
Appeal Decision

Site visit made on 4 August 2022

by L Page BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 September 2022

Appeal Ref: APP/E0345/W/21/3289234

Land adjacent to 114 to 116 School Road, Tilehurst, Reading RG31 5AX

- 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 Chesters Place Limited against the decision of Reading Borough Council.
 - The application Ref 211276, dated 3 August 2021, was refused by notice dated 8 December 2021.
 - The development proposed is erection of a building to provide ground floor retail unit with 4 no. residential flats above.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a building to provide ground floor retail unit with 4 no. residential flats above at land adjacent to 114 to 116 School Road, Tilehurst, Reading RG31 5AX in accordance with the terms of the application, Ref 211276, dated 3 August 2021, and the plans submitted with it, subject to the conditions set out in the attached schedule.

Procedural Matters

2. New evidence comprising a Section 106 Agreement (the S106) was submitted during the course of the appeal, and this was accepted as a potentially legally binding document. The Council subsequently confirmed that the S106 addressed its third reason for refusal.
3. However, it is still necessary to determine whether the affordable housing planning obligations within the S106 meet the relevant tests. This is in order to weigh any potential benefits in the planning balance. Consequently, the matter has been treated as a main issue.
4. During the course of the appeal, planning permission¹ was granted for development at the site and parties were given an opportunity to comment on the potential implications.
5. On my site visit I noted that development had commenced. It was confirmed by the appellant that this was pursuant to the planning permission already granted. Meaning the wording and timing of any suggested planning conditions under this appeal would be unaffected.

¹ Ref 220086

Main Issues

6. The main issues are:

- (a) the effect of the proposal on the character and appearance of the area;
and
- (b) whether affordable housing planning obligations are necessary and suitably provided.

Reasons

Character and Appearance

- 7. The site is located on land adjacent to 114 to 116 School Road, within the boundary of Tilehurst Triangle District Centre and the defined urban area of Tilehurst. The immediate vicinity has a range of buildings and uses including mixed commercial and residential uses at 114-116 and 104-108 School Road. Furthermore, there is a primary school, public house with associated car park, and dwellings on neighbouring streets.
- 8. This provides a degree of flexibility when considering the design and compatibility of new development. For example, despite broadly consistent building lines along Downing Road, the building at 104-108 School Road is on a corner plot and in close proximity to its site frontage, and therefore of particular prominence in the street scene. Whereas other buildings, such as nearby dwellings, may be more set back in nature.
- 9. There is intermittent use of landscaping throughout the area, and in some instances this gives rise to the perception of a harder edge to the prevailing built form. Consequently, there is scope for new development to explore opportunities to improve how the area presents itself in this regard.
- 10. The site is scrub grassland of moderate extent, with substantial illuminated advertisements that the appellant contends detract from the character and appearance of the area. I agree with this position, and it is not something seemingly disputed by the Council. Consequently, there are significant opportunities to enhance the area by putting the land to more effective use.
- 11. Planning permission has been granted at the site for development of a very similar nature to that being considered under this appeal. Consequently, in my mind the appellant holds a robust fallback position.
- 12. This is because whilst the development granted planning permission may be deemed to improve upon the proposal in this case, these improvements relate to finer aspects of the overall design. Consequently, the differences between the developments are insignificant in scale and extent.
- 13. For example, the width of the undercroft is a difference of two car parking spaces, which in my mind is not significant. Furthermore, the setback is limited to the extent that the built form would still be perceptibly close to the street, and landscaping softens only a small proportion of the frontage.
- 14. As such, even if deemed harmful, any effects derived from delivering the proposal in this case, rather than the development granted planning permission, would only give rise to a limited degree of harm in relation to building lines, landscape treatment, and the extent of undercroft parking.

15. In this context, I am mindful that there is an opportunity to put the land to more effective use and delivering the proposal in this case would be a significant enhancement compared to the scrub grassland and illuminated advertisements that currently detract from the character and appearance of the area.
16. Furthermore, the range of buildings and uses throughout the area provides flexibility in the design and compatibility of new development, which further mitigates some of the harm that may be derived from the proposal.
17. Whilst I acknowledge that the proposal may be a sub optimal design when compared to the development granted planning permission, the cumulative effect of mitigating factors and other benefits means there is substantial weight in favour of it.
18. On balance, the proposal would make more effective use of the land and would enhance the character and appearance of the area in accordance with Policy CC7 of the Reading Borough Local Plan 2019, which among other things sets out that all development must be of high quality design that maintains and enhances the character and appearance of the area.
19. Policy EN14 of the Reading Borough Local Plan 2019² states that new development 'shall' make provision for tree retention and planting within the application site, particularly on the street frontage. As such, there would be conflict with this policy due to the absence of landscaping.
20. However, for the reasons already given, any harm derived from lack of landscaping, and therefore conflict with this policy, would attract limited weight. This would be overridden by the substantial weight in favour of the proposal and compliance with Policy CC7 of the Reading Borough Local Plan 2019. Overall, the proposal would accord with the development plan in relation to character and appearance.

Affordable Housing Planning Obligations

21. In accordance with Paragraph 57 of the National Planning Policy Framework (the Framework) and pursuant to the Community Infrastructure Levy Regulations 2010, planning obligations must only be sought where they are necessary to make the development acceptable in planning terms, among other things.
22. The proposal would provide a financial contribution towards offsite affordable housing provision amounting to £42,062.00, which equates to 10% of the gross development value of the proposal. This is adequately secured by planning obligations in the submitted S106.
23. Consequently, the affordable housing planning obligations would be necessary, directly, fairly, and reasonably related in scale and kind to the proposal and pursuant to Policy H3 of the Reading Borough Local Plan 2019 and the Affordable Housing Supplementary Planning Document 2021. Among other things, this policy and guidance set the level of affordable housing provision required for new development.

² Amplified by Reading Borough Council Tree Strategy 2020

Planning Balance

24. My assessment of the main issues leads me to the conclusion that the proposal would accord with the development plan as a whole.
25. I acknowledge that character and appearance is a balanced matter, but even if I had found that the proposal was altogether harmful in this regard, the scale and extent of harm would still be limited due to the range of mitigating factors.
26. The benefits derived from delivering offsite affordable housing, whilst not significant due to the modest nature of provision and lack of evidenced heightened need, would still be moderate.
27. As such, the moderate benefits would outweigh any limited harm and in the end the proposal would still have accorded with the development plan as a whole.

Other Matters

28. I acknowledge there are various other interested party objections in relation to other matters not covered under the main issues. However, the fallback position is an important consideration which significantly limits the weight of these matters to the point where they have not been determinative under the appeal.
29. For example, among other things, the pathway is in private ownership and would be lost to the development already granted planning permission. Furthermore, the proposal would deliver more parking compared to the development already granted planning permission.

Conditions

30. The appellant objected to a number of the Council's suggested conditions relating to operating hours and I asked for further comments in this context. The Council confirmed that they were satisfied with the proposed changes to operating hours and I have incorporated these changes into the schedule of conditions.
31. The appellant raised no objection to the pre commencement conditions suggested by the Council. These have been deemed necessary to avoid the adverse effects of construction that may arise if development was permitted to proceed without prior controls.
32. All conditions in the attached schedule have been considered against the Framework and Planning Practice Guidance. Standard conditions setting out time limits and securing compliance with the approved plans are necessary to provide certainty.
33. Submission of a materials schedule is necessary in the interests of visual amenity and ensuring the new development responds positively to the local context and character.
34. A construction method statement and other controls on construction activity are necessary in the interests of protecting the amenity of local land uses or neighbouring residents, the character of the area and highway safety.

- 35. Securing parking and suitable vehicle access before occupation is necessary to safeguard highway safety. Bird and bat boxes are necessary pursuant to biodiversity enhancement.
- 36. A noise assessment and restrictions on operating hours, deliveries and waste collection are necessary to protect the living conditions of neighbouring occupiers.
- 37. Controls on dwelling emission rates are necessary in the interests of sustainable building standards and climate change. A litter management scheme is necessary in order to protect the character and appearance of the area.
- 38. Electric vehicle charging points are necessary to provide future occupiers with more sustainable transport options other than high emission vehicles. Refuse and recycling provision before occupation is necessary in the interests of proper storage of such materials.

Conclusion

- 39. The proposal would accord with the development plan in relation to character and appearance and affordable housing planning obligations. There are no material considerations indicating that a decision should be taken otherwise than in accordance with the development plan. Consequently, the appeal is allowed and planning permission granted subject to the conditions set out in the attached schedule.

Liam Page

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin no later than three years from the date of this planning permission.
2. The development hereby permitted shall ONLY be carried out in accordance with the following approved plans: Drawing No: 21-J3733-01 Rev A – Proposed Site Layout 21-J3733-02 Rev A – Proposed Floor Plans 21-J3733-03 Rev A – Proposed Elevations 21-J3733-04 Rev A – Proposed Street Scenes.
3. No development shall commence beyond foundation level until a schedule of the materials to be used in the construction of the external of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter maintained in accordance with the details approved unless otherwise agreed in writing by the Local Planning Authority.
4. [Pre-commencement] No development shall commence on site, including any works of demolition, until a site specific Construction Method Statement has been submitted to and been approved in writing by the Local Planning Authority. The Statement shall provide for:
 - a. Space on site or alternative facilities where vehicles of site operatives and visitors can be parked with details of how site operatives and visitors will be advised and required to make use of the parking area provided;
 - b. Location on site or alternative facilities for storage of plant and materials used in constructing the development;
 - c. The erection and maintenance (including removal of any graffiti or fly posters) of security hoarding around the site;
 - d. Identification of any footpath closures or road closures needed during construction;
 - e. Required wheel washing facilities on site;
 - f. A scheme for recycling waste resulting from the construction works.
 - g. Measures for controlling the use of site lighting whether required for safe working or for security purposes;
 - h. Required measures to control the emission of dust, dirt and other airborne pollutants during demolition and construction;
 - i. Provisions to be made for the control of noise coming from the site during demolition and construction;

The measures within the approved Statement shall be adhered to throughout the demolition and construction period unless otherwise agreed in writing by the Local Planning Authority.

5. The dwelling(s)/building(s) hereby permitted shall not be occupied until all vehicle parking space(s) have been provided in accordance with the plans hereby approved. The space(s) shall be kept available for parking at all times thereafter.

6. No dwelling/building hereby permitted shall be occupied until the vehicle access serving it has been constructed in accordance with the plans hereby approved.
7. No dwelling/building hereby permitted shall be occupied until the bicycle parking facility for that dwelling/building has been provided in accordance with the plans hereby approved. The facility shall be kept available for bicycle parking at all times thereafter.
8. [Pre-commencement] Prior to commencement of development, details of biodiversity enhancements, to include a minimum of 4 integral bird and bat boxes, tiles or bricks on the buildings and new wildlife friendly planting shall be submitted to and approved in writing by the council. The biodiversity enhancements shall thereafter be installed as approved.
9. [Pre-commencement] No development shall commence on site until a detailed scheme, informed by an assessment of the current noise environment, for protecting the dwellings from the external noise environment of the area has been submitted to and approved, in writing, by the Local Planning Authority. The scheme itself shall be designed, specified and constructed so that the sound insulation performance of the structure and the layout of the dwellings are such that the indoor ambient noise levels do not exceed the values detailed in Table 4 of BS 8233:2014 and the and that the individual noise events do not exceed 45 dB LA,max,F more than 10 times a night. Where opening windows will lead to an internal noise level increase of 5 dBA or greater above BS 8233:2014 recommended internal levels, the scheme shall include provision of alternative mechanical ventilation with minimum performance equivalent to a mechanical heat recovery (MVHR) system with cool air bypass as an alternative means of cooling and ventilation. Noise from the system should not result in BS8233 internal levels being exceeded.

Thereafter, the development shall not be carried out other than in accordance with the approved scheme which shall be completed before any part of the accommodation hereby approved is occupied, unless the Local Planning Authority otherwise agrees in writing.

10. Hours of deliveries and waste collection for the ground floor commercial unit shall be restricted to 08:00 hours to 20:00 hours Monday to Saturdays and 10:00 hours to 18:00 hours on Sundays and Bank Holidays.
11. The retail premises shall not be used by members of the public outside the hours of 07.00 to 22.00 Mondays to Saturdays and 08.00 to 20.00 On Sundays and Bank Holidays.
12. No construction or demolition or associated deliveries shall take place outside the hours of 0800hrs to 1800hrs Mondays to Fridays, and 0800hrs to 1300hrs on Saturdays, and not at any time on Sundays and Bank or Statutory Holidays without prior written approval from the Local Planning Authority.
13. No materials or green waste produced as a result of the clearance of the site, demolition works or construction works associated with the development hereby approved shall be burnt on site.

- 14.[Pre-commencement] No development shall commence on site until written verification has been submitted to and approved in writing by the Local Planning Authority demonstrating that the dwellings hereby permitted have achieved a minimum of a 19% improvement in the dwelling emission rate over the target emission rate as defined in The Building Regulations for England Approved Document L1a: Conservation of Fuel and Power in New Dwellings (2013 edition), and built to the higher water efficiency standard under Regulation 36(3). Such evidence shall be in the form of a 'design stage' Standard Assessment Procedure (SAP), produced by an accredited energy assessor.
- 15.The development hereby permitted shall not be occupied until written verification has been submitted to and approved in writing by the Local Planning Authority demonstrating that the dwellings hereby permitted have achieved a minimum of a 19% improvement in the dwelling emission rate over the target emission rate as defined in The Building Regulations for England Approved Document L1a: Conservation of Fuel and Power in New Dwellings (2013 edition), and built to the higher water efficiency standard under Regulation 36(3). Such evidence shall be in the form of an 'As Built' Standard Assessment Procedure (SAP), produced by an accredited energy assessor.
- 16.Prior to first use of the approved retail unit falling under Class E(b) of the Town and Country Planning (Use Classes) Order 1987 (as amended), a strategy for the management of litter resulting from the use shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include:
- a. details of the extent of the search area outside the premises for litter picking by staff associated with the use,
 - b. details of the frequency of litter picking by staff,
 - c. the location of litter bins within the premises, and
 - d. details of the design and location of customer advice signage relating to litter.
- The use shall not be carried out other than in accordance with the approved strategy at all times thereafter.
- 17.[Pre-commencement] No development shall take place until a plan has been submitted to and been approved in writing by the Local Planning Authority to show how:-
- a. Four electric vehicle charging facility can be provided on site
 - b. No building or use hereby permitted shall be occupied or the use commenced until the electric vehicle charging facility for that building or use has been completed as shown on the approved plan
 - c. Thereafter the electric vehicle charging facility shall be kept free of obstruction and available for the approved use at all times.

18. Prior to first occupation of the development hereby approved, the refuse and recycling storage facility shall be implemented fully in accordance with those details shown on the approved plans and thereafter retained for use by occupiers of the dwelling/building at all times.
19. No building shall be occupied until all the visibility splays shown on the approved drawings have been provided. All areas shall thereafter be kept free of all obstructions to visibility over a height of 0.6 metres above the carriageway level and maintained as such.

End of Schedule