



Appeal Decision

Hearing Held on 31 October 2017

Site visit made on 31 October 2017

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 1st December 2017

Appeal Ref: APP/X0360/W/17/3174392

Auto Trader House and Hartman House, Danehill, Earley RG6 4UT

- 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 Equity Real Estate Developments Ltd against the decision of Wokingham Borough Council.
 - The application Ref 162247, dated 8 August 2016, was refused by notice dated 23 December 2016.
 - The development proposed is the redevelopment of the site to provide 126 residential dwelling houses (Use Class C3) together with associated surface level and basement car parking, open space, landscaping and infrastructure works.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Following the refusal of the planning application, the appellant commissioned a Bat Emergence Survey. This confirmed that there were no bats in the buildings and only low levels of foraging and community activity on the site. As a consequence, and subject to precautionary avoidance measures and habitat enhancements which could be secured by planning conditions, the Council withdrew its objection in this regard at the Hearing. I have no reason to disagree with this approach.
3. After the Hearing closed, a completed S106 Agreement was provided in respect of affordable housing and mitigation measures for the Thames Basin Heaths Special Protection Area (SPA), with obligations to come into effect if planning permission is granted. I return to these matters below.

Main Issues

4. Therefore, the main issues in this appeal are the effect of the proposed development on:
 - the character and appearance of the area; and,
 - the living conditions of future occupiers.

Reasons

The character and appearance of the area

5. Cutbush Lane and Lower Earley Way encircle much of the perimeter of the Cutbush Industrial Estate. Together with the wide belt of trees around it, the Industrial Estate is spatially and visually disconnected from the residential area of Lower Earley to one side, and the M4 motorway to the other. It is characterised by voluminous, large footprint, utilitarian-appearing commercial buildings which address the service road, Danehill.
6. The Council does not object to the change of use of the site from commercial to residential. In this planning and spatial context, the redevelopment of two commercial buildings with two residential buildings raises no issues of principle. Notwithstanding this, the Council rejects the design of the proposal in terms of its quantum of development, the size and appearance of the buildings and the domination of the landscape by both built-form and car-parking.
7. While the footprints and volumes of the proposed buildings may be greater than those on site, the amount of undeveloped space between them would be sufficient to reflect the spatial character of the Industrial Estate which includes very large buildings. I appreciate that the gaps between the buildings and the perimeter of the site would be tighter than those commonly encountered in a residential proposal. However, in terms of site coverage and the character of the surrounding urban grain, the proposed footprints and volumes of the buildings and their siting would not be out of character, and they would not appear cramped.
8. The height of the proposed blocks would not be disproportionate to their footprints and generally within the range of the neighbouring buildings, although these have pitched rather than flat roofs. Notwithstanding their greater presence from the effect of their linear form, the height of the blocks, of such length, would not appear out of scale with the other buildings in the Industrial Estate.
9. The appearance of the buildings would emphasise their long, box forms not unlike the simple and substantial forms of some of the other buildings in the Industrial Estate. The continuous, emphasised eaves would terminate the skylines of the blocks and the varying tones across their elevations would connect them visually to the ground in vertically proportioned bays. While the fenestration would be busy it would be ordered and include variety in its pattern and detailing.
10. The space between the buildings would be dominated by parking and the looped access road. However, in terms of its effect on an area where the landscape in front of buildings is largely given over to parking or hardstanding, it would not appear out of character. Indeed, there would be more green space and planting between the proposed buildings and around them than there is on site at present.
11. While the density of dwellings may be greater than the suburban housing to the north, the isolation of this site from that pattern of development and the different character of the area to which it belongs, make the superficial measure of density less relevant than its bearing on the living conditions of future occupiers. There is no evidence that in terms of public transport access

levels and the accessibility of local amenities and services, that the location for the development in the built-up area of Lower Earley is unsuitable. In terms of character and appearance, I can identify no harm from the residential density of the scheme. However, I shall return to these last two aspects of the proposal in the next section.

12. I appreciate the concern of the Council to ensure that residential development reflects the local vernacular. In this instance, however, the development of this site presents the opportunity to improve the character of the area without adhering to a pre-defined notion of what residential development should look like. The site is sufficiently remote from the housing estate beyond and visually isolated from it not to be constrained by its typology. Indeed, this site's character is determined by the quite different building and landscape aesthetic of the Industrial Estate.
13. I am alert to the paradox of this proposal for residential use, influenced by the industrial aesthetic, which would stand between two buildings which have tried to disguise their use by incorporating details of traditional, residential architecture. Nonetheless, given the bearing of the other buildings in the Industrial Estate on its overall architectural character, the footprint, volume height and appearance of the proposal would not be out of place. While it may be visible in glimpses through the trees enclosing the site, it would not disrupt views, and because of its separation, it would not undermine the character of the wider area.
14. Policy TB21 of the Managing Development Delivery (Local Plan) 2014 (MDD) requires development to address the requirements of the Council's Landscape Character Assessment (LCA). The appellant's Landscape and Visual Appraisal demonstrates that the magnitude of change from the development would be negligible and the significance of its effects minor. Given the site's location within an Industrial Estate and the scale of development, in terms of the Council's LCA, I find the landscape effects from the proposal would be localized to its immediate context and not harmful. Moreover, it would retain the features and enhance the characteristics of the site which contribute to the landscape, as required by MDD policy TB21.
15. I conclude on this issue that the proposed development would not harm the character or appearance of the area. It would accord with MDD policy TB21, and there would be no conflict with policies CP1 and CP3 of the Core Strategy 2010 which seek attractive high quality designs whose mass, layout, form and materials are appropriate to the area and that they use the full potential of the site. Nor would the development be at odds with the Council's Borough Design Guide Supplementary Planning Document 2012 (SPD) which advises that design should contribute towards the underlying character and quality of the area, and that where a site is large, to create a distinctive identity by establishing a new character that relates well to the existing.

The living conditions of future occupiers

16. The Council is critical of the internal layout of the blocks, in particular the circulation space leading to the flats. I appreciate that the spinal corridor in each block, because of the fire door mid-way along its length, would make circulation along the length of each floor level a possibility. However, each block would be accessed by two cores, each serving around seven or nine flats at each level. Moreover, for those approaching at ground level, one core in

- each block would be located in the communal garden area. This would distinguish to some degree one core from the other. In these circumstances, actual horizontal circulation distances within each block would not be excessive or prejudicial to living conditions.
17. The enclosing walls of each core would contain large amounts of glazing, as would the end walls of each spinal corridor. This would provide some daylight to the corridors. With three of the cores incorporating openings with a southerly aspect, the circulation space within each block would have sufficient access to light.
 18. The appellant's Daylight Study confirms that the flats would have good access to daylight. While they would be largely single aspect, the siting of the blocks would maximise the opportunity to receive sunlight, and their separation would provide a sense of spaciousness within the development and sufficient distance from neighbouring buildings to prevent a sense of over-enclosure. Overall, the internal layout of the blocks would promote the objectives of place-making and provide a satisfactory approach to the home within each block.
 19. The SPD sets out minimum separation distances between buildings in terms of the number of storeys, and whether the condition is front to front or back to back. Above two storeys high, it indicates a minimum front to front distance of 15m and a minimum back to back distance of 30m. The separation distances between the blocks would vary from around 24m to 38m.
 20. It is unclear from the guidance if a single aspect flat should be regarded as being a front or a back; in this case the buildings would straddle a communal garden as well as a parking area. The communal garden would provide a character more consistent with back to back facing development, while the parking area would have more the character of a street, across which the standard of front to front distances may be more appropriate.
 21. On this basis, the flats beside the garden would fall below the guideline dimension. However, they would be limited in number and the garden would include stands of new trees. This would diminish the effect of overlooking into one block of flats from the other. Suitable landscaping treatment, which could be secured by condition, would be able to screen the ground floor flats enclosing the garden from those using the garden without reducing the outlook of the occupiers to an unacceptable degree.
 22. Because of the arrangement of the openings in the flats and their separation from the surrounding commercial buildings, there would be no risk of harmful overlooking into the development. In respect of privacy therefore, the living conditions of future occupiers would be acceptable.
 23. Each flat would provide an internal terrace with good access to light and with sufficient space for chairs and a small table. This would accord with the SPD which says that all dwellings should have access to some form of amenity space, in the form of private or communal garden space.
 24. In addition to the terraces in each flat which would be enclosable to mitigate the traffic noise from the motorway, the ground floor flats would have direct access to their own private gardens. In terms of sunlight, the Overshadowing Analysis demonstrates that the private gardens would be adequately sunlit

- throughout the year. The proposal would therefore provide sufficient private amenity space of satisfactory quality to meet the needs of future occupiers.
25. The development would also provide two communal gardens with a combined area of around 1,000m², which would receive adequate sunlight throughout the year. The noise environment of the larger garden may limit the length of time of a visit. However, conditions to mitigate the effect of noise could reduce the effect, and the garden behind block 'A' would offer a greater degree of sanctuary from noise, as an alternative. The proposal would therefore provide sufficient communal amenity space to meet the needs of future occupiers.
 26. Notwithstanding these positive effects from the gardens, the greater part of the landscape between the two buildings would be dominated by parking spaces and the looping access road. Together with the 4-storey façade of the opposite flat block, it would form the sole outlook from a substantial proportion of the flats in each block. It would be used by the future occupiers and visitors passing to the access cores of each building. They would be channelled into relatively narrow footways squeezed between narrow areas of defensive planting to the ground floor flats and short screening hedges beside the cars.
 27. The design of this central space provides a poor outlook for future occupiers and provides little to identify entry or celebrate arrival or return. In essence, the central space between 126 flats would appear as little more than a car-park; its design does not measure-up to the density of the scheme.
 28. I have taken into account the substantial areas of communal garden and the private gardens and terraces the scheme would provide. I appreciate that because of the noise environment around the site that the utility of the central space is limited. However, this makes the visual impact of its design all the more sensitive. I understand that the appellant has had to balance the number of surface parking spaces against the costs of further underground parking and its effect on the viability of the scheme. However, the central space between the two buildings is a prominent part of the scheme. It would have a significant effect on the quality of both the place, and the living environment of future occupiers.
 29. I have considered whether a condition for design adjustments could make the scheme acceptable in this regard. As its resolution could affect the scheme viability, it goes to the heart of the scheme. It is not a matter which could be resolved by condition.
 30. For these reasons, I identify no shortcoming in terms of the internal layout of the buildings, the light or sunlight received by the flats within them, their private and communal areas, and no short measure in privacy. In these respects there would be no conflict with CS policies CP1 and CP3 and MDD policy TB07 which seek a high quality of design where the internal layout is suitable to serve the amenity requirements of future occupiers and where there is no detriment to the amenities of occupiers and their quality of life.
 31. However, because of the domination of the central space by car parking and the looping access road, the living conditions of future occupiers, in terms of outlook, would be unacceptable. In this respect, the proposed development would be in conflict with CS policies CP1 and CP3 which seek attractive schemes that contribute to a sense of place in the buildings and the spaces themselves and in the way they integrate with their surroundings including the

use of appropriate landscaping without detriment to the amenities of occupiers and their quality of life.

32. It would also run against one of the core planning principles of the National Planning Policy Framework (the Framework) which seeks to secure a good standard of amenity for future occupants of buildings, and its advice in paragraph 58 which says that decisions should aim to ensure that developments are visually attractive and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live.

Other Matters

33. CS policy CP5 seeks a minimum of 30 per cent of the dwellings in a scheme like this to be for affordable housing, and there is no dispute between the parties that there is an identified need for affordable housing in Wokingham. The appellant has submitted a viability assessment, which the Council accepts, demonstrating that the scheme would be unviable if more than 13% of dwellings, a total of 16, were affordable. Accordingly, and taking into account the statutory tests contained at Article 122 of the Community Infrastructure Levy Regulations 2010 as amended, and in paragraph 204 of the Framework, I conclude that the obligation is necessary to secure an appropriate provision of affordable housing. It would also accord with CS policy CP5.
34. CS policy CP8 indicates that development which alone or in combination would be likely to have a significant effect on the SPA will not be permitted unless adequate measures to avoid and mitigate any potential adverse effect are delivered. The Council considers that the completed S106 Agreement ensures that the Conservation of Habitats and Species Regulations 2017 would be complied with, and the matter is no longer contested. As I am dismissing the appeal because of its harm to the living conditions of future occupiers, and whilst an obligation in this respect has been submitted, there is no need for me to evaluate it against the relevant legal and policy tests.
35. The proposal would provide car parking in accordance with the Council's parking standards, equivalent to 1.15 spaces per dwelling. Without evidence to the contrary, I consider that subject to a condition securing an effective management plan, the provision would be sufficient to meet the parking needs of future occupiers without unacceptably increasing pressure on the street parking in the area.
36. I have taken into account that the direction of the trips generated by the proposal may differ from the last use. However, given the reduction in the overall number of trips generated, as well as the proximity of shops and services including the bus route serving the railway station, the traffic from the development would not have an adverse impact on the road network.
37. While I note the comments about pressure on local services from additional dwellings, the development would be required to make the appropriate contributions towards local infrastructure as set out in the Council's Community Infrastructure Levy Charging Schedule.

Conclusion

38. Significant weight is attached to the social benefits of 126 dwellings to local housing supply including a proportion of affordable housing, and with it the

consequential economic uplift arising from the construction work and the future occupants' spending in the local economy. The environment would be improved by additional tree planting and gardens. These factors weigh in favour of the proposal.

39. They would not, however, outweigh the unacceptable living conditions of the future occupiers of the development, which is in clear conflict with the development plan. For the reasons above, and having regard to all other matters raised, the appeal is dismissed.

Patrick Whelan

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Alex Ealey	Equity Real Estate Developments Ltd
Mr Nick Green	Director, Savills
Ms Laura Fletcher-Gray	Senior Planner, Savills
Mr John Neale	Senior Director, DMWR Architects

FOR THE COUNCIL:

Mr William Richards	Team Leader Development Management Wokingham Borough Council
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INTERESTED PERSONS:

Councillor Clive Jones	Hawkedon Ward Wokingham Borough Council
Mr Claudio Lopes	Local resident
Mr David Hare	Local resident

DOCUMENTS SUBMITTED AT THE HEARING

By the appellant:

1. Overshadowing Analysis by Point Surveyors dated 16 October 2017
2. Drawing DMWR/A1/3184/PL-010 rev P06 Proposed Ground Floor Plan (overlay with block to block dimensions)
3. Drawing PL-010_Rev P05 Proposed Ground Floor
4. Drawing PL-011_Rev P04 Proposed Typical Floor Plan (1st, 2nd, 3rd Floors)
5. Drawing PL-030_Rev P04 Proposed Building A Elevations and Section AA
6. Drawing PL-031_Rev P04 Proposed Building B Elevations

By the Council:

Appeal Decision of 21 October 2014 (appeal ref: APP/C1570/A/13/2208075)

DOCUMENTS SUBMITTED AFTER THE HEARING

By the appellant:

1. Section 106 Agreement, dated 8 November 2017
2. Suggested planning conditions agreed between main parties, 1 November 2017

By the Council:

SPA contributions justification, 1 November 2017