

REBUTTAL of PROOF OF EVIDENCE of James Hinde

Town and Country Planning Act 1990
Section 78 appeal against the refusal of planning permission

Witness: Vincent Haines BA(Hons), Dip. DBE, DMS, MRTPI

Subject of Evidence: Education

Appeal: APP/W0340/W/20/3265460

Site: Sandleford Park, Newtown Road, Newbury

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

Date: 20 April 2021

Council Reference: 20/01238/OUTMAJ

Rebuttal of James Hinde Proof

1. This rebuttal is written in response to the proof of evidence of Mr. Hinde in respect of matters relating to trees. The fact that this rebuttal does not seek to respond to each point made by Mr. Hinde should not be taken to mean that there is agreement on these points.
2. My proof of evidence in respect of Education covered both the provision of an early years and 2 Form Entry primary school on the site and the expansion of secondary education provision at Park House School whereas the evidence of Mr Hinde deals solely with secondary education. My evidence also dealt with those obligations contained in the appellant's draft unilateral undertaking dated 21 February 2021 (UU) for delivery of the education requirements arising from the development. The UU obligations do not form part of Mr Hinde's evidence and in any event a further draft UU, dated 7 April 2021, has been submitted by the appellant.
3. Therefore this rebuttal focuses solely on the expansion of secondary education facilities at Park House School, a key element of which is the provision of additional land (referred to as the expansion land) within the application site. This expansion land will enable the expansion of the school in line with the Appellant's feasibility study and address a resultant shortfall in soft outdoor sports provision at the school, as noted in Mr Hinde's proof.
4. Mr. Hinde in his proof refers to the requirement of 1.62 hectares of expansion land which would allow for the provision of a new all-weather sports pitch.
5. Mr Hinde acknowledges in paragraph 4.7.1 of his proof that the indicative layout for the expansion land put forward with the application requires revision if refusal reason 10 of the decision is to be addressed. The original location and indicative layout of the pitch on the expansion land would have resulted in the loss of the ancient tree (T34), as well as two veteran trees (T31 and T33), much of the hedgerow along its western boundary and encroachment into the buffer of the Barns Copse ancient woodland.
6. Mr Hinde refers in paragraph 4.7.1 of his proof of evidence to an email dated 19th March 2021 from Mrs. Fiona Simmonds of the Council's Education department which has been interpreted as a request that the pitch be changed from an artificial pitch to a grass pitch. This email was sent in response to a revised layout (IDP drawing no. 001-01122020B) for the expansion land which the appellant had submitted under the 'Wheatcroft' principal, which is considered in detail in section 4 of my proof of evidence. The wording of Mrs Simmonds email did not amount to a request as interpreted by Mr Hinde, the

actual wording in Mrs Simmonds e mail was that '*A natural turf pitch would seem a more suitable option for this area*'

7. This alternative layout 'Wheatcroft' submission (IDP drawing no C3289. 001-01122020B) for the expansion land is not referred to in the evidence of Mr. Hinde. However there is reference in paragraph 3.4.1 of his proof to IDP drawing. C3289 001-01122020E. The Council is not aware of this drawing.
8. Mrs Simmonds in her email of the 19th March went on to comment that '*the Wheatcroft drawing would suggest that a full size natural turf football pitch could be accommodated on the land as shown.*' In that email Mrs Simmonds also emphasised that the 'Wheatcroft' plan did not take into account that the topography of the land would necessitate works to level and prepare site for use of a sports pitch and the indicative plan was insufficient to demonstrate that there would not be adverse impacts on the ancient woodland buffer or the veteran trees. These potential impacts are noted in my proof and examined in detail in the proof of evidence of Mrs Deakin.
9. In his proof Mr Hinde introduces a further alternative for the expansion land for the first time (appendix D of the proof - IDP drawing no. 001-25032021C). This, as with the earlier 'Wheatcroft' submission, seeks to demonstrate how a natural turf football pitch could be accommodated on the land. In this option the pitch size is extended from that shown on the earlier 'Wheatcroft' submission. This increase in dimensions allows for perimeter run-off zones around the pitch. Appendix E to Mr Hinde's proof includes a revised IDP Summary of Proposals and Phasing Proposal document reflecting this new indicative layout for the sports pitch and expansion land.
10. Mr Hinde's proof states that the alternative plan for the expansion land (appendix D of the proof - IDP drawing no. 001-25032021C) would increase the amount of additional land required to be provided to 19,342m² (1.93Ha). Mr Hinde states that this increase would result in the school site exceeding DfE's BB103 guideline requirements. However, this conclusion fails to take into account the reduction in the usability of the land if areas are fenced off around veteran and ancient trees as well as wildlife corridor hedgerows. It has not been possible to quantify this loss on the plans provided to the Council. The alternative plan also creates a narrow pinch point between fencing to the Barns Copse buffer and the required fencing to the ancient tree (T34), further restricting the opportunities for use of the expansion land.
11. I acknowledge that this revised indicative layout for the expansion land seeks to address the concerns of the Council that the pitch shown in the Wheatcroft option was constrained by fencing, lack of run-off zones and proximity to hedgerow and veteran/ancient trees. However the information provided on IDP drawing no. 001-25032021C still fails to demonstrate that those concerns have been addressed. The

pitch is still close to the veteran tree T33 and ancient tree T34 given these will need to be fenced off for health and safety and nature conservation reasons.

12. The sketch layout plan (IDP drawing no. 001-25032021C) indicates a proposed pedestrian/cycle access to the school adjacent to the south west corner of the pitch. The connectivity of the expansion land and this access into the main school site remains unclear and it is likely to have impacts on the hedgerow and veteran trees T31 and T33 which are not considered in Mr Hinde's proof of evidence.
13. Mr Hinde has acknowledged the failure of the original submission to take account of the existing ecological constraints impacting on the expansion land. However, my conclusion is that Mr Hinde has still failed to demonstrate that the revised configuration of the expansion land shown on the sketch layout plan (IDP drawing no. 001-25032021C) has addressed those constraints.