



Appeal Decisions

Inquiry opened on 16 November 2010

by Christine Thorby MRTPI, IHBC

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

Decision date: 14 January 2011

Appeal A: APP/E0345/A/10/2128186

Thames Water Reservoir, Bath Road, Reading, RG1 6PG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant part outline, part full planning permission.
 - The appeal is made by Kennet Properties against the decision of Reading Borough Council.
 - The application Ref 09/01360/OUT, dated 3 August 2009, was refused by notice dated 10 November 2009.
 - The development proposed is 'redevelopment of the former Thames Water Reservoir site to include an outline application for between 80-96 residential units (access only) and a full planning application for the conversion and extension of the Grade II listed water tower for office use on the first, second and third floors and office/community use on the ground floor and associated car parking and landscaping'.
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Appeal B: APP/E0345/E/10/2128188

Thames Water Reservoir, Bath Road, Reading, RG1 6PG

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Kennet Properties against the decision of Reading Borough Council.
 - The application Ref 09/01359/LBC, dated 3 August 2009, was refused by notice dated 10 November 2009.
 - The works proposed are the conversion and extension of the Grade II listed water tower.
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Decision

1. I dismiss both appeals.

Procedural Matters

2. The Inquiry sat on 16 to 19 and 23 to 26 November 2010. Accompanied site visits took place on 11 and 26 November 2010.
3. The above description for appeal A was agreed at the Inquiry. Although it differs from that shown on the planning application form, it was used by the Council in their decision notice and for consultation purposes, and accurately reflects the proposal. Therefore, I intend to deal with appeal A on the basis of the agreed description.
4. An addendum design and access statement setting out further design parameters, an environmental statement clarifying and supplementing information, and a non-technical summary of the environmental statement were submitted by the appellant prior to the Inquiry. Amended plan,

reference Awt03-003A was also put forward at the Inquiry by the appellant to correct a minor error on the floor plans for the water tower. The documents raised the same issues as the original application material for appeals A and B and made no difference to the main issues. I decided at the Inquiry that there would be no injustice to any party in accepting them as part of the appeal schemes.

5. The planning application for appeal A was refused, with the decision notice of 10 November 2009 setting out twelve reasons for refusal. Prior to the Inquiry the Council withdrew their objection to nine of the twelve reasons for refusal (2, 3, 5, 6, 7, 8, 9, 10 and 12) and amended the wording of the remaining three reasons for refusal (1, 4 and 11). The remaining three reasons for refusal equate to the Main Issues section of this decision, points i, ii, and vii set out below. Prior to the Inquiry, the Council amended the wording of their reason for refusal for appeal B. The changes were agreed in the Statement of Common Ground between the Council and the appellant.
6. Save the Bath Road Reservoir Group (Rule 6 Party) and other interested parties, maintained their objection to several of the reasons for refusal withdrawn by the Council. The Main Issues section of this decision, points iii, iv, v and vi identified below, and several points in the other matters section address the additional issues.
7. Although none of the reasons for refusal refer to policies from the Regional Spatial Strategy for the South East (RSS), the Statement of Common Ground between the Council and the appellant and other correspondence from the appellant refer to RSS policies. It is the intention of the Government to abolish the RSS. The Government considers that this intention should be a material consideration but that view is subject to a legal challenge. The RSS policies are part of the development plan and provide a broad framework for the more detailed local policies contained in the Reading Borough Local Plan (saved policies)(LP) and the Reading Borough Council Core Strategy (CS). The appeals turn on the provisions of the LP and CS policies which comply with current national policy and which all parties agree are most relevant to the main issues. However, for the sake of completeness all the relevant policies including those of the RSS are referred to below.
8. The appellant submitted planning obligations in the form of a unilateral undertaking at the Inquiry, relating to: Transport and education; affordable housing; open space and wildlife; the community use of the water tower and car park management.

Main Issues

9. The main issues for appeal A (outline scheme) are:
 - i) The effect of the proposal on the character and appearance of the appeal site and the wider area.
 - ii) The effect of the proposal on the setting of the pump house and listed water tower.
 - iii) The effect of the proposal on the living conditions of neighbours in terms of overlooking, outlook, light, loss of community, noise, pollution and crime.

- iv) The effect of the location of the proposed access, and that of the traffic and parking associated with the proposal, on highway safety and/or congestion.
 - v) The effect of the proposal on biodiversity.
 - vi) The effect of the proposal on the provision of open space in the Borough.
10. An additional issue for appeal A (full scheme) and the main issue for Appeal B is:
- vii) Whether the proposal would preserve the special architectural or historic interest of the listed water tower.

Reasons

Background

11. The appeal site is a purpose built waterworks located on Bath Road, a main, arterial road (A4) leading from the west into Reading Town Centre. It contains a substantial, Grade II listed water tower and a separate pumping station located toward the front of the site. Much of the rest of the site is covered by reservoirs, filter beds and six metre high embankments. There are significant changes of level within the appeal site, with embankments enclosing the southern reservoir and filter beds, and surrounding the open northern reservoir. The roads and houses adjacent to the rear are set several metres below the appeal site. To the south west of the appeal site the land slopes down sharply by several metres towards its boundary with the adjacent property on Bath Road known as Petworth Court.
12. In 1998 the Council produced a draft planning brief identifying the site as suitable for residential development. Whilst this document had no weight in policy terms, its aims were carried forward into the Reading Borough Local Plan (LP) where policy HSG 1 allocates the site for 80 dwellings. The site will no longer be required for waterworks purposes in the near future and although the removal of all the embankments, reservoirs and filter beds, would undoubtedly change its character, these works would be necessary in the interests of safety and to implement a residential scheme in accordance with policy HSG 1. The appeal scheme, which proposes 80 to 96 dwellings, would comply in principle with the residential allocation for the site.
13. The application for the residential development was submitted in outline with layout, scale, appearance and landscaping to be reserved matters. The addendum design and access statement sets out some parameters for the proposed dwellings and the illustrative plans show a possible layout for the site. Contrary to the Council's views on the adequacy of the information, and unlike the Appeal Decision for the Filton Airfield site, the aforementioned documents, together with the original design and access statement, are sufficient to determine an approximate envelope for the development and its effects on the surroundings. Moreover, given the considerable constraints of the site, the illustrative plans show the area where the dwellings and associated development would be likely to be situated.

Appeal A – outline scheme

Character and appearance

14. Bath Road has a distinctly spacious, suburban character in the vicinity of the appeal site. This is derived from its distance to the town centre, the substantial houses and residential block which are set back from the road, the space between the buildings and their spacious, landscaped plots. There is a marked change in character to the rear and north-east side of the site where there are narrow roads, lined with 19th century Victorian terraced houses. The modest scale, intimate character and residential nature of this area does, however, contribute to the suburban character. The buildings vary in scale but the higher buildings, some 11 metres tall, are found either side of the appeal site along Bath Road. Other developments on surrounding roads are generally at a lower scale, around 7 - 9 metres in height.
15. The layout and circulation routes shown in the illustrative master-plan would create a traditional street pattern with roads lined by a variety of dwellings. The plan demonstrates that a scheme with an effective layout could be achieved. Parameters set out in the design and access statements would not bind the Council (as they suggest) to accepting buildings at the maximum height shown and would allow for some flexibility within the scheme. The two to three storey houses shown, although different in size and design to the nearby development, could therefore be of a scale that would respect the suburban character of the area, and the height range of adjacent houses.
16. The main concern is the cluster of 3 and 4 storey apartment blocks shown within the middle section of the proposed development, where height parameters are given ranging from 8 metres to 14 – 16 metres. With the finished ground level of the appeal site likely to be raised by 0.75 metres above Western Road and about 1 metre above Bath Road, and three and four storey blocks realistically around 10 - 12 metres high or more, these buildings would be of a significant mass. Their siting within the central section of the development surrounded by smaller scale houses would not reflect the local context, either of the large spacious development along Bath Road or the intimate scale of the terraces to the rear of the site. Neither would their scale allow the blocks to fit somewhere in between these two character types as they would be too large for this, sitting uncomfortably within the development. There would be an abrupt and harsh contrast between the site and its surroundings, which would detract from the attractive suburban character of the area.
17. There are other three and four storey blocks mainly along Bath Road: Petworth Court, the adjacent property to the west of the site along Bath Road, is a four storey complex of flat roof buildings, which slope down from Bath Road enabling the buildings within the site to be set at a lower height. 42 Bath Road, to the east of the appeal site, is a substantial nursing home consisting of a large house which has been significantly extended. 72 Brunswick Street (at the junction with Bath Road) comprises several blocks of three storey flats. The six storey blocks referred to by the appellant are some distance from the site. However, in contrast to the appeal scheme, these blocks sit within large plots, not immediately fronted by and surrounded by smaller scale housing. Their form and layout contributes to

the spacious, suburban pattern of development in the area and would not justify the arrangement of blocks of flats for the appeal scheme.

18. The plans are illustrative only, and an alternative layout could be provided. Moreover, a ground level, lower than indicated, may be possible, reducing the overall height of the blocks. Also a lower number of dwellings (between 80 and 96) may be provided. Nevertheless, with 40% of the development to be flats, and three and four storey blocks set out in the design parameters as a means of achieving this, there is no indication that this could be accomplished without detriment to the character of the site and the surrounding area. In any event, wherever the four storey block is located on the site, because of the indicated level changes and the likely height, its scale would be unsympathetic and this would be evident from Bath Road and/or from surrounding streets and properties.
19. The area would fall into the 'suburban' indicative density range set out in CS policy CS15, as despite a nearby pub and a hotel, it is predominantly residential of mixed density. The proposal would be slightly above the recommended density. However, regardless of the appeal scheme density or that of the Avenue School development referred to by the appellant, it is the likely configuration of the dwellings derived from the parameters and master-plan that would be harmful to the character of the area.
20. Turning to the extensions to the pump house: This building is a single storey, undesignated Heritage Asset, with attractive gabled walls along the front and part of the side elevations. It is of local interest as part of the assemblage of Victorian buildings and structures associated with the waterworks. The addendum design and access statement indicates that it is to be extended with two storey additions which may be higher than the original pump house building. Although the master-plan is not clear on this point, details of the extension would be part of the reserved matters and there is no reason why, in principle, a higher extension would necessitate loss of the attractive gables or the historic interest of the pump house. The special interest of the historic asset would be preserved and there would be no harm arising from this aspect of the proposal. The effect of the proposal on the listed water tower is addressed elsewhere in this decision.
21. To conclude on this matter, while there are aspects of the outline scheme that could be resolved satisfactorily at the reserved matters stage, it has not been demonstrated that the three and four storey blocks could be accommodated within the development without detriment to the character and appearance of the site and the surrounding area. The proposal would conflict with RSS policies SP3(iii) and H5, reflected in LP policy HSG 5 which seeks, among other things, well designed developments, the character and design of which should be appropriate to the surrounding area. It would also conflict with Planning Policy Statement (PPS) 1: Delivering Sustainable Development, which indicates that design that is inappropriate in its context should not be accepted.

The setting of the pump house and water tower.

22. The existing setting of the pump house and the Grade II listed water tower is one of a highly engineered waterworks. The buildings are separated from each other by a visually striking six metre, curved embankment, with central steps rising up to the top of the filter beds and southern reservoir. This setting complements the design and function of the buildings and gives a

distinct character and appearance to the site. The decommissioning of the waterworks including the removal of embankments, and the proposed residential development would not preserve this setting.

23. Where the setting would not be preserved, PPS5: Planning and the Historic Environment advises that the wider benefits of the proposed development should be taken into account. In this respect, significant weight is attached to the allocation of the site for 80 dwellings in LP policy HSG 1, which would contribute towards housing within the Borough. The failure to preserve the setting of the pump house and water tower would be a necessary outcome of residential development to comply with this policy. In these circumstances, the harm arising from the loss of the setting would be justified.
24. Account has also been taken of the setting created by the proposed development and whether it would affect the significance of the heritage assets. The proposed two to two and a half storey houses immediately behind the buildings as shown on the illustrative plan would be an effective way of ensuring a strong visual connection between the pump house, the water tower and the residential development. The proposed parking at the front of the water tower would not be damaging as some parking in this area would be expected associated with the waterworks. Notwithstanding this, the remainder of the development, including the proposed three and four storey blocks within the site would be clearly linked to a cohesive development surrounding the heritage assets and would form an integral part of their setting. Following on from my conclusion on character and appearance set out above, the blocks would be likely to provide an unsympathetic visual backdrop to both the pump house and the water tower.
25. There would be positive heritage benefits arising from creation of the open frontage and arrival square giving wider range of views of both buildings, allowing an appreciation of their form and architectural detailing. Nevertheless, the absence of harm to the setting of these building from other aspects of the scheme cannot be assured. The proposal would not therefore comply with PPS5, RSS policy BE6, reflected in LP policy CUD 4 and CS policy CS33, which seek to protect the historic environment.

Living conditions of neighbours

26. The parameters set out in the design and access statements and the master-plan illustrate that a distance of some 22 metres or more could be achieved between the proposed dwellings and houses on Western Road, Glenbeigh Terrace and the flats in Petworth Court. Furthermore, nearly all the proposed dwellings could be separated from adjacent roads by areas of planting which would provide some screening. Whilst two storey dwellings with gardens would back onto the nursing home at 42 Bath Road, there would be boundary treatment including the retention of the existing boundary trees to provide screening. Although there would be views of dwellings and some inter-visibility between properties, similar relationships between properties would not be unexpected in a suburban area. The distances apart would ensure that there would be no undue loss of privacy or outlook to the surrounding occupiers. The spaces between buildings would prevent overshadowing of surrounding properties to any significant extent and the living conditions of the neighbours would be not be harmed from loss of light.

27. The general feeling of a local community and the village quality are important and valued elements of the living conditions of the occupiers of the terraced houses to the north and north-east of the site. This is derived from the secluded nature of the narrow roads and partially enabled by the strong boundaries and isolated, quiet nature of the appeal site. There would be more activity associated with the development including noise and pedestrian movements, particularly along Western Road. However, because of the potential for strong boundary treatment, including wide areas of buffer planting between the proposed dwellings, the intimate, secluded nature of these roads would be largely unaltered. Noise and disturbance would be domestic, but not unexpected in a suburban area and not of sufficient levels to be disruptive. In these circumstances, there is no reason why the valued sense of a local community and the village quality would be harmed.
28. There could be disruption from noise, activity and particles in the air, during construction, particularly at the decommissioning stage. There is other legislation in place, relating to noise and pollution, which would protect the local environment. However, the disturbance would be for a temporary period only and conditions requiring this process to be managed, including the environmental impacts, would minimise the effect on the local residents and the environment.
29. In terms of crime, at present the appeal site is unlit and isolated from its surroundings. The introduction of dwellings, people and lighting would increase surveillance in the area and this would reduce the risk of crime. There is no evidence that the new residents or the new access created along Western Road would increase crime.
30. To conclude on this issue; the proposal would not be detrimental to the living conditions of the surrounding occupiers in terms of privacy, outlook, light, sense of community, noise, pollution and crime. The proposal would therefore comply with LP policy HSG 5 which, among other things seeks, to protect residents' amenities.

Highway safety/congestion

31. The location of the access points is to be determined at this stage. The main vehicular access would be located along Bath Road and would take into account the existing physical constraints, including buildings and trees. As a result of the constraints, there would be some restriction in visibility to the west along Bath Road when leaving the site, caused by several closely planted, mature street trees. Visibility would appear to be reduced to around 20 – 30 metres when a driver is about 1.9 metres from the highway. However, there are gaps between trees and at 4.5 metres from the highway the visibility would be around 70 metres. Drivers would therefore be able to see cars approaching from the right as they edge towards the road, which would enable them to leave the site in a safe manner.
32. Moreover, there is a bus lane and no parking restrictions which would reduce the amount of traffic using the lane closest to the site. There are many other vehicular accesses on to Bath Road, and the access would not be unusual or unexpected in the area. The Bath Road access would not therefore pose a risk to users of the highway. An emergency vehicular access is proposed from Western Road; although this is a narrow road, there is no evidence that an emergency vehicle could not gain access from this point and it would be acceptable.

33. With regard to construction traffic, the number of vehicles required is extremely large, given the proposed decommissioning works, and this would be likely to cause some disturbance along Bath Road. A construction traffic management system would be effective in ensuring that there would be no conflict with the existing traffic and this could be secured by condition. Therefore, for construction purposes, the access would not pose a risk to the safety of users of the highway.
34. The proposed parking provision would comply with the Council's parking standards. Although there is local concern about the Council's parking standards, the master-plan shows that there could be on-street parking available within the proposed development in addition to allocated off-street parking. The potential level of parking available within the site would ensure that there would be no significant increase in parking pressure to surrounding streets.
35. There would be additional traffic generated by the proposed development. Although there are some differences in circumstances, the TRICS data base used by the appellant as a comparator for vehicle generation is relevant to the appeal development. In any event, a wide range of other factors has been taken into account including car ownership, public transport and the accessibility of the site, and the appellant's figures do provide a reasonable traffic assessment. It is clear from traffic surveys, and junction and highway network analysis that there would be a marginal effect on junctions within the local area and while this may cause some inconvenience it would not unduly affect the flow of traffic along the main Bath Road.
36. The proposal would not pose a risk to highway safety or cause significant traffic congestion. It would comply with national guidance in Planning Policy Guidance Note 13: Transport (amended 3 January 2011), LP policy TRN11B and CS policy CS20 which seek, among other things, to protect highway safety and to prevent aggravation of transport related problems.

Biodiversity

37. The southern reservoir and embankments are grassed over, and the northern reservoir and the remainder of the interior of the site have become overgrown with trees, shrubs and grass. The biodiversity interest and management techniques at the appeal site may have changed over the time; however, there is no doubt that the site supports a wide variety of flora and fauna, including protected species such as badgers, bats and slow worms.
38. The illustrative master-plan shows that the entrances, sett and main areas of badger activity would be within the woodland area to be retained, protected and managed as part of a proposed wildlife area. There is also a link which would be maintained to the railway embankment, where regardless of tree cutting, foraging may take place to compensate for any losses at the site. A survey of the site by the appellant including the air raid shelter, where bats were alleged to be roosting, revealed no signs of bat roosts. It is likely, though, that the site is also used extensively for foraging by the bats. Mitigation to promote new roosting areas is proposed in the form of a bat barn and bat boxes, located within the designated wildlife area and this area would be managed in such a way as to enhance its value for foraging for bats. As stated, the link with the railway land would be maintained where alternative areas for foraging exist. Therefore, the proposal would not have a harmful effect on the badger or bat population.

39. Slow worms: Translocation is proposed for slow worms inhabiting areas of the site to be developed. Others within the wildlife area would be undisturbed. It is accepted that the effectiveness of translocation cannot be assured; nevertheless, English Nature's (now Natural England) publication *Reptiles: Guidelines for Developers*, identifies this as an appropriate method of mitigation where slow worms are found at a site. This method is therefore to be given weight as an acceptable means of protection for the slow worm population. Additionally, the slow worm habitats would be enhanced and monitored within the wildlife area, including measures to reduce possible disturbance by people and domestic animals. The mitigation proposed would maintain the favourable conservation status of the population of slow worms.
40. Although the remaining species of animals are all common in south east England, there are nesting birds, hedgehogs and stag beetles, which are species of importance for the conservation of biodiversity. The management of the woodland to be retained would ensure that nesting can continue at the site and the enhancement of the wildlife area would compensate for any loss of habitat for hedgehogs and stag beetles. In relation to any breeding birds, vegetation removal would take place outside the breeding season. The population of deer is too low for the effects of the development to be significant and foxes are a common species. There are other common species at the site, but the retained wildlife area, as well as the proposed gardens and open space would provide adequate habitats to ensure that there would be no harm to their population.
41. With regard to woodland and grassland habitats; the woodland to be lost is largely shallow rooted on the reservoir embankments and is likely to collapse, and there is no evidence that the grassland is botanically rich. The on-site habitats are therefore of insufficient biodiversity value for significantly harmful effects to occur from their loss.
42. The illustrative master-plan shows that a relatively large wildlife area, containing the best woodland and trees would be retained and enhanced for conservation purposes. Additionally, there would be an extensive landscaping strategy to provide new planting within the development and the proposal would maximise opportunities for biodiversity. Planning obligations and conditions would secure the mitigation measures outlined above, including a wildlife and ecological plan, and a translocation strategy. Although there would be some loss of flora and fauna, for the reasons given, the proposal would not be detrimental to the biodiversity interest of the area. The proposal would comply with the aims of Planning Policy Statement 9; Biodiversity and geological conservation and LP policies NE6 and NE7, and CS policies CS36 and CS38 which seek to protect wildlife and their habitats.

Open space

43. The site is a private, operational waterworks, covered with large scale, man-made and engineered features. Although it is overgrown with vegetation, because of the large structures, it would not fall within the open space definition set out in Planning Policy Guidance Note 17: Planning for open space, sport and recreation. The site clearly falls within the definition of previously developed land set out in Planning Policy Statement 3: Housing (PPS3). Whilst PPS3 indicates that there is no presumption that land that is previously development land is necessarily suitable for housing development,

the site has been allocated for housing in the Local Plan and, as stated, development of the site for residential use would in principle accord with this policy.

44. The Council's draft Open Space Strategy seeks the enjoyment of high quality open space for everyone in the Borough and recognises that the area around the appeal site is deficient in open space. The proposal would not contribute to this deficiency as the wildlife area and other amenity areas would meet the open space needs of the development.
45. Whilst there is considerable objection to the inclusion of the site for housing in emerging Development Plan Documents, these are at an early stage and carry no weight in policy terms. In any event, there is no indication that the Council intend to remove the site from the housing allocation list in the future.
46. In conclusion, the proposal would not result in a loss of open space or contribute to open space deficiency in the Borough. It would not conflict with CS policy CS28 which relates to the loss of open land.

Appeal A (full application) and appeal B

The special historic or architectural interest of the water tower

47. The water tower is a Venetian, gothic style, Grade II listed building. It sits forward of the building line along Bath Road and at over 10.5 metres in height and 14 metres wide, its striking appearance, substantial size and free standing square form make it a dominant and important feature of the site. In its prominent location it makes a positive and much valued contribution to the local character and sense of place.
48. It is highly decorative, comprised of red brick with blue banding and friezes. It has four symmetrical elevations containing three, tall, lancet windows surmounted by circular oculi, with a prominent bracket cornice marking the top of the building. Although the water tank has been removed, the substantial internal brick cross walls designed to support the tank remain unaltered. They rise to the full height of the water tower and subdivide the interior into six chambers. The central cross wall contains lancet openings and oculi, similar in appearance to those on the external walls. Despite its formal list description being confined to external features, both its exterior and interior are of considerable significance to the architectural and historic interest of the building. PPS5 makes it clear that what is 'significant' about an asset should be protected in terms of its special interest.
49. The proposal would involve conversion of the tower to office/community use. A rear extension, roof extension and the removal of all of the internal walls are proposed to facilitate this. These elements are dealt with in turn:
50. *The rear extension:* A three storey, clear glazed link leading to a solid, three storey brick building is proposed. The design of the extension would be modern with clean lines, but at almost the same height as the tower, it would be a substantial addition to the building which would alter to its detriment its free standing, square form. The lightweight glazed link would allow the rear elevation to be seen from within the appeal site and the siting of the staircase within the link would be a practical solution to internal access; however, the punching through of a rectangular hole at the third floor level between two oculi would appear brutal, destroying the relationship

between the existing openings and the composition of architectural features on the rear elevation. The rear extension would therefore harm features of significance to the special interest of the water tower.

51. *The roof extension*: The proposal seeks to reflect the form of the former water tank, rising as a visual continuation of the external walls. In contrast to the unsightly solid water tank, the extension would be a fully glazed, lightweight structure. It would be an interesting addition, serving as a reminder of the function and previous use of the building. Even though it would not be set back from the elevations of the water tower, its size and appearance would ensure that it would be subordinate, not undermining the strong and robust nature of the brick water tower which is one of its most important attributes. Additionally, it would not appear to require alteration or damage to the existing fabric of the listed building. Whilst externally the extension would be appropriate, its use would rely on the removal of the internal walls which I address below.
52. *Removal of the internal walls*: It is acknowledged by all parties that the internal walls are an integral part of the water tower and are of architectural and historic interest. The brickwork, apertures and thickness of the walls, their original function in providing support and their creation of an internal cellular plan form are all of key significance in understanding the design and function of the water tower. The complete removal of the walls would therefore be an extensive loss of fabric of significance to the special interest of the tower. The opening up of two closed lancet windows, externally would be of limited impact but as it would be as a result of the removal of the central cross wall this would not be acceptable. The loss of internal walls would substantially harm special interest of the listed water tower. Regard has been had to the alternative, 'less intrusive' scheme put forward by the Council. The reduced light experienced within the building as a result of the retention of internal walls would not, in itself, be sufficient justification for the appeal proposal.
53. *Cumulative effect*: Although externally the roof extension may be appropriate, the combination of the proposed works would result in substantial harm to the special interest of the listed building, which would neither sustain nor enhance its significance.
54. There would undoubtedly be public benefit in bringing back the building into use, providing space for employment and community uses and securing the continued use and maintenance of a large listed building. PPS5 is clear though, that it must be demonstrated that substantial harm is necessary to deliver public benefits. It states that evidence is required to show that no appropriate and viable use for the heritage asset can be found consistent with their conservation. The proposed works would increase the flexibility, thereby increasing the likelihood of finding an occupier. However, it has not been demonstrated that the nature of the water tower including its internal plan prevents all reasonable uses, that there is no viable use with less intervention or that conservation through other means is not possible.
55. In the absence of justification for the works in these terms, the benefits set out above would not outweigh the substantial harm to the listed water tower. English Heritage's lack of comment or objection carries no weight in this matter in favour of the appeal schemes. The proposal would fail to preserve the special architectural and historic interest of the water tower

contrary to PPS5, RSS policy BE6 reflected in LP policies CUD1 and CUD2 and CS policy CS33 which seek to protect the special architectural and historic interest of listed buildings.

Other matters

56. The proposals would increase car movements and reduce vegetation in the area which would affect air quality. While the appellant's figures on the level and type of pollutants, and the models used are disputed, there is no convincing alternative evidence to suggest that resultant air quality would have a detrimental affect on the living conditions of local residents or any other harmful effect to the environment.
57. The measures proposed to achieve sustainable design and construction for the dwellings include a list of different technologies without details of whether they are feasible. However, the residential development is in outline form and a detailed consideration would only be possible when the layout and scale have been finalised. Conditions requiring details of appropriate technologies have been suggested and subject to appropriate wording they would ensure that the required standards are met. The scheme proposes Code for Sustainable Homes level 4 rating for 25% of dwellings. This would be acceptable given the investment required to decommission and develop the site. The site is within an area with little or no risk of flooding and subject to suitable drainage to ensure that surface water run-off is managed, it would not pose a flood risk to the area.
58. Regard has been had to the cumulative effect of the proposals on local residents and the local environment. There is no doubt that the site would undergo considerable visual and environmental change, but much of this change would take place with the decommissioning of the site alone, or for any development complying with policy HSG 1 allocating the site for housing. In any event, harm found to be arising from the scheme is identified and set out in the reasoning elsewhere in the decision. There would be no additional harm arising from the cumulative effects of the proposal. Regard has also been had to the Government's commitment to work with local communities as set out in the provisions of the Localism Bill. The provisions of the Bill have not yet come into force; however, in any event, the appeal fails for other reasons.
59. With respect to the benefits of the appeal schemes: The proposals would provide a range of dwellings, including family accommodation with gardens, contributing towards housing targets in the Borough. They would provide employment opportunities and space for community use which would be of public benefit. The site is well served by public transport with access to local services and the location is sustainable. The proposals seek to protect the areas of greatest value to wildlife and re-use redundant buildings which are heritage assets. Whilst these are significant benefits in favour of the appeal proposals supported by national, regional and local policy, they could be achieved by a more sympathetic development and would not therefore outweigh the harm identified.

Unilateral Undertaking – appeals A and b

60. The Unilateral Undertaking has been considered in the light of the statutory tests contained in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 and Circular 05/2005, Planning Obligations. The

Council's Supplementary Planning Guidance on planning obligations (SPG) has also been taken into account.

61. The proposals would place an additional demand on education and transport. The contribution for transport has been calculated in accordance with the Council's guidance and would go towards meeting site specific and wider transport impacts. The education contribution would be calculated in accordance with the Council's guidance based on the final number of dwellings. It would go towards education facilities where necessary to meet the demands of the scheme. The affordable housing would contribute to the range of housing in the Borough. Having regard to the considerable decommissioning and decontamination works required at the site, a level of 35% affordable housing would be appropriate.
62. The provision of community space within the ground floor of the water tower would be of public benefit, necessary as part of the consideration for the proposed works to the listed building (comments on this matter are addressed elsewhere in the decision). The open space management strategy, wildlife management plan and reptile translocation and mitigation strategy would all be necessary to ensure that the open space demands of the proposal are met and that the biodiversity of the site is maintained and enhanced where possible. Material weight is given to these obligations, as they would meet the relevant statutory tests.
63. The car park management plan, which allows use of the water tower car park by residents at evenings and weekends would be useful to future occupiers. However, the proposal would meet the Council's parking standards without this provision and therefore it is not necessary to make the proposal acceptable. This obligation appears to fail the statutory tests and I am unable to take it into account in determining the appeal.

Conclusion

64. Account has been taken of all the aforementioned benefits of the schemes for appeal A and B. Regard has also been had to the changes and amendments to the schemes as result of consultation and to the additional material put forward at the Inquiry. However, none of the matters raised would outweigh the harm to the character and appearance of the appeal site and the wider area, the setting of heritage assets, and the failure to preserve the special architectural and historic interest of the listed building. Both appeal A and B are therefore dismissed.

INSPECTOR

Christine Thorby

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr D Lintott of Counsel

He called

Mr M Russell

Nathaniel Lichfield and Partners on behalf of
Reading Borough Council

Mr B Kelway

Nathaniel Lichfield and Partners on behalf of
Reading Borough Council

Mr T Guenther

Naill Mc Laughlin Architects,

FOR THE APPELLANT:

Mr P Brown QC

He called

Mr B Vashi

Broadway Malyan

Mr D Spencer

Broadway Malyan

Mr P Grover

Grover Lewis associates limited

Mr A Sheach

Peter Brett Associates

Mr S Stephens

SJ Stephens Associates

Mr R Knightbridge

Entec UK limited

FOR SAVE THE BATH ROAD RESERVOIR GROUP (STBRR):

Ms M Woodward

Planning/general STBRR

Mr D Griffiths

Open space STBRR

Mr A Lawson

Biodiversity STBRR

Mr P Birch

Sustainability STBRR

Mr J Mc Mahon

Transport STBRR

INTERESTED PERSONS:

Mr A Overton

Local resident

Mr M Hoare

Local resident

Mr R Lawrence

Local resident

Ms H Novacka

Local resident

Mr Finney

Local resident

Ms Durkin

Local resident

Lord Stoddart

Local resident

Councillor Ruheman

Local councillor

Councillor Gittings

Local councillor

Councillor Pugh

Local councillor

Mr A Sharma MP

Local Member of Parliament

CORE DOCUMENTS

Document Number	Document
1.	Circular 11/95: Use of Conditions in Planning Permissions
2.	Community Infrastructure Levy Regulations 2010
3.	Circular 05/05: Planning Obligations
4.	Circular 03/09: Costs Awards in Appeals and Other Planning Proceedings
5.	Circular 01/06: Guidance on Changes to the Development Control System
6.	Planning Policy Statement 1: Delivering Sustainable Communities (2005)
7.	Planning and Climate Change: Supplement to Planning Policy Statement 1
8.	Planning Policy Statement 3: Housing (2010)
9.	Planning Policy Statement 4: Planning for Sustainable Economic Growth (2009)
10.	Planning Policy Statement 5: Planning for the Historic Environment (2010)
11.	Planning Policy Statement 5: Planning for the Historic Environment; Practical Guide(2010)
12.	Planning Policy Statement 9: Biodiversity and Geological Conservation (2005)
13.	Planning Policy Statement 12: Local Spatial Planning
14.	Planning Policy Guidance 13: Transport (2001)
15.	Planning Policy Guidance 17: Planning for Open Space, Sport and Recreation (2002)
16.	Planning Policy Statement 22: Renewable Energy (2004)
17.	Planning Policy Guidance 24: Planning and Noise (1994)
18.	DETR - By Design: Urban Design and the Planning System - Towards Better Practice (2000)
19.	DETR - Circular 02/99 Environmental Impact Assessment
20.	CLG Guidance on Information Requirements and Validation (March 2010)
21.	Chief Planning Officer Letter dated 15 June 2010 - New Powers for Local Authorities to stop "Garden Grabbing"

Document Number	Document
22.	Chief Planning Officer Letter dated 6 July 2010 - Revocation of Regional Spatial Strategies
23.	CLG Secretary of State Decision Letter: Filton Airfield, Bristol (Inspectorate Reference APP/PO119/A/06/2019118)
24.	The Coalition: Our Programme for Government (May 2010)
25.	Conservative Party Planning Green Paper - Open Source Planning (22 February 2010)
26.	By Design Better Places to Live: A Companion Guide to PPG3 (2001)
27.	Government Vision Statement on the Historic Environment (2010)
28.	The Planning Inspectorate - Procedural Guidance: Planning Appeals and Called-in Planning Applications (2009)
29.	Planning Inspectorate Newsletter Issue 10 (September 2008) - Article called "Submission of Revised Proposals at Appeal"
30.	Planning Inspectorate Model Conditions (updated 11 January 2010)
31.	English Heritage: Understanding Historic Buildings - Policy and Guidance for Local Planning Authorities
32.	English Heritage: Conservation Principles: Policy and Guidance (2008)
33.	English Heritage: The Setting of Heritage Assets (Draft, July 2010)
34.	Guidelines for Ecological Impact Assessment in the UK (Institute of Ecology and Environmental Management)
CD34(a)	English Nature: Reptiles: Guidelines for Development
CD34(b)	Site Layout Planning for Daylight and Sunlight; A Guide to Good Practice (P J Littlefair)
35.	Relevant Saved Policies of the Adopted Reading Borough Council Local Plan (1998)
36.	Relevant Policies of the Adopted Reading Borough Council Core Strategy (2008)
37.	Firm Foundations: Reading Borough Council's Draft Housing Strategy for 2009 - 2014
38.	SPG on Sustainable Design and Construction (March 2007)
39.	SPG on Planning Obligations under Section 106 of the Town and Country Planning Act (September 2004)
40.	SPD on Parking Standards and Design (September 2009)

Document Number	Document
41.	SPD on Geometric Design Guidance for Residential Accesses onto Classified Roads
42.	Reading Borough Council's Site and Detailed Policies (pre-submission draft) (February 2010)
43.	Reading Borough Council's Strategic Housing Land Availability Assessment (pre-submission draft) (2010)
44.	Reading Borough Council's Draft Open Spaces Survey 2010
45.	Reading Borough Council's Open Spaces Survey (March 2007)
46.	Reading Borough Council's Statement of Public Participation February 2010
47.	Reading Borough Council's Sustainability Appraisal 2010
48.	Reading Borough Council's Biodiversity Action Plan 2005-2015 (March 2006)
49.	Berkshire Housing Market Assessment (2006)
50.	Draft Bath Road Development Brief (January 1997)
51.	Decision Notice in respect of Planning Application Reference Number 09/01360/OUT
52.	Decision Notice in respect of Listed Building Application Reference Number 09/01359/LBC
53.	Planning Application Forms for Application Reference Number 09/01360/OUT and Listed Building Application Reference Number 09/01359/LBC
54.	Submitted Drawings
55.	Planning Statement dated July 2009
56.	Design and Access Statement dated July 2009
57.	Design and Access Statement dated September 2009
58.	Transport Assessment dated July 2009
59.	Ecological Impact Assessment Report dated July 2009
60.	Historic Buildings Report dated July 2009
61.	Written Scheme of Investigation/Specification for a Desk Based Assessment and a Historic Building Record at the Former Waterworks, Bath Road, Reading dated September 2009
62.	Air Quality Assessment dated July 2009

Document Number	Document
63.	Arboricultural Report dated September 2009
64.	Code for Sustainable Homes Pre-assessment Report dated September 2009
65.	Ground Investigation and Slope Stability Report Assessment dated July 2009
66.	Noise Assessment dated July 2009
67.	Flood Risk Assessment and Surface Water Drainage Strategy dated July 2009
68.	Decommissioning Report dated July 2009
69.	Request for Screening Opinion dated 21 May 2009
70.	Screening Opinion dated 9 July 2009
71.	Environmental Impact Assessment dated June 2010
72.	Environmental Impact Assessment Non-technical Summary dated June 2010
73.	Thames Water Utilities Ltd's Environmental Policy document on Biodiversity
74.	Addendum Design and Access Statement dated May 2010
75.	Letter to Mr Bhavash Vashi from Justin Turvey (RBC) setting out the significant issues with the Development
76.	Pre-Application Letter to Justin Turvey (RBC) from Mr Bhavash Vashi dated 10 June 2009
77.	Response to the Pre-Application Letter to Mr Bhavash Vashi from Justin Turvey dated 27 July 2009
78.	Selected Material from the withdrawn November 2008 Planning Application Material
79.	Ecological Evaluation prepared by ELMAW Consulting for Kennet Properties dated August 2008
80.	English Heritage Advisor's Report - Assessment of the Bath Road against the criteria for listing (12 October 2010)
81.	Bath Road Water Tower: Listing Description
82.	42 Bath Road: Listing Description
83.	Cast Iron Mile Post: Listing Description
84.	Committee Report and Minutes for Reading Borough Council's Planning

Document Number	Document
	Applications Committee dated 7 October 2009
85.	Committee Report and Minutes for Reading Borough Council's Planning Applications Committee dated 4 November 2009
86.	Committee Report and Minutes for Reading Borough Council's Planning Applications Committee on 18 August 2010
87.	Objection Statement from Save the Bath Road Reservoir dated September 2009
88.	Objection Statement from Save the Bath Road Reservoir dated 2008
89.	Rule 6 Statement of Case - Kennet Properties Limited
90.	Rule 6 Statement of Case - Reading Borough Council
91.	Rule 6 Statement of Case - Save the Bath Road Reservoir
92.	Statement of Common Ground between Kennet Properties Limited and Reading Borough Council
CD92(a)	Email agreeing building heights surrounding the site, from Michael Russell to David Spencer dated 15 November 2010
93.	Statement of Common Ground between Kennet Properties Limited and Save the Bath Road Reservoir
94.	Draft Unilateral Undertaking made by Kennet Properties Limited to Reading Borough Council
95.	Draft Set of Planning Conditions
96.	Letter dated 8 August 2008 from Nigel Barker (English Heritage) to Mr Bhavash Vashi (Broadway Malyan)
97.	Memo dated 11 August 2009 from Reading BC Case Officer to Ian Johnson (Building Control Manager)
98.	Letter dated 23 August 2009 from Richard Bennett (Chairman of the Reading Civic Society) to Reading BC Case Officer
99.	Letter dated 24 August 2009 from Dr Kathryn Davis (Historic Buildings Inspector for English Heritage) to Reading BC Case Officer
100.	Speed Memo dated 4 September 2009 from Andrew Hill (Conservation Officer for Reading BC) to Reading BC Case Officer
101.	Letter dated 8 September 2008 from Nigel Barker (Team Leader at English Heritage) to Reading BC Case Officer
102.	Email dated 17 September 2009 from Heloise Brown (Conservation Advisor for the Victorian Society) to Reading BC Case Officer
103.	Letter dated 24 September 2008 from Nigel Barker (Team Leader at

Document Number	Document
	English Heritage) to Reading BC Case Officer
104.	Memo dated 27 August 2009 from Sarah Hanson/Richard Stimpson (Planning Support, Reading BC) to Reading BC Case Officer
105.	Memo dated 17 September 2009 from Sarah Hanson (Planning Support, Reading BC) to Reading BC Case Officer
106.	Email dated 2 September 2009 from Steve Archer to Reading BC Case Officer
107.	Memo dated 7 September 2009 from Darren Cook (Development Control Transport, Reading BC) to Reading BC Case Officer
108.	Email dated 17 September 2009 from Chris Saunders (Transport Development Control Manager, Reading BC) to Reading BC Case Officer
109.	Memo dated 22 October 2008 from Giles Sutton (Ecologist - Reading BC) to Reading BC Case Officer
110.	Memo dated 18 November 2008 from Giles Sutton (Ecologist - Reading BC) to Reading BC Case Officer
111.	Letter dated 26 August 2009 from Julie Russ (Environmental Planning Advisor for Natural England) to Reading BC Case Officer
112.	Email dated 12 September 2009 from Debbie Cousins (local resident and professional ecologist) to Reading BC Case Officer
113.	Memo dated 15 September 2009 from Giles Sutton (Ecologist - Reading BC) to Reading BC Case Officer
114.	Memo dated 15 September 2009 from Giles Sutton (Ecologist - Reading BC) to Reading BC Case Officer
115.	Letter dated 15 October 2008 from Cathy Harrison (Planning Liaison Officer, Environment Agency) to Reading BC Case Officer
116.	Letter dated 26 November 2008 from Cathy Harrison (Planning Liaison Officer, Environment Agency) to Reading BC Case Officer
117.	Letter dated 15 September 2009 from Alex Cooper (Planning Liaison Officer, Environment Agency) to Mr Bhavash Vashi (Broadway Malyan)
118.	Letter dated 15 September 2009 from Alex Cooper (Planning Liaison Officer, Environment Agency) to Reading BC Case Officer
119.	Memo dated 18 August 2009 from Ross Jarvis to Reading BC Case Officer
120.	Email dated 25 August 2009 from Barbara Morgan (Town Planning Technician, Network Rail) to Reading BC Case Officer
121.	Email dated 21 August 2009 from Carolyn Jenkins (Parks and Open Space at Reading Borough Council) to Reading BC Case Officer

Document Number	Document
122.	Letter dated 13 September 2009 from Alok Sharma (Conservative Parliamentary spokesman for Reading West) to Reading BC Case Officer
123.	Email dated 14 September 2009 from Martin Salter (MP for Reading West) to Reading BC Case Officer
124.	Email dated 15 September 2009 from Paul Gittings (Ward Counsellor) to Reading BC Case Officer
125.	Letter dated 24 September 2009 from Caroline Lucas (Green Party MEP for South East England) to Reading BC Case Officer
126.	Email dated 6 October 2009 from Martin Salter (MP for Reading West) to local Councillors
127.	Letter dated 25 July 2010 from (Cllr.) Pete Ruhemann to the Planning Inspectorate
CD(O)(a)	Letter dated 2 February 1997 from Richard and Lynette Lawrence to (Cllr.) R. Stainthorpe
128.	Email dated 16 September 2009 from Mel Woodward (Avistor M) to Reading BC Case Officer, including an email chain setting out comments and final version of the objection statement
129.	Email dated 24 September 2009 from Mel (Save the Bath Road Reservoir) to Reading BC Case Officer (including previous emails)
130.	Letter dated 28 July 2010 from Mel Woodward to the Inspector
131.	Letter undated from STBRR to the Inspector
132.	Handout from STBRR at the RBC Planning Committee Meeting dated 7 October 2009
133.	Undated letter to the Planning Inspector from Mr Peter Finnan
134.	Thames Water Corporate Responsibility Report (2006/07)
135.	Draft Press Release dated 2 July 2009 concerning a meeting between STBRR and TWUL
136.	Joint Statement between Kennet Properties and Reading Borough Council in respect of Cala Homes (South) Limited v Secretary of State for CLG (2010), and relevant RSS policies.
Other Documents	
Appellant's (APP) Documents	
APP 1 - 7	Proofs of evidence, summaries and appendices
APP8	Photos of hardstanding and water tower from 1948

Document Number	Document
APP9	Paul Brown QC's opening statement
APP10	Statement re: densities
CD34(a)	English Nature: Reptiles: Guidelines for Development
CD34(b)	Site Layout Planning for Daylight and Sunlight; A Guide to Good Practice (P J Littlefair)
Additional CD 54 drawing	Awt03-003 Revision A dated July 2009 showing Water Tower Conversion Floor Plans and Roof Plan
APP11	Appellant's response to Martin Hoare on ES
APP12	Drawing showing where existing site levels would remain unchanged (area etched in green) - Awt03 - 100
APP13	Closing statement
Reading Borough Council (RBC) Documents	
RBC 1 - 6	Proofs of evidence, summaries and appendices
RBC7	Addendum to Tilo Guenther's Proof
RBC8	Daylight distribution
RBC9	Email from Justin Turvey re: Darren Cook's view on car parking spaces
RBC10	Opening statement
Addition CD54 drawing	Drawing Awt03-000
RBC11	Letter from Parkinson Holt concerning the viability of Tilo Guenther's suggested Water Tower development
RBC12	NLP note re: split decision (amended orally on 25 November)
RBC13	Closing statement
Save the Bath Road Reservoir's (STBRR) Documents	
STBRR 1 - 5	Proofs of evidence, summaries and appendices
STBRR6	STBRR's opening statement
STBRR APP12)	Photograph from Mr Martin Hoare's garden
STBRR8	STBRR statement on split decisions
STBRR9	Closing statement

Document Number	Document
Other Inquiry Documents	
ID1	Councillor Pugh's statement on heritage issues
ID2	Statement by Alan Overton of Western Elms Avenue
ID3	Written letters from Matthew Weighton and Holly Preston (local children)
ID4	Statement of Councillor Gittings
ID5	Letter from Councillor Ruheman dated 25 July 2010
ID6	Statements of Councillor Ruheman presented orally
ID7	Statement of Lord Stoddard presented orally
ID8	Statement of Martin Hoare of 45 Tilehurst Road
ID9	Statement presented orally from Richard Lawrence
ID10	Letter from Ms Mandy Anne Cameron dated 5 November 2010
ID11	Letter from Mrs Helen Nowacka dated 11 November 2010
ID12	Written note of Mr Alok Sharma's oral statement on 19 November
ID13	Written notes from Mr Martin Hoare in response to APP11