
Appeal Decision

Site visit made on 14 June 2022

by M. P. Howell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 August 2022

Appeal Ref: APP/E0345/W/21/3286980
357, Basingstoke Road, Reading RG2 0JA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Kingfisher Mini Coaches against the decision of Reading Borough Council.
 - The application Ref 210125, dated 25 January 2021, was approved on 1 October 2021 and planning permission was granted subject to conditions.
 - The development permitted is the removal of existing workshop and the erection of a new workshop
 - The conditions in dispute are 5 and 6 which state that:
5. No development shall commence on site until a copy of an Interim BREEAM Certificate in accordance with the BREEAM Sustainability Standard demonstrating compliance with a minimum standard of BREEAM Very Good rating has been submitted to and approved in writing by the Local Planning Authority; and
6. Prior to first occupation of the development hereby approved, a copy of a Final BREEAM Certificate in accordance with the BREEAM Sustainability Standard following a post-construction stage review carried out by a licensed assessor has been submitted to and approved in writing by the Local Planning Authority, demonstrating that the development has attained as a minimum the standard set out in the Interim BREEAM Certificate referred to in condition 6.
 - The reasons given for the conditions are: *These details are required due to insufficient information being contained within this submission and in order to ensure that the development is carried out in accordance with sustainable building standards in accordance with Policy CC2 of the Reading Borough Local Plan 2019; and To ensure that the development is carried out in accordance with sustainable building standards in accordance with Policy CC2 and H5 of the Reading Borough Local Plan 2019.*
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Decision

1. The appeal is allowed, and planning permission Ref 210125 for the removal of existing workshop and the erection of a new workshop at 357, Basingstoke Road, Reading RG2 0JA granted on 1 October 2021 by Reading Borough Council, is varied by deleting conditions 5 and 6.

Background and Main Issue

2. The application was submitted seeking planning permission for a replacement building. The replacement building would be similar in footprint, siting and design to the existing building. There was no proposed intensification of the existing coach hire business use.
3. The scheme was approved but due to the lack of a sustainability or energy statement, the permission was granted with two conditions specifying that an interim and final certificate from BREEAM should be provided to demonstrate compliance with a minimum standard of BREEAM Very Good rating. The Council

say that the disputed conditions are necessary to comply with sustainable building standards in accordance with Policy CC2 of the Reading Borough Council Local Plan 2019 (LP).

4. The main issue is whether the conditions are reasonable, necessary or relevant to the development in the interests of energy efficiency and the environmental performance of the proposed development.

Reasons

5. LP Policy CC2 indicates that development will be acceptable where the design of buildings and site layouts use energy, water, minerals, materials and other natural resources appropriately, efficiently and with care and take account of the effects of climate change. It goes on to indicate that to meet these requirements all minor non-residential developments are required to meet the most up to date BREEAM 'Very Good' standard as a minimum.
6. The Council's Sustainable Design and Construction Supplementary Planning Document 2019 (SPD) provides advice and guidance for developers and the Council on the implementation of sustainability policies, such as Policy CC2. The aims of the policy and SPD, amongst other matters, is to improve the environmental performance of new development in order to help tackle climate change.
7. There is no dispute over whether the conditions are relevant to planning, enforceable or precise. As the proposal is a minor non-residential development, the condition is relevant to the development permitted. Although the proposed scheme would not result in any change of use and is a replacement building, LP Policy CC2 includes proposals for the redevelopment and refurbishment of existing building stock. This would be the case in this instance.
8. The appellant has submitted correspondence from two consultants¹ seeking to demonstrate that it is not possible for the approved building to achieve a BREEAM 'Very Good' standard as a minimum.
9. Build Energy clearly indicates that the appellant would be unable to carry out a BREEAM assessment on an unheated maintenance building. Although I acknowledge that Melin consultants indicated a fee for an assessment, this is part of the initial email to the appellant. In the later exchange of emails there is clear inference that an unheated building of this size would be difficult to assess. Together, this indicates that it is highly unlikely that the building could achieve the BREEAM 'Very Good' standard, as required by the condition. There is no substantive evidence from the Council to refute this or that the condition could be met in this instance. I, therefore, conclude that the condition is unreasonable.
10. I note that the condition has been added to ensure compliance with the specific BREEAM requirements set out in LP Policy CC2. However, notwithstanding the practical difficulties associated with a development of this size and intended use achieving the BREEAM 'Very Good' standard, no substantive evidence is before me to indicate that without the condition the proposed building would have been refused due to its lack of energy efficiency and poor environmental performance. I note that it is acknowledged within the Application Report that the sustainability credentials of the existing building are low, and a modern replacement could result

¹ Build Energy and Melin consultants

in a more sustainable and efficient building. For these reasons, I find that the condition is unnecessary to make the development acceptable.

11. The Council cite Policy H5 of the LP in the reasons for condition 6. However, Policy H5 refers to standards for housing. The proposed scheme does not include any residential development and, as such, it is not relevant to the scheme.

Other Matters

12. I have had regard to the representations received. I appreciate the concerns raised around the existing use, including traffic and road safety implications, damage to private property, safety of neighbouring residents as well as noise and disturbance matters. However, the proposal before me is with respect to a conditions relating to the energy performance of the replacement building, and not the use of the site as a coach hire business. As such, the matters raised do not alter my position on the main issue of the appeal.

Conclusion

13. For the reasons given above, I find that the disputed conditions are not reasonable or necessary in the interests of the energy efficiency and environmental performance of the proposed development. I conclude that the appeal should be allowed, and the conditions removed as set out in the formal decision.

M. P. Howell

INSPECTOR