plan for the Country Park and areas of green infrastructure including the employment of a warden.
- vii. A green infrastructure strategy that accords with the Biodiversity Opportunity Area and delivers net gain in biodiversity.
- viii. A surface water drainage strategy that employs SUDS techniques to manage run-off and deliver water quality improvements with biodiversity benefits.

### **Supporting Infrastructure**

- ix. Investment in community infrastructure with new retail, employment and community facilities to be provided at the Local Centre.
- x. The provision of land to enable the enlargement of Park House School's sporting facilities to accommodate secondary school pupils from the proposed development, development at New Warren Farm and existing spaces required by the District Council. The School will be able to make available these additional sports facilities for community use.
- xi. Financial contributions towards improvements to educational facilities at Park House School that will renew classrooms and ancillary accommodation to the benefit of all of the School's pupils.
- xii. Financial contributions towards local healthcare facilities and sports provision.
- xiii. A Community Infrastructure Levy anticipated to be in the region of £6m towards other infrastructure provision.

### **Highways and Transportation**

- xiv. Improvements to local walking and cycling routes between the Site and local employment destinations and other key destinations such as Newbury town



centre, nearby facilities and retail. The provision of way-finding signage in the form of 'gateway maps' and directional signs and road markings will enhance the legibility of routes and provide continuity between the site and surrounding facilities. Dedicated signalised pedestrian crossings at local junctions to improve pedestrian accessibility.

- xv. The provision of a new crossing on the A339 adjacent to the PROWs access onto the A339, providing a dedicated crossing facility for pedestrians and cyclists wishing to access St Gabriel's School, Greenham Business Park and the walking routes on the eastern side of the A339.
- xvi. Investment in bus based public transport to enable the diversion of either the existing 103 service or a new service that would provide frequent and convenient journeys between the Site and the town centre.
- xvii. Additional Travel Plan measures to encourage sustainable modes of travel.
- xviii. The provision of off-site junction improvements as required by the Infrastructure Delivery Plan that supports the development of the whole strategic site.
- xix. A financial contribution towards construction of an additional means of vehicular access from the A339 to the Site to complement Local Enterprise Partnership funding secured by the Council.

### **Economic Benefits**

- xx. Economic benefits during the construction phase which will include new training and apprenticeship schemes.
- xxi. Employment at the Local Centre and Primary School.

4.65 It is possible that the LPA will assert that certain of these benefits are not in fact benefits because they are measures required by planning policy or as mitigation. This view doesn't take account of the fact that they are planning outcomes that the Core Strategy intends in conjunction with development at Sandford (i.e. plan-led outcomes) that only materialise with development of the Appeal Site. For example, 40% affordable housing is a policy requirement, but absent planning permission being granted and the Appeal Scheme being brought forward, that number of affordable homes would not be provided. Similarly, the Country Park, which is a policy



requirement, is nevertheless a significant element of multi-functional green infrastructure that would not otherwise be realised.

### **Development Programme**

- 4.66 The Appeal Scheme can provide a material supply of housing within and beyond the end date of the Core Strategy 2026 as intended by the LPA. Below I have set out the development programme that underlines the Appeal Scheme's contribution in this regard.
- 4.67 *Grant of Outline Planning Permission:* In the event of the Appeal Scheme being allowed, outline planning permission is expected to be in place at the beginning of 2022. I refer to this as month 1.
- 4.68 *Discharge of pre-commencement conditions:* Following the grant of outline planning permission a number of pre-commencement conditions will need to be discharged by the Appellants. The draft conditions provide a likely list of the matters for which details will be required to be prepared by the Appellants and approved by the LPA, including a Construction and Environmental Management Plan, a scheme for the Country Park, detailed landscape and green infrastructure design and management plans, surface water and foul drainage schemes, tree/hedgerows protection measures, ground investigation, and a programme of archaeological works.
- 4.69 In certain instances, this detail design will be required either in advance of, or alternatively in parallel with the preparation of Reserved Matters applications and can be undertaken on a phased basis.
- 4.70 The most significant aspect of detailed design will be that required for the Valley Crossings where there are various environmental and technical considerations, as is explained by various other witnesses.
- 4.71 Together, it is reasonable to expect this tranche of detailed design work to be completed and the anticipated approvals to be in place within 18 months from the grant of outline planning permission. This would allow certain site works to commence at this point (i.e June 2023).
- 4.72 I have assumed a further period of six months for the preparation and approval of the first reserved matters for Development Parcel North, meaning that residential development could commence in month 25 (February 2024). First completions are thus anticipated in early summer 2024.



4.73 The anticipated housing trajectory is shown in the following table.

Outline Planning Permission	January 2022
Preparation of Discharge of pre-commencement conditions	February – August 2022
Submission of material to discharge pre-commencement conditions	September 2022
Discharge of pre-commencement conditions and technical approvals	October 2022 – June 2023
Site works and infrastructure	July 2023 – September 2023
First Reserved Matters submission	September 2023
First Reserved Matters approvals	January 2024
Residential development commences	February 2024
First completions	May 2024
Completions Year 1 (2024/25)	50 private market 20 affordable homes
Completions Year 2 (2025/26)	75 private market 30 affordable Homes

4.74 The Appeal Scheme will therefore contribute 175 dwellings by April 2026 (the end date of the Core Strategy), whilst providing a continuous supply of housing for a number of years thereafter as intended by the LPA both in the Core Strategy and the emerging Local Plan Review. It is instructive that the LPA Annual Monitoring Report, published in January 2021, acknowledges that housing completions could be achieved at Sandleford Park by 2026 (CD16.7 para 3.2 refers).

4.75 Bloor Homes has the benefit of an Agreement with the landowners, Sandleford Farm Partnership, which entitles them to acquire the Appeal Site in the event planning permission is granted. Bloor Homes is a highly experienced national housebuilder, well versed in bringing forward significant projects of this nature.

### **New Warren Farm and Sanfoin**

4.76 To the west of the Appeal Site is New Warren Farm which comprises the remainder of the allocated site. Sanfoin is a parcel of land that is not within the boundary of the allocated site but is within the defined settlement boundary. As described in para 3.45, Donnington New Homes, the prospective developer of New Warren Farm, submitted an outline planning application for development at New Warren Farm and Sanfoin in 2018.

4.77 New Warren Farm and Sanfoin are in separate ownerships to the Appeal Site.

4.78 New Warren Farm is owned by the proprietor of Donnington New Homes, and the land and properties are subject to a number of charges in favour of other persons. Sanfoin is in a separate ownership again, and, to the best of my knowledge, is not



subject to a contractual position in favour of Donnington New Homes.

4.79 Warren Road is an adopted road along only part of its length, a little way east of Sunley Close. Public Right of Way NEW/5/1 extends further east along New Warren Farm, but that is an unsurfaced track that is in part unregistered land.

4.80 Planning permission was granted in 2014 for the widening of New Warren Road to 4.8m. This permission is understood to have been implemented, although at the present time the actual widening has not occurred.

4.81 Donnington New Homes' outline application seeks planning permission for the following proposed development:

*up to 500 new homes, including 40% affordable, a 1 form entry primary school with land for its expansion to 2 form entry, replacement and/or expansion land for Park House Academy School, extra care elderly units as part of the affordable housing provision, access from Warren Road and emergency access from Kendrick Road, a recreational facility for families of children with special needs, green infrastructure including children's play areas and informal open space, pedestrian and cycle links through the site, sustainable drainage and other infrastructure. Matters to be considered: Access.*

4.82 These are uses which accord with Policy CS3 of the Core Strategy.

4.83 Since this application was submitted, Donnington New Homes proposed revisions to the scheme in December 2019, which the LPA accepted on to the planning file in September 2020 (for consultation etc) but since then further revisions or submission have or are being submitted in respect of this application.

4.84 These amendments comprise of a number of parameter plans for that application site, along with Combined Plans which show those development proposals alongside the Appeal Scheme. Whilst stylistically, these plans are different, their components are intrinsically the same. The Combined Plans are to all intents and purposes the same Plans as were submitted by the Appellants as part of its Application (CD1.27 – 1.30). This reflects the discussion between the parties as to the changes proposed by Donnington New Homes to ensure the two schemes are suitably aligned.

4.85 Access to New Warren Farm is proposed from Warren Road and is described in the addendum to the Planning Statement (CD14.1) in the following terms:

- Implementation planning permission reference 14/02416/FUL to widen Warren Road to 4.8m to serve Phase 1;



- A further widening of Warren Road to 6m to serve other phases.
- 4.86 In this regard, DONNINGTON NEW HOMES submitted a planning application for the widening of Warren Road to 6m in October 2019 (19/02707/FUL). This application was withdrawn in September 2020. A new application was submitted in December 2020 to widen Warren Road on its southern side.
- 4.87 It is noteworthy that the Appellants' first outline application submitted in 2015 foresaw the possibility of only a limited access from Warren Road and the Appellants have consistently indicated that they will construct the Main Access Road to the boundary of New Warren Farm to enable access to that part of the allocated site, thus providing surety that the residual element can be developed. The Appellants are not restricting precluding, or prejudicing development at New Warren Farm.
- 4.88 Donnington New Homes has also submitted a draft S106 agreement which includes the common infrastructure that the 2018 Memorandum of Understanding identified, namely, off-site highway improvements including financial contributions towards Pinchington Roundabout and St John's Roundabout, provision of a primary school and financial contributions towards Park House School improvements, improvements to on-site public rights of way, a public transport contribution and a travel plan. I include a copy of this at *Appendix 13*. Consistent with the 2018 Memorandum of Understanding, this illustrates Donnington New Homes' intention to contribute towards the coordinated and timely provision of infrastructure required for the Strategic Site as a whole.
- 4.89 Of course, the final form of that agreement is subject to negotiation with the LPA, who doubtless will wish to ensure consistency in operational terms between the respective obligations. As I have indicated, during the consideration of various planning applications the LPA showed little appetite to engage with the role of planning obligations in securing a comprehensive development.
- 4.90 In its Statement of Case, the LPA assert that the Appellants are not proposing any measures or vehicles which would tie-in and guarantee in any way their proposed development of the Appeal Site with the required comprehensive and coordinated development of the whole SSSA (para 10.1). In my view, the LPA are choosing to overlook both the commitments made by the Appellants to deliver infrastructure to facilitate development at New Warren Farm and equally the evident commitments by Donnington New Homes and their own ability as LPA to determine what can



satisfactorily be approved as the development of that part of the Site. However, in Mr Williams' evidence he explains how a Design Code could add additional control or regulation to the detailed design stages to ensure consistency of approach.

- 4.91 Moreover, the LPA are also overlooking the fact the Appellants have proposed to transfer a "contribution control strip" to the Council that would adjoin the boundary of New Warren Farm that would enable the Council to grant the right of passage between the two sites once it was satisfied that the Donnington New Homes proposals were satisfactory and that it had made the appropriate and necessary planning obligations consistent with a comprehensive and coordinated development proposal. This is a mechanism intended to allow the cost of the highway works which the Appellants are funding but relate jointly to the two schemes to be recovered so that costs are proportionate in overall terms.





## 5 The Development Plan

- 5.1 In this Section of my evidence, I explain the Development Plan as it relates to this Appeal. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 5.2 The Development Plan is currently made up of different documents:
- 5.2.1 West Berkshire Core Strategy Development Plan Document (2006-2026) adopted July 2012;
  - 5.2.2 Housing Sites Allocation DPD adopted in May 2017;
  - 5.2.3 West Berkshire District Local Plan 1991-2006 (Saved Policies 2007);
  - 5.2.4 Replacement Minerals Local Plan for West Berkshire incorporating alterations adopted in December 1997 and May 2001; and
  - 5.2.5 Waste Local Plan for Berkshire adopted December 1998.
- 5.3 The Appeal Site is not part of any Neighbourhood Plan Area.

### **West Berkshire Core Strategy**

- 5.4 The adopted Core Strategy is a development plan document which sets out the long-term vision for West Berkshire to 2026 and beyond. It provides an overall framework for more detailed policies and site-specific proposals to be contained in other Local Plan documents.
- 5.5 Relevant Core Strategy Policies to the determination of this Appeal are discussed below:
- 5.6 **Area Delivery Plan Policy 1 Spatial Strategy:** Most new development is to be accommodated within or adjacent to the settlements included in the defined settlement hierarchy. Newbury is defined as an Urban Area. Urban Areas are to be the focus for most development.
- 5.7 The location of the Appeal Site adjacent to Newbury and conveniently located to a great many of its services and facilities accords with this spatial strategy and Policy



ADPP1. The provision of additional housing in this location would contribute towards a sustainable pattern of development.

- 5.8 **ADPP2 Newbury:** Newbury is to accommodate approximately 5,400 new homes over the Core Strategy plan period, contributing to its role and function as the largest urban area in West Berkshire. This is equivalent to half of the Plan's housing requirement.
- 5.9 Two urban extensions are identified to deliver the urban focus of the Spatial Strategy. Both these developments are to provide new residential neighbourhoods with supporting facilities and green infrastructure. These two strategic development sites are to be well designed and built to high environmental standards and integrated with the rest of the town through public transport and pedestrian and cycle links.
- 5.10 The first is to the east of the town, on land at Newbury Racecourse; development commenced in this location in 2013 and the delivery of this Site is well underway with some 700 new homes having been built.
- 5.11 The second location, which is to be developed later in the plan period, is the Appeal Site to the south of the town. As a matter of principle, the proposed development accords with Policy ADPP2.
- 5.12 **CS1 Delivering New Homes and Retaining the Housing Stock:** Provision will be made for the delivery of at least 10,500 net additional dwellings and associated infrastructure over the period 2006 to 2026. Delivery will be phased and managed in order to meet at least an annual average net additional dwelling requirement of 525 dwellings per annum and to maintain a rolling five-year supply of housing land.
- 5.13 The LPA's most recent Annual Monitoring Report published in January 2021 records that between April 2006 and March 2019 there had been 6,550 completions (net). This represents 63% of the housing requirement completed in 65% of the plan period. In addition, there are 3,706 hard commitments (sites with planning permission). Together, completions and commitments total 10,256 dwellings net, which compares to the minimum requirement in Policy CS1 of 10,500.
- 5.14 Development at Sandleford Park would therefore contribute to meeting the requirement of Policy CS1. Moreover, development at Sandleford Park would provide surety of supply in the longer term and contribute to meeting housing needs after 2026. This is consistent with Sandleford Park's identified role in the Core Strategy and also the emerging Local Plan Review.



5.15 **CS3 Sandleford Strategic Site Allocation:** This is the site-specific policy relating to the Appeal Site and has been reproduced below:

*“Within the area identified at Sandleford Park, a sustainable and high quality mixed use development will be delivered in accordance with the following parameters:*

*Phased delivery of up to 2,000 dwellings, of which at least 40% will be affordable and with an emphasis on family housing. At least half the housing is planned to be delivered by 2026;*

- *Development to be limited to the north and west of the site in order to respect the landscape and sensitivity of the wider site and to protect the registered historic landscape and setting of the former Sandleford Priory;*
- *Residential densities on the site to be in an average range of between 30 and 50 dwellings per hectare to reflect the predominant mix of family sized homes;*
- *Generation of on-site renewable energy;*
- *Two vehicular accesses will be provided off Monks Lane with an additional sustainable transport link for pedestrians, cyclists and buses provided from Warren Road onto the Andover Road;*
- *Further infrastructure improvements will be delivered in accordance with the Infrastructure Delivery Plan. Any infrastructure needs which are critical to the delivery of the site are set out in Appendix D;*
- *Provision of a new primary school on site and the extension of Park House School;*
- *Provision for retail facilities in the form of a local centre and business employment;*
- *A network of green infrastructure to be provided which will:*
  - *Conserve the areas of ancient woodland and provide appropriate buffers between the development and the ancient woodland;*
  - *Mitigate the increased recreational pressure on nearby sensitive wildlife sites, secure strategic biodiversity enhancements;*
  - *Provide a country park or equivalent area of public open space in the southern part of the site; and*
  - *Respect the landscape significance of the site on the A339 approach road into Newbury.”*

5.16 Appendix D lists various highway improvements, public transport provision, cycling and walking infrastructure and utility upgrades.

5.17 I have described in Section 4 the arrangement of land uses and the individual components of the proposed development. The Appeal Scheme accords with what is set out in the policy in all respects other than the additional sustainable transport link



along Warren Road which could be provided with the development of New Warren Farm in the manner that the Applicant intends. Importantly, the Appeal Scheme facilitates the remainder of the allocated Site being brought forward in accordance with the Policy. Together the development proposals would achieve the requirement of Policy CS3.

- 5.18 **CS4 Housing Type and Mix:** Residential development will be expected to contribute to the delivery of an appropriate mix of dwelling types and sizes to meet the housing needs of all sectors of the community, including those with specialist requirements. In the areas outside town centres, new residential development will predominantly consist of family sized housing which should achieve densities of between 30 and 50 dwellings per hectare and should enhance the distinctive suburban character and identity of the area.
- 5.19 The Appeal Scheme provides predominantly family housing along with extra care housing for which there is an identified need. At a density ranging between 30 dph and 50 dph the Appeal scheme is appropriate in these terms. By adopting the character areas in the LPA's own SPD for Sandleford, the Appeal Scheme will be of an appropriate design also.
- 5.20 **CS5 Infrastructure Requirements and Delivery:** This Policy seeks to ensure that infrastructure and services for new development are provided in a coordinated manner, whilst protecting local amenities and environmental quality. Appendix D of the Core Strategy provides a schedule of the infrastructure considered by the LPA to be critical to the delivery of Sandleford Park.
- 5.21 **CS6 Provision of Affordable Housing:** In order to address the need for affordable housing, a proportion of affordable homes will be sought from new residential development. On greenfield development sites of 15 dwellings or more, 40% provision will be sought.
- 5.22 The Appellants have proposed a Section 106 Planning Obligation that commits to the provision of 40% affordable housing. Matters such as tenure are to be covered by Affordable Housing Schemes for each phase of development.
- 5.23 **CS9 Location and Type of Business Development:** This policy provides locational guidance in relation to the employment uses. This must be read alongside Policy CS3 which intends for the Local Centre at Sandleford to include business employment. No conflict is alleged with Policy CS9.



- 5.24 **CS11 Hierarchy of Centres:** This policy provides locational guidance in relation to town centre uses. It specifically refers to new retail floorspace at the two strategic sites allocated in the Core Strategy. Again, this must be read alongside Policy CS3 which intends for the Local Centre and Sandford to include retail facilities. No conflict is alleged with Policy CS11.
- 5.25 **CS13 Transport:** Development that generates additional traffic will be required to, amongst other things, reduce the need to travel, improve travel choice and facilitate sustainable travel, mitigate the impact on the transport network, as well as demonstrating good access to key services and facilities by walking and cycling.
- 5.26 The Appeal Site is conveniently located to a range of existing services and facilities. Moreover, the mixed-use nature of the development will result in an internalisation of trips and a reduction in the need to travel.
- 5.27 The traffic effects of the proposed development have been assessed using the LPA's VISSIM model, as Mr Bird describes. This has led to a series of proposed junction improvements which will be delivered either as Section 278 Highway Works or via financial contributions to the LPA in the Section 106 Planning Obligation. Implementation of these highways works ensures that the proposed development is acceptable in highway terms.
- 5.28 Similarly, a package of off-site pedestrian and cycle improvements have been agreed that would encourage such travel to and from the Site. In respect of public transport, the Appellants intend to fund bus service improvements that would enable a service to access and egress the development at Monks Lane with a loop at the Local Centre, ensuring that residents of the development have access to frequent and convenient public transport for journeys to the town centre. With development at New Warren Farm and the widening of Warren Road, this service can be extended to Andover Road.
- 5.29 These measures accord with Policy CS13.
- 5.30 **CS14 Design Principles:** New development is required to demonstrate high-quality and sustainable design that respects and enhances the character and appearance of the area, making a positive contribution to the quality of life in West Berkshire. A range of design principles are laid out for new developments to respond to.
- 5.31 In this instance, the Sandford SPD provides detailed urban design principles and character areas. As Mr Williams describes, these have been adopted in the Appellants



Scheme as evidenced by the Design and Access Statement and I note the LPA do not allege that the intended character and appearance of the built development is in anyway unacceptable.

- 5.32 **CS15 Sustainable Construction and Energy Efficiency:** This Policy is framed by the Core Strategy's strategic objective to reduce carbon dioxide emissions. In the first instance it requires new homes to meet Level 4 of the Code for Sustainable Homes from 2013 and Level 6 from 2016. Secondly, it requires that major development includes renewable or low/zero carbon energy generation. However, as Mr Garratt explains, this Policy has been superseded by the Written Ministerial Statement titled 'Planning Update March 2015'. In this Statement, it was made clear that the Code for Sustainable Homes has been withdrawn and, as such, there is no longer a national policy basis against which to enforce this requirement. Therefore, the residential dwellings at Sandleford Park will be constructed in accordance with prevailing Building Regulations as intended by Government. Separately, new non-residential development is expected to meet the BREEAM Excellent construction standard. More recently, as Mr Garratt's evidence explains, the Government has published its response to the earlier Future Homes Standard consultation and this is a material consideration in the determination of the Appeal.
- 5.33 **CS16 Flooding:** Flood Risk Assessments are to be carried out for new development on sites of 1 ha or more in Flood Zone 1 or sites in Flood Zone 2 or 3. On all development sites, surface water is to be managed through the implementation of sustainable drainage methods to provide attenuation to greenfield run-off rates and volumes and provide other benefits where possible, such as water quality, biodiversity and amenity.
- 5.34 The proposed development is situated within Flood Zone 1 and is at low risk of flooding. The proposed surface water drainage strategy is described at para 4.57 and is based on sustainable urban drainage measures, both within the area of built development and the Country Park, with storm water being conveyed to the existing watercourses that outfall at the southern edge of the site into the River Enborne.
- 5.35 Mr Witts explains how the principles of the drainage strategy have been designed at this outline stage, demonstrating that the proposed provision of sustainable urban drainage features accords with Policy CS16. Mr Witts also explains, how, as is conventional, more detailed design will be undertaken in due course.
- 5.36 The principles of the surface water drainage scheme were acceptable to the Local Lead



Flood Authority in 2018 and this still appears to be the case from the September 2020 consultation response although it requested certain further information.

- 5.37 **CS17 Biodiversity and Geodiversity:** Assets across the District should be conserved and enhanced. Habitats designated or proposed for designation as important for biodiversity or geodiversity at an international or national level or which support protected, rare or endangered species, will be protected or enhanced. Development which may harm, either directly or indirectly, locally designated sites, or habitats or species of principal importance for the purpose of conserving biodiversity, or the integrity or continuity of landscape features of major importance for wild flora and fauna, will only be permitted if there are no reasonable alternatives and there are clear demonstrable social or economic benefits of regional or national importance that outweigh the need to safeguard the site or species and that adequate compensation and mitigation measures are provided when damage to biodiversity/geodiversity interests are unavoidable. New development should maximise opportunities to achieve net gains in biodiversity and geodiversity in accordance with the Berkshire Biodiversity Action Plan and the Berkshire Local Geodiversity Action Plan.
- 5.38 Mr West describes the value of the Appeal Site, identifying that the areas of woodland are local wildlife sites and that the hedgerow, field margins and grassland are ecologically diverse. Mr West also describes the ecological mitigation and management proposals that the Appellants have identified and the biodiversity net gain that the proposed development will achieve. In these terms, the Appeal Scheme is wholly acceptable in terms of its effects on biodiversity and geodiversity.
- 5.39 **CS18: Green Infrastructure:** The District's green infrastructure will be protected and enhanced. New developments will make provision for high quality and multifunctional open spaces of an appropriate size and will also provide links to the existing green infrastructure network. Specific standards for provision within new developments will be identified in the masterplanning for strategic sites (which in this instance are established in the SPD). Developments resulting in the loss of green infrastructure or harm to its use or enjoyment by the public will not be permitted. Where exceptionally it is agreed that an area of green infrastructure can be lost a new one of equal or greater size and standard will be required to be provided in an accessible location close by.
- 5.40 Development of the Appeal Site will change its character; this is the inevitable consequence of the allocation of the Site in the Core Strategy - countryside will be



replaced by built development, there will be a reduction in current vegetation along Monks Lane, and the laying out of the Country Park will introduce new landscaping features that draw on the historic landscape character. In this regard, the design approach to the Country Park was previously agreed with the Council's then landscape consultant in 2018 as Mr Cooper describes.

5.41 The Appellants have prepared Strategic Landscape and Green Infrastructure Plans for the Appeal Site and for the area of the allocation as a whole. In addition, the Appellants have prepared a Strategic Landscape and Green Infrastructure Design and Management Plan. Mr Cooper describes how these are appropriate to the Appeal Site in terms of its landscape features and visual effects. Moreover, Mr Cooper explains why these provide an appropriate framework for the more detailed plans required for individual phases of the proposed development, and as landscaping is a reserved matter, this is entirely the correct approach.

5.42 **Policy CS19 Historic Environment and Landscape Character:** Proposals for development should be informed by and respond to:

a) The distinctive character areas and key characteristics identified in relevant landscape character assessments including Historic Landscape Characterisation for West Berkshire and Historic Environment Character Zoning for West Berkshire.

b) Features identified in various settlement character studies including Quality Design - West Berkshire Supplementary Planning Document, the Newbury Historic Character Study, Conservation Area Appraisals and community planning documents which have been adopted by the Council such as Parish Plans and Town and Village Design Statements.

c) The nature of and the potential for heritage assets identified through the Historic Environment Record for West Berkshire and the extent of their significance.

5.43 Again, Mr Cooper describes the approach taken to the design of the Country Park and how this draws on the historic landscape character. There are no-built heritage issues that arise from the proposed development in terms of an unacceptable adverse impact on any designated heritage assets and below ground archaeology can be satisfactorily addressed by planning condition. The proposed development is appropriate in the terms of Policy CS19.





### **Housing Sites Allocations DPD**

- 5.44 The LPA adopted a Housing Sites Allocation Development Plan Document in May 2017. Whilst this identifies additional housing allocations to those strategic sites set out in the Core Strategy, it also includes a generic policy, **Policy GS1**. This is relevant to the determination of the Appeal.
- 5.45 Criterion 'I' states that *"Allocated sites [should] be masterplanned and delivered as a whole to achieve comprehensive development that ensures the timely and coordinated provision of infrastructure, services, open space and facilities"*. Single planning applications are required for each allocated site to *"ensure this comprehensive approach to development is achieved"*.
- 5.46 I have explained how the Appeal Scheme has been designed to align with the development proposals at New Warren Farm and how the infrastructure commitments enable the development of the whole allocated site to come forward. The absence of a single planning application does not mean that the underlying intention of comprehensive development would not be achieved, as is acknowledged in the Planning Policy Officer's comments in response to the application and also the emerging Local Plan Review. The Appeal Scheme would facilitate the bringing forward of the remainder of the allocated site to achieve an overall comprehensive development.
- 5.47 Policy GS1 also includes criteria related to environmental considerations, namely water supply and drainage, accessibility by non-car transport modes, walking and cycling routes, impacts on the local road network, consideration of policies in the Replacement Minerals Local Plan, landscape assessment and design of green infrastructure and public open space, high quality design to respond to the character of the surrounding area, provision of infrastructure to meet the needs that arise from the development, and impacts on habitats and species of principal importance to the conservation of biodiversity. In my opinion, these criteria overlap with equivalent Policies in the Core Strategy related to these subject matters.
- 5.48 Policy CS1 is also relevant in that it establishes car parking standards but the LPA do not quarrel that the Appeal Scheme can meet such standards at the detailed design stage.
- 5.49 Policy C1 is referred to in the Council's Statement of Case, in that it differentiates between the areas of housing proposed within the defined Settlement Boundary and



the small area of development which is proposed outside the Settlement Boundary. I have shown this on Plan APP/2.14.1 at *Appendix 14*.

- 5.50 I accept that the area of built development on the Land Use and Parameter Plan extends marginally beyond the Settlement Boundary within Development Parcel North 1, south of Crooks Copse – I have calculated this area to be circa 0.35 hectares in size. It is instructive to note that there is no physical demarcation on the ground that the Settlement Boundary relates to in this location and the delineation is simply drawn across an open field. As such the delineation is arbitrary in nature and is, I believe, based only on the footprint of built development shown in the SPD.
- 5.51 A strict interpretation of Policy C1 would presume against new housing in this part of the Site but I consider there is a distinction between the underlying purpose of Policy C1 which is to restrict housing in the Countryside in the context of the Spatial Strategy as defined by Policy ADPP1 and para 4.17 of the Core Strategy, compared with providing new homes within the overall framework provided by Policy CS3 of the Core Strategy where there is intended to be a plan-led change in the character and function of the Site. In this regard, considerations relating to the effect of development in this location are the primary determinants rather than conflict with a boundary drawn on a plan across an open field. The evidence provided by Mr Cooper and Mr West is particularly pertinent in this regard and I consider this further in Section 12.
- 5.52 It is of note that the Planning Policy Officer's consultation response to the application does not cite conflict with Policy C1, nor does the delegated officer's report either in respect of Application 16/03309/OUTMAJ determined in December 2017 nor that prepared in respect of the Appeal Scheme in October 2020. Conflict with Policy C1 was not raised in discussions with the LPA in respect of Application 18/00764/OUTMAJ.

#### **West Berkshire District Local Plan (1991-2006) (Saved Policies 2007)**

- 5.53 The saved policies of the West Berkshire District Local Plan also form part of the current Development Plan for the District.
- 5.54 **Policy OVS.5** Environmental Nuisance and Pollution Control directs that the Council will only permit development proposals where they do not give rise to an unacceptable pollution of the environment. It identifies mitigation measures related to the construction process that seek to minimise the adverse impact on the environment or loss of amenity. The Appeal Scheme does not give rise to any unacceptable impacts in these terms and no conflict is alleged with this Policy.



- 5.55 **Policy OVS.6 – Noise Pollution** requires that appropriate measures be taken in the location, design, layout, and operation of development proposals to minimise any adverse impacts as a result of noise generated. For noise sensitive developments, which include housing and schools, regard should be had to existing sources of noise, the need for appropriate noise insulation measures and noise exposure levels. The Appeal Scheme does not give rise to any unacceptable impacts and no conflict is alleged with this Policy.
- 5.56 **Policy TRANS1 – Meeting the Transport Needs of New Development** requires the provision of a range of facilities associated with different transport modes including public transport, walking, cycling and parking provision. Such principles are encapsulated in Core Strategy Policy CS13 and the Sandleford Park SPD. Policy TRANS1 also refers to parking standards but this is a matter more directly relevant to detailed applications for reserved matters in due course in the context of parking standards in the Housing Sites Allocation DPD and no conflict is alleged with this Policy.
- 5.57 **Policy SHOP.5 - The encouragement of Local and Village Shops** outlines that the Council will encourage proposals for the provision of local shops within new residential areas to support the increased demand for such provision in areas of new development. This objective is similarly set out in Policy CS3 of the Core Strategy specifically in relation to Sandleford Park and no conflict is alleged with this Policy.
- 5.58 **Policies RL1, RL2 and RL3 – Public Open Space Provision in Residential Development Schemes** sets out a standard for open space provision ranging between 3 and 4.3 hectares per 1000 population. The form, scale and distribution of such provision is to be considered in the context of individual circumstances. **Policy RL.2** identifies that the provision of open space will be satisfied by, amongst other ways, allocating space on the development site itself. **Policy RL.3** gives criteria for assessing the quality of open space proposed alongside new development. Again, Core Strategy Policy CS3 and the Sandleford Park SPD provide specific requirements for the provision of open space, which exceed this standard and explain the measures required, and no conflict is alleged with this Policy.

### **Replacement Minerals Local Plan for Berkshire**

- 5.59 The Replacement Minerals Local Plan for Berkshire was initially adopted in 1995 and was subject to alterations in 1997 and 2001. It sets out policies to be applied for mineral extraction in Berkshire over the period to 2006. The following policies are



amongst those that have been saved:

5.59.1 Policy 1: local planning authorities will seek to husband the mineral resources of Berkshire to prevent their wasteful use or sterilization;

5.59.2 Policy 2: local planning authorities will oppose development proposals which would cause the sterilization of mineral deposits on proposed development sites subject to criteria relating to commercial interest, there is an overriding case in favour of the proposed development proceeding without the prior extraction of the minerals; or where extraction would give rise to strong environmental objection; and

5.59.3 Policy 2a: local planning authorities will in appropriate cases encourage the extraction of minerals prior to other more permanent forms of development taking place. In such instances, prior extraction of minerals must be capable of firstly being completed within a timetable that would not unreasonably prejudice the timetable for the subsequent development; and secondly the associated traffic would not cause unacceptable impacts on the environment or living conditions.

5.60 An approach to mineral exploration has been agreed with the LPA that reflects the characteristics of the Site and no conflict is alleged with any of these Policies.

### **Waste Local Plan for Berkshire**

5.61 The Waste Local Plan for Berkshire was adopted in 1998. It sets out detailed land use policies for the treatment and disposal of waste in the County. It also identifies Preferred Areas for Waste Management Uses (Policy WLP11). The Appeal Site is not within such an area. None of the other remaining policies are considered relevant to the proposed development. No conflict is alleged with this Plan.

### **Local Plan Review**

5.62 The LPA has commenced the preparation of its Local Plan Review. A Regulation 18 consultation was first conducted in 2018 and then more recently, in December 2020, a further Regulation 18 consultation was published. On that occasion, the LPA published what it entitled an "Emerging Draft Plan", which was in effect of full plan with policies and proposals. (CD8.13)

5.63 As I have referred to earlier, Sandleford Park is retained as a Strategic Site (Policy SP16



refers). This is in the context of a Spatial Strategy that continues to afford Newbury the status of a main town and the focus for new development in order to achieve a sustainable pattern of development.

5.64 It is instructive to note that the supporting text refers to development at Sandford in the following terms:

*“the Council consider that Sandford Park is the most appropriate location for strategic housing delivery in Newbury”* (Paragraph 6.29 refers).

*“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”.* (paragraph 6.30 refers)

5.65 Policy SP16 is, in broad terms, similar to the Core Strategy Policy in many respects.

5.66 It proposes approximately 1,500 dwellings, 40% affordable housing, an emphasis on family housing, development limited to north and west of the Site, on-site renewable energy, sustainable transport connections for pedestrians, cyclists and public transport, infrastructure improvements in accordance with the IDP, provision of a new primary school and the extension of Park House School, a local centre, and a network of green infrastructure.

5.67 In addition to a lesser amount of new housing, Policy SP16 is different to Policy CS3 in the following manner:

5.67.1 The reference to on-site renewables is placed in the context of assisting in the delivery of a carbon neutral development.

5.67.2 It specifies four primary all vehicle accesses: two off Monks Lane, one through to Andover Road via Warren Road; and one on to the A339.

5.67.3 The sustainable transport routes are referred to connecting the A339, Monks Lane and Andover Road for pedestrians, cyclists and public transport.

5.67.4 A Minerals Resource Assessment would need to be provided (this is common to both Sandford and the proposed allocation at Thatcham).

5.68 Moreover, the Policy includes the following sentence: *“The site will be delivered to achieve a sustainable, comprehensive development and ensure the timely and*



*coordinated provision of infrastructure*". This migrates the equivalent sentence from Policy GS1 of the Housing Sites Allocation DPD, but with an important difference that the requirement for a single application for the strategic site as a whole has been omitted. This is explained in the supporting text at paragraph 6.32 as follows:

*"The Housing Site Allocations DPD (HSA DPD) was adopted in 2017 and contains a generic policy (GS1) which includes a criterion applying to all allocated sites whereby they will be master planned and delivered as a whole and that a single planning application will be submitted for each to ensure a comprehensive approach to development is achieved. That policy has been reviewed, and deleted, as part of the Local Plan Review. This policy (SP16) now ensures that a comprehensive approach to development at Sandeford is achieved. This policy takes precedence over the SPD requirement for a single planning application, but makes clear that the site must be delivered to achieve comprehensive development and ensure the timely and coordinated provision of infrastructure". (emphasis added)*

5.69 I interpret this as the acknowledgement that, as a matter of principle, comprehensive development can be achieved without a single planning application.

5.70 There are a range of other policies in the consultation document that are broadly similar to those in the Core Strategy. The LPA explain this in its Statement of Case in the following terms:

*"The Local Plan Review [Emerging] Draft includes policies that reflect the [Core Strategy policies] closely, which confirms the continued consistency, relevance, and up-to-datedness in the thrust of the currently adopted policies". (para 16.15 refers)*

5.71 I do not disagree with this analysis and on this basis my assessment of the Appeal Scheme focusses on the Development Plan's policies in recognition that the Local Plan Review attracts limited weight and is not the principal determinant in the consideration of the Appeal.

5.72 Of course, the LPAs logic extends to the interpretation and relevance of Policy CS3 in the same manner; the continued identification of Sandeford in the Local Plan Review adds weight to Policy CS3 and the delivery of housing but with the important acknowledgements that are set out in the supporting text which I have referred to above.

### **Synthesis**

5.73 The LPA's Core Strategy allocates Sandeford Park for housing development in the period up to and beyond 2026. As a matter of principle, the Appeal Scheme accords



with the Core Strategy.

- 5.74 Various of the Core Strategy's development management policies have a bearing on the Appeal scheme and in all relevant instances, the Appeal Scheme can be seen to be in accordance with those policies. Especially important is the fact that this is an outline application and further, more detailed design, will follow later in the planning process. The Appeal Scheme provides an entirely satisfactory and appropriate framework for that more detailed work to ensure that subsequent reserved matters applications and schemes continue to accord with the relevant Development Plan policies.
- 5.75 In two respects the Appeal Scheme does not adhere to the Development Plan.
- 5.76 In the first instance the Appeal Scheme is not a planning application for the whole allocated site, rather it is one of two complementary applications. Importantly, these two schemes have been devised to provide a comprehensive approach to the development of the allocated site and the respective controlling plans are aligned with one another. Moreover, the Appellants and Donnington New Homes have proposed infrastructure commitments which, in the case of this Appeal, have been carried through to the planning obligations, thus ensuring the coordinated and timely provision of infrastructure. On this basis, the Appeal Scheme meets the underlying purpose of a single planning application in Policy GS1 of the Housing Sites Allocation DPD.
- 5.77 Secondly, the Appeal Scheme does not accord with energy efficiency measures in Policy CS15 on the basis that this is not an up-to-date development plan policy; its requirement to achieve a particular level of the Code for Sustainable Homes have been superseded by the Code being withdrawn and the Government moving towards an approach to energy efficiency defined by the Building Regulations. As indicated, the Appellants propose a planning condition that would achieve reductions in carbon dioxide emissions from the energy consumed by the new homes which accords with the Core Strategy's objective to achieve development of high environmental standards.
- 5.78 The Land Use and Access Parameter Plan identifies a small area of built development – (some 0.35ha in size) outside the defined settlement boundary south of Crooks Copse but within the overarching area allocated in the Core Strategy. Conflict with Policy C1 of the Housing Sites Allocation DPD is not cited as a Reason for Refusal by the LPA in its decision notice.
- 5.79 In my opinion, the Appeal Scheme accords with the Development Plan when read as a



whole.





## 6 Supplementary Planning Documents

6.1 In this Section of my evidence, I discuss the relevant Supplementary Planning Documents which the LPA have adopted and are material considerations in the determination of this Appeal. In particular, I refer to the following:

- Sandleford Park SPD (2015)
- Sustainable Urban Drainage Systems (2018)
- Planning Obligations (2014)
- Quality Design (2006)

6.2 Whilst the Council's Environment Plan 2020-2030 is not a Supplementary Planning Document in the same terms as the above, I also comment on it in this Section. Similarly, the Newbury Town Design Statement.

### **Sandleford Park SPD (CD8.14)**

6.3 I have referred to the preparation of this in Section 3 of my evidence and do not repeat that context here.

6.4 The SPD is a material planning consideration in the determination of this Appeal. It supplements Policy CS3 to "*guide development and investment*", while acting as "*a framework for future development*" to ensure "*the delivery of a high-quality environment*".

6.5 The SPD includes a vision for Sandleford Park:

*"Sandleford Park will be a vibrant and well-designed community which is a desirable place to live, providing a mix of housing for all, community and education facilities and open spaces. It will deliver a sustainable urban extension to Newbury which integrates with the local and wider neighbourhoods. Through maximising sustainable design and construction techniques, the development will mitigate against climate change and minimise carbon dioxide emissions.*

*Residents will have a high quality of life, with good access to education, jobs, services, shops and public transport – many of which are within walking and cycling distance. There will be timely and coordinated provision of the social, physical and green*



*infrastructure required for the site.*

*The site will conserve and enhance its natural environment and respect its landscape and heritage significance. A significant feature of the site will be the extensive Country Parkland, which will increase public access to the countryside and provide a wide range of informal leisure opportunities."*

- 6.6 The SPD also provides a set of key delivery outcomes that the Sandleford Park development should achieve – these are listed as Strategic Objectives. Table 6 of the Appellants' Planning Statement set out how the Appeal Scheme will achieve these. I have reproduced this Table in *Appendix 15* for convenience. This Summary is provided by reference to the parameter plans and the associated development strategies where these guide future detailed development proposals.
- 6.7 The SPD also includes Development Principles and Urban Design Principles. As appropriate, other witnesses address these in their evidence. As this is an outline planning application, not all the Development Principles are relevant at this stage and relate to the approval of subsequent reserved matters; a point which is acknowledged by the LPA's Planning Policy Officer's response to the application. The corollary of this is that the SPD's principles continue to apply in assessing and determining reserved matters applications in due course.
- 6.8 Development Principle S1 requires proposals for the site to be brought forward by means of a single planning application. The underlying purposes of this principle are explained in the supporting text with the intention that a single planning application will enable:
- 6.8.1 a holistic approach to a comprehensive development across the site which maximises its potential as a well-planned and sustainable urban extension;
  - 6.8.2 assessment of the development proposed as a whole to ensure it achieves the vision and objectives for the site;
  - 6.8.3 the required infrastructure to be properly planned and delivered in an integrated way across the site; and
  - 6.8.4 that the site is designed as a whole in a cohesive manner.
- 6.9 The current planning application does not relate to the whole allocation. The proposed development must however be considered in the context of the underlying



purposes of this principle. Together with the development proposals at Sandford Park West, it has been demonstrated how the development can be delivered comprehensively without prejudicing either the infrastructure requirements or the balance of the allocation. This illustrates how the overall site will be comprehensively developed. The underlying purposes of the Council's desire for a single planning application can be achieved through planning obligations and conditions in relation to the appeal proposals.

### **Planning Obligations (2014) (CD8.15)**

- 6.10 This SPD supports Policy CS5 of the Core Strategy which requires new development to be supported by adequate physical, social and green infrastructure.
- 6.11 It was adopted in 2014 and applies to all applications and appeals determined on or after the 1<sup>st</sup> April 2015 alongside the Community Infrastructure Levy. The purpose of the SPD is to:
  - 6.11.1 Explain the Council's policies and procedures for securing developer contributions using S106 Agreements and other statutory measures;
  - 6.11.2 Explain the relationship between S106 obligations and the Community Infrastructure Levy;
  - 6.11.3 Provide guidance to developers and landowners about the types of planning obligations that may be sought and the basis for charges;
  - 6.11.4 Provide clarity to developers regarding the potential cost of development; and
  - 6.11.5 Give communities an idea of the types of planning obligations that may be sought to support growth allocated in their area.
- 6.12 Various topic papers set out individual service area requirements; affordable housing, transport, education, public libraries, community facilities, health care provision, open space, waste management, environmental enhancements, archaeology, conservation and the historic environment, provision of fire and rescue infrastructure, preventing crime and disorder and adult social care.
- 6.13 The LPA adopted a CIL Charging Schedule which came into effect in 2015 and the Planning Obligations SPD notes at para 28 that, with this, the use of Section 106 obligations will be scaled back.



- 6.14 By the present time, the Council no longer has a Regulation 123 List to identify the projects or types of infrastructure that it intends will be, or may be wholly or partly funded by CIL and cannot be funded by S106.
- 6.15 Sandlesford was not intended to be subject to CIL – the LPA’s Viability Study draws attention to the fact that the Sandlesford planning application(s) are expected to precede the Council’s implementation of the CIL so that the planning infrastructure requirements for this development will be dealt with under the existing S106 arrangements and will be outside the CIL regime. It goes on to recognise that if Sandlesford or a similar scale of development became relevant to CIL in the future, the Council may need to consider whether it influences the rate selection(s) on future review.
- 6.16 It follows therefore, that, in context of there not being a Regulation 123 List in effect, CIL monies can be used to fund infrastructure at the Appeal Site. The Council’s CIL Governance Arrangements (attached at *Appendix 16*) indicate that the Council will distribute strategic CIL receipts in the following manner:
- 6.16.1 70% to be allocated to transport and highway and education projects
  - 6.16.2 10% to be allocated to other services
  - 6.16.3 15% to be allocated towards the provision of new infrastructure in the community (town or parish) in which development has taken place
  - 6.16.4 5% retained by the Council for administering, monitoring and enforcing CIL
- 6.17 In this instance, the Appellants are funding highway and education projects associated with the development and accordingly the CIL contribution could be directed towards other services. In this regard, the Appellants consider the CIL contribution could fund the Community Facility within the Local Centre.

**Sustainable Urban Drainage Systems (2018) (CD8.16)**

- 6.18 This SPD was adopted in 2018 and outlines the design principles required to deliver SUDS as sought by Policy CS16 of the Core Strategy. It provides advice on integrating SUDS within new development to deliver the multiple benefit drainage systems that are expected. The SPD is to be read in conjunction with CIRIA SuDS Manual (C753).
- 6.19 Pages 32 and 33 identify what an Applicant should provide at the Outline Planning



Application stage and I note Mr Witts' comments in relation to his drainage proposals relative to this list.

- 6.20 The SPD goes on at page 34 to identify the information that should be provided in conjunction with reserved matters applications referring to a detailed sustainable drainage strategy at that time. As is conventional, this can be secured by way of planning condition.
- 6.21 As I have described in Section 3, the Appeal Scheme's drainage strategy is based on sustainable urban drainage measures, both within the area of built development and the Country Park, with storm water being conveyed to the existing watercourses that outfall at the southern edge of the site into the River Enborne. The SUDS proposals include treatment stages for surface water run-off, enabling water quality improvements before being discharged into the watercourse, whilst the swales and attenuation basins enable ecological enhancements. Mr Witts' evidence describes this in greater detail along with an explanation of how the approach taken reflects the relevant principles set out in the SPD.

#### **Quality Design (2006) (CD8.17)**

- 6.22 In 2006, the LPA produced a series of Quality Design Documents which concerned, 1. Achieving Design Quality, 2. Residential Development, 3. Residential Character Framework, 4. Sustainable Design Techniques and 5. External Lighting. This SPD was produced in the context of the then current West Berkshire Council Local Plan of 2002 and Policy OVS2 therein, which *inter alia* required all development proposals to show "high standards of design". Policy OVS2 was replaced by Policy CS14 of the Core Strategy and its supporting text refers to this SPD.
- 6.23 Since then, the Council published the Sandford Park SPD, which, as I have explained, provides site and scheme specific principles for urban design and character and appearance drawn from its analysis of the Site. This takes precedence, in my opinion, over the more generic guidance in the Quality Design SPD. Mr Williams' describes how the Design and Access Statement has in turn adopted those character areas and how it, along with a Design Code, can provide a framework for the preparation of subsequent reserved matters to accord with the Sandford SPD and achieve high standards of design.

#### **Newbury Town Design Statement (2018) (CD8.24)**

- 6.24 The Town Design Statement was prepared by Newbury Town Council and relates to



the Newbury ward as defined by the Town Map on page 2. It extends to the Appeal Site at its northern extent, south of Monks Lane, whilst the Wash Common character area extends across the New Warren Farm site.

- 6.25 To the north of the Appeal Site is the area referred to as 'South and City'. This comprises the Andover Road north of Wash Common and most of the residential side roads feeding into it, the housing between it and the Old Newtown/Newtown Roads. Monks Lane forms the southern edge, corresponding with the boundary of Newbury Town itself.
- 6.26 Monks Lane forms the northern boundary of the Appeal Site and is discussed on Page 43. Key Characteristics are listed as well as the following suggested principles:
  - 6.26.1 Any future development should conserve the semi-rural character of Monks Lane.
  - 6.26.2 Any future development should conserve the character, setting and symmetry of the 1930s homes at the eastern end of Monks Lane.
  - 6.26.3 Where possible, opportunities should be taken to enhance the setting around the junction of Monks Lane and Newtown Road to reflect its role as a gateway into the Town from the south.
- 6.27 Both the Sandleford SPD (pages 71 and 72) and the Design and Access Statement (pages 76 and 77) identify Monks Lane as a Character Area within the proposed development. The latter describes the Monks Lane character area in the following terms:
  - 6.28 The character of Monks Lane will be defined through the retention of the existing hedgerow and strategic planting.
  - 6.29 The grouping of buildings, boundaries and landscaping will create a unique sense of arrival.
  - 6.30 The layout of built form will avoid long terraces running parallel to Monks Lane; gaps in the built form will allow for retention of views and visual lines from properties on the Northern side of Monks Lane.
  - 6.31 Green links will connect Monks Lane with the Country Park to the South.



- 6.32 Additional pedestrian/cycle access links into the site from Monks Lane will improve permeability.
- 6.33 Built form will consist of detached, semi-detached, terraces and apartments with the scale of buildings predominantly 2 to 2.5 storeys with 3 storey buildings acting as landmarks.
- 6.34 These principles will inform the detailed design stage to ensure that the character along Monks Lane is retained, recognising that this must be seen in the context of the allocation of the Site in the Core Strategy and the inevitable change developing the Site in accordance with the Policy CS3 and the SPD would bring.
- 6.35 Newtown Road is also discussed on page 48 of the Town Guide but only in the context of existing and future traffic levels rather than any design consideration that has a bearing on the Appeal Scheme.

#### **West Berkshire Environment Plan 2020-2030 (CD8.25)**

- 6.36 The Council's Environment Plan is a Corporate Statement. It is not a Supplementary Planning Document in the terms defined by the Regulations.<sup>5</sup> It does not emanate from or refer to any of the Core Strategy's Policies. In fact, where it discusses *Planning and Development* at para 6.2.5, this is clearly in the context of the Local Plan Review.
- 6.37 The Environment Plan's target is to achieve (rather than require) a level of neutral or net zero carbon emissions by 2030. This compares with the statutory requirement in the Government's Climate Change Act 2008 (as amended in 2019) to achieve net zero by 2050. The Council's approach is twofold: to reduce carbon emissions (from a projected 517k tonnes) to 350k tonnes by 2030 whilst off-setting 350k tonnes through a range of local energy generation and carbon sequestration projects to achieve neutrality.
- 6.38 The energy efficiency of buildings is, as the Environment Plan acknowledges, the domain of the Building Regulations. Mr Garratt explains this in his evidence and how improvements to Part L of the Building Regulations are expected in 2022 and 2025, which will contribute to the reduction in emissions from this source.
- 6.39 Equally important are the range of other factors which the Environment Plan refers to as part of its pathway to a greener District by 2030:

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<sup>5</sup> Town and Country Planning (Local Planning) (England) Regulations 2012, Regulations 11 to 16



- a) Creating sustainable travel patterns and measures to support active travel, increasing walking, cycling and public transport
- b) Maintaining and enhancing green infrastructure to improve biodiversity and wildlife
- c) Large scale tree planting
- d) Sustainable urban drainage
- e) Well-being and access to open spaces
- f) Measures to reduce waste and increase recycling.

6.40 These are measures that the development proposals will deliver.

6.41 In addition, the Environment Strategy refers to a target to “significantly” increase the number of [Electric Vehicle] Charge Points. Mr Garratt explains how the Appeal Scheme can contribute towards this.

### **Synthesis**

6.42 Having considered these various other planning policy documents, I do not consider they represent material considerations that warrant a decision other than in accordance with the Development Plan. As with Policy GS1 of the HSA DPD, the underlying purpose of a single application in Principle S1 of the SPD to ensure a comprehensive and coordinated development is being achieved. Moreover, these various supplementary documents apply equally and, in some respects, more so, to the detailed design stage that would follow the grant of outline planning permission. The need to reflect the various principles set out in these documents endures beyond this stage of the planning process and would continue to exert control and influence.





## 7 National Planning Policy Framework

- 7.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. The NPPF must be taken into account in preparing a development plan, and is a material consideration in planning decisions.

### **Presumption in Favour of Sustainable Development**

- 7.2 Paragraph 8 of the NPPF explains that achieving sustainable development means that the planning system has three overarching objectives – an economic objective, a social objective and an environmental objective.
- 7.3 To ensure that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development. Paragraph 11 explains that when determining planning applications, the presumption means approving development proposals that accord with an up-to-date development plan without delay. As shown in Section 4 and 5, the development proposals accord with the Development Plan when read as a whole, and therefore, benefit from the presumption in favour of sustainable development.
- 7.4 Land-use planning principles underpinning both plan-making and decision-taking are embedded within the NPPF by reference to various topics. These principles provide a foundation for the proposals at Sandleford Park as I describe in the following paragraphs.

### **Sustainable Development**

- 7.5 Sandleford Park will be a mixed-use development which will support sustainable economic development through the delivery of new homes, commercial space, community facilities and infrastructure, thereby creating a thriving local place. The proposals seek to secure high quality design and a good standard of amenity. The site will include two neighbourhoods taking account of the different roles and character of the area. The scheme will make use of public transport, and promote active travel by walking and cycling. Approximately 75% of the application site will be retained and enhanced as green infrastructure and open space and existing woodland will be conserved. The proposal will conserve or enhance heritage assets through careful positioning of the proposed built development within the northern and western parts



of the site, retention of historic character and features within the proposed Country Park and sensitive mitigation. The development takes full account of flood risk and the potential effect of climate change in this regard. Sustainable Urban Drainage features will be provided within the area of built development and the Country Park.

### **Promoting Sustainable Transport**

- 7.6 The mixed-used proposals encourage sustainable transport modes through the provision of a bus route and cycle and pedestrian links, providing people with a choice of travel in accordance with Paragraphs 108 and 110 of the NPPF.
- 7.7 As the proposed development is likely to generate a significant amount of movement, the application is supported by a Transport Assessment and Travel Plan, which take into account, among other considerations, opportunities for sustainable transport modes and the impacts from the new development on the transport network. Reflecting Paragraph 109, with implementation of the identified off-site improvements the proposed development will not have an unacceptable impact on highway safety, and the residual cumulative impacts on the road network would not be severe.

### **Delivering a wide choice of High-Quality Homes**

- 7.8 The NPPF continues to emphasise the government's objective of increasing the supply of new homes (paragraph 59). Sandleford Park will deliver a wide choice of high-quality homes, widening opportunities for homeownership through the provision of market housing, affordable housing and extra care, and the creation of a sustainable and inclusive mixed community through the provision of local facilities, services and green infrastructure.
- 7.9 The LPA intended Sandleford Park to have provided 1000 new homes by 2026 with the remaining homes being built in the longer term.
- 7.10 The LPA's most recent five year land supply estimate of December 2020 indicates a supply in excess of five years. Whilst this does not currently attribute any housing at Sandleford Park to the five year period, this does not lessen the importance of bringing forward this site. The five-year land supply is not a target but a minimum that should be exceeded if possible, especially through development on an allocated Site. Indeed, the LPAs Annual Monitoring Report indicates there will be additional supply during the period from applications currently under consideration, rather than there being any restriction on granting planning permission because of the housing land supply position.



7.11 Moreover, the LPA's Annual Monitoring Report acknowledges that housing completions could be achieved at Sandleford Park by 2026, whilst the Local Plan Review continues to see development beyond 2026, consistent with its established longer-term role.

### **Requiring Good Design**

7.12 Good design underpins the proposals at Sandleford Park and is a "*...key aspect of sustainable development*" (paragraph 124). The NPPF places emphasis on the importance of achieving high quality and inclusive design for all development through, for instance, the design of individual buildings and public and private spaces (paragraph 91). Whilst this level of detail will be included in the reserved matters applications, the Design and Access Statement provides a framework for addressing this by incorporating urban design and character area principles from the Council's SPD. Mr Williams explains further how this can be achieved.

7.13 Paragraph 127 of the NPPF requires planning policies and decisions to ensure that developments:

7.13.1 Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

7.13.2 Establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;

7.13.3 Optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks;

7.13.4 Respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;

7.13.5 Create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and

7.13.6 Are visually attractive as a result of good architecture and appropriate landscaping.

7.14 In adherence to these principles, and as is evident from the Design and Access



Statement, and Mr Williams critique, Sandleford Park will be a high-quality mixed use development, having taken into account all of the above principles.

### **Historic Environment**

- 7.15 Paragraph 184 of the NPPF states that heritage assets should be conserved in a manner appropriate to their significance so that they can contribute to the quality of life of this and future generations.
- 7.16 This is amplified in paragraph 185 which states that LPAs should take into account:
- 7.16.1 the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - 7.16.2 the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
  - 7.16.3 the desirability of new development making a positive contribution to local character and distinctiveness; and
  - 7.16.4 opportunities to draw on the contribution made by the historic environment to the character of a place.
- 7.17 A Heritage and Landscape Study accompanies this planning application as part of the Environmental Statement. It establishes which known and potential assets could be affected by the proposed development (including the Grade I House and Grade II Registered Park of Sandleford Priory), their heritage significance, and where relevant, the contribution made by their setting to that significance.
- 7.18 The proposed development, in accordance with paragraph 192 of the NPPF, will conserve and enhance existing heritage assets through, for instance, the positioning of the proposed built development within the northern and western parts of the site and positive measures to restore features of the historic landscape within the Country Park. The detailed design of the Country Park, and its approval by the LPA pursuant to a planning condition, will ensure that these principles are satisfactorily retained.
- 7.19 Paragraph 196 of the NPPF refers to instances where a proposed development will lead to less than substantial harm to the significance of a designated heritage asset; this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The LPA's Statement of Case



confirms that, in its view, the benefits of the proposed development provide a clear and convincing justification for the less than substantial harm to the views from Sandlesford Priory and that having special regard to the desirability of preserving listed buildings and their setting in accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the development would have an acceptable effect in terms of heritage assets.

### **Conserving and Enhancing the Natural Environment**

- 7.20 Paragraph 170 of the NPPF seeks to protect and enhance the natural and local environment. The proposals at Sandlesford Park will protect and enhance valued landscape assets within the Site including woodland; protect geological conservation interests and soils; recognise the wider benefits of ecosystems; and minimise impact on biodiversity through the positioning of infrastructure and built development. The ancient woodlands are afforded appropriate protection to avoid the deterioration of these habitats.
- 7.21 Within the area of land proposed for the expansion of Park House School is situated a veteran tree (T34). As shown on the LPA's initial Feasibility Study, to provide the additional playing pitches required by the school in this location contiguous with its existing area, this tree was to be removed. The public benefit of expanding Park House School is considered to clearly outweigh the loss of this tree, and supplemented by additional tree planting. However, it is possible to retain this tree, if the area of school expansion is enlarged and the pitch moves further south east. The area of land which the Appellants propose to transfer to the LPA in the Section 106 Planning Obligation is based on this larger area. This does not have any substantial effect on the residual area of the development.

### **Promoting Healthy Communities**

- 7.22 Paragraph 91 of the NPPF promotes healthy, inclusive and safe places facilitating social interaction and creating inclusive communities.
- 7.23 The proposals will create a safe and accessible development, with clear and legible pedestrian routes and high-quality public space, including the Country Park and equipped play areas, encouraging the active and continual use of public areas in accordance with paragraph 96 of the NPPF. These high quality public open spaces and opportunities for recreation will make an important contribution to the health and well-being of local communities.



- 7.24 The local centre and extra care housing also contribute positively to the creation of an integrated community. Improvements to Falklands Surgery will also be possible through the financial contribution to be provided as a planning obligation.
- 7.25 The proposed development will include a new 2 form entry Primary School, along with land for the expansion of Park House School to meet existing capacity issues and the needs of occupiers of the new development, widening education choice as advised at Paragraph 94 of the NPPF.

### **Renewable and Low Carbon Energy**

- 7.26 The planning system should support the transition to a low carbon future in a changing climate. It should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions and support renewable and low carbon energy and associated infrastructure (Paragraph 148 refers). New development should be planned for in ways that can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards.
- 7.27 In respect of location, the Appeal Site is highly accessible which maximises the opportunity for walking and cycling and journeys by public transport to minimise private car use. The Appeal Site is south facing and orientation to secure passive solar gain would be considered at the detail design stage. Design, in terms of environmental standards has been a policy area which has been subject to uncertainty, although, as is referred to elsewhere, a clearer direction of travel has been set out in the Government's more recent response to the Consultation on the Future Homes Standards. The improvements in energy efficiency standards for new homes that the revisions to the Building Regulations will deliver in 2022 and 2025 will contribute to the reduction in greenhouse gas emissions. The proposed development will need to accord with these Regulations.

### **Air Quality**

- 7.28 Planning decisions should ensure that new development is appropriate to its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development (paragraph 180 refers). Planning decisions should sustain and contribute



towards compliance with the relevant limit values or national objectives for pollutants (paragraph 181 refers).

- 7.29 As Mr Mann describes, the effects of the Sandleford Park development in isolation and in combination with the Sandleford Park West development are predicted to be 'negligible' and are not predicted to exceed the UK's Air Quality Objectives, the 'onset of health effects' criteria for NO<sub>2</sub> and PM<sub>10</sub>. The WHO Guideline Value for PM<sub>2.5</sub> is exceeded within the Air Quality Study Area with or without the Sandleford Park schemes, however, the concentrations are below the National Objective.

### **Minerals**

- 7.30 Paragraph 205 states that non-mineral development proposals should not normally be permitted in Mineral Safeguarded Areas if it might constrain potential future use for mineral workings. In this instance, the Appeal Site is allocated for development for non-mineral use. Through discussions with the Council's Mineral and Waste Officer, it has been agreed that incidental extraction of construction aggregate would be appropriate, and a planning condition is proposed accordingly. This approach would accord with the Replacement Minerals Local Plan. Wholesale prior extraction is not considered appropriate because of the constraints that exist.

### **Proposed Revisions to the NPPF**

- 7.31 In February 2021, the Government published draft revisions to the NPPF to implement policy changes in response to *inter alia* the Building Better Building Beautiful Commission "Living with Beauty" Report. Mr Williams's evidence describes these potential changes in his evidence and the implications for how the Appeal Scheme can be taken forward through the detailed design stage. There are also a number of other changes proposed, such as those which intend to strengthen environmental policies, or provide clarifications. None of the changes proposed are fundamental to the consideration of the principle of the proposed development; they do not unsettle the basis upon which this Site was allocated in the Development Plan or call into question how development is to be arranged across the site. Rather they emphasise the importance of good design and in this instance there is already the Sandleford Park SPD which provides detailed guidance on the basis of how development should be laid out and how the Site's green (and blue) infrastructure should be protected and enhanced. In the context of the above, Mr Williams identifies the positive role that a Design Code can contribute to the evolution of the development proposals from this outline stage to the reserved matters approvals that would follow the principal



decision, and the Appellants propose an additional planning condition in respect of this.

- 7.32 These revisions, as a statement of Government policy, are capable of being a material consideration, although they should be afforded less weight in their current draft form than the final form.

### **Synthesis**

- 7.33 It is evident that the proposed development will contribute to many planning policy objectives of the NPPF and that, critically, its benefits are substantial and comply with the NPPF's policies. In this instance, the social and environmental objectives of sustainable development are particularly relevant. As a residential led mixed-used development the Appeal Scheme will provide a range of houses to meet the needs of the present and future generations whilst fostering a well-designed place taking advantage of its highly accessible location and providing substantial areas of open space that will support the community's well-being. Moreover, by careful design, both at this stage, and in the detailed design that is to follow, the Appeal Scheme will provide a network of multifunctional green and blue infrastructure that will deliver a wide range of benefits in terms of the natural, built and historic environment, making an efficient use of land and improving biodiversity. Economic benefits also arise from the non-residential uses that are proposed.
- 7.34 On the basis that the proposed development accords with the development plan, planning permission should be granted without delay in accordance with Paragraph 11 of the NPPF.





## 8 The Appellants' Response to the First Reason for Refusal

- 8.1 In this Section, I provide the Appellants' response to the First Reason for Refusal which alleges that the proposed development fails to ensure the holistic comprehensive development of the Sandleford Strategic Site Allocation and consequently does not maximise its potential as a well-planned and sustainable urban extension. Moreover, it asserts that there is not adequate certainty that the proposed development will deliver the required comprehensive development of the Strategic Allocation as a whole.
- 8.2 These reasons appear to imply that, first, there is a materially different or better scheme that could be delivered on the Appeal Site if there was a single scheme for the Strategic Site as a whole, such that the Appeal Scheme is so unsatisfactory planning permission should be refused. Secondly, it implies that the Appeal Scheme prejudices in some way the ability of the remainder of the Strategic Site to be brought forward in an acceptable manner.
- 8.3 The Decision Notice refers to the proposed development as unsatisfactory and contrary to Development Plan Policy GS1, Policy CS5 Infrastructure, Policy CS13 Transport, Policy CS14 Design Principles, Policy CS18 Green Infrastructure and Policy CS19 Historic Environment. Also, the Vision, Strategic Objectives and Development Principles of the Sandleford SPD.
- 8.4 Policy GS1 (and Principle S1 of the SPD) require each of the development plans' allocated sites to be masterplanned and delivered as a whole to achieve comprehensive development that "*ensures timely and coordinated provision of infrastructure, services, open spaces and facilities*". It goes on to require that a single planning application is submitted "*to ensure this comprehensive approach to development is achieved*".
- 8.5 Pausing here, it is instructive in my view to consider the meaning of these terms: comprehensive, timely and coordinated, so as to understand their operation in this Policy given that they represent the underlying purpose.
- 8.5.1 Comprehensive *adj.* a broad scope or content.
- 8.5.2 Timely *adj.* at the right or an appropriate time.



- 8.5.3 Coordinated *vb.* to bring together and organise into a harmonious order or relation.
- 8.6 I have in mind these phrases as I consider the LPA's complaints under various headings: a single planning application, land uses components of the Appeal Scheme, infrastructure commitments, and access via Warren Road.
- 8.7 I would also draw attention to the response of the LPA's Planning Policy Officer in this regard. In her comments the following observations are made:
- 8.7.1 A Memorandum of Understanding has been submitted, signed by Donnington New Homes, the owners and applicants for the development of the remainder of the allocated site and Bloor Homes/Sandleford Farm Partnership.
- 8.7.2 The MOU sets out the commitment of both sets of applicants to work together to deliver the comprehensive development of Sandleford Park and lists a number of drawings and plans, and a table showing each of the applicants' responsibilities for infrastructure.
- 8.7.3 Officers would need to be satisfied that the MOU provides the right mechanism for delivering the development in a comprehensive way.
- 8.7.4 If the Council is satisfied that the MOU can be relied on, consideration would need to be given as to how the development can be undertaken in a comprehensive manner, delivering the housing, services and associated infrastructure at the appropriate time.
- 8.8 In the instance of this Appeal, the decision maker is the Secretary of State, who will need to determine whether the Appeal Scheme provides the infrastructure required by the proposed development (i.e. it is satisfactory in its own terms) and also the infrastructure required to enable the development of the remainder of the allocated site without prejudicing the ability of Donnington New Homes to bring forward its development proposals, such that the two sites are capable of being developed in a comprehensive manner, delivering the housing, services and associated infrastructure at the appropriate time.

### **A single planning application**

- 8.9 Plainly the Appeal Scheme is not a single planning application for the whole Sandleford Strategic Allocation. Such an application, previously submitted in 2015,



was not considered acceptable by the LPA for various reasons including the fact that the then Applicants did not control all of the land within that larger application site and therefore could not ensure the delivery of that part of the scheme.

- 8.10 What the LPA in fact intend to realise is that there is agreement between the landowners and prospective developers as to how the Strategic Site should be developed. At various stages this has been cited as needing to be a formal landowners agreement or collaboration agreement. Whilst this has not been achieved, the parties have prepared the Memorandum of Understanding referred to earlier.
- 8.11 I acknowledge this is not a legally binding document, but it establishes the shared commitment to a framework for a comprehensive scheme. The two planning applications submitted by the landowners and prospective developers are framed by that Memorandum of Understanding and examination of the various planning application documents reveal that neither the Appellants nor Donnington New Homes have demurred from those commitments:
- (a) The two schemes reflect the land use components of Policy CS3 and the Framework Masterplan in the SPD (noting of course that Sanfoin is not part of the strategic allocation but is now within the settlement boundary and is being treated as suitable for development).
  - (b) The Combined Plans illustrate the consistency of approach across the two sites.
  - (c) There is broad alignment of land uses on the individual plans for which permission is sought.
- 8.12 The LPA refer to there being no detail provided to confirm that these are agreed plans, but on the basis that the parties have applied for planning permission for development as shown on these plans it should be evident that both parties are in agreement. I believe I am correct in saying that at no point has Donnington New Homes objected to the Appellants' development proposals.
- 8.13 Granting planning permission would establish the arrangement of land uses by reference to the parameter plans. As is entirely conventional, the LPA would continue to have authority in the determination of reserved matters applications to ensure that later, more detailed proposals reflect those controlling plans and are satisfactory in all other respects.



8.14 Conversely, were any party to deviate from this approach in the future they would need a separate and different planning permission and the LPA would be able to judge the acceptability or otherwise of those proposals and grant or refuse planning permission accordingly.

### **Components of the Appeal Scheme**

8.15 Significant elements of Policy CS3's requirements are provided by the Appeal Scheme in addition to market, affordable and specialist housing; namely:

8.15.1 the means of access on to Monks Lane

8.15.2 the Country Park with its associated recreation and open space provision, landscaping and ecological and drainage measures

8.15.3 a Primary School and early years accommodation

8.15.4 land for the expansion of Park House School contiguous with its boundary

8.15.5 equipped areas of play

8.15.6 pedestrian and cycle routes and bus service improvements

8.15.7 retail, business and community infrastructure within the local centre.

8.16 The Appeal Scheme also facilitates an additional point of access on to the A339 which the Council has also sought.

8.17 In other respects, the Appeal Scheme also accords with the Policy as regards housing mix and density, whilst the design approach adopts the SPD's character areas.

8.18 As a matter of principle, the Appeal Scheme accords with the Development Plan's intention as to what the Sandleford Park scheme should be providing as a mixed-use development. This is acknowledged in the Officers Delegated Report and the SOCG.

8.19 Whilst the LPA criticise certain of the environmental aspects of the Appeal Scheme, I do not believe that they have raised a fundamental point or points that would suggest that the Appeal Scheme should be materially different and certainly there is no suggestion that the land use proposals or arrangements at New Warren Farm mean the Appeal Scheme should be different.



### **Infrastructure Commitments**

- 8.20 In terms of infrastructure, the Appellants' draft Section 106 planning obligation includes provision relating both to the proposed development and also to facilitate the delivery of development of the adjoining land within the Strategic Allocation. For example:
- 8.20.1 the area of land to be transferred to Park House School takes account of the likely increase in secondary school pupils from development at New Warren Farm (and Sanfoin).
  - 8.20.2 the highway improvement works are based on increased traffic levels from the whole development, including New Warren Farm (and Sanfoin).
  - 8.20.3 the financial contribution to the A339 link benefits the whole development enabling traffic from the whole development to be dispersed across the network.
  - 8.20.4 the laying out of the Country Park will provide open space to meet the needs of the residents of New Warren Farm and Sanfoin as well as the Appeal Scheme.
- 8.21 The Appellants' intention in this regard has long been communicated to the LPA.
- 8.22 Consequently, the Appeal Scheme does not place any burden on the residual element of the development to provide any direct infrastructure or financial contributions that are not proportionate with those development proposals. The LPA has not identified hitherto what its concerns are in these terms i.e. what prejudice arises to the delivery of the remainder of the allocation?
- 8.23 Such infrastructure commitments are also to be found in the draft Section 106 submitted by Donnington New Homes for its development proposals as explained in para 4.88 and included at *Appendix 13*. Donnington New Homes intend to make pro-rata contributions towards secondary school provision at Park House School, and off-site highway improvements, public transport, travel plan and healthcare.

### **Warren Road Access**

- 8.24 As Mr Bird describes, the Appeal Scheme does not require the Warren Road access.
- 8.25 Indeed, the Statement of Common Ground records that: *"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."*

- 8.26 The Statement of Common Ground then indicates that the Warren Road access is required for the development of the whole allocated Site but that the Appeal Scheme doesn't provide that. Naturally, if the Warren Road access is not necessary for the Appeal Scheme to be acceptable it should not be required to provide it.
- 8.27 What this passage from the Statement of Common Ground in fact illustrates is that the vehicular access from Warren Road is required for the remaining development (i.e New Warren Farm within the allocated Site and Sanfoin). In fairness, this has always been the position of Donnington New Homes as is evident from the Memorandum of Understanding where they assume responsibility for the Warren Road access and have since then proposed schemes in an attempt to deliver this (App 19/02707/FULL and App 20/03041/FULL).
- 8.28 The highway access via Warren Road is not easily achieved, requiring third party land. Whilst an existing scheme to widen Warren Road (to 4.8m) can enable some development at New Warren Farm, its ability to support larger amounts of traffic is less certain. But the Appellants have anticipated this and have consistently indicated that it will provide the Main Access Road to the boundary of New Warren Farm by a prescribed time thus again facilitating the development of the remaining part of the Site.
- 8.29 The Appellants have also offered a "contribution control strip" to the LPA to enable them to release the land to form the link between the two sites once they were satisfied that the development proposals at New Warren Farm were acceptable and that its planning obligations had been secured. It is especially important to recognise that the Appellants are not seeking a commercial advantage (a "ransom") in respect of this.
- 8.30 On the basis that the Appeal Scheme can be satisfactorily accessed via Monks Lane, and with the addition of the A339 link to disperse traffic more widely, there are no highway reasons why the proposed development is unacceptable. Equally, a bus strategy (a loop) also exists that ensures residents of the proposed development have access to convenient and frequent bus services. Once the Warren Road access is formed, the bus services can extend to Andover Road.



### **Summary**

- 8.31 The Appeal Scheme, whilst not a single planning application for the whole allocated site, is part of a comprehensive and coordinated approach which the respective landowners are promoting.
- 8.32 It is evident, therefore, that whilst there are two planning applications for development at Sandleford, the respective parties are committed to achieving the broad scope and content of Policy CS3. The respective development proposals have been brought together and organised on the Combined Plans in a harmonious order and are satisfactorily related to one another.
- 8.33 Moreover, the Appellants have proposed planning obligations (and planning conditions) that enable the timely provision of measures to mitigate the impact of the development and to provide infrastructure for the benefit of its future residents and occupiers and, where appropriate, also to the benefit more widely of the remaining part of the allocated site.
- 8.34 There is nothing about the Appeal Scheme that, as a matter of principle, is in conflict with Policy CS3. The Appeal Scheme can be developed satisfactorily without prejudicing the ability of the remaining part of the Site similarly being developed satisfactorily; indeed the Appeal Scheme facilitates this.
- 8.35 Accordingly, I consider that the Appeal Scheme achieves the underlying purpose of Policy GS1 in terms of comprehensive and coordinated development, achieves the Vision and Strategic Objectives of the Sandleford SPD, and accords with Policy CS5 in terms of infrastructure provision, CS13 in terms of transportation, CS14 in terms of design quality, CS17 in terms of biodiversity, CS18 in terms of green infrastructure and CS19 as it relates to landscape character.



## 9 The Appellants' Response to the Second Reason for Refusal

9.1 In this Section, I provide the Appellants' response to the Second Reason for Refusal. This variously alleges that:

9.1.1 The Appeal Scheme does not secure a consistent Strategic Landscape and Green Infrastructure Plan for the whole of the allocated site;

9.1.2 There are inconsistencies between certain drawings;

9.1.3 There is no certainty in respect of mitigation for the removal of vegetation along Monks Lane or trees along the southern boundary of Park House School adjoining Warren Road;

9.1.4 Because the development is piecemeal, there is unnecessary mitigation which gives rise to harmful effects, principally the Valley Crossing and Emergency Access.

9.2 Together, the LPA allege that the proposed development does not form part of a well-planned comprehensive and satisfactory proposal for the strategic site, does not secure the comprehensive delivery of the intended sustainable urban extension and does not provide a holistic approach to landscape, visual impact, green (and other) infrastructure for development of the whole strategic site.

9.3 There is clearly a degree of overlap with the First Reason for Refusal and also the Third and Sixth Reasons for Refusal and my comment on these matters in the following paragraphs should be read in conjunction with the evidence of other witnesses in respect of those matters.

### **A consistent Strategic Landscape and Green Infrastructure Plan for the whole allocated Site**

9.4 Plan 04627.00005.16.632.13 is the Strategic Landscape and Green Infrastructure Plan for the Appeal Scheme.

9.5 Plan 04627.00005.16.633.14 is the Combined Strategic Landscape and Green Infrastructure Plan for the Strategic Allocation (and Sanfoin). For the land within the Appeal Site, this is the same as on plan 04627.00005.16.632.13.





- 9.6 Donnington New Homes also submitted the Combined Strategic Landscape and Green Infrastructure Plan for the Strategic Allocation (and Sanfoin) as part of its application (although I note when they submitted their revisions to the Scheme on the 25<sup>th</sup> September it has reference Plan 04627.00005.16.633.15 in that instance – the single difference from Plan 04627.00005.16.633.14 is the ‘annotation’ relating to the upgrade to the existing right of way (NEW/5/1) within its Site area – a blue dash rather than a white dash.
- 9.7 Donnington New Homes also submitted plan A090455 PP-06 F entitled Green Infrastructure Plan, which relates only to land within that Application Site. Whilst stylistically that is different to the Strategic Landscape and Green Infrastructure Plan it is based upon and consistent with that Plan. In certain respects, it provides more information such as Green Links but they are measures that relate only to that Site rather than the interface between the two sites.
- 9.8 On this basis, there does exist a consistent approach to strategic landscaping and green infrastructure across both sites and therefore across the strategic allocation.
- 9.9 In combination, the Strategic Landscape and Green Infrastructure Plan, the Landscape and Green Infrastructure Design and Management Plan and the Ecological Mitigation and Management Plans provide a strategic level approach which identify the overarching design principles and management regimes which are then to be developed in further detail at the phase specific level.
- 9.10 This, as an approach, is entirely consistent with Principles L1 and L2 of the SPD which intend first for a “strategic level” plan and thereafter Detailed Landscape and Green Infrastructure Design and Management Plans to be prepared for each character area and phase of the development. The detailed plans would provide further details on SuDS, non-vehicular access, green links and recreation and open space provision and lighting. Similarly, Principle E2 of the SPD intends for there to be submissions in respect of the management and protection of ecology at the reserved matters stage also.
- 9.11 Recognising this design cascade, the Appellants have proposed draft conditions to secure that supplementary landscape and ecological design at those more detailed stages of the planning process.
- 9.12 There is no apparent consideration of this circumstance in the Delegated Report. Rather there is a focus on inconsistencies or the perception of a lack of certainty



without acknowledging the framework that the outline planning permission would provide and the more detailed design work that would follow and which the LPA will have control over in due course. In this context, I would draw attention to Mr Williams's analysis and how a Design Code can, along with a Detailed Landscape and Green Infrastructure Design and Management Plan can achieve further control and regulation over the detailed design stage that would further ensure the proposals align.

### **Inconsistencies between certain drawings**

- 9.13 The LPA suggest that the proposals for development are uncertain and contradictory. A list of those points has been provided to the Appellants and this has been reviewed. A schedule of the respective comments is being submitted to the Inquiry to explain these points.
- 9.14 Whilst it is fair to say that there are certain inconsistencies and on occasion small errors in individual reports, these do not amount to fundamental deficiencies in the scheme and are often points of detail that would fall to be determined at the later stages of the planning process. To my mind, an objective examination of those points illustrates this.
- 9.15 On some occasions, the LPA point to alleged errors on the Appellants' Plans which have arisen because of the way Donnington New Homes has illustrated their amended scheme submitted on the 25<sup>th</sup> September 2020. That is an unfair criticism of the Appellants, as it relates to those separate development proposals, but even then, they are not fundamental points that go to the heart of a coordinated scheme.

### **Mitigation for the removal of vegetation along Monks Lane**

- 9.16 As a matter of fact, the formation of means of access onto Monks Lane, as required by Policy CS3, will involve the loss of some trees and vegetation in this location. This is inescapable and cannot be an objection to the principle of the proposed development.
- 9.17 The Sandleford SPD identifies the design approach for the Monks Lane Character Area which includes new planting within the Site. The Appellants' Design and Access Statement has adopted this Character Area approach.
- 9.18 As required by Landscape Principle L2, in the event planning permission is granted a Detailed Landscape and Green Infrastructure Design and Management Plan will be required and this will need to accord with the Monks Lane Character Area and will



therefore include the details of the landscaping required in this regard. I note that Mr Williams proposes a role for a Design Code in this regard also.

- 9.19 Moreover, details of landscaping, as a reserved matter, will need to be submitted to the LPA for approval in due course. Mr Cooper's evidence refers to a potential landscape strategy for Monks Lane.
- 9.20 It is simply not conceivable in my view that this normal design cascade and the determination of implementation consents would not ensure that landscaping measures are provided to mitigate the removal of vegetation along Monks Lane that is a consequence of the points of access and egress, vehicular and pedestrian and cycle, that are required to be provided.

#### **Mitigation for trees along the southern boundary of Park House School adjoining Warren Road**

- 9.21 This is not a matter that is related to the Appeal Scheme as the development proposals do not extend to Warren Road. Rather it emanates from the previous scheme proposed by Donnington New Homes to widen Warren Road to 6m on its northern side (south of the boundary of Park House School).
- 9.22 Trees along Warren Road along the southern boundary of Park House School are subject to a Tree Preservation Order (TPO 201/21/0916). Certain of those trees would have been affected by the Donnington New Homes proposal to widen Warren Road to 6m in their application reference 19/02707/FUL (see Plan A090455-SK40) (CD13.8) but this application was withdrawn in September 2020. The more recent planning application 20/03041/FUL proposes a different approach to widening which appears to all but one of the trees on the north side of Warren Road (see Plan 9219 TPP 03 D) (CD13.9).
- 9.23 I note that the Arboricultural Assessment submitted by Donnington New Homes states the following:

*"The revised scheme of highways upgrade and improvement works precludes the removal of any significant moderate or high quality trees. The only losses comprise domestic scale ornamental trees and hedges, and a section of low quality understorey. Consequentially, the scheme has a negligible impact on public amenity, which generates little requirement for replacement mitigation planting. (4.5.1)*

*The low quality ornamental trees, hedges and low quality understorey which will be removed to accommodate the scheme can be mitigated for. In this case, the replacement*



*trees will be introduced as part of the soft landscaping provision accompanying the wider residential development, proposed to be received by the Sandlesford Park allocation. (4.5.2)*

*It is recommended that as part of the wider development within the applicants' control, tree planting can be introduced towards the northern extent, in close proximity to Warren Road, and that this can more than mitigate for the trees removed as part of this application." (4.5.3)*

- 9.24 It is evident therefore that Donnington New Homes have considered the potential need for mitigation planting and propose that this is provided as part of its development and without recourse to the Appeal Site.

### **Harmful effects arising from the alleged piecemeal development**

- 9.25 The LPA allege that because the whole of the Strategic Site Allocation is not being brought forward as one application it has been necessary to incorporate measures that lead to unsatisfactory impacts. Principally what is referred to is the design of the Valley Crossing which incorporates emergency access provision for Development Parcel Centre and similarly the proposal to enable emergency vehicles to use the new pedestrian/cycle link through the Country Park to the A339.
- 9.26 The LPA do not consider the indicative scheme submitted by Appellants, shown on page 63 of the Design and Access Statement to be acceptable, either in terms of the structure proposed or in environmental terms. Moreover, the use of the proposed cycleway through the Country Park for emergency vehicles is not supported because of alleged environmental impacts.
- 9.27 I recognise that the LPA raise concern that the Valley Crossing is being "over-engineered" in order to ensure an emergency access and they suggest this would be different if there was surety over the Warren Road access. It is important to acknowledge, however, that, in any event, there would need to be an engineered structure built across the Valley which would have certain environmental impacts and the options proposed by the Appellants need to be judged against that inherent harm that the required Valley crossing would bring.
- 9.28 The Appellants have considered these comments further and in its Statement of Case set out options for the Valley Crossing that would inform the detailed design of this structure. As explained in response to Reason for Refusal 6, each of the Council's consultees have identified that the third option (VD17562-SK023 / VD17562-STR-SK-003) is a materially better proposal than the illustrative scheme above in terms of the



effects the required Valley Crossing will have on landscape and visual attributes, ecological value, the watercourse, retention of trees and access and egress between the northern and central development areas.

9.29 Furthermore, as Mr Cooper describes, it is entirely possible to sympathetically design the cycleway improvement to the A339 such that it does not cause an unacceptable harm to the intended landscape character of the Country Park.

9.30 As I have set out previously, these are detailed design points that can be satisfactorily addressed later in the design process, a position which is consistent with how the LPA had approached this matter previously.

9.31 This is addressed in more detail in response to Reason for Refusal 6.

### **Summary**

9.32 In my opinion, notwithstanding that there are two planning applications for development at Sandleford, there does exist a consistent approach to strategic landscaping and green infrastructure across both sites and therefore across the strategic allocation.

9.33 In combination, the Strategic Landscape and Green Infrastructure Plan, the Landscape and Green Infrastructure Design and Management Plan and the Ecological Mitigation and Management Plan provide a strategic level approach which identify the overarching design principles and management regimes required by Principle L1 of the SPD.

9.34 It is entirely correct that detailed design considerations are addressed as part of the Detailed Landscape and Green Infrastructure Design and Management Plan that Principle L2 intends is prepared and the Appellants have anticipated this in its suggested conditions. The LPA also confirm this principle in the Statement of Common Ground (paras 8.3 and 8.4). Similarly, the detailed design of the Valley Crossing can be addressed at the detailed stage and the key principles of such a scheme have been identified.

9.35 For these reasons, I consider that the Appeal Scheme complies with Policies CS3, CS5 and CS18 as they relate to green and other infrastructure, Policy CS14 as it relates to integrated design and landscape impacts, Policy CS17 as it relates to biodiversity, and Policy CS19 as it relates to landscape character.



## 10 The Appellants' Response to the Fourth Reason for Refusal

10.1 In this Section, I provide the Appellants' response to the Fourth Reason for Refusal which alleges that the proposed development does not provide a policy compliant provision of affordable housing in terms of tenure and would have an unacceptable effect and be harmful to the community's need for affordable housing.

### Context

10.2 Core Strategy Policy CS3 refers to at least 40% of the new homes to be provided at Sandlford Park being affordable homes. Core Strategy Policy CS6 identifies a requirement to provide 40% affordable housing on greenfield sites such as this.

10.3 The Core Strategy defines affordable housing in accordance with the 2012 NPPF, namely social rent, affordable rent and intermediate.<sup>6</sup> By the present time, the 2019 NPPF definition has changed this but in essence it is still expressed as affordable housing for rent (either social rent or affordable rent), and then intermediate housing in the form of starter homes, discounted market sales housing or other affordable routes to home ownership.

10.4 Core Strategy Policy CS6 indicates that the Council will seek a tenure split on each development site of 70% social rented and 30% intermediate affordable housing. The supporting text references the Strategic Housing Market Assessment and the Housing Needs Assessment concluding that the "core requirement" to meet [housing] need within the District is for social rented housing (para 5.32 refers). Notwithstanding this, the supporting text acknowledges the affordable rent tenure and indicates that this "will be taken into account in determining applications".

10.5 The LPA intends that affordable housing should be provided on-site as part of well-designed mixed tenure schemes to create mixed inclusive communities. Only in exceptional circumstances would off-site contributions be acceptable.

10.6 Supporting the Core Strategy is the 2014 Planning Obligations SPD and TP-1 concerns affordable housing. Para 1.25 of the SPD refers to the affordable housing tenure mix as split 70:30 in favour of social rented accommodation, with other intermediate tenure options contributing to the remaining 30%. This, the SPD explains, reflects the housing

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<sup>6</sup> Core Strategy Glossary Page 120



needs requirements of the District as set out in the Housing Needs Assessment 2012.

- 10.7 The Sandlesford Park SPD states that *"Affordable Housing will be delivered throughout the site in accordance with the provision set out in Core Strategy policy CS6 providing at least 40% affordable housing. Extra care housing and 'move on' accommodation could be provided as part of this requirement."*
- 10.8 I note that the most recent information in the Council's Updated Housing Needs Evidence (CD8.19), estimates the total affordable housing need per annum between 2018 and 2036 to be 319 new affordable homes. This is referred to by the Council's consultants as a *"substantial"* scale.
- 10.9 In comparison, Table 3.21 of the Council's Annual Monitoring Report 2021 (CD16.7) indicates that, over the past five years (2014/15 to 2018/19), on average, each year, there were 84 net affordable housing completions. The single largest number of affordable housing completions was 158 in 2015/16.
- 10.10 Whilst there will be a supply of new affordable homes from the existing commitments that exist in the District, on the basis of the above, in my view, the contribution that the Appeal Scheme will make to improving and increasing this supply is an important benefit of the Appeal Scheme.

### **Amount of Affordable Housing to be Provided**

- 10.11 The Section 106 Planning Obligation prepared by the Appellants secures 40% of the new homes as affordable housing in accordance with the above policies and guidance. This totals 432 new affordable homes comprised of the following:
- 80 Extra Care 1 and 2 bedroom flats
  - 352 conventional homes (general needs affordable housing)
- 10.12 The Appellants also propose to establish in the Planning Obligation the Affordable Housing Mix for the general needs affordable housing which reflects the Council's Strategic Housing Market Assessment, which the LPA has sought to ensure.
- 10.13 The Council's Housing Development Officer supports the proposed development in these terms.
- 10.14 The Council's Service Director for Adult Social Care similarly supports the provision of Extra Care housing as part of the development reflecting the identified need for this



type of accommodation.

### **Tenure**

- 10.15 The Appellants' initial Section 106 Planning Obligation includes the 70:30 proportionate split between rented and intermediate housing, but proposed that the individual affordable housing schemes for each phase of the development determine whether the rented component should be 'social rent' or 'affordable rent'. The LPA do not accept this as appropriate.
- 10.16 Significantly, the Appellants were not prohibiting all of the rented element being social rent, and nor were they insisting that an element must be affordable rent. Rather, they were allowing consideration of up-to-date circumstances at the time the detail of the affordable housing component was fixed as part of the reserved matters process in due course.
- 10.17 In its more recent Section 106 Planning Obligation, the Appellants propose to amend the commitment so that 70% of the Affordable Homes are provided as Social Rent. This would meet the Council's requirement.

### **Extra Care**

- 10.18 In my view, the LPA' Statement of Case attempts to downplay the significance of the Extra Care element of the Appeal Scheme by suggesting that there is a waiting list for only 20 affordable extra care homes in the District.
- 10.19 It is important to place this in the context that the Service Director for Adult Social Care did in his consultation response to the application:

*"We know that there is an unmet need for extra care housing in the District. We currently have a waiting list of 19 people who need to be in this sort of setting . We are also aware that this number is likely to be a significant under expression of the need. We believe that there are people in the community who are not 'on our radar' because they are meeting their own care needs . We also believe that, if there was an available provision, more people would come forward to ask for it . Demographic predictions are also that the older age population will continue to grow in the long term .*

*On this basis, we are keen to see more ECH provision within West Berkshire."*

- 10.20 I also note that the Housing Needs Assessment refers to a shortfall of housing with care compared to estimated need and recommends that the Council consider making specific provision for special housing for older persons in its new Local Plan (paras





9.22, 9.23 and 9.24 refer). The Appeal Scheme would contribute to meeting this identified need.

10.21 In its Statement of Case, the LPA attempt to explain situation where, if the Extra Care Housing is built but then not used for this intended specialised purpose (i.e. it cascades to General Needs Affordable Housing), it would give rise to an unacceptable concentration of small sized and substandard units. I infer from this the LPA mean the 80 no. 1 and 2 bedroom flats would not be appropriate as General Needs Affordable Housing. This is not a genuine prospect and misunderstands how the obligation is drafted. What the drafting in fact intends is that:

10.21.1 The Appellants would seek to enter in to an agreement with an Extra Care Provider who would receive the Extra Care Land pursuant to that agreement.

10.21.2 The Extra Care Provider would bring forward the Extra Care Scheme as part of a reserved matters application.

10.21.3 The Extra Care Provider would provide the Extra Care Housing in accordance with the Extra Care Housing Scheme.

10.22 It is not conceivable that the Extra Care Housing would be built in any other fashion such that the scenario the Council proffer would materialise.

10.23 The cascade proposed in the Appellants' Section 106 Planning Obligation is intended to operate in the event an agreement with an Extra Care Provider cannot be achieved. In that circumstance, the Extra Case Housing would cascade to General Needs Affordable Housing but the obligation that 40% of the dwellings to be provided as part of the development as a whole as affordable housing remains; of the 1080 dwellings permitted, 432 would be General Needs Affordable Housing in accordance with the General Needs Target Housing Mix.

10.24 The Extra Care Housing is to be provided within Development Parcel Centre and the need for the Council to approve the Affordable Housing Scheme for the relevant phase ensures that what is to be provided by way of affordable housing is to their satisfaction. On this basis, if the cascade from Extra Care to General Needs Affordable Housing was triggered, the Appeal Scheme would still meet the community's need for affordable housing.



### **Cascade**

10.25 The Draft Section 106 Planning Obligation includes cascade mechanisms that would permit first *Social Rent* to cascade to *Intermediate Housing* in the event that an agreement could not be reached with a Registered Provider, and secondly, the *Intermediate Housing* to cascade to *Market Housing* again in the event that an agreement could not be reached with a Registered Provider but with an in-lieu commuted sum for off-site provision. This cascade mechanism would operate in relation to the individual phases for which an Affordable Housing Scheme has been approved and is not a wholesale or on-block cascade. But in any event, the operation of the cascade would only be permissible where justified in limited circumstances and with the agreement of the Council.

### **Summary**

10.26 The Appellants clearly intend that the Appeal Scheme provides a policy compliant level of affordable housing for which there is an identified need and this is reflected in the drafting of the Section 106 Planning Obligation.

10.27 Forty percent of the new homes to be built will be affordable housing. The provision of Extra Care Housing as part of the affordable housing accords with the SPD and is supported by the Council who acknowledge the significance of this type of specialist accommodation. The Appellants have ensured that the mix of general needs affordable housing is fixed to align with the Council's SHMA.

10.28 Moreover, the Appellants have enabled the Council's 70:30 tenure split to be achieved.

10.29 Lastly, whilst cascade mechanisms are included, this is normal practice to allow for changing circumstances, but in each instance, there is a requirement for the Council to be satisfied that it is appropriate to move to the cascade and further that the alternative still contributes to meeting the communities need for affordable housing.

10.30 On this basis, the proposed development accords with Policy CS3 of the Core Strategy as it relates to affordable housing at Sandleford, Policy CS4 as it relates to housing type and mix and the NPPF's policy objective to ensure the provision of affordable housing.



## 11 The Appellants' Response to the Fourteenth Reason for Refusal

11.1 In this Section, I provide the Appellants' response to the Fourteenth Reason for Refusal which is based on there having been no completed legal agreement to secure appropriate infrastructure and contributions in respect of the matters listed at the time application was determined.

### **Draft S106 Planning Obligation (bilateral agreement)**

11.2 The Appellants submitted a draft Section 106 Planning Obligation with the application which it intended to be a bilateral agreement. Other than where consultees commented on it directly, there was no discussion about the terms or contents of that draft between the LPA and the (then) Applicants during the period of the application being determined.

11.3 The Appellants proposed obligations in relation to:

11.3.1 The provision of land and a financial contribution towards a primary school including early years;

11.3.2 The provision of land and a financial contribution towards the expansion of Park House School;

11.3.3 The provision of Local Centre uses;

11.3.4 The laying out of the Country Park, early landscaping and planting, and management and maintenance of areas of Green Infrastructure;

11.3.5 Pedestrian and Cycle Way works;

11.3.6 Off-site highway works;

11.3.7 Play facilities;

11.3.8 Retention of land at Newbury Rugby Club;

11.3.9 Public Transport contribution;

11.3.10 Healthcare Contribution;



11.3.11 Travel Plan Contribution;

11.3.12 Sports Contribution; and

11.3.13 Affordable Housing.

11.4 As a matter of principle, therefore, the Appellants clearly intended that such infrastructure was to be provided directly as part of the development or indirectly via financial contributions.

### **Contribution Control Strip**

11.5 The Appellants also offered a “contribution control strip” to the LPA to enable them to release the land to form the link between the Appeal Site and New Warren Farm once they were satisfied that the development proposals at New Warren Farm were acceptable and that its planning obligations had been secured. This was a mechanism intended to afford control to the LPA to secure comprehensive and coordinated development. At the time of writing the LPA do not accept that such a mechanism is appropriate and have proposed its deletion in its comments on the Unilateral Undertaking received to date.

### **Unilateral Undertaking**

11.6 Following the submission of the Appeal, the LPA notified the Appellants that it would not negotiate or enter into a bilateral agreement as part of this Appeal process. This, I understand, is a policy of the Council’s in such situations.

11.7 Consequently, the Appellants have now prepared a draft Unilateral Undertaking which follows the approach in the draft bilateral agreement and secures broadly the same obligations as listed in para 11.3. In a small number of instances measures that were to be included in the S106 Agreement have been moved to planning conditions, namely, the scheme for the management and maintenance of the Country Park and the triggers for the phased provision of the Country Park.

11.8 At the time of writing we have received comments on some matters in the draft Unilateral Undertaking which the Appellants are considering. We are still awaiting comments in respect of certain other matters. As per the Inquiry timetable, the Appellants will submit a draft Unilateral Undertaking with an explanatory note on the 21<sup>st</sup> April 2021 and the obligations will be discussed during the Inquiry.



### **Development Plan Policy**

- 11.9 Policy CS5 concerns infrastructure provision and is intended to ensure that new development is supported by the necessary infrastructure. The LPA has prepared an Infrastructure Delivery Plan which was appended to the Core Strategy at *Appendix D*. This identifies essential infrastructure associated with Sandleford Park.
- 11.10 As is inevitable over time, and as development proposals come forward, the infrastructure requirements become more refined and, in some instances, expand or contract. The IDP is therefore a starting point.
- 11.11 The SPD includes additional reference to the community facilities and services which are in effect social infrastructure requirements.
- 11.12 The list of planning obligations in para 11.3 are consistent, as a matter of principle, with the infrastructure commitments listed in the Infrastructure Delivery Plan and SPD, save for the following:
- a) The financial contribution to the A339 isn't referenced in the IDP but this has materialised with the SPD and the intention to create a third point of access;
  - b) The highway modelling has not identified the need for junction improvements at the A34 and this is agreed by Highways England;
  - c) Bus access from Sandleford to Andover Road through Warren Road can be provided with development at New Warren Farm and in the interim the proposed bus loop which Mr Bird describes ensures that residents of the proposed development have access to convenient and frequent public transport in accordance with Policy CS13;
  - d) Improvements to the waste water infrastructure will be secured via planning condition;
  - e) The Car Club, and other Travel Plan measures, will be supported by the Travel Plan contribution to the LPA;
  - f) Improvements at Newbury Station can be funded by CIL;
  - g) No library contribution was sought as this can be funded by CIL;
  - h) The initial contribution sought to fund improvements to the Household Waste



Recycling Centre can be funded by CIL;

- i) Construction of the Community Facility can be funded by CIL.

### **Summary**

11.13 Having regard to the scope and content of the Appellants' proposed Unilateral Undertaking, and when taken with the control the planning conditions provide over the delivery of certain elements of the proposed development and the funds that the Council will be receive by way of the Community Infrastructure Levy, which is estimated to total £6m, I am of the opinion that the Appeal Scheme will provide, in a timely manner, both the infrastructure that it requires but also infrastructure that will support the development of the remaining part of the Strategic allocation. Accordingly, the Appeal Scheme accords with Policies CS3 and CS5 in terms of the provision of infrastructure to meet policy requirements and mitigate the impact of the proposed development.



## 12 The Appellants' Response to Other Reasons for Refusal

12.1 In the Section, I summarise the response set out by other witnesses to the remaining reasons for refusal in the context of the relevant development plan policies.

### Reason for Refusal Three

12.2 The LPA allege that the Appellants' Landscape and Visual Assessment does not adequately and appropriately assess the impact of the proposed development in these terms; that the proposed development does not take account of key characteristics and special features of the Site and will result in an unacceptable level of harm, with significant impact on the landscape character and visual resources; and, that the proposed development does not protect or enhance a valued landscape.

12.3 Mr Cooper's evidence indicates that the proposed development accords with both the 2013 and 2019 landscape character assessments such that the landscape and visual impact assessments that have been undertaken by the Appellants are appropriate. I note that in Mr Cooper's opinion, few, if any, of the visual effects are significant and many are beneficial rather than adverse.

12.4 I also note that Mr Cooper refers to this being an allocated site and not a site designated as a valued landscape. In this regard, whilst para 170A of the NPPF affords protection to valued landscapes, it does so by reference to their "*identified quality in the development plan*". As such, the identified qualities are those expressed in Policy CS3, namely, the landscape sensitivity of the wider site and the landscape significance of the site on the A339 approach into Newbury, the setting of the former Sandford Priory and registered historic landscape, and the Site's woodlands, rather than some wider and intrinsic contribution the value of which is greater still and which attracts greater importance than the principle of the Site's status in the Core Strategy. Having regard to the identified quality referred to in Policy CS3, Mr Cooper explains why the strategic green infrastructure proposals are well considered and that they provide an appropriate framework for the more detailed design that the SPD intends.

12.5 Lastly, I note that in Mr Cooper's opinion there are a great many landscape and visual benefits; I do not repeat these but accept and adopt his view that in these terms the strategic landscape and visual objectives of the SPD have been followed and its landscape principles have been successfully adopted. Those objectives and principles



can be further achieved as part of the detailed design work that would follow in the normal manner.

- 12.6 For these reasons, I concur that the Appeal Scheme accords with the landscape considerations in Policy CS3 of the Core Strategy as it relates to the landscape sensitivity of the Site, CS5 as it relates to infrastructure, CS14 in terms of respecting the character and landscape of the surrounding area, Policy CS18 in terms of green infrastructure and Policy CS19 in terms of the regard had to the sensitivity of the area to change and Policy GS1 of the HSA DPD as it relates to landscape considerations.

#### **Reason for Refusal Five**

- 12.7 The LPA allege that the proposed development does not fully exploit the specific potential of the Site's south facing orientation, greenfield status and scale to deliver an exemplar development in terms of reducing carbon dioxide emissions, renewable energy generation and delivering a zero-carbon residential-led mixed use development. The proposal fails to demonstrate a high-quality and sustainable design or that it will be built to high environmental standards. This, it is alleged, amounts to unsustainable and harmful development.
- 12.8 Mr Garratt has described how the Council has previously considered compliance with Policy CS15 of the Core Strategy with none of the previous applications having been refused for such reasons as are set out now in RFR5.
- 12.9 However, the Appellants have reflected on the Government's Response to its earlier consultation on the Future Homes Standards which has followed the application being refused and the Appeal being submitted. In view of the Government clarifying that it no longer intends to commence the change to the Planning and Energy Act 2008, this enables local authorities to set additional local energy standards. It follows that planning conditions can be used to impose a reduction in carbon dioxide emissions beyond the requirement of Part L of the 2013 Building Regulations (Part L 2013), but only up to a maximum of 19% as set out in the 2015 Written Ministerial Statement. The Appellants and the LPA are discussing a planning condition in respect of this which shall also ensure that a proportion of the 19% reduction is met through the use of low and zero carbon energy sources. Such a condition would ensure that the homes at Sandleford Park are well design and built to high environmental standards in accordance with Policy ADPP2 as they would exceed the standards set out in Part L, whilst also complying with national policy.





- 12.10 Moreover, as Mr Garratt describes, the Government is introducing significant reductions to carbon dioxide emissions from new homes through the proposed amendments to the Buildings Regulations expected in 2021 (that would become operational in 2022) and again in 2025. I understand these to require a reduction in carbon dioxide emissions from new homes of 31% and 75% respectively compared to Part L 2013. Such Regulations would need to be complied with as they come in to effect during the build programme, meaning that higher levels of energy efficiency would be achieved over the construction phase.
- 12.11 Mr Garratt also refers to Electric Vehicle charging infrastructure and how this can be addressed by planning condition to accord with para 105 of the NPPF and the Council's Environment Strategy.
- 12.12 For these reasons, and reflecting the fact that it is common ground that the non-residential uses proposed will achieve the BRE AAM Excellent standard, it can be seen that the Appeal Scheme accords with Policy ADPP2 of the Core Strategy in that it will achieve high environmental standards, Policies CS3 and CS14 in terms of the provision of renewable energy generation, Policy CS15 in terms of the reduction to CO<sub>2</sub> emissions and Policy CS13 in that the proposed development is in a highly accessible location consistent with the established spatial strategy. The Appeal scheme would also accord with the Sandleford Park SPD strategic objective 13 and Development Principle R1 in respect to reducing carbon emissions. The Appeal Scheme would also contribute to meeting the Council's aspiration in its Environment Strategy to achieve neutral or net zero carbon emissions by 2030, both through carbon emission reductions and the carbon sequestration achieved through the proposed landscaping within the Country Park.

### **Reason for Refusal Six**

- 12.13 The LPA allege that Development Parcel Central (DPC) would constitute a cul-de-sac development with only a single point of vehicular access unless and until an additional point of access on to Andover Road was provided. As this application is only for part of the allocated site, it represents piecemeal development and is inadequate in terms of permeability and connectivity.
- 12.14 In this regard it is instructive to note that this is exactly how Policy CS3 is framed with vehicular access only from Monks Lane and that this would serve up to 2000 new homes and associated uses.



12.15 Since the Core Strategy was adopted the LPA have sought to secure additional points of access via a link to the A339 south of Newbury College and an all-vehicular access from Warren Road / Andover Road. In this context, the Appellants Scheme is based on the following:

12.16 Two principal points of access on to Monks Lane

12.17 A third minor junction on to Monks Lane to serve a small number of new homes

12.18 A new road built to the boundary of Newbury College to form a connection to the A339 Link Road which the Council are presently building, the purpose of which was to provide access to Highwood Copse School and Sandleford Park

12.19 A financial contribution towards this reflecting the LEP funding secured by the Council

12.20 A new road built to the boundary of New Warren Farm that will provide vehicle (and pedestrian/cycle links) to the remaining part of the allocation.

12.21 As Mr Bird describes, and as the Statement of Common Ground confirms, *“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”*.

12.22 The issue of the Warren Road access arises therefore with the development of the remainder of the allocation at New Warren Farm. Responsibility for the delivery of the Warren Road/Andover Road access is given to Donnington New Homes by the Council’s Highway Development Control Officer in his consultation response and which is then set out in Table 2 of the Officer’s Delegated Report. Moreover, this also forms part of the Infrastructure Commitments set out in the Memorandum of Understanding entered into by Donnington New Homes associated with Sandleford Park West and indeed, Donnington New Homes’ planning applications relate to this.

12.23 With the delivery of that means of access, there will be a fourth point of access as the Council aspire to.

12.24 That fourth point of access will also provide the sustainable transport link referred in Policy CS3. The Appeal Scheme does not provide this, but nor does it preclude it as it intends for the main access road to be built to the boundary to enable that through



connection. In the meantime, and as Mr Bird describes, a suitable public transport strategy to serve the Appeal Scheme can be provided which will ensure residents of the proposed development can use public transport for journeys to the town centre.

- 12.25 Turning lastly to the issue of emergency access to DPC, the illustrative scheme put forward by the Appellants in the form of the Valley Crossing was not considered acceptable by the LPA either in terms of access or consequential environmental effects. The Appellants have considered this further, firstly in the form of the Valley Crossing Study submitted with its Statement of Case and then further still in light of comments received in relation to that work following the Wheatcroft consultation.
- 12.26 It is fair to say that the Council's consultees favour the scheme depicted by drawings VD17562-SK023 / VD17562-STR-SK-003 as an alternative approach. Whilst to a greater or lesser degree each makes comments about this particular alternative, none of the environmental comments are considered to be issues that preclude a scheme based on the principles illustrated there. In Mr Cooper's evidence he discusses how the comments made could be taken in to account in the detailed design in due course.
- 12.27 The residual highway issue is the suggestion that passing bays would be required but Mr Bird describes how temporary signal controls at either end would be satisfactory and the length involved is not prohibitive.
- 12.28 The use of the pedestrian/cycleway to the A339 is a supplementary provision and Mr Cooper describes how in landscape terms that can be sensitively designed to avoid the harmful effects that the LPA allege.
- 12.29 For these reasons, with the additional design work that has been undertaken by the Appellants, the access proposals for DPC are not considered to be unacceptable, inappropriate, and unsatisfactory and provide a sound basis for detailed schemes to be prepared pursuant to a planning condition and reserved matter applications, which is of course consistent with how the LPA considered this issue would be addressed previously. This would be consistent with Policy CS14 in terms of high-quality design, good access provision and accessible environments.
- 12.30 Therefore, whilst the Appeal Scheme does not provide the sustainable transport link for buses to Warren Road and Andover Road and conflicts with this aspect of Policy CS3, the Appellants intend that bus provision from Monks Lane into the site is available to future residents in accordance with Policy CS13, and that the Main Access Road is built to the boundary to allow the formation of that link with development of



New Warren Farm to the west. The Appeal Scheme does not preclude that bus route being extended as required by Policy CS3 and thus enabling comprehensive and coordinated development in accordance with Policy GS1.

### **Reason for Refusal Seven**

- 12.31 The LPA allege that the Appellants did not provide sufficient information to demonstrate that the proposed development would not result in a severe impact on the A34 that would require mitigation.
- 12.32 Highways England has been appointed by the Secretary of State for Transport under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the strategic road network (SRN). In this instance the SRN concerned is the A34, and in particular the A34/A343 junctions and A34/B4640 junction, the proximity of which to the Appeal Site is shown in Mr Bird's evidence.
- 12.33 Following the application being determined, Highways England submitted a representation to the LPA indicating that *"having examined the above application and its supporting information we offer no objection to this application subject to the imposition of conditions to produce a Construction Traffic Management Plan and Travel Plan"*. Highways England issued its HEPR 16-01 accordingly on the 30<sup>th</sup> October 2020.
- 12.34 On this basis, there plainly was sufficient information available to demonstrate that the proposed development would not result in a severe impact on the A34 and no physical mitigation measures were required.
- 12.35 Moreover, a Construction Traffic Management Plan and a Travel Plan were already part of the Appellants' application and are subject to a suggested planning condition and planning obligation respectively.
- 12.36 As such, the proposed development does not give rise to transport impacts on the Strategic Highway Network and accords with Policy CS13 of the Core Strategy.

### **Reason for Refusal Eight**

- 12.37 The LPA allege that the proposed development does not provide acceptable indications, and therefore sufficient confidence and certainty, that it will not cause avoidable deterioration of and harm to ancient woodlands on the Site.
- 12.38 Mr West has included as an Appendix to his Proof of Evidence a specific Ancient Woodland Impact Assessment which seeks to quantify the perceived impact and the



measures identified to address these. This is germane to the consideration of the LPA's assertion that the proposed development will cause deterioration of and harm to these features.

12.39 The alleged deterioration and harm arises from several considerations which are discussed in the following paragraphs.

12.40 **The encroachment into the woodland buffers.** Mr Alder explains how the woodland buffers should be defined by reference to the physical woodland boundary and that such a boundary has and will be employed by the Appellants in detailed design work. Moreover, the works permissible within the woodland buffer can be satisfactorily controlled by planning condition to ensure that none of the woodland buffers are detrimentally impacted by construction activities.

12.41 **Connectivity between Crooks Copse and Highwood Copse.** I accept that on the Parameter Plans the extent of potential built development extends further into the northern valley south of Crooks Copse than identified on the SPD Masterplan or the Policy Map associated with Policy C1 of the HSA DPD. The Appellants have long recognised the sensitivity of this northern valley and originally had not proposed the Crooks Copse link which is considered necessary by the Council to distribute traffic within the development.

12.42 Mr Cooper has described how new tree planting and other landscaping measures can be provided as part of the detailed design of the Country Park in this location. Mr Witts describes how the watercourse that runs from Crooks Copse southwards can be retained with the introduction of the Crooks Copse Link and Mr West describes how the ecological value of this part of the Site can be maintained and enhanced even though the built extent of development is marginally greater than the SPD's framework plan shows. However, if there was an overriding concern that it is this extension of built development that is the cause of an unacceptable harmful impact, I have identified on Plan App/2.14.1 at *Appendix 14* how built development could be restricted in this location so as to accord with the SPD and thus avoid this harm.

12.43 **Surface water run-off to the Ancient Woodlands.** As regards the location of surface water drainage features, Mr Witts describes how these can be sensitively located and designed so as not to harm the ancient woodlands or their associated buffers. Mr Witts also describes how the surface water from the newly created areas of built development will be captured and conveyed via the new drainage network so as to



avoid uncontrolled run off towards the ancient woodlands. Mr West has considered the drainage proposals and includes an assessment of the watershed for each woodland parcel in his evidence and demonstrates that the potential reduction in water supply is not significant.

12.44 Accepting and adopting the evidence of my colleagues, I do not consider that the Appeal Scheme is unacceptable or inappropriate as is alleged in this Reason for Refusal. Rather, the proposed development will variously conserve the areas of ancient woodlands, provide acceptable buffers between new development and the areas of woodlands, conserve and enhance biodiversity, and provide a wholly appropriate drainage and green infrastructure strategy, thus in accordance with Policy CS3 as it relates to impacts on ancient woodlands, Policy CS14 in terms of respect to character and landscape, Policy CS17 as it relates to the protection of habitats of principal importance to conserving biodiversity, CS18 in respect of retention and enhancement of green infrastructure and Policy GS1 as it relates to biodiversity and Development Principle L4 in the SPD which seeks to retain, wherever possible, all important trees and hedgerows.

#### **Reason for Refusal Nine**

12.45 It is alleged that the proposed development will cause harm to a number of irreplaceable priority habitats comprising ancient and veteran trees and a number of other trees that are the subject of a Tree Preservation Order, without satisfactory justification and compensation or mitigation.

12.46 Mr Alder has described how, through on-going design work and enlarging the area of land to be transferred to the LPA for the expansion of Park House School and relocating the playing pitch further east, T34 can be retained. Similarly, this solution avoids any impact on the Root Protection Zone of T31 and T33.

12.47 Equally the further work undertaken in relation to the Valley Crossing illustrates how T76 can be retained in a scheme based on drawings VD17562-SK023 and VD17562-STR-SK-003.

12.48 In respect of T127, this is not affected by any development and is situated in an area of green infrastructure. Mr Alder considers it to be in an advanced stage of decline and can be managed to reduce the risk of failure.

12.49 As Mr Alder and Mr Cooper acknowledge, entirely consistent with the SPD, trees along



Monks Lane are required to be removed for the formation of the new accesses. The additional minor arm to the west of the Monks Lane roundabout does not cause a greater loss of trees.

12.50 Overall, following the on-going design work, just four moderate category trees would be lost which does not result in any significant impact on the existing amenity of the immediate locality and the wider area. Extensive new planting will be carried out across the entire Site, which Mr Cooper, Mr West and Mr Allder each commend in terms of the contribution to landscape character, visual amenity, biodiversity value and the increase in arboricultural resource. Accordingly, in these terms, the proposed development accords with Policy CS3 as it relates to impacts on ancient woodlands, Policy CS14 in terms of respect to character and landscape, Policy CS17 as it relates to the protection of habitats of principal importance to conserving biodiversity, CS18 in respect of retention and enhancement of green infrastructure and Policy GS1 as it relates to biodiversity and Development Principle L4 in the SPD which seeks to retain, wherever possible, all important trees and hedgerows.

### **Reason for Refusal Ten**

12.51 The LPA allege that the area of land identified for the expansion of Park House School results in the loss of trees and hedgerows (including an ancient tree) that could be avoided by an increase in the area proposed or an alternative proposal. Accordingly, the proposal is unacceptable as it fails to make appropriate secondary education provision to mitigate the needs of the development and to ensure the satisfactory provision of a sports pitch.

12.52 It is common ground that the IDP Study demonstrates a schedule of building accommodation that can meet the number of secondary pupils from the proposed development as well as development of new Warren Farm and Sanfoin and spaces required by West Berkshire Council. Mr Hinde's evidence explains this in detail.

12.53 The LPA's criticism in RFR10 is that the area shown for the required sport pitch is not satisfactory; it is not sufficiently large and causes an unacceptable loss of trees and extends into the woodland buffer at Barn Copse.

12.54 The Appellants have considered this further and are proposing that a larger area of land than shown on the Land Use and Access Parameter Plan – measuring 1.93 hectares compared to the minimum 1.6 hectares - is transferred to the Local Education Authority to enable the expansion of Park House School.



- 12.55 This larger area of land enables the sports pitch that is required to be situated in the manner shown on plan C3289 001-25032012 C at *Appendix 11* such that it does not affect T31, T33 or T34, nor the woodland buffer along the southern edge of Barn Copse. The existing hedgerow and other smaller trees can also be retained although at some point a footpath(s) will need to be formed to connect to the existing school grounds. That is a detailed matter to consider as part of the design and implementation of the school improvements.
- 12.56 The Appellants intend that the Unilateral Undertaking includes the transfer of this area of land to the LEA, and on this basis, the proposed development will accord with Policy CS3 as it relates to education infrastructure, Policies CS5 and GS1 as they relate to infrastructure delivery and Development Principle F1 of the SPD.
- 12.57 I recognise that there would be a commensurate reduction in the area of land that would have otherwise been developed for housing and associated uses but when seen in the context of the overall scale of development this will not prejudice the achievement of other development objectives.

#### **Reason for Refusal Eleven**

- 12.58 The LPA allege that insufficient regard has been given to post construction adverse impacts on existing retained habitats and that the proposed development has the potential to have adverse impacts on the local natural environment, and such impacts are not adequately addressed or mitigated. Consequently, the proposed development is unacceptable in terms of ecology and biodiversity.
- 12.59 Mr West's evidence is directed towards the effects of the proposed development on the Site's ecology and the biodiversity net gain that the Appeal Scheme will achieve. I do not repeat his detailed comments in response to the matters raised by the Council's ecologist that this Reason for Refusal is derived from. I am aware that Council has now employed a consultant to represent them at the Appeal who first visited the Appeal Site on 25<sup>th</sup> February 2021 and then provided a response to the ecology points in the Wheatcroft consultation. Mr West has taken these points together on the basis that they are set out in the Council's Statement of Case.
- 12.60 I note that Reason for Refusal 11 cites conflict with Principle L4 of the Sandleford SPD, whilst the Statement of Case expands this to include Principles E1 and E2. Principle L4 concerns woodlands and trees which has been referred to previously. For completeness Principle E1 indicates that "*The Site will be actively managed and*





*promote ecology and biodiversity with the Site*". I don't believe there is a quarrel with the fact the Appeal Scheme seeks to achieve this as evidenced by the Strategic Landscape and Green Infrastructure Design and Management Plan and the Ecological Mitigation and Management Plan, but I accept the LPA contest the extent to which the Appellants' proposals are satisfactory in these terms. Secondly, Principle E2 seeks to ensure the "*Management and protection of ecology through the development process*". In this regard I would draw attention to the measures outlined in the draft Construction Environmental Management Plan at Appendix D1 of the Environmental Statement, which is relevant to *inter alia* Principle E2. I don't believe the LPA refer to this as being in some way deficient in either its Delegated Officers Report, its Decision Notice or its Statement of Case and I infer from this it is to their satisfaction.

- 12.61 Mr West also describes how habitats and species are accounted for both in the strategic design approach and identified mitigation measures which will be augmented through the more detailed work to follow.
- 12.62 Moreover, I note that Mr West refers to condition criteria that management actions relate to in order to ensure that retained habitats are suitably protected and enhanced so as to achieve the biodiversity net gain.
- 12.63 The potential of greater anthropogenic pressures would have been a factor taken in to account in the determination that Sandleford Park was (and remains) a suitable site for development. In other words, whilst certain of the habitats within the Site are important and require a considered design response, none are of such importance as to preclude development and the associated human activity. Policy CS3 and the SPD are structured to ensure those pressures are minimised by the way in which new development is to be situated *vis a vis* green infrastructure. In this regard, I note again that the biodiversity net gain assessment is based on current and predicted physical condition criteria and therefore takes into account the potential future impacts from recreational activity.
- 12.64 For the reasons given above and in Mr West's evidence, the Appeal Scheme accords with Policy CS3 as it relates to impacts on ancient woodlands, Policies CS14, CS17, CS18 and GS1 as they variously relates to biodiversity and Principle L4, E1 and E2. The alleged conflict with Policy C1 is not considered to cause unacceptable impacts in terms of ecology but, for the reason given earlier, could be avoided by redefining the extent of built development in this location.



### **Reason for Refusal Twelve**

- 12.65 The LPA initially alleged that the Appellants did not provide sufficient information regarding the likely air quality impacts of the proposed development on European Designated Special Areas of Conservation.
- 12.66 In response, the Appellants provided an Air Quality Assessment which considered specifically the potential impacts on the identified European Designated Special Areas of Conservation in its submissions to the LPA on the 25<sup>th</sup> September 2020. A copy of this information was also sent to Natural England, who in turn wrote to the Appellants and the LPA 13<sup>th</sup> November 2020 indicating that they agree with the conclusions [of the Technical Note] that air quality impacts on nearby European sites can be ruled out both alone and in combination.
- 12.67 On this basis, the Appellants have provided satisfactory information regarding the likely air quality impacts of the proposed development. The LPA indicated in their Statement of Case that they were not pursuing this as a Reason for Refusal and it follows that the LPA does not contend that, in these terms, there is a conflict with either Policy CS17 of the Core Strategy or Policy GS1 of the HSA DPD as they relates to the protection of these habitats.

### **Reason for Refusal Thirteen**

- 12.68 The LPA allege that insufficient information has been provided in respect of surface water drainage and as such a full consideration of the impact of the proposed development in these terms is not possible. Accordingly, the proposed development is considered unacceptable.
- 12.69 In its Statement of Case the LPA frame these concerns by reference to the potential impact of the proposed conveyance channels on ground water levels; the impact of surface water run-off and the proposed drainage mitigation works on ancient woodlands; and concerns relating to detention basins and their relationship to existing watercourses.
- 12.70 Mr Witts' evidence is directed at these points. As a matter of principle, the Appellants' drainage proposals adopt Sustainable Urban Drainage principles as is acknowledged in the Statement of Common Ground and are therefore consistent with Policy CS16. In this regard, I observe that the Conceptual Surface Water Drainage Strategy submitted as part of the Appeal application is not materially different to that submitted with Application 18/00764/OUTMAJ, which the LLFA were, on that occasion, satisfied with



and proposed that detailed design considerations could be addressed by planning condition.

- 12.71 **Impact of the proposed conveyance channel on ground water levels.** Mr Witts describes existing ground water levels relative to the design depth of the drainage features and concludes that these lie above the groundwater levels and will not cause any detrimental impact on groundwater quality or flood risk.
- 12.72 **Impact of surface water run-off and the proposed drainage mitigation works on ancient woodlands.** Mr Witts describes the various surface water catchment areas and how surface water is to be attenuated, conveyed and discharged. As referred to in paragraph 12.43, Mr West has considered the drainage proposals and includes an assessment of the watershed for each woodland parcel in his evidence and demonstrates that the potential reduction in water supply is not significant.
- 12.73 **Detention basins and their relationship to existing watercourses.** The Conceptual Surface Water Drainage Strategy illustrates one way in which the Site's infrastructure can be provided, and, as Mr Witts describes, not only is the arrangement of drainage features appropriate at this stage, but there is sufficient opportunity as part of the detailed design to locate and align these differently whilst still achieving the same operational functions. For example, and as is normal practice, the detention basins will be subject to detailed design such that their citing and appearance can evolve whilst still performing the necessary engineering function. Indeed, that is the purpose of Detailed Landscape and Green Infrastructure Design and Management Plans where SUDS are expressly referred to. As with other topic areas, the LPA anticipated that design cascade when formulating the SPD, but in determining this application they have applied an unnecessary degree of specificity to the conceptual or strategic plans.
- 12.74 Mr Witts' evidence which I accept and adopt illustrates how the proposed drainage strategy accords with Policy CS16 and that surface water drainage will be managed through the implementation of SUDS methods in accordance with the LPA's Sustainable Drainage SPD. Moreover, the treatment train proposed will improve water quality prior to it being discharged to the existing watercourse. The conceptual surface water drainage strategy can be developed further as part of the detailed design as is conventional and indeed as the LLFA had intended in 2018.
- 12.75 For these reasons, I consider that the Appeal Scheme's drainage strategy accords with Policy CS3 in that it will preserve the areas of ancient woodland, Policy CS14 in that it



will conserve and enhance biodiversity, Policy CS16 in that it will not have a detrimental impact on surface water or obstruct run-off of water due to high levels of ground water whilst including the use of satisfactory SUDS measures, Policy CS17 in that the proposals do not pose a risk to habitats of principal importance to conserving biodiversity, and Policy CS18 the proposal do not result in unnecessary harm to irreplaceable assets of green infrastructure.

### **Summary**

- 12.76 In the preceding paragraphs I have summarised the conclusions of other witnesses which I accept and adopt. This demonstrates that the Appeal Scheme does not conflict with those policies that are cited in the LPA's decision notice save for Policy GS1 concerning a single planning application which I have referred to separately in Section 9. The Appeal Scheme does not provide the Sustainable Transport Link required by Policy CS3, but this can be achieved with development of the adjoining land and provision is made for bus services within the proposed development for future residents in accordance with Policy CS13. Whilst Policy C1 is not cited in the Council's decision notice, I have identified how development could be accommodated to accord with this if this was seen as an overriding consideration.
- 12.77 It has been demonstrated that the Appeal Scheme does not give rise to unacceptable impacts in terms of landscape and visual matters, trees and ancient woodlands, ecology and biodiversity and surface water and ground water. Moreover, the Appeal Scheme can, with the addition of a planning condition relating to energy conservation, achieve high standards of environmental performance. Equally, the Appeal Scheme can make appropriate provision for access to Development Parcel Centre without the alleged environmental effects and also provide sufficient space for the enlargement of Park House School to enable the provision of a sports pitch.
- 12.78 For all of the reasons given herein, and having regard to the evidence of my colleagues on behalf of the Appellants, I am firmly of the opinion that the proposed development accords with the relevant policies of the Development Plan when read as a whole.
- 12.79 The Appellants have consistently sought to achieve a comprehensive and coordinated development with the remaining part of the strategic allocation; in this regard its' development proposals facilitate the development of New Warren Farm and do not restrict, prevent or prejudice this.
- 12.80 As such, in the context of Section 38(6) of the Planning and Compulsory Purchase Act



2004, and in the absence of any material considerations that warrant a decision other than in accordance with the Development Plan, planning permission should be granted.



## 13 The Appellants' Response to Third Party Representations

- 13.1 In this Section, I respond to the Third Party Representations submitted in respect of the Appeal. To a large extent the representations submitted correspond with those made by the three Rule 6 Parties, Newbury Town Council, Greenham Parish Council and 'Say No to Sandford'. In turn, a number of the points made by the Rule 6 Parties are similar to those that are part of the LPA's case and have been addressed elsewhere.
- 13.2 There have been 27 responses by local residents as Third Party Representations. Consistent with representations made in relation to the planning application, in the majority of instances, the comments relate to the principle of development and the impact of the scale of development on the existing area and associated infrastructure.
- 13.3 These are matters which have been covered through the preparation of the adopted Core Strategy and its associated Infrastructure Delivery Plan. As a matter of principle, the development proposals accord with the Development Plan and the representations made concerning the principle of development at this location are not genuine material considerations to justify planning permission being refused.
- 13.4 Representations also refer to the Site's planning history and the earlier refused planning applications; however, I do not consider this history to be a reason to dismiss this Appeal as the schemes are materially different and the changes made are to address some of the previous reasons for refusal, a matter which I have covered in my evidence. The Appeal Site is intended to be developed and the Appellants have continued to proactively seek planning permission on this site in accordance with the plan-led system.
- 13.5 The most commonly raised objection is in relation to the use of Warren Road as a vehicular access. This means of access is not part of the Appeal Scheme. The Statement of Common Ground records that the traffic modelling undertaken in respect of the proposed development does not require such an access to be provided for the Appeal Scheme.
- 13.6 An application for the widening of Warren Road to accommodate the proposed development at New Warren Farm and Sanfoin is presently before the Council but, at the time of writing, has not yet been determined. Such representations must therefore



be seen in this context.

13.7 A number of responses questioned the need for delivering additional housing at Newbury and propose that the Site is not allocated in the Local Plan Review. The adopted Core Strategy and the Local Plan Review demonstrate that there is a need for additional housing in West Berkshire, that Newbury is the pre-eminent settlement and should be a focus for new development to achieve a sustainable pattern of development.

13.8 The following organisations also submitted representations: *Berkshire Garden Trust, Berkshire Buckinghamshire Oxfordshire Wildlife Trust, the Woodland Trust and the Forestry Commission*. The comments made by these organisations overlap with certain LPA reasons for refusal, namely the design of the valley crossings, the potential effect on wildlife, trees and woodlands. These are addressed in the respective proofs of evidence.

13.9 I have grouped together other representations by issue as listed below:

Issue 1: Development is not in accordance with the SPD requirements for one planning application for the entire allocation;

Issue 2: Access;

Issue 3: Impact on existing wildlife and trees;

Issue 4: Effects on noise and air quality;

Issue 5: Development in a manner which promotes well-being and an active approach to climate change;

Issue 6: Flood risk; and

Issue 7: Necessary Infrastructure

13.10 In the following paragraphs I provide the Appellants comments on these issues.

Where necessary I cross refer to the evidence of other witnesses to avoid duplication.

### **Issue 1 Requirement for a single planning application**

13.11 The current planning application does not relate to the whole allocation. The proposed development must however be considered in the context of the underlying



purpose of this principle. Together with the development proposals at Sandford Park West, it has been demonstrated how the development can be delivered comprehensively without prejudicing either the infrastructure requirements or the balance of the allocation.

- 13.12 I have considered the extent to which the Appeal Scheme is part of a coordinated approach to enable a comprehensive development specifically in relation to Reasons for Refusal 1 and 2 at Sections 8 and 9.

### **Issue 2: Access**

- 13.13 **Effects on the local highway network.** Mr Bird's evidence provides information in respect of proposed access to the development and the proposed development's effects on the local highway network. West Berkshire Council, as the Local Highway Authority, agree that, with the mitigation measures identified, the proposed development will not have a severe effect on the local highway network and there will not be an unacceptable harm to highway safety.

- 13.14 **Construction Traffic.** The Appellants and LPA agree that a Construction Environmental Management Plan (CEMP) will be required to be approved by the LPA prior to the commencement of any development. This will include a Construction Traffic Management Plan reflecting measures submitted already by the Appellants in their Transport Assessment. This will ensure that there are measures to minimise the effects of construction traffic, including the HGVs which are the subject of many comments during that period.

- 13.15 **Monks Lane Access.** Planning permission is sought for the access from Monks Lane, which is not a Reserved Matter, and is explained by Mr Bird. This access has been the subject of detailed design, including traffic flow modelling and the assessment of visibility splays. All of this has ensured that safe and suitable access can be achieved for the future residents of the development onto the existing highway network. More detailed engineering drawings will be prepared as part of the necessary Section 278 Agreement that the Appellants will need to enter into with the Local Highway Authority prior to such works being undertaken.

### **Issue 3 –Impacts on existing wildlife and trees**

- 13.16 Mr Cooper, Mr West, and Mr Alder describe the Appeal Scheme and its effects on landscape features, wildlife and trees and woodlands. The Appeal Scheme retains a considerable amount of the Site's existing landscape features and the Country Park will





include substantial amounts of new planting and habitat creation. The Country Park and its associated landscape planting has been designed to minimise effects on landscape character and visual impacts, protect heritage assets, protect and enhance the Site's ecology and contribute to a net gain in biodiversity. Areas of woodlands and important trees can be appropriately retained and managed. Overall, the Appeal Scheme will deliver a net gain in biodiversity.

#### **Issue 4 – Development in a manner which preserves appropriate noise and air quality levels**

- 13.17 Mr Mann, who was amongst the authors of the Noise and Air Quality Assessments, has prepared a proof of evidence concerning these matters.
- 13.18 The Air Quality assessment has assessed the predicted levels of pollutants, including the effects of the traffic from the proposed development and surrounding committed schemes including the dwellings associated with the adjacent development at New Warren Farm (Sandford Park West). This demonstrates that the cumulative effects are determined to be negligible during both the construction and occupation phase.
- 13.19 The results of Noise Assessment found that noise levels at all receptors are within the recommended fixed noise limit and therefore the construction effects are deemed to be negligible. During the occupation phase the assessment also concluded that the noise effects are all assessed as negligible.

#### **Issue 5 – Development in a manner which promotes well-being and an active approach to climate change.**

- 13.20 Third Party Representations have requested access to the footpaths and green space within the Appeal Site is maintained and that there is clear focus on the approach to climate change.
- 13.21 The Appeal Scheme is both maintaining the existing Public Right of Way through the Site whilst providing a number of other routes. The inclusion of the Country Park and its associated recreation routes will provide useable and accessible public open space to future and existing residents; in effect public access to land that is currently in private ownership.
- 13.22 The proposed dwellings will be energy efficient and will accord with the Building Regulations, as described by Mr Garratt. It is considered that the development will be in a sustainable location, to allow future residents to access services and facilities by



walking and cycling and public transport.

#### **Issue 6 – Risk of flooding.**

13.23 This matter is addressed within Mr Witts' evidence. The Appeal Site is located within Flood Zone 1 and is an area of Low Probability of flooding. Measures will be employed during the construction phase that minimise the risk of surface water flooding, uncontrolled run-off and pollution incidents. The inclusion of the Sustainable Urban Drainage measures will ensure that surface water drainage is appropriately managed across the site with water quality and biodiversity benefits.

13.24 Mr Witts also explains how water supply and foul drainage will be provided to satisfactorily serve the development.

#### **Issue 7 – Necessary Infrastructure**

13.25 The Appellants are preparing a unilateral undertaking to provide for the infrastructure required by Core Strategy Policy CS3, the Infrastructure Delivery Plan (where relevant) and the requirements that have arisen from the detailed assessment work undertaken by the Appellants. These relate to the following areas of infrastructure: the provision of affordable housing; education (early years, primary, secondary), healthcare, sport facilities, highway, cycle and pedestrian improvements and Travel Plan.

13.26 Together these measures ensure that the proposed development does not have adverse effects in infrastructure terms. They are consistent with Regulation 122 of the Community Infrastructure Levy and are considered to be (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development.

13.27 Part of the Unilateral Undertaking concerns the transfer of land to Newbury Rugby Football Club which is a matter 'Say No to Sandford' refer to. The Core Strategy Inspector refers to land at the Rugby Club being part of the Strategic Allocation, which is evident from the Proposals Map at *Appendix 2* and the Site Plan at *Appendix 3*. This land is not required for the proposed development as is shown on the Land Use and Parameter Plan; whilst it is within the red line, no development is proposed. Reflecting this, the Appellants have proposed to transfer this land back to the Rugby Club and this is set out in the S106 Planning Obligation proposed by the Appellants. In addition, the Appellants propose a financial contribution towards improvements of sports facilities at the Rugby Club.



### **Summary**

13.28 The third-party representations, including the consultees responses, set out a number of matters that overlap to a great extent with the LPA's Reasons for Refusal. I have provided a summary by reference to the themes I have identified, however, in my opinion, none of the issues justify the refusal of the planning permission.



## 14 Planning Balance

- 14.1 In this Section of my evidence, I set out the planning balance that I believe should be struck in the instance of this Appeal. I use the terms **Substantial**, **Moderate**, and **Limited** to describe the weight I afford to the benefits and disbenefits.
- 14.2 The Appeal Site is a substantial part of the Sandlesford Park Strategic Site allocated in the West Berkshire Core Strategy. The principle of the Appeal Site being developed is established by Core Strategy Policy CS3. Moreover, in their Regulation 18 Local Plan Review, the LPA continue to intend that this Site is allocated for development and refer to it as the “*most appropriate location for strategic housing delivery in Newbury*”. I attach **substantial positive weight** to the principle of housing development consistent with the Core Strategy’s spatial strategy in a plan-led manner.
- 14.3 The development proposals deliver each of the policy requirements set out in Core Strategy Policy CS3, save for the sustainable transport link from Warren Road to Andover Road. Nevertheless, the Appellants intend that a bus service accesses and egresses the site and that this service can be extended to Warren Road and Andover Road with the development of New Warren Farm as that applicant intends; the Appellants has long indicated their intention to construct the Main Access Road to the boundary of New Warren Farm to facilitate this. On this basis, I consider the provision made for public transport accords with Policy CS13 of the Core Strategy in any event by improving travel choice and facilitates sustainable travel within the main urban area. Pedestrian access is available from the Appeal Site to Warren Road via the existing Public Right of Ways GRE/9 and NEW/5. I attach **substantial positive weight** to the development proposals being in accordance with Policy CS3 of the Core Strategy in the above terms.
- 14.4 The development proposals also makes provision that facilitates the development of the remainder of the allocated site i.e. the laying out of the whole of the Country Park, implementation of off-site highway works that are required not just for the proposed development but for the amount of development that the sites together will provide, the transfer of an amount of land required for the enlargement of Park House School to accommodate pupils from the adjoining development, the provision of local centre uses that will benefit residents of the adjoining development. The development proposals do not restrict, prevent or prejudice the delivery of the remainder of the allocated site. I attached **substantial positive weight** to the merits of the Appeal



Scheme in these terms.

- 14.5 The new housing proposed accords with both Policy CS3, Policy CS4 and Policy CS6 in terms of the range of new housing; predominantly family housing, 40% affordable housing with a mix that aligns with the SHMA, and Extra Care housing for which there is an identified need. Irrespective of the adequacy of the Council's housing land supply position, I attach **substantial positive weight** to the contribution of the Appeal Scheme to housing supply and the surety that it will provide over the longer term consistent with the Core Strategy's intentions which are mirrored in the Local Plan Review.
- 14.6 The Country Park is a significant area of multi-functional green infrastructure. The landscaping strategy is designed to respect the landscape sensitivity of the wider site and protect the registered historic landscape and setting of the former Sandford Priory. There will be a considerable amount of new landscaping and tree planting to assimilate the development into the landscape along with the creation of public routes that will provide an attractive recreational asset accessible to the local community. Integral to the detailed design of the Country Park will be habitat protection and creation measures which together will deliver a net gain in biodiversity. The areas of ancient woodland will be suitably protected with regeneration opportunities arising from their future management, which at present is very limited. Sustainable Urban Drainage measures will also ensure improvements to water quality and biodiversity opportunities, in addition to the safe management of surface water run-off. Important trees can also be protected by the careful arrangement of new development as part of the detailed design process. Taken together, I attach **substantial positive weight** to these multi-functional green infrastructure attributes.
- 14.7 The Appeal Scheme will also contribute new of economic benefits during both the construction phase and the operational phase; temporary construction employment opportunities over a 10 year period, employment created at the new Primary School and Local Centre, and the increase in expenditure in the local area. These are benefits that accrue as a consequence of the Core Strategy's policy and I attached **moderate positive weight** to these.
- 14.8 The carbon emission reductions proposed relative to the Building Regulations Part L 2013 accord with the Government advice in the PPG, whereas the achievement of BREAM Excellent accords with Core Strategy Policy. Nevertheless, these contribute to the aims of the Council's Environment Strategy and I attached **moderate positive**



**weight** to these benefits.

- 14.9 The highway improvements are mitigation measures that arise from development at Sandlesford Park but it is important to recognise that certain of those have a wider benefit. The introduction of the traffic signals at Pinchington enable platooning within the A339 corridor that will enable the local highway network to operate more efficiently. I attach **moderate positive weight** to this benefit. Similarly, the pedestrian and cycle improvements are aligned with the principles to encourage more sustainable and active travel and would benefit both residents of the proposed development and existing residents; I afford this **moderate positive weight**. I also attach **moderate positive weight** to funding towards the A339 link which provides the third point of access to Sandlesford Park which the LPA has aspired to.
- 14.10 The CIL contribution will also be a substantial benefit as the Council did not intend that Sandlesford Park would attract CIL payments as the infrastructure was intended to be provided by way of Section 106 Obligation only. Whilst an element of the CIL monies can be used to provide social infrastructure on the Site, the remainder will be available for other community infrastructure in addition to what the Appeal Scheme secures by direct or indirect provision in its S106 Unilateral Undertaking.
- 14.11 There are certain dis-benefits of the Appeal Scheme but in my opinion these are as a consequence of the implementation of the allocation in the Core Strategy and would have been accounted for during the process of preparing that Plan. For example, the need to remove trees along the frontage of Monks Lane to form the access, the effects of the valley crossing and Crooks Copse Link which are required as part of the development, the very modest amount of new development proposed south of Crooks Copse, the development of best and most versatile agricultural land, non-mineral development in a mineral safeguarded area. These are material considerations in the determination of the Appeal but each of these is capable of being mitigated by new landscaping, detailed design at the appropriate stage, a retention and re-use of soils plan, and the incidental extraction of minerals. Accordingly, I attach only **limited negative weight** to the effects.
- 14.12 Whilst I disagree with the LPA as to the magnitude of the domesticating effect the Country Park will have on the significance of the setting of Sandlesford Priory, I agree that any harm would be at the lower end of the "less than substantial" scale and that the public benefits of the Appeal Scheme would provide the necessary justification in favour of granting planning permission. The development would have an acceptable



effect in terms of heritage assets when considered against the Planning (Listed Buildings and Conservation Areas) Act 1990 (section 66(1)).

14.13 Having regard to each of the above, I consider that the benefits of the proposed development demonstrably and significantly outweigh the harms; none of these material considerations should be afforded greater weight than the Appeal Scheme's accordance with the Development Plan when read as a whole.



## 15 Summary and Conclusions

- 15.1 This Appeal relates to an outline planning application for residential development and associated uses on land at Sandleford Park, Newbury.
- 15.2 The Appeal Site is a substantial part of the Sandleford Park Strategic Site; a site allocated in the West Berkshire Core Strategy for development up to and beyond 2026.
- 15.3 Outline planning permission is sought for the following proposed development:
- The construction of 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.*
- 15.4 The Appeal Scheme is framed by and accords with the Development Plan when read as a whole; it provides substantial benefits consistent with the Core Strategy's policy objectives and the adopted Sandleford Park Supplementary Planning Document.
- 15.5 Whilst the Appeal Site does not extend across the whole of the allocated Site, the development proposals do not restrict, prevent or prejudice development at New Warren Farm, which comprises the residual part of the allocated Site. Rather, the Appeal Scheme facilitates and enables the development of that land, such that, together, the land use and infrastructure components of the Strategic Site Allocation can be delivered in a comprehensive, coordinated and timely manner.
- 15.6 The planning application to which this Appeal relates was submitted on the 28th May 2020 and duly registered by West Berkshire Council on the 24th June 2020. The statutory period for determination was the 14th October 2020.
- 15.7 During the determination period, the LPA did not request the submission of further details in respect of reserved matters pursuant to under Article 5(2) of the Town and Country (Development Management) Order 2015, nor did they request additional environmental information under Regulation 22 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. Equally, the LPA did not request an extension to the statutory period of determination.





- 15.8 In fact, the LPA wrote to the (then) Applicants on the 18<sup>th</sup> September 2020 indicating that it had decided in the circumstances that it would not seek, allow, and/or accept the submission of any further amendments and/or additional information in relation to the planning application and that it would proceed to determine the application without any further reference to the applicants.
- 15.9 The LPA refused the application on the 13<sup>th</sup> October 2020; the Decision Notice cites 14 reasons for refusal. The LPA's Delegated Report was published later on the 30<sup>th</sup> October 2020.
- 15.10 In broad terms, the reasons for refusal relate to the following matters: the absence of a comprehensive development across the whole allocated site; an alleged harmful effect on the community's need for affordable housing; alleged adverse impacts on landscape and visual resources, ecological habitats and protected species, ancient woodland and trees; inadequate urban design; insufficient information in respect of impacts of development traffic on the strategic highway network and European Designated Special Areas of Conservation; insufficient information in respect of surface water drainage details; a failure to demonstrate a high quality and sustainable design or high environmental standards; and a failure to secure a satisfactory Section 106 planning obligation.
- 15.11 A number of these reasons for refusal came about, in my opinion, because of the approach the LPA took to determining the application without enabling comments from consultees to be addressed by the Applicants, actively discouraging engagement between the consultees and the Applicants that might have resolved queries, and the absence of any meaningful engagement with the Applicants during the determination period. All of which manifests itself as the absence of a positive approach towards the proposed development dealing with, what is, after all, a planning application for the proposed development of a major part of a large, allocated site.

### **The Appeal Site**

- 15.12 The Appeal Site forms a substantial part of the land allocated as the Sandford Park Strategic Site in the adopted Core Strategy – Policy CS3. It comprises approximately 114 hectares and is primarily in agricultural use.
- 15.13 The Appeal Site is in a highly accessible location. It is located immediately south of the existing built-up area of Newbury, contiguous with the existing and established urban area. Newbury is the main urban area in the District; it has a population of



approximately 40,000 residents and a range of service and facilities comparable with its role and function.

- 15.14 The town centre and Newbury Rail Station are approximately 2kms from the Site. Bus services operate along Monks Lane and Andover Road towards the town centre.
- 15.15 In close proximity to the Appeal Site are established community, leisure, education and retail uses, including Newbury College, Park House School Secondary School and Sixth Form, Newbury Retail Park, Falklands Surgery, Newbury Rugby Club and associated indoor sports facilities.
- 15.16 The Appeal Site contains several areas of ancient woodland, and Local Wildlife Sites: Crooks Copse, Slockett's Copse, High Wood, Barn Copse, Dirty Ground Copse, and Waterleaze Copse. Gorse Covert is not an Ancient Woodland but is a Local Wildlife Site. The Site is divided into a number of fields, which are bounded by hedgerows.
- 15.17 The Appeal Site has a complex topography but generally slopes downwards from north to south towards the river Enborne. A valley lies in a relatively central location within the site which runs from the north-west corner until it reaches the river Enborne in the south-east corner. The fringes of the site are flat or gently sloping land.
- 15.18 There are no major access routes into the Site, but a public footpath (GREE/9) runs through the Site from its western boundary to Newtown Road (A339) in the east.
- 15.19 The remaining part of the allocated site that is not part of the Appeal Site is known as New Warren Farm. The boundary between the Appeal Site and New Warren Farm is defined by hedgerows and tree belts. Similar to the Appeal Site, the fields within New Warren Farm are either open or contained by tree lines or woodland copse, the largest being Brick Kiln Copse which runs north-south through the site. Brick Kiln Copse forms a natural drainage basin for the wider area; surface water currently collects in the base of the copse before being carried via a tributary to the River Enborne, south of the site.
- 15.20 A planning application for the development of land at New Warren Farm was submitted by Donnington New Homes in March 2018 (Appn 18/00828/OUTMAJ). A separate planning application for the widening of Warren Road was submitted by Donnington New Homes in December 2020 (Appn 20/03041/FUL). Neither application has been determined at the present time.



### **The Appeal Scheme**

15.21 Planning permission is sought for the following:

15.21.1 residential development comprising up to 1000 dwellings;

15.21.2 80 unit Extra Care facility;

15.21.3 40% affordable housing;

15.21.4 a local centre (retail, local business employment and community uses);

15.21.5 a new two form primary school and land safeguarded for expansion of Park House School;

15.21.6 areas of equipped play;

15.21.7 areas of open space including the Country Park, areas of green infrastructure incorporating existing retained vegetation (woodlands, tree belts, hedgerows) proposed woodland planting, habitat creation, new footpaths, cycle routes and amenity space, and associated parking; and

15.21.8 sustainable urban drainage infrastructure within both the proposed development areas and the Country Park.

15.22 These uses accord with the provisions of Policy CS3 in the West Berkshire Core Strategy.

15.23 Complementary development proposals have been advanced by Donnington New Homes for the remainder of the allocated Site at New Warren Farm.

### **Benefits of the Proposed Development**

15.24 The Appeal Scheme provides substantial benefits consistent with the Core Strategy's policy objectives and the adopted Sandleford Park Supplementary Planning Document (SPD). The proposed development emanates from and sets out to deliver plan-led outcomes.

15.25 It will provide 1000 new homes immediately adjacent to the District's principal settlement where the Core Strategy encourages new housing to be located to support a sustainable pattern of development. The proposed housing mix will contribute to an increase in family housing in the District which is a specific aim of the Core Strategy.



The scheme will contribute to an increase in housing supply in the short term whilst providing surety over the longer term, as intended by the Core Strategy.

- 15.26 The provision of extra care housing will meet an identified need for this type of specialist housing in the District. Consistent with the Core Strategy, 40% of new homes provided will be affordable housing.
- 15.27 The arrangement of land uses across the Site reflects the Core Strategy and SPD with development located within the north west of the Site and contained by the landscape framework provided by the existing landform and woodlands.
- 15.28 A substantial part of the Appeal Site will be laid out as a new Country Park, as envisaged by the Core Strategy. The Strategic Landscape and Green Infrastructure Plan illustrates at a “strategic level” the Appellants’ approach towards the design and function of the Country Park, which will provide recreational opportunities, biodiversity enhancements and new landscaping including woodland planting.
- 15.29 This is supported by a Landscape and Green Infrastructure Design and Management Plan that provides an overarching framework for the combined Sandleford Park Site and a basis for the more detailed landscape and ecological plans that the SPD wishes to be produced for each phase of the development. The Country Park and its associated landscape planting has been designed to minimise adverse landscape character and visual impacts, protect heritage assets, protect and enhance the Site’s ecology and contribute to a net gain in biodiversity. Areas of woodlands and important trees will be appropriately retained and managed. Sustainable urban drainage measures are proposed that will control surface water run-off, improve water quality and provide biodiversity benefits, all of which are objectives in the Core Strategy, the Sandleford SPD and the Council’s Sustainable Urban Drainage SPD.
- 15.30 Community infrastructure will be provided in the form of a local centre with retail, business and community facilities; these uses will create local employment opportunities. A new 2 form entry primary school is also to be provided which will include early years accommodation. Land has also been identified to facilitate the expansion of Park House Secondary School contiguous with its existing boundary. Walking and cycling measures are to be provided that support active travel within the development and to nearby locations, taking advantage of the Site’s accessible location. Investment in public transport is also proposed with services between the site and key destinations in the town centre.



- 15.31 Development related traffic can, with the identified off-site improvements, be accommodated on the highway network without an unacceptable impact on highway safety and the residual cumulative impacts on the road network would not be severe. The Appellants will provide a connection to the new A339 access which the Council is building in order to disperse development traffic.
- 15.32 The Appeal Scheme has been arranged along with development proposals on the adjoining area of land within the Strategic Allocation such that the two schemes are complementary and suitably aligned. The Appellants will provide a vehicular link and pedestrian and cycle routes to the adjoining area of land within the Strategic Allocation to ensure connectivity between the two development areas. The prospective developer of the adjoining land has similarly made this commitment.
- 15.33 The Appellants now propose a planning condition that would require the new homes to achieve, in the first instance, a minimum 19% reduction in carbon emissions compared with the 2013 Building Regulations Part L1 and thereafter the improvements in energy efficiency and carbon emission reductions in subsequent revisions to the Buildings Regulations as they are introduced in 2022 and 2025. The non-residential buildings will be built to BREAAAM Excellent standards.
- 15.34 The Appeal Scheme will also make a CIL contribution estimated to be in the region of £6m which the Council will be able to use for local infrastructure provision.
- 15.35 Overall, the Appeal Scheme provides a sound framework for the creation of a vibrant, well-designed community that will be a desirable place to live.

### **The Development Plan**

- 15.36 The LPA's Core Strategy allocates Sandleford Park for housing development in the period up to and beyond 2026. As a matter of principle, the Appeal Scheme accords with the Development Plan.
- 15.37 Various of the Core Strategy's development management policies have a bearing on the Appeal Scheme, and in all relevant instances, the Appeal Scheme can be seen to be in accordance with those policies. Especially important is the fact that this is an outline application and further, more detailed design, will follow later in the planning process. The Appeal Scheme provides an entirely satisfactory and appropriate framework for that more detailed work to ensure that subsequent reserved matters applications and schemes continue to accord with the relevant Development Plan policies.



- 15.38 In two respects the Appeal Scheme does not adhere to the Development Plan.
- 15.39 In the first instance the Appeal Scheme is not a planning application for the whole allocated site, rather it is one of two complementary applications. Importantly, these two schemes have been devised to provide a comprehensive approach to the development of the allocated site and the respective controlling plans are aligned with one another. Moreover, the Appellants and Donnington New Homes have proposed infrastructure commitments which, in the case of this Appeal, have been carried through to the planning obligations, thus ensuring the coordinated and timely provision of infrastructure. On this basis, the Appeal Scheme meets the underlying purpose of a single planning application in Policy GS1 of the Housing Sites Allocation DPD.
- 15.40 Secondly, the Appeal Scheme does not accord with energy efficiency measures in Policy CS15 on the basis that this is not an up-to-date development plan policy; its requirement to achieve a particular level of the Code for Sustainable Homes has been superseded by the Code being withdrawn and the Government moving towards an approach to energy efficiency defined by the Building Regulations. As indicated, the Appellants propose a planning condition that would achieve reductions in carbon dioxide emissions from the energy consumed by the new homes which accords with the Core Strategy's objective to achieve development of high environmental standards.
- 15.41 The Land Use and Access Parameter Plan identifies a small area of built development – some 0.35ha in size - outside the defined settlement boundary south of Crooks Copse but within the overarching area allocated in the Core Strategy. Conflict with Policy C1 of the Housing Sites Allocation DPD is not cited as a Reason for Refusal by the LPA in its decision notice.
- 15.42 In my opinion, the Appeal Scheme accords with the Development Plan when read as a whole.
- 15.43 The LPA has commenced a Review of its Local Plan and as recently as December 2020 its Regulation 18 consultation document continued to propose the allocation of Sandlesford Park for development in a manner largely consistent with the Core Strategy. It is notable that the LPA refer to Sandlesford Park as "*the most appropriate location for strategic housing delivery in Newbury*". Equally, it is instructive the LPA has very consciously removed the requirement for the site to come forward through a single planning application.



### **Sandleford Park SPD**

15.44 First in 2013, and then in 2015, the LPA published a Supplementary Planning Document to guide development proposals at Sandleford. This was prepared in the context of Policy CS3 of the adopted Core Strategy and is a material consideration in the determination of this Appeal. The SPD provides a set of key delivery outcomes that the Sandleford Park development should achieve. The Appellants' evidence describes how the Appeal Scheme will achieve these.

### **National Planning Policy Framework**

15.45 The NPPF's policies are a material consideration in the determination of this Appeal. Whilst the adopted Core Strategy Plan was formulated in accordance with the 2012 version of the NPPF, it does not follow that its policies are out of date. As paragraph 213 of the NPPF explains, due weight should be given to them, according to their degree of consistency with the Framework.

15.46 The Local Plan's policies which allocate Sandleford Park are wholly consistent with the NPPF's objective to deliver a sufficient supply of homes both as a matter of principle and detail. Whilst there has been a change to the way in which 'irreplaceable habitats' are referred to, the 2019 NPPF does not introduce or revise policies that protect areas or assets at the Appeal Site or local to it that would suggest planning permission should be refused. For ancient woodland and aged or veteran trees, their loss or deterioration is now only permissible in exceptional circumstances. The Appellants have demonstrated how these habitats can be retained and their value protected.

15.47 Central to the NPPF is the Presumption in Favour of Sustainable Development. Paragraph 11 explains that for decision making, new development which accords with the development plan should be approved without delay. I consider this to be the relevant limb of the NPPF's Presumption.

15.48 The 2021 draft revisions to the NPPF do not, in my opinion, represent a material change to the policy objectives of the current NPPF as they relate to the Appeal Scheme. Rather, certain of those policies assist in enabling more detailed design work to be undertaken as part of this multi-stage consent and the Appellants now propose a Design Code in respect of this.



## **Response to the Reasons for Refusal**

### **Reason for Refusal 1**

- 15.49 The LPA allege that the proposed development fails to ensure the holistic and comprehensive development of the Sandleford Strategic Site Allocation and consequently does not maximise its potential as a well-planned and sustainable urban extension. Moreover, it asserts that there is not adequate certainty that the proposed development will deliver the required comprehensive development of the Strategic Allocation as a whole.
- 15.50 The Appeal Scheme, whilst not a single planning application for the whole allocated site, is part of a comprehensive and coordinated approach which the respective landowners are promoting.
- 15.51 Whilst there are two planning applications for development at Sandleford, the respective parties are committed to achieving the broad scope and content of Policy CS3. The respective development proposals have been brought together and organised on the Combined Plans in a harmonious order and are satisfactorily related to one another.
- 15.52 Moreover, the Appellants have proposed planning obligations (and planning conditions) that enable the timely provision of measures to mitigate the impact of the developments and to provide infrastructure for the benefit of its future residents and occupiers and, where appropriate, also to the benefit more widely of the remaining part of the allocated site.
- 15.53 There is nothing about the Appeal Scheme that, as a matter of principle, is in conflict with Policy CS3. The Appeal Scheme can be developed satisfactorily without prejudicing the ability of the remaining part of the Site similarly being developed satisfactorily.

### **Reason for Refusal 2**

- 15.54 The LPA allege that the proposed development does not form part of a well-planned comprehensive and satisfactory proposal for the Strategic Site, does not secure the comprehensive delivery of the intended sustainable urban extension and does not provide a holistic approach to landscape, visual impact, green (and other) infrastructure for development of the whole strategic site.





- 15.55 Notwithstanding that there are two planning applications for development at Sandlesford, there does exist a consistent approach to strategic landscaping and green infrastructure across both sites and therefore across the strategic allocation.
- 15.56 In combination, the Strategic Landscape and Green Infrastructure Plan, the Landscape and Green Infrastructure Design and Management Plan and the Ecological Mitigation and Management Plan provide a strategic level approach which identify the overarching design principles and management regimes required by Principle L1 of the SPD.
- 15.57 It is entirely correct that detailed design considerations are addressed as part of the Detailed Landscape and Green Infrastructure Design and Management Plan that Principle L2 intends is prepared and the Appellants have anticipated this in its suggested conditions. The LPA also confirm this principle in the Statement of Common Ground (paras 8.3 and 8.4). Similarly, the detailed design of the Valley Crossing can be addressed at the detailed stage and the key principles of such a scheme have been identified.
- 15.58 For these reasons, the Appeal Scheme complies with Policies CS3, CS5 and CS18 as they relate to green and other infrastructure, Policy CS14 as it relates to integrated design and landscape impacts, Policy CS17 as it relates to biodiversity, and Policy CS19 as it relates to landscape character.

### **Reason for Refusal 3**

- 15.59 The LPA allege that the Appellants' Landscape and Visual Assessment does not adequately and appropriately assess the impact of the proposed development; that the proposed development does not take account of key characteristics and special features of the Site and will result in an unacceptable level of harm, with significant impact on the landscape character and visual resources; and the proposed development does not protect or enhance a valued landscape.
- 15.60 The Appellants' evidence indicates that, firstly, few, if any, of the visual effects are significant and many are beneficial rather than adverse; secondly, the strategic green infrastructure proposals are well considered and that they provide an appropriate framework for the more detailed design that the SPD intends; thirdly, there are a great many landscape and visual benefits that follow the strategic and detailed landscape and visual objectives of the SPD; and fourthly the landscape features within the Site identified in the Development Plan are appropriately respected.



15.61 Accordingly, the Appeal Scheme accords with the landscape considerations in Policy CS3 of the Core Strategy as it relates to the landscape sensitivity of the Site, CS5 as it relates to infrastructure, CS14 in terms of respecting the character and landscape of the surrounding area, Policy CS18 in terms of green infrastructure and Policy CS19 in terms of the regard had to the sensitivity of the area to change and Policy GS1 of the HSA DPD as it relates to landscape considerations.

#### **Reason for Refusal 4**

15.62 The LPA allege that that the proposed development does not provide a policy compliant provision of affordable housing in terms of tenure and would have an unacceptable effect and be harmful to the community's need for affordable housing.

15.63 The Appellants clearly intend that the Appeal Scheme provides a policy compliant level of affordable housing for which there is an identified need and this is reflected in the drafting of the Section 106 Planning Obligation.

15.64 Forty percent of the new homes to be built will be affordable housing. The provision of Extra Care Housing as part of the affordable housing accords with the SPD and is supported by the Council who acknowledge the significance of this type of specialist accommodation. The Appellants have ensured that the mix of general needs affordable housing is fixed to align with the Council's SHMA.

15.65 Moreover, the Appellants have enabled the Council's 70:30 tenure split to be achieved.

15.66 Lastly, whilst cascade mechanisms are included, this is normal practice to allow for changing circumstances, but in each instance, there is a requirement for the Council to be satisfied that it is appropriate to move to the cascade and further that the alternative still contributes to meeting the communities need for affordable housing.

15.67 On this basis, the proposed development accords with Policy CS3 of the Core Strategy as it relates to affordable housing at Sandleford, Policy CS4 as it relates to housing type and mix and the NPPF's policy objective to ensure the provision of affordable housing.

#### **Reason for Refusal 5**

15.68 The LPA allege that the proposed development does not demonstrate a high-quality and sustainable design nor that it will be built to high environmental standards and that this amounts to unsustainable and harmful development.



- 15.69 The Appellants have reflected on the Government's response to the Future Homes Standards and the fact that it no longer intends to commence the change to the Planning and Energy Act 2008, and has proposed a planning condition that would secure a reduction in carbon dioxide emissions from energy in new homes below Part L of the 2013 Building Regulations. In any event, Government propose amendments to the Building Regulations in 2022 and 2025 which will require further improvements in energy efficient and greater reductions in emissions which would take precedent.
- 15.70 For these reasons, and reflecting the fact that it is common ground that the non-residential uses proposed will achieve the BREAAAM Excellent standard, it can be seen that the Appeal Scheme accords with Policy ADPP2 of the Core Strategy in that it will achieve high environmental standards, Policies CS3 and CS14 in term of the provision of renewable energy generation, Policy CS15 in terms of the reduction to CO<sub>2</sub> emissions and CS13 in that the proposed development is in a highly accessible location consistent with the established spatial strategy. The Appeal scheme would also accord with the Sandlford Park SPD strategic objective 13 and Development Principle R1 in respect to reducing carbon emissions. The Appeal Scheme would also contribute to meeting the Council's aspiration in its Environment Strategy to achieve neutral or net zero carbon emissions by 2030 both through carbon emission reductions and the carbon sequestration achieved through the proposed landscaping within the Country Park.

### **Reason for Refusal 6**

- 15.71 The LPA allege that Development Parcel Central (DPC) would constitute a cul-de-sac development with only a single point of vehicular access unless and until an additional point of access on to Andover Road was provided. As this application is only for part of the allocated site, it represents piecemeal development and is inadequate in terms of permeability and connectivity.
- 15.72 With the additional design work that has been undertaken by the Appellants, the access proposals for DPC are not considered to be unacceptable, inappropriate, and unsatisfactory and now carry a degree of support from the Council's consultees. In my opinion, this now provides a sound basis for detailed schemes to be prepared pursuant to a planning condition and reserved matters applications, which is of course consistent with how the LPA considered this issue would be addressed previously. This would be consistent with Policy CS14 in terms of high-quality design, good access provision and accessible environments.



15.73 Moreover, whilst the Appeal Scheme does not provide the sustainable transport link for buses to Warren Road and Andover Road and conflicts with this aspect of Policy CS3, the Appellants intend that bus provision from Monks Lane into the site is available to future residents in accordance with Policy CS13, and that the Main Access Road is built to the boundary to allow the formation of that link with development of New Warren Farm to the west. The Appeal Scheme does not preclude that bus route being extended as required by Policy CS3 and thus enabling comprehensive and coordinated development in accordance with Policy GS1.

#### **Reason for Refusal 7**

15.74 The LPA initially alleged that Appellants had not provided sufficient information to demonstrate that the proposed development would not result in a severe impact on the A34 that would require mitigation.

15.75 The LPA has not pursued this Reason for Refusal on the basis that Highway England does not object to the proposed development. As such, the proposed development does not give rise to transport impacts on the Strategic Highway Network and accords with Policy CS13 of the Core Strategy.

#### **Reason for Refusal 8**

15.76 The LPA allege that the proposed development does not provide acceptable indications, and therefore sufficient confidence and certainty, that it will not cause avoidable deterioration of and harm to ancient woodlands on the Site.

15.77 The Appeal Scheme will not have an unacceptable or inappropriate impact on Ancient Woodlands. Rather, the proposed development will variously conserve the areas of ancient woodlands, provide acceptable buffers between new development and the areas of woodlands, conserve and enhance biodiversity, and provide a wholly appropriate drainage and green infrastructure strategy, thus in accordance with Policy CS3 as it relates to impacts on ancient woodlands, Policy CS14 in terms of respect to character and landscape, Policy CS17 as it relates to the protection of habitats of principal importance to conserving biodiversity, CS18 in respect of retention and enhancement of green infrastructure and Policy GS1 as it relates to biodiversity and Development Principle L4 in the SPD which seeks to retain, wherever possible, all important trees and hedgerows.



### **Reason for Refusal 9**

- 15.78 The LPA allege that the proposed development will cause harm to a number of irreplaceable priority habitats comprising ancient and veteran trees and a number of other trees that are the subject of a Tree Preservation Order, without satisfactory justification and compensation or mitigation.
- 15.79 Following the on-going design work, the Appeal Scheme would cause just four moderate category trees to be lost which does not result in any significant impact on the existing amenity of the immediate locality and the wider area. Extensive new planting will be carried out across the entire Site, which positively contributes to landscape character, visual amenity, biodiversity value and the increase in arboricultural resource. Accordingly, in these terms, the proposed development accords with Policy CS3 as it relates to impacts on ancient woodlands, Policy CS14 in terms of respect to character and landscape, Policy CS17 as it relates to the protection of habitats of principal importance to conserving biodiversity, Policy CS18 in respect of retention and enhancement of green infrastructure and Policy GS1 as it relates to biodiversity and Development Principle L4 in the SPD which seeks to retain, wherever possible, all important trees and hedgerows.

### **Reason for Refusal 10**

- 15.80 The LPA's criticism is that the area shown for the required sports pitch at Park House Secondary School is not satisfactory; it is not sufficiently large and causes an unacceptable loss of trees and extends into the woodland buffer at Barn Copse.
- 15.81 The Appellants have considered this further and are proposing that a larger area of land than shown on the Land Use and Access Plan – measuring 1.93 hectares compared to the minimum 1.6 hectares - is transferred to the Local Education Authority to enable the expansion of Park House School.
- 15.82 This larger area of land enables the sports pitch that is required to be situated in the manner shown on plan C3289 001-25032101 C such that it does not affect T31, T33 or T34, nor the woodland buffer along the southern edge of Barn Copse. The existing hedgerow and other smaller trees can also be retained although at some point a footpath(s) will need to be formed to connect to the existing school grounds. That is a detailed matter to consider as part of the design and implementation of the school improvements.
- 15.83 On this basis, the proposed development will accord with Policy CS3 as it relates to



education infrastructure, Policies CS5 and GS1 as they relate to infrastructure delivery and Development Principle F1 of the SPD.

### **Reason for Refusal 11**

- 15.84 The LPA allege that insufficient regard has been given to post construction adverse impacts on existing retained habitats and that the proposed development has the potential to have adverse impacts on the local natural environment, and such impacts are not adequately addressed or mitigated. Consequently, the proposed development is unacceptable in terms of ecology and biodiversity.
- 15.85 The potential of greater anthropogenic pressures would have been a factor taken in to account in the determination that Sandleford Park was (and remains) a suitable site for development. In other words, whilst certain of the habitats within the Site are important and require a considered design response, none are of such importance as to preclude development and the associated human activity. Policy CS3 and the SPD are structured to ensure those pressures are minimised by the way in which new development is to be situated *vis a vis* green infrastructure. In this regard, the biodiversity net gain assessment is based on current and predicted physical condition criteria and therefore takes in to account the potential future impacts from recreational activity.
- 15.86 For the reasons, the Appeal Scheme accords with Policy CS3 as it relates to impacts on ancient woodlands, Policies CS14, CS17, CS18 and GS1 as they variously relate to biodiversity and Principle L4, E1 and E2. The alleged conflict with Policy C1 is not considered to cause unacceptable impacts in terms of ecology but, for the reason given earlier, could be avoided by redefining the extent of built development in this location.

### **Reason for Refusal 12**

- 15.87 The LPA initially alleged that the Appellants had not provided sufficient information regarding the likely air quality impacts of the proposed development on European Designated Special Areas of Conservation. Since the Application was refused, Natural England has confirmed that they agree with the conclusions of the Appellants' Technical Note that air quality impacts on nearby European sites can be ruled out both alone and in combination.
- 15.88 The LPA has not pursued this as a Reason for Refusal and it follows that the LPA does not contend that, in these terms, there is a conflict with either Policy CS17 of the Core



Strategy or Policy GS1 of the HSA DPD as they relate to the protection of habitats.

### **Reason for Refusal 13**

- 15.89 The LPA allege that insufficient information has been provided in respect of surface water drainage and as such a full consideration of the impact of the proposed development in these terms is not possible. Accordingly, the proposed development is considered unacceptable.
- 15.90 The Appellants' evidence illustrates how the proposed drainage strategy accords with Policy CS16 and that surface water drainage will be managed in a sustainable manner through the implementation of SUDS methods in accordance with the LPA's Sustainable Drainage SPD. Moreover, the treatment train proposed will improve water quality prior to it being discharged into the existing watercourse. The conceptual surface water drainage strategy can be developed further as part of the detailed design as is conventional.
- 15.91 For these reasons, the Appeal Scheme accords with Policy CS3 in that it will preserve the areas of ancient woodland, Policy CS14 in that it will conserve and enhance biodiversity, Policy CS16 in that it will not have a detrimental impact on surface water or obstruct run-off of water due to high levels of ground water and includes the use of satisfactory SUDS measures, Policy CS17 in that the proposals do not pose a risk to habitats of principal importance to conserving biodiversity, and Policy CS18 in that the proposal do not result in unnecessary harm to irreplaceable assets of green infrastructure.

### **Reason for Refusal 14**

- 15.92 Having regard to the scope and content of the Appellants proposed Unilateral Undertaking, and when taken with the control the planning conditions provide over the delivery of certain elements of the proposed development and the funds that the Council will receive by way of the Community Infrastructure Levy, the Appeal Scheme will provide, in a timely manner, both the infrastructure that it requires, but also infrastructure that will support the development of the remaining part of the Strategic Allocation. Accordingly, the Appeal Scheme accords with Policies CS3 and CS5 in terms of the provision of infrastructure to meet policy requirements and mitigate the impact of the proposed development.



### **Response to the Third-Party Representations**

15.93 The third-party representations, including certain of the consultee responses, set out a number of matters that overlap to a great extent with the LPA's Reasons for Refusal. I have provided a summary by reference to the themes I have identified, however, in my opinion, none of the issues justify the refusal of the planning permission.

### **Conclusion**

15.94 For all of the reasons given herein, and having regard to the evidence of my colleagues on behalf of the Appellants, I am firmly of the opinion that the proposed development accords with the relevant policies of the Development Plan when read as a whole.

15.95 The Appeal Scheme provides a considerable number of substantial benefits which are material considerations which support the grant of planning permission. In my opinion, substantial positive weight should be afforded to the principle of the Appeal Site being developed in a plan-led fashion consistent with the Core Strategy. Equally substantial positive weight should be afforded to the following benefits: the extent to which the Appeal Scheme provides infrastructure that will enable the development of the remaining part of the Strategic Allocation, housing delivery and surety of housing supply and the mix and type of housing that the Appeal Scheme would provide, and the multi-functional green infrastructure that will be provided in the form of the Country Park. Moderate positive weight should be afforded to the economic benefits arising from the development both in the construction phase and in the operational phase, the extent to which the highway improvements serve a wider benefit to the operation of the network, and the funding being contributed to the construction of A339 Link to provide a third point of access which the Council has aspired to.

15.96 Whilst there are disbenefits, they are, in my opinion, as a consequence of the Core Strategy allocating the Site for development and would have been taken into account at that time. The impacts have been mitigated and therefore only attract limited negative weight.

15.97 My analysis therefore is that the benefits of the Appeal Scheme are material considerations which add substantial weight to the case in favour of allowing the Appeal. To the extent that there would be harmful impacts, these would not outweigh the benefits the proposals would bring nor indicate that permission should be refused.

15.98 As such, in the context of Section 38(6) of the Planning and Compulsory Purchase Act 2004, and in the absence of any material considerations that warrant a decision other





than in accordance with the Development Plan, planning permission should be granted.

15.99 If the decision maker formed a different conclusion to my primary analysis that the Appeal Scheme accords with the Development Plan when read as a whole, then I consider that the considerable benefits that it would bring readily indicate that the appeal should be allowed nonetheless.

15.100 I respectfully request that this Appeal is allowed.

***Owen Jones BA(Hons) Dip TP MSc MRTPI***