



Appeal Decision

Hearing Held on 25 June 2019

Site visit made on 25 June 2019

by Rory MacLeod BA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 July 2019

Appeal Ref: APP/E0345/W/18/3209051

Battle Inn Public House, 2 Bedford Road, Reading, Berkshire RG1 7HS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by JR Properties against Reading Borough Council.
 - The application Ref 180876 is dated 25 May 2018.
 - The development proposed is demolition of the former Royal Public House and the erection of a part 5 storey building which would provide a new unit (Use Class A1/A2/A3) at ground floor and 6 self-contained flats (Use Class C3) above.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of the former Royal Public House and the erection of a part 5 storey building which would provide a new unit (Use Class A1/A2/A3) at ground floor and 6 self-contained flats (Use Class C3) above at the Battle Inn PH, 2 Bedford Road, Reading, Berkshire RG1 7HS in accordance with the terms of the application, Ref 180876 dated 25 May 2018, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The description of development in the banner heading above refers to the name of the former public house as the Royal, but the appeal submissions tend to use an earlier name, the Battle Inn.
3. Prior to the Hearing, the Council and the appellant came to an agreement regarding the proposal's viability and ability to contribute to the provision of affordable housing. Subject to an agreed off-site contribution being made through submission of a Unilateral Undertaking the Council is prepared to withdraw its second reason for contesting the appeal. Neither party chose to advance evidence in relation to viability and affordable housing at the Hearing.

Main Issues

4. The main issues therefore are:
 - (a) the effect of the proposal's siting, massing and design on the character and appearance of the area, and
 - (b) the impact of the proposal on the significance of heritage assets in the vicinity of the site.

Reasons

Character and appearance

5. The appeal relates to the site of a vacant public house located at the junction of Bedford Road with Oxford Road. The building is mainly two storeys high but has rooms set within a pitched roof. It has window openings typical of a Victorian building but is now in poor conditions with all openings boarded up. It abuts the back of the footway to Bedford Road but is set back from the carriageway to Oxford Road to align with the building line on its northern side.
6. To the east the building adjoins 118a Oxford Road, a shop unit occupied by Richer Sounds with storage above. This is a 3 storey building with a flat roof and an extant permission to add another floor. To the east of this is Oddfellows Hall, a 2 storey flat roofed building and Trinity Church, the highest local building, which has a pitched roof and gable front. To the rear of the appeal site is Trinity Place, an extensive four storey sheltered housing building with a flat roof; it is set back from the Bedford Road frontage. To the west on the opposite side of Bedford Road there is a 3 storey Grade II listed building, 120-122 Oxford Road. On the southern side of Oxford Road there are terraced buildings of varying height; several of these are also listed, including nos. 149-169 and 171-177 opposite the appeal site. The Russell Street / Castle Hill Conservation Area includes buildings on the southern side of Oxford Road but not the appeal site or buildings on the northern side of the road. Reading Town Centre is not far to the east of the appeal site.
7. The proposed building would be similarly sited to the existing building, adjoining the footway to Bedford Road but set back from the carriageway to Oxford Road. The shop unit would have windows to both road frontages and the flats would be arranged on the floors above. The building would have 5 floors adjacent to the Richer Sounds building, 4 floors on the corner with Bedford Road and 2 floors to the rear of this. The top floors fronting Oxford Road would have dormer windows set within a Mansard type roof, but the 2 storey element would have a flat roof.
8. The Council considers that the existing building makes a positive contribution to the street scene. The public house reflects the historical development of the area, as a mid-19th century building. Whilst it has some similarities to the scale and form of some nearby older buildings, it is not a fine example of its type and has no special architectural detailing in comparison with the nearby listed buildings from the same era. It is also vacant and in poor condition. To my mind, it currently makes a negative contribution to the appearance of the street scene. However, the Council have not objected to its redevelopment or to the proposed mix of uses. Their concern relates to the forward siting of the building on to Bedford Road in association with its massing and design.
9. This is a constrained site. If the building were to be set back from Bedford Road to align with Trinity Place, there would be a very small developable area without breaching the Oxford Road building line. The proximity of Trinity Place, with flank windows facing the site, also constrains the height for the rear part to a replacement building without overshadowing these windows. Newer buildings facing Bedford Road have been set back to better respect its widening over time. However, given the site constraints, it would be reasonable to locate the replacement building on the same alignment as the existing building subject to a satisfactory appearance to the development.

10. The proposal would be higher than nearby buildings but not to a great extent. The extant permission for an additional floor to the Richer Sounds building would also reduce the contrast. The building's mass at top floor level however would be limited due to the constraints of the site. Given the varied roofscape to the northern side of Oxford Road and along Bedford Road, the proposal's height and massing would not appear excessive for this corner site.
11. Whereas the southern side of Oxford Road has a relatively unified appearance, albeit with different heights and roof forms to the terraces, there is an eclectic mix of old and newer buildings to the northern side. The flat roofs to the proposed building would not be out of keeping with the flat roofs to neighbouring buildings, although the Mansard roof to the top floors would not be reflective of buildings near to the site. The main elevation fronting Oxford Road would present windows to all floors vertically aligned with dormers in the Mansard roof. The rhythm of windows would be repeated to the Bedford Road frontage, but without a dormer window. To my mind the building would have a cohesive design approach discernible from different viewpoints that would successfully turn the corner at the road junction.
12. The northern elevation however would be weak by comparison presenting small secondary bedroom and bathroom windows to all floors. Part of this elevation would be prominent in the Bedford Road street scene due to the recessed siting of the Trinity Place flats. At the Hearing, the appellant was open to the use of a planning condition to secure approval of final design details and materials in relation to this elevation and in respect of the Mansard roof detailing, another matter of concern to the Council. It was evident from discussion at the Hearing that there have been exhaustive discussions between the parties on alternative design approaches to this corner site in pre-application and application stages. Given the constrained nature of the site and the mixed character of the surrounding area, I consider that the design approach adopted to be appropriate but that the suggested planning condition would enable a further enhancement to the appearance of the building.
13. The redevelopment of this vacant site would enable improvements to be made to the site's current poor appearance and the proposal's siting, massing and design would be acceptable in relation to the character and appearance of the area. Policy CS7 of the Reading Borough Core Strategy (adopted 2008 with alterations adopted 2015) (RCS) and Policy RC9 of the Reading Central Area Action Plan (2009) (RCAAP) encourage high design quality that responds positively to local context and maintains and enhances the character and appearance of the area. The proposal would be in accordance with these policies and would also provide an efficient layout on a constrained site enabling an effective use of land whilst safeguarding and improving the environment in accordance with Paragraph 117 of the National Planning Policy Framework (the Framework).

Heritage assets

14. Paragraphs 189 and 190 of the Framework require when assessing a proposal that the significance of any heritage assets affected be described, including any contribution made by their setting. The heritage assets close to the appeal site are the Russell Street / Castle Hill Conservation Area and several listed buildings including 120-122 and 124 Oxford Road to the western side of the road junction and the terraces opposite at 149-169 and 171-177 Oxford Road.

15. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural interest which it possesses. The listing descriptions for these buildings refer to particular design details relating to fenestration and materials in addition to the main use of red brick and slate roofs in their construction. The significance of these buildings is in their distinctive external architectural features which are reflective of the era when they were built. That significance is experienced mainly in close views but also in longer range views of the in the street scenes of Oxford Road and Bedford Road.
16. The Conservation Area Character Appraisal (2004) identifies Oxford Road as part of Character Area 4. This is more varied in form with more commercial uses than the rest of the conservation area. The significance of this part of the conservation area lies in the location here of the best quality listed terraced buildings within the conservation area.
17. The appeal site is separated from the curtilage of the listed buildings by the wide carriageways of Oxford Road and Bedford Road. Therefore, the proposal would have no adverse effect on the architectural integrity of these buildings, in which their significance lies, and only a limited impact on the setting of the closest buildings. As the site is also outside the conservation area, the proposal would not directly affect the character and appearance of the conservation area itself but would affect views of it.
18. At the Hearing the Council confirmed that its main concern is the view south from Bedford Road towards the terraces within the conservation area, views that were examined in detail at the site visit. The view is dominated by the 3 storey form and hipped pitched roof to 163-165 Oxford Road, positioned centrally to the junction with Bedford Road, with the lower roof ridges to the terraced buildings to either side also visible. The view is framed by the existing building at the appeal site and 120-122 Oxford Road on the other side of the junction. From most positions along Bedford Road, the greater height to the proposed building would not change the framing of this view. Rather it would obstruct views of the sky above the terraces. From the footway on the western side of Bedford Road, close to the bend in the road and some distance from the appeal site, it is possible to glimpse the roof to a terrace between the gable end to the present building and the mass of Trinity Place. This limited view would be lost through the proposed redevelopment but the substantive view of the conservation area and listed terraces within it would be little changed.
19. The proposal would not harm the significance of the listed buildings near to the site. It would have a neutral effect on the mixed character of Oxford Road and Bedford Road within which the significance is experienced. It would preserve the setting of the listed buildings and thereby satisfy the special duty referred to above. Similarly, the proposal would have only a very limited effect on the setting of the conservation area opposite the site.
20. Paragraph 196 of the Framework states "*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use*".

21. The proposal would result in public benefits through the redevelopment of a currently unsightly building, the provision of 6 housing units in a sustainable location that would help to meet the general demand for additional housing and the provision of a contribution towards off-site affordable housing. These public benefits would greatly outweigh any limited harm to the significance of designated heritage assets.
22. Policy CS33 of the RCS states "*planning permission will only be granted where development has no adverse impact on historic assets and their settings. All proposals will be expected to protect and where appropriate enhance the character and appearance of the area in which they are located*". There would be no material conflict with Policy CS33 having regard to the proposal's very limited impact on the significance of heritage assets in the vicinity of the site.

Other matters

23. Policy DM6 of the Reading Borough Local Development Framework Sites and Detailed Policies Document (2012) with alterations (adopted in 2015) requires an affordable housing provision of 20% from new build sites of 5-9 dwellings. The policy requires a developer to demonstrate circumstances justifying a lower affordable housing contribution as a result of viability considerations.
24. The appellant has submitted a Unilateral Undertaking to make a payment of £45,320 towards the provision of off-site affordable housing in Reading. The contribution is in accordance with an agreement reached between the parties on the viability of the proposal and its ability to make an appropriate contribution towards the provision of affordable housing. The making of this payment would satisfy the requirements of Policy DM6.
25. In my opinion, the undertaking is necessary to make the development acceptable in planning terms, would be directly related to the development and would be fairly and reasonably related in scale and kind to the development. It is thereby in accordance with Regulation 122 of the Community Infrastructure Levy Regulations (2010).

Conclusion

26. The proposal's siting, massing and design would have an acceptable effect on the character and appearance of the area, and any limited adverse effects on the significance of heritage assets in the vicinity of the site would be greatly outweighed by the proposal's public benefits. For the reasons given, and having regard to all other matters raised, the appeal is allowed subject to conditions.
27. The Council has suggested several planning conditions in the event that the appeal is allowed. I have had regard to these and to the advice on conditions set out in Planning Practice Guidance. In addition to the statutory condition limiting the time period for commencement of the development, a condition is needed to list the plan numbers in the interests of certainty and to enable submission of minor material amendments should this be necessary.
28. A pre-commencement condition is necessary to approve a construction method statement for highway safety reasons, given the location of the site at a busy road junction, and to protect the amenity of local land users. This condition can include the control of dust and noise, working hours at the site, the disposal or recycling of waste and prohibition of burning materials on site, all of which the Council suggested should be subject to separate conditions. A pre-

commencement condition is also necessary to approve materials and the final design of the elevations as discussed at the Hearing, as these matters need to be agreed ahead of construction works. The approved details should ensure an enhanced appearance to the development.

29. Conditions are necessary to approve details of the delivery and servicing arrangements to the site and management of refuse collection from the site in the interests of highway and pedestrian safety and visual amenity. Conditions are needed to ensure implementation of important details on the approved drawings including bicycle parking in the interests of sustainability and glazing and ventilation details to protect the amenity of future occupiers. The hours for deliveries to the ground floor commercial unit and its opening hours to the public need to be controlled by conditions to safeguard the living conditions of nearby occupiers. For the same reason the specific sound level of any external plant or equipment associated with the ground floor commercial unit needs to be controlled by condition. A condition is also necessary to ensure measures in the energy efficiency report are implemented in the interests of sustainability.
30. Due to site constraints, it would not be practicable to provide on site car parking. The Council has suggested conditions requiring notification of the postal addresses for all units and the dissemination of information to discourage future occupiers from applying for on street parking permits. Whilst there are controlled parking zones near the site, I have not been presented with any evidence to indicate harm if future occupiers were to apply for permits. The site is in a sustainable location, not far from the centre of Reading and close to public transport facilities; it would therefore be suited to a car free development. To my mind the suggested conditions do not satisfy the tests for planning conditions as they are not necessary or relevant to planning.

Rory MacLeod

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 15-035-01 rev C – Site Plan as Existing
 - 310 rev E – Site Plan
 - 15-035-04 rev C – Elevations as Existing 1
 - 15-035-05 rev C – Elevations as Existing 2
 - 321 rev H – Ground Floor Plan
 - 322 rev H – First Floor Plan
 - 323 rev H – Second Floor Plan
 - 324 rev H – Third Floor Plan
 - 325 rev G – Fourth Floor Plan

- 326 rev D – Roof Plan
- 327 rev G – South & West Elevations
- 328 rev H – North & East Elevations
- 330 rev F – Axonometric View #1
- 331 rev F – Axonometric View #2
- 332 rev F – Axonometric View #3
- 333 rev E – Axonometric View #4
- 334 rev E – Axonometric View #5
- 335 rev E – Axonometric View #6
- 336 rev F – Perspective Views
- 337 rev F – Contextual Views

- 3) 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. The Statement shall provide for:
- i) the parking of vehicles of site operatives and visitors with details of how site operatives and visitors will be required to make use of the parking area provided;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoardings including removal of any graffiti or fly posters;
 - v) any footpath closures or road closures needed during construction;
 - vi) wheel washing facilities;
 - vii) measures to control the emission of dust and dirt during construction;
 - viii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - ix) a scheme for the control of noise and dust emanating from the site during the demolition and construction phases;
 - x) delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 4) No development shall commence until samples of the materials to be used in the construction of the external surfaces of the development and drawings showing the detailed design and final appearance of walls and the roof have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved samples and detailed drawings.
- 5) Prior to occupation of the development details on the management of delivery and servicing vehicles accessing the development site and the anticipated number of vehicle trips associated with delivery and servicing vehicles for the development shall be submitted to the local planning

- authority for approval in writing. Thereafter deliveries and servicing will be carried out in accordance with the approved details.
- 6) No dwelling hereby permitted shall be occupied until the bicycle parking facilities have been provided in accordance with the approved plan. The facilities shall be kept available for bicycle parking at all times thereafter.
 - 7) Prior to occupation of the development, details of the bin collection area shall be submitted to the local planning authority for approval in writing. Thereafter the bin storage and collection areas shall always be retained for use by occupiers of the building.
 - 8) Prior to first occupation of the development hereby permitted, the glazing and ventilation shall be installed in accordance with the specifications recommended within the acoustic assessment submitted with the application (Acoustic Design Technology, May 2018, Reference ADT 2564/ENIA). The glazing and ventilation measures shall be retained as approved thereafter.
 - 9) Hours for deliveries to the ground floor commercial unit shall be restricted to 08:00 hours to 22:00 hours Monday to Saturdays and 10:00 hours to 18:00 hours on Sundays and Bank Holidays.
 - 10) The ground floor commercial use hereby permitted shall not operate later than 23:00 hours each day of the week.
 - 11) The specific sound level of any external plant/equipment associated with the A1/A2/A3 unit, LA_{eqr,Tr} as measured at a point 1 metre external to sensitive facades, shall be at least 10dB below the existing background sound level, LA_{90,T} when all plant/equipment (or any part of it) is in operation. The noise rating level of new plant/equipment, LA_{eqr,Tr} (specific sound level plus any adjustment for the characteristic features of the sound) as measured at a point 1 metre external to sensitive facades, shall not exceed the existing background sound level, LA_{90,T} when all plant/equipment (or any part of it) is in operation.
 - 12) No dwelling hereby approved shall be first occupied until the energy/sustainability measures hereby approved in the J R Properties Energy Efficiency statement ref. 15-035-200-D received by the local planning authority 30th May 2018 have been completed. The measures shall be retained/maintained as approved thereafter.