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## Appeal Decision

Hearing held on 17 July 2018

Site visit made on 17 July 2018

**by Simon Warder MA BSc(Hons) DipUD(Dist) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 10 August 2018**

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### **Appeal Ref: APP/E0345/W/17/3190317 Former Private Car Park, East Street, Reading**

- 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 Studious Construction (Reading) Ltd against the decision of Reading Borough Council.
  - The application Ref 170019, dated 5 January 2017, was refused by notice dated 7 June 2017.
  - The development proposed is described as 'New purpose built student accommodation (PBSA) (Use Class Sui Generis) comprising 116 units across a mix of studios/premium studios/club and 1 bedroom apartments with shared communal, recreational and living facilities and all associated car parking, landscaping, access and ancillary works.'
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### **Decision**

1. The appeal is allowed and planning permission is granted for the erection of a 4 storey building to provide 103 student accommodation units (Sui Generis), landscaping, access and ancillary works, following removal of a 49 space car park at Former Private Car Park, East Street, Reading in accordance with the terms of the application, ref 170019, dated 5 January 2017, subject to the conditions set out in the attached schedule.

### **Preliminary Matters**

2. The description of development was altered after the application was submitted. The description in paragraph 1 above is, therefore, taken from the decision notice and reflects the proposal determined by the Council.
  3. The revised National Planning Policy Framework (the Framework) was published after the hearing closed. The parties were given the opportunity to comment on its implications. I have taken the revised Framework and the comments received into account.
  4. The application was refused for four reasons. The Council confirmed that the submission of further information at the appeal stage overcomes second reason, relating to flooding. A draft Planning Agreement (PA) and a suggested additional clause relating to off-site parking were also submitted prior to the hearing. The Council confirmed that, subject to the satisfactory completion of the PA and the provision of a Foreign Legal opinion, the PA would overcome the third (highway safety) and fourth (impact on social and economic infrastructure) reasons for refusal. A PA, completed to the satisfaction of the Council and a Foreign Legal opinion has subsequently been submitted. I still
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need to be satisfied that the PA meets the test set out in the Community Infrastructure Regulations 2010 (CIL Regs).

5. In its appeal statement the Council raised an additional reason for refusal relating to the location of student accommodation (Policy H12 of the Submission Draft Reading Borough Local Plan (ELP)). However, it subsequently advised that it would not pursue this as a reason for refusal, but wished policy H12 to be taken into account as a material consideration.
6. The first reason for refusal refers to Policy DM4 of the Reading Borough Local Development Framework Sites and Detailed Policies Document (DPD). This policy seeks to protect the living conditions of residential occupiers. The Council confirmed at the hearing that it did not consider the proposal would conflict with this policy.
7. I have, therefore, framed the main issue based on the remaining reason for refusal and considered ELP Policy H12 separately.

### **Main Issue**

8. The main issue is whether the proposal would preserve or enhance the character and appearance of heritage assets comprising the Market Square/London Street Conservation Area (CA) and the settings of the listed buildings at 33, 35, 37, 39 and 41 London Street and the Buildings of Townscape Merit (BTM) at 43-47 London Street and 1-4 London Court.

### **Reasons**

#### *Conservation Area*

9. The extensive CA takes in the planned medieval southern approach to the town centre and includes a variety of built forms and spaces. The historic route has now been severed by the Inner Distribution Road and southern part of the CA focussed on London Street is defined as Area 1 in the Market Square/London Street Conservation Area Appraisal (CAA). The appeal site is located just within the eastern boundary of Area 1. The CAA identifies a range of features in Area 1 which make positive contributions to the character and appearance of the CA. Of relevance to the appeal proposal are the concentration of historic buildings on either side of London Street, their mix of styles and periods and the side alleys and streets which give glimpses east. The historical associations of Charles Dickens with 33 London Street and William Penn with Sims Court (adjoining No 39) add to the heritage significance of this part of the CA.
10. Sims Court is one of those alleys which offer glimpses east from London Street. The available evidence suggests that, whilst the buildings adjoining it have been altered since Penn's time, its general alignment has remained. Sims Court offers a view towards the appeal site, albeit that due to the rising ground level and the openness of the appeal site, the view is largely of the sky. The alleyway between Nos 47 and 49 offers a glimpse from London Street towards the BTM at 1-4 London Court.
11. The historic maps (covering the period 1879 to date) submitted by the Council indicate there were formerly buildings on the appeal site. They appear to be small in scale and at no stage was the site coverage extensive. The parties differ over the extent to which those buildings were associated with the

- properties lining London Street. However, there are currently no buildings on the site and its use is independent of the London Street properties.
12. Nevertheless, the site's openness does afford views of the rear elevations of the historic buildings on London Road and, therefore, the opportunity to gain some understanding of their form and development. However, the views are curtailed by the raw edge of the raised car park and modern built form located between the appeal site and the London Road properties. Moreover, the former presence of buildings on the appeal site suggests that such views are not historically representative. As such, I consider that the views available across the appeal site make a limited contribution to the heritage significance of the CA.
  13. Conversely the site's openness is at odds with the prevailing urban grain. Whilst the CAA notes that the development to the east and west of London Street is less dense than the tight urban form to the north of the River Kennet, I have already noted that the site formerly accommodated a number of, albeit small scale, buildings. Although the available evidence provides little information on the form and scale of other buildings in East Street, the historic maps indicate that they were positioned close to the road.
  14. More recent re-development in the area around the appeal site, including New Century Place, East View Place and Bourne-Stevens Close, comprises larger scale buildings. The Council states that there was a large building on the site of the New Century Place development and that the elevations of East View Place have been articulated to reduce its mass. I also recognise that Bourne-Stevens Close is outside of the CA and the centrally located access road breaks up its mass. Nevertheless, as a group, these developments give the built form at the northern end of East Street an unmistakably modern scale and character. That said, their siting, on or fairly close to back edge of the footpaths, is rather more consistent with the enclosure of the street scene apparent in the historic pattern of development. The appeal site has a limited amount of low level planting, but is otherwise open and essentially featureless. Therefore, I consider that its current form and appearance has a negative effect on this part of the CA.
  15. The proposed 'L' shaped building would be mainly four storeys in height and present continuous frontages to East Street and its spur road adjacent to New Century Place. The chamfered corner would help to acknowledge the junction between these frontages. The new building would step down in height adjacent to the single storey building at No 16 and, at its highest, flat roof would be lower than the eaves level of New Century Place and the parapet level of East View Place. There would be horizontal articulation in the contrasting treatments of the ground and top floors and vertical articulation in the use of projecting bays and variations in the window pattern. The East Street elevation would be set back from the footpath by some 3m which would allow for the introduction of planting and provide visual relief in the street scene.
  16. The use of red brick as the main material in the external walls would be characteristic of the modern, as well as many of the older, buildings in the area. The other proposed external materials would be more contemporary in character. However, a condition could be used to ensure that their appearance is appropriate to the surroundings.

17. Therefore, whilst I recognise that the plan form would be somewhat monolithic and the site coverage would be significantly greater than was the case historically, in the context of the adjoining modern buildings, I consider that the proposed building would not be dominant or out of keeping with the evolved character of this part of East Street. The new building would reduce views to the rear of the London Street buildings, although a restricted view to the rear of No 33 would still be available in the space between the new building and New Century Place.
18. The view along Sims Court from London Street would be altered with the top of the new building appearing above the rising ground. This would reduce the amount of sky visible, but would maintain the visual linkage between London Street and the area to the east. The new building would not impinge on views along the alley between Nos 47 and 49 London Street.
19. In summary, I find that the introduction of built form at the appeal site would enhance the character and appearance of the CA. This would be partially offset by the loss of views to the rear of the London Street properties. The scale, form, massing and appearance of the proposed building would have a neutral effect. Overall therefore, I consider that the proposal would have a minor positive effect on the CA.
20. Consequently, it would not conflict with Reading Borough Local Development Framework Core Strategy 2008 (CS) Policy CS7 which requires proposals to be of a high quality design which maintains or enhances the character and appearance of the area, including in its layout, scale, height, massing, architectural detailing and materials. Nor would it conflict with CS Policy CS33 which requires proposals to have no adverse impact on heritage assets or their settings. Accordingly the proposal would comply with the statutory test at Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 1990 Act).

*Listed Buildings and Buildings of Townscape Merit*

21. The appeal site falls within the settings of the listed buildings at 33, 35, 37, 39 and 41. They form an elegant and eclectic Victorian and Georgian collection which fronts onto London Street. Although I have already noted the illustrative value of the rear elevations and the historical associations of two of the buildings with Dickens and Penn, externally, their architectural significance lies primarily in the London Street elevations. The CAA notes the unusual width, alignment and planned medieval route of that road and it, therefore, is the main contributor to the settings of the listed buildings.
22. Whilst there is evidence to suggest that Penn worshipped at the rear of 39 and that people congregated in the adjoining Sims Court, I have already noted that the buildings have altered since that time. A plaque recording the association with Penn is located internally within No 39 and would not be affected by the appeal proposal. Nor is there anything to suggest that the current extent of the openness of the view along Sims Court contributes to an understanding of Penn's association with this space. No 33 was formerly the Everyman Theatre where Dickens read. The historic significance of that association therefore has to do with the interior of the building and would not be affected by development within the setting to the rear of the property.

23. The new building would come closest to the rear of No 33. However, the rear of this building has extended and there is no firm evidence to suggest that it makes a particular contribution to the heritage significance of the asset. Moreover, a ramp leading to the raised car park to the rear of 35-37 is located between the rear elevation of No 33 and the new building.
24. The rear of Nos 35-37 has also been extended with, amongst other things, an entrance canopy and a roof garden. There is nothing to suggest that these extensions have particular architectural merit and, indeed, they interrupt views from East Street to the more historic parts of the building. As such, they do not contribute to the heritage significance of the listed building. The roof garden provides middle distance views to the spires of the Polish Roman Catholic and Wesley Methodist churches, both of which are in another Conservation Area. However, the view is unplanned and takes in modern development. There is nothing to suggest a functional or historic link between the churches and Nos 35-37. Therefore, whilst the roof garden is an attractive facility, I consider that the view to the church spires contributes little to the heritage significance of the listed building. As such, although the appeal building would block the views to the churches, I consider that the heritage impact would be negligible.
25. The cottages to the side of No 39 face Sims Court and are more successfully integrated with the older part of the building. However, they are separated from the proposed building by a later single storey extension. In any event, the appeal building would be set back further from the London Street buildings at this point.
26. It is common ground that, although the identified BTMs make a positive contribution to the character and appearance of the CA, the appeal proposal would not adversely affect their settings.
27. I have already recognised that the proposal would reduce the extent of views from East Street to the rear of the London Street listed buildings. However, I consider that the proposal would not have other adverse effects on their settings. Overall therefore, I consider that the proposal would have a minor harmful effect on the settings of the listed buildings at 33, 35, 37, 39 and 41 London Street. To this extent, the proposal would conflict to a limited degree with Policy CS33 which requires proposals to have no adverse impact on heritage assets or their settings and with the statutory test at Section 66(1) of the Act 1990. I am also required to give great weight and importance to any harm to a heritage asset.
28. However, paragraph 196 of the Framework requires less than substantial harm to be balanced against the planning benefits of the proposal. I do this in the planning balance below.

#### *Other Matters*

29. Policy H12 of the ELP seeks, firstly, to locate student accommodation on or adjacent to existing education campuses and, secondly, creates a presumption against new student accommodation in other locations unless it can be demonstrated that it meets a need which cannot be met in the locations favoured by the policy. The appeal site is not within or adjacent to an existing education campus. Paragraph 48 of the Framework advises that weight may be given to relevant policies of emerging Local Plans according to the stage of

- preparation of the Plan, the extent to which there are unresolved objections (the less significant the objections, the greater the weight that may be given) and the degree of consistency with the Framework.
30. The ELP has been submitted for examination, but that examination is not scheduled until September 2018. The policy has been the subject of objections from the appellant, the University of Reading and others. In essence, the objections seek to amend the second part of the policy to allow student accommodation in sustainable locations. They also allege that the policy is not consistent with the Framework. As such, they have a direct bearing on the question of whether or not the appeal proposal would accord with the second part of the policy.
  31. Whilst the Plan is at a fairly advanced stage, it has yet to be tested at examination. Moreover, it is agreed that the objections to Policy H12 are substantial and unresolved and that the Local Plan process is the appropriate mechanism to deal with the matter. Therefore, I find that limited weight can be given to Policy H12 in the consideration of this appeal.
  32. Other concerns have been expressed locally. The CAA finds that there is little green space in the CA. However, in its current condition, the appeal site does not provide an attractive or useable space, and historically it appears to have been enclosed and partly covered by buildings. Therefore, it has not been adequately demonstrated that a significant proportion of the appeal site should be given over to open space. The appeal building would close down medium and long distance views from the roof garden at Nos 35-37. However, the planning system does not exist to protect general views. Whilst the proposal would bring built development closer to the roof garden, there would still be a separation distance of at least 12m and, as a result of existing ground levels, the facing elevation would be effectively three storeys high. As such, I consider that the proposal would not render the roof garden materially less attractive or usable.
  33. The application was supported by a report titled 'Potential Effects on Daylight and Sunlight' which assess the proposal using the widely accepted Building Research Establishment's Guidelines<sup>1</sup>. It finds that, with the exception of some ground floor windows in one of the New Century Place buildings, the proposal would meet the requirements of the Guidelines for retention of daylight at the adjoining residential properties. The windows affected in the New Century Place building are understood to serve non-habitable rooms. The report also finds that the proposal would meet the Guidelines for preventing undue overshadowing of external areas adjacent to the site. I have no reason to doubt the findings of the report.
  34. It has been suggested that the proposal would lead to overlooking of adjoining dwellings at East View Place. However, the only windows in the part of the south elevation of the new building closest to East View Place would serve a corridor. Therefore, future occupiers of the building would be unlikely to look out of these windows for extended periods. The remainder of the south elevation of the new building is set back sufficiently from East View Place to prevent overlooking.

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<sup>1</sup> Site layout planning for daylight and sunlight: a good practice guide

35. There is concern that the future student population would generate noise and anti-social behaviour in the area. The appeal site is an accessible location with multiple routes to and from local facilities. As such, there is no reason to suppose that students would congregate in a particular location. Occupation of the accommodation would be subject to a student management plan. I will impose a condition to secure a final version of that plan. However, the version submitted with the appeal includes measures such as a 24 hour on-site presence, secure building entry and CCTV, a community liaison and complaints procedure, and an obligation on occupants to respect the right of adjoining residents to a quiet life and to behave accordingly. With these measures in place, I consider that the proposal would not lead to noise or anti-social behaviour which would be harmful to the living conditions of nearby residents.
36. The proposal would inevitably lead to some noise and disruption during the construction phase. However, this would be the case where development takes place in many town centre locations and would be a temporary effect. I will impose conditions to control construction working hours, and to secure the implementation of a scheme to control noise and dust and a Construction Method Statement in order to limit the effect of construction works on the living conditions of neighbouring occupiers.
37. I deal with the issue of visitor parking and moving day procedures below. However, the proposed accommodation will be, essentially, car free. I have already referred to the site's accessible location which would facilitate walking, cycling and the use of public transport. Therefore, although there may be a additional comings and goings, in the form of pick up and drop off and taxi trips, these are likely to be limited in number. As such, they would not pose a risk to highway safety or convenience. The existing car park is unused and, therefore, its redevelopment would not lead to a loss of parking provision in the area.

#### *Planning Agreement*

38. Regulation 122 of the CIL Regs states that a planning obligation may only constitute a reason for granting planning permission if it is necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind.
39. Policy CS3 of the CS requires major developments to demonstrate measures to enhance social inclusion including, amongst other things, in respect of employment and education. Policy CS9 of the CS and Policy DM3 of the DPD seek the use of planning obligations to secure the replacement and enhancement of social infrastructure. The Council's Employment, Skills and Training Supplementary Planning Document 2013 (SPD) sets out specific measures to mitigate the impacts of development. These include the provision of a financial contribution where the developer chooses not to implement an Employment and Skills Plan. The financial contribution would be used to provide employment and skills training measures for local people to ensure that they have better access job opportunities arising from the development. The SPD sets out the amount of the contribution by reference to the floor area of the development. In this case the contribution sought is £8,985. Having regard to these considerations, I find that the Construction Employment and Skills Provision contribution meets the CIL Regs tests and have taken it into account.

40. Students arriving and departing from the proposed accommodation at the beginning and end of term would be likely to generate a considerable number of vehicle movements and demand for short term parking. In the absence of on-site parking provision, indiscriminate parking associated with this activity could adversely affect safety on the local highway network. The PA includes an obligation to secure the use two car parking spaces at the adjoining New Century Place site for specified periods to deal with this demand. The Council's highways department have advised that this level of provision would be satisfactory. Consequently, I find that the obligation to secure the use of the parking spaces is directly related to the development and necessary to make it acceptable in planning terms. I have, therefore, taken it into account.

#### *Conditions*

41. The statement of common ground sets out a list of 23 conditions. With amendments for clarity, I find that they meet the tests set out in the Planning Practice Guidance. In addition, it was agreed at the hearing that it more be more appropriate to restrict the use of the building to student accommodation by means of a condition rather than a planning obligation. The restriction is required in order to ensure that the building is not used for purposes for which the standard of accommodation for future occupiers and impacts on existing nearby occupiers has not been assessed.
42. A condition specifying the approved plans is necessary in the interests of certainty. Conditions controlling the external materials of the building, the details of landscaping scheme and its implementation and maintenance and the provision and implementation of measures to protect existing trees are required to safeguard the character and appearance of the area. A condition requiring compliance with the submitted flood risk assessment and drainage strategy is necessary in order to prevent flooding. A condition to ensure that the glazing and ventilation used in the building is installed and retained in accordance with the submitted details is necessary to safeguard the living conditions of future occupiers.
43. A condition detailing the measures to be taken in the event that site contamination is found is necessary in the interests of public health. I have already referred to the need for a student management plan, noise and dust control measures, control of construction working hours and a Construction Method Statement. In addition, conditions preventing the burning of materials on site and to control the use of mechanical plant are required to protect the living conditions of neighbouring occupiers.
44. A condition to secure the provision and implementation of a scheme of archaeological work is necessary to protect below ground heritage assets. The use of a condition requiring existing vehicular accesses to be stopped up and the footpaths reinstated is necessary in the interests of highway safety. Conditions requiring the implementation of bicycle parking, the provision and review of a travel plan, the notification of the postal address of the building and measures to inform future occupiers about their entitlement to parking permits are required to meet national and local policy objectives for sustainable travel. The latter condition is also necessary to ensure highway safety.

## **Planning Balance and Conclusion**

45. The appellant argues that the proposals would provide a range of public benefit. These include the delivery of high quality student accommodation at a sustainably located site. Framework paragraph 61 seeks to ensure that housing is provided for differing groups in the community, including students. Further, it is contended that the proposal would be preferable to providing student accommodation in unregulated houses in multiple occupation and would reduce impacts on the living conditions of the neighbours of such properties. It would also provide economic benefits in the form of employment in both the construction and operational phases and generate local expenditure by the students. The proposal would also make use of previously development land in the form of an unused car park. It, therefore, derives support from Framework paragraphs 117 and 118(d).
46. The Council considers that some of these benefits carried limited weight, but does not dispute that there would be public benefits arising from the proposal.
47. In addition, I have found that the proposal would result in a minor enhancement of the CA. Since this is a benefit to a designated heritage asset, it carries significant weight and balances the harm to the settings of the listed buildings. As such, it overcomes the failure of the proposal to comply with the test at section 66(1) of the 1990 Act.
48. Moreover, taking this finding together the other public benefits, even if they carry limited weight, I conclude that the benefits proposal would outweigh the minor harm to the settings of the listed buildings. In terms of the exercise under section 38(6) of the 2004 Act therefore, I find that the benefits of the proposal would overcome the limited conflict with CS Policy CS33 and justify determining the proposal other than in accordance with the development plan.
49. For the reasons set out above, the appeal should be allowed.

*Simon Warder*

INSPECTOR

## Appearances

### FOR THE APPELLANT

Stephen Whale	Barrister, instructed by Chad Sutton of Planning Clarity Legal
Nick Collins (BSc (Hons) MSc MRICS IHBC)	Heritage Consultant, KM Heritage
Gemma Care (LLB (Hons) MSc MRTPI)	Planning Associate, Barton Willmore
Terry Greenwell (Architect RIBA),	Director, Greenwell Design
Seymour D'Oyley (MSc DIC PgCert BSc (Hons) FCI MCIWEM C.WEM CEng CEnv)	Associate Director (Hydrology & Flood Risk), Clarkebond

### FOR THE COUNCIL

Matthew Burns	Senior Planning Officer, Reading Borough Council
Darren Cook	Transport Development Control Manager, Reading Borough Council
Jonathan Mullis MA BA(Hons) IHBC MCIfA	Principal Historic Buildings Consultant, Jacobs UK Ltd

## DOCUMENTS SUBMITTED AT THE HEARING

- 1 University of Reading letter dated 17 July 2018 submitted by the appellant

## DOCUMENTS SUBMITTED AFTER THE HEARING

- 1 Completed Planning Agreement dated 30 July 2018
- 2 Legal Opinion dated 26 July 2018
- 3 Appellant's comments on the revised National Planning Policy Framework

## Schedule of conditions attached to Appeal Ref: APP/E0345/W/17/3190317 Former Private Car Park, East Street, Reading

- 1) The development hereby permitted shall begin no later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
  - 3001 Rev F Location Plan
  - 3003 Rev B Topographical Survey
  - 3004 Rev B Existing Site Plan
  - 3005 Existing Site Sections A, B, C & D

- 3007 Rev J Proposed Site Plan
  - 3009 Rev B Proposed Building Distances
  - 3010 Rev V Proposed Plan Level 0
  - 3011 Rev Q Proposed Plan Level 1
  - 3012 Rev K Proposed Plan Level 2
  - 3013 Rev P Proposed Plan Level 3
  - 3016 Rev B Proposed Plan Level Roof
  - 3020 Rev N Proposed Elevations North & West
  - 3021 Rev L Proposed Elevations South
  - 3022 Rev B Proposed Elevations North & West COLOURED
  - 3023 Rev B Proposed Elevations South & East COLOURED
  - 3024 Rev B Proposed Elevations East & West Hidden Elevations
  - 3025 Rev C Proposed Streetscape Elevations
  - 3026 Rev E Proposed Elevations East
  - VS052 View from NCP2 Level 3 Existing
  - VS053 View from NCP2 Level 3 Proposed
  - 002 Rev B Proposed Courtyard Landscaping Plan
  - 3008 Rev B Proposed Block Plan
  - 3017 Rev B Proposed Plan Basement Level
  - 3030 Rev E Proposed Site Sections A, B, C & D
  - 3031 Rev B Proposed Building Sections A & B
  - 3032 Rev B Proposed Building Sections C & D
  - VS054 View from NCP2 Level 3 Proposed
  - VS055 View from East Street Proposed
  - VS060C Footprint setback to East Street
  - VS061A Landscape
  - VS062A Scale
  - VS063A Scale
  - VS064C Subservience
  - Photomontage methodology and supporting evidence (Realm, May2017)
  - Two Tier Rack Space Requirements (Received on 11th May 2017)
  - VS065 Cycle Storage (Received on 25th May 2017)
  - East Street Reading External Materials Schedule (Rev A –May 2017)
- 3) No development shall take place until details of the materials to be used in the construction of the external surfaces of the development have been submitted to and been approved in writing by the Local Planning Authority and shall include:
- a) Sample(s) of brickwork panel(s) which demonstrates the type, colour, mortar and texture (samples to be provided and retained on site during the course of the works);
  - b) Samples and/or manufacturer's details of all other facing materials for the proposed works (samples to be provided and retained on site during the course of the works)
- 4) No development shall take place until full details of both hard and soft landscaping have been submitted to and been approved in writing by the Local Planning Authority. The submitted details shall include:
- (a) hard surfacing materials; and
  - (b) proposed and existing functional services above and below ground (e.g drainage, power, communications cables, pipelines etc indicating lines, manholes etc); and

- (c) planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate.
  - (d) tree pit specifications.
- 5) The hard and soft landscaping of the development hereby permitted shall be carried out, in accordance with the approved landscaping plans and documents. The soft landscaping shall take place no later than during the first planting season following the date when the development hereby permitted is ready for occupation or in accordance with a timetable agreed in writing with the Local Planning Authority.
  - 6) All planted materials shall be maintained for five years and any trees or plants removed, dying, being severely damaged or becoming seriously diseased within 5 years of planting shall be replaced with others of similar size and species to those originally required to be planted.
  - 7) No development shall take place until an Arboricultural Method Statement and Tree Protection Plan in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice for all existing trees that are not shown as being removed on the approved drawings, both within and adjacent to the site, has been submitted to and been approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved Arboricultural Method Statement and Tree Protection Plan.
  - 8) The development hereby permitted shall not be carried out other than in accordance with the 'Clarkebond Flood Risk Assessment/Drainage Strategy Land at East Street, Reading' ref. WB04333-FR03.
  - 9) The development hereby permitted shall not be occupied until glazing and ventilation has been installed in accordance with the specifications recommended within the Apex Acoustics Acoustic Assessment dated 22 December 2016, report ref 5628.2. The glazing and ventilation measures shall be permanently retained and maintained thereafter in accordance with the approved specifications.
  - 10) In the event that contamination not previously identified is found at any time when carrying out the development hereby permitted, development shall be halted on that part of the site and the contamination reported in writing to the Local Planning Authority.  

An assessment of the nature and extent of contamination shall be undertaken and where remediation is necessary a remediation scheme, together with a timetable for its implementation, shall be submitted in writing to the Local Planning Authority for its written approval.

The measures in the approved remediation scheme shall be implemented in accordance with the approved timetable. Halted works shall not be recommenced until the measures identified in the approved remediation scheme have been completed and a validation report has been submitted to and been approved in writing by the Local Planning Authority.
  - 11) Prior to occupation of the development hereby permitted a student accommodation management plan shall be submitted to and approved in

writing by the Local Planning Authority. The accommodation shall be operated in accordance with the approved plan.

- 12) No development shall take place before a scheme has been submitted to and approved in writing by the Local Planning Authority, which specifies the provisions to be made for the control of noise and dust emanating from the site during the demolition and construction works. Thereafter, the works shall be carried out in accordance with the approved scheme.
- 13) The hours of construction, demolition and associated deliveries shall be restricted to the hours of 08:00hrs to 18:00hrs Mondays to Fridays, and 09:00hrs to 13:00hrs on Saturdays, and not at any time on Sundays and Bank or Statutory Holidays without prior approval from the Local Planning Authority.
- 14) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and been approved in writing by the Local Planning Authority to provide for:
  - space on site where vehicles of site operatives and visitors can park with details of how site operatives and visitors will be required to make use of the parking area provided
  - the location on site for storage of plant and materials used in constructing the development
  - the erection and maintenance (including removal of any graffiti or fly posters) of security hoarding around the site
  - wheel washing facilities on site
  - a scheme for recycling waste resulting from the construction works.

The measures within the approved Construction Method Statement shall be maintained and adhered to throughout the course of the development unless changes are agreed in advance and in writing by the Local Planning Authority.

- 15) No materials or green waste produced as a result of the clearance of the site, demolition works or construction works associated with the development hereby approved shall be burnt on site.
- 16) No mechanical plant shall be installed until a noise assessment of the proposed mechanical plant has been submitted and approved by the Local Planning Authority.

The assessment shall be carried out in accordance with BS4141:2014 methodology. The predicted specific sound level (LAeq,TR) as measured at a point 1 metre external to sensitive facades shall be at least 10dB below the existing background sound level, LA90,T when all plant/equipment (or any part of it) is in operation. The predicted rating level, LAr,Tr (specific sound level plus any adjustment for the characteristic features of the sound) as measured at a point 1 metre external to sensitive facades shall not exceed the existing background sound level, LA90,T when all plant/equipment (or any part of it) is in operation. The plant shall thereafter only be installed and operated in accordance with the assessment.

- 17) No development shall take place until the applicant or their agents or successors in title have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation,

- which has been submitted to and approved in writing by the Local Planning Authority.
- 18) The existing accesses to the site shall be stopped up and abandoned prior to occupation of the development. The footways and verge shall be reinstated to the satisfaction of the Local Planning Authority prior to occupation of the development.
  - 19) No building hereby permitted shall be occupied until the bicycle parking facility for that building has been provided in accordance with the approved plan. The facility shall be kept available for bicycle parking at all times thereafter.
  - 20) Within 3 months of first occupation a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include a full analysis of the existing / proposed modal split for staff and students at the development, reasons for the modal choice and detailed proposals for future transport provision with the aim of securing reduction in car trips generated to and from the development site.
  - 21) On the first anniversary of the approval of the Travel Plan and annually thereafter an annual review of the Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include a detailed survey of the number of movements generated by the development and shall be compared with the initial survey carried out under the terms of the condition above (the control level) and in the event of any reduction not being secured the applicant shall undertake measures any measure that have been first agreed in writing by the Local Planning Authority, as are necessary to cause a reduction in the number of car borne trips to, as a maximum, the control level. This may include such options as a greater provision of subsidised transport.
  - 22) No residential student unit hereby approved shall be occupied until the Council has been notified in writing of the full postal address of the unit. The notification shall be sent to the Council's Planning Manager quoting the application reference specified in this decision.
  - 23) Prior to any agreement being entered into for a new occupation of, or transfer of any interest in, the student residential units hereby approved, the prospective occupier/transferee shall be informed that there is no automatic entitlement to a car parking permit for any existing residential parking permit schemes and future schemes on adjacent and surrounding streets. All material used for advertising or marketing the student residential units for letting or sale shall make it clear to prospective tenants and occupiers that they will not be automatically entitled to a parking permit, but any application for a parking permit will be considered on its merits.
  - 24) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order revoking or re-enacting that order with or without modifications) the development hereby permitted shall be used only as student accommodation (Sui generis use) and for no other purpose.