



Appeal Decision

Site visit made on 5 January 2021

by Guy Davies BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 January 2021

Appeal Ref: APP/E0345/W/20/3248604
40 Silver Street, Reading RG1 2ST

- 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 Silver Street Developments Ltd against the decision of Reading Borough Council.
 - The application 190449, dated 15 March 2019, was refused by notice dated 11 September 2019.
 - The development proposed is the erection of part 1, part 2 and part 4 storey (plus basement level) buildings to provide 79 student studio rooms (sui generis use class) with associated ancillary space and landscaping works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has asked that the appeal be determined on the basis of amended plans. The amendments include the relocation of Block B, removal of a second floor studio on Block A and a chamfered window to Block A.
3. However, in the context of the scheme this is a material change. As such, the appeal process should not be a means to progress alternatives to a scheme that has been refused or a chance to amend a scheme so as to overcome the reasons for refusal. In the first instance materially changed schemes should be re-submitted to the local planning authority as a fresh planning application.
4. Therefore, mindful of the principles contained within the Wheatcroft decision¹, whilst I appreciate that the amendments seek to address some of the reasons for refusal, the amendment is fundamental meaning that the development would be so changed that if I was minded to allow the appeal and grant planning permission it would deprive those who should have been consulted on the changed development of the opportunity of such consultation. I have therefore considered the appeal on the basis of the plans submitted to and determined by the Council.
5. An air quality assessment submitted with the appeal has addressed the Council's sixth reason for refusal regarding air quality. Furthermore, no substantive or technical evidence that was contrary to the view of the Council was advanced by any other party. Therefore, I have determined the appeal on this basis.

¹ Bernard Wheatcroft Ltd v SSE & Harborough DC [1982] P&CR 233

6. The appellant has submitted a unilateral undertaking that addresses matters raised in the eighth reason for refusal. I have had regard to this undertaking and return to it below.
7. The Reading Borough Local Plan 2019 was adopted in November 2019. It has replaced the Reading Borough Core Strategy and Reading Borough Sites and Detailed Policies Document, which are now withdrawn. The appellant was clearly aware of the preparation of the new Local Plan and the 'final comments' stage gave both parties the opportunity to address any implications arising from the adoption of this document. Accordingly, the Reading Borough Local Plan 2019, whose policies have been found to be sound, is the statutory development plan for the area. I have considered the appeal on this basis.

Main Issues

8. The main issues are the effect of the development on:
 - The need for student accommodation
 - Highway safety and the free flow of traffic on Silver Street
 - The living conditions of neighbouring occupants with regard to privacy, light, and noise
 - The living conditions of future occupants with regard to privacy and noise
 - The character and appearance of the area
 - The mix and balance of the community.

Reasons

Need for student accommodation

9. Policy H12 of the Reading Borough Local Plan 2019 requires that: *'new student accommodation should be provided on or adjacent to existing further or higher education campuses, or as an extension or reconfiguration of existing student accommodation'*. The Policy also states that: *'there will be a presumption against proposals for new student accommodation on other sites unless it can be clearly demonstrated how the proposal meets a need that cannot be met on the above sites.'*
10. The appeal site is not on or adjacent to an existing further or higher education campus. It also would not represent an extension or reconfiguration of existing student accommodation. I note the appellant's intention that the appeal site and recently built student accommodation at 79 Silver Street would be managed by the same operator but in my view that would not amount to an extension of student accommodation in the sense meant by the Policy. It would be a separate, self-contained site with its own facilities and while there may be a benefit to sharing operating functions it would to all intents and purposes be a new complex of student accommodation.
11. Both main parties have put forward arguments on whether there is a need for student accommodation that cannot be met on sites on or adjacent to existing further or higher education campuses. Much of the evidence is taken from the debate that took place as part of the Local Plan examination on Policy H12 including existing and proposed demand for student accommodation, identified

sites for the development of student accommodation, and the growth aspirations of the University of Reading. The Local Plan Inspector took account of that evidence in reaching her view that the approach to student accommodation as set out in Policy H12 was justified.

12. The appeal scheme intends to provide high quality studio accommodation. However, whilst I have carefully considered the appellant's representations it has not been demonstrated that the student accommodation proposed on the appeal site could not be provided on or adjacent to education campuses or other sites that meet the locational requirements of Policy H12.
13. There is capacity within sites identified in the Local Plan or which satisfy the locational requirements of Policy H12 to meet current anticipated demand for student accommodation. The need for expansion of student accommodation in the future over and above that already planned will be dependent on the growth of higher and further education institutions in the area, in particular the University of Reading. The supporting text to Policy H12 notes that this will be kept under review. I have not been provided with evidence that demand for student accommodation has significantly changed since adoption of the Local Plan.
14. While there is clearly a demand for student accommodation in the area, there is also a demand for general market housing. The Local Plan seeks to balance these competing demands in part by directing new student accommodation to sites on or adjacent to existing education campuses, leaving other suitable sites within the built up area to meet general housing needs. Policy H12 has been recently adopted following scrutiny as part of the Local Plan examination. It is therefore justified and up-to-date and I give it significant weight.
15. I conclude that student accommodation on the appeal site would conflict with the requirements of Policy H12 of the Reading Borough Local Plan 2019 in that the site is not on or adjacent to a further or higher education campus, is not an extension or reconfiguration of existing student accommodation and it has not been clearly demonstrated that the proposed student accommodation could not be met on a site that accords with Policy H12.

Highway safety

16. The Highway Authority is concerned that the lack of any off-street parking would lead to congestion and disruption of the free flow of traffic along Silver Street when students are arriving or departing at the beginning and end of term, with consequent implications for highway safety.
17. Silver Street is a one-way A class road forming part of the primary road network in Reading. It has 'no waiting' and 'peak hour loading' restrictions to prevent on-street parking and limit loading and unloading. There is a layby in front of the site which allows unrestricted parking. Given the lack of on-street parking in the area this appears to be well used and was fully occupied when I visited the site.
18. There is no requirement for student parking in the Council's parking standards. This is accepted by the Highway Authority who are not arguing for parking for students' regular use but rather to mitigate disruption in loading and unloading at the beginning and end of term. The appellant suggests that timed management of arrivals and departure of students on these occasions would

minimise disruption to other road users but I am doubtful that such an arrangement would work in practice as students from some distance away would find it difficult to finesse their travel arrangements with that degree of precision.

19. The appeal site is intended to be managed in conjunction with the student accommodation at 79 Silver Street, which does have modest off-street parking provision, and which could be used for loading and unloading. However, the combined demand from students occupying both 79 and 40 Silver Street would swamp such capacity and would not adequately address the Highway Authority's concerns. It is also the case that the shared management arrangement may not continue in the future, and therefore the appeal site should be capable of meeting its own parking needs.
20. Although disruption caused by students arriving or departing at the beginning and end of term would be limited to a few occasions a year, given the role that Silver Street plays as part of the primary road network, the limited availability of on-street parking and the restrictions on loading and unloading, I conclude that were such disruption to occur it would have a significant and adverse impact on the free flow of traffic on Silver Street, resulting in a harmful impact on highway safety. Consequently, the development would conflict with policies TR3 and TR5 of the Reading Borough Local Plan 2019, which resist new development that would have a detrimental impact on the functioning of the highway network.

Living conditions of neighbouring occupants

21. Immediately to the north of the site is the flank elevation of Platinum House, a 3 storey building which contains 6 windows, 2 on each floor, facing south across the site. I am concerned that the proximity of the proposed front block to these windows would significantly reduce light and outlook to them, to the detriment of the living conditions of their occupants. I reach that view having had regard to the sunlight and daylight study carried out on behalf of the appellant².
22. The end-of-terrace house at 69 Upper Crown Street also has windows in its flank elevation that would look out onto the proposed rear block. While the height of the rear block would be slightly taller than the previous and now largely demolished commercial building on the site, it would not be as wide. The single storey range along the remainder of the boundary with 69 Upper Crown Street would replace a previous building of a similar height, the outer wall of which remains on the site. Taking all these factors together, I consider that the impact of the proposal on 69 Upper Crown Street, when compared to the previous buildings on the site, would not be so different as to cause detriment to the living conditions of its occupants.
23. Neither the front or rear blocks would have habitable room windows in their flank elevations, and the rear elevation of the rear block would only contain windows lighting an internal corridor, which could be obscured glazed. There would therefore be no direct window-to-window overlooking between the proposed scheme and its neighbours. Some oblique views would be gained towards the rear windows and gardens of properties in Upper Crown Street, and towards the rear of Platinum House. However, these types of oblique view

² Delva Patman Redler Chartered Surveyors - daylight and sunlight study, February 2019.

are not unusual in an urban setting and already occur between existing buildings that neighbour the site. I do not consider there would be an unacceptably harmful loss of privacy or overlooking caused by the development.

24. The development would increase the intensity of use of the site when compared to its previous use or that of neighbouring general market housing. However, the development has been designed to be self-contained, with the internal courtyard sunk below ground level and well screened by the front and rear blocks and the lower range to the north. The site is also located close to the edge of the town centre, where a higher level of activity is to be expected, particularly given the built up nature of the area and its mix of uses. Having regard to these matters, I consider that the increased level of activity would not result in undue noise or disturbance to the living conditions of occupants around the site.
25. While I have found that the development would not harm the living conditions of neighbouring occupants by reason of noise disturbance, overlooking or loss of privacy I conclude that it would have a harmful effect on the outlook and loss of light to the windows in the side of Platinum House. For that reason, the development would conflict with Policy CC8 of the Reading Borough Local Plan 2019, which requires development to avoid having a harmful impact on the living environment of existing residential properties.

Living conditions of future occupants

26. The current scheme in my view addresses the concerns expressed by the Inspector on a previous unsuccessful scheme³ by having a wider courtyard and lower height buildings surrounding it. I consider that this would now be a useable space that would provide a communal meeting area that could be enjoyed by future residents. The landscaping proposed in the courtyard and circulation space at ground floor level would also introduce defensible space in front of ground floor studio windows, so providing a degree of privacy and lessening the likelihood of occupants socialising immediately outside those studios' windows.
27. The only studio where that would not apply would be the ground floor unit at the northern end of the front block denoted as for the 'student warden'. This unit is isolated and surrounded on one side by the main access to the complex and on the other by a cycle store and a bin store. This is likely to result in a noisy and unpleasant environment for its occupant.
28. I conclude that for most of the proposed development, the living conditions of future occupants would be satisfactory in terms of their privacy and outlook. However, that would not apply to the one unit for the student warden on the ground floor, which would suffer from excessive noise and disturbance, to the detriment of the living conditions of its occupant. For that reason, this part of the development would conflict with Policy CC8 of the Reading Borough Local Plan 2019 that resists development that would have unacceptable living conditions for new residential properties.

³ 172118, dismissed on appeal under APP/E0345/W/18/3199747.

Character and appearance

29. The character of the area is mixed in use and built form with domestic scale 2 storey terraced houses along Mount Pleasant (the continuation of Silver Street) giving way to more modern 3 and 4 storey apartment blocks as Silver Street approaches Reading town centre. The site is flanked on both sides by 3 storey apartment blocks and at the rear by a 3 storey apartment block that sits at a higher level than the appeal site. Towards the rear sides of the site is flanked by a semi-detached pair of houses to the south and an end-of-terrace house to the north. A small commercial estate lies opposite. The area has a tight urban grain commensurate with its location close to the town centre.
30. The front block would appear as four storeys from Silver Street. While slightly taller than the adjacent apartment blocks, it would be lower and less deep than the previous unsuccessful scheme on the site. The upper floor would be set back and clad in contrasting material to the main brick elevations reducing its overall scale and bulk. The building would have a contemporary appearance, similar in design and materials to the recently completed development at 79 Silver Street, with good articulation of the fenestration providing rhythm and interest to the elevations. In my view the height and massing of the front block would be comparable in scale to neighbouring buildings and would complement the street scene along Silver Street.
31. The block at the rear of the site would be separated by a sunken courtyard from the front block. It would be a storey in height lower than the previous unsuccessful scheme and there would be a greater separation between the blocks giving a wider, more spacious internal courtyard. As a result of these features, I consider the spacing between the front and rear blocks would be sufficient to avoid the development appearing cramped and overdeveloped.
32. Along the northern boundary would be a flat roofed single storey range, plus basement below ground level. This would be of a similar height to a previous building that stood on the site, the remaining wall of which I noted on my site visit. Given its modest height and bulk I do not consider it would dominate the internal space or give the proposal an overdeveloped feel.
33. Public views of the rear block and flat roofed northern range would be limited from Silver Street by the frontage block. Other than for glimpsed views either side of the front block, neither would be readily apparent. The developed nature of the scheme would be more apparent from surrounding properties but would reflect the tight urban grain of this part of the town and would not in my view appear out of character.
34. I conclude that the scale and massing of the development would be acceptable and would not harm the character or appearance of the area. It would therefore comply with Policy CC8 of the Reading Borough Local Plan 2019, which requires new development to be of high quality design that maintains and enhances the character and appearance of the area of Reading in which it is located.

Mix and balance of the community

35. Policy H2 of the Reading Borough Local Plan 2019 requires, wherever possible, for residential development to contribute towards meeting the needs for a mix of housing, in particular family homes. Policy H12, which I have considered

under a separate heading, is primarily concerned with the location of student accommodation rather than the mix and balance of communities. The Council has also referred to Policy H8 but as this relates to the conversion of buildings into flats or houses in multiple occupation, I do not consider it to be relevant to the appeal scheme.

36. Looked at in isolation, the proposed development would not provide a mix of housing sizes and tenures on the site. Looked at in a wider context however, it would contribute towards the mix of uses in the area. The appeal proposal, even when combined with other existing student accommodation at 79 Silver Street and Crown Street nearby, would still make up a relatively small proportion of the uses in the area, which includes a variety of terraced housing and apartments, small businesses and offices. I consider that the proposed development would not result in an unbalanced community when viewed in this wider context, particularly given the wide range of uses and tenures already present in the area.
37. The objection raised by the Council, and certainly by local residents, is more focused on concerns about the overconcentration of student accommodation, which is perceived as having a detrimental impact on the lives of adjoining occupiers. Concern is also expressed by local residents about anti-social behaviour.
38. Purpose built student accommodation is generally managed by a professional operator, as would be the case with the appeal scheme. As such, anti-social behaviour is unlikely to occur on site. I appreciate that students may have different patterns of social activity to the general population but as Silver Street is by its nature a busy thoroughfare close to the town centre, these activities would form part and parcel of the existing busy character of the area. I have not been presented with any objective evidence to demonstrate that student accommodation in the area has been the source of anti-social behaviour over and above that which may occur in any large town or city.
39. I conclude that the proposed development would not harm the mix or balance of the community in the wider area, and therefore would accord with Policy H2 of the Reading Borough Local Plan 2019, which seeks to direct the density and mix of new development.

Unilateral undertaking

40. The appellant has submitted a unilateral undertaking that addresses matters relating to an employment and skills plan, a travel plan, occupancy restriction to students only, and a student accommodation management plan. The Council is satisfied that the undertaking, which incorporates minor wording changes suggested by the Council, addresses its concerns on these issues.
41. I consider this obligation to be necessary, directly related to the development and fairly related in scale and kind. As such, it would accord with Regulation 122 of the Community Infrastructure Levy Regulations and the tests for planning obligations set out in the National Planning Policy Framework. I have given it weight in satisfactorily addressing the concerns raised by the Council in its eighth reason for refusal.

Conclusion

42. I have found that the proposed development would not harm the character and appearance of the area, or the mix and balance of the community. I also acknowledge that it would make full use of previously developed land in a sustainable location. However, I have found that student accommodation on the site fails Policy H12 of the Reading Borough Local Plan 2019, which seeks to direct student accommodation to locations on or adjacent to further or higher education campuses. It has not been clearly demonstrated that the proposed accommodation meets a need that cannot be met on sites identified in the Local Plan for that purpose, or which accord with the locational requirements of Policy H12.
43. The conflict with Policy H12, together with more detailed shortcomings of the scheme in relation to highway safety, and the adverse effect of parts of the scheme on the living conditions of some neighbouring and future occupants, means that the proposal would conflict with the development plan when taken as a whole. There are no material considerations that outweigh the harm identified above.
44. For those reasons, I conclude that the appeal should be dismissed.

Guy Davies

INSPECTOR