

Appeal Decision

Site visit made on 11 December 2023

by B Phillips BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd April 2024

Appeal Ref: APP/E0345/W/23/3315618

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 Maxika Homes against the decision of Reading Borough Council.
 - The application Ref is 220258.
 - The development proposed is a residential redevelopment comprising demolition of existing single storey building and erection of 16 dwellings together with associated works- revised scheme following the refusal of application 210526.
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Decision

1. The appeal is allowed and planning permission is granted for residential redevelopment comprising demolition of existing single storey building and erection of 16 dwellings together with associated works - revised scheme following the refusal of application 210526, at 220 Elgar Road South, Reading RG2 0BW in accordance with the terms of the application, Ref 220258, dated 22 February 2022, and the plans submitted with it, subject to the conditions set out in the schedule to this decision.

Applications for costs

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

Preliminary Matters

3. Since the appeal was lodged the Government published the revised National Planning Policy Framework (2023) (the Framework) in December 2023. The parties have had the opportunity to comment upon the implications of this for their cases.
4. A Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 has been provided (UU) as part of this appeal. It includes obligations relating to employment, skills and training, affordable housing, carbon offsetting and open space. The Council have stated that this addresses the third reason for refusal and that they therefore do not wish to contest that reason.
5. Amended drawings have been submitted with the appeal, which address some inaccuracies in the original plans. These relate to the access to Study/Bed 3 within Flat 14 at second floor level, the width of the window serving the master bedroom in Flat 14 at second floor level, the extent of Juliet balconies at first and second floor level on the east and west elevations, and the extent of windows on the east elevation at second floor mezzanine level (within the front roofscape).

6. The Council notified all relevant parties of the amended drawings and as such, and having regard to the courts on these matters, I am satisfied that no parties would be prejudiced by my consideration of these plans.

Main Issues

7. The remaining main issues in this case are whether the development provides an appropriate housing mix for which there is a need, and whether the proposal provides acceptable living conditions for future occupiers, with regards to outdoor amenity space.

Reasons

Housing Mix

8. Policy H2 of the Reading Borough Local Plan (2019) (LP) requires that wherever possible, residential development should contribute towards meeting the needs for the mix of housing set out in figure 4.6, in particular for family homes of three or more bedrooms. In providing 1 x 3 bed unit, the proposed development would not meet the requirement (for new development of 10 dwellings or more) for over 50% of dwellings to be 3 or more bedrooms or more, in this location.
9. Whilst the need for 3 bed homes is set out by the policy, and the Council's evidence¹ suggest that the delivery of 3 bed or more dwellings is not meeting targets, the policy is clear that this amount of 3 bed units should be provided '*wherever possible*', and '*having regard to all other material considerations*'.
10. The supporting text to the policy sets out that '*when taken as a whole however, homes with two or more bedrooms, capable of accommodating families, represent the majority of the need..*'. The development would provide over 50% of units as 2 bed or more and would therefore provide for this need.
11. The requirement for larger units would mean fewer units, and must also be balanced against the Framework's support for development that makes efficient use of land, particularly brownfield land such as this, located close by to Reading city centre and its facilities and services. Given the characteristics of the site and development, located next to an existing large development of flats and on a limited plot, and the range of unit sizes provided, I am satisfied that the overall mix is appropriate.
12. It is also noteworthy that in considering the previous planning application on this site² for the same number of 3 bed units, the same housing mix was not considered a reason for refusal by the Council.
13. In light of the above, I conclude that the development would provide an appropriate housing mix, that would meet the identified needs of the Borough. It would therefore comply with LP Policy H2 which seeks to ensure amongst other things the provision of an appropriate housing mix.

¹ Annual Monitoring Report (AMR) 2021-22 (published December 2022) & Berkshire Strategic Housing Market Assessment 2016

² Application reference 210526

Living Conditions

14. The proposed outdoor amenity space is limited in its scale and is also primarily sited adjacent to the car park, which would reduce its quality and value to occupiers of the building. This would fall short of the outdoor amenity space targets set out by LP Policy H10, however, this policy is clear that a prescriptive approach was *'sought in the past'*. Nevertheless, the limited communal space would be insufficient to meet the needs for the likely number of residents.
15. LP Policy H10 also sets out that in determining the appropriate level of private and communal open space for new development, *'the constraints of the site will be taken into consideration.'* The supporting text to LP Policy EN9 explains further with regards to Policy H10, the extent of private and communal outdoor amenity areas *'will be guided by the site's proximity to quality public open space'*.
16. The development would be located near to Waterloo Meadow, which is a substantial area of public open space to the west of the site, which I observed was within easy walking distance. It includes areas for cycling, play area, pitch, basketball and a BMX track as well as riverbanks, meadows and woodland.
17. Whilst not providing the benefits of private space, this would then help mitigate against the inadequacy of any on-site outdoor amenity space and provide the future residents with acceptable living conditions.
18. Whilst nearby terraced housing may provide more garden space for each property, I observed that the neighbouring flatted development, Park View, has similarly limited amenity space, with only small private areas serving the ground floor units. This development forms part of the established immediate context and as such, the proposal would be reflective of the surroundings in this respect.
19. Given the constraints of the site therefore, I am satisfied that the proposal would provide an acceptable level of useable outdoor amenity space. It is noteworthy that in considering the appeal³ for the previous application on this site, the Inspector came to the same conclusion, and I note that the Council have accepted an open space contribution towards the improvement and extension of facilities within Waterloo Meadow to mitigate for the increased use.
20. I conclude therefore that there is no conflict with LP Policies CC7, CC8, H10, EN9 and EN14, which collectively require new development to meet the needs of residents by promoting good living conditions, through the provision of quality outdoor space, open space, landscaping and planting that respects the size and character of other similar spaces in the vicinity.

Other Matters

21. The submitted UU includes obligations relating to open space contribution (£12,500), carbon offsetting, affordable housing and construction phase employment skills and training plan.
22. LP Policy EN9 is clear in stating that all new development should make provision for appropriate open space based on the needs of the development.

³ Appeal reference APP/E0345/W/22/3291067

The open space contribution is required towards the improvement and extension of facilities within Waterloo Meadow, which, as set out above, is in close proximity to the appeal site. This is because the development, despite the provision of some limited communal space at the rear, would be reliant on public open space. The sum is based on the policy requirements and has been agreed by both parties. I am therefore satisfied that the provisions relating to open space are necessary to ensure that these areas are available to future occupiers of the development.

23. LP Policy CC9 details that amongst the highest priority for contributions is economic development services and infrastructure, including employment, skills and training development initiatives. The requirement for the construction phase employment skills and training plan is set out in the Supplementary Planning Document Employment Skills and Training (2013), as is the formula for the equivalent financial contribution.
24. 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, in accordance with the Council's Sustainable Design and Construction SPD, to offset the excess carbon emissions arising from the development.
25. Policy H3 of the Council's Local Plan says all developments comprising 10 or more dwellings should provide at least 30% affordable housing. Following the submission of a viability statement and discussions between the parties, a provision for 4 affordable units (25%) at Reading Affordable Rent has been agreed. Having evaluated the Council independent viability review⁴, I have no reason to dispute this. The S106 also includes provisions for either securing the additional on-site unit at implementation (to equate to a policy compliant 30%) or a deferred contribution mechanism with a late-stage review for the remaining 5% shortfall. This is in accordance with guidance contained within the Affordable Housing SPD in respect of deferred payments.
26. Overall, I am satisfied that the provisions of the UU are directly related to the development and fairly and reasonably related in scale and kind to it.
27. Given the orientation of the development, its rear elevation fenestration would face the semi-detached property at the rear, however the Council measure the separation distance at 23.5m. Given this distance, I am satisfied that the side elevation and rear gardens of these properties would not unduly affect the privacy of the occupiers of these properties.
28. The submitted Daylight and Sunlight report⁵ concludes that the development would have no unacceptable impact on the light reaching the occupiers of any adjacent property. From what I have seen from the submitted plans and observed on site, given the position of the proposed windows and separation distances to neighbouring properties, I have no reason to disagree with the conclusion of this report. It is notable that the Inspector to the previous scheme and the Council found similarly.
29. Following a review of the car ownership data for Katesgrove, taking into account the mix of units, the Council concluded that the proposed development

⁴ By BPS Chartered Surveyors, dated 26 October 2022

⁵ By EB7 dated March 2021, with addendum dated 15 February 2022

would require 13 spaces. 12 are proposed. I observed that at y time of visit, some parking spaces, albeit limited, were available in close proximity. Given the limited shortfall and absence of any substantiated evidence to the contrary, I am satisfied that the development would not lead to parking or highway safety issues. Again, it is noteworthy that the same conclusion was reached by the Council and the Inspector for the previous similar scheme.

Conditions

30. A list of suggested conditions has been provided that the Council consider to be appropriate. I have considered these in light of the Planning Practice Guidance (PPG). For clarity and to ensure compliance with the PPG, I have amended some of the suggested wording.
31. In addition to the standard time limit condition, I have imposed a condition requiring the development to be carried out in accordance with the approved plans as this provides certainty.
32. Details of hard and soft landscaping are required to ensure the development sits comfortably within the immediate context and provides visual relief and softening of the surrounding built form. This condition requires details of boundary treatments and land floor levels, and as such separate conditions requiring these details are not necessary. Given the nearby surrounding built form and constrained site, in the interests of protecting the amenity of neighbouring residents or businesses and highway safety, a Construction Method Statement is necessary. Given the limited information submitted regarding contamination of this site, a condition securing a detailed assessment of the nature and extent of contamination, and any required mitigation, is appropriate in order to secure the amenity of future occupiers and users of the development.
33. A condition securing details of a suitable drainage scheme is necessary, in order to reduce the risk of flooding onsite and elsewhere, in accordance with LP Policy EN18.
34. These four conditions are required to be pre-commencement to ensure that all details are appropriate, finalised and secured prior to development starting on site.
35. A condition ensuring the materials used in the external surfaces of the development is as detailed in the submitted plans is necessary to maintain the character and appearance of the street scene. In order to ensure a safe and secure development, in accordance with local plan policies, evidence of Secured by Design accreditation is necessary.
36. In order to ensure that future occupiers are provided with suitable amenities and living conditions, conditions requiring the completion of the communal outdoor areas, vehicle access, car parking spaces, electric vehicle charging scheme, cycle parking spaces and refuse and recycling collections prior to the occupation of any dwelling, are necessary.
37. A habitat enhancement scheme is necessary to ensure the avoidance of harm to habitats and species whilst securing biodiversity enhancement, as supported by paragraph 180 of the Framework. A condition securing appropriate external lighting is also necessary, in order to protect the amenity of nearby and future occupiers, and, given the open land to the rear, to limit the impact of light

pollution on nature conservation. In the interests of sustainability and to comply with local plan policies and the Framework, a condition securing suitable building emissions rate is necessary. I have removed reference to requiring a legal agreement as one has been provided.

38. In the interests of proper management of the limited parking spaces and therefore highway safety, conditions setting out that future occupiers shall be aware of the limited parking and that the Council is informed of new postal addresses of any occupied unit are appropriate. For the same reason, a condition ensuring that any gates to the access points provided are suitably sited is appropriate.
39. In order to ensure that the development provides an appropriate housing mix, that would meet the identified needs of the Borough, a condition ensuring the mix of units shown on the approved plans is retained is appropriate.
40. In order to protect the living conditions of the occupiers of nearby dwellings, conditions restricting hours of operation and the burning of materials on site are also appropriate.
41. Finally, a condition ensuring that should any unexpected contamination is found during building/demolition work, that development is suitably halted, and the contamination is appropriately addressed is necessary, in order to protect the living conditions of future and nearby residents.

Conclusion

42. There are no material considerations that indicate the development should be determined other than in accordance with the development plan. For the reasons given above and having regard to all other matters raised, the appeal is allowed.

B Phillips

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 0001 Rev P1 – Block and Location Plan, Drawing No: 2100 Rev P8 – Proposed GF Plan, Drawing No: 2104 Rev P6 – Proposed Roof Plan, Drawing No: 2202 Rev P8 – Proposed North-South Elevation, Drawing No: 2000 Rev P9 – Proposed Site Plan, Drawing No: 2200 Rev P8 – Proposed Street Elevation, Drawing No: 2101 Rev P8 – Proposed FF Plan (as shown in the schedule of revisions box), Drawing No: 2102 Rev P8 – Proposed SF Plan (as shown in the schedule of revisions box), Drawing No: 2103 Rev P2 – Proposed SF Mezzanine Plan (as shown in the schedule of revisions box), Drawing No: 2201 Rev P10 – Proposed East-West Elevation (as shown in the schedule of revisions box).
3. No development, barring demolition, shall commence on site until a comprehensive scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. These details shall include:
 - a. Proposed finished ground and floor levels or contours, means of enclosure (including mammal gaps where appropriate), car parking layouts, other vehicle and pedestrian access and circulation areas;
 - b. Hard surfacing materials and minor artefacts and other ancillary structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, external services);
 - c. Soft landscaping details shall include planting plan (to include planting along the west boundary for screening purposes and a green wall or green roof within the development), specification (including cultivation and other operations associated with plant and grass establishment), tree pit specifications, schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate, and implementation timetable;
 - d. A maintenance programme detailing all operations to be carried out in order to allow successful establishment of planting;
 - e. Routes and details of proposed and existing functional services above and below ground including foul and surface water drainage, soakaways and SUDs details, power, communications cables and water and gas supply pipelines, including access points.

The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details prior to the occupation of any part of the development. Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

4. No development shall commence on site, including any works of demolition, until a site specific Demolition and Construction Method Statement has been submitted to and been approved in writing by the Local Planning Authority. The Statement shall provide for where required:

- a. Space on site where vehicles of site operatives and visitors can be parked with details of how site operatives and visitors will be required to make use of the parking area provided;
- b. Location on site 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;
- j. Full details of pest control measures following any demolition required;
- k. Where necessary, capping of drains/sewers and baiting arrangements.

The measures within the approved Statement shall be adhered to throughout the demolition and construction period.

5. No development shall commence on site, including demolition and any preparatory works, until an assessment of the nature and extent of contamination has been submitted to and been approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monument.

If found necessary by this assessment to ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation, prior to commencement of development (including demolition and any preparatory works), a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and been approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures.

The approved remediation scheme shall be implemented in accordance with the approved timetable of works. A validation report (that demonstrates the effectiveness of the remediation carried out) shall be submitted to and approved by the Local Planning Authority before construction above foundation level.

6. No development, barring demolition, shall commence on site until a Sustainable Drainage Strategy and associated detailed design, management and maintenance plan of surface water drainage for the site using SuDS methods has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:
 - i. a timetable for its implementation, and
 - ii. a management and annual maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. Prior to the first occupation of the building hereby permitted, the sustainable drainage scheme for the site shall be completed in accordance with the approved details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.
7. No above ground development shall take place until details or samples 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. Development shall be carried out in accordance with the approved details or samples.
8. No dwelling hereby permitted shall be occupied until evidence of Secured By Design accreditation has been submitted to and approved in writing by the Local Planning Authority.
9. No dwelling hereby permitted shall be occupied until the communal outdoor amenity space as shown on the approved Drawing No: Drawing No: 2000 Rev P9 – Proposed Site Plan is ready for use hereby approved. The communal outdoor amenity space shall be retained and maintained as approved and shall remain accessible for amenity purposes to all occupiers of the development at all times thereafter so long as the building remains in residential use.
10. No dwelling hereby permitted shall be occupied until all vehicle parking spaces have been provided in accordance with the plans hereby approved. The spaces shall be kept available for vehicle parking at all times thereafter.
11. No dwelling hereby permitted shall be occupied until details of an electric vehicle (EV) charging scheme comprising a layout plan and detailed specification for a minimum of ten percent of all vehicle parking spaces within the development to be provided with electric vehicle charging points, and a minimum further ten percent of spaces provided with cabling and other supporting infrastructure reasonably required to enable EV charging points to be fitted, have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the Scheme

has been fully provided in accordance with the approved details. The spaces shall be maintained for vehicle charging in accordance with the approved Scheme at all times thereafter.

- 12.No dwelling hereby permitted shall be occupied until the vehicle access serving it has been constructed in accordance with the plans hereby approved.
- 13.No dwelling hereby permitted shall be occupied until a plan showing how a minimum of 16 cycle parking spaces can satisfactorily be provided on site is submitted to and been approved in writing by the Local Planning Authority. The cycle parking spaces shall be provided in full accordance with the approved details prior to the first occupation of any residential unit and thereafter kept free of obstruction and retained in accordance with the approved details and shall remain available for the parking of cycles at all times.
- 14.No dwelling hereby permitted shall be occupied until details of how refuse and recycling collections will be managed from the site and measures to prevent pests and vermin accessing the refuse and recycling stores (including vehicles, servicing and deliveries and pest and vermin control measures), is submitted to and approved in writing by the Local Planning Authority. Thereafter refuse collection, servicing and deliveries and pest and vermin control measures will be carried out fully in accordance with the approved details and the refuse and recycling area shall not be used for any purpose other than refuse and recycling storage at all times thereafter.
- 15.No dwelling hereby approved shall be occupied until details of biodiversity enhancements, to include a minimum of four integral universal nest bricks and four bat boxes, tiles or bricks built into the new buildings and native and wildlife friendly landscaping (including gaps at the bases of fences to allow hedgehogs to traverse through the gardens), is submitted to and approved in writing by the Local Planning Authority. The biodiversity enhancements shall thereafter be installed as approved, prior to the first occupation of any residential unit.

A brief letter report confirming that the boxes, bricks or tiles have been installed (including a plan showing their location and photographs of the boxes, bricks or tiles in situ) and a programme for ongoing maintenance, shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of any residential unit. The biodiversity enhancement scheme shall be adhered to in accordance with the agreed programme and retained and maintained thereafter.

- 16.No dwelling hereby approved shall be occupied until full details of all external lighting to be installed within the development is submitted to and approved in writing by the Local Planning Authority. The details shall include a plan indicating the locations of the lights, specifications, height, luminance; lens shape/beam pattern and orientation, any hoods/shades, and an isolux contour map to show light spill levels (down to 2 lux if operating between 23:00 and 07:00, or down to 10 lux if operating only between 07:00 and 23:00) and showing neighbouring buildings. The details shall demonstrate that light levels will not exceed the relevant guidance lux levels specified in

the Institute of Lighting Professionals : Guidance Notes for the Reduction of Obtrusive Light GN01:2011 and shall also demonstrate how glare will be controlled. The approved scheme shall thereafter be installed before first occupation of the building and the external lighting shall thereafter be maintained and operated in accordance with the approved details.

17. No dwelling hereby approved shall be occupied until verification shall be submitted to and approved in writing by the Local Planning Authority demonstrating that all of the dwellings hereby permitted have achieved a minimum of a 35% 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). The written verification shall be in the form of an 'As Built' Standard Assessment Procedure (SAP) assessment, produced by an accredited energy assessor.
18. Prior to any agreement being entered into for a new occupation of, or transfer of any interest in, the residential units hereby approved, the prospective occupier/transferee shall be informed that there is no automatic entitlement to a car parking permit for any existing residential parking permit schemes and future schemes on adjacent and surrounding streets. All material used for advertising or marketing the residential unit(s) for letting or sale shall make it clear to prospective tenants and occupiers that they will not be automatically entitled to a parking permit, but any application for a parking permit will be considered on its merits.
19. No dwelling hereby approved shall be occupied until the Local Planning Authority has been notified in writing of the full postal address of the units hereby approved. The notification shall be sent to the Local Planning Authority quoting the application reference specified on this Notice.
20. Any gates provided shall open away from the highway and be set back a distance of at least 10 metres from the nearside of the carriageway of the adjoining highway.
21. No change to the unit mix (8 x 1-bedroom units [at flat numbers 1, 2, 5, 6, 7, 9, 10 & 15], 7 x 2-bedroom units [at flat numbers 3, 4, 8, 11, 12, 13 & 16] and 1 x 3-bedroom unit [at flat number 14]) shall be made to the development hereby permitted.
22. No construction, demolition or associated deliveries shall take place outside the hours of 0800hrs to 1800hrs Mondays to Fridays, and 0900hrs to 1300hrs on Saturdays, and not at any time on Sundays and Bank or Statutory Holidays.
23. 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.
24. In the event that contamination is found at any time when carrying out the approved development not previously identified, development shall be halted on that part of the site the contamination reported in writing to the Local Planning Authority. An assessment of the nature and extent of

contamination shall be undertaken and where remediation is necessary a remediation scheme, together with a timetable for its implementation, shall be submitted in writing to the Local Planning Authority for its written approval. The measures in the approved remediation scheme shall be implemented in accordance with the approved timetable. Halted works shall not be re-commenced until the measures identified in the approved remediation scheme have been completed and a validation report has been submitted to and been approved in writing by the Local Planning Authority.