



Appeal Decision

Site visit made on 3 January 2023

by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 February 2023

Appeal Ref: APP/W0340/W/22/3305357

Lakeside, The Green, Theale, Reading RG7 5DR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Miss Emma Runesson (Ridgepoint Homes) against the decision of West Berkshire District Council.
- The application Ref 22/00146/RESMAJ, dated 20 January 2022, was refused by notice dated 8 August 2022.
- The application sought planning permission for residential development of up to 325 houses and apartments (including 70 extra-care units) with associated access, parking, amenity space and landscaping 15/02842/OUTMAJ without complying with conditions attached to the approval of reserved matters application reference 20/00663/RESMAJ dated 27 November 2020.
- The conditions in dispute are Nos 2, 3, 4, 9, 11 and 14 which state that:
 - No.2 – The development hereby permitted shall be carried out in accordance with the approved drawing number and reports; proposed site layout drawing number P.201 D; proposed plot 1 plans and elevations P.202 A; proposed plot 2 plans and elevations P.203 A; proposed plot 3 plans and elevations P.204 A; proposed plot 4 plans and elevations P.205, proposed plot 5 plans and elevations P.206; proposed plot 6 plans and elevations P.207; proposed plot 7 plans and elevations P.208, proposed garages plans and elevations P.209A, proposed sheds plans and elevations P.212; masterplan phasing plan P.01 K; masterplan open spaces P.02 J; site sections P.211 A; site layout with levels P.210 D; proposed access arrangements drawing number 4712.001 Rev B; access statement for Lakeside, The Green, Theale; landscape management statement by Draffin Associates Ltd; indicative landscape proposals 602/1/01 D; summary landscape design statement by Draffin Associates Ltd; large refuse vehicle (10.68m) autotrack swept path drawing 5458.005; noise report by Sharps Redmore titled Lakeside, Theale, residential development – Phase 1 dated 6 March 2020 project number 2019441.
 - No.3 – Each reserved matters application for the subsequent phases of the development shall be designed in accordance with the details shown on the phasing plans drawing number P.01 K and P.02 J with respect to the number of market and affordable dwellings and the amount of public open space.
 - No.4 – The bricks, gable cladding and roof tiles to be used in the development hereby permitted shall be as specified in the ‘schedule of external materials’ and the windows and doors as specified in the document titled ‘window and door details’ for St Ives Close, Theale 19/00256/REM.
 - No.9 – The dwellings hereby permitted shall be built in accordance with the finished floor levels as shown on the Site Layout with Levels P.210 D unless otherwise agreed in writing by the Local Planning Authority.
 - No.11 – All landscape works shall be completed in accordance with drawing number 602/1/01 Rev D titled Landscape Proposals Plan by Draffin Associates dated August 2020 and the Landscape Management Statement and Summary Landscape Design Statement. Any trees, shrubs or hedges planted in accordance with the approved

scheme which are removed, die or become diseased within 5 years from completion of this development shall be replaced within the next planting season by trees, shrubs or hedges of a similar size and species to that originally approved.

No.14 – No dwelling shall be occupied until the associated vehicle parking and/or turning space has been surfaced, marked out and provided in accordance with the parking details shown on drawing P.201 D. The parking and turning space shall thereafter be kept available for parking (of private motor cars and/or light goods vehicles) at all times.

- The reasons given for the conditions are;
 - No.2 – For the avoidance of doubt and in the interest of proper planning.
 - No.3 – To ensure that the affordable housing and open space is distributed through the development to deliver a high quality scheme. This condition is applied in accordance with the National Planning Policy Framework, Policies CS6 and CS18 of the West Berkshire Core Strategy, Policies RL.1, RL.2 and RL.3 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) and the Planning Obligations SPD.
 - No.4 – To ensure that the external materials are visually attractive and respond to local character. This condition is imposed in accordance with the National Planning Policy Framework (February 2019), Policy CS14 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).
 - No.9 – To ensure a satisfactory relationship between the proposed development and the adjacent land. This condition is imposed in accordance with the National Planning Policy Framework (February 2019), Policies CS14 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).
 - No.11 – To ensure the implementation of a satisfactory scheme of landscaping in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy (2006-2026).
 - No.14 – To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS13 of the West Berkshire Core Strategy (2006-2026) and Policy P1 of the Housing Site Allocations DPD 2006-2026.
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Decision

1. The appeal is allowed and approval of the reserved matters is granted for the erection of 9 dwellings in accordance with application 22/00146/RESMAJ dated 20 January 2022, without complying with conditions 2, 3, 4, 9, 11 and 14 previously imposed on reserved matters approval 20/00663/RESMAJ dated 27 November 2020, and subject to the attached schedule of conditions.

Background and Main Issue

2. Planning permission was originally granted in outline (application reference 15/02842/OUTMAJ) on appeal (reference APP/W0340/W/16/3159722) for up to 325 houses and 70 extra care units. Reserved matters approval was subsequently granted (application reference 20/00663/RESMAJ) for the erection of 7 dwellings within phase one of the development, on the parcel of land which forms the appeal site. The Council advises that this permission has been implemented and I have no evidence to the contrary.
3. The appellant seeks to vary the 20/00663/RESMAJ reserved matters approval to allow for the construction of 9 dwellings within the first phase of development, but without increasing the overall number of units as agreed as part of the outline permission. The proposal therefore seeks to vary the approved plans condition (2) which in turn affects other conditions attached to the reserved matters approval, including condition 3 (phasing), 4 (materials), 9 (levels), 11 (landscaping) and 14 (vehicle parking and turning).

4. The Council has raised no objection to the proposed amendments in respect of the proposed phasing, materials, levels or landscaping. Based on all that I have seen and read, I see no reason to disagree with this point of view. In light of this, the main issue is the effect that varying the disputed conditions and substituting the drawings to allow the erection of 9 dwellings would have upon highway safety, with particular regard to car parking provision.

Reasons

5. The appeal site sits on the south-western edge of the developed area of Theale, and comprises an unoccupied and undeveloped area of land between a lake and dwellings located off The Green. Phase one of the development would be accessed from St Ives Close with dwellings largely positioned to face towards the lake. The main change to the layout approved under 20/00663/RESMAJ is the introduction of 2 additional dwellings at plots 4 and 5, as shown on drawing number 21.009.101 Rev O. The proposed road layout and point of access would not change. The crux of the dispute between the parties is whether the variation to the plans provides sufficient car parking to prevent harm to highway safety.
6. Policy P1 of the West Berkshire Housing Site Allocations DPD 2006-2026, adopted 2017 (HSA) advises that the layout and design of parking spaces should follow the parking design guide from the Building for Life Partnership 2012 and principles contained in Manual for Streets (MfS). Adopting a zonal approach that recognises the differing needs for car parking provision across the district, Policy P1 sets out minimum car parking standards for residential development. For the purposes of Policy P1, the appeal site falls within Zone 2.
7. The Council's reason for refusal states that Policy P1 requires the provision of 27 car parking spaces (3 per dwelling) for the proposed development, and that as 24 have been provided, there is a shortfall of 3 spaces. Although the scheme includes predominantly 5 and 6 bedroomed dwellings, Policy P1 provides a minimum standard of car parking spaces for dwellings up to 4 bedrooms, with dwellings above this threshold assessed on an individual basis, a matter I will come to later in my decision. For the proposed development Policy P1 indicates a minimum requirement of 2.5 spaces per dwelling and 22.5 spaces for the scheme as a whole, as confirmed by the Highway Authority. It therefore appears to me, that there would not be a shortfall in provision but that 1.5 spaces would be provided in excess of the minimum threshold.
8. The appellant has advised that as they cannot provide 0.5 of a space, the majority of the proposed dwellings would have 2 on-plot spaces, with the residual requirement being provided by shared communal spaces. The Council are concerned that the lack of dedicated on-plot provision for each dwelling would result in ambiguous ownership and conflicts between neighbours, as highlighted by the Thames Valley Police. Although I understand the Council's concerns in this regard, it seems to me that Policy P1 is clear in that minimum car parking spaces can be provided within the curtilage of the dwellings or, within formal parking areas. The mixed arrangement of car parking spaces is advocated by MfS. As such the proposal would comply with Policy P1.
9. As noted above, the proposed scheme consists predominantly of 5 and 6 bedroomed dwellings, and some of the proposed dwellings include a study that could potentially be used as an additional bedroom. However, it does not automatically follow that there would be a greater level of occupancy than

smaller dwellings, or that there would be a greater level of car ownership associated with larger dwellings, although I recognise that this may be possible.

10. During my visit I saw that The Green would be a short walk away from the proposed dwellings where a frequent bus service to Theale, Reading and Newbury Wharf can be accessed. In addition, I observed that Theale also benefits from a train station. The proposed development would therefore be located in an accessible location where future occupants would not necessarily be reliant on the private car to meet day to day needs. I further note the appellants' advice that the spaces would be retained and maintained by a management company which would provide a greater degree of control over the spaces such that conflict between residents could be appropriately managed. It seems to me that there is no particular policy requirement in this instance to achieve car parking provision significantly above the threshold specified in Policy P1 of the HSA.
11. The Council are concerned that the reliance on shared visitor spaces to make up the individual quota of spaces for specific plots, would increase the likelihood of on-street parking which would be hazardous to highway safety. The proposed dwellings would be accessed off St Ives Close which I observed, is a quiet residential street where existing dwellings have private off-street car parking areas within their front gardens. During my visit no on-street parking was occurring along St Ives Close, although I appreciate this was a snap-shot in time solely relating to the existing situation. The scheme would extend St Ives Close to form a no-through road serving the proposed dwellings, where vehicle numbers and speeds are likely to be relatively low as a result. I note that the Highway Authority has not raised concerns with the capacity of St Ives Road to accommodate additional traffic.
12. Despite the introduction of new dwellings, I see no reason why the proposal would lead to a significant increase in on-street car parking, given that there would be a sufficient level of provision within the development overall. Although the on-plot parking is arranged in a tandem layout that would necessitate manoeuvres if access to a particular vehicle was required, this is a typical arrangement for car parking in residential areas that does not necessarily lead to occupants parking on the street instead. As the proposed communal parking would be divided to the front of each of the 2 clusters of dwellings, it would be conveniently located for use by the future occupiers, who would be aware of the degree of shared car parking facilities at the point of purchase. Whilst some on-street car parking may occur, it is unlikely to be significant, nor harmful to the quality of the environment in respect of either St Ives Close, or the proposed development.
13. Paragraph 111 of the Framework is clear that development should only be refused on highway safety grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Bearing in mind the specific attributes of the site and proposal noted above, and in the absence of any evidence that safety issues or disruption to traffic flow would occur as a result of the proposed level of car parking provision, I find that the proposal would not result in a severe impact on the road network.

14. I therefore conclude that the proposed development would not have an unacceptable impact on highway safety, with particular regard to the provision of car parking. The variation of conditions 2, 3, 4, 9, 11 and 14 to enable an amended quantum and layout within phase one of the development would therefore be in accordance with Policy P1 of the HSA, which seeks to ensure appropriate levels of car parking provision in delivering good quality neighbourhoods. It would further comply with Policy CS14 of the West Berkshire Core Strategy 2006-2026 (adopted 2017) (WBCS), with regard to high quality design and the provisions of the Framework in respect of good quality design and, the prevention of unacceptable impacts on highway safety.
15. I consider that Policy CS13 of WBCS is not relevant in this instance given that the transport impacts arising from the development were assessed in the consideration of the outline application (reference 15/02842/OUTMAJ) and the overall quantum of development for the wider site would not alter.

Other Matters

16. I am mindful that the appellant has 2 fallback positions which have a realistic prospect of being implemented, namely the original reserved matters approval for 7 dwellings (20/00663/RESMAJ) and the subsequent reserved matters approval for 9 dwellings (22/01933/RESMAJ). This more recent approval, granted following the refusal of the proposal the subject of this appeal, provided 3 extra on-plot car parking spaces with the allocation of the proposed on-street spaces to specific dwellings. This would be preferable in terms of car parking provision to that before me, due to the small increase in the number of spaces. Nonetheless, I have assessed the proposal on its own merits, and I have found that the proposed level of car parking would accord with the requirements of Policy P1 for the reasons given above.
17. A number of interested parties have made representations including objections and concerns in relation to the impact of the proposed development upon the character and appearance of the area, the living conditions of existing residents, local wildlife and local infrastructure including access to services such as schools and doctors. However, the effect of the proposal on these matters would not be significantly different to the effects of the approved reserved matters.

Conditions

18. The Planning Practice Guidance makes clear that decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. As I have limited information before me about the status of the other conditions imposed on reserved matters approval 20/00663/RESMAJ, I shall impose all those that I consider remain relevant. In the event that some have in fact been discharged, that is a matter which can be addressed by the parties.
19. In respect of the plans list condition (2), I have listed the approved plans which were the subject of this appeal, for the avoidance of doubt and in the interests of certainty.
20. The Council suggest that condition 4 (materials) should be amended to a prior to commencement condition as requested by the appellant. However, the

submission of materials prior to any works taking place appears to be unduly onerous. Therefore, I have amended the suggested wording to require the submission of details prior to any works above slab level, so as to allow the setting out of the site and laying of foundations, enabling works to progress in a timely manner. I have however, retained condition 9 as a pre-commencement condition given that details of the proposed floor levels are necessary, prior to the creation of foundations in the interests of the character and appearance of the area. I note the appellant has not objected to such wording in their late comments.

21. I have further varied conditions 3, 11 and 14 relating to subsequent phases of development, the proposed soft landscaping and site layout to reflect the updated plans.
22. Finally, I have amended the wording of conditions of 5, 6, 7, 8, 12 and 13 in the interests of ensuring that they are succinct and refer to the correct plans.

Conclusion

23. The proposal would be in accordance with the development plan as a whole and material considerations do not lead me to decide otherwise. For these reasons and having regard to all other matters raised, I conclude that the appeal should be allowed.

M Clowes

INSPECTOR

Schedule of Conditions

1. This permission relates solely to the reserved matters referred to in Condition 2 of the Outline Planning Permission granted on 15th March 2017 under application reference 15/02842/OUTMAJ (appeal reference APP/W0340/W/16/3159722). Nothing contained in this proposal or this notice shall be deemed to affect or vary the conditions imposed on that outline planning permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed below:
 - Site Location Plan 21.009.100 Rev C
 - Site Layout Phase 1 21.009.101 Rev O
 - Plot 1 House Type B 21.009.B01 Rev A
 - Plot 2, 3 House Type E Elevations 21.009.E02 Rev B
 - Plot 2, 3 House Type E Plans 21.009.E01 Rev B
 - Plot 4 House Type F 21.009.F01 Rev B
 - Plot 5 House Type C 21.009.C02 Rev B
 - Plot 6 House Type G Plans 21.009.G03 Rev A
 - Plot 6 House Type G Elevations 21.009.G04 Rev A
 - Plot 7 House Type G Plans 21.009.G01 Rev B
 - Plot 7 House Type G Elevations 21.009.G02 Rev B
 - Plot 8 House Type G Plans 21.009.G05
 - Plot 8 House Type G Elevations 21.009.G06
 - Plot 9 House Type D 21.009.D01 Rev B
 - Plots 5, 6, 7, 8, 9 Garages 21.009.GA Rev A
 - Phasing Plan drawing number 92
 - 9 Unit Soft Landscape RID22928-13C
 - 9 Unit Hard Landscape RID22928-14B
 - Proposed access arrangements 4712.001 Rev B
 - Masterplan-Phasing Plan P.01 K insofar as the primary vehicular access only.
3. Each reserved matters application for the subsequent phases of the development shall be designed in accordance with the details shown on the phasing plan drawing number 92 with respect to the number of market and affordable dwellings.
4. No works shall take place above slab level until samples and an accompanying schedule of the materials to be used in the construction of the external surfaces of the development hereby permitted, have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved materials.
5. No dwellings in phase 2 or later, as approved by phasing plan drawing 92, shall be occupied until the access from the development onto The Green, within the red line, has been constructed in accordance with the approved drawing titled Masterplan - Phasing Plan P.01 K. The detailed engineering layout of the access road shall comply with the Local Planning Authority's standards in respect of road and footpath design. This condition shall apply notwithstanding any indications to these matters which have been given in the current application.
6. No dwelling shall be occupied until the access from the development onto St Ives Close has been constructed in accordance with the approved drawing

- 4712.001 B. The detailed engineering layout of the access road shall comply with the Local Planning Authority's standards in respect of road and footpath design. This condition shall apply notwithstanding any indications to these matters which have been given in the current application.
7. The dwellings hereby approved shall not be occupied until the boundary treatments across the site have been completed in accordance with the details shown on drawing titled 9 Unit Hard Landscape Plan number RID22928-14B. The approved boundary treatments shall thereafter remain in perpetuity.
 8. The dwellings hereby approved shall not be occupied until the hard landscaping of the site has been completed in accordance with the hard surfacing details as shown on drawing titled 9 Unit Landscape Plan number RID22928-14B. The approved hard surfacing shall thereafter remain in perpetuity.
 9. No works above the existing ground level shall take place until details of the finished floor levels of the dwellings hereby permitted in relation to existing and proposed levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels.
 10. The windows shown on the approved floor plans as being obscurely glazed shall be fitted with obscure glass before the dwelling is occupied. The obscure glazing shall be permanently retained in that condition thereafter and no additional windows shall be inserted at a first floor level or above in these elevations.
 11. All landscape works shall be completed in accordance with drawing titled 9 unit soft landscape RID22928-13C. Any trees, shrubs or hedges planted in accordance with the approved scheme which are removed, die, or become diseased within five years from completion of this development shall be replaced within the next planting season by trees, shrubs or hedges of a similar size and species to that originally approved.
 12. No dwelling shall be occupied until details of an electric vehicle charging point for that property have been submitted to and approved in writing by the Local Planning Authority. The dwelling thereafter shall not be occupied until the charging point has been installed in accordance with the approved plans and shall thereafter be retained and kept available for the potential use of an electric car.
 13. For roads serving more than five dwellings, the detailed layout of the site shall comply with the Local Planning Authority's standards in respect of road and footpath design to an adoptable standard. This condition shall apply notwithstanding any indications to these matters which have been given in the current application.
 14. No dwelling shall be occupied until the associated vehicle parking and/or turning space has been surfaced, marked out and provided in accordance with the parking details shown on the drawing titled Site Layout Phase 1 21.009.101 Rev O. The parking and turning space shall thereafter be kept available for parking (of private motor cars and/or light goods vehicles) at all times.