



Appeal Decision

Site visit made on 21 August 2018

by Richard S Jones BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 October 2018

Appeal Ref: APP/E0345/W/18/3199152

The former Woodley Arms Public House, Waldeck Street, Reading RG1 2RF

- 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 Lainston Woodley Arms LLP against the decision of Reading Borough Council.
 - The application Ref 171893, dated 26 October 2017, was refused by notice dated 12 January 2018.
 - The development proposed is the erection of two buildings to accommodate a total of 38 student units of accommodation, including parking, amenity space and landscaping, following demolition of the existing former public house.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of two buildings to accommodate a total of 38 student units of accommodation, including parking, amenity space and landscaping, following demolition of the existing former public house at the former Woodley Arms Public House, Waldeck Street, Reading RG1 2RF, in accordance with the terms of the application, Ref 171893, dated 26 October 2017, subject to the conditions set out in the Schedule attached to this decision.

Main Issues

2. The main issues are:
 - the effect of the development on the character and appearance of the area; and
 - whether a legal agreement is necessary to provide adequate controls over the use of the development, including its highways and other travel effects.

Reasons

Character and appearance

3. The appeal site comprises a vacant two storey public house with large single storey extension and its associated car parking area. It is bounded by Charndon Close to the west, an access road serving a row of garages to the east and by a garage court to the south. The site frontage is to Waldeck Street which is primarily made up of modest, two storey Victorian terrace dwellings set out along consistent building lines close to the to the back of the footway.

Although a number of the terrace dwellings have been altered, in overall terms there is a high degree of consistency to their architectural features.

4. To the east of the pub there is a pair of two storey semi-detached houses but these are set back from the road frontage behind a high brick wall with the main front elevation facing in the opposite direction. The two storey flats beyond at Jack Price Court, are largely seen in the context of Southampton Street. Consequently, these latter elements have a limited influence on the overall character of Waldeck Street, which is largely defined by the terrace housing.
5. To the west of the site along Elizabeth Walk are newer, shorter rows of terraces and their associated garage blocks. To the south and east of the site there are blocks of flats, varying in scale between three and four storeys. From Waldeck Street views of the flats are largely restricted to the area around the appeal site but because of their setback they are not key features in that context.
6. Two previous appeals have been dismissed in January 2016¹ and April 2017². Although the designs varied, both schemes sought approval for the erection of a single block of 40 student apartments. The current scheme also seeks to redevelop the site but with two, two and a half storey buildings.
7. As per the previous appeal scheme, the proposed elevation to Waldeck Street shows that the overall height of Block 1 would be similar to the houses either side. Even so, the previous Inspector found *"due to the separation between the site and development either side, the front and side elevation of the building would be seen together when approached from the east or west along Waldeck Street. The depth of the building would add to its bulk and, consequently, the development would have a significant impact in the street scene. The street elevation depicts a modest sized building, but this only shows how the development would be perceived from one aspect. Overall, the building would have a greater scale, bulk and mass than the buildings either side, and it would be a dominant feature in the street scene."*
8. The critical aspect therefore was not the scale of the frontage in isolation but the scale arising from the combination of the front and side elevation of a single block. Whilst I have limited details of that scheme, evidence provided by the appellant shows that the combined length of the front and side elevation of Block 1 would be substantially less than that of the previous single block proposal. In the more open approaching views from the west it would be possible to view Block 1 and 2 together but the gap between the buildings would significantly reduce the perceived scale and massing which would arise from one large continuous block. The separation between the blocks is also sufficient so to avoid a cramped, overdevelopment of the site. Given that for the most part the dwellings on Waldeck Street appear to run as a continuous terrace it would not appear unusual for the development to extend to nearly the full width of the site.
9. I accept in the case of the terraces fronting onto Waldeck Street, that their height generally reduces from the principal elevation towards the rear. I also appreciate that the gable ends and crown roof accentuate the scale of the proposed building in the return side elevation. However, as the site is isolated

¹ Appeal Ref: APP/E0345/W/15/3130498

² Appeal Ref: APP/E0345/W/16/3162984

from the existing development on either side by the flanking roads, it is somewhat inevitable that it would be more prominent. Given that the site essentially comprises a block unto itself, it is not unreasonable in this case to retain its scale as a principal elevation onto the return frontage of Chardon Close. In any case, the scale would not be dissimilar to the restrained two storey scale of the adjacent terraces and would not be unacceptably exacerbated by the effect of one large block. Block 1 would also be set back from the main front building line of the terrace to the west and in addition would largely sit within the general built extent of the rear building line.

10. Whilst Block 1 would appear elevated in the approach up the hill from the east, this is a much less open aspect than in the approach from the west. Here the building would be partly screened by the high brick wall at the back edge of the pavement and the existing trees. Moreover, the use of brick, render and decorative stonework is domestic in character rather than institutional. Consequently, in overall terms the proposal would not unacceptably disrupt the character of the street scene.
11. Block 2, whilst not visually isolated from the character of Waldeck Street, would also be seen in conjunction with a much more varied built context. This includes three and four storey flats, two storey terraces and long rows of single storey garage blocks. The street scene does not therefore have the same level of visual unity as Waldeck Street and the prevailing character would not be sensitive to that proposed.
12. In any case, the same general scale and design principles have been applied to that of Block 1. As I have not found harm in respect of Block 1, which actually faces onto Waldeck Street, it follows that Block 2 would similarly not result in unacceptable harm. Furthermore, its overall scale would also be reduced by its staggered building line and it would not appear materially taller than Block 1. Whilst I agree that the southern elevation to Block 2 would appear bland due to its lack of articulation, the ground floor level would be largely obscured by the row of existing garages. The harm arising from having only two windows visible in the upper levels would not be sufficient in the particular context of this case to justify withholding planning permission.
13. Moreover, the existing public house is of no architectural merit and the current neglected appearance of what is a large and highly visible site significantly detracts from the character and appearance of the area. Accordingly, I do not consider its removal would destroy the integrity of the estate as has been suggested.
14. Whilst the current scheme provides limited opportunity for soft landscaping, that shown would be an improvement on the existing. This relatively low starting point does not justify any improvement but much of the frontage would be viewed in the context of Waldeck Street, which for the most part comprises terraces with little or no soft frontage landscaping. It would not therefore appear as an unduly hard urban edge. The landscaping opportunities would generally be less than that around the neighbouring flats but the difference again would not justify withholding planning permission.
15. For the above reasons I do not consider that the proposal would result in an unacceptable overdevelopment of the site and would not appear overly dominant, alien or jarring. I appreciate that local residents do not consider that their feedback to the public consultation has been taken into account.

However, in overall terms, I am satisfied that the concerns expressed by the previous Inspectors have been addressed.

16. I therefore conclude on this main issue that the proposal would not result in unacceptable harm to the character and appearance of the area and would not be contrary to Policy CS7 of the Reading Borough Local Development Framework Core Strategy or the National Planning Policy Framework (the Framework). These state, amongst other things, that all development must be of high design quality that maintains and enhances the character and appearance of the area in which it is located.

Legal agreement

17. The appellant has submitted a signed Unilateral Undertaking (UU) pursuant to Section 106 of the above Act, the covenants of which relate to car parking and travel plan provisions.
18. Due to the nature of the accommodation, parking availability and outdoor amenity space provision, I agree that it would not be appropriate for use for permanent general occupation. It is necessary therefore to restrict occupation to students only who are more likely to occupy the accommodation for shorter periods of time.
19. In terms of parking, the development includes provision for 10 on-site spaces, including one disabled space. I note that the RBC Transport has confirmed this to be acceptable for the development proposed but in accordance with the Council's Parking Standards and Design SPD, students should be prohibited from bringing vehicles to the site. To this end the UU would prevent students from parking at the property other than at the beginning and end of term times, when this would be controlled by a management plan. The UU also prevents students from applying for a residents parking permit. In combination, these measures would ensure that the development achieves appropriate on site provision and would not lead to additional parking pressures in the neighbouring streets.
20. The UU also covenants to the provision and implementation of a travel plan to help initiate the use of more sustainable modes of transport. With such covenants in place, the proposed use would generate less vehicular trips throughout the day than that which could occur through the fallback use of the site as a public house. I recognise that the predicted trip rates for the latter have varied but these conclusions are still applicable and consistent with the views of RBC Transport. The proposal would not therefore result in a material impact on the safety and efficiency of the local highway network.
21. On the basis of the above, I consider that the measures in the UU are necessary, related directly to the development and fairly related in scale and kind. As such they would accord with the provisions of Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the tests for planning obligations set out in the Framework.
22. The Council's second reason for refusal also refers to the absence of a completed legal agreement to secure an acceptable mitigation plan or equivalent contribution towards the provision of employment, skills and training for the construction phase of the development. However, as such a clause was not sought previously, the Council does not object to its omission from the

current UU for consistency reasons. In any case, I am not persuaded that in this case it would be necessary to make the development acceptable in planning terms. On that basis it would fail to meet the tests in the Regulations. Consequently, even if it was included, it would not be lawful to take it into account as a reason for granting planning permission.

23. The Council consider the absence of affordable housing within the scheme, as required by Policy CS CS16, to be acceptable on the basis that the scheme is restricted to student occupiers only. I agree.

Other matters

24. I do not consider that the proposal would create poor quality student accommodation as suggested. Indeed the rooms appear relatively well appointed and all of the main rooms at roof level are served by windows. The windows are also of sufficient size and would allow reasonable levels of light into the rooms. I appreciate that the entrance to Block 2 is not well related to the main external communal facilities but the level of inconvenience arising would not be unacceptable.
25. I have noted the concerns regarding drainage but I have no substantive evidence to suggest that it would not be possible to resolve them by way of condition. Similarly, on the basis of the evidence before me, I cannot conclude that the proposal would cause undue stress to local services and other infrastructure.
26. I note local residents concerns regarding the effects of houses in multiple occupation (HMO) and the preference that the July 2014 planning permission for four flats to be implemented. Notwithstanding that this approval is no longer extant, I have been appointed to determine the acceptability of the appeal proposal, which includes a legal obligation to be for student use only, thereby precluding a HMO use. Moreover, the description of development and the plans reflect a proposal for 38 units rather than 40 and a condition would be imposed on any planning permission granted for the development to be carried out in accordance with the approved plans.
27. I do not dispute the need for family housing in Reading but I have been appointed to determine the acceptability of a proposal for student accommodation, for which the Council acknowledge there to be a need. In this case the provision would be made utilising a brownfield site in a sustainable location, relatively close to the University of Reading, London Road Campus. Indeed, although of limited weight, I note that emerging Policy ER1a of the Pre-submission Draft Reading Borough Local Plan seeks to allocate the site for residential, with a potential for student accommodation. Whilst emerging Policy H12 states that new student accommodation will be provided on or adjacent to existing campuses, the Council consider that this would be outweighed in this case by the draft site allocation Policy ER1a. I agree.
28. The level of overlooking from the front windows onto Waldeck Street would not be materially different to that which already takes place between opposing properties on either side of the street and would not be unacceptable. Given the separation to existing properties there would not be an unacceptable loss of light or outlook. As the existing public house is not in use, the proposal would inevitably result in an increase in activity and noise generation. However, I am mindful that that the same would apply should the public house use

recommence. Moreover, the appellant has submitted a student management plan in support of the proposal. This sets out a number of measures which would ensure that the proposal would not lead to an increase in anti-social behaviour to the detriment of the existing settled residential community, or unacceptable harm to the living conditions of existing neighbouring properties by way of noise and disturbance. This could be secured by way of condition as could noise mitigation measures for the use of air source heat pumps. Concerns regarding the potential archaeological resource could also be resolved by way of condition.

Conditions

29. In addition to the standard condition that limits the lifespan of the planning permission, I have specified the approved plans for the avoidance of doubt and in the interests of proper planning. Materials and landscaping conditions are necessary in order to protect the character and appearance of the area. Conditions to deal with any contamination are necessary as the development lies on the site of a historic brick field. A condition is also necessary to ensure satisfactory drainage of the site.
30. In the interests of highway safety, conditions are required relating to the provision of the car park and its management, as well as to deal with some residual car parking permit issues. However, a further condition informing the prohibition of a permit is not necessary as it would repeat clauses of the UU. A condition is also required to ensure the provision of cycle parking facilities in order to encourage sustainable modes of transport. A condition requiring a construction management statement is also necessary in the interests of highway safety and to minimise the disruption to local residents and users of the highway network.
31. The Planning Practice Guidance advises that care should be taken when using pre-commencement conditions. In my view there is sufficient scope to delay agreement of the external materials and landscaping to a later stage in the build programme and I have therefore amended the triggers accordingly. Nevertheless, the condition requiring a construction management statement needs to be pre-commencement because the matters which are required to be addressed could occur from the very start of the development programme. The contamination conditions are required to be pre-commencement as this issue affects how the development proceeds. The archaeological condition is pre-commencement because it is necessary to establish the archaeological resource prior to any works which may affect the same. In accordance with The Town and Country Planning (Pre-commencement Conditions) Regulations 2018, these have been agreed by the appellant. For a number of the conditions I have amended the wording to ensure compliance with the provisions of paragraph 55 of the Framework.

Conclusion

32. For the above stated reasons, I am satisfied that the proposal would, in overall terms, meet the social, economic and environmental objectives of sustainable development, as envisaged by the Framework. For these reasons, and taking into account all other matters raised, I conclude the appeal should be allowed.

Richard S Jones INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 1:10,000 scale location plan; Sheet 01 (Location Plan); Sheet 02 (Site Plan); Sheet 03 (Existing Plans); Sheet 03 (Proposed Plans); Sheet 04 (Proposed Plans); Sheet 05 (Proposed Plans); Sheet 06 (Proposed Plans); Sheet 07 (Proposed Elevations); Sheet 08 (Proposed Elevations); Sheet 09 (Proposed Elevations); Sheet 10 (Proposed Elevations); Sheet 11 (Street Elevations) and 2031/2A (Landscaping Proposals).
3. The development shall be operated at all times in accordance with a Student Management Plan to be submitted to and approved in writing by the local planning authority prior to the beneficial use of the development commencing.
4. Prior to the beneficial use of the development commencing, details of the Air Source Heat Pumps (ASHPs) including measures to minimise noise, shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and retained thereafter.
5. No superstructure works shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
6. Notwithstanding the details shown on any approved plan, no superstructure works shall take place until details of both hard and soft landscaping have been submitted to and approved in writing by the local planning authority. The submitted details shall include a landscaping maintenance and management plan, including long term objectives, management responsibilities and maintenance schedules for the landscaped areas. The landscaping shall be carried out before the end of the first available planting season following occupation of the development in accordance with the approved details. The landscaping shall be maintained and managed in accordance with the approved landscaping maintenance and management plan at all times thereafter. Any trees or plants that, within a period of five years from the completion of the development, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.
7. The development shall not be occupied until the vehicular parking and turning facilities have been provided in accordance with the approved details. Those facilities shall be retained thereafter.
8. Prior to occupation of the development, car parking allocation details and details of an Arrivals and Departure Management Plan shall be submitted to and approved in writing by the local planning authority. The development shall operate at all times in accordance with the approved details.

9. The student units hereby approved shall not be occupied until the Council has been notified in writing of the full postal address of the units.
10. Secure, covered and lockable bicycle storage spaces shall be provided and equipped with secure cycle stands in accordance with details to be submitted to and approved by the local planning authority before any part of the development is occupied.
11. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the local planning authority to provide for:
 - a) the parking of vehicles and site operatives and visitors;
 - b) loading and unloading of plant and materials used in constructing the development;
 - c) storage of plant and materials used in constructing the development;
 - d) the erection and maintenance of security hoarding / scaffolding if required;
 - e) wheel washing facilities;
 - f) measures on site to control the deposition of dirt / mud on surrounding roads during construction;
 - g) footpath and road closures needed during construction;
 - h) traffic management needed during construction;
 - i) times, routes and means of access into and from the site for construction traffic and delivery vehicles (including the removal of waste from the site); and
 - j) measures to control noise and dust during construction and demolition.

The approved Construction Method Statement shall be adhered to throughout the development process.

12. No demolition and construction works shall take place outside 0800 hours to 1800 hours Mondays to Fridays and 0800 hours to 1300 hours Saturdays. Works shall not take place at all on Sundays or Bank Holidays.
13. No development shall commence until an assessment of the risks posed by any contamination shall have been submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall include:
 - a) a survey of the extent, scale and nature of contamination;
 - b) the potential risks to:
 - human health;
 - property (existing or proposed) including buildings, pets, woodland and service lines and pipes;
 - adjoining land;
 - ground waters and surface waters;
 - ecological systems; and

- archaeological sites and ancient monuments.
14. No development shall take place where (following the risk assessment) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out and upon completion a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority before the development is occupied.
15. Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.
16. Prior to the commencement of superstructure works, a detailed scheme for the surface water and foul water drainage of the development shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be fully implemented prior to the occupation of the development.
17. No development shall take place until a written scheme of archaeological investigation has been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions – and:
- a) the programme and methodology of site investigation and recording;
 - b) the programme for post investigation assessment;
 - c) the provision to be made for analysis of the site investigation and recording;
 - d) the provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - e) the provision to be made for archive deposition of the analysis and records of the site investigation; and
 - f) the nomination of a competent person or persons/organization to undertake the works set out within the written scheme of investigation.