



Appeal Decision

Site visit made on 15 August 2024

by S Castle BSc Hons MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 December 2024

Appeal Ref: APP/W0340/W/24/3343072

Sunnyside Village Stores, Reading Road, Burghfield Common, RG7 3EG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr M Patel against the decision of West Berkshire District Council.
 - The application Ref is 23/01812/FUL.
 - The development proposed is erection of 2no. dwellings with associated access and curtilage, following the partial demolition of the rear element of the convenience store.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant, during the appeal process, submitted additional plans. The Council is satisfied that those plans address their fourth refusal reason. I see no reason to disagree.

Main Issues

3. The main issues in this case are:
 - Whether or not the proposal would accord with policies which seek to minimise the potential impact on public safety and emergency services in relation to the Aldermaston Atomic Weapons Establishment Burghfield (location AWE B) Detailed Emergency Planning Zone (DEPZ) and associated Off-Site Emergency Plan (OSEP);
 - the effect of the proposal on the living conditions of the occupants of neighbouring properties and whether the scheme would provide for suitable living conditions for future occupants; and
 - whether the proposal would have an acceptable effect on flood risk with specific reference to surface water drainage.

Reasons

AWE

4. The appeal site is located within the Detailed Emergency Planning Zone (DEPZ) of AWE Burghfield. The site also lies within the 'outer zones' for AWE Aldermaston and AWE Burghfield as set out in Policy CS8 of the Core Strategy¹.

¹ West Berkshire Core Strategy (2006 - 2026) Development Plan Document

5. West Berkshire Council have a number of responsibilities under The Radiation (Emergency Preparedness and Public Information) Regulation 2019 (REPPIR 2019), including determining the DEPZ and developing an Off-Site Emergency Plan (OSEP). The purpose of the DEPZ is to define an area where the Council needs to have a plan that details how they, the emergency services and other organisations, would respond in the unlikely event of a radiation emergency arising from an AWE site.
6. Policy CS8 of the Core Strategy sets out that development in the consultation zones will be considered in consultation with the Office for Nuclear Regulation (ONR), having regard to scale, its location, population distribution, the impact on public safety including blue light services, and the emergency off-site plan as well as other planning criteria.
7. Policy CS8 goes on to set out the criteria for when the ONR will be consulted. Notwithstanding these criteria, the policy does not preclude the local planning authority from notifying parties who may have an interest in the proposal. Indeed, paragraph 45 of the Framework states that local planning authorities should consult the appropriate bodies when considering applications for the siting of, or changes to, major hazard sites, installations or pipelines, or for development around them.
8. The proposal would result in an additional dwelling within the DEPZ and within the 'outer zones' identified by Policy CS8. An increase in population would increase the need for, and demand placed upon, emergency responders, reception centres, rest centres, and radiation monitoring, thereby exacerbating the difficulties of delivering emergency care in a complex multi-agency emergency. Whilst the impact of the proposal may be modest, it would incrementally increase pressure upon the resources available to implement the OSEP in the event of a radiation incident. The argument that the impact would be small could be made for any individual development, but the cumulative effect of numerous proposals, over time, could significantly undermine the effectiveness of the off-site emergency planning arrangements, which would be harmful to the interests of public safety.
9. The ONR, the Council's Emergency Planning Team, and AWE have all provided detailed objections to the proposals. Taken together, these objections advise that the development would place the OSEP at risk of being inadequate, and would therefore place the community, both existing and new, at risk in terms of their public health and wellbeing. Given the responsibility for managing and regulating the potential risks from the AWE B site, including responding to emergencies, lies with the local authority and associated bodies such as the ONR, and the AWE, their concerns with respect to the deliverability of the OSEP carry considerable weight.
10. On the basis of the evidence before me, I find that the risks to public safety are adverse effects which weigh against the grant of permission in this case. Consequently, the proposal would conflict with Policy CS8 of the Core Strategy, which seeks to minimise the potential impact on public safety and emergency services in relation to the Aldermaston Atomic Weapons Establishment (location AWE B) Burghfield. It would also conflict with paragraphs 101 and 193 of the Framework in terms of failing to promote public safety.

Living Conditions

11. The Council's Adopted Supplementary Design (SPD) Quality Design: Part 2 Residential Development, 2006, advises that at the rear of a dwelling the expectation of the resident will be that they should experience a high level of privacy and that overlooking windows should be avoided or some distance away. The SPD recommends a distance of 21m as a guideline for an acceptable privacy distance between houses backing onto each other.
12. The main parties advise that the separation distances between the rear elevations of the proposed dwellings and those of nos 18 and 20 Garlands Close would be less than 21m. A previous appeal decision for residential development on this site found that the recommended 21m separation distance should be respected. I see no reason to disagree with that finding. Whilst the shortfall in the recommended separation distances would not be substantial, there would, nevertheless be a detrimental impact on the privacy of the adjoining occupiers at nos 18 and 20 Garlands Close by virtue of the proximity of the facing rear windows.
13. The relationship between the first floor bedroom window on the rear of plot 2 and the windows on the rear of no 1 Park View would be significantly oblique. Given the angled nature of these views, I am satisfied that the proposal would not result in an unacceptable loss of privacy to 1 Park View.
14. The separation distance between the flat to be retained within Sunnyside Stores facing towards the proposed dwellings would, however, be insufficient to prevent a loss of privacy to both existing occupiers of the flat and future of occupiers of the proposed dwellings.
15. The appellant has suggested a landscaping scheme secured by condition could be used to mitigate the detrimental effect of the proposal on privacy. Such landscape screening cannot, however, be guaranteed to survive in perpetuity and would not, therefore, satisfactorily address the harms identified.
16. Overall, the scheme would cause unacceptable harm to the living conditions of the occupants of neighbouring properties through loss of privacy. Furthermore, it would not provide appropriate levels of privacy for future occupants of the development. The proposal therefore conflicts with Policy CS14 of the Core Strategy and relevant guidance contained within the SPD and Framework in this regard.

Flood Risk

17. No detailed surface water drainage details have been submitted in support of the proposals. There are no nearby sewers or watercourses and the Lead Local Flood Authority (LLFA) advises that an infiltration solution may be challenging to implement at the site given the area is identified as having the potential for high groundwater levels and is potentially underlain by clay.
18. Any proposals to use infiltration methods, therefore, need to be submitted with supporting evidence such as ground investigations. Without such information, it is not possible to ascertain whether a suitable drainage strategy could be designed. Given that it may not be technically feasible to install a sustainable drainage system without significant implications for the overall scheme, it is not reasonable to secure drainage details by way of condition.

19. Consequently, the proposal would have an unacceptable effect on flood risk with specific reference to surface water drainage. It therefore conflicts with the Framework and Policy CS16 of the Core Strategy which, taken together, seek to ensure that surface water is managed through the implementation of sustainable drainage methods.

Planning Balance

20. The Framework aims to significantly boost the supply of homes and the proposal would create an additional home. There would be social benefits arising from the provision of an additional dwelling. The proposal would result in economic benefits through the construction phase and as a result of expenditure and revenue from future residents. Overall, given the scale of the development, I attach modest weight to these benefits.
21. Significant weight is, however, given to the harms identified above. The proposal would conflict with the development plan as a whole, and the material considerations, including the Framework, do not indicate that the appeal should be determined other than in accordance with it.

Conclusion

22. Consequently, for the reasons set out above, and having had regard to all other matters raised, the appeal is dismissed.

S D Castle

INSPECTOR