



Appeal Decision

Site visit made on 12 June 2023

by Gareth W Thomas BSc (Hons) MSc (Dist) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 July 2023

Appeal Ref: APP/W0340/W/22/3313840

The Filberts , The Chase, Calcot, West Berkshire, Reading, RG31 7RB

Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing office building and erection of a part two/three storey 66no.bedroom care home (C2 use class) for the elderly and associated works. at The Filberts , Calcot, West Berkshire, Reading, RG31 7RB in accordance with the terms of the application, Ref 22/01766/COMIND, dated 20 July 2022, subject to the conditions set out in the Schedule.

Preliminary Matters

2. The signed Statement of Common Ground (SoCG) clarifies that, having reviewed the additional information submitted both during the application process and as part of the appeal, the Council no longer wishes to contend Reasons for Refusal numbered 2, 4 and 6. Moreover, the SoCG indicates that there has also been some progress towards an agreed position with regards to Reason no. 5 but that in the absence of a detailed scheme for sustainable drainage, the Council would wish to defend its original stance. The appellant maintained that the information required had been submitted to the Council prior to and following the appeal submission. Further progress has now been made between the parties and a consensus that the matter could be dealt with by way of a planning condition. I return to this suggestion later in my decision.
3. The appeal was originally assigned to be dealt with by way of a local hearing. However, with the agreement of the parties, the appeal is now to be determined on the basis of an exchange of written representations. Given the Council's latest position in relation to the extent of remaining objections, I am content that the written procedure would be an appropriate process for determination.

Main Issues

4. Consequently, the main issues in this appeal are the effects of the proposed development firstly, on the character and appearance of the area and secondly, on the living conditions of neighbours in terms of outlook.

Reasons

Character and appearance

5. The appeal site fronts The Chase at a point where the highway gently curves out in a northerly direction towards Bath Road. Due to this curvature in the

road at this point, the site enjoys a relatively commanding almost campus-like character, which is in direct contrast with the existing suburban housing to the east and the west of the present office building complex occupying the site. The immediate character is displayed by large, predominantly detached houses, set back from their front boundaries with mature planting and trees within those plots. The lack of presence of any built form immediately opposite the appeal site adds to the site's immediate character as one of a verdant and spacious quality, which helps create the site's campus-like character.

6. Turning to the built form, houses in the area are generally clearly read as detached with soft mature landscaping providing few gaps between them that is visible from the road. The present building has a similar set back and is of two storeys in scale. All in all, added to the width and gentle curving alignment of the road and the verges and pavements, the set back of the present building reinforces the relatively low-density, spacious character of the area. Despite the existing brick wall that fronts The Chase, the scale, height, massing and positioning of the present building on site is consistent with the prevailing suburban character of the surrounding area.
7. Although the appeal proposal would replace an existing two-storey development with a three-storey building and leading to an increased height of some 3.6m by comparison, I am satisfied that the design and appearance of the appeal scheme would not be so different as to be harmful to the established character and appearance of the area. In my view, the size of the plot together with it having a reduced connectivity with the surrounding properties by virtue of the curving road alignment would allow an increased height and massing to be tolerated within the street scene. The presence of the open land directly opposite the appeal site also lends the opportunity for a larger building of this nature to be comfortably and successfully integrated into townscape fabric.
8. Neither do I agree with the Council that the proposal would give rise to an unacceptable terracing effect that would be out of keeping at this location. The proposed building follows a similar building line to the existing structure on site before reducing to two storeys and curving away from the adjoining residential property to the west. Its design is highly articulated with the breaking up of its elevations and roofscapes together with the use of differing external materials.
9. The parties have drawn my attention to the Council's Quality Design Supplementary Planning Document (SPD) that provides design guidance, including a specific Residential Character Framework and Area Design Focus Statements for certain key areas, including the area of the appeal site, which sits between two 'character areas', namely the 'semi-rural character area' and the 'late 20th century suburban character area'. Although applying to residential development, the appeal scheme can reasonably fall within either category with its location even more so.
10. This appears to be the only design guidance offered by the Council for new 'residential' developments falling within these character areas. It is disappointing to note that the Council appears to have failed to positively engage with the appellant either at the pre-application stage or during the processing of the application itself. It is therefore understandable that the appellant relied heavily upon the guidance set out in the SPD. Although not intending to be prescriptive, it is clear that elements of guidance within the

SPD helped influence the design process for the appeal scheme. I am satisfied that the appeal development would retain an arcadian quality consistent with the area's character with existing and proposed landscaping providing partial views from the street irrespective of the height of the building. I do not consider that the terracing feature of the scheme would be harmful in the way suggested by the Council. In fact, quite the reverse - it is this element complemented by the visual horizontal and vertical breaking up of the elevations that contribute to its positive architecture, which would be in keeping with the character and appearance of the area.

11. I am also conscious of what currently exists at this site. It already contains a large-scale building that has a significant but nevertheless acceptable presence in the street scene. The present building is a product of its time and it seems to me that the proposed development would not only occupy a similar footprint and building line but would represent a significant design enhancement. It would also have a similar defining and ultimately acceptable impact upon the street scene.
12. I therefore find that the proposal would not result in unacceptable harm to the character of the area and, in introducing an interesting building to replace an unprepossessing one, would enhance the appearance of the area. Consequently, there would be no conflict with policies CS14 or CS19 of the West Berkshire Core Strategy 2006-2026 (the WBCS) or with the National Planning Policy Framework (the Framework). It would also comply with guidance on design matters as set out within Part 2 of the SPD. Collectively, these policies and guidance set out to ensure that the character and appearance of the area is protected, local distinctiveness is promoted and that new development reflects existing features and character of existing settlements.

Living conditions of existing occupiers

13. Policy CS14 of the WBCS sets out that schemes should make a positive contribution to the quality of life in the District. This is in line with the advice contained in paragraph 130 (f) of the Framework which requires new developments to create places that are safe, inclusive and accessible and which promote health and well-being with a high standard of amenity for existing and future users. The Council argues that the scale, mass and bulk of the proposed development would have a detrimental and overbearing impact on the amenity of the occupiers of No3 The Chase and No9 Thomson Walk.
14. Contrary to the views of the Council, from my site visit, I did not observe that the drop in levels between the appeal site and the two residential properties is significant although No9 is at a lower level. There is a blank wall to the elevation of No3 facing the proposed development, which indicates to me that the Council's concern in relation to outlook from this property relates to the possible effects upon the enjoyment of the garden area by occupiers although this is not well articulated. The appellant indicates that there would be a separation distance of some 24m from the garden boundary of No3 to the nearest part of the appeal development, which at that point would be two storeys in height. Moreover, by comparison with the existing building, the appeal building would be set back slightly at this location and its impact would be lessened as a result.

15. In terms of No9, the revised landscaping scheme and proposed fencing together with separation distances of 29m to the three-storey element according to the appellant would mean that there would be no sense of enclosure arising from the development and outlook from both the garden area and the property itself would be safeguarded.
16. Accordingly, I find that the effects on living conditions would not be unduly harmed and that the proposal complies with policy CS 14 of the WBCS and with the Framework particularly in terms of amenity.

Other Matters

17. Policy CS16 of the WBCS requires that that on all development sites, surface water should be managed in a sustainable manner through the implementation of Sustainable Drainage Methods (SuDS) in accordance with best practice and the proposed national standards and to provide attenuation to greenfield run-off rates and volumes. All new developments are required to provide other benefits where possible such as water quality, biodiversity and amenity.
18. Reason for Refusal No5 explained that the appellant had failed to provide sufficient information with regard to the provision of SuDS, including the need to demonstrate that surface water would be attenuated to greenfield run-off rates. Moreover, there were also concerns relating to the use of a pumping station that was intended to drain the entire drainage network serving the appeal development. However, it was also noted that discussions had been ongoing prior to the change of procedure and that that the matter was likely to be resolved by the time of the date set for the hearing.
19. This has now been resolved with the Council recommending a condition in respect of sustainable drainage requirements.
20. The Parish Council raise a number of concerns, some of which are dealt with above. However, in relation to specific concerns as to whether there is adequate infrastructure, particularly in the health sector, to accommodate the proposed development, in the light of there being no evidence before me, I am unable to consider this matter further. I am mindful that the Council as local planning authority has not raised this matter in their concerns.

Conditions

21. The SoCG includes a list of conditions that have been agreed between the parties, should planning permission be granted. In considering them, I have had regard to the requirements of the Framework and Planning Practice Guidance. I have imposed standard conditions concerning commencement (1) and compliance with approved plans (2). Condition 3 is necessary to ensure the satisfactory appearance of the completed development. Conditions are also necessary relating to noise attenuation (4) and (18), the agreement to appropriate construction management arrangements (5), the suitable management of unforeseen land contamination conditions (10), the prevention of lighting pollution (19) and the restriction of hours of building and demolition works (20) so that the development can be carried out without undue harm to the living conditions of existing and future occupiers.
22. In order to ensure a satisfactory standard of development that also accords with sustainable development principles, conditions are also necessary with

respect to access (6), parking provision (7), cycle parking and storage (8), and the provision of electric vehicle charging points (9).

23. Conditions relating to the landscaping of the site (11), the protection of existing trees at the site (12), the agreement to arboricultural management arrangements (13) and submission and approval of a detailed landscape ecological management plan (14) are necessary to ensure both the satisfactory appearance of the completed development, ensure that the character and appearance of the area is protected, and ensure that the proposal has and retains an appropriate relationship to its surroundings through the retention and augmentation of planting, landscaping and boundary treatments.
24. Whilst the appellant did not agree with the Council's suggested surface water condition, I consider that there is a need to ensure that the development is satisfactorily drained utilising appropriate SuDS system. I have amended the wording of that suggested by the Council to allow subsequent further dialogue between the parties to achieve acceptable sustainable surface water drainage solutions. I have therefore imposed conditions to ensure that surface water from the appeal scheme is drained using SuDS (15), that the development is built so there is sufficient clearance of the water main (16) and that details of piling works are agreed (17), which are necessary to protect ground water infrastructure and living conditions of existing occupiers.

Conclusion

25. For the above reasons I conclude that the appeal should be allowed.

Gareth W Thomas

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the approved plans: RG31 7RB-A-01; RG31 7RB-A-02; RG31 7RB-A-03; RG31 7RB-A-04; RG31 7RB-A-05; RG31 7RB-A-06; RG31 7RB-A-06.1; RG31 7RB-A-06.2; RG31 7RB-A-06.3; RG31 7RB-A-07; RG31 7RB-A-08; SDL-033A; SDL-09.3C; CYSH-PREM-2250 X 3000 X 2100; and 22_232_101_A.
3. No external facing or roofing materials shall be applied unless in accordance with the agreed written specification of the materials submitted to and agreed in writing by the local planning authority.
4. No fixed plant or machinery, such as air conditioning units, refrigeration units and extraction systems, shall be installed at the site until full details of the equipment has first been submitted to and approved in writing by the LPA. Only the approved details shall be implemented.
5. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:
 - i. specify the type and number of vehicles;
 - ii. provide for the parking of vehicles of site operatives and visitors;
 - iii. provide for the loading and unloading of plant and materials;
 - iv. provide for the storage of plant and materials used in constructing the development;
 - v. provide for wheel washing facilities;
 - vi. specify the intended hours of construction operations;
 - vii. measures to control the emission of dust and dirt during construction.
6. The building hereby permitted shall not be occupied until the means of access for vehicles, pedestrians and/or cyclists have been constructed and completed in accordance with the approved plans.
7. The development hereby permitted shall not be occupied until the car/vehicle parking area (and turning space) shown on the approved plans drawing no. RG31 7RB-A-03 has been completed and thereafter the area shall be kept free of obstruction and available for the parking of vehicles associated with the development.
8. No development above ground/slab level shall take place until details of cycle parking/storage have been submitted to and approved in writing by the local planning authority. The development shall not be first occupied until the cycle parking/storage facilities have been provided in accordance with the approved details. Thereafter the facilities shall be maintained and kept available for that purpose at all times.
9. No development above ground/slab level shall take place until details of electric vehicle charging points have been submitted to and approved in writing by the local planning authority. The development shall not be first occupied until the charging points have been installed and made operational in accordance with the approved details. Thereafter the charging points shall be retained and kept available for the use of electric vehicles.

10. Should any unforeseen contamination be encountered during the development; the developer shall inform the local planning authority immediately. Any subsequent investigation/remedial/protective works deemed necessary by the local planning authority shall be carried out to agreed timescales and approved by the local planning authority in writing. If no contamination is encountered during the development, a letter confirming this fact shall be submitted to the local planning authority upon completion of the development.
11. No development or other operations shall commence on site until a detailed scheme of landscaping for the site is submitted to and approved in writing by the local planning authority. The details shall include:
 - schedules of plants noting species, plant sizes and proposed numbers/densities
 - an implementation programme providing sufficient specifications to ensure
 - successful cultivation of trees, shrub and grass establishmentThe scheme shall ensure:
 - a) Completion of the approved landscape scheme within the first planting season following completion of development.
 - b) Any trees shrubs or plants that die or become seriously damaged within five years of this development shall be replaced in the following year by plants of the same size and species.
 - c) An agreed boundary treatment scheme for the south eastern boundary of the site.
12. Tree Protective Fencing shall be erected in accordance with the submitted plans, reference drawing numbers 211235-P-12 & 211235-P-13 by Tim Moya Associates dated Feb 22. The protective fencing and ground protection shall be implemented and retained intact for the duration of the development specified. Within the fenced area(s), there shall be no excavations, storage of materials or machinery, parking of vehicles or fires.
13. No development shall take place (including site clearance and any other preparatory works) until the applicant has secured the implementation of an arboricultural watching brief in accordance with a written scheme of site monitoring, which has been submitted to and approved in writing by the local planning authority.
14. Prior to the commencement of development above slab level a detailed Landscape and Ecological Management Plan (LEMP) including mitigation planting to represent gains for biodiversity shall be submitted to and approved in writing by the local planning authority. The LEMP shall be implemented as approved.
15. No development shall take place until details of sustainable drainage measures to manage surface water within the site have been submitted to and approved in writing by the Local Planning Authority.

These details shall:

 - a) Incorporate the implementation of Sustainable Drainage methods (SuDS) in accordance with drawing FCRG-BSP-ZZ-XX-DR-C-SK240 Rev P06 (additional SuDS measures which offer environmental, or amenity benefits will be considered acceptable);
 - b) Include flood water exceedance routes (low flow, overflow and exceedance routes), both on and off site;
 - c) Include a drainage strategy for surface water run-off within the site in accordance with drawing FCRG-BSP-ZZ-XX-DR-C-SK240 Rev P06 (further betterment with respect to the proposed surface water discharge rate, water storage or the environment will be considered acceptable);

- d) Include attenuation measures to retain rainfall run-off within the site and allow discharge from the site to an existing watercourse or piped system at no greater than 1 in 1 year Greenfield run-off rates;
- e) Include run-off calculations based on current rainfall data models, discharge rates (based on 1 in 1 year greenfield run-off rates), and storage capacity calculations for the proposed SuDS measures based on a 1 in 100 year storm +40% for climate change;
- f) Include pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the public surface water sewer system;
- g) Ensure permeable paved areas are designed and constructed in accordance with manufacturers guidelines if using a proprietary porous paved block system; otherwise ensure any permeable areas are constructed on a permeable sub-base material, such as MoT/DoT Type 3;
- h) Include written confirmation from Thames Water of their acceptance of the discharge from the site into the surface water sewer and confirmation that the downstream sewer network has the capacity to take this flow;
- i) Include a management and maintenance plan showing how the SuDS measures will be maintained and managed after completion for the lifetime of the development. This plan shall incorporate arrangements for adoption by the Council, Water and Sewage Undertaker, Maintenance or Management Company (private company or Trust) or individual property owners, or any other arrangements, including maintenance responsibilities resting with individual property owners, to secure the operation of the sustainable drainage scheme throughout its lifetime. These details shall be provided as part of a handover pack for subsequent purchasers and owners of the property/premises;
- j) Include details of how surface water will be managed and contained within the site during construction works to prevent silt migration and pollution of watercourses, highway drainage and land either on or adjacent to the site.

The above sustainable drainage measures shall be implemented in accordance with the approved details before the use hereby permitted is commenced/before the building(s) hereby permitted is/are occupied/before the dwelling(s) hereby permitted is/are occupied/in accordance with a timetable to be submitted and agreed in writing with the Local Planning Authority as part of the details submitted for this condition. The sustainable drainage measures shall be maintained in the approved condition thereafter/The sustainable drainage measures shall be maintained and managed in accordance with the approved details thereafter.

16. No construction shall take place within 5m of the water main. Information detailing how the developer intends to divert the asset / align the development, so as to prevent the potential for damage to subsurface potable water infrastructure, must be submitted to and approved in writing by the local planning authority. Any construction must be undertaken in accordance with the terms of the approved information. Unrestricted access must be available at all times for the maintenance and repair of the asset during and after the construction works.
17. No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority. Any piling must be undertaken in accordance with the terms of the approved piling method statement.
18. The development hereby approved shall not be occupied until the noise mitigation measures as set out in the [Nova Acoustics, 01/06/2022, project number 7735LN

version 01], submitted with the application, are implemented. The noise mitigation measures shall be retained and maintained thereafter.

19. No floodlighting or other forms of external lighting shall be installed unless it is in accordance with details which have previously been submitted to and approved in writing by the local planning authority. Such details shall include location, height, type and direction of light sources, intensity of illumination and hours of operation. Any lighting, which is so installed, shall not thereafter be altered without the prior consent in writing of the local planning authority other than for routine maintenance that does not change its details.