

CASE OFFICER'S (MBB) REPORT ON APPLICATION NUMBER 22/00244/FULEXT



**Site: Land Rear Of The Hollies
Reading Road
Burghfield Common
Reading
West Berkshire**

MEMBER EXPIRY DATE - 23rd March 2022.
EOT to the 1st June 2022.

INTRODUCTION

This application site, of 1.83ha, currently open pasture land, seeks full planning permission for the erection of 32 dwellings on land to the rear of the Hollies Nursing Home, within the settlement of Burghfield Common. With associated works, landscaping and access points. 13 of the dwellings [40%] will be for affordable purposes.

The application site will be accessed off Regis Manor Road a non-adopted road lying to the east of the application site which presently serves 28 dwellings now completed and occupied. The application site is well wooded on all sides and is steeply sloping towards the northern boundary. Existing housing lies to the south of the site in addition.

With a mix of garages and car ports plus open parking spaces, a total of 77 vehicle parking spaces are to be provided on the application site.

There are no designated ecological sites on the site, although ancient woodland does lie around the site boundaries, against which the statutory 15m buffer is set out, for protection purposes. The site in addition lies in flood zone 1 and no assets of heritage significance lie or abut the site red line. A tpo also lies on the application site.

PLANNING HISTORY

Nothing post 2000 on the application site.

However on the adjacent site for 28 dwellings—

16/01685/OUTMAJ. Permission granted for 28 dwellings on the 30th October 2018.

19/00772/RESMAJ. Reserved matters approval granted on the 8th August 2019.

PROCEDURAL MATTERS

EIA:

Given the nature and scale of this development, it is not considered to fall within the description of any development listed in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As such, EIA screening is not required.

A local resident has sought to have the determination of the planning application to be called in by the Secretary of State for Communities and Levelling Up. No reason is provided in the correspondence.

The relevant officer from the Department has confirmed that assuming the application is refused by the Council no further action will be taken on the matter by email dated the 9th May 2022. Accordingly the application is NOT called in under section 77 of the 1990 Town and Country Planning Act and Article 17 of the DMPO of 2015 as amended.

Publicity:

Site notice displayed on the 23rd February 2022 with the deadline for representations expired on the 16th March 2022.

Amended plans site notice. Displayed on site on the 5th April with expiry on the 21st of April.

A public notice was displayed in the Reading Chronicle on the 17th February 2022.

CIL:

Community Infrastructure Levy (CIL) is a levy charged on most new development to pay for new infrastructure required as a result of the new development. CIL will be charged on residential (C3 and C4) and retail (A1 - A5) development at a rate per square metre (based on Gross Internal Area) on new development of more than 100 square metres of net floorspace (including extensions) or when a new dwelling is created (even if it is less than 100 square metres).

However, CIL liability will be formally confirmed by the CIL Charging Authority under separate cover following the grant of any permission. More information is available at www.westberks.gov.uk/cil

CONSTRAINTS AND DESIGNATIONS

Within the settlement boundary of Burghfield Common.

Ancient woodland and TPOs abut the application site.

Within the inner zone of the AWE [B] DEPZ.

PLANNING POLICY

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The relevant policies of the statutory development plan for West Berkshire are listed below. These policies can be read online at www.westberks.gov.uk/planningpolicy.

West Berkshire Core Strategy 2006-2026

Policies: ADPP1, ADPP6, CS1, CS6, CS8, CS13, CS14, CS17, CS19.

Housing Site Allocations DPD 2006-2026

Policies: GS1, HSA16, P1.

The following are relevant materials considerations:

The National Planning Policy Framework July 2021.

- The Planning Practice Guidance (PPG)
- Quality Design SPD (2006)

CONSULTATION RESPONSES

Burghfield Parish Council. Objection on the basis that the Regis Manor access road is poor and support Emergency Planning Objection.

Highways Authority: Currently objecting on the basis that the proposed access road is not adopted, and the parking layout does not satisfy policy P1 in the HSADPD.

EA. Does not wish to be consulted on the proposal.

Forestry Commission. Ancient woodland abuts the application site so great care must be taken for the scheme not to detrimentally impact upon this ecological resource.

Council Ecologist. No response.

SUDS. No response.

Tree officer . Objects to the application. The scheme is too compressed in terms of the constraints of the TPO trees affected and the impact on the ancient woodland to be acceptable . Recommends refusal.

Archaeologist. No objections to the proposal.

Council housing officer. Support the application. If approved a s106 is required to deliver the 40% affordable units [13 number] identified under policy HSA16 and CS6.

Thames Water. Conditional permission is recommended.

Thames Valley Police. A number of detailed points made about the design and layout of the scheme in terms of overall security and surveillance.

AWE, ONR and Emergency Planning officers.

All strongly object to the application as proposed. The site lies in the inner DEPZ of AWE Burghfield and will increase the population density of the area, which will inevitably compromise the effectiveness of emergency evacuation procedures in the event of an incident at the AWE. Not accepted. Contrary to policy .Potential harm to future public safety.

PUBLIC CONSULTATION RESPONSES

Total received: 35

Object: 34

Support: 1

Ambivalent: 0.

Summary of representations:

The objectors are concerned, in no particular order , about the following planning issues.

Site within the AWE DEPZ so no more housing should be permitted.

Impact on ancient woodland.

The existing access is not adopted and not suitable for the additional traffic.

Site and off site safety will be compromised.

Impact on local amenity, overlooking, loss of outlook, loss of view.

Increased noise and pollution. Disruption during the construction phase.

Detrimental impact on local ecology.

Gross overdevelopment of the site.

Suds not adequately dealt with.

Local services and infrastructure cannot keep up with yet more residents.

Not enough parking on site.

The site should have been master planned as a whole in the first instance.

Support.

The site has been allocated in the HSADPD and should therefore be accepted by the LPA. The DEPZ issue is not one that is sufficient to refuse the application—the allocation was known in 2017. The site will provide much needed affordable housing and in addition will assist the Council 5 year housing land supply. If the application is refused it will no doubt be appealed by the applicant and the Council is at risk of a costs award.

PRINCIPLE OF DEVELOPMENT

The Council overall spatial strategy in the WBCS is set out in policy ADPP1. This states [inter alia] that "most development will be within or adjacent to the settlements in the settlement hierarchy.. " In addition in the same policy Burghfield Common is identified as being a Rural Service centre which is second in that hierarchy. Secondly policy CS1 relates to delivering new homes and retaining the housing stock. It notes that new homes will be primarily developed on land allocated for residential developments in subsequent DPDs.

Flowing on from this the Council adopted the HSADPD in 2017 which made a whole range of housing allocations across the District and Burghfield was no exception. This application site comprises the western half of allocated site under the remit of policy HSA16. That policy notes the allocation of approximately 60 dwellings. 28 dwellings have already been permitted and constructed to the east in the allocation so the remainder of 32 comprises this site application. Accordingly in principle [all other technical matters being satisfactory] the scheme in question is in theory at least acceptable -but note the issue about other technical matters and see below.

Having noted all of this however policy GS1 in the HSADPD sets out a range of overarching criteria which should be assessed when progressing planning applications relating to each site. The first bullet point under GS1 notes that each allocated site will be masterplanned and delivered as a single entity in order to achieve a comprehensive scheme, and so creating coordinated provision of infrastructure [eg roads] . A single planning application should be submitted for each site in order to achieve this approach.

Unfortunately it is noted that the eastern half was submitted and approved earlier than the remainder on the site, ie this current proposal. Accordingly GS1 is not adhered to and difficulties have already arisen in respect of this lack of a streamlined and co ordinated approach in respect of the apparent problems over the non adoption of Regis Manor road. Which is the proposed access route to the 32 dwellings. Accordingly it is concluded that the application remains contrary to this aspect of policy GS1. Nevertheless, in the context of the eastern portion of the site having already secured a planning permission and currently being developed, it is not considered that non-compliance with the single application requirement of Policy GS1 justifies in itself a reason for refusal to this effect in this case under the circumstances.

DESIGN, CHARACTER AND LAYOUT.

In terms of the layout of the scheme, it is considered that given the difficult physical site constraints, namely the relative proximity of surrounding housing, the steeply sloping site to the north and the presence of protected trees and ancient woodland, the applicant has successfully managed to incorporate a layout which succeeds in providing the full 32 dwellings balance from the 60 units allocation, without compromising to an unacceptable degree most of the constraints identified. However the one area which the proposal compromised and has a material adverse and harmful impact is the trees issue --see below. The overall density is 17.4dwp ha is not high, and corresponds to surrounding densities generally. In addition, given the location of the immutable access point for vehicles, the position of the internal access road is fairly set, around which the necessary suds features and public open space are located along with the necessary parking spaces and so forth. In addition the design of the housing is traditional and well conceived with a pleasant variety of traditional architecture, promoted by a well known and respected "mid range" house builder. The

choice of external facing materials is also accepted and would have been conditioned if the application had been progressing to an approval. The details in any event are all set out in the application submissions. So no reason for refusal will correspond to this factor.

NEIGHBOURING AMENITY

An analysis of the proposed layout plan, in respect of the physical configuration of the 32 dwellings in relation to their surrounds notes that the closest relationship to any existing dwelling is plots 1-5 inclusive which has a flank wall distance to the nearest dwelling in Regis Manor Drive of 6m [flank wall]. Secondly, plots 9-11 are 26m away from the rear of the closest dwelling to the south adjacent Haycroft. Finally plot 16 has a back to back distance of 30m to Glebe Gardens. All these relationships are not considered to be materially harmful to amenity. A number of objectors note loss of outlook and view but whilst there will be a degree of impact it will not be harmful in the view of the case officer. Moving onto the proposed internal layout itself, it is noted that some of the rear garden lengths do not meet the normal minimum distance of 10.5m . But this is to respect protected trees in the vicinity and no overbearing/overlooking problems will result. There is a "pinch point" of a front to front distance of 8m between plots 29 and 30 at the westernmost end of the scheme, but again there is a good reason for this, being the sloping site and the need to protect local trees. To conclude, no reason for refusal will correspond to any unacceptable impact on local residential amenity.

HIGHWAY MATTERS

The Council highways officer has commented on the planning application as follows.

1—the expected traffic generation from the site once completed and fully occupied is expected to be about 175 vehicle movements on a daily basis. Given the relatively sustainable location of the site and good road network around, this will not have a severe impact on the network, so the application is accepted on this basis.

2—In regards to the internal layout, there are no objections with appropriate traffic calming measures being put in place which will create a safe road environment. In addition, whilst there is some dispute about parking provision 77 spaces are provided on site which equates to that defined in policy P1 in the HSADPD an average of 2.4 spaces per dwelling, including visitor spaces. In addition, if the application had been approved a condition requiring ev charging points would have been applied.

3—In terms of on site permeability as required by the advice in policy GS1 and HSA16 , the case officer was concerned that an opportunity had been missed in providing an additional link for pedestrians and cyclists to the Reading Road , via land to the rear of Bleak Cottage. Accordingly, amended plans were submitted to cover this point and reconsulted upon. It is considered that whilst objections have been received on these plans this would have improved connectivity on the site for future occupants and so the application is being determined on the basis of these formally revised plans.

4—Policy CS13 in the WBCS is the transport policy against which applications such as this need to be assessed against. Given that the new housing has good access to key services and facilities, will not be harmful to the local road network, and will have sufficient parking on site and an acceptable internal layout , no objections are currently raised , apart from the ongoing dispute about the non adoption of Regis Manor Road to the east, the only vehicle access to the site. It is noted that no reason for refusal specifically relating to this issue will be identified on the notice, since the planning legislation cannot be used to enforce adoption [or otherwise] of roads which have been built to adoptable standards and so capable of physically accommodating the expected traffic generation from the application site, despite the ongoing public objections on this matter—which will be a civil matter and a highways authority issue.

EMERGENCY PLANNING

1—Consultations

It is noted that in relation to the proposal, the Council Emergency Planning Team have formally objected to the application, on the basis that given all of the site lies within the inner DEPZ for AWE Burghfield, any increase in the density of population which would arise, which has not been allowed for within the Councils Emergency Plan for any potential future incidents at the site which might harm public health, will not be acceptable. In addition, the ONR who are the National Government body who advise on such applications as this have agreed with the advice of the Council Emergency Planners. Finally, in addition, the AWE itself has formally objected to the development, on the grounds that in the advice in para 97 of the NPPF. Paragraph b) of this notes the following—"recognising and supporting development for operational defence and security purposes , and ensuring that operational sites are not adversely affected by the impact of other development in the area."

Clearly the introduction of an additional 32 dwellings with perhaps up to 75 additional residents has this potential to compromise that future defence capacity and capability. This is in the light of very significant public expenditure in the AWE Burghfield site in the light of recent planning permissions for new nuclear installations which will be coming forward soon.

2—Policy

Firstly, in policy GS1 in the HSADPD the first line notes that "All sites will be delivered in accordance with the West Berkshire Development Plan" and the WBCS is identified as being an integral component of that Plan. Policy CS8 in the Core Strategy identifies three safety zones around the two AWE sites, within which in the inner zone, all residential development, upon which the ONR has advised against, on the grounds of public safety, will likely be refused planning permission. It is noted that this is not however an automatic rejection.

3—Timeline.

When the HSADPD was prepared by the LPA, the proposed level of housing on the allocated sites was consulted upon and the Council emergency planners AT THAT TIME, [pre 2017] allowed for the 60 units under HSA16. However since then in 2019, the Government advised following further technical research that the inner DEPZ for the Burghfield AWE site under the REPPiR Radiation [Emergency Preparedness and Public Information) Regulations 2019 be revised. Since no planning permission existed at that time on the application site [albeit it was an allocated site] no allowance was made in the Emergency Plan for the future potential 32 units. Accordingly the Council EP team and the AWE are objecting to the application. This situation did not pertain to the consideration of application number 16/01685/OUTMAJ which was finally approved in late 2018, ie prior to 2019.

OTHER MATTERS

Affordable Housing

The housing officer has noted that should the application be approved the 13 on site affordable units (40% affordable housing of which 70% 9 units should be for social rent) must be achieved via the completion of a relevant s106 obligation attached to the planning permission, if issued. Clearly in this case the application is to be refused. In the absence of a Unilateral Undertaking at the present time to deliver these 13 dwellings in accord with the advice in policy HSA16 in the HSADPD and policy CS6 in the WBCS of 2006 to 2026, one reason for refusal on the notice will correspond for the need for this, IF the application is appealed and allowed at appeal -without prejudice.

Trees

One other point of concern from local objectors is the impact the scheme and future residents will have upon the TPO near the site and the ancient woodland designation to the north. It is noted that

the submitted layout has respected the required minimum 15m buffer strip to the ancient woodland , but protected trees will be felled if the application were to proceed, and the Council tree officer has objected to the scheme on this basis . It is accordingly contrary to policy CS17 in the WBCS. In addition, notwithstanding the 15m buffer noted adjacent the ancient woodland, the officer is concerned about a lack of mitigation to reduce the pressures which will arise on this woodland by the number of new occupants on the site if it proceeded. The application fails to explore alternative layouts that would either avoid and/or minimise the impact on TPO trees and also allow sufficient space for commensurate replacement, by potentially considering a less intensive layout.

PLANNING BALANCE AND CONCLUSION

The Council must of course fairly balance the planning merits and demerits of the proposal. On the one hand, if approved, it would assist the Councils 5 year housing delivery [albeit a low percentage], and would deliver 13 affordable units. It would make efficient use of a greenfield site in a sustainable location. On the other hand, however, it could potentially compromise the future effective working of the UK pre eminent nuclear installation for defence purposes, along with AWE Aldermaston, and compromise local public health in the event of an emergency evacuation in the locality, clearly contrary to national and local policy. The case officer through the Council is accordingly advising that the application be refused, notwithstanding it is an allocated site in the Development Plan. In addition the applicant has submitted Counsel advice as to why despite the above objections, the Council should still be in a position to approve the planning application. The Council is of the view that the submissions do not merit an approval of the application, and is intending [without prejudice] to de allocate the application site under the Regulation 19 submission of the forthcoming Local Plan Review.

RECOMMENDATION

Refusal . DEPZ and lack of s106 for housing, and Impact on trees.