

READING BOROUGH COUNCIL: APPEAL DECISION REPORT

PLANNING APPLICATIONS COMMITTEE: 29 May 2024

Ward: Katesgrove

Appeal No. APP/E0345/W/23/3315618

Planning Ref: 220258/FUL

Site: Reading, 220 Elgar Road South, Reading, RG2 0BW

Proposal: 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.

Decision level: Committee

Method: Written Representations

Decision: Appeal ALLOWED, with s106 legal agreement (Unilateral Undertaking)

Date Determined: 2 April 2024

Inspector: B Phillips BSc MSc MRTPI

Site description and background

The appeal site is the DVSA / DfT driving test centre on Elgar Road (South). It is a single storey building on a site of approximately 1400 square metres, which slopes down towards Waterloo Meadows to the west.

The site has been subject to an earlier planning application: 210526/FUL: Residential redevelopment comprising demolition of existing single storey building and erection of 18 dwellings together with associated works. Planning permission was refused under officer delegated powers on 6 December 2021, with a subsequent written representations appeal being dismissed on 9 August 2022. However, in his decision, the Inspector concluded that the only reason for dismissal of the proposal was the failure to enter a s106 legal agreement.

The officer recommendation on this application was to grant planning permission subject to a s106 legal agreement. On 7 December 2022 Planning Applications Committee resolved to refuse planning permission for the following reasons, with the decision notice issued on 12 December 2022:

Reasons for refusal

1. The proposed mix of units only includes one 3-bedroom dwelling of the total of 16 no. units, equating to 6%, which is significantly below the policy requirement of 50%. Therefore, the proposal fails to contribute adequately to the need for family sized accommodation and specifically of 3 bedrooms and over, which is contrary to Policy H2 (Density and Mix) of the Reading Borough Local Plan 2019.
2. The proposal includes insufficient outdoor amenity space to serve the number of flats and is not reflective of the context of development in the vicinity, which would detrimentally affect the overall amenity and living conditions for future residents contrary to Policy CC7 (Design and the Public Realm), Policy CC8 (Safeguarding Amenity) and Policy H10 (Private and Communal Outdoor Space) EN9 (Provision of Open Space) and EN14 (Trees, Hedges and Woodlands) of the Reading Borough Local Plan (2019).
3. The absence of a completed legal agreement to secure:
 - (i) An acceptable mitigation plan or equivalent contribution towards the provision of Employment, Skills and Training for the construction phase of the development;
 - (ii) Obligations to secure the provision of Affordable Housing within the Borough;
 - (iii) An obligation for carbon offsetting to address the shortfall between the proposed carbon reduction of 35% and achieving zero carbon homes; and

(iv) A suitable contribution towards provision of open space

At the appeal, the Appellant provided a Unilateral Undertaking (UU) to address these s106-related matters to the Council's satisfaction and as a result this led to the Council not contesting the third reason for refusal.

The Inspector allowed the submission of amended plans to correct inaccuracies within the application (which were listed in the decision notice) and re-consultation on these took place to the Inspector's satisfaction.

Summary of Decision

The Inspector considered that the two remaining main issues were: the need for the housing mix; and whether the proposal provides acceptable living conditions with respect to outdoor amenity space for future occupiers.

Mix

Policy H2 of the Local Plan requires, where possible, that residential development should contribute towards meeting the need for a mix of housing in the Borough. The policy requirement, in this location, is for 50% of the development to provide 3 or more bedrooms. The appeal scheme proposed one 3-bed unit. However, the Inspector was mindful of the caveats within the supporting text referring to, 'wherever possible' and 'having regard to all other material considerations'. He also referred to a section of the supporting text which states that 2 bedroom properties constitute the majority of the need. Furthermore, he considered it noteworthy that the previous application included the same number of 3 bed units and was not refused on this basis. Given the character of the location and the proximity to central Reading, the Inspector concluded that the emphasis on 2-bed units in the mix was not inappropriate for this scheme.

Living conditions and outdoor space

Firstly, the Inspector agreed that the communal outdoor amenity area, which was limited in space and sited next to the car park (behind the building, to the west), was insufficient to meet the needs for the likely number of residents.

However, the Inspector highlighted text in Policy H10 and again supporting text in Policy EN9 which acknowledges site constraints and proximity to public open space, which in this case the Inspector identified as 'Waterloo Meadow' [sic.] which could be used by the residents. The Inspector also observed that the adjacent development, Park View, also has limited amenity space, with the ground floor units served with small private areas and he considered that the proposal would be reflective of this context. Overall, he considered that the useable outdoor amenity space would be acceptable for the proposal and noted that on the previous appeal, the Inspector came to the same conclusion. He also noted (but made no specific comment on) the Council's acceptance of an open space contribution towards Waterloo Meadows to mitigate for the increased use of the development. He therefore concluded that there were no conflicts with the relevant amenity and open space policies, CC7, CC8, H10, EN9 and EN14.

Other matters: S106

The Inspector concurred with the obligations within the signed Unilateral Undertaking and provided a summary of each. On affordable housing, he noted the on-site provision of four units at Reading Affordable Rent (RAR) level and having considered the viability review, the Inspector advised that they had no reason to dispute this. The S106 (UU) includes provision for either an additional affordable unit on site or a contribution in lieu, in order to potentially reach a policy-compliant 30%

level. Again, the Inspector was satisfied with the justification for this as set out in the Council's adopted Affordable Housing SPD (2021), importantly including specific reference to agreeing to a deferred contribution mechanism with a late-stage review being acceptable.

Other considerations

The Inspector was satisfied that overlooking/privacy distances and light levels to adjacent properties would be acceptable. He considered that the parking level (one space fewer than required) was suitable, given the lack of evidence to the contrary, apparent space on-street and the acceptance of the same level by the last appeal inspector.

Assistant Director for Planning, Transport & Public Protection comments:

The issues in this appeal were considered to be quite finely balanced, this is reflected in that the officer report on this application considered that on balance, permission should be granted. However, as entitled to do, Committee was concerned about the mix of housing and amenity for future occupiers and concluded that these concerns weighed instead towards the scheme being refused.

On housing mix, the outcome is disappointing but not altogether surprising, as although the site is outside the defined town centre it is close to the edge, and the context of this transitional town centre/industrial/suburban area was seen as important to the Inspector. He gave note to the caveats within the supporting text to Policy H2 rather than the policy text itself.

On amenity space, it is understandable that the Inspector considered it appropriate to place considerable weight to the proximity of Waterloo Meadows and the Council's acceptance of an open space contribution towards it to help to mitigate the shortfall on-site.

On affordable housing, it is pleasing that the Inspector agreed that the approach by all parties was reasonable and fair and supports the possibility of either an additional unit or commuted sum via a deferred payment mechanism, in accordance with the Council's adopted SPD. He also raised no other concerns with how agreement had been reached on the other obligations and he found them to pass the relevant tests for such.

Members are also advised that the Appellant also made an application for costs against the Council and the Inspector has awarded this. Officers are still working with the appellant to agree the level of cost claimed.

Case Officer: Application stage: Alison Amoah / Appeal stage: Jonathan Markwell

