

# **Land Adjacent Little Copse Southend Cold Ash Thatcham**

## **Application 22/02841/OUTMAJ**

Application for outline planning permission with some matters reserved for up to 23 First Homes with associated parking and private amenity area.

### **Objection by Councillor Simon Pike**

#### **1 Introduction**

1. This representation is made in a personal capacity by Councillor Simon Pike, a Thatcham Town Councillor and Chairman of its Planning and Highways Committee. I fully support the objection made by the Town Council to this application.
2. I am Advocate for Thatcham Town Council (as a Rule 6 Party) in the ongoing planning inquiry regarding the unauthorised gypsy and traveller site on the opposite side of Lawrences Lane to this application (Appeal Reference: APP/W0340/W/22/3292211 - in this representation referred to as "Appeal"). This has given me a good understanding of the locality of this application. I have also studied the Ministerial Statement and Government Guidance on First Homes.
3. As a result of this insight, I have identified further grounds for refusal of this application. These are discussed in the following sections and summarised in the closing Conclusions section.

#### **2 The First Homes scheme**

4. This application is made as a 'First Homes exception site' under the Affordable Homes update made by the Government on 24<sup>th</sup> May 2021<sup>1</sup>:

"A First Homes exception site is an exception site (that is, a housing development that comes forward outside of local or neighbourhood plan allocations to deliver affordable housing) that delivers primarily First Homes as set out in the First Homes Written Ministerial Statement."

Therefore, the 'exception' is to the site allocations in the local plan. All other Government guidance and planning policies on the appropriateness and suitability of the site still apply.

5. The exact scope of this planning application is unclear. The application states: "Application for outline planning permission for up to 23 First Homes with associated parking and private amenity area. All matters reserved aside from principal point of access." However, if all matters apart from the principal point of access are reserved, then the status of the properties as First Homes (or otherwise) must also be reserved.

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<sup>1</sup> Guidance - First Homes; <https://www.gov.uk/guidance/first-homes>

6. These representations highlight several reasons why this site is unsuitable for housing – and particularly that the access to the site along Lawrences Lane is grossly inadequate and inappropriate. Therefore, this application should be rejected.

### **3 Landscape, Green Infrastructure and ecology**

#### **3.1 Landscape**

7. Paragraph 6.4 of the Design and Access Statement says “The site is not within a conservation area or the AONB”, but does not address the setting of the AONB.

8. West Berkshire Council accepts that the gypsy and traveller site is within the setting of the AONB<sup>2</sup>:

“The land falls outside of, but within the setting of the North Wessex Downs Area of Outstanding Natural Beauty (AONB).”

It is therefore almost certain that this site is also considered to be within the setting of the AONB.

9. Paragraph 176 of the NPPF (July 2021) says:

“Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues ... while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.”

10. The ‘Affordable Homes Update’ statement<sup>3</sup> says:

“First Homes exception sites should be on land which is not already allocated for housing and should:

b) be adjacent to existing settlements, proportionate in size to them, not compromise the protection given to areas or assets of particular importance in the National Planning Policy Framework, and comply with any local design policies and standards.”

11. Therefore, the location of this application within the setting of the AONB is a material consideration, and any impact on the AONB should be given a high weight.

#### **3.2 Green Infrastructure**

12. Thatcham Town Council believes that Lawrences Lane is Green Infrastructure, as defined by Core Strategy CS18 and Annex 2 of the NPPF, especially as the lane has been has been

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<sup>2</sup> Appeal Statement of Common Ground, Core document CD10.7; pages 2 & 5.

<sup>3</sup> Statement made by Lord Greenhalgh, Minister of State for Building Safety and Communities, on 24 May 2021, reference UIN HLWS48.

identified as a leisure route for active travel. This is described in its Statement of Case for the Appeal<sup>4</sup>:

West Berkshire Council Core Strategy CS18 gives the following definition of Green Infrastructure:

“5.124 For the purposes of this Core Strategy, green infrastructure is defined as [including] Green corridors – including river and canal banks, cycleways and rights of way.”

“5.125 The multi-functional nature of GI in the District is important for many reasons. It contributes significantly to the quality of life for residents, workers and visitors, in terms of both visual amenity and for sport and recreation purposes. ... It increases access to the countryside, and supports healthy living.”

Lawrences Lane is a green corridor from the outskirts of the town to the AONB, and is therefore Green Infrastructure. Policy CS18 states:

“Developments resulting in the loss of green infrastructure or harm to its use or enjoyment by the public will not be permitted.”

13. The Town Council believes that the passing place that is proposed in the Appeal would reduce the enjoyment by the public of this green corridor. The passing place and access into the site that are proposed as part of this application would also harm this green infrastructure, and both would cumulatively cause great harm.

### **3.3 Ecology**

14. From numerous walks along Lawrences Lane, I have observed that the drainage ditch along the west side of the Lane retains water for lengthy periods, and might therefore also be a habitat for great crested newts.
15. The document “Provisional Environmental Assessment (including Phase 1 Bar Survey) prepared by Dr. Jonty Denton”, which is stated in paragraph 1.4 of the Design and Access Statement to support the application, is missing from the West Berkshire Council planning portal. I do not know whether it has been supplied to the Council, but I have not been able to review it.
16. The site is immediately adjacent to Little Copse, which is designated as a local wildlife site, and the site is bounded by hedgerows on two sides. The application form is therefore incorrect in several respects:
- There are trees on land adjacent to the proposed development site that might be important as part of the local landscape character.
  - There is a ‘Designated site, important habitat or other biodiversity feature’ on land adjacent to or near the proposed development.

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<sup>4</sup> Thatcham Town Council Rule 6 Statement of Case (version approved by the Planning and Highways Committee of Thatcham Town Council on 25th October 2022; Appeal Core Document 10.3, paragraphs 55 and 56.

- There is a hedge on the proposed development site along the boundary with Lawrences Lane, which forms part of the green infrastructure of the Lane.
- There is also a broad hedgerow along the southern boundary of the site, between the site and Southend, which is likely to act as a wildlife corridor. This is outside the 'red line' area of the current application, but was within the area of a previous application 87/29019/ADD.

#### **4 Highways and access**

17. The applicant has provided a Transport Statement prepared by Mr Ian Roberts of Bellamy Roberts. This gives no indication that he has actually visited the site, and his report overlooks points that would be obvious if he had visited.
18. Paragraph 1.9 of this Transport Statement refers to the Highways Technical Note that has been prepared for the Appeal appellants, which proposes a passing place on the east side of Lawrences Lane, roughly opposite the proposed access to this site. However, some aspects of this report are not accepted by West Berkshire Council or Thatcham Town Council, so it is necessary also to refer to both Councils' Statements of Case and Proofs of Evidence on highways matters. It is important to note that the parties to the Inquiry accept that the location of the passing place in this Note is indicative, and that it will need to be lengthened slightly to accommodate a longer towing vehicle.
19. It is therefore unclear how Mr Roberts was able to reach the conclusion that "It is considered that neither scheme would prejudice each other..."

##### **4.1 The proposed passing place and visibility**

20. The Transport Statement proposes a passing place to mitigate the narrow width of Lawrences Lane. I object to this passing place, because it would harm the green infrastructure of the lane. However, it would also be ineffective.



21. For a passing place to fulfil its purpose, a vehicle on the opposite side to the passing place will need to stop before it reaches it, so that the oncoming vehicle is able to pull into it.
22. This photo is taken from approximately the position of a driver within a vehicle that would need to stop to allow the oncoming vehicle to pull into the proposed location of the passing place. At this location, there is a blind bend, and a vehicle heading towards Floral Way is likely to have obstructed the passing place before it sees an oncoming vehicle.

##### **4.2 Pedestrian Access to the site and along Lawrences Lane**

23. The Transport Statement states in paragraphs 2.5 and 3.8 that:

2.5 “There are no dedicated cycle facilities within the immediate vicinity of the application site, however the relatively quiet roads are conducive to cycling.”

3.8 It is acknowledged that Lawrences Lane is a popular site for dog walkers, however the pedestrian movements are likely to be low. Such combined factors would result in a safe environment for pedestrians to walk along Lawrences Lane.”

24. It is unclear what is meant by ‘the immediate vicinity’. However, there is a dedicated cycle path along Floral Way, which is around 200m away from the proposed site entrance. The closure of Lawrences Lane to motor traffic could also be considered to create a dedicated cycling facility, immediately adjacent to the site.

25. Lawrences Lane can only be a safe environment for pedestrians or conducive for cycling if it is wide enough for a vehicle to safely pass a cyclist or pedestrian – let alone a pedestrian with a buggy. For much of its length between the proposed site entrance and the existing footway on Lawrences Way, the Lane is only around 2.8m wide, and is bounded by steep banks (see photo). It would not be possible for a vehicle to safely pass a pedestrian or cyclist on this section of road, especially at night.



26. It should be noted that it would be very challenging to construct a footway along this section of road, given the proximity of curtilages to the edge of the carriageway – although I would object to this, as it would harm the green infrastructure of the Lane.

#### **4.3 Traffic Survey**

27. At the time that the traffic survey, at Experimental Traffic Regulation Order was in place, which prohibited motor vehicles from travelling along Lawrences Lane. Therefore, the only traffic movements should have been to or from the unauthorised gypsy and traveller site. I appreciate that some vehicles ignored this prohibition and the associated signage, which led the Council to install bollards on the lane (I am not aware how the timing of the traffic survey relates to the presence of the bollards).

28. Therefore, very little weight can be given to the traffic survey at present, because it is unclear how the recorded movements relate to the situation that will exist at the time that the site might become occupied.

29. I do not understand why Mr Roberts is uncertain about the status of the closure of Lawrences Lane to through traffic (paragraph 3.9 of the Transport Statement). The signage associate with this closure is very clear on the Lane, and the statutory notices for the TRO are still in place on sign posts.

#### **4.4 Relationship to ecology**

30. The access to the site would substantially affect the character of the drain to the west of the Lane, which could harm its status as a wildlife habitat.

### **5 Drainage**

31. The site slopes downhill from the access onto Lawrences Lane, with plots 15-17 being approximately 10m below the elevation of the Lane. It is therefore unclear how foul water drainage can be provided for this site.

32. It should also be noted that the most recent proposed Outline Drainage Strategy for the gypsy and traveller site relied on the drainage ditch on the west side of the Lane.

### **6 Conclusions**

33. Paragraph 110 of the NPPF states:

“In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

b) safe and suitable access to the site can be achieved for all users;”

The proposed access to the site is unsuitable for motor vehicles, because it is not possible to provide suitable arrangement for two vehicles to pass on Lawrences Lane. It is unsafe for pedestrians and cyclists, both to access the site and using Lawrences Lane for recreation, because the Lane is too narrow for a motor vehicle to safely pass a pedestrian or cyclist.

34. The proposed access to the site will harm the Green Infrastructure of Lawrences Lane, especially if a passing place and/or a footway is considered necessary (if one is feasible).

35. There are several unaddressed issues for this application, relating to traffic movements, ecology and foul drainage.

36. I therefore object to the approval of this application, and I urge the Council to reject it.

37. If, despite the grounds for objection set out in this document and other representations, West Berkshire Council is minded to approve this application, then it is essential that the applicant commits at this stage, through a Section 106 Agreement<sup>5</sup>, that this site is a First Homes exception site, and that every home on the site would comply with the conditions to be a First Home.

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<sup>5</sup> The Government has issued guidance on ‘First Homes Section 106 Prescribed Clauses: <https://www.gov.uk/government/publications/first-homes-early-delivery-programme-2021-to-2023-guidance-for-developers> Not all of these clauses might be relevant at this stage.