



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

Summary prepared by Owen Jones BA Hons Dip TP MSc MRTPI

(APP/3)

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Summary

- 1.1 This Appeal relates to an outline planning application for residential development and associated uses on land at Sandleford Park, Newbury.
- 1.2 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.
- 1.3 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.
- 1.4 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.
- 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.
- 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 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.



- 1.8 In fact, the LPA wrote to the (then) Applicants on the 18th 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 13th October 2020; the Decision Notice cites 14 reasons for refusal. The LPA's Delegated Report was published later on the 30th October 2020.
- 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 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

- 1.12 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.
- 1.13 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.

- 1.14 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.
- 1.15 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.
- 1.16 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.
- 1.17 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.
- 1.18 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.
- 1.19 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.
- 1.20 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

- 1.21 Planning permission is sought for the following:
- 1.21.1 residential development comprising up to 1000 dwellings;
 - 1.21.2 80 unit Extra Care facility;
 - 1.21.3 40% affordable housing;
 - 1.21.4 a local centre (retail, local business employment and community uses);
 - 1.21.5 a new two form primary school and land safeguarded for expansion of Park House School;
 - 1.21.6 areas of equipped play;
 - 1.21.7 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
 - 1.21.8 sustainable urban drainage infrastructure within both the proposed development areas and the Country Park.
- 1.22 These uses accord with the provisions of Policy CS3 in the West Berkshire Core Strategy.
- 1.23 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

- 1.24 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.
- 1.25 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.

- 1.26 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.
- 1.27 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.
- 1.28 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.
- 1.29 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.
- 1.30 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.



- 1.31 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.
- 1.32 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.
- 1.33 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.
- 1.34 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.
- 1.35 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

- 1.36 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.
- 1.37 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.



- 1.38 In two respects the Appeal Scheme does not adhere to the Development Plan.
- 1.39 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.
- 1.40 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.
- 1.41 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.
- 1.42 In my opinion, the Appeal Scheme accords with the Development Plan when read as a whole.
- 1.43 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

- 1.44 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

- 1.45 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.
- 1.46 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.
- 1.47 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.
- 1.48 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

- 1.49 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.
- 1.50 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.
- 1.51 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.
- 1.52 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.
- 1.53 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

- 1.54 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.



- 1.55 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.
- 1.56 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.
- 1.57 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.
- 1.58 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

- 1.59 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.
- 1.60 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.



1.61 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

1.62 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.

1.63 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.

1.64 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.

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

1.66 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.

1.67 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

1.68 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.



- 1.69 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.
- 1.70 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 CO₂ 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

- 1.71 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.
- 1.72 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.



1.73 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

1.74 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.

1.75 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

1.76 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.

1.77 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

- 1.78 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.
- 1.79 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

- 1.80 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.
- 1.81 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.
- 1.82 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.
- 1.83 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

- 1.84 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.
- 1.85 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.
- 1.86 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

- 1.87 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.
- 1.88 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

- 1.89 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.
- 1.90 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.
- 1.91 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

- 1.92 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

- 1.93 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

- 1.94 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.
- 1.95 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.
- 1.96 Whilst there are disbenefits, in my opinion, they are 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.
- 1.97 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.
- 1.98 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.

1.99 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.

1.100 I respectfully request that this Appeal is allowed.

Owen Jones BA(Hons) Dip TP MSc MRTPI