

## APPEAL DECISION REPORT

**Ward:** Katesgrove

**Appeal No:** APP/E0345/W/21/3277248

**Application Ref:** 201221/FUL

**Address:** 23-27 London Road, Reading

**Proposal:** Change of use of The Faculty from 16 serviced apartments (Use Class C1) to 15 residential flats (Use Class C3).

**Case officer:** Claire Ringwood

**Decision level:** Delegated. Refused 2<sup>nd</sup> March 2021

**Method:** Written Representations. Decision: Appeal allowed

**Date Determined:** 9<sup>th</sup> December 2021

**Inspector:** David Wyborn BSc(Hons) MPhil MRTPI

### 1. Background

- 1.1 The application site comprises a four-storey serviced apart-hotel fronting London Road. The building comprises 16 units along with an entrance hall and laundry room. Parking is located at the rear and accessed from East Street. The reasons for refusal of application 201221 referred to 1) the absence of a completed legal agreement to secure an acceptable contribution towards provision of Affordable Housing; 2) the proposal was dominated by one bedroom units and failed to contribute towards a mix of different sized units; 3) the internal layout and overall space within flats 13, 15 and 16 failed to provide an appropriate level of amenity for future residents; and 4) the proposed parking layout failed to demonstrate that it complied with standards in respect of car parking provision, parking space forecourt depths and cycle storage size.
- 1.2 During the application stage the applicant provided very limited detail in relation to affordable housing and did not submit a Viability Assessment as is required in situations where an applicant is claiming a scheme is not viable. As such, this became reason for refusal 1. Only during the appeal process did the applicant provide a full Viability Assessment which was reviewed by the Council's viability consultants.
- 1.3 As part of the appeal the appellant also submitted additional information relating to reason for refusal 4 (parking layout) which was reviewed by RBC Transport Strategy. Although the application proposed a lower parking provision (8 spaces existed and 7 were proposed as one was to be lost to cycle parking) and a further reduction in the forecourt depth, officers considered that given the parking restrictions in place and that the existing situation was away from the public highway, on reflection, it was considered that this should not be pursued in the appeal. With regards to cycle storage the proposed store was not of a suitable size and conflicted with the location of the bin storage as the doors opened out in to this area. It was considered that this matter could be dealt with by way of amended plans. Reason for refusal 4 was withdrawn.
- 1.4 The Council applied for costs against the appellant on the grounds that the failure to submit the required viability assessment during the course of the application and only providing it at appeal stage which demonstrated unreasonable behaviour on the part of the appellant, which resulted in unnecessary and wasted expense in terms of officer time and consultant fees.

### 2 Summary of the decision

2.1 The Inspector considered the main issues to be:

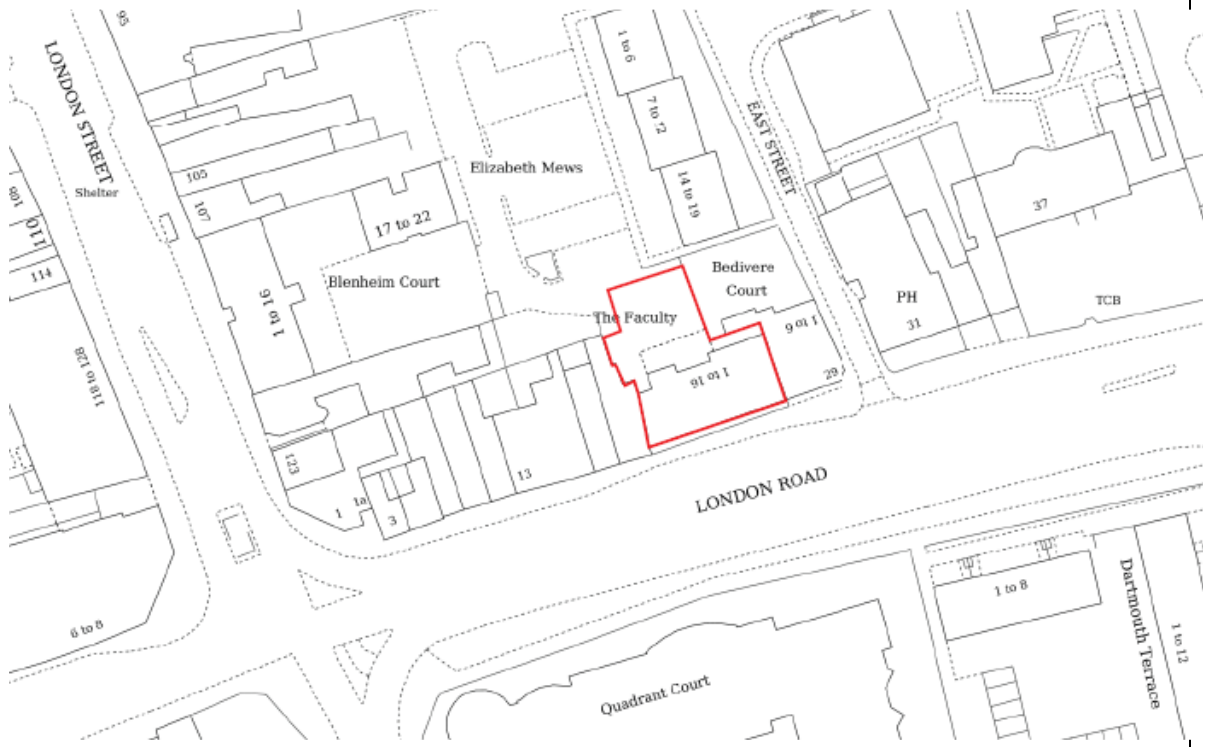
- a contribution is necessary to provide affordable housing in the area,
- the scheme would provide a satisfactory mix of unit sizes, and

- the internal layout and overall space within Flats 13, 15 and 16 would provide adequate living conditions for future occupants.
- 2.2 On affordable housing, the Inspector found that the appellant's Viability Assessment was clear and that the appellant had discharged the policy duty to demonstrate the circumstances which justified that no affordable housing contribution should be made. However, the Inspector found unreasonable behaviour resulting in unnecessary or wasted expense had been demonstrated and a partial award of costs was justified but limited to the costs incurred in the appeal process by the Council's viability consultants.
- 2.3 On unit mix, the Inspector found that *"the scheme is not a new build or a conversion where there is readily a scope for the provision or reconfiguration of the floorspace to provide a new layout with a different mix of bedroomed units.....Furthermore, the policy states that **ideally** (Inspector's emphasis added) there should be a mix of one, two and three bed units. In this case, while it may be ideal, it would not be reasonable given the existing layout which, with the exception on the ground floor, is not intended to or could easily be changed"*. The Inspector also added that as the scheme had already been shown to be unviable, to seek to alter the layout would add cost, reduce the number of units on site and render the scheme unviable. The Inspector concluded that the scheme would provide a satisfactory mix of units.
- 2.4 On internal space, the Inspector agreed that although the nationally-described space standards do not apply to sites within the Central Area, he highlighted paragraph 4.4.42 of Policy H5 which explains that *"even where space standards do not apply, they provide a useful point of reference"*. However, the Inspector concluded that although the three units fell below the space standards, the size and circulation space would nonetheless provide acceptable living conditions for permanent occupation.
- 2.5 The Inspector concluded that all the Council's reasons for refusal (not including reason 4 which was addressed during the appeal process) were not supported and allowed the appeal. Conditions were imposed.

### 3 OFFICER COMMENTS

- 3.1 Officers are disappointed with the decision, however the Viability Assessment provided at appeal demonstrated that the scheme was not viable, and this was also taken into consideration by the Inspector in his assessment of the proposed mix. Had the applicant provided a Viability Assessment during the course of the application and paid the appropriate fee, officers would have been able to better assess the application on the grounds of mix particularly in relation to Policy CR6 (Living in Central Reading) which states "as a guide" what mix would be appropriate for development of 15 or more dwellings *"unless it can be clearly demonstrated that this would render a development unviable"*.

# LOCATION PLAN



Case Officer: Claire Ringwood