

READING BOROUGH COUNCIL

REPORT BY DIRECTOR OF ENVIRONMENT & NEIGHBOURHOOD SERVICES

TO:	PLANNING APPLICATIONS COMMITTEE		
DATE:	10 OCTOBER 2018	AGENDA ITEM:	5
TITLE:	PLANNING APPEALS		
AUTHOR:	KIARAN ROUGHAN	TEL:	0118 9374530
JOB TITLE:	PLANNING MANAGER	E-MAIL:	Kiaran.roughan@reading.gov.uk

1. PURPOSE AND SUMMARY OF REPORT

- 1.1 To report notifications received from the Planning Inspectorate on the status of various planning appeals.

2. RECOMMENDED ACTION

- 2.1 That you note the appeals received and the method of determination as listed in Appendix 1 of this report.
- 2.2 That you note the appeals decided as listed in Appendix 2 of this report.
- 2.3 That you note the Planning Officers reports on appeal decisions provided in Appendix 3 of this report.

3. INFORMATION PROVIDED

- 3.1 Please see Appendix 1 of this report for new appeals lodged since the last committee.
- 3.2 Please see Appendix 2 of this report for new appeals decided since the last committee.
- 3.3 Please see Appendix 3 of this report for new Planning Officers reports on appeal decisions since the last committee.

4. CONTRIBUTION TO STRATEGIC AIMS

- 4.1 Defending planning appeals made against planning decisions contributes to producing a sustainable environment and economy within the Borough and to meeting the 2015 -18 Corporate Plan objective for "Keeping the town clean, safe, green and active."

5. COMMUNITY ENGAGEMENT AND INFORMATION

5.1 Planning decisions are made in accordance with adopted local development plan policies, which have been adopted by the Council following public consultation. Statutory consultation also takes place on planning applications and appeals and this can have bearing on the decision reached by the Secretary of State and his Inspectors. Copies of appeal decisions are held on the public Planning Register.

6. EQUALITY IMPACT ASSESSMENT

6.1 Where appropriate the Council will refer in its appeal case to matters connected to its duties Under the Equality Act 2010, Section 149, to have due regard to the need to—

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

7. LEGAL IMPLICATIONS

7.1 Public Inquiries are normally the only types of appeal that involve the use of legal representation. Only applicants have the right to appeal against refusal or non-determination and there is no right for a third party to appeal a planning decision.

8. FINANCIAL IMPLICATIONS

8.1 Public Inquiries and Informal Hearings are more expensive in terms of officer and appellant time than the Written Representations method. Either party can be liable to awards of costs. Guidance is provided in Circular 03/2009 "Cost Awards in Appeals and other Planning Proceedings".

9. BACKGROUND PAPERS

9.1 Planning Appeal Forms and letters from the Planning Inspectorate.

APPENDIX 1

Appeals Lodged:

WARD: BATTLE
APPEAL NO: APP/E0345/W/18/3200081
CASE NO: 171719
ADDRESS: 39 Brunswick Hill
PROPOSAL: Erection of part two/part three storey building containing 10 no. apartments with parking at rear following demolition of existing buildings.
CASE OFFICER: Richard Eatough
METHOD: Written Representation
APPEAL TYPE: Refuse Planning Permission
APPEAL LODGED: 24th August 2018

WARD: CHURCH
APPEAL NO: APP/E0345/W/18/3209702
CASE NO: 172045
ADDRESS: St Patrick's Hall, 20 Northcourt Ave
PROPOSAL: Construction of 836 new student bedrooms, a cafeteria/bar, bin and bike stores, sub-station and energy centre, together with a new access link and landscaping. Demolition of the existing student accommodation block at New Court, the SETS building, the warden's house, no. 4 Sherfield Drive, the reception and common room, (resubmission of application ref. 161182) (amended description).
CASE OFFICER: Stephen Vigar
METHOD: PUBLIC INQUIRY
APPEAL TYPE: Refuse Planning Permission
APPEAL LODGED: 6th September 2018

WARD: BATTLE
APPEAL NO: APP/E0345/W/18/3209745
CASE NO: 180017
ADDRESS: 109 Sherwood Street
PROPOSAL: Replacement of lock up garage with two storey side extension
CASE OFFICER: Claire Ringwood
METHOD: Written Representation
APPEAL TYPE: Refuse Planning Permission
APPEAL LODGED: 17th September 2018

WARD: ABBEY
APPEAL NO: APP/E0345/W/18/3208790
CASE NO: 180740
ADDRESS: 9 Vachel Road
PROPOSAL: Conversion of existing building from single dwellinghouse to
3 x 1 bed and 1 x 2 bed apartments
CASE OFFICER: Matthew Burns
METHOD: Written Representation
APPEAL TYPE: Refuse Planning Permission
APPEAL LODGED: 17th September 2018

WARD: SOUTHCOTE
APPEAL NO: APP/E0345/W/18/3208891
ADDRESS: 1 Kenilworth Ave
PROPOSAL: Erection of 1no. four bedroom detached dwelling
CASE OFFICER: Stephen Vigar
METHOD: Written Representation
APPEAL TYPE: Refuse Planning Permission
APPEAL LODGED: 14th September 2018

WARD: BATTLE
APPEAL NO: APP/E0345/W/18/3204403
ADDRESS: 2 Connaught Close
PROPOSAL: Demolition of existing property and erection of 4 houses (2x3
bed and 2x4 bed)
CASE OFFICER: Claire Ringwood
METHOD: Written Representation
APPEAL TYPE: Refuse Planning Permission
APPEAL LODGED: 14th September 2018

WARD: THAMES
APPEAL NO: APP/E0345/W/18/3210325
ADDRESS: 2 Wrenfield Drive
PROPOSAL: Proposed residential development of a one and half storey
two bedroom dwelling with associated hard and soft
landscaping.
CASE OFFICER: Ethne Humphreys
METHOD: Written Representation
APPEAL TYPE: Refuse Planning Permission
APPEAL LODGED: 18th September 2018

WARD: SOUTHCOTE
APPEAL NO: APP/E0345/D/18/3211825
ADDRESS: 15a Southcote Lane
PROPOSAL: Roof alteration to facilitate additional rooms at second floor
CASE OFFICER: Tom Hughes
METHOD: Written Representation
APPEAL TYPE: Householder appeal
APPEAL LODGED: 18th September 2018

WARD: CAVERSHAM
APPEAL NO: APP/E0345/W/18/3205140
ADDRESS: 3 Prospect Street
PROPOSAL: Change of use of restaurant to (A3) to retail/professional & financial services (A1/A2), upwards extension to 3 Prospect Street or provide additional residential unit, conversion of rear part of restaurant to provide 4 new residential units, demolition of 1a North Street and replacement with building containing 4 residential units.
CASE OFFICER: Susanna Bedford
METHOD: Written Representation
APPEAL TYPE: Non-determination
APPEAL LODGED: 18th September 2018

APPENDIX 2

Appeals Decided:

WARD: MAPLEDURHAM
APPEAL NO: APP/E0345/D/18/3205295
CASE NO: 180301
ADDRESS: 8 Hilltop Road
PROPOSAL: Single storey front and side extension
CASE OFFICER: Tom French
METHOD: Written Representation
DECISION: ALLOWED
DATE DETERMINED: 06.09.2018

WARD: PARK
APPEAL NO: APP/E0345/W/18/3198852
CASE NO: 180083
ADDRESS: 7 Grange Avenue
PROPOSAL: Change of use from dwellinghouse (Class C3) to House in Multiple Occupation (Class C4) within Article 4 area
CASE OFFICER: Tom Hughes
METHOD: Written Representation
DECISION: DISMISSED
DATE DETERMINED: 17.09.2018

WARD: BATTLE
APPEAL NO: APP/E0345/W/18/3195174
CASE NO: 172155
ADDRESS: Land adjacent to 8 Thornton Road
PROPOSAL: Single storey two bedroom bungalow
CASE OFFICER: Claire Ringwood
METHOD: Written Representation
DECISION: DISMISSED
DATE DETERMINED: 17.09.2018

WARD: PARK
APPEAL NO: APP/E0345/W/18/3198800
CASE NO: 171014
ADDRESS: 28 Wokingham Road
PROPOSAL: Construction of 9 dwellings (flats) for multiple occupation (Class C4), accommodating 27 bedrooms with associated 7 parking spaces, bicycle store, motorbike store and bin stores with bins collection point and landscaping.
Demolition of existing former petrol station building with canopy.
CASE OFFICER: Stephen Vigar
METHOD: Written Representation
DECISION: DISMISSED
DATE DETERMINED: 17.09.2018

APPENDIX 3

Address Index of Planning Officers reports on appeal decisions.

- Former Private Car Park, East Street

Planning Officers reports on appeal decisions attached.

Ward: Katesgrove

Appeal No: APP/E0345/W/17/3190317

Planning Ref: 170019

Site: Former Private Car Park, East Street

Proposal: Erection of 4 storey building to provide 103 student accommodation units (Sui Generis), landscaping, access and ancillary works, following removal of a 49 space car park.

Decision level: Committee

Method: Hearing

Decision: Appeal allowed (with a S106 legal agreement)

Date Determined: 10th August 2018 (Hearing held on 17th July 2018)

Inspector: S Warder

1 BACKGROUND

1.1 The application site comprises a former private car park at the north end of East Street located within the Market Place/London Street Conservation Area.

1.2 The planning application was refused for a total of 4 reasons on 07/06/2017 following the decision taken by Planning Applications Committee on 31/05/2017:

1. *The proposed building by reason of its scale, form and dominant massing, use of inappropriate materials and lack of detailing is unsympathetic to and would fail to enhance or preserve the character and appearance of the Market Place/London Street Conservation Area. Furthermore, it would have a detrimental impact on the settings of the rear of listed buildings in London Street and thus harm the significance of those buildings. It is thus contrary to Policies CS7 and CS33 of the Reading Borough LDF Core Strategy 2008 (Altered 2015), DM4 of the Sites and Detailed Policies Document 2012 (Altered 2015) and to S.66(1) and S.72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.*
2. *The proposal fails to demonstrate in a sequential test that there is no alternative location for such development, which is classified by the Environment Agency as "more vulnerable" and part within Flood Zone 2, and that the potential risks from flooding such as reduced flood water storage, impedance to flow or risks to life and property are acceptable or can be mitigated. It is thus contrary to Policy CS35 of the Reading Borough LDF Core Strategy 2008 (Altered 2015).*
3. *The proposed development does not comply with the Local Planning Authority's standards in respect of arrival and departure procedure at the beginning and end of term and as a result constitutes a highway safety hazard in conflict with Policy CS24 of the Reading Borough LDF Core Strategy 2008 (Altered 2015) and Policy DM12 of the Reading Borough LDF Sites and Detailed Policies Document 2012 (Altered 2015).*
4. *In the absence of a completed legal agreement to secure an Employment and Skills Plan and use of the living accommodation to be occupied as student accommodation (Sui Generis) only, the proposal will not mitigate its impact on the social and economic infrastructure of the borough, contrary to Policies CS3 and CS9 of the Reading Borough LDF Core Strategy 2008 (Altered 2015), Policy DM3 of the Reading Borough LDF Sites and Detailed Policies Document 2012 (Altered 2015) and the Council's Adopted Supplementary Planning Documents on Employment, Skills & Training (2013) and Planning Obligations (2015).*

2 SUMMARY OF DECISION

2.1 Reasons for refusal no.s 2 and 3 with regard to flooding and arrival and departure procedures (highway safety) were resolved between the Appellant and the Local Planning Authority in preparation of the appeal documentation and these reasons for refusal were considered to have been overcome prior to the hearing taking place.

2.2 In respect of flooding the appellant submitted an appropriate flood risk sequential test which officers considered satisfactorily demonstrated that the development could not be reasonably located in a location at a lower risk of flooding.

2.3 In respect of arrival and departure procedures the appellant agreed to provide 2 dedicated off-street parking spaces for use by the student accommodation within the adjacent New Century Place Buildings which are under the same ownership as the appeal site. The use of these spaces has been secured as part of a section 106 legal agreement and arrival and departure procedures by way of a planning condition to secure a student management plan.

2.4 At the hearing the outstanding issues the Inspector considered were:

- The impact of the proposal upon the setting of the adjacent listed buildings on London Street and the character and appearance of the London Street/Market Place Conservation Area (reason for refusal no.1).
- The requirement for a section 106 legal agreement to secure the use of the building as student accommodation only and the provision of an employment skills and training plan (or equivalent financial contribution) (reason for refusal no. 4).

The impact of the proposal upon the setting of the adjacent listed buildings on London Street and the character and appearance of the London Street/Market Place Conservation Area (reason for refusal no.1):

2.5 The Inspector considered that the introduction of built form at the appeal site would enhance the character and appearance of the Conservation Area but that this enhancement would be partially offset by the loss of views and minor harmful effect upon the setting of the rear of the Grade II Listed London Street properties. In terms of the replacement building itself the Inspector found that, given the evolved more modern character of this part of East Street and presence of large buildings adjacent to the site, the scale, form, massing and appearance of the proposed building would have a neutral impact such that overall the proposal would have a minor positive effect on the Conservation Area.

Section 106 legal agreement to secure the use of the building as student accommodation only and the provision of an employment skills and training plan (or equivalent financial contribution) (reason for refusal no. 4).

2.6 A section 106 legal agreement was agreed that secured a financial contribution of £8, 985 towards employment, skills and training as well as securing use of 2 parking spaces at the adjacent New Century Place buildings as part of the arrivals and departures procedure for the student accommodation. However, the Inspector found that securing student accommodation use of the building only as part of the S106 was unnecessary and instead secured this by way of planning condition.

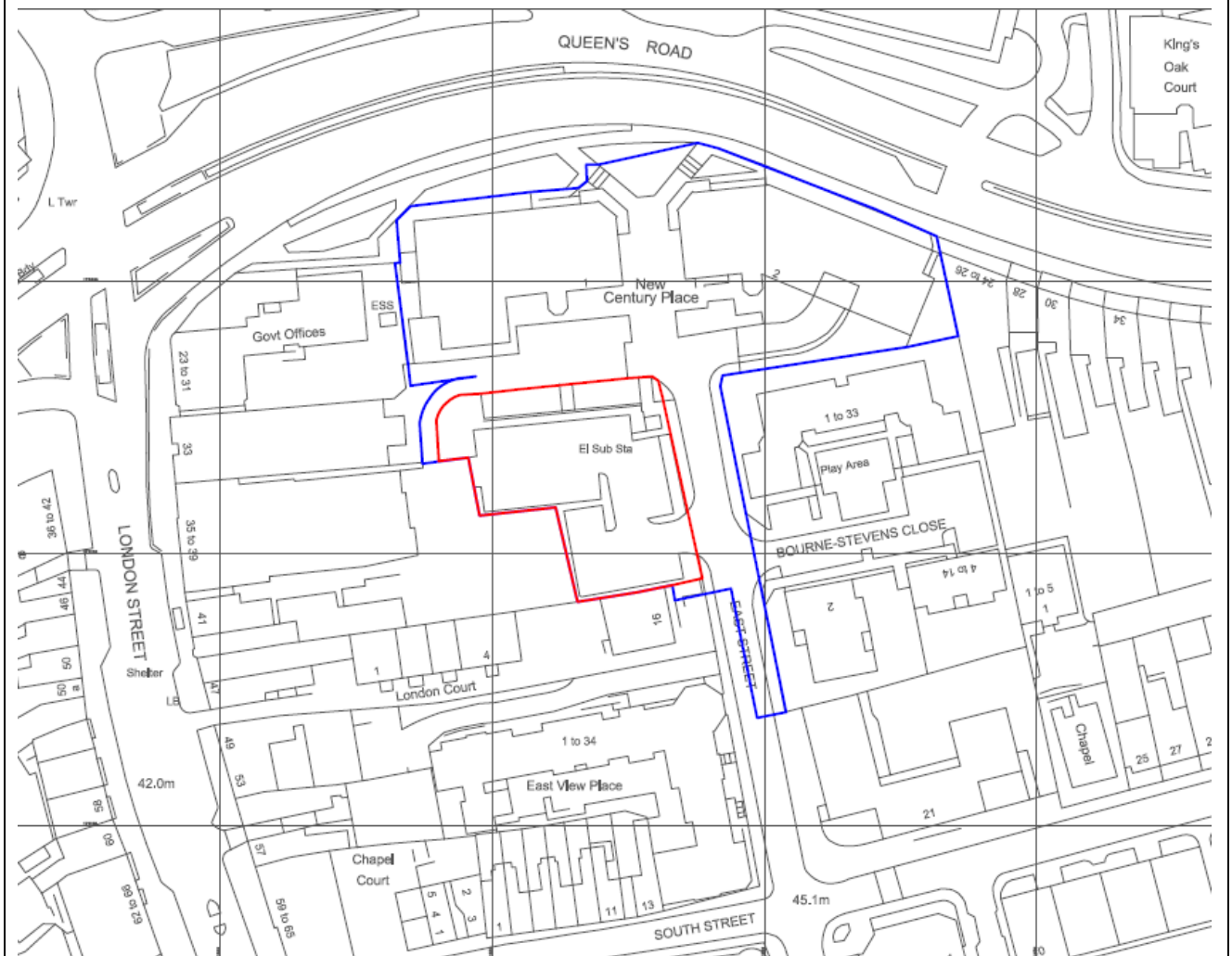
Conclusions

2.7 In the Inspector's concluding remarks he considered that the public benefits of the proposal (providing housing for all groups of the community including students, reducing reliance on HMO's for student accommodation and the impacts on the neighbours of such properties and the economic benefits of the proposal by way of employment and student expenditure), whilst of limited weight, would outweigh the minor harm to the settings of the grade II listed London Street properties and that the appeal should be allowed.

Head of Planning, Development & Regulatory Services Comment:

Officers are satisfied that the reasons for refusal regarding flooding, arrival and departure procedures (highway safety) and section 106 legal agreement matters were satisfactorily resolved with the Appellant during preparation for the appeal prior to the Hearing taking place. However, Officers remain very disappointed at the Inspector's findings in respect of the impact upon the setting of the London Street listed buildings and character of the London Street/Market Place Conservation Area. The Inspector attached conditions to the decision to require material samples and a detailed landscaping scheme to be submitted prior to the commencement of works on site and Officers will endeavour to secure as high a quality development as possible when agreeing these details.

Block Plan



Case Officer: Matt Burns