



Appeal Decision

Inquiry Held on 19 March 2019

Site visits made on 18 and 27 March 2019

by John Wilde CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 10 May 2019

Appeal Ref: APP/E0345/W/18/3209702

St Patrick's Hall, 20 Northcourt Avenue, Reading RG2 7HB

- 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 the University of Reading against the decision of Reading Borough Council.
 - The application Ref 172045, dated 15 November 2017, was refused by notice dated 23 February 2018.
 - The development proposed is the demolition of the student accommodation block at New Court, the SETS building, the Warden's House, No 4 Sheffield Drive, the reception and common room, and the construction of 884 new student bedrooms, a cafeteria/bar, bin and bike stores, sub-station and energy centre, together with a new access link and landscaping.
-

Decision

1. The appeal is dismissed.

Procedural matters

2. The description of the proposed development as given above in the header to this decision is that shown on the original application form. However, during the course of the application amendments were made to the proposal that resulted in the number of proposed student bedrooms reducing to 836, and I have determined the appeal on that basis.
3. I conducted an unaccompanied site visit of the site and its environs on 18 March 2019 and an accompanied site visit on 27 March 2019.
4. The Council's decision letter originally showed three reasons for refusal. Reason for refusal two, which related to parking, was withdrawn by the Council during the appeal process and I will not therefore consider this matter. The third reason for refusal related to the absence of a completed legal agreement designed to ensure a number of obligations and contributions. An engrossed Planning Obligation under Section 106 of the Town and Country Planning Act 1990 was supplied to me at the Inquiry and consequently the third reason for refusal also falls away. I will return to the Section 106 agreement later in this decision. Given that these two reasons for refusal have fallen away only one of the Council's reasons for refusal remains, and I have divided this into two sections in this decision, as shown below.

Main Issues

5. The main issues are: -
 - 1) The effect of the proposed development on the character and appearance of the area and,
 - 2) Whether or not the proposed development would preserve the setting of Pearson's Court.

Reasons

6. The appeal site forms part of a residential campus belonging to Reading University, accessed from Northcourt Avenue to the east. The proposed development would result in the demolition of several existing buildings and their replacement with a number of residential blocks of varying heights, increasing the number of student bedrooms by 654.
7. The first main issue has three strands, these being firstly the height and massing of the proposed buildings, secondly the density of the proposed development and thirdly the potential loss of mature trees.

Character and appearance – height and massing

8. The proposed development would result in the demolition of a number of buildings including the student block known as New Court, the Warden's House, the café, the reception and common room and the building known as the SETS building. This latter building forms part of a locally listed range of buildings known as Pearson's Court. The majority of Pearson's Court (forming three sides of a rectangle) would be retained.
9. I have been supplied with a Townscape and Visual Impact Assessment (TVIA) produced by The Landmark Practice on behalf of the appellant. The TVIA, in the Townscape Effects Table (D1), describes a number of townscape character areas present in the area. These include, most importantly in respect of this appeal, the site and its environs (particularly Area A), and Northcourt Avenue; the TVIA correctly identifying in paragraph 6.8 that the greatest interaction between the site and the surrounding townscape is with a small part of this latter area.
10. In terms of Townscape effects the TVIA concludes that the overall effect of the proposed development on the site and its environs (Area A) on completion would be negligible/minor. This is based on attributing a medium Townscape Value to the site, a low sensitivity to change and a low magnitude of change. A medium Townscape Value is shown in table A1 of the TVIA as *a townscape being valued at a community level with local policies to conserve. Townscapes in good condition with scenic and cultural qualities of local importance*. I agree with this assessment.
11. Table A2 of the TVIA indicates that a townscape with a low susceptibility to change has a *substantial ability to accommodate the proposed development without undue harm. The development is not likely to influence key characteristics and the townscape would accommodate the development with no change in character*. The TVIA arrives at this assessment of susceptibility by noting that key characteristics of the site, such as courtyards, green spaces

- and Pearson's Court and its internal courtyard would remain, and that the site would remain as a residential campus.
12. Whilst I consider that this assessment of susceptibility to an extent ignores the increase in heights and massing and scale of the proposed buildings, I agree that the overall character of the site would still be readily discernible, and whilst key characteristics may change in terms of their positioning and area, they would nonetheless in essence remain, and the site would still be recognisable as a residential campus.
 13. Magnitude of change to the townscape is shown in table A4 of the TVIA. This makes clear that the nature of effects may be positive or negative (beneficial or adverse). For a low adverse effect, table A4 indicates that the benefits would include retaining key features and respecting the pattern of the townscape, whilst the adverse effects would be the temporary loss of a low number of localised key features, and that mitigation for this would be possible.
 14. I accept that the pattern of the townscape of Area A would be largely retained, in that the majority of the new student accommodation would be in blocks around an internal courtyard, similar to New Court and indeed Pearson's Court. I also accept that there would be local enhancements through the removal of detracting features in the form of the existing café and buildings attached to the northern elevation of Pearson's Court.
 15. However, the SETS building in its present form would be permanently lost. It is perhaps arguable whether or not this represents a 'localised key feature' but as it forms part of the locally listed Pearson's Court, I consider this to be the case.
 16. For a medium adverse effect table A4 indicates that in terms of negative impact the proposed development would result in the localised medium to long term loss of some key characteristic townscape features and the introduction of uncharacteristic elements within the townscape. For a beneficial impact the proposed development would introduce characteristic development and key townscape features whilst respecting the scale and pattern of the townscape.
 17. I acknowledge that the loss of the SETS building cannot be considered to be 'some' key townscape features. Nonetheless it would be permanently lost. Furthermore, whilst I have found that the pattern of development would be retained the proposed student blocks would be taller and have a greater footprint than the existing. It seems to me therefore that the scale of the existing townscape would not necessarily be respected. Furthermore, these taller buildings can be construed as being uncharacteristic elements within the townscape, particularly as they would feature a flat roofed design rather than pitched. It follows that the magnitude of change of the townscape would be medium rather than low. It further follows that at year 15 the effect of the proposed development would not be minor beneficial as construed by the appellants but would be tending towards at the very least minor adverse.
 18. I now turn to the townscape effects for TCA 1, Northcourt Avenue. This road lies to the east of the site and has several Arts and Crafts houses on its western side and, opposite the site, a line of relatively small scale chalet style bungalows on its eastern side. These are set back behind low walls/hedges and all face onto the road. The road has a relatively verdant and open aspect provided by the extensive hedging and the trees along the edge of the appeal

site and within the garden areas, and the sky views available by virtue of the small scale of the buildings within the actual area and also the set back and scale of the buildings within Area A.

19. In general, I concur with the baseline description of this in the TVIA, and note that it correctly determines that the greatest interaction with the appeal site is from a short stretch of Northcourt Avenue where properties front onto Pearson's Court Lawn set beyond a mature hedge and tree line. I also agree with the majority of the description of change, as given in the TVIA.
20. However, whilst I accept that the proposed block H will continue the established building line (with particular reference to Nos 22 and 24), I cannot accept that the proposed block would be of a form and style designed to reflect the character of the area. I acknowledge that Figure 6 of the TVIA indicates that block H will actually be in Area A rather than TCA 1, but nonetheless consider that it will have an impact upon the latter area and note that it is mentioned as part of the change of this area on page 36 of the TVIA.
21. The proposed building would be of 2.5 storeys, rectangular, and with a pitched roof with a ridge height of over 12m. It would exhibit a far greater scale and mass than the surrounding buildings in Northcourt Avenue, particularly those directly opposite, and would be orientated differently to nearly all the other dwellings in Northcourt Avenue. I acknowledge that there is a 3.5 storey building in the shape of a retirement home in Northcourt Avenue, but this is some distance away, towards the north at the junction with Shinfield Road. It is also set back from the road and faces towards it.
22. The appellant considers that the magnitude of change to area TCA 1 would be negligible, but the definition within the methodology of the TVIA for negligible indicates that *barely discernible elements or physical change* would be introduced to the townscape. To my mind the more accurate description for the introduction of block H can be found in the medium-adverse section of table A4. This states that the proposed development introduces uncharacteristic elements within the townscape. It follows that the townscape effects cannot be neutral, and have to be negative.
23. I will now move onto the visual effects of the proposed development starting at the north of the site with viewpoint 1 as shown on figure 2 of the AVR pack supplied by the appellant. From this viewpoint there would be no change in the view due to the presence of existing foliage and buildings. From viewpoints 2 and 3 the proposed block H could be glimpsed behind the existing foliage and from view 3 block E-G would be just visible above the trees between 16 and 18 Northcourt Avenue. Views from viewpoint 4 would be similar to viewpoint 3 with a glimpse of the corner of block E-G seen to the right of 18 Northcourt Avenue and block H barely seen through the intervening trees. Views from viewpoint 5 would again be similar with glimpses of the new buildings through the existing trees.
24. The view from viewpoint 6 would however change considerably. This view looks directly down the central entrance to the appeal site. At present the view shows Pearson's Court to the left whilst straight ahead is the single storey Shamrock Café and associated bin store. These buildings would be removed and the new view would take in the proposed block K (the Hub) straight ahead and the corner of the CHP building and block G to the right. To a large extent these latter two buildings would be masked by the retained trees and the Hub

building would be considerably further away than the existing café. This view would be available to drivers and pedestrians travelling along Northcourt Avenue and to the occupiers of 23 Northcourt Avenue.

25. The TVIA gives this view an overall sensitivity of medium and based on the criteria contained within the methodology section of the TVIA I would agree with this assessment. The TVIA also shows the magnitude of change as medium during construction but only low on completion and after 15 years. However, the description of low in table A7 of the TVIA indicates that the *proposed development, or part of it, would be perceptible but not alter the overall balance of features and elements that comprise the existing view.*
26. To my mind the magnitude of change would be more akin to medium, i.e. *the proposed development, or part of it, would cause a noticeable change or contrast to the view, which would have some effect on the composition, resulting from the loss or addition of features in the view and will noticeably alter the appreciation of the view.* This would result in a level of effect of minor/moderate rather than minor as given in the TVIA. In arriving at this conclusion however I am conscious that the present view of the café is not one that is particularly attractive, and the change that I have identified from minor to moderate/minor is not of such a magnitude that it should be determinative in the appeal. Similarly, whilst the presence of the Hub would mean that the evening sun would disappear from view earlier than at present when seen from 23 Northcourt Avenue, this would not be so significant such that the appeal should turn on this matter.
27. Viewpoints 8, 9 and 10 are views looking west from Northcourt Avenue over the existing (and to be retained) hedge that borders the appeal site. At present the top storey and roof of Pearson's Court are seen over the hedge and the roof of New Court can be glimpsed beyond the trees. Generally, however the view is relatively open. In future views of block E-G will be available over the hedge, although the block will to an extent be screened by trees, particularly in the summer. Nonetheless, the view of the proposed blocks above the hedge would have a slight adverse effect on the openness of the street scene.
28. Viewpoint 11 contains the view that would change the most. Currently Pearson's Court and part of New Court are seen over the hedge and wall and across the existing car park. This is one of the relatively few public views available of the locally listed Pearson's Court. Having said that, the view is of the outside east elevation which has been detrimentally altered by the addition of a number of flat roofed ground floor extensions.
29. Irrespective of this however, the view would be completely obscured by the introduction of block H, which I have already found would be out of character, and the current views of New Court would be replaced by views of block E-G at a higher level. This would be unduly obtrusive and would lead to a loss of a sense of openness and would in my view have an adverse effect.

Character and appearance – density, mix and balance

30. There would be an increase in density with the number of students on the campus increasing by 654. In their evidence the appellant gave figures that showed that there would be an increase in density on the site itself from 20.6 to 65.7 bedrooms per Hectare, and on Northcourt Campus as a whole from

29.3 to 47 bedrooms per Hectare. These figures were arrived at on the assumption that four student bedrooms equates to one dwelling, a factor given in appendix A1.3 of the emerging local plan.

31. This calculation was questioned by the Council who considered that the factor of four to one was derived for the purposes of factoring student bed spaces into the housing trajectory and not for assessing the impact on local character and services. The Rule 6 party also pointed to the much lower density in various areas bordering the appeal site.
32. I accept that an extra 654 bed spaces would result in a considerable increase in density within the site, irrespective of which method is used for assessing it and irrespective of the actual boundaries taken into account, and that this would be in contrast to other adjacent areas. However, no significant evidence has been produced to show what the actual harm arising from this increase would be.
33. I am also aware that the Framework in paragraph 123 seeks to optimise the use of land to meet as much of the identified housing need as possible and that paragraph 122 of the Framework makes clear that planning policies and decisions should support development that makes efficient use of land.
34. As such therefore in terms of the density, mix and balance of the proposed development I find no conflict with policy CS15 of the Reading Borough Council Core Strategy (CS).
35. In arriving at this conclusion, I am conscious that the emerging plan¹ contains a policy specifically related to redeveloping the appeal site with a figure of 450-500 extra bed spaces included. However, it was made clear at the Inquiry that this range of bed spaces was to some extent plucked out of the air and lacked a firm evidential base. Given this fact and also that the plan is still emerging and has objections I can give little weight to the figures of 450-500.

Character and appearance - trees

36. The proposed development would result in the removal of 70 trees, although all Grade A trees on the site would be retained. The mature trees on the Northcourt Avenue frontage would be retained as would the trees within Pearson's Court and New Court. A further 98 new trees would be planted.
37. By the end of the Inquiry the Council's main concerns regarding trees centred on the possible loss of or harm to trees T64, T112, the group G50 and the oaks to the rear of proposed block J, due to their proximity to proposed buildings or services and their consequent vulnerability during the construction process and potential need for pruning thereafter. However, no firm evidence was produced to show that these trees would be lost during the construction process, or indeed that future pruning would cause significant harm.
38. Moreover, a planning condition has been agreed between the parties that, if I were to allow the appeal, would result in the submission of an Arboricultural Method Statement (AMS) designed to ensure the protection of existing trees by adherence to BS 5837:2012. The condition would also result in the appointment of an Arboricultural Clerk of Works to oversee the implementation of the AMS. I was also made aware at the Inquiry that the University

¹ Reading Borough Local Plan

themselves employ a qualified arborculturist and that they have a very good record of nurturing trees.

39. Overall on this issue I do not consider that the proposed development would result in the harmful loss of mature trees of amenity and habitat value that would negatively impinge upon the character of the area. There would therefore be no conflict with policy CS38 of the CS.

Conclusion on character and appearance

40. I have found that the effect on the townscape of the appeal site itself would be at least minor adverse due to the magnitude of change that would see the removal of the existing SETS building and the introduction of taller buildings with a greater footprint.
41. I have also found that the proposed development would have a negative effect on the townscape of TCA 1 through the introduction of block H. I acknowledge that block H is shown within the TVIA as being part of the appeal site itself, but nonetheless consider that its impact on the townscape of Northcourt Avenue, to which it borders, should be taken into account. In terms of views, I have found that there would be an adverse effect due to the loss of openness, particularly engendered by the introduction of block H.
42. I acknowledge that the proposed scheme would incorporate positive design elements such as the central boulevard and the graduated approach to the heights of buildings. However, in light of my above findings, conflict would exist with policy CS7 of the CS. This policy requires that all development must be of high design quality that maintains and enhances the character and appearance of the area.

Heritage assets

43. Pearson's Court, including the SETS building, is a locally listed heritage asset. It is not however a designated heritage asset, Natural England having concluded in 2016 that it did not fulfil the criteria for listing due to a number of factors, including that it lacks the architectural pretension and distinctive character of contemporary university halls and has been subject to a number of alterations/additions that impede the form of the original building.
44. The National Planning Policy Framework (the Framework) indicates in paragraph 197 that the effect of an application on the significance of a non-designated heritage asset should be taken into account and that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement is required having regard to the scale of any harm or loss and the significance of the asset.
45. Pearson's Court is a purpose built quadrangular style hall of residence. The northern, western and eastern sections were built in 1913, the northern section being of two storeys and the western and eastern sections being of three storeys. The unconnected southern section was added at a later date and is single storey. The local listing indicates that Pearson's Court is representative of a style of 'red-brick' buildings that were characteristic of the University of Reading in the early 20th Century. It goes on to say that it is not especially noteworthy for its architectural styling and that the external elevations have less architectural significance than the courtyard elevations. I agree with this view.

46. The three sections of the asset that form the 'u' would be retained whilst the single storey SETS building would be demolished and replaced with a four storey block, having the fourth storey contained in a mansard style roof. There was considerable debate at the Inquiry as to why the SETS building was built as single storey. Theories put forward included financial constraints and allowing views over it to the south. However, none of the theories put forward were in my view convincingly evidenced. The fact remains that the SETS building is barely mentioned within the local listing and is afforded no particular significance in terms of either its historical connections or its architectural merit.
47. Whilst the proposed block would be significantly taller than the existing SETS building and indeed taller than the eastern and western sections of the main 'u' building, the eaves of the new block would be at a similar height to the existing buildings, it would be set slightly further back and would be somewhat shorter. The wall currently joining the existing SETS building would also be removed, giving better access to and visibility of the interior quadrangle.
48. Most significantly, the important courtyard elevations of the 'u' buildings would be retained as would the internal quadrangle and the trees. Moreover, the buildings attached to the north elevation of the northern section would be removed and the north elevation would be repaired. The restored north elevation would then be visible from the proposed boulevard and also from Northcourt Avenue.
49. From inside the quadrangle of Pearson's Court the proposed five storey block A would be seen above the left side of the northern elevation. However, block A would be some distance behind Pearson's Court and I consider that it would not have a detrimental impact upon its setting.
50. Overall therefore I consider that the significance of Pearson's Court would be preserved as would its setting. There would therefore be no conflict with policy CS33 of the CS. This policy requires that historic features and areas of historic importance, including their settings, will be protected and where appropriate enhanced.

Other matters

51. I will now consider the design of the proposed development. The CHP building would be situated about 6m to the rear of 18 Northcourt Avenue on an area that is currently a green open space. The proposed new building would be single storey with a blank elevation facing No 18. The latter building has four student rooms that would look out onto this blank elevation, as well as a rear garden/amenity area.
52. I acknowledge that No 18 is within the ownership of the University and that students tend to lead a somewhat different lifestyle to family units. I also note that in terms of sunlight and daylight received the lower two rear facing student rooms (i.e. the worst case scenario) would, according to the Sunlight, Daylight and Overshadowing Assessment² comply with recommendations within the BRE guidelines³. However, notwithstanding these factors, I consider that the lack of distance between the rear elevation of No 18 and the CHP building

² Hulley and Kirkwood February 2019

³ Building Research Establishment – Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice 2011

is indicative of a somewhat cramped design, and would result in an oppressive outlook from the rear ground floor rooms of No 18.

53. Proposed block EFG would be about 10m away from the nearest point of the rear elevation of 16 Northcourt Avenue. This again is owned by the University and used for student accommodation. There is however already a cycle store building in close proximity to the rear elevation of No 16. Whilst the proposed block EFG would be taller and nearer than the existing New Court building that would be demolished, I do not consider that the privacy of students would be unduly compromised.
54. Proposed block L would be built in very close proximity to the existing Creighton Court. Although relatively modern, Creighton Court has been designed with pitched roofs and projecting gables amongst other architectural features in an effort to reflect some of the characteristics of properties within the area. Block L would be of a similar height to Creighton Court but would essentially be a flat roofed four storey rectangle. Whilst this would be in keeping with the proposed block CD which would lie on the far side of Sherfield Drive, it would be completely at odds with the existing Creighton Court in terms of its design and to an extent its massing.
55. Several local residents commented on the issue of noise and disturbance created by groups of students, particularly during the evening, and from the evidence produced I have no doubt that incidences of anti-social behaviour do occur. The appellant in turn pointed to a range of measures designed to mitigate or prevent this type of behaviour.
56. These included selecting students with a desire for a quieter lifestyle to be residents on the Pearson's Court Campus, a student management plan, on site 24/7 security control, better leisure facilities on the campus and student street wardens. Whilst I note that some of these measures are in place and that local residents consider them to be inadequate, I am persuaded that the University take such matters seriously and consider that with appropriate reporting/complaints procedures such behaviour could be minimised. I do not therefore consider that this matter is one upon which this decision should turn.

Planning Obligation

57. At the Inquiry a completed Planning Obligation under Section 106 of the Town and Country Planning Act 1990 was supplied to me. This would ensure the provision of various financial contributions and the implementation of such things as a Student Management Plan and a Wildlife Management Plan. However, as the contents of the Planning Obligation are uncontested and I am dismissing the appeal on other grounds, it is not necessary for me to reach a finding on the Planning Obligation in respect of Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.

Planning balance

58. I have found that there would be harm to the character and appearance of area TCA 1 due primarily to the introduction of block H, and that there would be at least a minor adverse effect upon the appeal site itself due to the magnitude of change. I have also found that there would be harm to the living conditions of occupants of No 18 Northcourt Avenue and that the introduction of block L so

close to Creighton Court would be an example of poor design. Conflict would therefore exist with policy CS7 of the CS.

59. Against this harm has to be balanced the benefits of the proposed scheme, which are considerable. The extra student accommodation is undoubtedly necessary and relatively urgent, and the appeal site is the only immediately deliverable site which would allow the university to address the current shortfall. Without it the University would suffer financially in the short term. The scheme would produce economic benefits in both the short and longer terms in respect of the university itself and the town in general, and 26 full time jobs would be created.
60. The Council support the development of the site in the emerging local plan and there could potentially be a reduction of Houses in Multiple Occupation within the town itself. There would also be an improvement in student facilities on the site which are currently poor, and I note how good quality accommodation can help student mental health. I also note that officers supported the proposal which has undergone a significant gestation period which has resulted in significant changes and that the majority of Pearson's Court would be retained.

Conclusion

61. Overall however, I conclude that the harm that has been identified and the consequent policy conflict outweigh the benefits of the proposed scheme, substantial as they are. The appeal is therefore dismissed.

John Wilde

INSPECTOR

- 16 Data stick
- 17 Email from appellant to NARA
- 18 List of agreed planning conditions
- 19 Signed and dated Planning Obligation
- 20 Booklet entitled Northcourt Avenue – Its history & people
- 21 Email from Karen Rowland to Dr Ian Kemp regarding LASCs
- 22 LPA statement in respect of the requested street trees contribution
- 23 Email from the Council justifying the requested transport contribution
- 24 Updated list of agreed planning conditions
- 25 Updated list of plans
- 26 Minutes of Council meeting 16/10/18
- 27 Closing submissions by NARA
- 28 Closing submissions by the Council
- 29 Closing submissions by the appellant

PLANS SUBMITTED DURING THE INQUIRY

- A Updated site sections
- B A3 size Tree Protection Plan 2 of 2
- C Enlarged Sept 1912 plan of St Patrick's Hall
- D Large scale Topographical Survey drawings
- E Large scale Tree Protection Plan 1 of 2
- F Tree Impact Plan and existing and proposed site sections CC and DD
- G Floor plans of existing buildings
- H Indicative Landscape General Arrangement