

LAND AT STANBURY HOUSE **SPENCERS WOOD**

PLANNING STATEMENT

**OUTLINE APPLICATION FOR UP TO 63 NEW (WITH 50%
DELIVERED AS AFFORDABLE HOMES) & ALL MATTERS
RESERVED OTHER THAN ACCESS FROM THE HIGHWAY**

MARCH 2025

1.0 INTRODUCTION

- 1.1 This application seeks outline planning permission with all matters reserved other than access, to enable the construction of up to 63 new homes on land to the west side of Basingstoke Road in Spencers Wood. Fifty percent (50%) of the dwellings would be delivered as affordable housing.
- 1.2 The proposal is in effect a 'Phase 2' and sits to the west of and adjoining the 57 new homes previously granted on the eastern part of the Stanbury House Site (original outline permission O/2014/21 and reserved matters approvals 212914 and variation 221904).
- 1.3 It also follows application reference 192883 which sought outline permission for 120 new homes on the site of the previously permitted 57 homes and this application site combined. This 120 dwelling proposal, was initially supported by Officers and was to receive approval. However, just prior to its formal determination, changes were introduced to the boundary of the 'Detailed Emergency Planning Zone' (DEPZ) associated with AWE Burghfield that increased the size of the zone to incorporate much of Spencers Wood including the application site.
- 1.4 As a result, an objection was then raised by the Council's Emergency Planning Team regarding the ability of the off-site emergency plan for AWE Burghfield (AWEB) to cope with the additional population arising from further housing development within the new, extended zone.
- 1.5 The application was refused on 25 February 2021 for this single substantive reason¹:

"1. It has not been demonstrated that the location and quantum of the proposed development can be safely accommodated having regard to the needs of Blue light services and the emergency off-site plan for the Atomic Weapons Establishment site at Burghfield, contrary to policy TB04 of the MDD Local Plan and section 8 of the NPPF."

¹ The decision notice contained three further refusal reasons but relating to the need to complete a S106 agreement to secure, affordable housing, SANG and an employment skills plan. Informative 3 attached to the decision notice advised that the provision of an appropriate legal agreement would clearly remove those refusal reasons.

- 1.6 The refusal was not pursued to appeal at that time. Rather work progressed in respect of the implementation of the 57 unit consent on the eastern part of the site and the associated SANG permission located directly to the west. Site works are now well advanced with the SANG in place and residential properties occupied.
- 1.7 At around the same time as the 120 dwelling application was refused an application for 49 new homes was being progressed on land just to the north west of the application site at Kingfisher Grove (KG) as shown (yellow) on the plan extract below.

Context plan showing the Kingfisher Grove site in relation to the current application site, the extant Phase 1 site and the associated SANG area serving Phase 1 and this application proposal

“The proposed residential development within Detailed Emergency planning Zone (DEPZ) for the Atomic Weapons Establishment (AWE) at Burghfield cannot be safely accommodated having regard to the needs of ‘Blue light’ services and the emergency off-site plan for the Atomic Weapons Establishment site at Burghfield, contrary to policy TB04 of the MDD Local Plan and section 8 of the NPPF”

- 1.9 The Appeal decision was published in January 2023. It is respectfully submitted that given the very close proximity of this application site to the KG site, the way in which this matter was considered by the appointed Inspector and his conclusions as to the adequacy of the emergency plan to accommodate additional development in this location are relevant in this case.
- 1.10 The Inspectors findings on this matter are set out in paragraphs 8–22 of the decision letter which is attached in full at Appendix 1 to this statement. He concluded that the emergency plan could cope with the addition of 49 new homes in this location and so the proposal should not be held contrary to Policy TB04. We highlight the following:
- Paragraph 16.
*The unidirectional nature of wind means that if a plume was to occur then it would **disperse in a singular direction**. This would be dependent on specific weather conditions and wind speeds, which are factors that inform the low risk of a plume passing over the appeal site. The REPPiR plan sectorises the DEPZ radially from the AWE site. **The plan seeks to prioritise assistance within the sectors over which the plume would pass**. Although I heard at the Inquiry that blue light and other relevant services would be working at capacity should an event occur, **these are planned to address all areas within the DEPZ. The settlements elsewhere within the area that are larger than those in the appeal site sector (or a sector area comprising the sector and its neighbouring sectors) are in different directions. Given that the plan has the capacity to cover an incident in those sector areas, and that service resources would be predominantly focused on only one sector area, I consider that the addition of the proposed dwellings on the appeal site would not compromise the delivery of the plan.***
- 1.12 In brief summary, it was agreed by all parties at the Appeal that as a matter of fact in the unlikely event of a plume being released from AWEB, it would disburse in the direction of the prevailing wind.
- 1.13 That being the case the plan must be able to cope with the impacts of a plume passing over any of the sectors within the DEPZ i.e., the wind could be blowing in any direction at the time of an event. As will be appreciated the sectors within the 360 degree radius around AWEB are very different in terms of the current population levels i.e. some are more densely populated and some much less densely populated.

- 1.14 It was noted that the sector in which the appeal site is located (and so this current application site) is one of the less populated.
- 1.15 In very simplistic, logical terms therefore it was held that if the emergency plan was sufficiently robust to cope with an event in the most populated sectors of the zone as a matter of fact it must be able to cope with an event in one of the lesser populated areas plus the additional 49 homes that were being proposed at that time.
- 1.16 The same logical analysis holds good in this case. That is, with the addition of the 63 homes now proposed the population within this sector of the zone would remain well below that in other sectors and so the delivery of the emergency plan would not be compromised.
- 1.17 At the time that the 120 dwelling application was refused, the DEPZ extension had only just been confirmed and so full consideration as to the implications for the emergency plan and certainly the analysis carried out as part of the KG appeal had not taken place. However, as outlined above the concerns raised regarding the emergency plan have now been considered in detail and demonstrated through the comprehensive testing of evidence at a Public Inquiry, not to be a reason to withhold consent at this time within this particular sector of the DEPZ.
- 1.18 Following the KG Appeal, there have been two public inquiries and a judicial review in respect of a proposed development site in West Berkshire (the Hollies Nursing Home) which are of relevance to the issue of the DEPZ and the OSEP.
- 1.19 Whilst the Hollies is located to the west of the AWE site and so not in the same sector as this application site or Kingfisher Grove, it holds some relevance in relation to the DEPZ issue and the way in which development could impact the OSEP. The first Inspector adopted a similar approach to that in Kingfisher Grove commenting:

“21..... It is undisputed that the likelihood of a radiation emergency at AWE B is very low.

22.even if such a radiation emergency did occur at AWE B, the likelihood of a plume of inhalable plutonium particles passing over the appeal site would be lessened by the following combination of factors.....

.....the appellant's wind conditions evidence.....indicates that potential contamination from AWE B is more likely to blow away from the appeal site than towards it. The estimate by the appellant's nuclear physicist emergency planning witness of a 1 in 1,000 million years risk of harm to people living at the proposed development site from AWE B12 provides an indication of its very low level of likelihood.....

26., the scale of population increase from the appeal development would be relatively small in both its immediate village and the wider DEPZ contexts. Moreover, judging by existing OSEP provision around AWE B, sufficient emergency services and facilities already exist to assist a population of up to approximately 1,700 in this Rural Service Centre village and its immediate environs, and up to around 24,300 people of the DEPZ as a whole, in the event of a radiation emergency. Also, the proposal's relatively modest number of 77 extra residents would be within relatively easy reach of existing village population and infrastructure. **Thus, the proposal's population increase would be relatively small, and these people would be similarly accessible to emergency services providers as the existing population who, the existing OSEP indicates, they are already prepared to serve.**

1.20 However the decision was successfully challenged in the High Court and the decision quashed on the basis that the reasons given by the Inspector for disagreeing with the Office for Nuclear Regulation (ONR) (as statutory consultee) in relation to the off-site emergency plan were not legally adequate. The matter was then returned to the Inspectorate and a second inquiry took place in September 2024 with the decision released on 18 November 2024.

1.21 The Appeal was again allowed. We highlight the following extracts from the decision:

"15.....The purpose of Policy CS8 is to protect public safety and more specifically to deal with the risk to public safety posed by the AWE sites. It aims to achieve a balance between that risk and the limited development envisaged in the areas surrounding the AWE sites. **It does not create a moratorium on development**

28.I agree with the Council and the Rule 6 parties that the addition of up to a further 77 residents to the DEPZ will place an increased burden on

emergency responders..... However, I accept that the quantifiable effect on those resources would be limited and, in itself, **is unlikely to materially impact on the effectiveness of the OSEP.**

30.even taking a precautionary approach, the evidence before me indicates that sufficient resources are available to provide a suitable response to the permanent population of around 22,000, the transient population as well as a potential crowd of 24,000 at the nearby stadium - a figure that I heard could increase substantially in the future. Even though I give significant weight to the expert advice of the ONR, **I do not consider that the addition of up to a further 77 permanent residents to the DEPZ would, in itself, have a material impact on the overall emergency response.** Similarly, while I accept that the OSEP is under significant pressure, I have seen no robust evidence that the addition of a further 77 residents to the DEPZ would materially affect its adequacy.

32. Consequently, while I acknowledge the participation of the Rule 6 parties arises out of genuine concern with regard to the impact of further development on the adequacy of the OSEP, **I do not consider the proposed development would place the OSEP at any material risk of failure.** Indeed, on the evidence before me it appears that the OSEP is sufficiently flexible to accommodate the relatively minor increase in the population of the DEPZ that would result from the proposed development.

51.the proposal would generally accord with the spatial strategy as well as the land use allocation in Policy HSA16. Furthermore, it would result in the addition of **19 open market dwellings** which, while relatively modest, would nevertheless make **a meaningful contribution to market housing in the district. I afford this significant positive weight.**

52. Similarly, 40% of the proposed dwellings would be affordable..... Increasing the supply of affordable homes is a government priority and I consider **the provision of 13 affordable homes in a district with a recognised and pressing need should be afforded significant positive weight.**

*54. While I acknowledge that, in adding to the existing population, the proposal would result in **an additional burden on emergency responders** in the event of a radiological emergency, for the reasons given above, **I do not consider this would adversely impact on public safety within the DEPZ.**"*

- 1.22 In summary the decisions acknowledge that the chances of an event occurring are extremely remote but even in the unlikely event of such an incident, the OSEP is designed to deal with zones within the DEPZ with much higher population levels including the transient population using Reading Stadium. In this context whilst a population increase could place some minor additional strain on the OSEP it would not result in its failure.
- 1.23 It is also relevant to note that the proposals have also been the subject of pre-application discussions with the Council reference 233124. This included a meeting followed by a full written response dated 05 April 2024. The proposals have responded positively to the advice received. This is discussed in detail in Section 3.
- 1.24 A formal screening request to determine whether the application should be accompanied by an Environmental Statement was submitted in December 2024. The Council confirmed by letter dated 27 January 2025 (Reference 243226) that it did not consider the proposal of a scale or nature to trigger an Environmental Assessment.
- 1.25 In terms of the case in favour of this proposal, when granting the Appeal for the 57 dwelling scheme, the Inspector confirmed that:
- The proposal would occupy an accessible location close to a range of facilities and services. It would therefore be consistent with the aims of policy CP9. (P100)
 - The proposal would be consistent with the aims of policy CP11 as it would not detract from the identity of Spencers Wood or lead to the increased use of the private car. (P.100)
 - There would only be limited harm in terms of landscape character and visual impact. (P.100)
 - The proposal would provide benefits in terms of the delivery of housing within an area where there is a need for additional housing and an increasing and acute need for affordable housing. (P.101)
 - The provision of affordable housing should be considered an important benefit of the proposal and afforded significant weight. (P.101)

- 1.26 Whilst as noted above the 120 dwelling application was refused, this was purely on the basis of the DEPZ. The Officers report as discussed further in Section 3 accepted the above points applied equally to the current application site. The April 2024 pre-application similarly confirmed the acceptability of the development of the site subject too the issue of the DEPZ and OSEP.
- 1.27 It is our submission that the benefits of this application are greater than those identified by the Inspector and the same as those which lead the Council to support the 120 application which would have been granted but for the last minute DEPZ issue resulting in refusal. These are the additional market housing but very importantly additional affordable homes (50%). Also, the limited harm identified by the Inspector would not be materially greater despite the additional development proposed. This is because the landscape impacts of the proposal are very localised, with the only public views from Basingstoke Road.
- 1.28 The additional housing proposed by this application would sit behind the 57 already approved and so would not be generally perceived in views from Basingstoke Road. It is respectfully submitted that this application can be supported on this basis.
- 1.29 It is accompanied by a suite of technical documents as follows:
- Radiological Assessment – Mike Thorne & Associates and Katmal Limited*
 - Highway Statement - WSP Development*
 - Ecology Statement – Aspect Ecology*
 - Landscape & Visual Impact Assessment – Indigo Landscape*
 - Archaeological Assessment – Albion Archaeology*
 - Flood Risk & Drainage – Peter Brett Associates*
 - Tree Survey & RPA Assessment – Barrell Tree Care*
 - Sustainability Statement – PPS*
 - Site Investigation – Applied Geology*
 - Design & Access Statement - PPS*
- 1.30 An indicative site master plan demonstrates how the site may be laid out to provide a high-quality residential environment for up to 63 new homes. Whilst indicative only it has been updated following the receipt of pre-application advice and so provides a very clear demonstration of how the dwellings could be laid out to provide a high quality residential environment for the future occupiers.

1.31 This statement is set out as follows:

- 2.0 Site Context
- 3.0 Relevant Planning History & Pre-application
- 4.0 Relevant Planning Policy
- 5.0 Analysis
- 6.0 Conclusions

2.0 SITE CONTEXT

- 2.1 A full site description and analysis of the constraints and opportunities which exist at the site is provided within the accompanying Design & Access Statement. This section describes the site's location and context in planning terms.

Spencers Wood

- 2.2 Spencers Wood lies just to the south of Reading and is recognised by the Council as a sustainable settlement where new residential development can be considered appropriate as a matter of principle.

The Stanbury House Site

- 2.3 The sites eastern boundary adjoins the western boundary of the Phase 1, 57 dwelling site just west of Basingstoke Road. To the west is undeveloped agricultural / grazing land that is in the process of being converted to form 9.7 hectares of Suitable Alternative Natural Greenspace (SANG).
- 2.4 To the north, the site is bound by a tree lined access road which runs west from Basingstoke Road to serve a residential development known as Wellington Court. To the north west is the Kingfisher Grove site which as discussed in Section 1 is the subject of planning permission for 49 new homes. To the south the site again benefits from a strong tree lined boundary with three cottages, office, and commercial development at 'Highlands' beyond.
- 2.5 The site lies within the 5km zone for the Thames Basin Heaths Special Protection Area and so must provide SANG mitigation.
- 2.6 It is not subject to any current, adopted Local Plan landscape designations or protection. As part of two previous Planning Appeal Inquiries both of the appointed Inspectors concluded that the site should not be considered a 'valued landscape'.
- 2.7 Both Inspectors found that the site is well contained but that new development would be perceptible from Basingstoke Road and The Square to the east, as well as from neighbouring private property. Such views would however be limited and so the harm associated with new development in this location was also assessed by both to be limited and localised.

- 2.8 As the application site sits directly behind and to the west of the permitted site there would not be any additional visual impacts when viewed from Basingstoke Road or The Square to the east as new development would be screened by the existing permitted development.

3.0 RELEVANT PLANNING HISTORY & PRE-APPLICATION

Formal Planning Applications

- 3.1 The most directly relevant planning history in respect of this application proposal is, as outlined in Section 1, the grant of outline planning permission for 57 new homes immediately east of the current application site (O/2014/21) and the refusal of the 120 home proposal (192883) which also incorporated the current application site.
- 3.2 Application O/2014/21 is of relevance because the permission (as eventually granted on 18 September 2018 following a second public inquiry), has now been implemented and this application represents an extension of that permission. It is also of relevance because the acceptability of development in this location has been considered by two separate Inspectors, both of whom have determined that permission should be granted.
- 3.3 The following extracts from the decision notice are of direct relevance to this application proposal.

“23. The appeal site is not subject to any landscape designations or protection. The previous Inspector found that it was not a valued landscape. Based on the illustrative plans and other information submitted to the inquiry, he was satisfied that the proposal would be unlikely to have an adverse impact on the off-site oak trees. He also found that there would be sufficient separation between the Wellingtonia and the proposed dwellings to avoid any harm during construction, or give rise to undue pressure from future residents for their removal. He was however, concerned that the proposal would give rise to the loss of some of the trees protected by the TPO.

*24. He found that the site contributed to the local landscape as well as the setting of Spencers Wood Village. He considered that although the site was fairly well contained, the proposed dwellings and associated infrastructure would be perceptible from Basingstoke Road and The Square, as well as from the neighbouring private property. He also considered that the proposal would be at odds with the small scale incremental development that this part of the village has traditionally experienced. Overall, He concluded that the proposal would have a detrimental effect in terms of landscape character and visual impact, and would include the loss of some on-site trees, **but that such harm would be limited.***

25. I agree with the conclusion of the previous Inspector in relation to this matter. At the time of my site visit, I noted that views of the appeal site from Basingstoke Road were confined to a short distance to the south of the appeal site, whilst views from Wellington Court would be substantially screened by the existing trees and proposed woodland buffer.”

3.4 As highlighted, the Inspectors noted the limited impacts that development would have at this site in terms of landscape character and upon existing trees.

3.5 Of particular relevance is that views from Basingstoke Road were agreed as limited and that views from Wellington Court to the north west would be screened by the existing woodland.

“26. The development plan comprises the Core Strategy (adopted January 2010), the Managing Development Delivery DPD (MDD) (adopted February 2014) and the Shinfield Neighbourhood Plan (February 2017). The Council is currently preparing a Local Plan, but it is still at an early stage in the plan-making process and I am unable to afford it any weight.”

3.6 The development plan context remains the same today as it was in September 2018. Whilst the local plan review has progressed it is the subject of numerous objections. The examination has not yet begun and so the draft cannot be afforded any significant weight at the present time.

*“33. The Spatial Vision for Wokingham Borough includes the provision of a good transport system, concentrating developments in Strategic Development Locations (SDLs), and towns and villages with a significant range of infrastructure, whilst respecting the character and attractiveness of the area. Policies CP9 and CP11 contribute to this strategy through directing development towards accessible locations with a range of services and facilities (CP9), and seeking to maintain the separate identity of settlements and reduce dependency on the use of the private car (CP11). I consider both policies to be broadly consistent with the aims of the Framework. **Nevertheless, the settlement boundaries on which they rely were predicated on a much lower housing requirement and therefore the weight to be afforded to these boundaries is limited, nonetheless, the proposal still falls to be considered against the aims of these policies.***

*34. The Shinfield Neighbourhood Plan was made in February 2017, following the previous appeal decision. The appeal site is included in the Neighbourhood Plan Context Map and is identified as an approved development expected to be delivered during the lifetime of the plan. However, this is not an allocation, but is a reflection of the quashed decision, which was extant at the time the Neighbourhood Plan was adopted. **The Neighbourhood Plan is supportive of development within the development limits, but development adjacent to these limits is only supported where the benefits of the development outweigh its adverse impacts.***

3.7 Again, similar conclusions may be drawn. These are, that the existing settlement boundaries can only be afforded limited weight but that the objectives of Policies CP9 and CP11 i.e. to retain the identity of separate settlements and reduce dependency on the private car remain valid. The neighbourhood plan supports development outside of but adjoining the settlement envelope provided that the benefits of this outweigh any adverse impacts.

“78. The Framework requires strategic policies to make provision for housing, including affordable housing. It also requires an assessment of the housing needs of different groups, including those who require affordable housing, and the type of affordable housing required. The proposal would deliver 23 affordable homes in accordance with Core Strategy policy CP5.

79. Policy CP5 seeks affordable housing contributions from developments of 5 dwellings or more. The Council’s Affordable Housing Position Statement notes that national planning guidance restricts affordable housing contributions to developments of 10 or more dwellings. **The Council nevertheless considers there are specific and genuine local circumstances that justify an exception to national policy and guidance, due to the exceptional need for affordable housing within the Borough. It confirms that the 2016 Berkshire Housing Market Assessment (SHMA), shows a need of 441 affordable homes (net) per annum. It concludes that due to the acute affordable housing need the Core Strategy Policy CP5 threshold of 5 dwellings carries considerable weight and will continue to be applied.**

80. The Issues And Options Consultation Document in relation to the emerging Local Plan states that the Borough has a significant need for affordable housing and that this will continue to be high over the plan period. It refers to the SHMA which confirms a net need for 441 affordable homes per annum for the period 2013-2026.

81. The Council suggest that the figure of 441 dpa cannot be relied upon to assess the extent of the existing need for affordable housing in the Borough, since affordable housing is a component of the overall OAN figure and informed the extent of the uplift to the OAN. The Council rely on the SHMA figure to justify an exception to national policy, and in the absence of any alternative figure I consider that it provides a reasonable indication as to the extent of the need for affordable housing in the Borough.

82. The Council’s Housing Strategy ‘Housing Facts & Figures April – September 2017’, indicates that the delivery of affordable housing has consistently fallen well below the figure of the 441dpa. Evidence submitted by the appellant suggests that the need for affordable housing has increased significantly since the time of the previous inquiry (from 1,400–1,900). I note the Council’s view that there is no definitive figure for affordable housing need within the Borough. I find this surprising given the Council’s justification for an exception to national policy, as well as the requirement within paragraph 47 of the 2012 Framework to meet the full objectively assessed need for market and affordable housing and to illustrate the expected rate of delivery for market and affordable housing. Such a figure will be required as part of the housing requirement in order to comply with the Framework.

83. Notwithstanding this, it is evident that there is a clear mismatch between the SHMA figure and the number of affordable dwellings delivered in recent years. On the basis of the submitted evidence I conclude that there is a considerable and growing need for affordable housing within the Borough. In these circumstances I consider that the provision of affordable housing is a significant benefit of the proposal.”

- 3.8 The Inspectors findings remain valid. There is an acute need for affordable housing within Wokingham.

- 3.9 This application proposes the delivery of affordable housing at a rate of 50%. It is our submission that given the Inspector identified that the provision of 40% or 23 affordable homes was a “significant benefit”, this proposal should be considered to provide an even more weighty benefit in this regard.

“90. Policy NRM6 of the South East Plan indicates that the impact of such development can be mitigated through a combination of measures including managing access to the SPA and the provision of SANG to meet Natural England’s standards. These standards form part of the Council’s Impact Avoidance Strategy for Residential Development upon the Thames Basin Heath Special Protection Area.

*91. The proposed mitigation includes the provision of a SANG adjacent to the site. The SANG would be about 12 hectares in area. Planning permission was granted for the SANG in 2017 and it would be secured by the s106 Agreement. The Council is satisfied that the proposed SANG will meet the necessary standard. Therefore, having regard to the proposed mitigation, **I am satisfied that the proposal would not have an adverse effect on the integrity of the Thames Basin Heath SPA, either alone, or in combination with other projects.**”*

- 3.10 As explained in Section 1, this application would again rely upon the SANG provision on the adjacent land to the west.

*“92. Although the majority of the site is situated outside of the settlement limits, the site is **centrally located relative to the existing village.** It stands **reasonably close to a range of shops and services within Spencers Wood. These include a restaurant, a church, a village hall, a primary school, a library, a preschool, a veterinary practice, a petrol station and shops including a post office.***

*93. **Cycleways provide the opportunity to cycle into Reading from Spencers Wood. In addition, there are a number of commercial and business uses within Spencers Wood, including those at the Wellington Industrial Estate. There are bus stops within 200 metres of the site entrance on both sides of Basingstoke Road.** However, there is no footpath access to the south of the site leading to the bus stop on the west side of Basingstoke Road. A footpath link from the site to this bus stop is to be provided by the appellant or secured by way of the s106 agreement. Bus services run through Spencers Wood and provide access to Reading and other nearby settlements.*

***94. I therefore conclude that the appeal site occupies an accessible location, close to a range of services and employment opportunities. Consequently, the proposal would be consistent with policy CP9 of the Core Strategy in all respects, other than the conflict with the settlement boundary.**”*

- 3.11 As outlined by the Inspector, the site does lie central to the village and within close proximity to a range of shops, services and public transport opportunities.

- 3.12 Save for the element of Policy CP9 which refers to settlement boundaries which as discussed above can only be afforded limited weight until a new plan is adopted, development at the site accords with Policy CP9.

“95. Policy CP11 restricts development outside of development limits in order to protect the separate identity of settlements and maintain the quality of the environment. It also states that development away from existing development is likely to lead to the increased use of the private car

96. The previous Inspector found that the proposed dwellings and associated infrastructure would be perceptible from Basingstoke Road and the Square, and would be at odds with the small scale incremental development that this part of the village has traditionally experienced. He did not conclude that the proposal would erode the separate identity of the village, or give rise to any merging with a nearby settlement. Due to the self-containment of the site public views would be confined to a short length of Basingstoke Road to the south of the site, and from The Square, which is located opposite the appeal site. Therefore the impact of the proposal would be very localised.

*97. The appeal site is not located away from existing development, and for the reasons given above, would not be likely to lead to increased dependence on the use of the private car. **Therefore the proposal would be broadly consistent with the aims of policy CP11, although it would be located outside of the development boundary.**”*

- 3.13 As with Policy CP9, the Inspector found that setting aside the settlement boundary which could only be afforded limited weight for the reasons given, that the development of new housing at this site would be consistent with the objectives of Policy CP11.

*“98. The proposal would deliver 12 hectares of Country Park and a new footpath link. The park would be available to the general public. The proposed footpath link through the site would facilitate a circular walk from the village. It would be managed in a manner to preserve and enhance biodiversity, including the creation of a range of habitats. **This would contribute to the social and environmental dimensions of sustainability.**”*

- 3.14 The current 57 unit scheme is delivering 9.7 hectares of SANG / Country Park. Whilst this is a reduction from that previously proposed it still far exceeds what is required for this application and would again contribute to the social and environmental dimensions

*“99. Planning law requires that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework is one such material consideration and confirms that the development plan is an essential component of the plan-led system. **Since the Council is able to demonstrate a five year supply of housing land, and the proposal is subject to an appropriate assessment, the tilted balance within the Framework is not engaged.**”*

100. The appeal site is located outside of the defined development limits for Spencers Wood and in this regard the proposal conflicts with policies CP3, CP9 and CP11 of the Core Strategy. As found by the previous Inspector there would be some limited harm in terms of landscape character and visual impact, although this would be very localised. **Therefore there would be some conflict with policy CP3 and CP11 in this respect.** The proposal would occupy an accessible location close to a range of facilities and services. **It would therefore be consistent with the aims of policy CP9. It would also be consistent with the aims of policy CP11 in so far as it would not detract from the identity of Spencers Wood or lead to the increased use of the private car.**

101. The proposal would provide benefits in terms of the delivery of housing within an area where there is an existing shortfall in housing delivery, **and an increasing and acute need for affordable housing.** The Council suggest that since the proposal will only deliver a policy compliant level of affordable housing this consideration should not outweigh the conflict with the development plan. The provision of affordable housing is a matter to be weighed in the overall planning balance. **Given the considerable and increasing need for affordable housing, and the Council's view that the only means by which affordable housing can be delivered is as a component of market housing, I consider this to be an important benefit of the proposal and I afford it significant weight.** The delivery of market and affordable housing would contribute towards the social dimension of sustainability through the provision of dwellings to meet the needs of present and future generations.

102. **I have found above that subject to the provision of the SANG, the proposal would not harm the integrity of the Thames Basin Heath SPA.** The management of the SANG would broaden the range of species, including invertebrates on the site, the proposed pond would be a further ecological enhancement and would weigh in favour of the proposal. There would also be a benefit in terms of the provision of a publicly accessible country park and pedestrian access to the bus stop.

103. **Economically, the development would bring short-term advantages in respect of jobs. In the longer term it would increase household spending within locality. It would also support economic growth through the provision of housing and the creation of jobs in local services to meet the additional demands arising from the development.**

104. **The weight to be afforded to the settlement boundaries is limited in that they were derived from policy CP17, which sought to meet a much lower housing requirement by comparison with the OAN. I do not consider that the proposal would conflict with policy 1 of the Neighbourhood Plan in that the benefits of the proposal would outweigh its adverse effects. I consider that having regard to the Spatial Vision of the Core Strategy the proposal complies with the development plan as a whole.**

105. **Overall I conclude that the benefits of the proposal significantly outweigh the conflict with the settlement boundaries and the limited harm in terms of landscape character and visual impact.**

- 3.15 The Inspectors overall summing up and analysis, whilst comprehensive as outlined, was in essence fairly simple and logical. In summary;

- As the Council could demonstrate a five year land supply and as the proposal was subject to appropriate assessment, the titled balance was not engaged. The determination of the Appeal was therefore undertaken based upon a normal planning balancing exercise.
- In this regard the Inspector considered that there would be some limited harm to the landscape character of the site and so some conflict with Policies CP3 and CP11.
- Further, as the site lay outside of the settlement boundary for Spencers Wood the proposal would be in conflict with those elements of policies CP3, 9 and 11. However, as the boundaries are derived from out of date housing figures (Policy CP17) the Inspector reasoned that this conflict should be given limited weight.
- In all other respects the proposal was considered to accord with the aims and objectives of the policies i.e. delivering new housing in a sustainable location which would not result in the loss of the identity of Spencers Wood or lead to increased car use.
- The acute and increasing need for affordable housing was assessed as a very important consideration and so afforded significant weight.
- Economic, social and environmental benefits were noted.
- As a result the Inspector concluded that the benefits of the proposal would “significantly outweigh” the limited harm identified.

3.16 The Inspectors considerations as outlined are of relevance to this application because the proposal is essentially the same, albeit it an increased number of houses and affordable houses which is now proposed.

3.17 As noted in Section 1 whilst application 192883 was refused due to the change in the DEPZ, Officers were supportive in all other respects. We highlight the following extracts from the Officers delegated report:

“Principle

*..... **the titled balance is not engaged** however it is noted that this is the same consideration the previous Inspector allowed the appeal on.*

The applicant has provided additional justification for development on the site based on the findings of the Inspector in the latest appeal decision. Specifically, the Inspector highlighted the site is not “subject to any landscape designations or protection” and considered it was not “a valued landscape” (paragraph 23). Furthermore that “views of the appeal site from Basingstoke Road were confined to a short distance to the south of the appeal site, whilst views from Wellington Court would be substantially screened by the existing trees and proposed woodland buffer” (paragraph 25). In relation to the accessibility of the site, the Inspector stated “the site is centrally located relative to the existing village. It stands reasonably close to a range of shops and services within Spencer’s Wood” (paragraph 92) and therefore “that the appeal site occupies an accessible location, close to a range of services and employment opportunities” (paragraph 94). In concluding, the Inspector stated the proposal would not “erode the separate identity of the village, or give rise to any merging with a nearby settlement. Due to the self-containment of the site public views would be confined to a short length of Basingstoke Road to the south of the site, and from The Square, which is located opposite the appeal site. Therefore the impact of the proposal would be very localised” (paragraph 96). Also that “the proposal would be broadly consistent with the aims of policy CP11, although it would be located outside of the development boundary” (paragraph 97).

As can be seen, the Inspector clearly considered that the proposal was acceptable which ultimately resulted in the appeal being allowed. **This is a material consideration and is given substantial weight in the planning balance given the type of development proposed and the fact the Development Plan has not changed since the determination.** However this is not to say that any further development is acceptable simply because of the Inspector’s decision. The proposal is for 120 dwellings (i.e. 63 more than what is currently approved) and therefore there is greater harm to the countryside and this is a further divergence from the Development Plan. Nonetheless, there is also greater benefit provided by the additional dwellings both socially and economically and this must be taken into account. **Furthermore, the impact of the ‘additional’ dwellings should be considered in the light of the Inspector’s findings. The Inspector considered the site was not a ‘valued landscape’ and the development would have only a limited impact and for a short distance on Basingstoke Road.**

Additionally, it is in an accessible location and development would not conflict with the aims of policy CP11. **As such, the greater quantum of development would not be readily visible from Basingstoke Road but would still be able to take advantage of the accessible location.** Indeed such relation to the village core, access to shops and bus stops and the limited views into the site are what sets it apart from other ‘edge of settlement’ locations.

The location of the site in the Borough also lends weight due to the provision of the Shinfield Neighbourhood Plan. In the plan it is acknowledged that “it is expected that further development of residential dwellings, in significant numbers, will come forward before the end of the plan period” (paragraph 8.7). **Additionally, policy 1 states “development adjacent to the Development Limits will only be supported where the benefits of the development outweigh its adverse impacts”.** As such, in policy terms, there is a recognition in this part of the Borough that residential development can potentially occur outside of the development limits.

In summary, there are push and pull factors in relation to the accordance with the Development Plan. In policy terms, the development is clearly contrary to local planning policies and would result in further housing in an area that has already seen

a significant increase in the number of properties in the locality. Taking material considerations into account however, there is an extant permission for 57 dwellings on the site and the Inspector, in allowing those dwellings, gave wording on the site specific impacts. Crucially, this was in the knowledge of a five year housing land supply and this remains the case."

- 3.18 The same general considerations are relevant in this case. However more recently the Council has also acknowledged that it can no longer demonstrate a five year housing land supply. As a result the titled balance is now engaged.

Pre-application Discussions

- 3.19 In December 2023 a pre-application submission was made to the Council to seek officers advice regarding a draft of the current application submission but primarily to explore whether some agreement could be reached in relation to the impact of new development at the site on the safe operation of the OSEP.

- 3.20 The following extracts from the response received are set out in italics with the Appellants comments following in each case:

Principle

*The latest published assessment of housing land supply concluded a deliverable supply of **3.2 years at 31st March 2023**.*

The context of the housing supply shortfall being within a bigger picture of over supply acts to reduce the weight to be attached to the benefits of additional housing in the balance.....

*However, owing to the history of the site, and residential development being built out as part of Phase 1, **there would unlikely be resistance to the principle of development.***

- 3.21 Following the receipt of the pre-application response it is relevant to highlight the Council published a new Housing Land Supply position paper in January 2025 confirming an updated position as at March 2024. This acknowledges a further reduction in the supply position which now stands at only 1.7 years.

Affordable housing

*As the site is located within the countryside, policy CP5 requires 40% of units to be designated as affordable housing. In this case, it is noted **that 50% of the units** would be designated as affordable housing, which is in excess of policy requirements and **would be a benefit of the scheme in the planning balance.***

- 3.22 It is respectfully submitted that the provision of 50% affordable housing is a significant and weighty material consideration in this case.

Valued Landscape

.....We note the conclusion made in previous appeal decisions regarding the site not being designated a 'valued landscape', however this should still be explained and assessed in any subsequent LVIA as the previous appeal decision predates the Valued Landscape Topic Paper (2020).

- 3.23 The Applicant has submitted a formal objection to the proposed Valued Landscape designation as part of the local plan review. This is on the basis that whilst the wider land in this area may hold some landscape quality the application site has been altered and diminished over time such that it does not meet the tests for Valued Landscape designation. In summary:

Landscape Quality

1. The site lies within the Spencers Wood Settled and Farmed Clay; character area as discussed by the 2016 Inspector and is proposed to fall within the wider 'Ridge & Rivers' Valued Landscape designation.
2. Under the Landscape Quality heading the VLA states that a key factor for the J3 'Spencers Wood Settled and Farmed Clay' LCA' is:

"The survival of former field patterns, the remnants of historic parklands, woodland blocks and the hedgerow network are in good condition. The new South of the M4 SDL and other development, and urban edge of Reading fragment the rural character of the northern part of the area, while the major transport corridors introduce noise and movement, except where well screened by ground modelling or trees".

3. However, the application site has been dramatically changed in character and form. The former field patterns noted as being important in terms of the overall landscape quality have been completely lost from the objection site as a result of the development of the 57 new houses and associated SANG.
4. As also explained above the two Section 78 Inspectors have concluded that the landscape quality of the site (before the housing development commenced) should be considered at most 'moderate'.
5. Given the development which has taken place and the complete loss of the original field patterns it is considered that the moderate classification is now optimistic and this can be considered 'low'.

Scenic Quality

6. Under this heading the Council's VLA states that the key quality is:

"For the J3 'Spencers Wood Settled and Farmed Clay' LCA it states: 'An undulating landscape of large arable fields with some pasture.'"

7. The site is now partly housing and part retained paddock. The site does not include large arable fields which are noted as important to the scenic quality of this area.

Rarity

8. Under the 'Rarity' heading the VLA highlights the rare features within the 'J3 *Spencers Wood Settled and Farmed Clay*' area are the presence of Ancient Woodland and a tank ditch and associated pillboxes and other structures making up part of the Second World War GHQ Stop Line.

9. The site does not contain any ancient woodland nor does it include any evidence of a tank ditch, pillboxes or other WW2 structures.

10. When assessing the 2016 Appeal as noted above the Inspector concluded at paragraph 91 that the site did not include any "particularly significant or rare features."

Representativeness

11. The VLA states that representativeness is similar to rarity as discussed above. The LVIA guidance states that representativeness means "*Whether the landscape contains a particular character or features or elements which are particularly import examples.*"

12. The site contains no such features, simply new housing and a grass paddock area.

Conservation Interests

13. Under this heading the VLA states that the Ridge and Rivers Valued Landscape:

".....provides an important mix of wildlife sites and habitats."

14. Again the site comprises a housing estate and a retained grassed paddock. Whilst some habitat interest can be attributed to the boundary hedges the site is clearly not of importance in wildlife and habitat terms. This has previously been accepted by the Council when assessing the potential to add a further 63 homes on the western part of the objection site as discussed above.

15. In terms of historical or cultural interests the VLA notes the GHQ Stop Line as the most important feature. The site does not contain nor does it have any obvious relationship with this element.

Recreational Value

16. The VLA references the recreational value of the J3 area as including “*a network of rural lanes bordered by water filled ditches connect the original settlement pattern*”.
17. The site does not include or contribute to the setting of any rural lanes. It is not accessible to the public and so contributes very little in terms of recreational value.

Perceptual Aspects

18. The VLA states that a key perceptual characteristic is the wildness and tranquillity of the J3 character area leading to dark night skies.
19. The wider site comprises 57 houses and an area of retained field which is impacted by the houses, the lights from the houses, vehicles entering and leaving, driving along the boundary and to a degree from activity on the SANG and comings and goings from the SANG car park.
20. The land does not therefore score highly in terms of tranquillity or in terms of dark night skies.

Associations

21. The site has no obvious historical or other associations with any prominent writers, artists or historical events. It is possible that the land once formed part of the former Stanbury Manor but this has long been removed and little or no perception of association in this regard remains.
22. In overall summary it is considered that whilst the wider area proposed to be allocated as part of the Ridge & Rivers Valued Landscape may be justified, the inclusion of the application land is not. It does not meet the criteria.
23. A similar exercise was undertaken by the Inspector in 2016 who concluded:

91. The Guidelines for Landscape and Visual Impact Assessment identifies a series of factors that are generally agreed to influence value and which help in the identification of valued landscapes. The Wellingtonia

discussed above are an attractive and rather unusual, eye-catching feature in the landscape, yet they stand beyond the site boundary. The remnant parkland features within the site also make a positive contribution to the landscape and visual amenity of the area and **are of some, albeit fairly limited, historical and cultural interest.** Beyond these considerations **the appeal site does not have any particularly significant or rare features, qualities, interest, aspects or associations and is not available for recreational use, such that I am not convinced that it does amount to valued landscape** within the meaning of Framework paragraph 109.

For the avoidance of doubt, **the presence of a valued landscape does not necessarily inhibit development**, but 'raises the bar' in terms of landscape considerations in the design approach. As this is a new and evolving policy, any subsequent planning application **should consider the proposals against the latest national and local planning policies.** This could be by recognising 'Valued Landscape Attributes' from the LCA, and ensuring that the landscape policies, including the guidance in WBLCA, Design Guide and local village design statements and the local plan policies are translated into the appropriate scheme, **which will need to go further than the current draft proposals considered here.**

- 3.24 Notwithstanding the Applicants objection to the proposed Valued Landscape designation, the LVIA submitted with this application now addresses this matter. Further and as discussed below the indicative layout has been redesigned to take account of the comments received.

Layout

There are dwellings currently shown **backing onto the SANG** with large trees and their RPAs within rear gardens. The dwellings need to **face the SANG** and the existing trees and hedgerows incorporated into a verge / boundary in the public realm that will be cared for by a management company. There is an opportunity to provide access to the SANG along the boundary and more natural surveillance around the entrance and into the SANG. A visual relationship between the dwellings and landscape features will establish and will enhance the western boundary.

Most of the proposed **tree planting is in rear gardens**, which is unsustainable and trees are not likely to survive to maturity. **Space needs to be made within the public realm for tree planting**, NPPF Para. 136 'Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that **opportunities are taken to incorporate trees elsewhere in developments**'

- 3.25 These comments have been fully addressed. As shown on the following page all dwellings adjacent to the western and northern boundaries have been turned to face outward toward the SANG. Tree planting and existing trees are now primarily retained within the public realm.



Plan extract showing the changes introduced in response to advice received

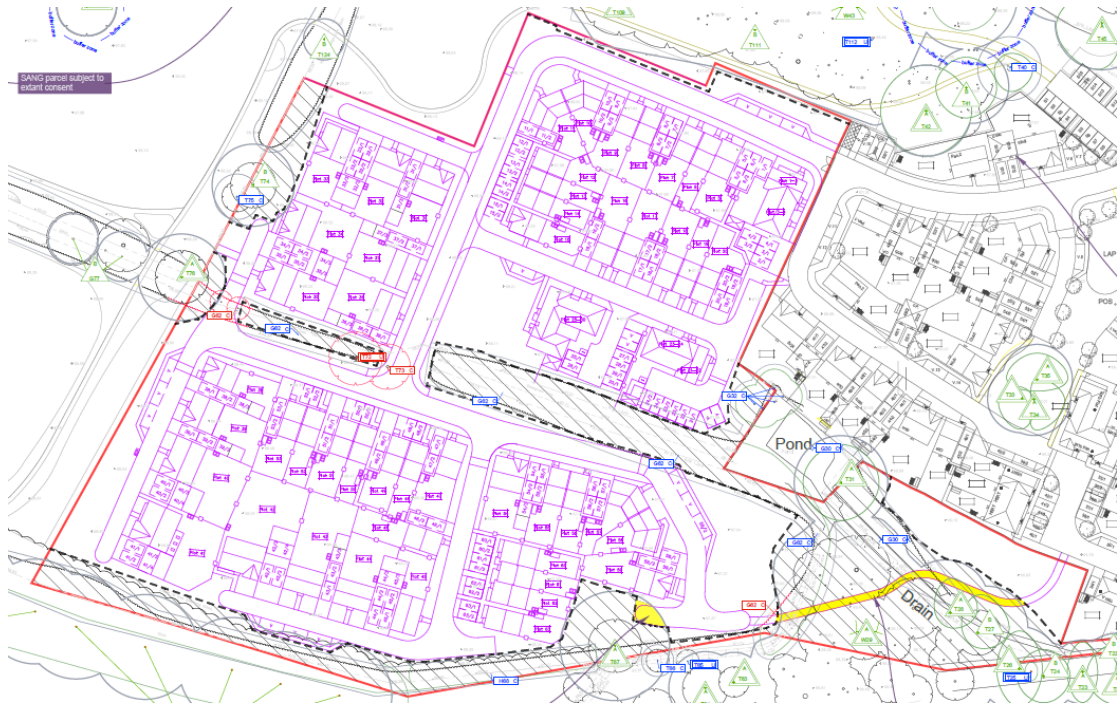
The access road appears long and convoluted particularly where it joins housing in the southern section, **with more roads close to and within the RPA**, facilitating a poor circulation design.

There are incursions into **several trees from 'No Dig' construction**.....

The proposed layout shows a road linking Plots 33-40 and **significant incursion onto the RPA of T67** which is unacceptable.....

'The default position should be that **structures are located outside the RPAs of trees to be retained**. However, where there is an overriding justification for construction within the RPA, technical solutions might be available that prevent damage to the trees' The northern boundary trees are protected by TPO1931/2023 W2. As a woodland TPO all growing parts of the tree are protected, both above and below ground.

- 3.26 The amended layout retains the road outside of the RPA's as shown on the following page. The only areas where there is a minor incursion is the west end of the turning head to the south east corner of the site and the footpath link through to the Phase 1 site.
- 3.27 The road layout has also been simplified with minor roads running off the main access and central spine road.



Extract from the tree protection plan

Parking

The borough's parking calculator would need to be submitted whether or not the application is proposed to be outline or full. If it is an outline application, then the calculation will need to be based on illustrative masterplan and housing mix.

- 3.28 The calculator is included as part of the submitted Transport Statement.

Swept paths

Swept paths assessment for a refuse lorry with acceptable dimensions have been submitted. WBC Highways is concerned with the manoeuvring at all three turning heads and this will need looking at. The refuse vehicle does pass very close to visitor spaces which needs to be look at.

- 3.29 Swept path analysis is provided within the submitted Transport Statement.

Summary

In summary, the history of the site is noted, with application 192883 only being refused in light of the introduction of the Detailed Emergency Planning Zone (DEPZ). As such, this would still appear be a key barrier to be overcome in planning terms. Moreover, any subsequent planning application would need to identify and respond to the site's location within the 'Spencers Wood Southern Ridge Valued Landscape', and demonstrate that the scheme does not harm the valued landscape or elements therein.

Nevertheless, the above feedback has been given on this proposed scheme, such as site layout, public open space, highways, parking and trees etc.

Officers are also mindful of the positive elements of the scheme such as the provision of affordable housing which exceeds policy requirements. Furthermore, it is recognised that the borough does not have a 5 year housing

land supply, and therefore as per paragraph 11 (d) (ii) of the NPPF, Officers should only refuse an application for residential development where ‘the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole’.

*Whilst we are not in receipt of final comments from the Emergency Planners, we forewarn you that an objection from these specialists would appear likely. Any such objection would be given significant weight due to the unique nature of this matter and it relating to the safety of human life and potential impact on the Council’s ability to effectively implement its AWE DEPZ Off Site Emergency Plan, **and would be considered in the tempered ‘tilted balance’ along with any other benefits and disbenefits of such a proposal at application stage as required under Paragraph 11 of the NPPF***

- 3.30 The Applicant agrees with the officers general assessment (and that of recent Appeal Inspectors) that the fact that the site now lies within the extended DEPZ does not result in a moratorium on potential development. Rather, in the planning balance it is necessary to weigh and potential concerns regarding the impact of development on the safe operation of the OSEP against the benefits of the delivery of market and affordable housing in an area where there is an acknowledged, acute need for housing and affordable homes and a land supply position of just 1.7 years.

4.0 RELEVANT PLANNING POLICY

The National Planning Policy Framework (December 2024)

4.1 The NPPF provides the governments guidance on the way in which the planning system should approach the delivery of sustainable new development. We highlight the following aspects.

- The purpose of the planning system is to achieve sustainable development (p.7)
- There are three objectives associated with the desire to deliver sustainable development. These are economic, social and environmental. (p.8)
- There should be a presumption in favour of sustainable development. (p.11) In terms of determining planning application that means:

“c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date , granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance⁷ provides a strong reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.*

- Local Planning Authorities should approach decisions on proposed development in a positive and creative way so that application for sustainable development can be approved wherever possible. (p.39)

- Good quality pre-application discussions can improve development outcomes (p.40)
- Planning applications should be determined in accordance with the development plan unless there are material considerations which indicate otherwise. (p.48)
- The government is seeking to significantly boost the supply of housing (p.61)
- Small and medium size sites play an important role in meeting housing requirements (p.73)
- Local authorities should retain and be able to demonstrate a supply of five years worth of housing land. (p.78)
- Planning decisions should promote the effective use of land in meeting housing requirements. (P.124)
- Planning decisions should promote public safety and take into account wider security and defence requirements (p.102) by:

a) anticipating and addressing possible malicious threats and other hazards (whether natural or man-made), especially in locations where large numbers of people are expected to congregat. Policies for relevant areas (such as town centre and regeneration frameworks), and the layout and design of developments, should be informed by the most up-to-date information available from the police and other agencies about the nature of potential threats and their implications. This includes appropriate and proportionate steps that can be taken to reduce vulnerability, increase resilience and ensure public safety and security. The safety of children and other vulnerable users in proximity to open water, railways and other potential hazards should be considered in planning and assessing proposals for development; and

b) recognising and supporting development required for operational defence and security purposes, and ensuring that operational sites are not affected adversely by the impact of other development proposed in the area.

- Planning decisions should ensure that developments will function well and add to the quality of an area, are visually attractive, sympathetic to character and maintain or establish a sense of place. (p.129 & 130)

The Wokingham Development Plan

- 4.2 The following policies have previously been noted as relevant to the consideration of development proposals on this site.

The Wokingham Core Strategy

CP1 – Sustainable development

- 4.3 Policy CP1 advises that planning permission will be granted for development proposals that are sustainable. A number of detailed criteria are set out as indicators of sustainable development including the need to protect the environment, limit impacts on water quality, provide appropriate drainage, avoid increasing risks from flooding and to support opportunities for reducing car usage.

CP3 - General Principles for development

- 4.4 As the name suggests this is a general development control policy, again setting out a list of criteria against which development proposals will be tested. These include, requirements for development to be of appropriate scale and mass, provide functional and adaptable schemes, have no detrimental impact upon important ecological, heritage, landscape or geological features and to maintain or enhance existing habitats. The policy seeks appropriate open space provision, and resists development that would lead to the loss of community facilities.

CP11 - Proposals outside Development Limits (including countryside)

- 4.5 CP11 seeks to prevent development outside of defined development limits. Some exceptions to this approach are listed including the provision of affordable housing, replacement dwellings etc

Managing Development Delivery DPD

Policy CC01 – Presumption in Favour of Sustainable Development

- 4.6 Policy CC01 repeats the guidance set out in the NPPF to the effect that proposals which accord with the development plan will be granted without delay unless material considerations indicate otherwise. Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether any adverse impacts of planning permission would significantly and demonstrably outweigh the benefits.

Policy CC02: Development Limits

- 4.7 This policy describes how the development limits for each settlement are defined on the Policies Maps.

Policy CC03: Green Infrastructure, Trees and Landscaping

- 4.8 Policy CC03 advises that development proposals should demonstrate how they provide new or protect and enhance the Borough's Green Infrastructure, promote accessibility, linkages and permeability between and within existing green corridors including public rights of way, protect and retain existing trees, hedges and other landscape features. The policy confirms that proposals which would result in the loss, fragmentation or isolation of areas of green infrastructure will not be acceptable.

Policy TB04: Development in vicinity of Atomic Weapons Establishment (AWE), Burghfield

- 4.9 Policy TB04 states that development will only be permitted where the applicant demonstrates that the increase in the number of people living, working, shopping and/or visiting the proposal (including at different times of the day) can be safely accommodated having regard to the needs of "Blue light" services and the emergency off-site plan for the Atomic Weapons Establishment site at Burghfield.

Policy TB21: Landscape Character

- 4.10 Proposals must demonstrate how they have addressed the requirements of the Council's Landscape Character Assessment, including the landscape quality; landscape strategy; landscape sensitivity and key issues. Proposals shall retain or enhance the condition, character and features that contribute to the landscape.

The Shinfield Neighbourhood Plan

- 4.11 The Shinfield Neighbourhood Plan is part of the Development Plan. It was made in February 2017. Paragraph 8.7 advises that:

*“Given the location of the parish relative to transport links and employment opportunities, including the proposed University of Reading Thames Valley Science Park, **it is expected that further development of residential dwellings, in significant numbers, will come forward before the end of the plan period.**”*

4.12 The NP does not specifically allocate any new land for development. It does however contain twelve general planning policies to guide development.

4.13 Policy 1 ‘Location of Development’ states:

*“In Shinfield Parish, development within the Development limits (as illustrated in Fig 2), will be supported; **development adjacent to the Development Limits will only be supported where the benefits of the development outweigh its adverse impacts.**”*

4.14 Policy 2 discusses detailed design principles, Policy 3 requires sustainable development, Policy 4 seeks appropriate accessibility and that regard be paid to highway safety, Policy 5 relates to parking, Policy 6 to trees, hedgerows and woodland, Policy 7 to Biodiversity, 8 Flooding, 9 Community Assets, 10 Sports Facilities, 11 Commercial Development and 12 Broadband provision.

5.0 PLANNING ANALYSIS

- 5.1 This application is in effect a resubmission following the refusal of application reference 192883 which sought outline planning permission 120 new homes on the site of the previously permitted 57 homes and this application site combined.
- 5.2 As explained in Sections 1 and 3, this 120 dwelling proposal, was supported by Officers and was to receive approval. However, immediately prior to its determination, changes were introduced to the boundary of the 'Detailed Emergency Planning Zone' (DEPZ) associated with AWE Burghfield that increased the size of the zone to incorporate much of Spencers Wood including the application site.
- 5.3 As a result, an objection was raised by the Council's Emergency Planning Team regarding the ability of the off-site emergency plan for AWE Burghfield (AWE B) to cope with the additional population arising from further housing development within the new, extended zone and so the application was refused for one substantive reason:

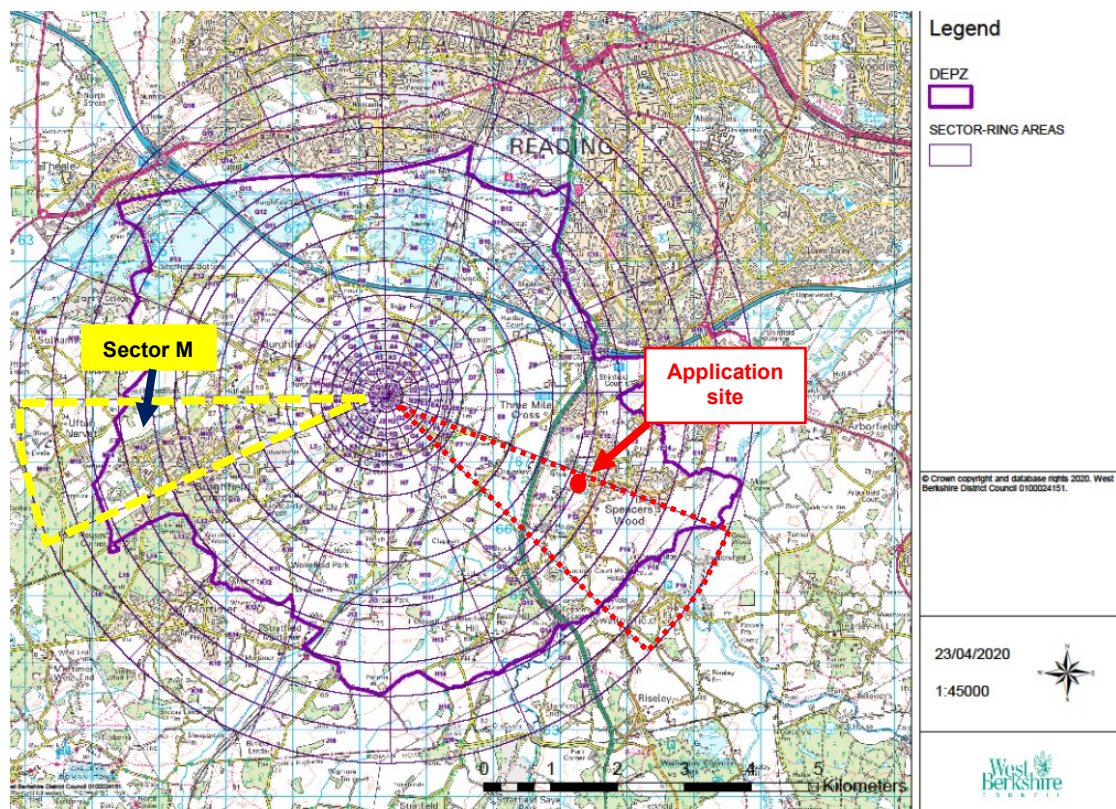
*"1. It has not been **demonstrated** that the **location and quantum** of the proposed development can be safely accommodated having regard **to the needs of Blue light services and the emergency off-site plan for the Atomic Weapons Establishment site at Burghfield**, contrary to policy **TB04** of the MDD Local Plan and **section 8 of the NPPF**."*

- 5.4 Following the refusal this same issue was discussed in front of a Planning Inspector at a Public Inquiry in respect of an Appeal at Kingfisher Grove in Spencers Wood. The Kingfisher Grove site lies 243 metres to the north west of this application site and within the same 'sector' of the DEPZ as defined in the Off Site Emergency Plan (OSEP).
- 5.5 Evidence was presented on the Appellants behalf at the Inquiry by Dr Michael Thorne. Dr Thorne's evidence is available to view on the Council's website. In summary this explains that:
- The risk of an accident at AWE Burghfield with off-site consequences is extremely low, no more likely than 1 in 10,000 years.
 - The chance that the wind would be blowing any contaminated plume towards the application site is approximately 10%.

- For the plume to reach the site the most adverse weather conditions would have to be taking place. This happens 12% of the time.
- The statistical probability of an accident occurring whilst the wind is blowing in the direction of the application site and during an adverse weather event is therefore estimated as 1 time in 1,000,000 years.
- Due to the low levels of radiation that could be released the risk of an adverse effect on the health of an individual at the site is approximately 1 in 1,200,000,000 years.

5.6 Notwithstanding the very low probability that such an event would ever occur it was recognised by all parties at the Inquiry that the OSEP must still be able to respond to and cope with such an event should it occur however unlikely.

5.7 The OSEP covers the whole of the DEPZ and is designed to cope with an event affecting any of the sectors within it. The map extract below is taken from the OSEP and shows these sectors. The application site (like Kingfisher Grove) falls into Sector F. The site and the sector have been highlighted in red.



Sector map taken from the OSEP with application site and sector F highlighted

- 5.8 By their nature the various sectors have differing population levels and densities. Some are much more heavily populated than others. Logically the plan must be equipped to deal with an event in the most densely populated sector. This is sector M with some 2566 residential properties. This has been highlighted yellow on the sector plan on the previous page.
- 5.9 At the Inquiry the Council confirmed that the OSEP is sufficiently robust to deal with an event impacting Sector M, the blue light services would be able to cope with an incident affecting this sector.
- 5.10 The application site lies almost directly east of AWE B whilst sector M lies to the west side. As a matter of fact therefore it would not be possible for a plume leaving AWE B to impact both sectors due to wind direction.
- 5.11 The number of dwellings currently within Sector F is 620 i.e. almost 2,000 dwellings less than in Sector M. It is therefore clear that as the plan can cope with an incident in Sector M impacting 2566 residential properties it would as a matter of fact be able to cope with an incident in Sector F with 620 dwellings are located plus the 63 additional homes proposed by this application.
- 5.12 This was the position adopted by the Inspector in the Kingfisher Grove case (Appendix 1) and the initial Hollies Nursing Home case (Appendix 2) and subsequent redetermination (Appendix 3). The second Hollies Inspector advised:

*“30.....even taking a precautionary approach, the evidence before me indicates **that sufficient resources are available to provide a suitable response to the permanent population of around 22,000, the transient population as well as a potential crowd of 24,000 at the nearby stadium** - a figure that I heard could increase substantially in the future. Even though I give significant weight to the expert advice of the ONR, **I do not consider that the addition of up to a further 77 permanent residents to the DEPZ would, in itself, have a material impact on the overall emergency response.** Similarly, while I accept that the OSEP is under significant pressure, I have seen no robust evidence that the addition of a further 77 residents to the DEPZ would materially affect its adequacy.”*

- 5.13 The Inspectors have all made clear that their decisions should not be taken as setting a general precedent for new development elsewhere in DEPZ as the conditions in different zones and with different scales of development and different population levels may well lead to a different conclusion being drawn.

- 5.14 However in this case the proposal is for a similar scale of development (63 compared to 49 at Kingfisher Grove) and located within 243 metres of the Kingfisher Grove site. The Inspectors conclusions are therefore clearly and directly relevant in this case. Further the conclusions of the second Hollies Inspector that the plan can cope with impacts in respect of a population of 22,000 with a further 24,000 at Reading Stadium are relevant. This is because a plume affecting the application site would not be impacting the stadium and vice versa.
- 5.15 On this basis it is respectfully our submission that the previous concerns regarding the impact of a small scale development in this location on the ability of the OSEP to cope in the unlikely event of an incident occurring have been removed. The proposal should not be considered contrary to Policy TB04.
- 5.16 In addition to this, the Applicant has also formally appointed Dr Thorn and Dr Pearce who acted in both these cases to specifically review the current application proposals. A Radiological Impact Assessment Report has been prepared and is submitted alongside this application.
- 5.17 Whilst the location of the proposed development within the DEPZ of AWEB is a material planning consideration, this must be weighed in terms of the overall risk set against the need for housing and affordable housing as part of the planning balance.
- 5.18 Dr Thorn and Dr Pearce advise that the application proposal has no material impact on the resources required in the event of implementation of the OSEP for an incident at AWEB and can therefore be safely accommodated under that plan having regard to the needs of “Blue Light” services and other parties involved in implementing or responding to that plan. This means that the application proposal complies with MDD Policy TB04.
- 5.19 Notwithstanding these submissions, the Applicant has prepared a site specific emergency plan which has been designed to further mitigate any additional ‘load’ that may be perceived as a result of the additional population within the DEPZ and so support the OSEP. The plan is included as part of the application package. The plan will:
- Ensure that every house has a landline phone while that remains the Council’s preferred method of promulgating the alarm.

- Ensure that every house has a copy of the local authority's prior information pack.
- Ensure that every house has a copy of "How to Survive a Nuclear Emergency" (Issue 3 – especially revised to include AWE(A) & (B)) by Dr K.I.Pearce.
- Require that a village community hall or similar venue is hired and residents invited to a presentation about the radiological risks arising from AWE(B), the purpose of the OSEP, the prior information and providing further information about the deleterious health effects of radiation exposure.
- Providing an area with mains power and internet links for AWE to install an air monitor should they want to.
- Finance the provision and maintenance of an air monitor (specified and installed by AWE) for a period of up to 10 years or until the site is taken out of the DEPZ, whichever is the sooner.
- Support annual presentations in local facilities about personal resilience (open to anyone living in the area) while the estate is within the DEPZ.
- Sponsor radiation knowledge in local medical services and schools.

5.20 It is proposed that these measures and actions are delivered to the existing 57 Phase 1 homes as well as those proposed by this application. This will provide a benefit for existing residents who have not been provided with any such support as the planning permission for that site was granted before the extension of the DEPZ. Therefore rather than placing a burden on the OSEP it may be considered that this proposal will to a degree ease pressure with existing residents receiving additional support and information.

The Principle of Residential Development at the Site

Relevant Planning Context / Background

5.21 As has been summarised in Sections 1 and 3 of this statement, the Application site adjoins the western boundary of an existing consented development which is underway and will deliver 57 new homes.

- 5.22 That consent was granted at Appeal following two public inquiries. The first Inspector, Mr Jones, originally allowed the Appeal in 2016, confirming that in his view the benefits of the housing and affordable housing outweighed the limited localised harm to the landscape arising from it. Mr Jones decision was quashed in the high court due to issues relating to five-year land supply calculations. The second appeal was again allowed in September 2018. On this occasion the Inspector, Ms Coffey, found that the Council could demonstrate a five year land supply and so the 'tilted balance' in favour of the grant of permission was not engaged. Despite this, on the basis of a normal planning balancing exercise she determined that the benefits of the scheme, (market housing and affordable housing), "significantly" outweighed the minor harm that would result to the local landscape.
- 5.23 In addition in late 2020 / early 2021 Officers supported the principle of development at this site combined with the 57 dwelling site (reference 192883) which sought outline permission for 120 new homes i.e. the extant 57 plus a further 63 on this current application site. The Officer at that time considered the same factors that led the two Inspectors to grant permission for the 57 dwellings applied equally to the enlarged site and so in principle this could be supported. That application was only refused subsequently due to an amendment to the DEPZ associated with AWE B as discussed above.
- 5.24 There have been no material changes to the National² or Local Planning Policy context since the September 2018 appeal was allowed and Officers had initially determined that the 120 dwelling application should be supported in 2021.
- 5.25 Whilst the Council has embarked upon the preparation of a new local plan this is subject to significant objection and the examination has yet to begin.
- 5.26 As a result it is submitted that the careful analysis carried out by Inspector Coffey in terms of how development in this location should be assessed against National and Local Planning Policy remains as valid in respect of this application as it did in 2018. Similarly the Officers assessment of the 120 dwelling proposal in 2020/2021 prior to the DEPZ change also remains equally valid in terms of matters of principle. In summary:

² The NPPF was updated in July 2024 but does not contain any material changes in policy that would lead to an alternative assessment of the application.

- The application site stands outside but close to / adjoining of the defined settlement envelope of Spencers Wood.
- In this respect the proposal runs contrary to Policies CP9 and CP11.
- However, as the settlement boundaries were drawn on the basis of the delivery of the housing requirement set out in Policy CP17 which is accepted by the Council as being out of date, any conflict with CP9 and CP11 in terms of settlement boundaries can only be given limited weight.
- The Council is unable to demonstrate a five year housing land supply with latest estimates placing this at just 1.7 years. Again therefore the tilted balance is engaged and settlement boundary policies must be considered out of date.
- The Inspector identified some limited localised harm to the sites landscape character and so some conflicts with Policies CP3 and CP11.
- However, in all other respects the Inspector found that the proposal was in accordance with the aims and objectives of the policies i.e. delivering new housing in a sustainable location which would not result in the loss of the identity of Spencers Wood or lead to increased car use.
- The proposal complies with Policy 2 of the Shinfield Neighbourhood Plan provided that the benefits of the scheme outweigh any harmful impacts.

5.27 Within this context i.e. the limited conflict with elements of policy held outdated (settlement boundaries) and the limited landscape impacts the Inspector then weighed on the other side of the balance the general conformity with the aims and objectives of the policies and the clear, benefits of the market and in particular affordable housing.

5.28 The Inspectors conclusion was very clear, i.e. this was not an 'on balance' decision but rather the benefits of the proposal were considered to "significantly outweigh" the limited harm that had been identified.

5.29 It is submitted that in the determination of this application it is necessary to undertake a similar balancing exercise to that carried out by Inspector Coffey. This was the approach adopted by the case officer for the 120 dwelling application at the end of 2020 / early 2021. That is, as summarised in Section 3 the officer sought to consider whether in the context of the ongoing development of the 57 dwellings at the Stanbury House site frontage there would be any additional impacts as a result of the extension of development onto this application site that should be added to the 'harm' side of the balance and equally whether there would be any additional elements which should be added to the benefits side of the balance.

- 5.30 It is our submission as discussed further below, that the extension of the site westward as proposed results in little or no additional landscape or tree impacts (See accompanying LVIA and Arboriculture Assessments) but delivers significantly greater benefits due to the increased housing and in particular affordable housing. It therefore follows that a similar decision to that arrived at by Inspector Coffey in respect of the 57 dwelling Appeal and officers when initially supporting the 120 dwelling proposal should be taken in the case of this application.

Benefits of this Application

- 5.31 The application represents sustainable development and would deliver the following:

The Economic Dimension

- 5.32 The provision of new dwellings contributes to the economic dimension. This would include the construction jobs as well as economic benefits to the local shops and services within the Spencers Wood area. Inspector Coffey advised:

“103. Economically, the development would bring short-term advantages in respect of jobs. In the longer term it would increase household spending within locality. It would also support economic growth through the provision of housing and the creation of jobs in local services to meet the additional demands arising from the development.”

- 5.33 As may be appreciated, this application proposes 63 new homes in addition to the 57 and so the economic benefits identified by the Inspector would be more significant if this current application were to be delivered in addition to the 57.

The Social Dimension

- 5.34 The application proposes 63 new homes of which 50% would be affordable homes i.e. far above that required by Council Planning Policy and far in excess of what has been achieved on comparable sites in the area including the SDL's.
- 5.35 When considering this matter as part of the 57 dwelling proposal where affordable homes were to be provided at a policy compliant rate of 40%, the Inspector noted that the Council has relied upon its acute affordable housing need position to justify seeking affordable housing provision on sites of less than 10 new homes against national guidance. (P.79)

5.36 The Inspector also highlighted the SHMA need figure of for affordable housing of 441 dwellings per annum which had also been utilised in the emerging Local Plan Issues and Options consultation (P.80) as well as the significant numbers of people registered on the Council's affordable housing waiting list. Completion figures for affordable homes in the borough demonstrated that provision has fallen consistently well short of this requirement. (P.82)

5.37 As a result the Inspector concluded that:

*“83.there is a clear mismatch between the SHMA figure and the number of affordable dwellings delivered in recent years. On the basis of the submitted evidence I conclude that there is a considerable and growing need for affordable housing within the Borough. **In these circumstances I consider that the provision of affordable housing is a significant benefit of the proposal.**”*

5.38 A review of available monitoring information suggests that in the period between April 2013 and March 2024 the Council has, on average, delivered 242 affordable homes each year. This is clearly significantly below the estimated 441 annual requirement.

5.39 Evidence presented at the recent Hayes Drive Inquiry (LPA ref 233038) arising from the Appellants Freedom of Information request confirmed that at 13 October 2022 there were some 1,225 households seeking an affordable home in Shinfield Parish. This highlights that in addition to the Borough wide need there is a significant unmet and growing demand for affordable housing in Shinfield parish.

5.40 The provision of an additional 31 affordable homes in addition to those being delivered on the 57 unit site where the benefit was noted as significant can only add further weight to this benefit.

The Environmental Dimension

5.41 As part of the preparation of this application assessment work of the sites ground conditions has been undertaken as well as the preparation of a detailed surface water drainage strategy. This has been developed as a result of liaison between the appointed drainage, ecological and landscape consultants and has resulted in surface drainage features that would provide ecological benefits and so increase the enhancements to biodiversity offered by this scheme over and above those recognised by the Inspector when assessing the Appeal scheme.

- 5.42 It is recognised that in the period since the approval of the 57 dwellings and the Council's support for the 120 dwelling application the importance of Biodiversity Net Gain has increased and the Government have advised that provision for net gain should be applied on large sites from November 2023 and on smaller small sites from April 2024. The Council does not currently have an adopted policy in the Local Plan which addresses this matter but the Applicant is keen to deliver at least a 10% biodiversity net gain (BNG) as part of this development.
- 5.43 This matter is discussed further in the supporting Ecology Report undertaken by Aspect Ecology. Whilst some of the BNG will be provided on site, some will be delivered offsite by purchasing credits. This could be secured by way of Planning condition and / or legal agreement.
- 5.44 Finally, in terms of the environmental benefits, when the original application was submitted it proposed to meet the requirements of Council Policies CC04 (Sustainable Design & Construction) and CC05 (Renewable Energy). However, in the interim Code for Sustainable homes as referenced in these policies has been revoked. The Applicant however remains happy to comply with those elements of Policies CC04 and CC05 which remain valid and / or any new reasonable standard adopted by the Council.
- 5.45 In this regard the Inspector's decision letter proposed a condition (condition 11) seeking the generation of 10% of the predicted energy requirement of the development from decentralised renewable and/or low carbon sources.
- 5.46 In summary, in terms of benefits, it is respectfully submitted that the economic benefits are clearly now greater than would be delivered through only the approved 57 units scheme. The social benefits, in particular affordable housing are also very significantly enhanced compared to the 57 dwellings scheme and finally the environmental benefits in terms of the additional on-site water features and BNG also represent an enhancement.

Additional Material Considerations

- 5.47 As outlined in this statement both previous Inspectors have identified that the only harm resulting from development on the 57 dwelling site would be some be limited impacts on site trees and also some limited and localised landscape impacts.

- 5.48 By extending the site west as proposed by this application it is relevant to consider whether there would be any additional harm to site trees, whether there would be any additional harm to landscape character and also whether there may be any new, additional harm in respect of other factors which whilst may not have been relevant to the 57 dwelling site are relevant to this application site.

Impacts Upon Trees

- 5.49 In terms of impacts upon site trees, it is proposed to retain all of the boundary trees and landscaping and the vast majority of site trees as previously. All good quality trees have been designed into the layout. The accompanying Arboricultural Assessment provides guidance as to both root protection areas (RPA's) and also in terms of shading from trees and so the relationships with proposed dwellings as shown on the indicative site master plan. This demonstrates that impacts upon trees would remain extremely limited.

Landscape Impacts

- 5.50 In terms of landscape impacts, as described in this statement, it has been held by two Inspectors and accepted by the Council that the landscape impacts of the development on the eastern part of the site are limited and localised. This is due to the fact that development on the site would primarily be viewed from Basingstoke Road and the Square beyond and so between existing dwellings on the west side of the road. As a result of the sites containment with landscaping and trees there are few further public views. Similarly there are few private views as the northern and southern boundaries are in the most part wooded or at least well treed. As explained in the accompanying LVIA the extension of the site as proposed by this application would have little or no additional impact on public views when compared to the extant situation as the additional housing would simply stand behind that already permitted and so would be screened by it. Whilst the extended site would move closer to Wellington Court and two cottages to the south these are very well screened by existing trees and woodland.
- 5.51 The indicative layout has been amended following pre-application advice to address concerns relating to the impact of the development on site boundaries and the landscape character of the area.
- 5.52 In summary the extended site would again have little or no additional landscape impacts when compared to the existing position with the 57 dwelling consent.

Other new or material impacts

- 5.53 When considering the impact of the 120 dwelling scheme (including 63 units on this application site) the Officers delegated report does not raise any concerns regarding the potential impact of the proposals upon the amenity of existing residents, highway impacts, ecology, flood risk / drainage, heritage and archaeology, site ground conditions, sustainable construction and affordable housing. It is again submitted that the dwellings proposed by this application should not alter these previous conclusions as follows.

Neighbouring Amenity

- 5.54 The existing residential properties along Basingstoke Road and would not be impacted by this application as they are screened in views from the application site by the 57 dwellings currently being constructed. The application site is however closer to the residential properties within Wellington Court and also to two existing cottages located south of the site accessed via the 'Highlands' driveway.
- 5.55 The properties in Wellington Court would still be a significant distance from the nearest proposed new dwelling and well screened from the site by existing woodland. The proposal would have no material adverse impacts on the amenity of or outlook from Wellington Court.
- 5.56 The two cottages would also stand well beyond general separation guidelines and again screened by existing boundary landscaping and also proposed new planting to strengthen the southern boundary buffer landscaping in that area. Again, therefore this proposal would not lead to any harmful reduction in the amenity of these properties.

Access and Highway Impacts

- 5.57 The proposed access would be taken from Basingstoke Road utilising the junction and roadway which serves the 57 dwelling scheme. As set out in the accompanying WSP Transport Statement the access can readily accommodate the additional 63 dwellings.
- 5.58 The statement also explains that the site is within acceptable walk and cycle distances, as specified by the Design Manual for Roads and Bridges, to numerous local facilities providing for the day to day needs of residents without the requirement to travel by car.
- 5.59 It is in close proximity to local bus stops which provide regular services into Reading Town Centre and Fleet (Bus Service 7).

Ecology / Biodiversity Enhancements

- 5.60 Save for the site boundaries which comprise trees and hedge lines which are to be retained the bulk of the site is of limited ecological value being in agricultural management and so subject to treatments including fertilizer and herbicides.
- 5.61 No concerns were therefore raised regarding the impacts of development on the 57 or 120 dwelling schemes. Ecological surveys have been undertaken in respect of this submission and highlight no constraints to the development of the site.
- 5.62 The application also proposes to introduce new SuD's basins as part of the surface water drainage strategy. These would be designed to maximise their aesthetic and wildlife opportunities, with permanent water, areas of reeds (which also assist water quality / filtration) and marginal and open water aquatic species. There will be interpretation boards to explain the water and wildlife benefits associated with these features.

Flood Risk & Drainage

- 5.63 On site infiltration testing has been undertaken to inform the site drainage strategy. It is proposed to utilise a sustainable urban drainage system with attenuation basins linked across the site to attenuate surface water and release it to the ditch at the sites southern boundary at no greater than existing greenfield run off rates. A Flood Risk & Surface Water drainage Strategy report has been prepared by Stantec to demonstrate this.
- 5.64 The size of the attenuation ponds shown on the indicative master plan are based upon detailed calculations to ensure adequate capacity whilst retaining some standing water at all times for ecological and visual enhancement reasons.
- 5.65 The site does not stand within an area liable to flood (flood zones 2 or 3) and there are therefore no flood risk or drainage constraints to the development of the site as proposed.

Heritage & Archaeology

- 5.66 As part of the consideration of the adjacent application for the 57 homes, both the Council and the Inspectors considered that there would be no impacts upon the setting of any listed buildings nor harm to any other statutory or no-statutory heritage assets.

- 5.67 The extended site does not alter the sites relationship with any listed buildings, the nearest of which is the old school house / library to the south of the site. This was again the conclusion drawn when the 120 dwelling proposal including this application site was considered. Notwithstanding this, this application is again accompanied by an archaeological desk based assessment which concludes that the site is unlikely to contain any archaeological remains of significant importance. A condition was added to the 57 dwelling Appeal decision (condition 7) seeking a program of investigatory works prior to the commencement of development on the site. A similar approach is proposed in this case.

Site Ground Conditions

- 5.68 An invasive site investigation process has been undertaken including the sinking of boreholes and digging of trial pits which soil and water samples then analysed.
- 5.69 As may be expected given the sites greenfield nature with no significant history of uses other than farming / grazing, contamination levels are reported to be negligible and certainly not prejudicial to residential use of the site.

Sustainable Construction

- 5.70 The Council does not have any policies regarding particular standards in this regard following the deletion of the Code for Sustainable Homes standard. However again the applicant is happy to accept a planning condition requiring the development of a scheme to ensure that at least 10% of the site's energy needs are delivered from renewable sources.
- 5.71 in overall summary, it is respectfully submitted that there are no new or additional impacts weighing against the grant of permission in respect of the application site area. This was noted by Officers when considering the 120 dwelling application with the officers report explaining:

"....., the impact of the 'additional' dwellings should be considered in the light of the Inspector's findings. The Inspector considered the site was not a 'valued landscape' and the development would have only a limited impact and for a short distance on Basingstoke Road.

..... it is in an accessible location and development would not conflict with the aims of policy CP11. As such, the greater quantum of development would not be readily visible from Basingstoke Road but would still be able to take advantage of the accessible location. Indeed such relation to the

*village core, access to shops and bus stops and the limited views into the site are what **sets it apart from other 'edge of settlement' locations.***

Thames Basin Heaths Special Protection Area (SANG)

- 5.72 It is recognised that the site lies just inside the 5km consultation zone of the Thames Basin Heaths Special Protection Area (TBH SPA).
- 5.73 It is therefore necessary to provide Suitable Alternative Natural Greenspace (SANG) by way of mitigation against the potential impacts that residential development could have upon the TBH SPA. In basic terms residents of the new housing may wish to utilise the SPA for leisure, dog walking etc. and so an alternative must be provided which will be attractive to future residents and so lessen the potential pressure on the SPA.
- 5.74 In this regard SANG is to be provided as part of the 9.7 hectares of land directly adjoining the site to the west. Planning permission already exists to provide SANG and the implementation.
- 5.75 As with the initial 57 dwelling scheme it is proposed that a legal agreement is prepared that will link any permission granted for the housing to the delivery of the SANG. The SANG would be in place prior to the occupation of the first house on this site.

Relevant Appeal Cases

- 5.76 Since the 57 dwelling scheme was approved in September 2018, there have been further appeal decisions within Wokingham relating to proposed residential development within the Borough on sites outside of defined settlement limits.
- 5.77 Whilst all applications / appeals must be considered on their merits it is relevant to have regard to key themes which emerge from Appeal decisions considering similar issues and within the same local planning policy context. We highlight extracts from two recent cases as follows:

17/0970 & 17/0971

Proposed construction of up to 80 dwellings & SANG provision

Land at Finchampstead Road, Finchampstead North, Wokingham

- 5.78 The Appeals were dismissed in June 2019. The residential appeal was dismissed due to concerns that the future residents of the site would be largely reliant upon the private car i.e. not a particularly sustainable site, and due to concerns over impacts upon the character of the area. There were also issues with the proposed SANG and whether this was appropriate to mitigate against impacts on the SPA.
- 5.79 None of these matters are relevant to this application. However, the following extracts consider the issue of principle and land supply which are:

"17. It was a matter of agreement between the parties that the Council can, for the purposes of this appeal, demonstrate a five year supply of housing land based on Local Housing Need plus a 5% buffer.

18. However, having a five year supply does not, of itself, militate against the granting of permission for further housing beyond development boundaries. In this case, the development limits in the Borough date from 2010 and were drawn to accommodate development needs based on a constrained Regional Strategy figure, a figure that is substantially less than the Government's Standard Method figure and which was agreed by the parties as being out of date. I am mindful, in this regard, that some colleagues have treated the development limits in Wokingham as either out of date or given them limited weight, on the basis that they are derived from an outdated housing requirement.3 I have, therefore, considered the proposal on its own particular merits."

95. Whilst the Council can demonstrate a five year housing land supply, I noted at the start that the settlement boundaries date from 2010 and were drawn to accommodate development needs based on a constrained Regional Strategy figure. As such, they have been treated by some colleagues as being out of date. Nonetheless, Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 (as amended) require that applications be determined in accordance with the development plan unless material considerations indicate otherwise. Even had I found that the proposed SANG would provide suitable mitigation and that the tilted balance was engaged, the harm that I have identified in terms of the effect of the residential scheme on the character and appearance of the area, and the reliance of future residents on the private car to access everyday services and facilities, would be sufficient to lead me to dismiss the appeal on the basis that the adverse impacts significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole."

- 5.80 In summary the Inspector made clear that it would be inappropriate to simply refuse planning permission based upon the fact that the Council could demonstrate a five year land supply and lay outside of the historic settlement boundaries. A review of the

merits of the proposal should be undertaken. It was on this basis that the Appeal was dismissed.

171737

Proposed construction of up to 55 new homes

Land at Parklands East of Basingstoke Road, Spencers Wood

- 5.81 This appeal is also of relevance as it relates to land outside of the defined settlement boundary but to the east rather than west side of Spencers Wood. We highlight the following:

“9...The site is outside the development limits of Three Mile Cross and Spencers Wood, but the residential elements of the proposal would adjoin those limits.

*10. Policy CP11 of the CS restricts the development that can take place outside development limits. **The policy states that such proposals will not normally be permitted but lists exceptions to this. The housing element of the proposal would not accord with that policy..... The housing development would similarly not accord with Policy CC02 of the LP which provides for development to take place within the development limits.***

*11. Policy CP9 of the CS sets out a hierarchy of development locations and both Three Mile Cross and Spencers Wood are ‘modest development locations’ at the second level of that hierarchy. The policy requires development to be within development limits but allows for affordable housing adjoining those limits in modest development locations. **The proposed market housing would not accord with this policy.***

*12. The aim of policy CP9 is to ensure that development is concentrated in locations which have the most services and facilities and where there is good accessibility by sustainable means. The site is in a location which has a good level of accessibility to a range of services and facilities. There have been improvements to service infrastructure that have been provided in connection with development in the SDL. New and improved school facilities have been provided and there are good bus services to and from Reading. Further improvements to public transport services are programmed. There are new leisure facilities nearby and shopping facilities at Shinfield, together with a Budgens supermarket at Three Mile Cross. Paragraph 4.53 of the CS states that these settlements may be considered as ‘major development locations’ when appropriate additional retail facilities have been provided or are programmed in them. **The proposed housing development is in accordance with the aims of Policy CP9 in these respects. The sustainability of the location in terms of its accessibility is a material consideration to which I give weight.***

*13. The Shinfield Parish Neighbourhood Plan (NP) was made in February 2017. Policy 1 of the NP supports development within the development limits. **The policy only supports development adjacent to those limits where the benefits of the development would outweigh its adverse impacts.***

26. The public benefits of the proposal also include the recreational value of the SANG and the affordable housing. **The proposed SANG provision would substantially exceed the amount necessary for mitigation and would provide public benefit.**I give substantial weight to this benefit.

27. I give further **significant weight to the benefit of the proposed affordable housing because of the acute need for such housing in the area.** There are over 1,800 households on the Council's housing register awaiting rented accommodation and at least 1,500 households on the shared ownership register. It is evident that although the Council is taking action to deliver the 441 affordable homes needed annually, as revealed by the Berkshire Strategic Housing Market Assessment (2015), through its housing company, the past record of delivery has fallen short of that figure.

52.There is a 6.83 years' supply of deliverable housing sites and paragraph 11 (d) of the Framework **is not engaged on the basis of housing land supply.**

53. Part of this supply has, however been **achieved by using land outside the development limits**.....

54. In the Stanbury House appeal, the parties had **agreed the annual rate to deliver the objectively assessed need to be 876 dpa. The Inspector gave limited weight to the development boundaries on the basis that they were derived from Policy CP17.** The housing need of over 907 dpa is higher still than the figure used in that appeal.

55. I take the view that the **development limits are out-of-date because they are based on an outdated housing requirement, but that the aims of Policies CP11, CP9 and CC02 are generally consistent with national policy.** It is important to look at the **underlying aims of those policies in deciding the weight to be given to the conflict with them. Those aims are to protect the identities of separate settlements, to maintain the quality of the environment and to locate development where there is good accessibility to services and facilities.** For the reasons given above, the **proposal would maintain the separation of the settlements and their separate identities. There would be a high degree of accessibility to services and facilities**.....

56. Because the development limits are out-of-date, **Policies CP11, CP9 and CC02 are not fully up-to-date.** This does not mean, however that those policies are out-of-date such that the tilted balance in paragraph 11 (d) of the Framework would be engaged. **Nonetheless because the policies are not fully up-to-date the conflict with them does not attract full weight. I also take into account the significant degree of consistency between the proposal and their underlying aims.**

57. I have given **substantial weight to the benefit of the SANG. I also give significant weights to the benefits of the affordable housing, the accessible location** and to the enhancement to the setting of the listed building in terms of improved public access.The planting within the SANG would aim for biodiversity gain. I give further limited weights to these benefits.

58. The substantial, three significant and three limited weights that I have identified in favour of the proposal would be enough to outweigh the great,

significant and moderate weights that I attach to the harms and policy conflicts. The material considerations are of enough weight to indicate that my decision should be otherwise than in accordance with the development plan. This balancing exercise demonstrates that the benefits would outweigh the impacts and the proposal would accord with Policy 1 of the NP in this respect.”

- 5.82 As is clear, in allowing this appeal the Inspector again noted that the Council could demonstrate a five year housing land supply. Further that development at the site, being outside of the defined settlement boundaries for Spencers Wood, would be contrary to Policies CP9, CP11 and CC02. However, the Inspector also noted that these boundaries were out of date and so conflict with them should not be given full weight. Rather the Inspector (as in the Stanbury House case) considered the underlying aims of the policies i.e. to protect the identities of separate settlements, to maintain the quality of the environment and to locate development where there is good accessibility to services and facilities. The Inspector concluded that as there would be a high degree of consistency with the aims of these policies this should outweigh the limited conflict with the out of date settlement boundaries.
- 5.83 Importantly the Inspector also gave significant weight to the over provision of affordable housing in a location suffering from acute need.

Planning Balance

- 5.84 A key aspect of National and indeed Local planning Policy is the need to significantly boost the delivery of new homes. There is an affordability problem with market housing provision (currently at a ratio of 11.8 in Wokingham) and there is an acute shortage of affordable housing being delivered.
- 5.85 At the present time the Council's housing land supply position stands at just 1.7 years which is a shortfall of some 4,963 dwellings. Only 241 affordable dwellings have been delivered on average over the past 10 year in Wokingham against a requirement of 441. There are 1,225 households registered as seeking an affordable home in Shinfield Parish.
- 5.86 The delivery of new housing in this context represents a significant social aspect of sustainable development which can be afforded substantial weight in the determination of this application.

5.87 Set against this the Council's Emergency Planning Team have and are likely to raise concerns as there is an extremely remote, agreed 1 in 1,000,000 year, possibility that an incident could occur at AWE B and that could have a minimal impact upon the site, this should result in the refusal of planning permission in this case.

5.88 It is respectfully our submission that that this is a disproportionate position to adopt. The very remote possibility of an incident at AWE B and the minimal potential impact this would have on public health even if it occurred can be assessed as a "tolerable" risk. A tolerable risk is defined by the Health and Safety Executive as one where there is:

"a willingness by society as a whole to live with a risk so as to secure certain benefits in the confidence that the risk is one that is worth taking and that it is being properly controlled"

5.89 The lack of housing, particularly affordable housing and the hardship, health and social implications that result from this are impacting those in need now. It is the Applicants position that in the planning balance the significant benefits arising from the provision of the new market and affordable homes clearly weigh heavily in favour of the grant of planning permission.

5.90 In the context of paragraph 11(d) of the framework it is clear that the potential effects / impacts of an incident at AWE do not significantly and demonstrably outweigh, the benefits of the application proposals.

6.0 CONCLUSIONS

- 6.1 Outline planning permission, (with all matters reserved other than site access), is sought for the construction of up to 63 new homes on land west of Basingstoke Road in Spencers Wood.
- 6.2 As has been set out within this statement the application in effect seeks a westward extension of the 57 dwelling permission which is already under construction at the frontage of Stanbury House.
- 6.3 A previous application for 120 dwellings (57 currently under construction plus 63 on this application site) was supported in principle by the Council in 2020/2021 and only refused as a result of a last minute change in the DEPZ associated with AWE Burghfield.
- 6.4 The impact and implications of the change to the DEPZ has now been further analysed and assessed, in particular as part of the Kingfisher Grove Appeal which found that a development of 49 new homes on land within 243 metres of this site would not compromise the ability of the OSEP to respond to an incident at AWE Burghfield. The reasoning and logic behind that assessment is discussed in Sections 1 and 5 of this statement and we submit applies equally in this case. This conclusion has again been supported by two further Inspector in the Hollies Nursing Home case.
- 6.5 It is respectfully submitted that in terms of the consideration and review of this application, the key matter for assessment is whether the benefits of extending the 57 dwelling site to provide 63 additional new homes outweighs any harm arising.
- 6.6 These issues have been discussed in Sections 3 and 5 of this statement. In brief summary the additional benefits over and above those deemed to have been sufficient to justify the grant of the 57 dwelling permission are the additional housing, affordable housing, enhanced biodiversity provision and economic benefits. Set against this the accompanying LVIA prepared by Indigo Landscape and the Arboricultural Statement prepared by Barrell Tree Care explain that there would be no material additional harm and certainly no harm that could reasonably be considered sufficient to outweigh the benefits of this proposal.

- 6.7 The Council recognises the need to continue to deliver new homes and has embarked upon the preparation of a new local plan. However, this is unlikely to be adopted for at least 18 months. In the interim if the Council's five year land supply position has dropped to 1.7 years and action is required to address this.
- 6.8 It is respectfully submitted that this proposal is a clear opportunity in this regard. It is a location which is already under development (57 homes) albeit to a lesser extent, regardless of this application. However, this proposal brings significant added benefits, particularly in terms of affordable housing provision will little or no additional harm.
- 6.9 We ask that the Council supports this proposal and grants outline planning permission in this case.

Appendix 1 – Kingfisher Gove Appeal

Appendix 2 – Hollies Nursing Home Appeal (1)

Appendix 3 – Hollies Nursing Home Appeal (2)