



Appeal Decision

Site visit made on 2 August 2022

by James Blackwell LLB (Hons) PgDip

an Inspector appointed by the Secretary of State

Decision date: 9th August 2022

Appeal Ref: APP/E0345/W/22/3291067

220 Elgar Road South, Reading RG2 0BW

- 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 Mr Paul Smith of Maxika Homes against the decision of Reading Borough Council.
 - The application Ref 210526, dated 29 March 2021, was refused by notice dated 6 December 2021.
 - The development proposed is residential redevelopment comprising demolition of existing single storey building and erection of 16 dwellings together with associated works.
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Decision

1. The appeal is dismissed.

Applications for Costs

2. An application for costs has been made by Maxika Homes against Reading Borough Council. This is the subject of a separate decision.

Preliminary Matters

3. During the course of the appeal application, revised plans were submitted to reduce the number of proposed flats from 18 to 16. The description of development used above reflects this revision to the scheme, which has been agreed by the Council.

Main Issues

4. The main issues are:
 - whether the development would make adequate provision for employment and training opportunities, carbon off-set measures and affordable housing, with regard to the need for any associated planning obligations;
 - whether the development would provide acceptable outdoor amenity space for future occupiers;
 - the effect of the development on the character and appearance of the area;
 - the effect of the development on the safety of the local area, with particular regard to crime and disorder; and
 - whether the development would make adequate provision for cycle storage.

Reasons

Planning Obligations

5. Policy H5 of the Reading Borough Local Plan (2019) (Local Plan) requires major development (comprising 10 or more dwellings) to be carbon neutral. Whilst the proposed development would not manage to achieve this requirement, a financial contribution towards off-site measures has been proposed by the appellant, to offset the excess carbon emissions arising from the development. Although the appellant has indicated that a planning obligation would be submitted to secure such mitigation, nothing has been received. In the absence of appropriate mitigation, the development would conflict with Policy H5 as highlighted above, as well as Policy CC9 of the Local Plan, which seeks to ensure infrastructure necessitated by development is properly secured (which can be through off-site payments where appropriate). The development would also conflict with guidance set out in the Council's Planning Obligations SPD¹ and the Sustainable Design and Construction SPD².
6. The Council's Employment, Skills and Training SPD³ requires proposals comprising 10 or more homes to procure an Employment and Skills Plan (ESP) as part of development. The ESP is designed to help promote employment, learning and training opportunities among local people during construction of the development, and should again be secured through appropriate planning obligations. Once again, no agreement to secure these planning obligations has been submitted. As above, the development would therefore conflict with Policy CC9 of the Local Plan, as well as guidance set out in the Employment, Skills and Training SPD and the Planning Obligations SPD.
7. Policy H3 of the Council's Local Plan says all developments comprising 10 or more dwellings should provide at least 30% affordable housing. Based on the findings of its Viability Assessment (VA), the appellant alleges that it would not be viable for the development to provide any affordable housing. Given that the Council has not provided any evidence with regard to the VA, I cannot objectively assess the information submitted, nor the conclusions which have been reached. I therefore make no finding in terms of the proposal's viability, nor the potential need for the scheme to provide any affordable housing.

Outdoor Amenity Space

8. Whilst the proposed development would provide some degree of outdoor space along its front, rear and southern side, the primary area of useable amenity space would be within the south-western corner of the site. Relative to the size of the development, this area would be small, and given the number of flats proposed, I consider it would be insufficient for the likely number of residents. Moreover, the space would be located immediately adjacent to the car park, which would dilute its quality and value to occupiers of the building.
9. Nonetheless, the development would be located near to Waterloo Meadow (a substantial area of public open space to the west of the site), which would help mitigate against the inadequacy of any on-site outdoor amenity space. Given this proximity, the Council has indicated that, subject to receipt of a financial contribution towards the maintenance and upkeep of Waterloo Meadow

¹ Supplementary Planning Document on Planning Obligations under Section 106 (2015)

² Sustainable Design and Construction Supplementary Planning Document (2019)

³ Employment, Skills and Training, Supplementary Planning Document (2013)

(secured by a planning obligation), any concerns regarding the lack of on-site amenity space could be adequately overcome. Whilst the appellant has indicated a willingness to pay this contribution, no planning agreement has been submitted to secure such payment.

10. In the absence of appropriate mitigation to address the shortfall of acceptable on-site provision, the development would fail provide an acceptable level of useable outdoor amenity space. The development would therefore conflict with Policies CC7, CC8 and EN14 of the Local Plan, which together require new development to promote good living conditions for occupiers, through the provision of quality outdoor space, landscaping and planting.

Character and Appearance

11. The appeal site comprises a parcel of land on the western side of Elgar Road South, which is currently occupied by a large single-storey flat roof building, with parking to the rear. There are residential properties to the north, south and west of the site, and Nimrod Way Industrial Estate is located opposite. The area is therefore mixed in character.
12. The residential properties to the north of the site comprise a number of three-storey blocks of flats. The principal frontages to these blocks run parallel with the adjoining pavement edge, with very limited intervening space in between. To the south of the site, there are a series of semi-detached dwellings running in a linear formation, which are stepped much further back from the highway. These houses are two-storey only, which means there is a notable step change in building heights between the residential properties to the north and to the south.
13. The proposed development would introduce a three-storey block of flats to the appeal site. The design of the flats would incorporate three principal gables which would run in a staggered formation, with the northernmost gable projecting further forward than the southernmost gable. This would help create an effective transition between the flats to the north and the semi-detached dwellings to the south, by ensuring the front building line integrates effectively with both sets of properties.
14. The new flats would also incorporate a two-storey element to its southern side, which would have a reduced depth when compared to the main bulk of the property. This element of the development would also incorporate a mono-pitched roof, thereby reducing the scale, height and bulk of its southern side. These design features would again help soften the transition between the new flats and the smaller dwellings to the south, by introducing a gradual step change in terms of scale. In turn, this would help ensure the new flats would integrate effectively with all aspects of the existing street scene.
15. Moreover, the built aspects of the development would be separated from Waterloo Meadow by the rear parking area, and the residential properties to the west of the site. Given the extent of this intervening space, I am satisfied that the development would not unduly impact on the character of the park.
16. Whilst I agree with the Council that the inclusion of patios to the front ground floor flats would likely introduce clutter in terms of domestic paraphernalia and boundary treatments, the appellant has indicated a willingness to remove these patios from the scheme. In turn, their removal would also free up additional

space for landscaping, which would help overcome any latent concerns in this regard. These minor alterations to the scheme and changes to the associated landscaping could be secured by condition. In terms of the proposed Juliet balconies, given that these would echo those used along the frontage of the flats to the north, they would be in-keeping in terms of design.

17. For these reasons, I am satisfied that the development would not harm the character and appearance of the area. In this regard, the development would be consistent with Policies CC7 and EN7 of the Local Plan. Together, these policies seek to ensure new development achieves a high-quality design, which responds positively to local character in terms of layout, scale and height. They also seek to ensure the area's green spaces are sufficiently protected from neighbouring development.

Crime and Disorder

18. The Council has raised a number of concerns regarding the legibility of the proposal, and the associated impacts on safety. Nonetheless, the appellant has indicated a willingness to install a front security gate along the entrance driveway to the property, which would help overcome these concerns. Indeed, a security gate would help prevent unauthorised access to the site, which would improve the safety of residents and visitors both at the main access to the property, and within the parking area to the rear. Further safety measures suggested by the appellant, including CCTV and appropriate lighting, would further help mitigate against any perceived safety risks. All these measures could be secured by condition.
19. The floorplans have also been revised so that a window from the main living space of flat 1 would now overlook the entrance driveway to the property. This would improve active surveillance of the entranceway to the property, which would again promote more effective security of the site.
20. Subject to the inclusion of appropriate conditions, I am therefore satisfied that the development would create a safe environment for its occupiers, without undue risk in terms of crime and disorder. In this regard, the development would be consistent with Policy CC7 of the Local Plan, which seeks to ensure new development creates a safe and accessible environment, where crime and disorder or fear of crime and disorder does not undermine the quality of life nor community cohesion.

Cycle Storage

21. Notwithstanding any existing shortcomings in the submitted plans, there would be sufficient space within the proposed car park to accommodate an acceptable level of bicycle storage. This could be secured by a suitably worded condition. The proposed security measures (secure entrance gate, CCTV and lighting) would also help ensure any perceived safety issues regarding the bicycle storage would be adequately addressed. Subject to suitable conditions, the development would therefore provide safe and accessible bicycle parking, which would be consistent with Policies CC7 and TR5 of the Local Plan. Together, these policies require bicycle parking to be provided at the prescribed levels, whilst also promoting safe and accessible environments. The

development would also comply with guidance set out in the Councils Revised Parking Standards and Design SPD (2011)⁴.

Conclusion

22. Whilst I have sided with the appellant in terms of character and appearance, crime and disorder and bicycle storage, the development has not secured a financial contribution to mitigate against the lack of on-site amenity space, nor has it secured necessary planning obligations with regard to carbon offset measures nor employment and training. The proposal would therefore conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which would outweigh this finding. Therefore, for the reasons given, the appeal should be dismissed.

James Blackwell

INSPECTOR

⁴ Reading Borough Local Development Framework, Revised Parking Standards and Design, Supplementary Planning Document, 31 October 2011