

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
APPEAL BY T A Fisher & Sons Ltd

Appeal Against the refusal of Full Planning Permission
by West Berkshire Council

ON

LAND TO THE REAR OF THE HOLLIES, READING ROAD,
BURGHFIELD COMMON

For

The erection of 32 dwellings including affordable housing,
parking and landscaping. Access via Regis Manor Road.

Application Reference no. 22/00244/FULEXT
APPEAL REFERENCE: APP/W0340/W/22/3312261

SUMMARY PLANNING PROOF OF EVIDENCE

Prepared by
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Director - Pro Vision

August 2024

LAND TO THE REAR OF THE HOLLIES, READING ROAD, BURGFIELD COMMON

SUMMARY PLANNING PROOF OF EVIDENCE

PRO VISION PROJECT NO. 50929

PREPARED BY:

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DIRECTOR

PRO VISION

APPELLANT:

T A FISHER & SONS LTD

DATE:

AUGUST 2024

PRO VISION

THE LODGE

HIGHCROFT ROAD

WINCHESTER

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Introduction

- 1.1 I am Katherine Miles, Director at Pro Vision. I hold a BA (Honours) Degree in Town Planning and an MSc in Town and County Planning. I have over 21 years' experience and am a Member of the Royal Town Planning Institute.
- 1.2 The evidence I have prepared for this appeal is true and is given in accordance with the guidance of my professional institution. The opinions expressed are my true and professional opinions.

Background

- 1.3 The appeal is against the decision of West Berkshire Council to refuse full planning permission for the erection of 32 dwellings on land to the rear of The Hollies, Burghfield Common. The Appeal Site is allocated within the Development Plan under Policy HSA16.
- 1.4 Having regard to the reasons for refusal, the Inspector has stated that the main issues are:
- (i) the safety and wellbeing of future residents, and the wider public, with regard to the proximity of the Atomic Weapons Establishment site at Burghfield (AWEB);
 - (ii) the future capability and capacity of AWEB to operate effectively; and
 - (iii) the character and appearance of the area, with particular reference to local tree cover.

Analysis of the Policy Context

- 1.5 The Development Plan comprises:
- The West Berkshire Core Strategy 2006 – 2026 (adopted July 2012); and
 - The Housing Site Allocations Development Plan Document (adopted May 2017).

- 1.6 A list of policies has been agreed with the Council in the SOCG (Section 6 CD28.2) and the full text of relevant policies as referred to in the Decision Notice (CD4.2) were included with the appeal questionnaire (CD5.55). For ease, I set out in the table below the relevant policies and the weight I attach to them:

Policy	Weight	Comments
ADPP1	Full	Sets out the spatial strategy for the District and identifies the target of “at least” 10,500 net additional dwellings
ADPP6	Full	Relates to the East Kennett Valley and confirms that 800 new homes will be built within the area over the plan period. Confirms Burghfield Common is a focus for growth as a Rural Service Centre
CS1	Full	Confirms that provision will be made for at least 10,500 homes over the plan period through strategic allocations and a future Site Allocations DPD.
CS6	Full	Sets out the policy for Affordable Housing
CS8	Full	Confirms the site is within the middle consultation zone and consultation with ONR is required
CS13	Full	Requires new development to have good access to local facility and services and mitigate any impact on the highway network
CS14	Full	Requires proposals to demonstrate a high quality of design which respects and enhances the character and appearance of the area, and which makes a positive contribution to the quality of life in West Berkshire
CS17	Full	Requires conservation and enhancement of biodiversity and geodiversity
CS18	Full	Seeks provision for high quality and multifunctional open spaces
CS19	Full	Requires new development to conserve and enhance the diversity and local distinctiveness of the landscape character
HSA16	Full	Allocates the appeal site for 60 houses and includes the site within the Settlement Policy Boundary of Burghfield Common
GS1	Limited	Requires a comprehensive and master-planned approach to the delivery of the HSA allocations. I attach limited weight because the Council accepted a phased approach to the delivery of this allocation in approving the application for 28 houses on the first phase.
P1	Full	Sets out the parking requirements for residential developments

1.7 My evidence, in conjunction with the evidence of Dr Keith Pearce in respect of Emergency Planning (Issues 1 and 2) and Mr Jago Keen in respect of Trees (Issue 3), concludes that the appeal proposal:

- accords with Policies ADPP1 and ADPP6 as the Appeal Site is within the Settlement Policy Boundary of Burghfield Common, a designated Rural Service Centre which is a focus for development in the East Kennet Valley and the Appeal Proposal delivers 32 houses on an allocated site.
- accords with Policy CS1 as the Appeal Proposal delivers 32 houses on an allocated site and thereby contributes to meeting the Council's Core Strategy housing requirement of "at least 10,500" new homes.
- accords with Policy CS6 because 40% affordable housing is proposed and has been secured via a legal agreement.
- accords with Policy CS8 as the appeal proposal is committed development as established by Policy HSA16.
- accords with Policy CS13 as the Appeal Site has good access to local services and facilities, will not result in a severe impact to the local road network, and will have sufficient parking on site.
- accords with Policy CS14 as the density of the development at 17.4dph corresponds with surrounding densities, the dwellings are of a traditional high-quality design which respect the character of the area and respect the amenity of existing residents.
- accords with Policy CS17 as whilst there will be a small loss of TPO'd trees, and a section of hedgerow from the site (which is of low value and not protected), significant new and additional planting is proposed to mitigate these losses.
- accords with Policy CS18 and CS19 because the site is an allocated site within the Settlement Policy Boundary of a Rural Service Centre where the development will provide appropriate landscape planting, open space and other environmental enhancements.
- accords with Policy HSA16 as the appeal proposal delivers the balance of the allocation of 60 dwellings in accordance with the criteria of the policy.
- does not conflict with Policy GS1 because the Council approved the development of 28 dwellings on a part of the HSA16 allocation thereby establishing the principle of a two phased development on this site as discussed in the Officers Report (CD5.8).
- accords with Policy P1 as the requisite number of parking spaces to serve the dwellings are proposed.

- 1.8 The Council submitted its Local Plan Review for Examination in March 2023. After a failed attempt to withdraw the Plan from Examination in December 2023, the Examination Hearings commenced in May 2024.
- 1.9 The Examination Inspector's Interim findings (CD22.6) request the Council to propose modifications to "*identify additional deliverable sites and/or developable sites and/or broad locations*" following concerns raised in relation to a housing land supply shortfall and the delivery trajectory of the North-East Thatcham Strategic allocation.
- 1.10 The Council's response is included at CD22.14. The Council propose four additional sites for allocation, along with proposed changes to Policy SP17 relating to the strategic allocation at North-East Thatcham. It will be for the Local Plan Inspector to consider whether these proposed modifications address the concerns identified via his Interim findings.
- 1.11 It is my opinion that the Local Plan Review carries at the most very limited weight in this appeal given the extent of unresolved objections to the plan given the extent of unresolved objections to the Council's housing target, housing supply, proposed distribution of development, Development Management policies and to site specific policies. Further Hearing sessions will be held in October 2024. It is also likely that a Main Modifications consultation will be required.
- 1.12 Nevertheless, I agree in principle with the Council's Spatial Strategy at Draft Policy SP1 as it seeks to focus development to sites within existing Settlement Policy Boundaries, such as the Appeal Site which is within the Burghfield Common Settlement Policy Boundary. I also note that Draft Policy SP3 recognises Burghfield Common as a Rural Service Settlement, and it is instructive to note that the Submission Local Plan continues to recognise the role that Burghfield Common has in the East Kennet Valley to support further development to maintain the vitality and viability of this community
- 1.13 With regard to Draft Policy SP4, I consider that it will be for the Examination Inspector to consider whether the Council's emerging policy is sound and has been properly justified. Through the Examination Hearings, modifications to this draft policy have been proposed by the Council, but there has been no further opportunity, as yet, to consult publicly on this nor has the Inspector commented on this policy in his Interim findings. Therefore, until then, the emerging policy carries no material weight, and it is not realistic to suggest that it is capable of

outweighing a relatively recent allocation, almost half of which has already been permitted and constructed.

- 1.14 I note also that the Council proposes to carry forward the allocation of the site at Pondhouse Farm under Draft Policy RSA12 of the emerging Local Plan which is located within the newly extended Detailed Emergency Planning Zone (DEPZ). That site is located to the immediate north of the Appeal Site and is under construction having gained Reserved Matters approval in July 2022 – just a few weeks after the Council refused planning permission on the Appeal Site. However, the Council does not propose to carry forward the allocation of the Appeal Site because it is within the same DEPZ. This highlights the inconsistency in the Council’s approach to delivery of the allocated sites in Burghfield Common and to the assessment of development within the DEPZ.

Housing Land Supply

- 1.15 The Council states it has a supply of 5.7 years based on the Local Housing Need figure derived from the standard method. I challenge this and consider the supply is at best 4.02 years with the Council falling 529 units short of the five-year requirement.
- 1.16 Even if the Council can produce evidence to demonstrate my assumptions are wrong with regard to delivery on committed sites and that the nutrient neutrality issue would be addressed, on the basis of the Inspector’s interim findings (CD22.6) with regard to the delivery of the strategic sites and windfall rate, the Council still cannot demonstrate a five-year supply, and the position would be 4.79 years.
- 1.17 The Appeal Proposal would deliver the balance of housing on an allocated site and would contribute to boosting the housing supply and helping to contribute to addressing a housing land supply shortfall within the District.

Main Issues

- 1.18 Dr Pearce’s evidence (CD23.5) discusses Issues 1 and 2. Dr Pearce concludes that the AWE Burghfield site does not represent a significant risk to health or wellbeing for those living in or near the proposed development site. Dr Pearce’s evidence shows that the increased number of residents living on the appeal site and within the DEPZ will not put a material additional

strain on the resources of the Off-Site Emergency Plan, either for warning and informing or for providing medical and quality of life support to those in an area subject to shelter advice. Dr Pearce's evidence also shows that the increased number of people living in the area are unlikely to interfere with the emergency services' ability to provide support to the site in an emergency.

1.19 Dr Pearce's evidence also shows that the level of risk and actual impact has not changed as a result of redrawing the DEPZ boundary around AWE Burghfield. These are as they were at the time of the appeal site's allocation.

1.20 Mr Keen's evidence (CD10.3) discusses Issue 3. The First Inspector concluded that the loss of four TPO'd trees would result in limited localised harm. I differ with the first Inspectors conclusion in that I consider this harm is so limited that it will be barely perceptible once new planting has been established on the Appeal Site and the development built out as envisaged by the allocation. I consider the Appeal Proposal therefore accords with Policies ADPP1, CS14, CS18 and CS19 of the Core Strategy and Policy HSA16 of the DPD.

1.21 In respect affordable housing provision, the Appeal Proposal provides a policy compliant level of provision at 40% in accordance with Policy CS6 of the Core Strategy. A Unilateral Undertaking was agreed with the Council as part of the first appeal. It is in the process of being updated and will be submitted with this redetermined appeal to secure the delivery of the affordable housing units. The Council agrees that this overcomes the first reason for refusal.

Other Matters

1.22 I have considered the comments raised by third parties and addressed these in Section 9 of my Proof. I consider the concerns raised have been adequately addressed through the application submission and suggested planning conditions.

Planning Balance

1.23 Section 10 of my Proof discusses the benefits of the development. I attach:

- **Substantial Positive Weight** to the delivery of housing on an allocated site, having regard to the plan led system and the primacy of the Development Plan.

- **Substantial Positive Weight** to the contribution the appeal scheme makes to the “at least” housing requirement, and to the supply of a deliverable housing site, irrespective of the adequacy of the Council’s housing land supply position.
- **Substantial Positive Weight** to the provision of 40% affordable housing in the context of a significant need (some 330 units per annum against an average completion rate of just 131 affordable dwellings per annum).
- **Substantial Positive Weight** to the accessibility of the site, being within the Settlement Policy Boundary of a Rural Service Centre.
- **Moderate Positive Weight** to the employment opportunities generated during the construction phase of the development.
- **Substantial Positive Weight** to the economic benefit of new housing in Burghfield Common, where an estimated gross expenditure from the residents of the Appeal Site will contribute £1,038,668.80 per year to the economy.
- **Limited Negative Weight** to the loss of 4 protected trees.
- **Substantial Positive Weight** to the environmental benefits as a result of new landscaping, protection of the Ancient Woodland and biodiversity enhancements.
- **Moderate Positive Weight** to the provision of new open space within an attractive landscaped area.

1.24 I consider the sites’ location in the DEPZ is **neutral** in the planning balance given that the detailed evidence of Dr Pearce demonstrates that the appeal proposal can be delivered without harm to public safety or to the capabilities of AWE Burghfield. Even if limited weight was given to an assumed small risk to public safety in the very unlikely event of an off-site radiation emergency, it would nevertheless be my opinion that the substantial benefits of delivering housing on this allocated site (which can come forward quickly), together with:

- the substantial benefit of the contribution to meeting the need for affordable homes in the District; and
- The substantial benefit of providing 13 affordable homes in Burghfield Common in the context of the existing waiting list and expressed desire of applicants to live there; and
- where there will be positive social, economic and environmental benefits; and
- the appeal will enable the delivery of development on an allocated site within the Settlement Policy Boundary of the Rural Service Centre of Burghfield Common;

are benefits which individually and cumulatively outweigh the limited weight given to that limited risk.

Conclusion

1.25 Having regard to the evidence of Dr Pearce and Mr Keen, and my own evidence in this appeal, I consider the Appeal Proposal:

- Is in accordance with the Development Plan;
- Is a sustainable development on an allocated site;
- Provides much needed housing in a residential location contributing to the Council's identified need for market and affordable homes;
- Is within the Settlement Policy Boundary of Burghfield Common and would contribute to supporting and sustaining the vitality of this community in line with the framework;
- Would provide a range of social benefits to future residents, as well as existing residents;
- Would create employment opportunities through construction and result in economic benefits to the local economy;
- Provides safe access to the main highway network and given the nature of the use the residual cumulative impact of the proposal will not be severe;
- Presents a considered and tailored design solution that has evolved through a thorough consideration of the site and its surroundings and which results in high quality development which would not adversely affect the character of the area or its setting;
- Is a "good neighbour" having regard to the surrounding residential land use and would not harm the amenity of existing residents;
- Would not result in harm to or result in a loss of Ancient Woodland;
- Would provide new tree and landscape planting and biodiversity enhancements to mitigate the limited localised harm of removing 4 TPO'd trees and a section of hedgerow on the allocated site;
- Would not impact public safety or strain the resources of the off-site emergency plan; and
- Would not impact on the capability or capacity of AWE Burghfield and therefore does not conflict with Paragraph 101 of the Framework.

1.26 Paragraph 11c) of the Framework states that development proposals that accord with an up-to-date Development Plan should be approved without delay. I consider that the appeal

proposal complies with the Development Plan as a whole, whilst there are material considerations, in my opinion for the reasons discussed in evidence, these do not justify a decision other than in accordance with the Development Plan.

- 1.27 Paragraph 11d) of the Framework is engaged as the Council has a housing supply of just 4.02 years. The policies for the supply of housing are clearly out of date by virtue of the age of the Core Strategy and that to meet the Council's current housing requirement of 515dpa, it is reliant upon finding sites outside of the existing Settlement Policy Boundaries. The presumption in favour of sustainable development is engaged and this indicates that the "tilted balance" should be applied to the decision.
- 1.28 The Appeal Proposal provides a considerable number of substantial positive benefits which are material considerations, and which support the grant of planning permission. The Appeal Site is an allocation site within the Development Plan, in a sustainable location, and Burghfield Common is a Rural Service Centre which the Council's emerging Local Plan continues to identify is appropriate for housing development. Whilst there are limited localised negative effects in terms of the removal of trees, including four covered by a Tree Preservation Order, this disbenefit is a consequence of the allocation of the site and the presence of trees on the site would have been known at the time of allocation. In my opinion, this limited localised impact is clearly outweighed by the positive benefits of the Appeal Proposal.
- 1.29 The level of harm arising from the location of the site within the DEPZ is limited. There is a low probability of an incident occurring at AWEB, and should an incident occur, there is capacity within the OSEP to accommodate the population from the site without there being a material threat to their health and wellbeing. The level of harm arising from the Appeal Scheme is therefore not substantial enough to significantly and demonstrably outweigh the benefits, particularly the provision of market and affordable housing to meet a proven local need on an allocated housing site.
- 1.30 As such, it is my opinion that the benefits arising from the appeal scheme significantly and demonstrably outweigh the limited level of harms identified and that the Appeal for this sustainable and high-quality housing development within the settlement policy boundary and on an allocated housing site should be allowed.

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