COMMITTEE REPORT

BY THE DIRECTOR OF ENVIRONMENT AND NEIGHBOURHOOD SERVICES
READING BOROUGH COUNCIL
PLANNING APPLICATIONS COMMITTEE: 4th April 2018

Ward: Katesgrove
App No.: 180075/VAR
Address: 79 Silver Street Reading
Proposal: Demolition of existing building and erection of a part 3 and part 4 storey (plus basement level) building to provide 56 student studio rooms (sui generis use class) with associated ancillary services and landscaping works without complying with condition 2 (approved plans) of planning permission 170685 to introduce a larger basement area to allow an increase to 61 student studio rooms.
Applicant: Chamberwell Investment Services Limited
Major Application 13 week target decision date: 17 April 2018.

RECOMMENDATION

Delegate to the Head of Planning, Development and Regulatory Services to:

GRANT this variation of planning permission 170685 subject to the satisfactory completion of a S.106 legal agreement, or

ii) REFUSE permission should the legal agreement not be completed by 6 October 2017 (unless the Head of Planning, Development and Regulatory Services agrees to a later date for completion of the legal agreement).

The legal agreement to secure:

1. Employment Skills and Training Plan
2. Restrict the use of the living accommodation to be occupied as student accommodation only (including postgraduates)
3. Travel Plan

Changed or new conditions shown below in bold type. All other conditions as before for 170685.

1. Time Limit - 3 years from 10 January 2018 (date original granted)
2. Amended Approved drawings
3. Construction Method Statement to include highways matters, noise, dust and bonfire control
4. Standard hours of construction and demolition
5. Scheme for control of noise & dust during the construction period
6. No burning of waste materials (construction period)
7. Details and Samples of all external materials
8. Amended Hard and soft landscaping to be as approved
9. Development in accordance with Arboricultural Method Statement submitted
10. Landscape management and maintenance
11. No external plant other than in accordance with a BS4142 noise assessment
12. Implementation of archaeological works in accordance with written scheme of investigation
13. Details of air quality mitigation measures to include glazing and ventilation system
14. External noise assessment in accordance with BS8233
15. Servicing, delivery and waste management plan to be submitted prior to occupation
16. Existing vehicle crossover to be widened
17. Implementation and continued use of the approved Student Accommodation Management Plan
18. Windows to south facing elevations to be permanently fitted with privacy film as approved and limited opening (or other obscure glazing to be approved)
19. Secure cycle parking in accordance with approved plans
20. Provision of refuse stores
21. Vehicle parking provided before occupation
22. Parking Permit standard no.1 - notify Council of address
23. Parking Permit standard no.2 - notify occupants of no entitlement
24. Parking allocation details
25. SUDS details
26. SUDS implementation
New 27. Limit of no more than 61 students living on site at any time.

Informatives (all as before)

1. INTRODUCTION

1.1 The application site is an office building with a retail furniture outlet at ground floor set back from Silver Street behind a small forecourt. There is an access leading to a car park at the rear.

1.2 Adjoining to the north is Windsor Square, a business centre of 2/3 storey units arranged either side of a cul-de-sac and beyond these are flats in Stirling House, Jubilee Square and Quadrant Court (3-6 storeys). On the south boundary is the residential terraced row of Mount Pleasant, the gardens of which run parallel to the same depth as the site.

1.3 Silver Street is a busy one-way thoroughfare leading away from the town centre off the A4 London Road. On the west side is a mixture of residential flats (3 storeys) and vacant business premises plus the Rising Sun Arts Centre (a listed former public house). To the rear of the site beyond the east boundary are the gardens of residential properties in Kendrick Road, which lie within Kendrick Road Conservation Area and where there are some TPO trees.

Site location plan
2. PROPOSAL

2.1 Permission is sought to amend the plans as approved for application 170685 to provide more studio rooms in the rear sub-basement area to increase the student accommodation to 61 study rooms. The applicant explains that “the 5 additional rooms will meet more of the acknowledged needs for purpose built student housing in Reading”.

2.2 The external scale of the building will remain as approved and the appearance of the north south and west elevations will not change. The change only involves extending the footprint of the basement level further east.

2.3 The differences with the recently approved scheme are summarised as:

- the lower ground floor rear extended east to create 5 additional rooms each with a floor area of about 22 square metres.
- the small patio gardens that were to serve the ground floor rear facing rooms would be excavated to serve the basement rooms instead.
• the number of student rooms has been increased from 56 to 61

2.4 Under the terms of our delegation officers need to seek agreement from the ward councillors and the Chair of Planning Applications Committee to determine varied planning applications. In view of the previous concerns with this site ward councillor Rose Williams and the Chair have requested that this application is determined by this committee.

2.5 The scope of a Local Planning Authority’s (LPA) powers when considering an application under Section 73 of the 1990 Town & Country Planning Act is more limited than when considering an application for full planning permission. s73 allows a developer to substitute a new planning permission for a previous one and LPA’s should not re-examine the basis of the earlier permission unless there have been a material change to relevant circumstances. When considering a s73 application the LPA should focus on the issues raised by the requested change to conditions. However, where relevant, the LPA can impose additional conditions.

3. PLANNING HISTORY

3.1 081152 Certificate of lawfulness for existing use classes: Ground floor A1 and B1, First Floor B1, Third Floor B1 (Certificate of Lawfulness Application) PER 22.12.2008

151742 Demolition and rebuild of McQueen House to comprise circa 60 student units with approx.3,000 sqm GIFA in total. Proposals would also include an active retail frontage of the development (Pre-Application Enquiry) OBS SENT 6.11.2015

152093 Demolition and rebuild of McQueen House (Pre-Application Enquiry) NO OBS

161805 Demolition of existing building and erection of a part 3 and part 4 storey (plus basement level) building to provide 65 student studio rooms (sui generis use class) with associated support services, street frontage retail unit (A1, A2 or A3 use class), and landscaping works. REF 9.3.2017

170685 Demolition of existing building and erection of a part 3 and part 4 storey (plus basement level) building to provide 56 student studio rooms (sui generis use class) with associated ancillary services and landscaping works. PER 10.1.2018
4. **CONSULTATIONS**

**Statutory:**
None required

**Non-statutory:**

RBC Natural Environment (Trees/Landscape):
As you are aware, we expressed some concern with the original application in relation to the potential overbearing nature of the two mature, off-site trees and the resulting likely issues relating to blocking light and nuisance (honeydew, leaves, bird droppings etc). Whilst the proposed addition of the basement doesn't change the footprint significantly - I note the addition of dig at the rear to create a lightwell area for the proposed basement rooms (root investigations demonstrating the acceptability of this in root terms) - it will result in the mature trees having a more overbearing nature to the basement users and probably increasing the impact of the aforementioned issues. I am therefore not 100% satisfied that this proposal is prudent with regard to the off-site trees and future pressure on these, one of which is in a conservation area.

With regard to Planting Plan 2504 201 H and Landscape Layout 2504 101 H, I note the addition of further large shrub/small tree planting on the rear boundary, which I have no objection to.

If you are minded to approve the Variation of condition 2, these two plans should be listed. It should be noted that the change in approved landscape plans will also mean that condition 8 of 170685 needs to be varied otherwise the two conditions will be conflicting.

RBC Transport Strategy:
The site achieved full planning consent in under application no. 170685 for the demolition of existing building and erection of a part 3 and part 4 storey (plus basement level) building to provide 56 student studio rooms.

The amendments sought under this application will result in an increased amount of accommodation increasing the number of student rooms from 56 to 61 within the basement. The amount of communal services (reception, laundry, common room, bin storage, service, vehicle and bicycle parking) will remain at the same level as originally proposed.

The site is proposed to be car-free and no students will be permitted to bring cars to the site under the terms of the tenancy agreement. Therefore, the increase in student rooms is unlikely to result in a material increase or a material change in traffic travelling to the site by car. The arrival and departure process will be managed through the approved Student Accommodation Management Plan which was conditioned under planning permission 170685. The Management Plan included a pre-booked timeslot approach to facilitate the arrival and departure process and minimise the highway impact.

A Construction Method Statement is required to be submitted and approved by the Local Planning Authority before any development, including any evacuation at basement level, commences.

In principle, there are no transport objections to the proposed increase in student rooms. However, additional cycle parking provisions should be made available within the site for the additional students.
RBC Waste Minimisation & Recycling Officer:
No comments received but no objections were confirmed for the previous applications.

RBC Environmental Health (Protection & Nuisance):
No objection subject to conditions as on 170685 regarding mitigating external noise, control of noise & dust/hours of working/no burning of waste during construction period.

Berkshire Archaeology
I have reviewed the changes to the proposals submitted under 180075 and can confirm that the comments we provided in relation to 170685 still stand.

Confirm that there are potential archaeological issues associated with the proposed development as the site is located just to the south of the Civil War defences. Elements of the defences have previously been recorded less than 50m to the north where Stirling House now stands and also running southwest-northeast through the current locations of Aveley House and Rimaud House.

Activity dating to the 17th and 18th centuries was recorded at 32-38 Silver Street, with some of the features possibly associated with the Civil War defences. Given the proximity of the site to these features there is the potential that the site may contain archaeological deposits or features associated with the Civil War period in Reading. Although there is an existing building which will have caused some disturbance on site, the proposals include a basement which has the potential to impact any archaeological buried remains that may be present below the depth of the existing impact of the building.

In the first instance recommend a small amount of trial trenching, following demolition of the existing building, to evaluate the archaeological potential of the site.

We advise that archaeological trial trenching should be completed in advance on development in order to evaluate the potential for archaeological deposits to be disturbed.

Conditions as before are recommended.

Neighbour Notification:
Nos. 26, 26A & 28 Kendrick Road; Nos. 1-16 (All) Hieatt Close, Mount Pleasant (Silver Street); Nos. 1, 3, 5 & 9 Mount Pleasant (Silver Street); Nos. 5-8 (All) Windsor Square (Silver Street) were consulted and a site notice displayed.

There have been 2 objections and a petition with 60 names received with issues to do with noise, traffic and impact on the local community raised.

5. RELEVANT POLICY AND GUIDANCE

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Material considerations include relevant policies in the National Planning Policy Framework (NPPF) published in March 2012 - among them the ‘presumption in favour of sustainable development’. However the NPPF
(and the draft NPPF 2018) does not change the statutory status of the development plan as the starting point for decision making.

5.2 Accordingly, the National Planning Policy Framework and the following development plan policies and supplementary planning guidance are relevant:

**Reading Borough LDF Core Strategy 2008 (Altered 2015)**
- CS1 Sustainable Construction and Design
- CS2 Waste Minimisation
- CS4 Accessibility and the intensity of development
- CS5 Inclusive Access
- CS7 Design and the Public Realm
- CS9 Infrastructure, Services, Resources and Amenities
- CS11 Use of Employment Land for Alternative Uses
- CS20 Implementation of the Reading Transport Strategy
- CS23 Sustainable Travel and Travel Plans
- CS24 Car/Cycle Parking
- CS26 Network and Hierarchy of Centres
- CS31 Additional and Existing Community Facilities
- CS32 Impacts on Community Facilities
- CS33 Protection and Enhancement of the Historic Environment
- CS34 Pollution and Water Resources
- CS36 Biodiversity and Geology
- CS38 Trees, Hedges and Woodland

**Sites and Detailed Policies Document 2012 (Altered 2015)**
- SD1 Presumption In Favour Of Sustainable Development
- DM1 Adaptation to Climate Change
- DM3 Infrastructure Planning
- DM4 Safeguarding Amenity
- DM10 Private and Communal Outdoor Space
- DM12 Access, Traffic and Highway-Related Matters
- DM13 Vitality and Viability of Smaller Centres
- DM18 Tree Planting
- DM19 Air Quality
- SA14 Cycle Routes

**Supplementary Planning Guidance**
- Revised Parking Standards and Design SPD (2011)
- Revised SPD Planning Obligations under Section 106 (2015)
- Sustainable Design and Construction SPD (2011)
- Employment, Skills and Training SPD (2013)

6. **APPRAISAL**

6.1 The main issues arising from the proposed changes are:
   a) Principle of proposed increase in student rooms
   b) Design, scale & impact on character of the surrounding area
   c) Impact on amenities of adjoining occupiers
   d) Impact on trees
   e) Highways and transport issues
   f) Infrastructure (S106, CIL)
a) Principle of use/location
6.2 The principle of redeveloping the existing office building to provide a site for 56 student dwellings and ancillary facilities has already been considered and accepted with the granting of the earlier planning permission subject to a legal agreement being entered into to restrict the use of the living accommodation to be occupied as student accommodation only. The agreement has been completed and permission issued as of 10th January 2018.

6.3 The draft Local Plan includes Policy H12: Student Accommodation which seeks to control where student accommodation can be provided but at this time this policy should be given limited weight when assessing the principle of the proposed additional rooms. Given the terms of s73 officers consider that there have been no material changes in circumstances relevant to this proposal since the earlier application was considered and decided. Therefore the principle of the proposal is acceptable.

b) Design, scale & impact on character of the surrounding area
6.4 The design, scale and external appearance of the new building has previously been found to be acceptable in terms of its impact on the character of the area and relevant policies CS7 & CS33. The proposed additional lower ground rooms would only change the external appearance of the approved building when seen from the rear. This view is not possible from the public realm due to the almost 2 metre high brick wall on the east boundary of the site. The proposed changes are therefore found to not breach the relevant design based policies.

c) Impact on amenities of adjoining occupiers
6.5 Policy DM4 (Safeguarding Amenity) states that development should not cause a significant detrimental impact to the living environment of existing or new residential properties in terms of privacy and overlooking, access to sunlight and daylight, visual dominance and overbearing, noise and disturbance, artificial lighting, crime and safety etc. Notwithstanding the concerns expressed by members of the public, which primarily focus on the use of the site for student accommodation and as noted above this principle has already been accepted with the earlier permission, Officers are satisfied that the proposed additional rooms would not have a physical detrimental impact on neighbours. The applicant has also amended the size of the windows serving the basement rooms to improve the expected Daylight/Sunlight levels.

6.6 There is potential for noise disturbance as a consequence of the change from office use to the proposed student use but previously imposed conditions aimed at mitigating disturbance would continue to apply. In addition the proposed additional student rooms would be set down and at the rear of the building so it is unlikely that harm could directly be attributed to these additional rooms.

6.7 61 studios on this site with an area of 0.10 ha would result in a density of 610 dwellings per ha. Policy CS15 accepts that edge of town centre sites could take a high density of occupation but there is a valid concern that the concentration of student accommodation on this site could detrimentally impact on the lives of adjoining occupiers contrary to Policy DM4, CS15, NPPF para.50 and emerging Policy H12. Officers consider that this concern is not sufficient to justify refusing permission to add 5 rooms to the permitted development but it would justify imposing a planning condition that capped the number of students living on the site to no more than 61.
d) Impact on Trees
6.8 The Council’s Natural Environment Officer has concerns about the impact of the new building on the long term health of two off-site trees just beyond the rear boundary of the site (one with protected status being in a conservation area). The applicant has provided shadow diagrams to illustrate the limited impact on the trees on the new rooms due to shadow. Trees can cause nuisance in other ways, such as by shedding debris, but this can be contained through landscape management.

6.9 The approved arboricultural management scheme for the site contains specific proposals for tree canopy management including trimming as necessary to allow safe clearance (3m) for construction works (including scaffolding etc). When built, the levels of daylight and sunlight reaching the large windows of rooms on the east elevation should be adequate and the amenity areas under and near the trees will add positively to the student living experience. The long term amenity value of these trees can be safeguarded by conditions and as such there is no overriding conflict with the wider objectives of Policy CS38 sufficient on which to justify a refusal.

e) Highways and transport Issues
6.10 Transport officers have confirmed no objections to the proposed additional student rooms. The proposal complies with Policies CS24 and DM12.

f) Infrastructure
6.11 Policy CS9 (Infrastructure, Services, Resources and Amenities) of the Reading Borough Council LDF Core Strategy 2008 (Altered 2015) states that proposals will not be permitted unless the Council is satisfied that infrastructure, services, amenities or other assets lost or impacted upon as a result of the development will be re-provided. Policy DM3 (Infrastructure Planning) of the Reading Borough LDF Sites and Detailed Policies Document 2012 (Altered 2015) confirms that appropriate provision for infrastructure, services, resources and amenities will be made through planning obligations and/or the Community Infrastructure Levy as relevant. Student accommodation is liable to make payments towards identified infrastructure projects through the Community Infrastructure Levy (CIL).

6.12 As before the applicant has agreed to a S106 agreement to secure:
1. Employment Skills and Training Plan
2. Restriction on the use of the living accommodation to be occupied as student accommodation only (including postgraduates)
3. Travel Plan

6.13 It is considered that the obligations referred to above comply with the National Planning Policy Framework in that they would be necessary, reasonable and related to the development in planning terms.

7. CONCLUSION

7.1 The principal of redeveloping this site for student accommodation was accepted when granting planning permission for application 170685. The proposed additional 5 rooms has been reviewed against current policies and the context of that earlier and recent planning permission and found to be acceptable. Therefore the recommendation is to Grant the variation as requested. However, the local
concerns about the concentration of student accommodation on this site, which lies close to other residential properties, are relevant and Officers consider it justifiable to cap the number of students that could live here to the number now proposed to comply with policy DM4.

Plans as requested to be amended:

1609_PL_100 Rev H: Level -1
1609_PL_101 Rev E: Level 0
1609_PL_203 Rev H: Proposed Elevations - Sheet 3
1609_PL_303 Rev F: Section DD and EE
2504 101 Rev H: Landscape Layout

Supporting letter by GWPlanning (15 January 2018)
Tree Root Extent Survey by TPM Landscape (August 2017)
Landscape Design Statement (Issue 8) by TPM Landscape (orig. May 2016)

Case Officer: Julie Williams
Sections - the excavated basement area
Rear elevation and view