

**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  
Katherine Miles MRTPI  
Director - Pro Vision

MAY 2023

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

SUMMARY PLANNING PROOF OF EVIDENCE

PRO VISION PROJECT NO. 50929

**PREPARED BY:**

KATHERINE MILES BA (HONS) MSC MRTPI

DIRECTOR

PRO VISION

**APPELLANT:**

T A FISHER & SONS LTD

**DATE:**

MAY 2023

**PRO VISION**

THE LODGE

HIGHCROFT ROAD

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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 20 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:
- 1) The effect of the proposal on the safety and wellbeing of future residents of the proposed development, and the wider public, with regard to the proximity of the Atomic Weapons Establishment (AWE) site at Burghfield;
  - 2) The effect of the proposal on the future capability and capacity of AWE Burghfield to operate effectively;
  - 3) The effect of the proposed development on the character and appearance of the area, with particular reference to local tree cover; and
  - 4) Whether the proposal would make adequate provision for affordable housing.

### 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 Initial SOCG (CD15.2) and the full text of relevant policies as referred to in the Decision Notice (CD4.2) were included with the appeal questionnaire (CD5.55). 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 can be 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.
- 1.7 The Council has submitted its Local Plan Review for Examination, but no timetable for the Examination is yet set. It is my opinion that very limited weight should be given to the emerging Local Plan given the extent of unresolved objections to the Council’s housing target, proposed distribution of development, Development Management policies and to site specific policies.
- 1.8 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 continues to support development within this settlement.
- 1.9 With regard to Draft Policy SP4, I consider that it will be for the Examination Inspector to consider whether the Councils emerging policy is sound and has been properly justified and that 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 consented and constructed.
- 1.10 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) under Draft Policy SP4. That site is located to the immediate north of 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 will be a matter for the Examination Inspector in the Local Plan.
- 1.11 I also note that the Council approved the Reserved Matters application for the development of 100 dwellings on the Pondhouse Farm site in July 2022 – just a few weeks after refusing planning permission on the Appeal Site.

### Housing Land Supply

1.12 The Council states it has a supply of 6.4 years based on the Local Housing Need figure derived from the standard method or a supply of 5.9 years against the Core Strategy housing requirement. I do not seek to challenge this. However, I do consider that the fact the Council can demonstrate a 5 year supply does not reduce the weight to be given to the benefit of delivering 32 dwellings on the Appeal Site because:

- The 5 year requirement is a minimum.
- Providing new homes in the context of a national shortage, and where 4 out of the 5 adjoining authorities cannot demonstrate a 5 year supply, is a good not a bad thing.
- The delivery of housing contributes to meeting the Core Strategy “at least” housing requirement.
- Boosting the supply of housing even where a Council can demonstrate a 5 year supply is a in line with the Framework.

### Main Issues

1.13 Dr Pearce’s evidence discusses Issues 1 and 2. Having regard to the evidence of Dr Pearce, it is my opinion that the very limited – miniscule - risk of an incident and the very low impact on public safety if an incident were to occur, does not outweigh the substantial planning benefits of allowing this appeal, and respects our plan-led system. Dr Pearce also concludes that contrary to the fears of AWE and the Council, the proposal does not conflict with Paragraph 97 of the Framework.

1.14 Mr Keen’s evidence discusses Issue 3. Mr Keen concludes that the trees proposed for removal are barely perceptible from public view as they are masked by other trees to be retained. Further, the trees to be removed are not of exceptional quality and are commonplace in the area. Whilst Mr Keen acknowledges that allowing the appeal will result in the loss of 4 trees covered by a Tree Preservation Order, he concludes that *“the loss of a small group of protected saplings and four protected oak trees represents minor harm, especially when considered in relation to the extensive and high quality proposed planting that this scheme delivers”*.

1.15 As such, it is considered that the proposal would not have an adverse impact on the amenity and character of the area and any minor harm would be more than off-set by the proposed new native planting.

1.16 In respect of Issue 4, my evidence shows that the 13 affordable housing units deliver 40% affordable housing as required by Policy CS6 of the Core Strategy. The tenure mix offered through the draft Unilateral Undertaking (CD15.5) is in accordance with the Housing Officer comments at the time of the application, and once the UU is signed the delivery of the affordable housing will be secured.

#### Other Matters

1.17 I have considered the comments raised by third parties and addressed these in Section 7 of my Proof. I consider the concerns raised have been adequately addressed through the application submission and suggested planning conditions.

#### Planning Balance

1.18 Section 8 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.
- **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 £1,174,240 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.

1.19 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 positive benefit of the contribution to meeting the need for affordable homes in the District; 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 as envisaged by the plan-led system;

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

### Conclusion

1.20 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 or result in a loss of Ancient Woodland;
- Would provide new tree and landscape planting and biodiversity enhancements;
- 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 97 of the Framework.

1.21 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.

1.22 It is my professional opinion that the appeal should be allowed enabling the delivery of this allocated site to go ahead in accordance with the plan-led system.

**Katherine Miles BA (Hons) MSc MRTPI**