

Ward: Abbey

Appeal No: APP/0345/W/18/3209051

Planning Ref: 180876

Site: Battle Inn Public House 2 Bedford Road

Proposal: Demolition of public house (A4 use class) and erection of a part five/part four/part two storey building containing a single A1/A2/A3 use class unit at ground floor and 6 self-contained flats (C3 use class) above (3 x 1 bed, 2 x 2 bed and 1 x 1 bed units)

Decision level: Non-Determination Appeal

Method: Hearing

Decision: Appeal allowed (with a S106 legal agreement)

Date Determined: 25th July 2019 (Hearing held on 25th June 2019)

Inspector: Rory MacLeod MA MRTPI

1 BACKGROUND

1.1 The site relates to an existing two storey (plus rooms in the roof space) vacant pub building located on the junction of Bedford Road and Oxford Road. To the south, on the opposite side of Oxford Road, is a terrace of three and four storey Grade II listed buildings (no.s 149-169) whilst to the west, on the opposite side of Bedford Road, there is another three storey Grade II listed building (120-122 Oxford Road). The site is also located directly to the north of the Russell Street/Castle Hill Conservation Area the boundary of which runs along the middle of Oxford Road.

1.2 The planning application sought permission for demolition of the public house (A4 use class) and erection of a part five/part four/part two storey building containing a single A1/A2/A3 use class unit at ground floor and 6 self-contained flats (C3 use class).

1.3 The Applicant lodged an appeal with the Planning Inspectorate against the Local Planning Authority's (LPA's) non-determination of the application on 29th August 2018. As part of the application, the applicant submitted and paid for a viability appraisal review by the LPA to justify a zero/nil non policy compliant affordable housing offer. The applicant was advised that the viability review process would be likely to take the application beyond the target determination date (as with the majority of cases where a viability review is required) but was not prepared to wait for the viability review to be completed or agree an extension of time for determination of the application, hence the non-determination appeal was submitted.

1.4 An officer report to Planning Applications Committee in May 2019 set out that had the LPA had the opportunity to determine the application it would have been refused for the following two reasons:

- 1. The proposal by way of its bulk and in particular its four storey massing directly on the Bedford Road frontage together with its block like form and roof design is considered to be a significant overdevelopment of the site which would appear as a visually dominant and incongruous addition to the Bedford Road and Oxford Road street-scene. The proposal would fail to adequately address the corner location of the site as it turns to Bedford Road and its forward siting and massing is considered to be harmful to and to fails to preserve the setting of the adjacent Russell*

Street/Castle Hill Conservation Area. It is considered the proposal would be contrary to policies CS7, CS33 and RC5.

2. In the absence of a completed legal agreement to secure acceptable Affordable Housing provision, the proposal fails to contribute adequately to the housing needs of Reading Borough and the need to provide sustainable and inclusive mixed and balanced communities. As such the proposal is contrary to Policy DM6 of the Reading Borough LDF Sites and Detailed Policies Document (altered 2015), and Affordable Housing Supplementary Planning Document 2013.

2 SUMMARY OF DECISION

- 2.1 Reason for refusal no.2 with regard to affordable housing was resolved between the Appellant and the LPA in preparation of the appeal documentation with the signing of a unilateral undertaking legal agreement to secure a contribution of £45,320 towards the provision of off-site affordable housing within the Borough.
- 2.2 In respect of reason for refusal no.1 the Inspector considered that the redevelopment of the vacant site would enable improvements to be made to the site's current poor appearance and the proposal's siting, massing and design would be acceptable in relation to the character and appearance of the area.
- 2.3 In terms of the impact on adjacent heritage assets the Inspector considered that the proposal would not harm the significance of the listed buildings near to the site and that it would have a neutral effect on the mixed character of Oxford Road and Bedford Road within which the significance is experienced and therefore would preserve their setting. Similarly the Inspector considered that the proposal would have only a very limited effect on the setting of the conservation area opposite the site. Making reference to paragraph 196 of the National Planning Policy Framework, which states that 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use', he found that this limited impact would be outweighed by the public benefits of the proposal in the form of the provision of 6 housing units in a sustainable location and the provision of a contribution towards providing off-site affordable housing elsewhere within the Borough.

3 CONCLUSION

- 3.1 In the Inspector's concluding remarks he set out that the proposal's siting, massing and design would have an acceptable effect on the character and appearance of the area, and any limited adverse effects on the significance of heritage assets in the vicinity of the site would be greatly outweighed by the proposal's public benefits. For these reasons and having regard to all other matters raised the Inspector concluded that the appeal should be allowed subject to conditions.

4 OFFICER COMMENTS:

- 4.1 Officers are satisfied that the reason for refusal regarding affordable housing was satisfactorily resolved with the Appellant during preparation for the appeal with the signing of a unilateral undertaking legal agreement to secure a financial contribution towards the

provision of off-site affordable housing within the Borough. However, Officers are very disappointed with the Inspector's findings in respect of the impact of the proposal upon the Bedford Road and Oxford Road street-scene and the setting of the adjacent Russell Street/Caste Hill conservation area.

4.2 Officers are particularly concerned regarding a condition the Inspector has applied to require drawings showing the detailed design and final appearance of walls and the roof to be submitted and approved in writing the LPA prior to the commencement of development. Officers are of the opinion that the detailed design of these elements is fundamental to the consideration of the development and its impact upon the character and appearance of the street-scene and adjacent heritage assets and therefore should not be subject to revision/change once permission has been granted. Moreover, if the detailed design of these elements is not considered appropriate on the plans submitted for consideration under the planning application then permission should not have been granted. Officers have written to the Planning Inspectorate for clarification on this matter.

LOCATION PLAN



Case Officer: Matt Burns