
Appeal Decision

Site visit made on 15 September 2020

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th October 2020

Appeal Ref: APP/W0340/W/20/3252506

Land to the south of Maida's Way, Aldermaston RG7 4LL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr James Hastie against the decision of West Berkshire Council.
 - The application Ref 19/02265/FULD, dated 29 August 2019, was refused by notice dated 28 November 2019.
 - The development proposed is erection of four dwellings.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - Whether the proposal accords with the development plan, with regards to the suitability of the location of the appeal site for new housing and, if not, whether there are any material considerations that would justify a departure from it;
 - The effect of the proposal upon human health, with particular regard to the site's proximity to the Aldermaston Atomic Weapons Establishment;
 - Whether the proposed footpath would provide suitable access for pedestrians so as not to have a significant effect upon highway safety; and
 - The effect of the proposal upon the character and appearance of the area.

Reasons

Planning policy

3. The settlement of Aldermaston is identified in Policy ADPP1 of the West Berkshire Core Strategy 2006-2026 (WBCS) as a service village. The appeal site lies outside of the settlement boundary of Aldermaston, as identified in Policy C1 of the Housing Site Allocations Development Plan Document 2006-2026 (the Site Allocations Plan). The site is therefore identified as being located within the countryside, where Policy C1 states that there is a presumption against residential development. The policy does however identify a number of limited exceptions to this, where proposals would, subject to other policies, be considered to be acceptable.
4. No evidence has been put to me that the proposal would satisfy any of the exceptions identified in Policy C1 and, having reviewed the scheme against these exceptions, I am satisfied that this is the case. It cannot comply,

therefore, with the approach to housing in the countryside as set out in Policy C1 of the Site Allocations Plan and is therefore contrary to the development plan in this respect.

5. This is however not the end of the matter. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) states that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
6. It is suggested by the appellant that the housing requirement, as set out in the WBCS should be regarded as a minimum figure and the Government objectives enshrined within the National Planning Policy Framework (the Framework) to significantly boost the supply of homes, ought to override the provisions of the WBCS. The point is also made by the appellants that the proposal would contribute in a small way to the Council's housing targets, providing much needed family housing. In this regard however, I note that the Council can demonstrate a five-year supply of deliverable housing sites. Therefore, there seems to be no good reason to set aside the development plan, or treat it as somehow out-of-date, in favour of the Framework in that context.
7. Reference is also made to the location of the site in relation to local services and facilities and the albeit short term economic benefits that would arise from the construction of the dwellings, along with the longer term benefits arising through CIL payments and support to local facilities. Submissions are also made by the appellant to suggest that the site should have been included within the settlement boundary by the Council as part of their recent policy review.
8. I do not seek to bring any of that into question. However, as I have set out, the Council can currently demonstrate a five-year supply of deliverable housing sites and the Framework, in these instances identifies that the planning system should be genuinely plan led. Therefore, it is difficult to see how, in this instance, setting the development plan aside, especially where it is presently meeting delivery targets, can comply with that aim. In that context, it would be at odds with the plan-led system to decide that a departure from the development plan was warranted by the limited scale and nature of the benefits the proposal would bring forward.

Human health

9. The appeal site lies within the Detailed Emergency Planning Zone (DEPZ) surrounding the Aldermaston Atomic Weapons Establishment (AWE). The DEPZ is the geographic area within which West Berkshire Council is required to coordinate an Off-Site Emergency Plan (OSEP), along with other agencies. The proposed development would be located on the northern edge of the DEPZ, about 1100m from the site boundary of the AWE.
10. Policy CS8 of the WBCS relates specifically to proposals in proximity to AWE and states that in the interests of public safety, residential development in the inner land use planning consultation zones of AWE, is likely to be refused planning when the Office for Nuclear Regulation (ONR) has advised against that development. Paragraph 95 of the Framework requires that planning policies and decisions should promote public safety and take into account wider security and defence requirements.

11. In this case, the proposed scheme is located within the inner land use of AWE Aldermaston. In consultation on the appeal application, AWE have advised against the proposed scheme on the cumulative effects of additional dwellings within the DEPZ and that it would have an adverse effect on the AWE OSEP.
12. The proposal would result in an increase in the population within the Sector. Whilst these additional numbers would be relatively small and the appeal site is located on the very edge of the DEPZ, next to a main road, I conclude that, despite the overall population within Sector R being less than other Sectors, due to this increase in population, the appeal proposal would be likely to prejudice the ability to implement the OSEP in the event of a radiation emergency. Accordingly, it would, as a result of its proximity to the Aldermaston AWE, increase the risk of harm to human health.
13. Reference has been made to the recent Tower Nursery development, which also lies within the DEPZ. I am however not aware of the circumstances around this case so as to be satisfied that it is comparable to this one. In any event each case must be considered on its own merits.
14. For the above reasons, I therefore conclude that the proposed development would result in an increase risk to human health, and in this respect, would be contrary to Policy CS8 of the Core Strategy and paragraph 95 of the Framework, which indicates that planning decisions should ensure that new development is appropriate to its location, taking into account the effects of pollution on health.

Pedestrian access

15. The proposal would make provision for a pedestrian footpath along the southern boundary of the site, linking the development with the existing footway that runs along Basingstoke Road. In contrast, the Council preferred the provision of a section of footway to run along Maida's Way, before linking to Basingstoke Road.
16. Whilst the proposed footpath would not be in the position as requested by the highway authority, it would however serve a similar purpose, that of providing a footpath connection from the proposed dwellings to local services and facilities, either in the village, or on the opposite side of the main road. Whilst the route would be separate from the road, albeit for a short element, it would benefit from natural surveillance from the proposed and the surrounding properties. If required, the provision of some form of lighting could be delivered via a planning condition.
17. For the above reasons, I therefore conclude that the proposal would not have a significant effect upon highway safety and, in this regard, complies with Policy CS13 of the CS, Manual for Streets and the Framework.

Character and appearance

18. The surrounding development comprises a mix of house types with varied architectural styles, including a number of historic buildings, along with the relatively recent development on Maida's Lane. Properties are set within a variety of plot sizes, which, when combined with their varied design, gives the area an appearance of a settlement that has evolved over a number of years. That said, whilst architectural styles vary, there is a predominance in the use of

red brick and tiled roofs, with either hips or gables to add interest and character.

19. In contrast to the majority of the surrounding development, the nature of the layout, in particular the access road and the parking arrangements, would result in the development having an estate character. However, Maida's Way is clearly an estate road, built to serve new development further along. Therefore, whilst the proposal would appear as a small estate, this is not necessarily out of keeping with its local context. Furthermore, the overall design of the dwellings, through the inclusion of architectural detailing and the articulation of the elevations, would respond to the nature and character of surrounding buildings. A varied palette of materials would also help to create visual interest to the dwellings. On this basis, notwithstanding the site's location outside of the settlement boundary, the design and appearance of the buildings, would not significantly effect the character and appearance of the area.
20. For the above reasons, I therefore conclude that the proposal would not significantly effect the character and appearance of the area and, in this respect, complies with Policy CS19 of the WBCS and the Framework. These policies, amongst other things, seek to ensure that new development is appropriate in terms of its surrounding context.

Other Matters

21. The Council found no harm in respect of the effect on parking or access, drainage or living conditions to neighbouring occupiers. These form neutral matters in the overall planning balance.

Conclusion

22. For the above reasons, I therefore conclude that the appeal should be dismissed.

Adrian Hunter

INSPECTOR