

LAND AT SANDFORD FARM
MOHAWK WAY, WOODLEY
READING RG5 4TE

CLOSING SUBMISSIONS
ON BEHALF OF THE
LODDON VALLEYACTION GROUP

INTRODUCTION

1. These closing submissions on behalf of the Loddon Valley Action Group (“the LVAG”) deal with the first four of the issues identified by the Inspector as arising in this appeal, namely, the effect of the development proposals on the character and appearance of the area; the effect that they will have on the living conditions of future residents; their effect on the local highway network; and whether the proposed remediation works are based on all available information to assure that the remediation works can be carried out safely and effectively. The question of whether the Proposals are consistent with National and Development Plan policies is one addressed by the Council, but is one that is touched on in the submissions set out below.
2. The LVAG’s case with respect to this appeal may be stated summarily as follows.
3. First, the proposed development represents inappropriate development in its proposed location. This is due, primarily, to the scale and density of the housing proposed, and to the fact that the development site abuts, and indeed intrudes into, the open countryside to the east, with a suburban form of existing development to the west. It will, in the LVAG’s submission, cause unacceptable harm both to the countryside and to the Woodley Airfield Estate.

4. Second, again due to the scale and density of the proposals, the development will result in cramped and inappropriate relationships between the buildings on the site. These relationships are again reflective of an urban grain; and involve the use of contrived solutions¹ to problems generated by the Appellant's objective of forcing as much development as possible on to the site, to the detriment of future residents.
5. Third, the LVAG's evidence shows that the development, if it is allowed to go ahead, will have an unacceptable impact on the highway network, requiring roads that are already congested and full to capacity to handle yet more traffic. This is in circumstances, moreover, in which the site is not currently adequately serviced by public transport and in which the Appellant has no more than a "hope"² that a bus service providing for the site will at some time in the future be supplied.
6. Fourth, there is abundant evidence, as set out in the Proof of Evidence of Mr Challis, that the site contains asbestos and other forms of "difficult" waste and that the Appellant has failed to draw together all of the available information to design its remediation strategy. Local residents have real and well-founded concerns as to the effect which the implementation of this strategy will have on their health and amenities, in terms of noise and pollution (as well as upon the amenities of future residents on the site, who will be compelled to live there whilst the remediation process is underway).
7. Fifth and finally, the LVAG would invite the Inspector and the Secretary of State to conclude that the proposed development is contrary to the Development Plan. Only a part of the site, namely, that extending to the settlement boundary, is allocated for housing development in the Local Plan, and for development at a level of 30 dph. The development proposals involve development in the open countryside, contrary to policy, and also involve development at a density level of some 48 dph. The Appellant has not pointed to any material considerations justifying this conflict with the development plan. In these circumstances, and given the harm which the development will cause, referred to above, it is clear, in the LVAG's submission, that permission should be refused.

¹ To adopt the terminology of Mr Cunnane in X-in-C.

² As SN agreed in X-in-C.

ISSUE 1: EFFECT OF THE PROPOSALS ON THE CHARACTER AND APPEARANCE OF THE AREA

8. In the following part of their submissions, the LVAG deal first with a number of issues forming the context in which the development proposals must be assessed. These concern the nature and status of the site; the location of the settlement boundary; and considerations with respect to the issue of density. They highlight the fact that the site is greenfield land, that it extends beyond the settlement boundary as prescribed in the Local Plan; and that it exceeds the density level for development specified in the Local Plan. Having done so, they then go on to make submissions as to the harm which a development having these characteristics will cause to the character and appearance of the surrounding area, including the open countryside to the east and the existing Woodley Airfield estate to the west.

Nature and status of the site

9. The starting point for consideration of the first issue identified by the Inspector is with the nature and status of the site.

10. The Appellant's witnesses describe the site as falling within the Reading urban area and hence, by implication, as itself forming urban land.³ Second, while they now⁴ recognise that the site does not fall within the definition of "previously developed land" contained in Annex B of PPS3, they decline to acknowledge that it enjoys the status of "true" greenfield land.⁵ Third, they attempt to disparage the physical appearance and amenity value of the site. According to Michael Davies, for example, the site is a "degraded landscape" that has been "denuded of its traditional agricultural characteristics" and has the appearance of "derelict unmanaged land".⁶ According to the Appellant's witnesses, therefore, the site forms part of an urban conurbation and should be viewed from that perspective; is effectively, if not technically, brownfield land; and is, in short, an eyesore.

11. In the LVAG's submission, the above characterisation of the site is fundamentally misleading. In the first place, PPS3 makes it perfectly clear that land, such as the

³ See SNPE paras 3.5-3.7; and DMPE para 2.2.

⁴ Cf the Design & Access Statement ("DAS") section 2, p 5.

⁵ SNPE para 3.20.

⁶ MDPE para 3.1.1.

site, which has been developed for waste disposal by landfill, and where provision for restoration has been made through development control procedures, falls outwith the definition of previously developed land. Consistently with this, the Berkshire Unitary Authorities' Joint Strategic Planning Unit has stated expressly that the site is Greenfield land;⁷ and the site is also classified as greenfield land for the purposes of the Local Plan.

12. Similarly, the Council's landscape witness, Stephanie Hartick, describes the site as rural in character,⁸ and as forming part of the wider countryside to the east of Woodley. As she explains in her evidence, the site lies within the heart of Landscape Character type A2, the Loddon River Valley, as identified in the Berkshire Landscape Character Assessment,⁹ which in turn is described in that document as a landscape type of overall high quality. In the Wokingham Borough Wide Landscape Character Assessment,¹⁰ as Ms Hartick also explains, the site is described as falling within landscape type B1: Loddon River Valley with Open Water. The overall objective of the landscape strategy applicable with respect to this landscape type¹¹ is to

“conserve the positive characteristics of the landscape and to **enhance** the character and condition of key elements” (emphasis in original).

13. This landscape type is also identified in that document as one with only moderate sensitivity to change.

14. Consequently, contrary to the case put by the Appellant, the LVAG would respectfully invite the Inspector and Secretary of State to take as the starting point for consideration of the development proposals the fact that the development site is greenfield land, incorporating an area of open countryside (as to which, see further below), forming part of the quintessentially rural Loddon Valley landscape, and to assess those proposals in that context.

⁷ See DJPPE para 6.1.3.3 and Appendix A. Thus, when consulted on application no O/99/69524 for a Training Centre on the site, the Joint Strategic Planning Unit stated: “The site’s location within the countryside and its status as a greenfield site means that the development cannot be considered to protect and enhance the character and quality of Berkshire’s landscape, environment and heritage as required by policy OS1 nor be sustainable in location as required by Policy LD1”, and recommended that the application be refused.

⁸ SHPE para 3.1; and see also IPPE para 3.5.

⁹ Copy in Additional Appendices to MDPE.

¹⁰ Copy in Additional Appendices to MDPE.

¹¹ See para 6.28.

15. Counsel for the Appellant suggested, in XX of the Council’s planning witness, that the question of whether the site should be classified as brownfield or greenfield land was irrelevant, given that the site is allocated for residential development in the local plan. As to this, the LVAG would observe that an assessment of the impact of the development on the character and appearance of the area necessary involves the decision-maker forming a view on the question of what the character and appearance of the area in fact is. Critical to this question is that of whether the area is urban or rural in nature. It is for this reason, no doubt, that the Appellant’s own DAS commences with a section entitled “Understanding the context”,¹² wherein one finds the misleading statements that the site is brownfield land and that it lies within the settlement boundary (ie entirely within).¹³

16. In addition, and no less significantly, the Appellant’s assessment of the nature and status of the site is entirely at odds with local residents’ subjective appreciation of what that site has to offer in landscape and visual amenity terms. This is an important issue, which the LVAG would respectfully invite the Inspector and Secretary of State to take into account in their consideration of this appeal, and upon which, in their submission, considerable weight should be placed. As the evidence of David Parker makes clear, so far as local residents are concerned, the site forms a part of a valued rural landscape disclosing “a beautiful rural scene”.¹⁴ It is, therefore, a treasured resource in visual amenity terms and also in biodiversity and ecological terms, providing, as it does, a home to the rare and protected Loddon Lily, and insofar as the rivers enjoy the status of a Wildlife Heritage Site, incorporating habitats and species of county and borough importance, as set out in the Proof of Evidence of Phillip Challis.¹⁵

17. The above aspects of the site (amongst others) are ones which the Wokingham Borough Wide Landscape Character Assessment requires to be conserved and enhanced; and this is an objective which local residents would wish to be realised by any form of development which takes place on the site. In the submission of

¹² Section 2.

¹³ In XX by LB, Mr Neate suggested that the relevant statement in the DAS did not imply that the whole appeal site was within the settlement boundary. The LVAG does not accept this: plainly that is the implication of the statement in question.

¹⁴ DJPPE para 6.2.

¹⁵ See PCPE para 1.5.2.

the LVAG, for the reasons set out below, it is an objective which the present development proposals singularly fail to meet.

The settlement boundary

18. All of the parties are agreed that the appeal site extends beyond the settlement boundary and, by the same token, beyond the site allocated for residential development in the Local Plan (“the allocated site”). The parties disagree as to the extent to which this is the case. According to the Appellant, the extent to which the appeal site extends into the open countryside is de minimus. On the LVAG’s calculations, by contrast, the development will involve the building of some 23 houses in the countryside, together with the location of an element of shared private garden space in the south east corner of the appeal site. In their submission, this is a degree of intrusion which is not de minimus, but substantial and cannot be conditioned.

19. The evidence of the Appellant’s witnesses regarding this issue was, with respect, confused and confusing. It appeared from the evidence before the Inquiry of Mr Moore and Mr Neate that the Appellant was uncertain as to the exact location of the settlement boundary when it finalised its proposals for the site, a matter which, plainly, could have been ascertained in consultation with the Council. In giving his evidence, Mr Neate went on to explain that the Appellant believed the appeal site to lie wholly within the settlement boundary. This, no doubt, is why a statement to this effect is to be found within the DAS.¹⁶ Retrospectively, the Appellant’s witnesses sought to justify the fact that the appeal site extends beyond the settlement boundary on the basis that that boundary had been drawn up by reference to an incorrect understanding as to the boundaries of the flood plain, and also on the basis¹⁷ that an “ordinary person” would perceive the countryside to start on the eastern bank of the River Loddon. Neither of these considerations, however, in the LVAG’s submission, is sound.

20. As to the first, as Mr Cunnane rightly stated in cross-examination, the suggestion that, had the Local Plan Inspector had “full information” regarding the extent of the flood plain, he would have recommended that the settlement boundary should have been drawn up differently is sheer speculation. The settlement boundary is

¹⁶ Section 2.1.

¹⁷ As the matter was put by Counsel for the Appellant in XX of Mr Cunnane.

where it is, and it is not for the Appellant to second-guess the Local Plan Inspector's, or indeed the Council's, reasons for delineating the line of the settlement boundary where it lies in the Local Plan. Alternatively, if any such second-guessing is to be done, it would be entirely reasonable to conclude that the settlement boundary was drawn up to the west of the rivers in order to protect their banks and to ensure that any development was located at a suitable distance from the open countryside to the east. For each of these reasons, therefore, it is not for the Appellant simply to ignore the fact that the settlement boundary lies where it does, as it has (retrospectively) done.

21. As to the second consideration, Mr Cunnane was right to observe, in the LVAG's submission, that an "ordinary person" would, in fact, perceive the countryside to start where it does, and there is no good reason why such a person would consider it to commence on the eastern bank of the river. This observation was confirmed in the evidence in chief of Mr Parker, who is avowedly an "ordinary person", speaking on behalf of the "ordinary people" who reside in the vicinity of the site.
22. In any event, the Appellant's retrospective attempt to downplay the significance of the fact that the appeal site extends into the open countryside is belied by Mr Neate's evidence to the effect that it sought to confine the development within the settlement boundary and that its failure to achieve this objective was the result of a mistaken apprehension as to where the settlement boundary was in fact located. The short point is, in the LVAG's submission, that the development involves building in the open countryside, contrary to policy, and that no material considerations have been identified in either the application or Inquiry which could serve to justify this fact.

Density

23. The development proposals are also in conflict with the development plan insofar as they involve development at a density which is far in excess, at some 48 dph, of the level of density (viz 30 dph) specified in the Local Plan.
24. The LVAG would make four short points, where this issue is concerned.

- According to the Appellant, the Local Plan specification of 30 dph is in effect arbitrary, in that it derives from the Local Plan Inspector's assumptions as to the yield of the allocation site and "appears to be no more sophisticated than the application of PPG3's minimum density of 30 dph to a notional site of about 12 ha", while Appendix 4 to the Local Plan "perpetuates the assumption as to 30 dph and applies it to the slightly larger site of 12.8 ha"¹⁸ to yield an over all figure of 384 dwellings. It is plain from the Table in Appendix A, however, that the figure of 30 dph was not specified by way of a slavish adherence to PPG3. Each of the sites set out in that Table, rather, was specifically assessed as suitable for development of densities at the specified levels. Thus some of those sites were assessed as suitable for development at density levels in excess of 30 dph, and some as suitable for development at density levels of less than 30 dph (and where this is done, an explanation as to why is provided in a footnote). Indeed, only two of the sites in the Table are assessed at levels of 30 dph (namely, the allocated site, and that at land adjacent to Plough Farm, Plough Lane, Wokingham).
- It is also plain that the figure of 30 dph was arrived at by way of an application of the approach outlined in Appendix 5 to the Local Plan. On the Appellant's account, this approach dictates a density level of between 35 and 40 dph, because approximately half the appeal site lies within a distance of 800 m from a Larger or Local Centre Boundary. This result is only arrived at, however, if the 800 m in question is measured "as the crow flies". The LVAG's submission was, and is, that the relevant measure is 800 m on the ground. The former measure is entirely theoretical and bears no relevance to the objective which the "Pattern Book" contained in Appendix 5 seeks to achieve, namely, of ensuring that development of relatively greater levels of density will be located within close travelling distance from town centre amenities.¹⁹ The "on the ground" measure, by contrast, directly meets that objective, and is plainly the correct one.
- It is equally plain, in the LVAG's submission, that the "green fingers" comprised within the development should be excluded from the

¹⁸ SNPE para 8.52.

¹⁹ As confirmed in the evidence of Mr Cunnane in Re-X.

calculation of density. It is plain from the Appellant's evidence that, so far as it is concerned, these form important features of the development, whose function is to provide the site with "permeability" and to enable existing residents in the Woodley Airfield estate to gain access to the site itself and the proposed Countryside Amenity Area. These "green fingers" therefore fall squarely within the third and fourth bullet points of paragraph 8.20 of the DETR guidance quoted in the Rebuttal Proof of Simon Neate.²⁰ Moreover, contrary to Mr Neate's suggestion that the "green fingers" should be included within the density calculation by reason of the fact that they comprise contaminated land, it was made plain by the evidence of Mr Moore that, so far as the Appellant is concerned, after remediation, the land within the "green fingers" will not be contaminated, such that paragraph 8.23 of the abovementioned guidance²¹ has no application.

- The LVAG's contention that the "buffer strips" on the eastern boundary of the appeal site should be excluded from the calculation of density as falling within the scope of paragraph 8.20 of the guidance was plainly correct, and was not challenged by the Appellant by way of cross-examination of Mr Parker.

25. In the LVAG's submission, when the above points are taken into account, it follows that their own, and the Council's assessment of the development proposals as yielding a density of some 48 dph is also plainly correct.

Harm

26. As submitted above, the development proposals involve development in part on a greenfield site and in part in the open countryside, which conflicts with the Local Plan insofar as it extends into the open countryside, and insofar as it will be substantially in excess of the density level specified therein. This is the context, in the LVAG's submission, in which the question of whether the development will cause harm must be addressed. In the LVAG's further submission, the development will cause unacceptable harm, both to the countryside to the east and to the existing development on the Woodley Airfield estate to the west.

²⁰ Para 3.9.

²¹ Cited in SNRPE para 3.12.

Harm to the countryside

27. The Supplementary Planning Guidance contained in the Wokingham Borough Council Design Guide seeks to discourage harmful development proposals by requiring new developments located on the edge of smaller settlements, inter alia,²² to demonstrate how the interrelationship between open countryside and development form is respected, stating, in addition, that “Hard edges should be avoided and the development should recede and soften as it nears the edge adjoining open countryside”.²³
28. The Appellant sought, during the course of the Inquiry, to suggest that this requirement did not apply in the present case, on the basis that the appeal site is not a small or medium sized site, to which the Design Guide is “particularly” applicable.²⁴ As Mr Cunnane pointed out in cross-examination, however, while it may be the case that the Design Guide has particular application to small and medium sized sites, it is nonetheless expressly stated to be applicable in respect of all planning applications. Moreover, Mr Neate, giving evidence on the Appellant’s behalf, agreed that the Design Guide was a material consideration which should be afforded a reasonable degree of weight.
29. In the LVAG’s submission, the development proposals forming the subject-matter of the present appeal manifestly fail either to demonstrate how the interrelationship between open countryside and development form is to be respected, or to avoid hard edges or to achieve the objective of receding and softening as the development nears the edge adjoining open countryside.
30. In the first place, to repeat, the development will intrude into the open countryside, rather than receding from it. Second, the development was designed in accordance with an urban design framework,²⁵ and, insofar as it has a high level of density and a preponderance of tall (three storey) buildings, it has an intrinsically urban grain which is wholly out of place in the site’s rural location. Third, the development is “hard edged” in nature, presenting a wall of

²² Woodley is not a “smaller settlement” but Mr Moore agreed in XX by Counsel for the Council that the development should have a soft edge: see further below.

²³ Section 1.4.

²⁴ See Design Guide, p 2.

²⁵ See DMPE para 3.9.

development to the eastern countryside. In this connection, the LVAG adopts and concurs with the written evidence of Mr Phillips, and the oral evidence of Mr Cunnane. In particular:

- The harmful impact of the development is not limited to its impact at the point of Footpath 30 from where the south-eastern corner of the Site is visible, and at which point, as the Appellant admitted, the development was “harder” than intended and required to be modified in order to reduce the harm which it caused. Rather, the development is equally hard-edged all along the north-south eastern boundary, and equally harmful to the countryside as a result.²⁶
- Notwithstanding the Appellant’s efforts to diminish the visual impact of the development by the use of screening and landscaping, it will, to repeat, read like a wall of development from Footpath 30 and the proposed country park.²⁷ This is apparent from the “red washed” photographs contained within Mr Parker’s evidence, and is confirmed by the Appellant’s own evidence. Thus the photomontage view 1 contained in Appendix 4 to Mr Davies’s evidence presents the development as forming a plainly visible and over-bearing wall, while the artist’s impression displayed in the pictures at page 38 of the DAS also convey a clear impression of the development’s hard-edge, straight up against the open countryside.
- Far from proposing a form of development which recedes and diminishes as it approaches the countryside, the development involves the location of the second-highest buildings proposed (ie 2 ½ storey dwellings) along the eastern boundary of the appeal site.²⁸
- The 2 ½ storey dwellings in question are, in reality, 3 storey dwellings. Mr Moore, in XX by Counsel for the Council, himself could not distinguish between the drawings of the 2 ½ and 3 storey dwellings set out at pg 62 of the DAS, remarking, tellingly, of the drawing of house type H5.2 ie a 2 ½ storey dwelling, that it “looked like” a 3 storey dwelling. The dwellings in

²⁶ Evidence of Mr Cunnane in XX.

²⁷ Evidence of Mr Cunnane in XX.

²⁸ See DAS, Fig 16, p 30.

question may be said to be 3 storey in reality in that the uppermost storey of these dwellings is not in any way compromised or constrained by the fact that it is characterised as half a storey. On the contrary, it is depicted in the drawings as a full third floor, complete with full-sized windows and a balcony on the external elevation. As Counsel for the Council observed in XX of Mr Moore, the third storey accommodation proposed for these dwellings “could not be described as accommodation in the roof”. Further, while the heights of the dwellings of various storey-numbers vary, the difference between house type 5.2 (2 ½ storey dwelling, 10.6 m tall) and house type 5.3 (a 3 storey dwelling, 10.8 m tall) is a mere 0.2 m (20 cm).²⁹

- So far as the Appellant’s proposals to screen the site are concerned, the trees planted along the eastern boundary are deciduous and hence will have a limited screening effect during the winter months.

31. Mr Moore explained, in evidence,³⁰ that he agreed that a development with a soft edge at the boundary with the countryside was desirable, rather than a stark contrast between the countryside and the form of built development. If, however, this is what he was trying to achieve in the case of the development proposals he has, in the LVAG’s submission, failed to do so. Ultimately this is a matter of planning judgment for the Inspector and the Secretary of State. The LVAG would invite the latter to conclude, however, that the development will have an unacceptably harmful impact upon the countryside in that it comprises an urban form with a hard, built up edge which runs along the boundary of the site facing the countryside and which intrudes into the countryside at various key points.

Harm to the Woodley Airfield estate

32. Counsel for the Appellant introduced this issue, in opening, by describing the existing dwellings in the Woodley Airfield estate as “uninspiring” in form and as evincing an “anywhere” architecture. Citing PPS 3, she appeared to suggest that the proposed development should be regarded as an innovative and interesting

²⁹ The Appellant suggested, during the course of the Inquiry, that a condition might be imposed limiting the height of the 2 ½ storey buildings positioned along the eastern boundary of the appeal site. The LVAG would object to this proposal unless it could be demonstrated that the remainder of the site would then be capable of accommodating the balance of the approved dwellings.

³⁰ XX by Counsel for the Council; and see DMPE para 3.4 and DMRPE para 4.7.

departure from the bland status quo. The LVAG does not agree that either of these propositions is correct or that they reflect the approach which the Inspector and Secretary of State should take to the question of whether the proposed development will cause harm to the existing estate.

33. The Woodley Airfield estate is typically suburban, but it is no less valuable to residents, in amenity terms, for that reason. On the contrary, it forms a pleasant landscape of two-storey detached and semi-detached houses at a density of between 24 and 27 dph, with large gardens and ample greenery, including a large number of trees protected by tree preservation orders. The LVAG is prepared to accept that new development on the allocated site should be at a level of 30 dph, as prescribed by the Local Plan. Such a development could, if appropriately designed, take place without causing harm to the existing development. The development proposed by the Appellant is, however, quite simply too dense. The same point, in short, applies with regard to the existing development as applied with respect to the issue of impact on the countryside. The Appellant seeks to locate an urban form of development in an inappropriate location. This will jar uncomfortably with the suburban scale of the existing estate, and fail to achieve the required smooth transition between the existing estate and the countryside.

34. Irrespective of how the Appellant's case was put by its Counsel, it plainly accepts that the development should be in harmony with the existing development at Woodley Airfield. Thus the DAS purports to demonstrate the "harmony of the proposals with the scale of the surrounding built context".³¹ The LVAG would invite the Inspector to inform the Secretary of State, in making his recommendations, that the assertion that the development proposals are in harmony with the existing estate was not borne out by the evidence. On the contrary, the proposed development will be wholly out of scale with the existing one, both in terms of density (at 48 dph, it is approximately twice as dense), and also by virtue of the fact that it incorporates a predominantly 3-storey form of development.

35. The LVAG would respectfully refer the Inspector and Secretary of State to the aerial photograph set out at paragraph 6.1.2.4 (p 9) of the Proof of Evidence of

³¹ See DAS Fig 17 at text at section 4.9, pp 29-30.

David Parker. This photograph, in their submission, provides a compelling visual demonstration of the stark contrast between the proposed and existing developments, in density terms. It also demonstrates just how unacceptable the appeal site is for the proposed development, which might, arguably, be acceptable in a truly urban location, but which fails to respect or in any relevant sense harmonise with the suburban grain of the Woodley Airfield estate.

36. This issue, again, is one for the planning judgment of the Inspector and the Secretary of State. It is unclear to the LVAG, however, upon what basis it could be concluded that the proposed development will not cause harm to the existing estate, in that it will involve the juxtaposition of a city-style development with a traditional suburban form. When this harm is coupled with that done to the countryside, the conclusion must plainly follow that the appeal should be dismissed.

ISSUE 2: EFFECT IN LIVING CONDITIONS OF FUTURE RESIDENTS

37. So far as this issue is concerned, the LVAG endorses and adopts the evidence of the Council's planning witnesses, namely, the written evidence of Mr Phillips and the oral evidence of Mr Cunnane. As Mr Cunnane rightly pointed out, the consequence of the Appellant's attempt to cram as much development upon the site as possible is to create a situation in which contrived solutions must be generated to deal with artificial problems, which a suitably scaled development would not generate. Two particular examples may be highlighted as a case in point: namely, the privacy screens that require to be erected to the rear of the terraced houses to overcome the problem of overlooking, and the fact that gardens to rear of the (supposedly) 2.5 storey houses will be bounded by a blank, windowless, 2-storey high wall.³²

38. In addition, the design of the house type 4.4 is highly unsatisfactory³³ for the reasons given by Mr Parker in X-in-C and XX. The kitchen/diner on the ground floor is double aspect, but one of the aspects is into the parking area under the first floor terrace. The kitchen window opens directly into the covered underground area, which will have obvious implications for ventilation of the kitchen and, in any event, can hardly be said to constitute a pleasing view. Mr

³² See DAS Fig 23,, Sections A-A and B-B, p 55.

³³ See DAS Fig 29, p 61.

Parker gave underground evidence concerning his brother-in-law's experience of a similarly designed living space, but the point will be familiar to anyone who has small children. As Mr Parker pointed out, families with young children tend to spend large amounts of time in the kitchen, but this design of house has no access from the kitchen to any outdoor space (as would be normal in, for example, a typical suburban bungalow). Moreover, the roof of the covered parking area is merely a deck with no space for a proper garden, and the parking space in the underground area will be shared by four houses, meaning that the cars owned by the persons nearest to the entrance will be traversed, presumably on a daily basis, by those owned by the persons at the end.

39. A form of development incorporating these features is again, in the LVAG's submission, unacceptably urban, in contrast with the suburban form of development to the west, and unacceptable in its own terms in any event. As Mr Cunnane stated in his evidence, a properly designed development should not give rise to problems, such as overlooking, which then require to be solved. The problems displayed by the development in the present case arise purely as a result of the fact that the development proposals, quite simply, involve the placing of too much development on this site. The correct solution, in the LVAG's submission, is not to resort to artifice, to the detriment of future residents on the site, but rather to scale down the proposals to a sensible and acceptable level.

ISSUE 3: EFFECT ON THE LOCAL HIGHWAY NETWORK

40. So far as Issue 3 is concerned, the Appellant seeks to rely upon the fact that the Highway's Department has not objected to the appeal proposals. It does not follow, however, that the compelling evidence of local residents concerning the congested state of the roads in the area can be discounted. The LVAG would respectfully direct the Inspector and Secretary of State to the evidence of Mr Parker in this regard,³⁴ and would highlight the following points:

- The proposed development compares badly with the approved Oracle development. The latter development is predicted to generate a mere 12 departure movements from the site at the AM peak. The proposed

³⁴ DJPE, Section 7.

development, by contrast, would, according to the Appellant's Transport Assessment, generate 269 departure movements at the AM peak.³⁵

- The highway network is already extremely congested, and its capacity is severely restrained in a number of key respects, illustrated at paragraph 7.3.2 of the Proof of Evidence of David Parker, and described in detail in paragraphs 7.3..2..1-7.3.2.7. To take Bader Way as an example, the junction of this road with the roundabout to the A329M is narrowed by the bridge over the River Loddon, causing long tailbacks to Mohawk Way in the mornings. Coleman's Moor Road is used as a relief road by locals when Bader Way is blocked: yet part of the lower Coleman's Moor Road is permanently reduced to a single lane due to the fact that residents of the flats on the eastern side of the road have no off-road parking available, again causing congestion. Other examples are provided in the abovementioned paragraphs of Mr Parker's Proof.

41. Local residents use the roads surrounding the appeal site on a daily basis. As Mr Neate agreed in XX by LB, they are best-placed to know the roads and the traffic and congestion problems that confront commuters. The clear evidence of the LVAG is that these roads are already congested and frequently blocked. Adding the additional traffic to these roads they will be generated by the development proposals will only add to and exacerbate this problem. This, in the LVAG's submission, provides yet another reason for refusing to grant permission for a form of development which, for the reasons stated above, is unacceptable in any event.

42. The LVAG would also direct the Inspector and Secretary of State to the evidence which they have provided with respect to public transport provision (or the lack of it) for the site.³⁶ The Appellants have no more than a "hope" that a bus will be provided to service the interior of the site. However, there is and can be no guarantee that this will happen; and, for the reasons given by Mr Challis,³⁷ all of the available evidence indicates that this is unlikely to happen. The existing bus routes plainly do not, in the LVAG's submission, provide the site with an adequate service. The closest bus stop on routes 126 and 128 is a walk of some

³⁵ DJPE, para 7.2.1.

³⁶ See PCPE, section 4.

³⁷ See PCPE para 4.1..3.2.

2.5 km away from the proposed development.³⁸ The closest bus stop for route 500 is a 2.6 km drive away, and the existing Park & Ride will close in February 2012.³⁹ Moreover, the existing busses in fact take between 40 and 42 minutes to reach Reading during the peak hours and not the 20 minutes referred to by the Appellants.

43. It would in addition, be impracticable to journey to and from the site to local schools or to Twyford Station or Winnersh Triangle Station on foot or by bicycle.⁴⁰ The reality is that residents in the proposed development will be highly dependent on the private car, thereby exacerbating the problems caused by traffic and congestion referred to above. This again provides a further reason for dismissing the appeal.

ISSUE 4: REMEDIATION WORKS

44. The Inspector will no doubt appreciate that local residents have grave concerns about the remediation works proposed for the site. They remain unconvinced that the Appellant has taken into account all the available information, including in particular that set out in detail in the Proof of Evidence of Mr Challis,⁴¹ as a basis for reaching its conclusion that those works can be carried out safely and effectively. In particular, no explanation has been provided as to why RPS has, for the purposes of their 2008 Report, changed their opinion from that which it reached in 2006, in light of the conclusions of the CET Report, that it was unsafe to excavate the waste buried at the site and to expose the landfill to the environment.⁴² In the LVAG's submission, this is a glaring omission and it gives rise to a degree of uncertainty surrounding the remediation proposals which is unacceptable.

45. The Appellant relies, so far as this aspect of its case is concerned, upon the fact that the remediation process will be overseen by the Environment Agency, which, it believes, will ensure that appropriate safeguards are put in place. Be that as it may, the risk of noxious pollutants being released into the environment, with a concomitant risk to the health and amenities of local residents, cannot be entirely

³⁸ PCPE para 4.1.1.

³⁹ PCPE para 4.1.2.

⁴⁰ PCPE paras 4.2-4.4.

⁴¹ PCPE, Section 1.4..2.

⁴² See PCPE para 1.4.2.5.

discounted. In these circumstances, in the LVAG's submission, the relevant question which the Inspector, and Secretary of State, should put to himself is this: given the impact which, on any view, the proposed development will have on the countryside and the existing Woodley Airfield development, is this risk a risk worth taking? In the LVAG's submission, the answer to this question is, plainly not.

46. This is particularly so given the availability of evidence before the Inquiry both from local residents and from the LVAG which points to the conclusion that the amount of waste buried in the former landfill is in excess – indeed far in excess – of the 300, 000 cubic metres postulated by the Appellant. Local residents own experiences of the site also support the contention of the LVAG that the site contains difficult and dangerous wastes of kinds and amounts that have not been properly recorded. These difficulties will not be overcome merely by virtue of the fact that the remediation process will be conducted subject to the requirements of the Environment Agency. Rather, a proper assessment of the amount and kinds of waste on site needs to be undertaken before the Environment Agency can be fully informed as to the conditions that require to be imposed in order that that process can be undertaken safely. In the meantime, local residents remain unsatisfied that that is the case. The prospect also looms of the remediation process taking substantially in excess of four years to complete while these problems are resolved and the actual amount of waste present on the site determined and finally removed.

47. Mr Neate agreed, in XX by LB, that issues concerning the implications for local residents' health and amenity of the remediation scheme constituted material planning considerations. They should, therefore, be taken into account in the decision-making process. The question of the weight that should be placed upon these issues is, of course, one for the decision-makers. Given the gravity of the implications in question, however, the LVAG would request the Inspector to recommend to the Secretary of State that considerable weight should be placed upon these matters, and would invite the Secretary of State to accept that recommendation.

ISSUE 4: THE DEVELOPMENT PLAN

48. For the reasons and in the circumstances described above, the development proposals are contrary to the development plan. Specifically, the development will intrude into the open countryside, and is at a level of density significantly in excess of that specified in the Local Plan. The LVAG has outlined the harmful impacts which the development will have as a result of its failure to respect the limits laid down in the Plan.
49. The Appellant alleges that the development will bring various benefits with it.⁴³ The Appellant does not claim that these are material considerations which may be treated as outweighing the conflict with the development plan which the development involves. In the LVAG's submission, they should not be so treated, and should be regarded as carrying little weight in the assessment of the proposals.
50. Thus, if the site is used for residential development, in accordance with the Local Plan, then it will be remediated (and local people would prefer to see it naturally restored in any event). There is no reason why a smaller residential development could not also incorporate an element of accommodation for elderly persons: and the Appellant, while referring to a generalised need for such accommodation, has not pointed to any specific need in the Borough which is not being met and which the development proposals alone could meet. Similarly, while the Appellant has referred to a generalised need for housing in the Borough, it has not pointed to any evidence to show that there is a shortfall in provision which generates a requirement for an extra 100 odd homes on the site, in addition to those provided for in the Local Plan. On the contrary, the fact that the Council specifically allocated the site for development at a level of 30 dph, or 384 houses, should be taken as an indication that it considered such a level of provision, with an associated amount of affordable housing, to be sufficient to meet the Borough's needs during the Plan period.
51. As with the provision of accommodation for the elderly, there is no reason why a smaller development could not also provide facilities for the wider community. In particular, it is a requirement of the Local Plan than any development on the site

⁴³ See eg SNPE paras 2.5-2.10.

must provide for a country park. As for open space provision more generally, this is a defect in the proposals, rather than a benefit,, as is apparent from the concerns expressed concerning the lack of adequate provision by Sport England, and the fact that the development will involve the usurpation of the existing playing field at Woodley Church of England School, with unsatisfactory alternative provision.⁴⁴

52. For the above reasons, there are no material considerations which could serve to justify the fact that the development will conflict with the development plan. Secondly and relatedly, the alleged benefits of the scheme are not of such a nature or degree as to warrant a grant of permission. Most if not all them would be forthcoming with a smaller development in any event, and, in particular, with a development which provided these benefits but without the harmful impacts to which the proposed development in the present case will give rise.

CONCLUSION

53. The LVAG would respectfully invite the Inspector to recommend that the appeal should be dismissed, and invite the Secretary of State to dismiss the appeal, in the light of all of their written and oral evidence and for the reasons set out above. There is no evidence of a need for residential development on the site of the proposed scale (both in terms of building heights and density). In the LVAG's submission, the real motivating factor underlying the Appellant's attempt to cram as much development on to the site arises out of its profit margins. Local residents object to the proposal that their own valued amenities should be sacrificed in the interests of a development company's profit and in circumstances where there are no planning considerations to justify a granting of planning consent, and overwhelming planning considerations pointing to the conclusion that permission should be refused.

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⁴⁴ See DJPE, Sections 7.5.

30TH June 2009