

# SECTION 78 OF THE TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)

## GROUNDS OF APPEAL

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Appellant:	Kennet Properties
Local Planning Authority:	Reading Borough Council (RBC)
Reference:	09/01359/LBC
Site:	Reservoir and Pumping Station, Bath Road, Reading RG1 6PG
Description:	Conversion and extension of Water Tower for office use on the first, second and third floors and office/community use on the ground floor with associated car parking and landscaping.

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### 1) Introduction

- 1.1 The application forming this appeal was submitted to RBC on 4 August 2009 and registered on 24 August 2009. A hybrid planning application (ref: 09/01360/OUT) in respect of the wider site area was also submitted at the same time and is also subject of an appeal application.
- 1.2 The application was recommended for approval by the planning officer following a thorough assessment of all the issues involved and was supported by all professional officers at RBC (subject to planning conditions/S106 obligations). No objection to the scheme was raised by English Heritage.
- 1.3 Despite this level of professional support for the proposed appeal scheme, Members of the Planning Applications Committee unanimously decided to refuse the application (and the hybrid planning application) at the meeting on 7 October 2009. Officers were instructed to formalise the reasons for refusal for consideration by Members at the next meeting scheduled for 4 November 2009. The reasons for refusal are set out in the decision notice dated 10 November 2009.

1.4 It is contended that the single reason for refusal cannot be substantiated and detailed arguments will be provided in the Appellant's Statement of Case and in due course within the Proofs of Evidence produced by the Appellant's witnesses. In brief, the following statements reflect the Appellant's response to the Council's reason for refusal, although it should be noted that this response is not intended to be exhaustive.

## **2) Response to the Reason for Refusal**

2.1 (Reference Reason for Refusal No.1) – The listed tower has been redundant for a number of years with minimal maintenance work undertaken save for the installation of a temporary roof cover in 2005. It is a well-known visual local landmark along this stretch of Bath Road, but its unique design and internal arrangement means that its use is limited without internal and external alterations. PPG15 (paragraph 3.13) recognises that many listed buildings can often sustain some degree of sensitive alteration or extension to accommodate continuing or new uses.

2.2 As part of the redevelopment proposal for the site detailed discussions were held with English Heritage, and our own heritage consultants (CgMs), as to the acceptability of the proposed works to the tower.

2.3 The officer's report to the planning committee concludes that due to the fact that the proposed extension is set back from the façade of the listed structure this ensures the prominence of the listed building rather than the extension. The report also goes on to state that whilst the extension is contemporary in appearance, it is considered to represent a form of extension that would be complementary to the original utilitarian building and therefore acceptable.

2.4 In our opinion, the Council has placed insufficient weight on relevant national and local planning policy guidance when refusing the grant of listed building consent contrary to their professional advisors. As such, we believe that the proposed use, refurbishment/extension of the listed Water Tower fully accords with guidance contained in PPG15 (and the newly adopted PPS5), 'saved' Local Plan Policies CUD1 (*Works Affecting Listed Buildings*), CUD2 (*Change of Use of Listed Buildings*), CUD4 (*Setting of Listed Buildings*) and

Policy CS33 (*Protection and Enhancement of the Historic Environment*) of the adopted Core Strategy.

**3) Justification for Inquires Procedure**

- 3.1 We believe that this appeal should be co-joined with the hybrid application appeal given that they are inextricably linked and need to be determined together. The Inquiries procedure provides the best possible arena in which to review, discuss and cross-exam the subjective nature of the single reason for refusal requiring input from specialist consultants.