

Appendix 1

12.5

LENGTH IN METRES





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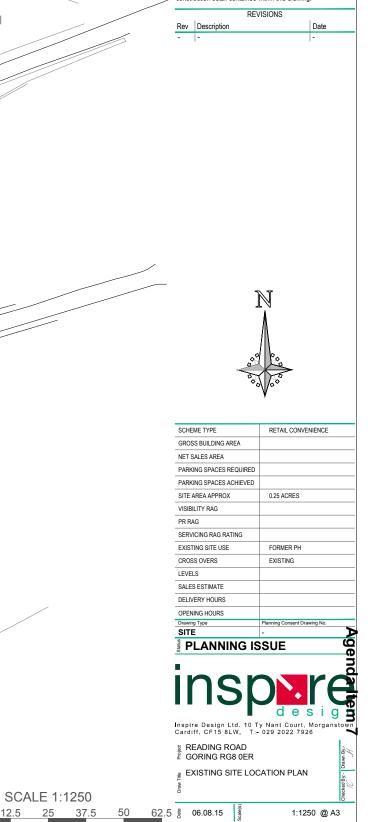
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Appeal Decisions

Site visit made on 5 May 2015

by Kenneth Stone Bsc(Hons) DipTP MRTPI

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

Decision date: 14 May 2015

Appeal A: APP/Q3115/A/14/2227637 Queens Arms, Reading Road, Goring on Thames, Reading RG8 0ER

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Tesco Stores Limited against South Oxfordshire District Council.
- The application Ref P14/S1428/FUL, is dated 6 May 2014.
- The development proposed is described as 'alterations to building including removal of existing front entrance canopy, installation of new shopfront and entrance doors and new window in Reading Road elevation and replacement of existing uPVC windows. Installation of new escape door in Gatehampton Road elevation and development ancillary thereto'.

Appeal B: APP/Q3115/A/14/2227646 Queens Arms, Reading Road, Goring on Thames, Reading RG8 0ER

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Tesco Stores Limited against South Oxfordshire District Council.
- The application Ref P14/S1425/FUL, is dated 6 May 2014.
- The development proposed is described as 'installation of two free standing cold storage rooms adjacent to existing outbuilding, with associated timber screening around to match height, with ancillary development. Erection of dark brown coloured canopy to rear, all to be located behind a 2m high timber fence separating the car park from the rear yard area'.

Appeal C: APP/Q3115/A/14/2227648 Queens Arms, Reading Road, Goring on Thames, Reading RG8 0ER

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Tesco Stores Limited against South Oxfordshire District Council.
- The application Ref P14/S1427/FUL, is dated 6 May 2014.
- The development proposed is described as 'installation of plant, timber compound and ancillary development'.

Appeal D: APP/Q3115/H/14/2227628 Queens Arms, Reading Road, Goring on Thames, Reading RG8 0ER

• The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a failure to give notice within the prescribed period of a decision on an application for express consent to display an advertisement.

- The appeal is made by Tesco Stores Limited against South Oxfordshire District Council.
- The application Ref P14/S1423/A is dated 6 May 2014. The advertisements proposed are described as 'new fascia signage, hanging sign, gantry sign and various car park signage'.

Decisions

Appeal A

1. The appeal is allowed and planning permission is granted for alterations to building including removal of existing front entrance canopy, installation of new shopfront and entrance doors and new window in Reading Road elevation and replacement of existing uPVC windows. Installation of new escape door in Gatehampton Road elevation and development ancillary thereto at Queens Arms, Reading Road, Goring on Thames, Reading RG8 0ER in accordance with the terms of the application, Ref P14/S1428/FUL, is dated 6 May 2014, subject to the conditions detailed in the relevant schedule at the end of this decision.

Appeal B

2. The appeal is allowed and planning permission is granted for installation of two free standing cold storage rooms adjacent to existing outbuilding, with associated timber screening around to match height, with ancillary development. Erection of dark brown coloured canopy to rear, all to be located behind a 2m high timber fence separating the car park from the rear yard area at Queens Arms, Reading Road, Goring on Thames, Reading RG8 0ER in accordance with the terms of the application, Ref P14/S1425/FUL, is dated 6 May 2014, subject to the conditions detailed in the relevant schedule at the end of this decision.

Appeal C

3. The appeal is allowed and planning permission is granted for installation of plant, timber compound and ancillary development at Queens Arms, Reading Road, Goring on Thames, Reading RG8 0ER in accordance with the terms of the application, Ref P14/S1427/FUL, is dated 6 May 2014, subject to the conditions detailed in the relevant schedule at the end of this decision.

Appeal D

4. The appeal is allowed and express consent is granted for the display of new fascia signage, hanging sign, gantry sign and various car park signage as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations.

Background and Procedural Matters

5. The appeals are submitted following the Council's failure to give notice of its decision within the relevant time period for each of the applications. The Council are concerned that an unimplemented planning permission has been shown on the application plans and that there are legal issues related to the potential implementation of that permission. Each of the appeals before me however relates to a scheme which does not directly affect, or is affected by, the proposed extension. Appeal A deals with alterations to the front elevation and a side elevation of the existing building. In isolation the alterations do not, or are not, altered by whether the building has been extended to the rear or

not. Appeals B and C relate to free standing cold storage rooms, plant and equipment and various ancillary elements. The structures proposed are not shown to be directly linked to the proposed extension and would not prevent its implementation. The plans and details submitted with the applications plainly describe the matters for which permission is sought in the context of the descriptions of developments and it is clear what is being applied for. Similarly the proposed signage is dispersed around the site, primarily towards the front of the building. The siting, location and design of the signage is not affected by the presence, or not, of the extension.

- 6. The extension of the public house is not a matter before me and given the above conclusions is not one which I need to address. I have considered each of the proposals on the basis of the existing building as I saw at my site visit and the information submitted with the applications in that context.
- 7. The appellant contends that the proposed building has its lawful use as a public house and that under permitted development it could be changed to a retail shop. However, under class A of part 3 of schedule 2 to the Town and Country Planning (General Permitted Development)(England) Order 2015 (GPDO) this permitted change is subject to limitations and conditions related to the buildings status in the context of Assets of Community Value. Subsequent to my site visit the Council have drawn my attention to the fact that it has received an application for nomination for the inclusion of the Queens Arms Public House on the list of Assets of Community Value. This application has however not yet been validated or determined. The proposed developments and advertisements are not directly dependent on the use of the building and do not fundamentally depend on that use. The alterations to the elevations of the existing building could be made no matter the use of the building and similarly the free standing cold storage rooms and plant and equipment could be installed no matter the use of the building. In the context of advertisements, control may only be exercised in the interests of amenity and public safety. This relates to the size, siting, style, form, colouring and materials of the signage but not the content. The issue of the use of the building is a matter for the Council and is not before me. Consequently, the potential impacts that may arise from that use, including the impact on the nearby village centre and the traffic movements associated with it are not matters that are directly material to the consideration of these appeals.
- 8. I have considered these appeals on the basis of the above.

Main Issues

- 9. The Council have not identified any specific concerns related to the impacts arising from the proposals as described in the applications and many of the objections that have been raised by local residents relate to the use of the building. Given the above I have concluded that the main issues are:
 - the effect of the developments and advertisements on the character and appearance of the surrounding area; and
 - in relation to appeals B and C, the effect of the developments on the living conditions of nearby residents, in particular from noise and disturbance.

Reasons

Character and appearance

- 10. The appeal site accommodates a vacant detached two storey building with pitched roofs and which was formerly in use as a public house. The site is located at the junction of Reading Road and Gatehampton Road in the village of Goring-on-Thames. The appeal site abuts the Goring Conservation Area, which extends to the west and is predominantly focussed on the village centre across the railway line. The area is predominantly residential in character and contains buildings of varying ages and designs. The site lies within the Chilterns Area of Outstanding Natural Beauty (AONB).
- 11. The alterations to the elevations proposed under appeal A would result in the removal of a small porch to the front elevation and its replacement with a window of a design, shape and size to match those on the remainder of that elevation, which it is also proposed to upgrade. This would not significantly alter the contribution of the building to the street scene and generally improve the appearance of elevation. A new entrance door and shopfront at the eastern end of the elevation would be of a scale, form and detailing that is reasonably consistent with the other openings that would be provided on the elevation. The proposed alterations, in combination, would provide for a coherent and consistent level of design and detail which would be sympathetic to the existing building. The insertion of a security door in the Gatehampton Road frontage of the existing building would be a minor alteration having limited impact on the appearance of the elevation or the street scene.
- 12. The proposed cold storage rooms and canopy proposed under appeal B are located to the ear of the existing building. They would be set adjacent to the existing outbuilding and the cold stores would have a timber screen applied. All this development would be located behind timber fencing that would be erected to separate the area from the car park area. There would be limited views of the structures available from outside of the site or within the car park area of he site. Given the limited size, scale and height of these structures, and the context of the surrounding means of enclosure, both existing and proposed, the structures would have a limited impact on the appearance of the street scene or the general area.
- 13. The air conditioning units and plant proposed under appeal C would be located within an acoustic fenced compound. The height of the units, plant and equipment would be screened by the timber compound fencing. The impact of this scheme would have no significant effect on the appearance of the wider area from which it would be well screened. The fencing of the site erected under appeal B would add further screening such that the compound would not be visible from either within the car park area or outside the site.
- 14. The proposed advertisements are discreet additions to the building and the site in general. The signage added to the main frontage is small individual lettering illuminated by a strip lighting from above. In the context of the elevation the lettering is restrained and would not dominate the architectural detailing. The signage scheme would provide a hanging sign and gantry sign in locations where similar pub signs were previously displayed. The signage would be of a size, scale and form that would be reflective of traditional pub signs. The small

information signs within the car park are minor elements that would not be highly visible from outside the site.

- 15. Overall the proposed developments together would not significantly change the character of appearance of the existing building and the proposed signage is restrained and modest. The alterations proposed would not affect the setting of the adjacent conservation area and would be comfortably accommodated on the existing building and within the existing street scene. The site is located within the built up area and the limited alterations additions and advertisements would not add significantly to the impact of the building and site in the context of the AONB.
- 16. For the reasons given above I conclude that the proposed development and advertisements would not materially harm the character and appearance of the area. Consequently the proposals would not conflict with policies CSQ3, CSEN1, CSEN3 or AD1 of the South Oxfordshire Core Strategy 2012 (CS) or policies G2, D1 or CON7 of the South Oxfordshire Local Plan 2011 (LP). In the context of the advertisement appeal I have taken the relevant policies into account as material considerations but, by themselves, they have not been decisive as under the regulations I may only exercise control in the interests of amenity and public safety, taking account of any material factors.

Living conditions

- 17. Policy EP2 of the LP indicates that proposals that would, by reason of noise or vibrations, have an adverse effect on occupiers of surrounding properties will not be permitted unless effective mitigation measures are implemented. The appellant has provided an Environmental Acoustic Assessment by KR Associates, however this is based on BS4142:1997 which has now been withdrawn. The revised *BS4142:2014 Methods for Rating and Assessing Industrial and Commercial Sound* is now the appropriate method for rating and assessing sound of an industrial and/or commercial nature.
- 18. Having regard to BS4142:2014 the basis for assessing impacts has changed and a difference between the rating level and background sound level of more than 10dB is likely to be an indication of a significant adverse impact depending on the situation; 5dB difference likely to be an indication of adverse impact, depending on the situation. Whilst the assessment has not been undertaken in the context of the updated standard the information I have available to me indicates that the background noise levels during the daytime would be $L_{Aeg 1 hour}$ 52dB and at night $L_{Aeg 5 Minutes}$ 49dB. The amended BS has changed the night time reference interval to 15 minutes rather than the 5 minutes identified. The maximum noise level from the plant has been shown to be $L_{Aeg 1 hour}$ 27dB and at night $L_{Aeg 5 Minutes}$ 13dB. The noise rating from the proposed equipment would therefore be substantially below the background levels. Even taking account of the changes to measurements and reference intervals it is unlikely that the differences would result in an increase above the background levels such that would have either a significant adverse effect or even an adverse effect. The report identifies recommendations detailing requirements for the development to ensure there is no significant effect including the lining of the plant enclosure, the density of the timber for the enclosure, its height and air gap at the bottom. These are matters that can be secured by condition. The Council have provided no evidence related to the noise impact of the plant and equipment.

- 19. The proposed cold store rooms do not have any mechanical items located externally and thus do not emit noise.
- 20. The consideration of the impact of such noise must be considered in the context of the existing authorised use of the premises as a public house and the potential impact that may have.
- 21. On the basis of the above I conclude that the proposed cold store rooms, plant and equipment proposed under appeals B and C would not materially harm the living conditions of occupiers of surrounding properties, in particular from noise and disturbance. Consequently they would not conflict with policy EP2 of the LP.

Other matters

- 22. The appellant has identified a number of positive benefits that derive from the enhanced retail provision of the site but as these primarily relate to the proposed use of the building, which is not before me, it is not appropriate to weigh them as positives in favour of the developments the subject of these appeals.
- 23. There has been a significant amount of public interest in the proposals and I have had regard to the matters raised in the representations where material to the applications before me and in the context of my procedural matters above.

Overall Conclusions and conditions

- 24. The proposed alterations and additions to the buildings and site proposed under the terms of the various appeals do not either individually or in combination result in material harm to the character and appearance of the surrounding area or the living conditions of occupants of surrounding properties. In this context I am satisfied hat he proposed developments are sustainable development in the context of the National Planning Policy Framework.
- 25. The plans submitted with the applications and appeals include the extant permission for an extension and whilst I have concluded that the proposed developments do not affect, or are not affected by, the implementation of this development, this may lead to uncertainty about what is permitted if I impose the normal approved plans condition. For the sake of clarity and to avoid confusion I therefore have imposed conditions requiring the submission of detailed plans and elevations showing each of the developments hereby approved in the context of the existing building, before works begin. In the context of appeal C I have also imposed a condition requiring the development to be undertaken in accordance with the recommendations contained in the latest Environmental Acoustic Assessment by KR Associates.
- 26. For the reasons given above I conclude that the appeals should be allowed.

Kenneth Stone

INSPECTOR

Schedule of conditions for Appeal A: APP/Q3115/A/14/2227637

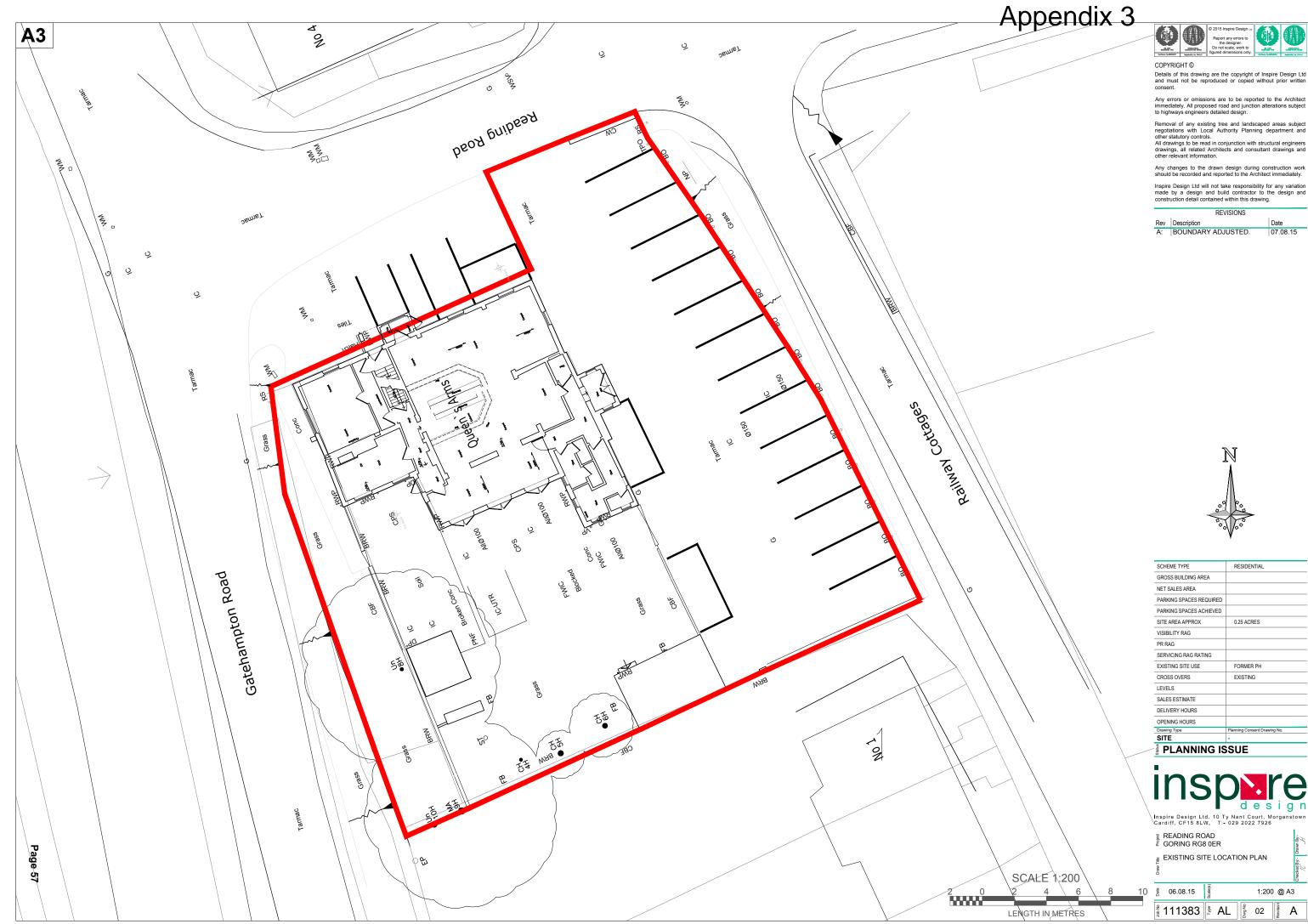
- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) Prior to the implementation of the development hereby approved detailed plans and elevations of the proposed development shown in the context of the existing building shall be submitted to and agreed in writing by the local planning Authority. The development shall be carried out in accordance with the agreed plans.

Schedule of conditions for Appeal B: APP/Q3115/A/14/2227646

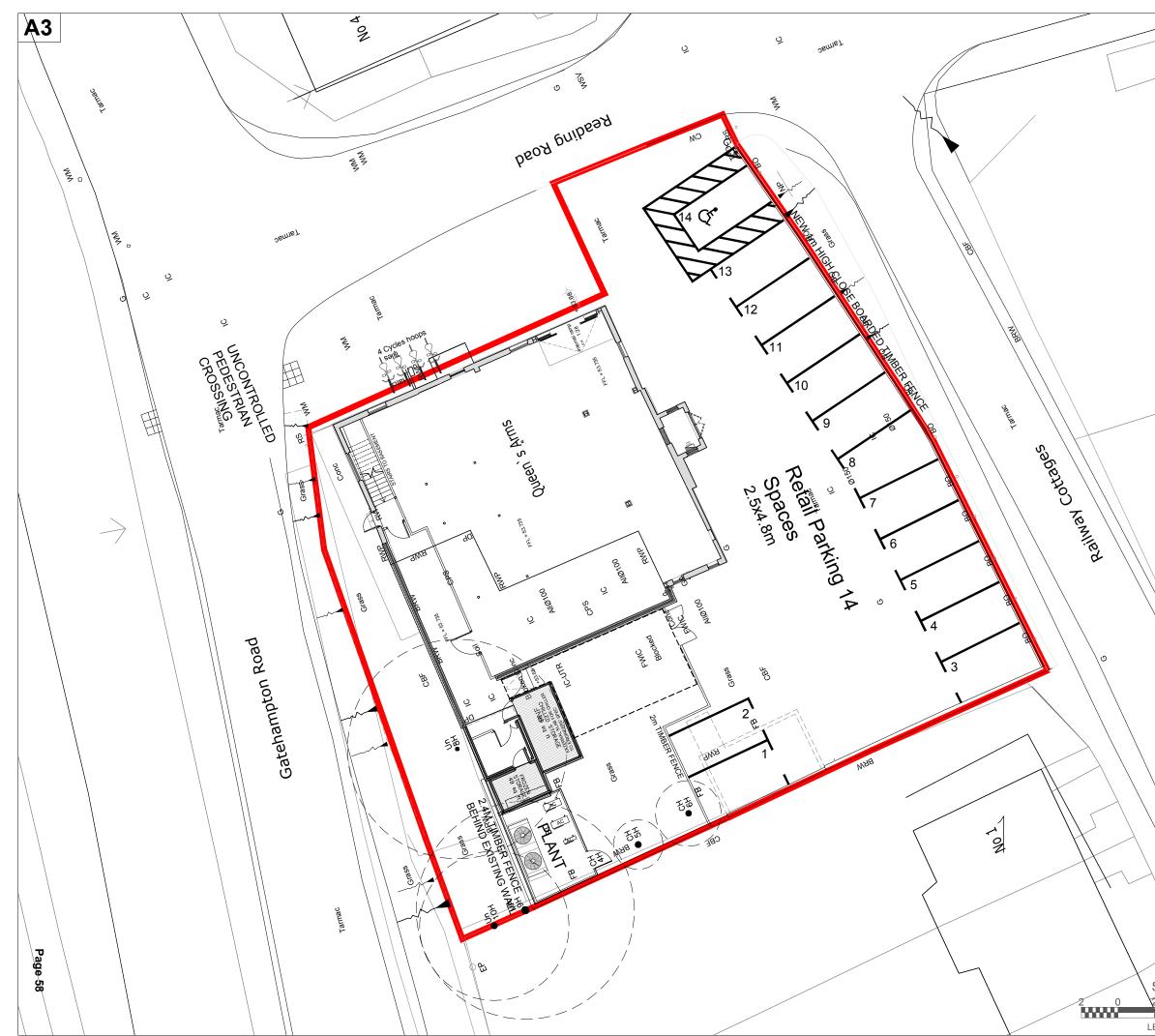
- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) Prior to the implementation of the development hereby approved detailed plans and elevations of the proposed development shown in the context of the existing building shall be submitted to and agreed in writing by the local planning Authority. The development shall be carried out in accordance with the agreed plans.

Schedule of conditions for Appeal C: APP/Q3115/A/14/2227648

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) Prior to the implementation of the development hereby approved detailed plans and elevations of the proposed development shown in the context of the existing building shall be submitted to and agreed in writing by the local planning Authority. The development shall be carried out in accordance with the agreed plans.
- 3) The development hereby approved shall be carried out in accordance with the recommendations contained in the Environmental Acoustic Assessment ref KR04040 v1.1(Full) dated September 2014 by KR Associates.













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K:	GARAGE DEMOLISHED.	18.08.15		
L:	REAR FENCE ADJUSTED.	21.08.15		
M:	CYCLES REPOSITIONED.	24.08.15		



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Existing Rear Elevation



Existing Side Elevation - Gatehampton Road

Page 60

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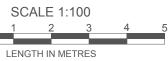
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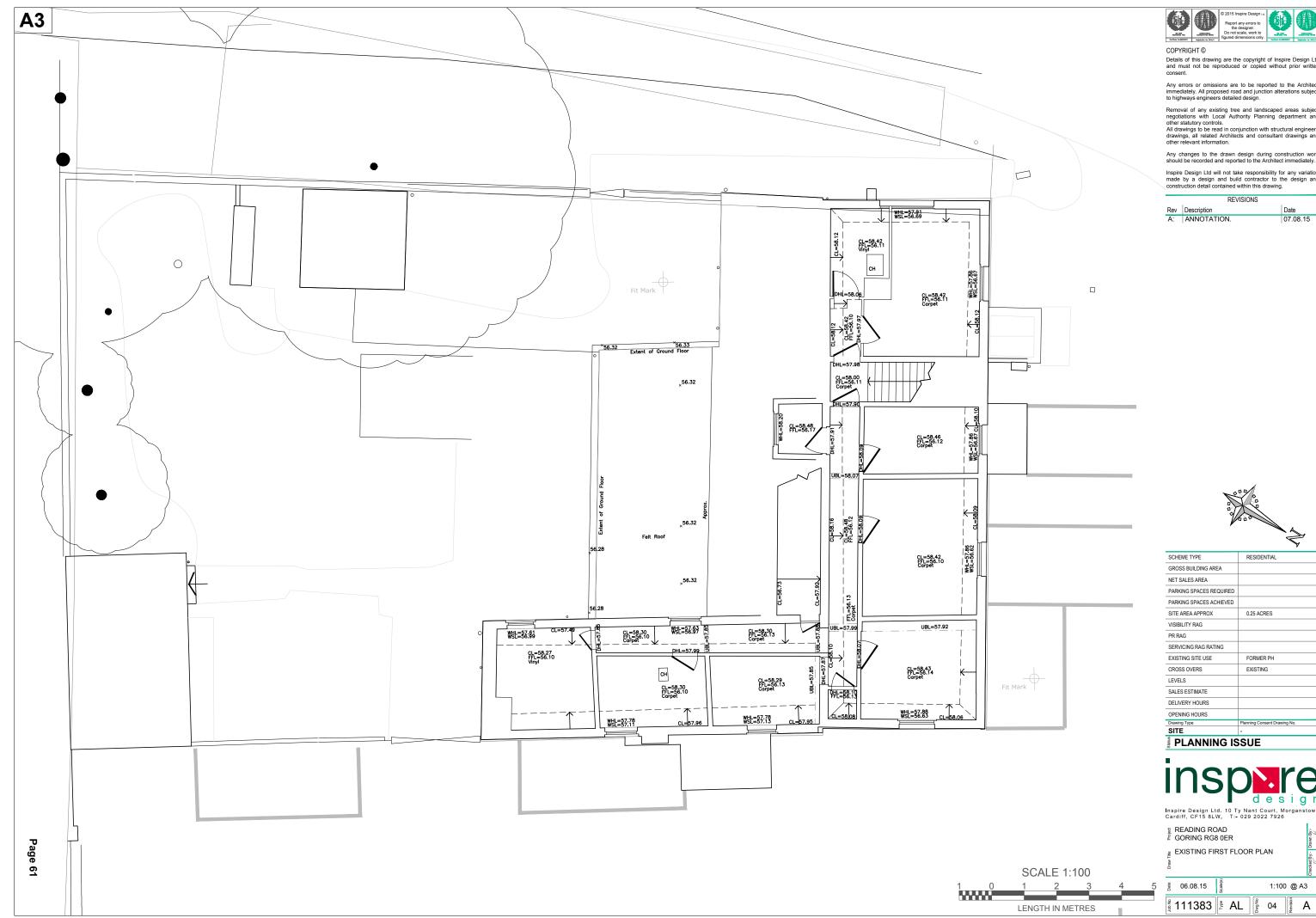
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READING ROAD EXISTING FIRST FLOOR PLAN

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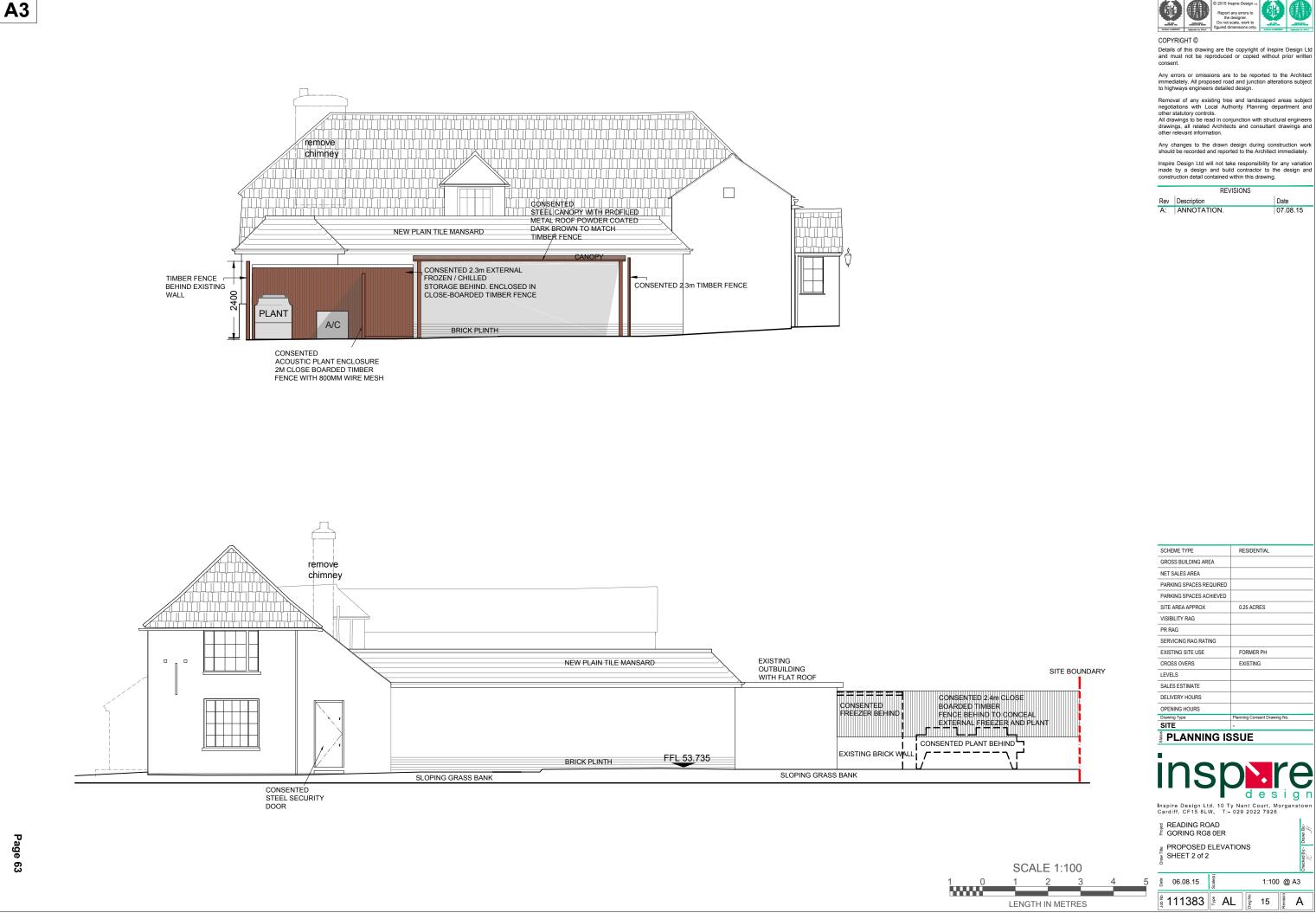
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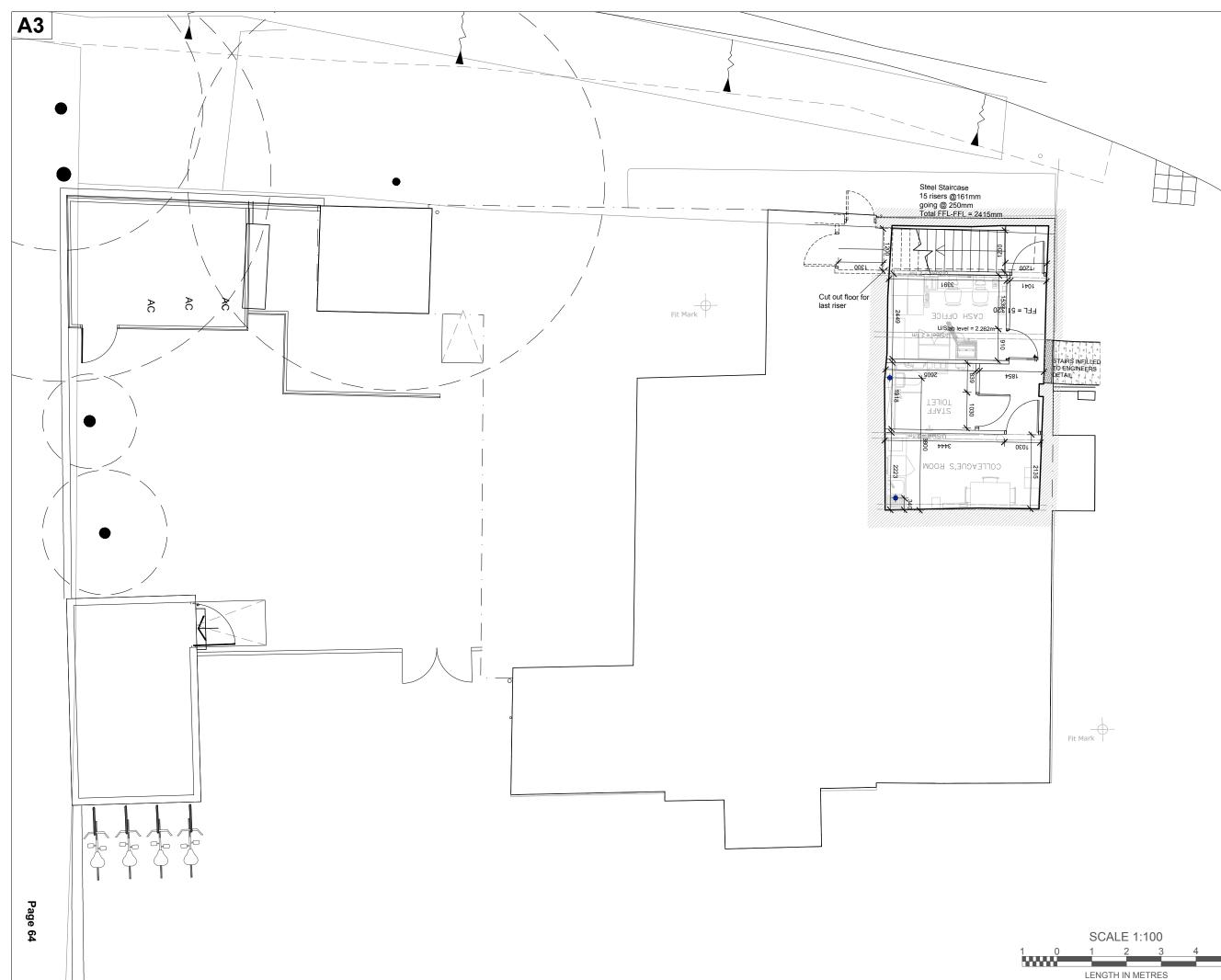




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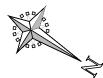
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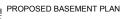
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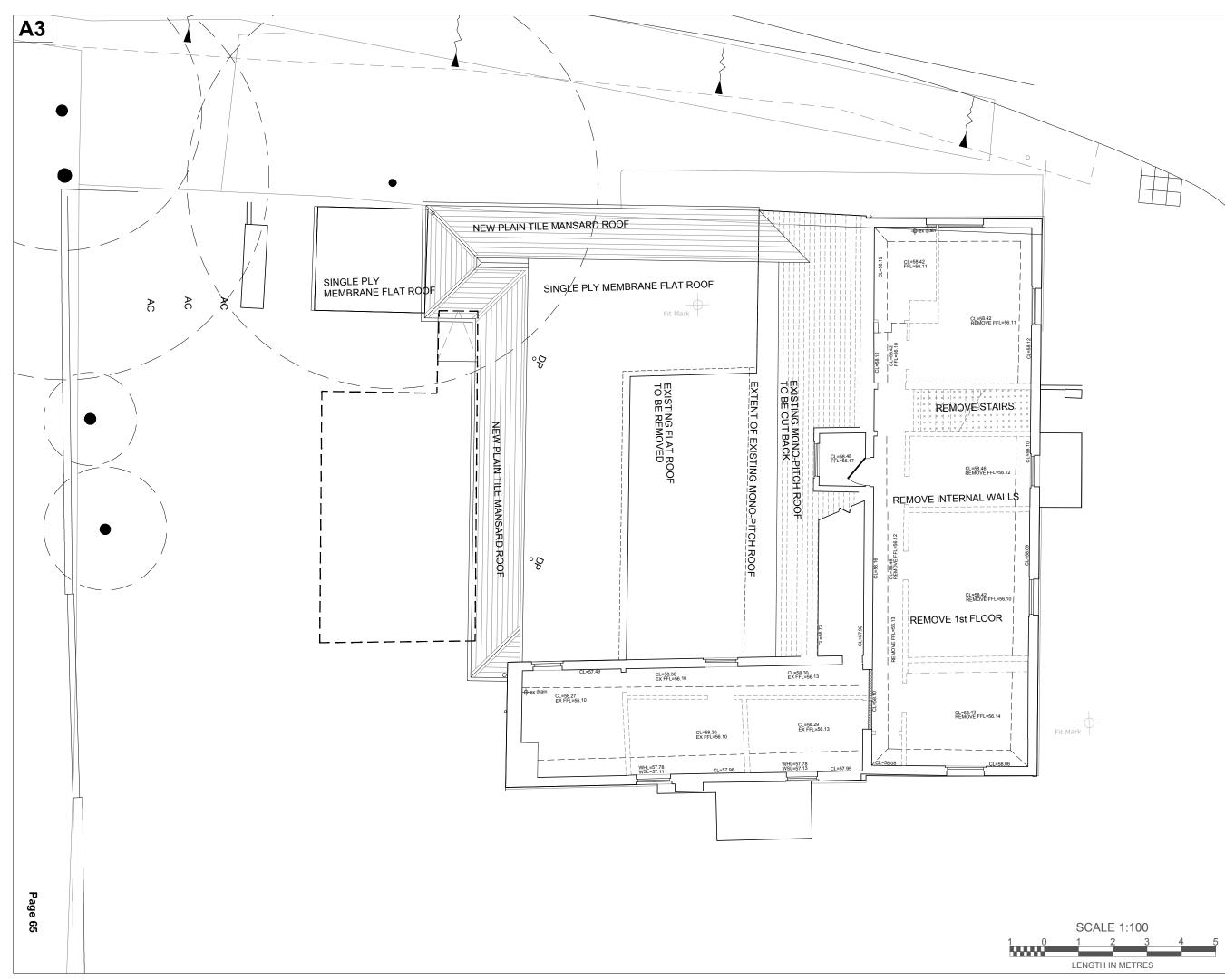


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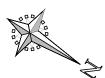
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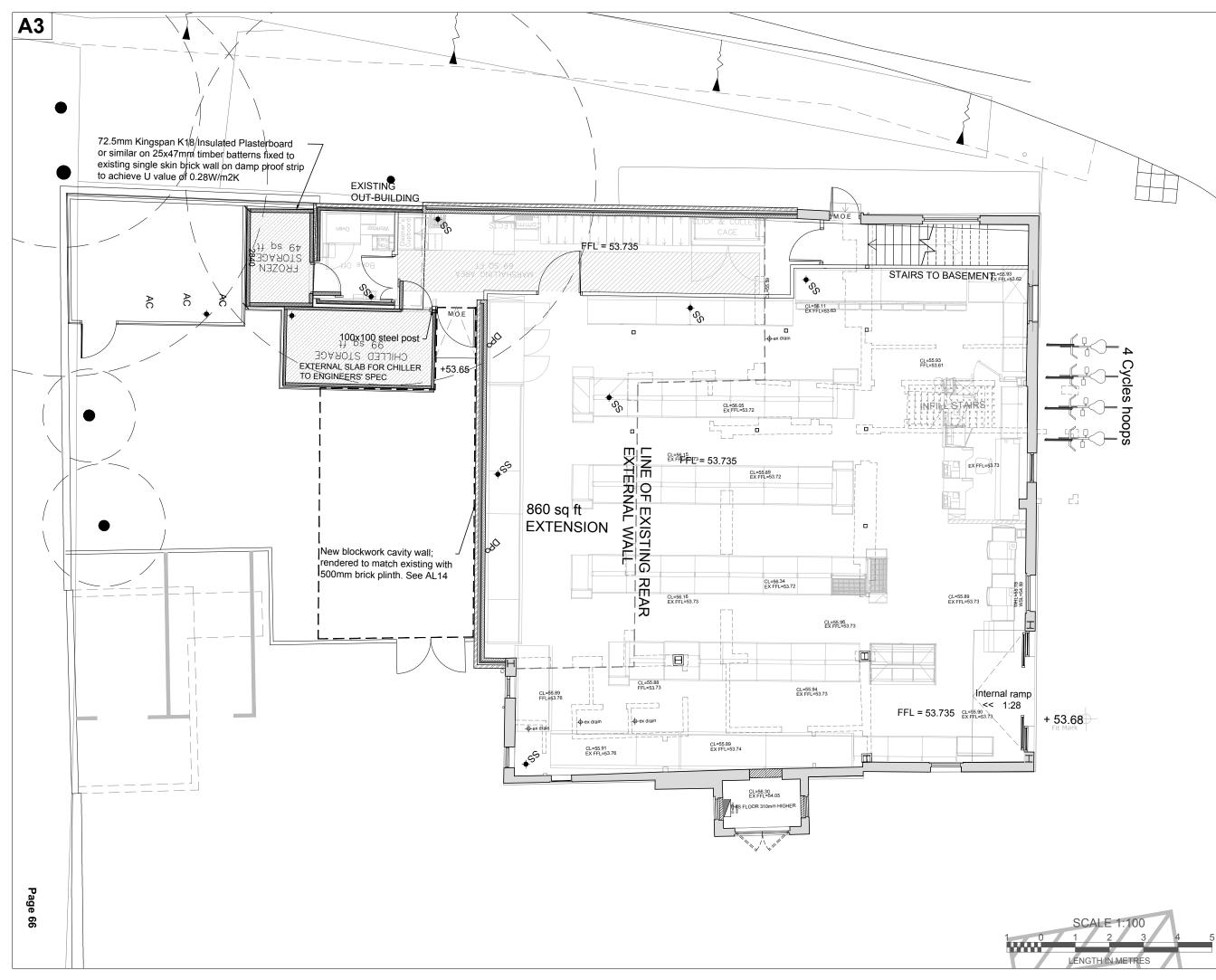


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CROSS OVERS	EXISTING
LEVELS	
SALES ESTIMATE	
DELIVERY HOURS	
OPENING HOURS	
Drawing Type	Planning Consent Drawing No.
SITE	-
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Inspire Design Ltd. 10 T Cardiff, CF15 8LW. T:-	y Nant Court, Morganstown 029 2022 7926

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· 06.08.15







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Any errors or omissions are to be reported to the Architec immediately. All proposed road and junction alterations subject to highways engineers detailed design.

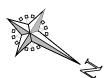
Removal of any existing tree and landscaped areas subject negotiations with Local Authority Planning department and other statutory controls. All drawings to be read in conjunction with structural engineers drawings, all related Architects and consultant drawings and other relevant information.

Any changes to the drawn design during construction wor should be recorded and reported to the Architect immediately.

Inspire Design Ltd will not take responsibility for any variation made by a design and build contractor to the design and construction detail contained within this drawing.

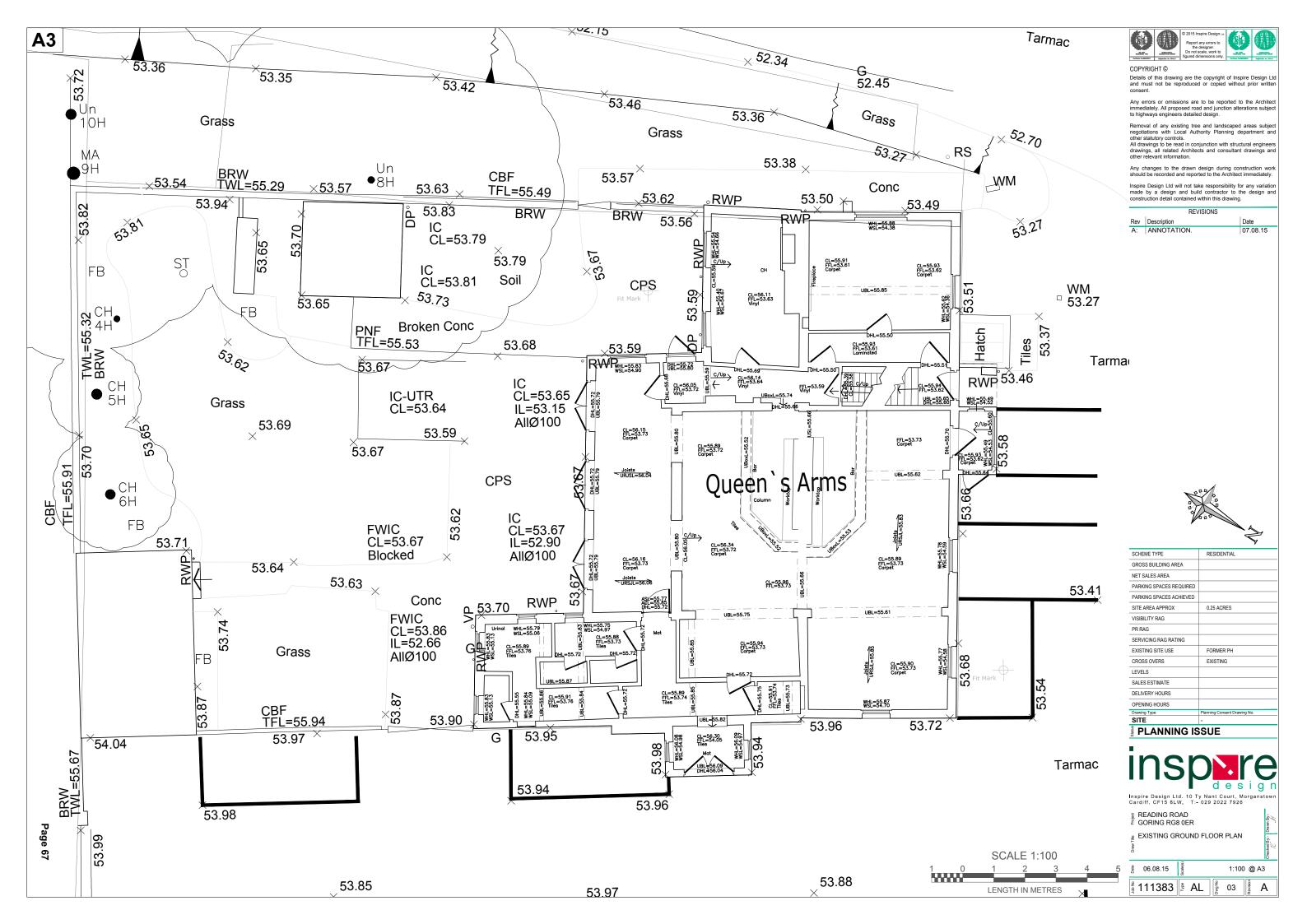
	REVISIONS	
Rev	Description	Date
G:	ANNOTATION.	07.08.15
H:	GARAGE DEMOLISHED.	18.08.15

H:	GARAGE DEMOLISHED.	18.08.15
J:	REAR FENCE ADJUSTED.	21.08.15
K:	CYCLES REPOSITIONED.	24.08.15



SCHEME TYPE	
JUNEWIE I TEE	RESIDENTIAL
GROSS BUILDING AR	EA
NET SALES AREA	
PARKING SPACES RE	QUIRED
PARKING SPACES AC	HIEVED
SITE AREA APPROX	0.25 ACRES
VISIBILITY RAG	
PR RAG	
SERVICING RAG RATI	NG
EXISTING SITE USE	FORMER PH
CROSS OVERS	EXISTING
LEVELS	
SALES ESTIMATE	
DELIVERY HOURS	
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