

COMMITTEE REPORT

BY THE DIRECTOR OF ENVIRONMENT AND NEIGHBOURHOOD SERVICES

READING BOROUGH COUNCIL

ITEM NO. 13

PLANNING APPLICATIONS COMMITTEE: 9th January 2019

Ward: Redlands

Application No.: 180591

Address: Mulberry House, 1a Eldon Road, Reading, RG1 4DJ

Proposal: Demolition of Mulberry House (Class D1) and erection of part 3, part 5 storey building providing 7 (3x1 & 4x2-bed) residential units (Class C3), 5 parking spaces, landscaping and associated works.

Applicant: The Faculty Ltd

Date Valid: 06/04/18

Application target decision date: Originally 01/06/18, but a formal extension of time for the determination of the application has been agreed with the applicant until 23/01/19

26 week date: 03/10/18

RECOMMENDATION

Delegate to Head of Planning, Development and Regulatory Services to (i) GRANT full planning permission subject to completion of a S106 legal agreement or (ii) to REFUSE permission should the legal agreement not be completed by the 11th July 2018 (unless officers on behalf of the Head of Planning, Development and Regulatory Services agree to a later date for completion of the legal agreement). The legal agreement to secure the following:

- Provision of a deferred affordable housing contribution mechanism
- Should the building subsequently be extended / altered (to create further units) or units subdivided then contributions to affordable housing would apply on a cumulative basis.

And the following conditions to include:

1. Time Limit - 3 years
2. Approved plans
3. Pre commencement (barring demolition) details of all external materials (including samples and manufacturers details which demonstrates type, colour, texture and face bond), including: stone, glazing, window frames/cills/surrounds, doors, balustrades, guttering and downpipes and boundary walls/railing/steps
4. Pre-commencement demolition & construction method statement (including noise and dust measures);
5. Pre-occupation implementation of vehicle parking
6. Pre-occupation implementation of cycle parking
7. Pre-occupation implementation of waste storage facilities
8. Pre-occupation submission of a waste management plan
9. Pre-occupation notification of postal addresses (restricting parking permits)
10. No automatic entitlement to parking permits
11. Pre-occupation implementation of approved noise mitigation scheme
12. Construction hours
13. No burning of waste on site
14. Pre-commencement (barring demolition to ground level) hard and soft landscaping details (also including biodiversity enhancements, including integral bird nesting

- and bat roosting opportunities on and around the new building)
15. Implementation of the approved landscaping no later than during the first planting season following the date when the development is ready for occupation
 16. Landscaping maintenance / replacement for a period of 5 years
 17. Arboricultural method statement and tree protection plan to be followed
 18. Pre-occupation provision of obscure glazing and fixed shut windows (up to 1.7m floor to ceiling height) of the north-west elevation windows at third and fourth floor level (secondary windows within bedrooms for Flats 08 & 09).
 19. Only the areas specified as external terraces shall be used for such purposes and no other flat roofed areas shall be used as external terraces without permission from the local planning authority.

Informatives:

1. Positive and Proactive Statement
2. Pre-commencement conditions
3. Terms and conditions
4. Building Control
5. Encroachment
6. Community Infrastructure Levy
7. Highways
8. Parking permits
9. Section 106 Legal Agreement
10. Advice to adhere to approved Arboricultural Method Statement

1. INTRODUCTION

- 1.1 The application site comprises a single storey building and associated car-parking / lawn located on the east side of Eldon Road, close to the junction with Kings Road (to the north). The building is vacant, having most recently been occupied by a dentist. Immediately to the north of the building is Hanover House, a part-five, part-seven storey 'L' shaped building located on the junction of Kings Road and Eldon Road. The primary frontage to Hanover House is on Kings Road, although the vehicular entry point is on Eldon Road, leading to a ground floor car park with exit point onto Eldon Terrace to the south. Hanover House has recently been converted to residential use (through an office prior approval and planning permission solely for the fourth floor).
- 1.2 The application site is located within the Eldon Square Conservation Area. The conservation area appraisal identifies the modern developments on the south side of Kings Road as having a negative impact on the Conservation Area. The appraisal also notes that there is little green space in the Conservation Area. Furthermore, it also states that trees are few and because of their scarcity they make a significant contribution to this urban conservation area's special character and sense of identity.
- 1.3 Eldon Road is designated as an 'Existing or potential treed corridor' in the adopted Borough Tree Strategy and the Borough Council has a commitment to retain and enhance the tree cover along these routes. 1a Eldon Road is located in an area which has been identified in the Tree Strategy as having poor tree cover (10% or less). Objective 6 of the adopted Tree Strategy expects new development to make a positive and sustainable contribution in supporting the objectives of the strategy in enhancing the town's urban environment. Such planting should be used to enhance streets and other public realm as part of planning permissions for all new relevant developments, particularly higher density urban developments. There is a

TPO Mulberry tree on site. Other significant trees on or adjacent to the property (such as those within the boundary of 1 Eldon Road are afforded protection under the Conservation Area legislation.

- 1.4 The site is located outside of the Reading Central Area Action Plan (RCAAP) boundary, although neighbouring Hanover House is located within the RCAAP. The site is within an air quality management area.
- 1.5 This application is being considered at Planning Applications Committee as officers consider the combination of the nature of the proposals in the context of a significant infill site in the Conservation Area and the nature/extent of public consultation responses received.
- 1.6 The location site in relation to the wider urban area is shown below, together with a site photograph and aerial view.



Site Location Plan (not to scale)



Site photograph from Eldon Road



Aerial view looking north towards Kings Road

2. PROPOSALS

- 2.1 Full planning permission is sought for the demolition of the existing single storey dental surgery (Class D1) building known as Mulberry House. Permission is also sought for the erection of a part 3, part 5 storey replacement building, which seeks to provide 7 (3x1 & 4x2-bed) residential units (Class C3). Furthermore, the proposals include 5 vehicular parking spaces at ground level, hard and soft landscaping / boundary treatment works at the front (Eldon Road) of the site, landscaping and associated works.
- 2.2 During the course of the application the vehicular parking arrangements and tree reports have been slightly revised following officer feedback. Some additional details and revisions have also been made to the day/sunlight assessment, including an assessment on the day/sunlight received by the proposed residential units themselves. Furthermore, the on-site affordable housing offer changed during the course of the application. At the outset of the consideration of the application it was proposed to provide one on-site unit and a financial contribution. The applicant later withdrew this offer and instead, owing to scheme viability, submitted a viability appraisal seeking to justify that the scheme could not support the provision of any contribution towards affordable housing.
- 2.3 In terms of the Community Infrastructure Levy (CIL), the applicant duly completed a CIL liability form as part of the submission of this application. The CIL form specifies that the dental surgery last occupied the building in November 2015. As such, it will not have been occupied for six continuous months of the thirty-six previous months when a decision is issued. Accordingly, the existing 117 sqm floorspace cannot be deducted from the final liability. On this basis, the CIL liability is estimated (using the 2019 indexation rate of £148.24 per sqm) on the basis of the 618.96 sqm floorspace of the building to be £91,754.63.

3. PLANNING HISTORY

Application site only:

- 3.1 171521/FUL: Demolition of Mulberry House (Class D1) and replacement with soft landscaping (nil use) (amended description). Granted 05/12/17.
- 3.2 180218/FUL: Demolition of existing building (Use Class D1) and erection of 3 and 5 storey building, accommodating 6x1 bed and 3x2 bed flats and parking for 6 cars. Withdrawn by applicant prior to the validation of the application.
- 3.3 180413/APPCON: Discharge of conditions 3 (Demolition Method Statement) and 4 (Soft Landscaping) of permission 171521. Granted 18/04/18.
- 3.4 It is also noted that the application sought pre-application advice in 2017 prior to the submission of the current application.

Neighbouring Hanover House

- 3.5 141343/OPA: Excluding the fourth floor, change of use of building from Class B1(a)(offices) to C3 (dwellinghouses) to comprise up to 80 x 1 bed units and 10 x 2 bedroom units. Prior Approval Notification - Approval 10/10/2014.
- 3.6 150229/FUL: Change of use of fourth floor to residential use (Class C3) to provide 14 residential units and associated works. Granted following completion of s106 legal agreement 23/06/15.
- 3.7 181831/FUL: Removal of external cladding and associated works. Granted 23/11/18.

Neighbouring 1-3 Eldon Road

- 3.8 100102 - Refurbishment of existing buildings and 3 storey rear extension to include 8 x 1 bed flats and 2 x 2 bed flats and 3 car parking spaces. Granted with s106 legal agreement 10/01/11.

4. CONSULTATIONS

i) RBC Transport

- 4.1 Transport Development Control section advises that the site is situated within Zone 2 of the Council's adopted Parking Standards and Design Supplementary Planning Document. This area is well served by public transport and is within 2 kilometres (i.e. walking distance) of Reading Town Centre and Reading Railway Station.
- 4.2 In accordance with the Council's adopted parking standards, the 1 and 2-bedroom flats would both require provision of 1 space per flat, therefore equating to a total provision of 7 off road parking spaces. Plans indicate that 5 parking spaces are to be provided; this therefore falls short of the standards. However, given the proximity of the site to the town centre, the good transport links and the ability to control unauthorised on street parking via the parking restrictions in place in the area and surrounding streets (conditions will stipulate that future occupiers will not be automatically entitled to an on-street parking permit), a reduced provision can be accepted in this instance.
- 4.3 Some initial concerns were raised in relation to the suitability of the parking area from a manoeuvrability perspective (possible instances of there being insufficient widths/depths, causing difficulties for access and egress). Accordingly, during the

course of the application, tracking diagrams have been submitted to illustrate the accessibility and egress of the parking spaces, and following negotiations this is now deemed acceptable.

- 4.4 Details of the bin storage have been illustrated on submitted plans. Bin storage should comply with Manual for Streets and British Standard 5906: 2005 for Waste Management in Buildings to avoid the stationing of service vehicles on the carriageway for excessive periods. In addition to this in accordance with DfT document Manual for Streets refuse vehicles should not be required to reverse more than 12m. Schedule 1, Part H of the Building Regulations 2000 defines locations for the storage and collection of waste. Key points in the approved document to part H include: Residents should not be required to carry waste more than 30m (excluding any vertical distance) to the storage point. The Design and Access Statement states that refuse collection will be the same as Hanover House. This is deemed acceptable by Transport officers.
- 4.5 In accordance with the adopted Parking SPD, the development is required to provide a minimum of 0.5 cycle parking spaces for each dwelling, therefore equating to a total of 4. The submitted plan indicates provision for 10, which exceeds the current standards and is therefore welcomed. A compliance condition will ensure the cycle parking spaces are provided in practice.
- 4.6 Finally, owing to the nature of the proposals and proximity to highways / nearby residential occupiers, a demolition and construction method statement will be secured via pre-commencement condition.
- 4.7 In summary, Transport does not have any objections to this proposal subject to the conditions stated below and informatives in relation to highways works and parking permits:
- Pre-commencement demolition & construction method statement;
 - Pre-occupation implementation of vehicle parking;
 - Pre-occupation implementation of cycle parking;
 - Pre-occupation implementation of bin storage facilities;
 - Pre-occupation notification of postal addresses (restricting parking permits)
 - No automatic entitlement to parking permits

ii) RBC Historic Buildings Consultant

- 4.8 Planning (Listed Buildings and Conservation Areas) Act 1990 - Recent legal cases relating to issues of the setting of listed buildings have established that under section 70(3) the general power to grant planning permission under section 70(1) is expressly subject to sections 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 66(1), in the determination of applications affecting the setting of a Listed Building, states that:

‘in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority, or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.’

- 4.9 Conservation Areas - Section 69 of the Act imposes a duty on local planning authorities to designate as Conservation Areas any 'areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or

enhance'. Recent legal cases have established that under section 70(3) the general power to grant planning permission under section 70(1) is expressly subject to section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 72(1) provides that the local authority has a statutory duty that:

'with respect of any building or other land in a conservation area.....special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'

- 4.10 At the national level the NPPF sets out a presumption in favour of sustainable development and a key dimension of 'sustainability' is defined as '...protecting and enhancing our...historic environment' (DCLG et al, 2012, para 7). The Planning Practice Guide (PPG) (2014) clarifies this additional requirement under 'What is the main legislative framework for planning and the historic environment?' where it states that:

In addition to the normal planning framework set out in the Town and Country Planning Act 1990.....the Planning (Listed Buildings and Conservation Areas) Act 1990 provides specific protection for buildings and areas of special architectural or historic interest.

- 4.11 Any decisions relating to listed buildings and their settings and conservation areas must address the statutory considerations of the Planning (Listed Buildings and Conservation Areas) Act 1990 (see in particular sections 16, 66 and 72) as well as satisfying the relevant policies within the National Planning Policy Framework and the Local Plan.

- 4.12 In terms of the local policy context, the Borough Council is committed to protecting and where appropriate, enhancing the Borough's historic environment. This includes ensuring that buildings and features of Local architectural and historic interest (which are not necessarily recognised components of the historic environment) are taken fully into account and safeguarded..." (Policies CS7 & CS33).

- 4.13 The settings of the main Grade II Listed Buildings potentially affected are:

- 196-200, Kings Road, Grade II
- 220 and 222, Kings Road, Grade II
- 2, Eldon Road, Grade II
- 4 and 6, Eldon Road, Grade II
- 8 and 10, Eldon Road, Grade II

- 4.14 The site is also located within the Eldon Square Conservation Area. The Eldon Square Conservation Area Appraisal (designated in 1972 and extended in 1982) (Reading Borough Council, 2007) describes the area as wholly in an urban location which comprises a dense network of streets and roads of terraced, detached and semi-detached buildings. The most distinctive element of the street pattern is Eldon Square, a mid-19th century development of houses surrounding three sides of a small enclosed rectangular public park containing a lawn, trees and shrubs and a statue of the first Marquess of Reading (1860-1935) who was Viceroy of India from 1921-6. Building height is mainly two- or, less commonly, three-storey. Occasion modern, late 20th century office blocks rise to as many as 5 storeys.

- 4.15 The conservation area is divided into three character areas according to building type and period. No. 1a Eldon Road is located within Character Area 1. This

character area is designated to protect the 19th century residential streets, 'characterised by tall detached or semi-detached residences faced with Bath stone and set back from the highway with long rear gardens. More prestigious detached and semi-detached properties in Kings Road, Eldon Road and Eldon Square were built with large rear gardens but increasingly these are being lost to car parking. The conservation area appraisal cites in particular the modern developments on south side of Kings Road as having a negative impact on the conservation area.

- 4.16 Buildings identified as having 'townscape merit' include Nos. 1 and 3 Eldon Road, which are two-and-a-half storey brick semi-detached villas with a narrow frontage and characterful brick boundary wall treatments. Furthermore, the small terraced properties of 1-9 Town Place and 9-17 Eldon Terrace are also identified as buildings of townscape merit too. In addition, Eldon Road is considered the north-south 'spine' of the Conservation Area and is a major route linking King's Road and London Road. The view from the north end of Eldon Road, looking south, is indicated on the conservation area Townscape Appraisal map as an Important View.
- 4.17 Turning to the proposals themselves, the proposed replacement building consists of a modernist design with an angled plan-form, landscaping to provide green areas, and materials consisting of:
- Panelised appearance
 - Light texture, smooth finish and textured panelised stone 'appearance' using Aerolite Stonework which is a '5mm thick natural stone veneer epoxy bonded to a 15mm thick natural granite backer reinforced by a fibreglass matting. The granite backer is profiled to facilitate easy installation on to a horizontal carrier system on its top and bottom edges'.
 - Deep reveals
 - Privacy screens
- 4.18 Assessment - To the southwest of the proposed site are Nos. 1 and 3 Eldon Road and to the west the site is Eldon Road. The area surrounding the site includes a mix of building types and scale which are predominantly in residential and commercial use. Nos. 1 and 3 Eldon Road, to the south of the site are considered to be Buildings of Townscape Merit, as identified in the conservation area appraisal. There are also a number of listed buildings along Eldon Road. Mulberry House, a single storey dentist surgery 1960s building with flat roof and grey brick/pebble finish, does not contribute positively to the conservation area.
- 4.19 The Eldon Square Conservation Area Appraisal notes that green space is sparse in the conservation area. The demolition of this building is considered to be a positive enhancement to the conservation area and the setting of surrounding heritage assets; there is therefore no objection in principle to the loss of this building.
- 4.20 The proposed site is heavily overshadowed by the adjacent Hanover House which is a modern, part six and part seven-storey former office block which has recently been converted to flats. Hanover House is considered to have a negative impact on the character and appearance of the conservation area.
- 4.21 Despite the modern idiom of the building, the proposed mass and height of the replacement building at part five and part three storey block is considered an acceptable height. This height would act as transition between the overly dominant part five/seven storey Hanover House and the more domestic scale of Nos. 1 to 3 Eldon Road. However, good quality materials would be critical to the success of the proposed building to ensure that these materials appear natural and sympathetic to

the character and appearance of the Conservation Area; without samples of the proposed stone-effect Aerolite panels or other finishes this cannot be fully determined. Hence, sample panels will be secured via condition.

- 4.22 It will also be important to ensure that the replacement development incorporates suitable landscaping proposals. It is therefore recommended that conditions are attached to consent to require a scheme of landscaping to ensure a visually harmonious space results (Officer note: See separate observations from Natural Environment and Ecology officers below).
- 4.23 There are no objections in principle to the demolition of this building and the proposed replacement building, subject to conditions requiring agreement of suitable materials and landscaping.

iii) Reading Design Review Panel

4.24 The application was considered by the Reading Design Review Panel (DRP) on 03/05/18. The DRP had previously considered a pre-application proposal at the site in 2017. The DRP comments, following a meeting where the project architect presented the scheme to the panel, were:

- Concept of transitional building between residential and larger buildings such as Hanover House works well and is well considered. Response to context constraints, including smaller scale context is generally successful and the scheme enhances its context.
- Scheme amended (Officer note: in comparison with the pre-application proposal) to address Eldon more directly and to reduce potential overlooking to Hanover House and these changes are welcomed by the panel, along with the internal re-planning and reduction in units, which enables the development to relate with greater sensitivity to the immediate context.
- Heritage context with conservation area and nearby listed buildings is recognised as a key driver in the design approach to the scheme and is welcomed by the panel.
- In terms of the design approach, the design has improved (Officer note: in comparison with the pre-application proposal) to address potential issues of relation to context in terms of height, massing and composition. Design from outside to inside has changed but apartment layout have improved. Question regarding light levels in rooms with inner balconies. Question if a couple more openings could be introduced to improve the amount of fenestration.
- In terms of detailing, the high quality facing materials fitting to the context is welcomed and supported by the panel.
- Regarding sustainability, the use of London Planning housing standards is welcomed by the panel. 450mm fabric first external wall construction is proposed as the approach to carbon reduction combining a lightweight construction system. There is no issue raised by the relevant reports with air quality on the site so proposal is for natural ventilation, with opening windows on two elevations so natural ventilation will work well.
- The retention of TPO trees is welcomed.
- In summary, DRP feels this is a high quality design with good responsive contextual scale and materiality.

iv) RBC Environmental Health - Environmental Protection

4.25 Possible concerns are raised in relation to: noise impact on development; noise transmission between dwellings; air quality impact - increased exposure / new

receptors; air quality impact - increased emissions; construction and demolition phase.

- 4.26 In terms of noise impacts, the noise assessment submitted shows that the recommended standard for internal noise can be met, if the recommendations from the assessment are incorporated into the design. It is therefore recommended that a condition be attached to consent to ensure that the glazing (and ventilation) recommendations of the noise assessment (and air quality assessment, where relevant) will be followed, or that alternative but equally or more effective glazing and ventilation will be used.
- 4.27 With regard to possible noise issues between floors, an informative is recommended with reminds the applicant that sound insulation meeting Building Regulations Approved Document E will be required to be designed/constructed.
- 4.28 Turning to consider air quality matters, the air quality assessment for the year of completion shows that air pollutant levels will be below the national air quality objective levels and therefore no mitigation measures are necessary. Regarding air emissions, it is considered that the proposal would not worsen emission levels in the area.
- 4.29 Finally in terms of construction and demolition matters, concerns are raised about potential noise, dust and bonfires associated with the construction (and demolition) of the proposed development and the possible adverse impact on nearby residents (and businesses). Fires during construction and demolition can impact on air quality and cause harm to residential amenity. Burning of waste on site could be considered to be harmful to the aims of environmental sustainability. As such, noise and dust measures will be incorporated in the CMS recommended by Transport officers, hours of construction works and a stipulation relating to no burning of materials/green waste will be secured via condition. With such conditions secured, no environmental protection concerns are raised with the proposals.

v) RBC Planning Natural Environment

- 4.30 It is noted that when planning permission was granted for the demolition of Mulberry House in 2017 (see paragraph 3.1 above) details in relation to soft landscaping and the impact on nearby trees were secured / secured via condition (subsequently discharged - see paragraph 3.3 above).
- 4.31 In respect of this separate proposal, which seeks both the demolition and redevelopment of the site, a Tree Impacts Assessment, Tree Protection Plan & Method Statement, together with hard/soft landscaping proposals, have been submitted. The report and proposals are considered acceptable in tree and landscape terms. During the course of the application the tree document to updated to incorporate officer comments in relation to the size of roots that should be retained where possible (25mm diameter or above) and a preference for the use of hand tools (rather than machinery) in areas where roots should be retained. Planning conditions are recommended in relation to the implementation of the landscaping works (in accordance with details also secured in full via condition), its maintenance and adherence to the arboricultural method statement.

vi) RBC Ecology Consultant

- 4.32 The existing building is unlikely to have features potentially suitable for use by roosting bats, considering its flat-roofed formation and the low suitability of the

neighbouring habitat for use by foraging or commuting bats. In addition, the surrounding hardstanding and well-maintained amenity grassland are of low wildlife value. As such, it is unlikely that the proposals will adversely affect protected species.

- 4.33 In line with the NPPF and with the biodiversity comments made in the design and access statement, there is an opportunity to improve the site for wildlife and, as such, biodiversity enhancements and a wildlife-friendly landscaping scheme should be incorporated into the development. This should be conditioned. In summary, subject to the condition, there are no objections to this application on ecological grounds.

vii) RBC Valuations / BPS Chartered Surveyors

- 4.34 RBC Valuations instructed BPS (on behalf of the local planning authority) to carry out an independent assessment of the viability submission made during the course of the application. Although BPS queried a number of points within the submission, the overall conclusion (when all factors are taken into account) of the BPS assessment is that the scheme is not able to deliver any affordable housing. This is on the basis of the various appraisals submitted (e.g. one appraisal was for a 100% private housing scheme and all others included various types/amounts of affordable housing) all justifiably demonstrating varying levels of deficit, when all the various inputs are taken into account. BPS also undertook their own appraisal, which also returned a deficit, thereby enabling an evidence-based conclusion to be reached that the scheme cannot viably support an affordable housing contribution. BPS advises that the local planning authority may wish to pursue a review mechanism for deferred payment via Section 106 Legal Agreement.

- 4.35 RBC Valuations are satisfied that BPS has thoroughly assessed the viability submission in this case. In line with the BPS conclusion, RBC Valuations consider it essential for the provision of a deferred affordable housing contribution mechanism to be secured. This is required so that if the viability context changes at the time of the scheme being built/ready for occupation (based upon an updated viability appraisal), an affordable housing contribution (typically a commuted payment) could instead be secured at this future juncture. By incorporating a deferred affordable housing mechanism, which will enable the Council to share in any subsequent uplift in actual value, this is considered the best this scheme can achieve in terms of affordable housing.

viii) RBC Housing

- 4.36 Original comments: Welcome and support the provision of on-site affordable housing, together with a financial contribution (£52,507.40, as per the SPD formula). Concerns however are raised with the proposed on-site unit being 1-bed, given the greatest need in the Borough is for 2-bed units. As such, it is sought for a 2-bed unit to be provided on-site rather than a 1-bed unit.

- 4.37 Updated comments during the application: It is naturally disappointing that the originally proposed on-site unit and financial contribution towards affordable housing has been withdrawn. Owing to this change in position being sought to be justified through a viability submission, it will be for RBC Valuations (in conjunction with BPS) to ascertain whether affordable housing can be provided in this instance.

ix) Reading Conservation Area Advisory Committee, Berkshire Fire and Rescue Services and the Clinical Commissioning Group

4.38 These groups / organisations were all formally consulted on the application but no responses have been received to date. Should responses be received in advance of the committee meeting, they will be reported in an update report.

x) **Public consultation**

4.39 Notification letters were sent to nearby occupiers on Eldon Road, Kings Road and Town Place on 19/04/18. A site notice was erected on 19/04/2018, expiring on 10/05/2018. A press notice was published on 26/04/2018, expiring on 17/05/2018.

4.40 A total of 32 objections have been received from individual addresses, 1 objection has been received from Hanover House Residents Management Company (through two separate submissions) and 1 observation has been received.

4.41 More specifically, the 32 objections from individual addresses comprise: 19 from Hanover House addresses (3 from 1st floor addresses; 4 from 2nd floor; 1 from 3rd floor; 5 from 4th floor; 3 from 5th floor; 2 from 6th floor; 1 from unspecified Hanover House leaseholder); 2 from Town Place addresses (including four separate responses from one of the two Town Place addresses); 1 from Eldon Road; 1 each from: Albany Park Drive, RG41; Branch Road, E14; Clarendon Road, BH18; Egbury, SP11; Marlborough Avenue, RG1; Melford Green, RG4; Morrison Close, RG8; Sherwood Place, RG8; Summer Lane, B19; Woodland Drive, NR13. Below is a summary of the issues raised in these responses:

4.42 Design / heritage:

- The proposed building is far too tall, as well as being shamefully and hideously ugly
- The proposals are insensitive to the historic context of the Conservation Area, and do not contribute to it. These proposals negatively impact on the character of the area as a whole.
- The design does not contribute at all to the conservation area contrary to the council's planning policy guidance. The massing scale and construction materials do not contribute to the surroundings, or heritage.
- Photo image of the proposed building is grossly misleading in terms of the scale of the building relative to Hanover House (it appears much smaller than is planned).
- This proposal encroaches on the conservation area - the green space and the single storey existing building provide a break between the stark brutality of Hanover House and the much treasured old buildings. The proposed building is ugly and looks more like a gun emplacement than a living space and is totally out of keeping with the nearby houses, many of which are grade II listed. This development is very near Eldon Square which is one of Reading's nicest architectural areas. The design could be much more sympathetic to the historical buildings nearby. The building should be no higher than the properties in Eldon Square.
- The conservation areas around Reading need to be preserved and yet again architects ignore them. There were mistakes in the past when buildings like Hanover House were allowed to be built in the immediate vicinity of beautiful historical buildings. The same mistake cannot be made twice. Another response states RBC should protect important parts of the town (conservation areas) from new inappropriate buildings.
- It is simply a modern apartment block.
- Lack of heritage statement to support the design. (Officer note: A Heritage Statement was submitted).

4.43 Amenity

- The proposal has a completely unsatisfactory relationship to adjoining properties, a significant harmful impact in terms of loss of privacy, daylight and sunlight, and an overbearing effect due to bulk and proximity and outlook.
- Loss of daylight and sunlight to nearby occupiers.
- Specific concerns relating to statements within the daylight/sunlight report, in relation to the weight which should be afforded to it owing to caveats within it.
- Lack of assessment on the light for future occupiers (officer note: an updated report was submitted during the application included this); the limited light will put pressure on the trees and landscaping at the site to be reduced for the benefit of future occupiers.
- Considerable overshadowing to Town Place properties in Spring and Summer afternoons and evenings; there are no alternative windows to lessen the impact.
- Overlooking to Town Place properties would be considerably overbearing due to its scale.
- The proposal removes privacy for Town Place residents completely.
- Waste provision is inadequate. The existing area at the road junction is overflowing and unmanaged, attracting vermin. Existing refuse lorries do NOT navigate the ramped approach for Hanover House.
- Loss of views of the conservation area for occupiers on the south elevation of Hanover House.

4.44 Trees and Landscaping:

- Concerned for the retention of the cherry trees along the eastern boundary and the Eldon Road frontage Mulberry, beech and pine trees. These would be threatened by a potential access into and out of the property. These trees should be retained.
- The plans show the trees as providing favourable screening, yet two of the cherry trees on the eastern boundary are relatively small, and one is dying. The ash on the eastern boundary has been shown to be taller than it is. None of the trees on the eastern elevation are in the ownership of the developer and could be removed by another landlord.
- The landscaping proposed in the permission already granted has not been replaced by the new scheme.
- There is no landscaping evident in the proposals.

4.45 Land use

- There are too many flats being built in Reading. Preference for a new doctors surgery or nursery instead.
- UK Government figures of declining house prices and a downturn in housing requirement means there is no sense in RBC considering yet more housing in an already crowded part of Reading.

4.46 Transport

- Insufficient parking - 5x Parking spaces is insufficient for the number of dwellings. The surrounding parking bays are owned by the tenants of Hanover House.
- Users of the existing parking bays (utilising the spaces as Hanover House parking is currently suspended because of a fire risk assessment) would surely be displaced out of the car park by the demolition and construction hoarding, and the area is already oversubscribed.
- Overdevelopment on an already constrained site with current parking problems which will be exasperated with the new development and during the construction phase.

- The usage of the car park on a very minor road is already causing problems with the existing number of users, with an increase in illicit parking and obstruction of the deliveries to the local pubs and businesses.
- There needs to be a limit on the on-road parking permits issued. The local area cannot sustain the number of cars and the council is fully responsible for managing parking appropriately.

4.47 Concerns during the demolition/construction stage:

- Access for demolition is not controlled by the applicant. Surrounding parking spaces owned by the residents of Hanover House.
- The existing property has asbestos within it and there needs to be space for decontamination.
- The demolition and construction would involve access and movement of heavy goods vehicles on narrow and unsuitable roads.
- Level of upheaval will be a nightmare, just as it was when Hanover House was converted.
- Construction would involve utilising a main arterial road used by ambulances.

4.48 Fire safety

- Hanover House parking (beneath the building) is currently suspended because of a fire risk assessment. The risk of fire with reduced separation to an adjacent multi-occupancy building would surely increase the fire risk further.
- Given the above, an objector cannot see how another building could be erected alongside such a potential hazard. (Officer note: during the lifetime of this application, a separate planning permission relating to the removal of the cladding on Hanover House has been separately granted planning permission on 23/11/18, as per paragraph 3.7 above).

4.49 Other matters

- The application contains factually incorrect information regarding the site plan. This shows the site as including the car park area which is outside of the applicant's title.
- The application form lists Paradore (Reading) Ltd as owner when the title deed shows it is The Faculty Limited.
- Full details of the right of access over the car park area owned by Hanover House must be disclosed as part of the planning application process

4.50 The objections from Hanover House Residents Management Company Ltd (which represents the 82 leaseholders and residents of Hanover House, 202 Kings Road) are summarised as follows:

- There is insufficient parking; 5 spaces for 7 units comprising 11 bedrooms.
- The application contains factually incorrect information regarding the site plan. This shows the site as including the car park area which is outside of the applicant's title.
- The application form lists Paradore (Reading) Ltd as owner when the title deed shows it is The Faculty Limited.
- No space for refuse collection. Later comments suggest that the collection of rubbish will take place from Hanover House land (no permission has been sought and it is doubtful that space is available); concerns regarding potential damage to Hanover House parked cars from the bin lorry; and comments that Eldon Terrace is

too narrow for leaving bins out / Mulberry House bins should be emptied via Eldon Road.

- Lack of access from the car park for construction due to the spaces being allocated and individually owned by the residents.

4.51 The observation received from a Hanover House occupier states:

- The challenge will be with parking and sunlight in the apartments.

4.52 Officers note that although some changes were made to the proposals during the course of the application (as summarised at paragraph 2.2 above), there were not of a level or nature which were considered to warrant formal public re-consultation to take place.

5. LEGAL AND PLANNING POLICY CONTEXT

5.1 Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority to have special regard to the desirability of preserving a listed building or its setting or any features of special interest which it possesses.

5.2 Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority in the exercise of its functions to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

5.3 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) - among them the 'presumption in favour of sustainable development'.

5.4 The application has been assessed against the following policies:

5.5 National

National Planning Policy Framework (2018)

National Planning Policy Guidance (2014 onwards)

5.6 Reading Borough Local Development Framework - Adopted 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

CS14 Provision of housing

CS15 Location, Accessibility, Density and Housing Mix

CS20 Implementation of the Reading Transport Strategy

CS24 Car / Cycle Parking

CS29 Provision of Open Space

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 Woodlands

5.7 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
- DM5 Housing Mix
- DM6 Affordable Housing
- DM10 Private and Communal Outdoor Space
- DM12 Access, Traffic and Highway Related Matters
- DM18 Tree Planting
- DM19 Air Quality

5.8 Reading Borough Council Supplementary Planning Documents

- Affordable Housing SPD (2013)
- Revised Parking Standards and Design SPD (2011)
- Revised SPD on Planning Obligations under Section 106 (2015)
- Sustainable Design and Construction SPD (2011)

5.9 Other relevant documentation

- Eldon Square Conservation Area Appraisal (2007)
- Historic England Good Practice Advice in Planning Note 1: Conservation Area Designation, Appraisal and Management (Historic England, 2016)
- Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking (Historic England, 2015a)
- Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets (Historic England, 2015b)
- Principles of Conservation (Historic England, 2008)
- Guide to the Conservation of Historic Buildings (British Standards Publication BS 7913:2013, 2015)
- Reading Tree Strategy (2010)
- DCLG Technical housing standards - nationally described space standard (2015)
- BRE Site Layout Planning for Daylight and Sunlight - A guide to good practice, 2nd edition (2011)

6. APPRAISAL

6.1 The main issues are considered to be:

- i) Land use principles
- ii) Demolition, scale, appearance, design and effect on heritage assets
- iii) Housing mix and affordable housing
- iv) Quality of accommodation for future occupiers
- v) Amenity for nearby occupiers
- vi) Transport
- vii) Trees, landscaping and ecology
- viii) Sustainability
- ix) Other matters - S106, Pre-commencement conditions, Other matters raised in public consultation responses & Equality

i) Land use principles

- 6.2 The initial land use consideration for this proposal is the loss of the existing dental surgery use at the site. This was recently considered and accepted as part of permission 171521/FUL at the site, which granted the demolition of the existing building and replacement with soft landscaping.
- 6.3 Although the building is presently vacant, it was most recently used as a dental surgery (Class D1). Accordingly, when in use this provided a community use, which Policy CS31 guards against being lost unless it can be clearly demonstrated that there is no longer a need to retain that facility. In addition, Policy CS32 seeks mitigation where development would have an adverse impact in terms of increasing the need for additional community facilities. Furthermore, paragraph 92 of the NPPF 2018 states that decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs; and ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community. In the now superseded 2012 version of the NPPF these matters were detailed at paragraph 70.
- 6.4 Therefore, at the time of application 171521/FUL, the applicant submitted a range of information to seek to justify the loss of the existing use at the site. This included information concerning: the 2 year vacancy of the building; all equipment removed; poor state of repair; former dental surgery occupier relocating to 7 Cheapside in the town centre - therefore no loss of a valued facility, as it has merely moved 1 mile. Furthermore, the applicant also submitted a map of other dental practices in the area, suggesting that the local population would continue to have sufficient access to dental practices). The applicant also considers that the building would be unviable for other community uses and specifically another dental use, including due to the building not meeting Clinical Care Group (CCG) standards for access (and it not being viable to upgrade the existing building). The applicant has re-provided this information in support of this application.
- 6.5 It is also noted that the application proposals have been subject to public consultation during the course of the application (see section 4 ix above). Only a single objection has been raised in terms of the use of the site being preferred for a doctors' or nursery use (i.e. continued community use), which is not considered sufficient to resist the proposals within the context of paragraph 70 of the NPPF. It is noted that at the time of application 171521/FUL no objections were raised in this regard.
- 6.6 Within the context of the recent permission at the site, together with the information submitted for this application being considered solely on its own merits, officers consider that the loss of the existing use would not conflict with either local policy or national policy. This is owing to partly the supporting information submitted by the applicant and partly the lack of concerns raised within the public consultation process. As such, the loss of the existing community use is accepted in this specific instance at this particular site.
- 6.7 With the loss of the existing use considered to be established, the principle of residential units at the site is consistent with the broad objectives of Policy CS14 and the wider NPPF. The provision of 7 residential units would assist the Borough in meeting its annual and plan period housing targets, in line with Policy CS14.

ii) **Demolition, scale, appearance, design and effect on heritage assets**

- 6.8 Considering first the demolition of the existing building, this is not considered to contribute positively to the conservation area, as identified by the RBC Heritage Consultant (see section 4ii above) and also concluded at the time of the 2017 permission at the site for demolition and replacement with soft landscaping. Demolition within the conservation area is therefore considered appropriate subject to the proposed replacement building being suitable in design and related terms, as discussed below.
- 6.9 In terms of the scale and massing, this has been subject to thorough and careful consideration by the applicant, as demonstrated during pre-application discussions and at application stage too. The footprint of the building largely follows that which exists at the site at present, with cues in the proposed scale taken from the neighbouring Hanover House and Eldon Road properties, so that the building appears to be transitional in nature between the two, being part five-storey (closest to the up to seven-storey Hanover House) and reducing to three-storey in the area closest to the more domestic scale of Nos. 1-3 Eldon Road. The DRP considers this to work well and be well-considered in responding to the contextual constraints.
- 6.10 Naturally, when compared with the single-storey nature of the existing building, a part three, part five-storey building is acknowledged to represent a significant change in appearance. However, given the prevailing scale and distances between the nearby buildings, this scale is considered suitable, by not seeking to compete with Hanover House, whilst also being respectful of the nearby more domestic scale too. When seen from all nearby vantage points the proposed scale and design approach, although in contrast to the existing site and nearby buildings, is not overwhelming and is instead considered to successfully respond to its context. The various angled forms are considered to assist the quality of accommodation for future occupiers and protect nearby amenity too (as discussed elsewhere), whilst still evidently being a design-led approach in providing visual interest and creating a distinct character and identity of its own. The proposal also satisfactorily presents itself to Eldon Road, despite the significant set back from the highway.
- 6.11 With regard to the detailed design of the proposal, it is considered that the proposal would represent a welcomed and high quality addition to this part of the conservation area. Although undoubtedly contemporary in form, both officers and members of the DRP (see Section 4iii above) consider that the facing materials, primarily an Aerolite stonework, to be fitting to the context (a modern interpretation of the historic context), and if executed as shown, would certainly enhance the site and wider conservation area too. As well as the proposed materials to the building itself, there is continuity proposed in the boundary treatment / entrance way off Eldon Road, with a matching tone shown. This is another welcomed addition to the scheme, demonstrating that a comprehensive and consistent approach to the entirety of the site is proposed. Large window openings, decreasing in width on the upper floors, with deep reveals in all instances are consistent with the general design approach. The glass finish of the balustrades ensures that these are lightweight additions. In this case the quality and finished appearance of the materials, such as the primary Aerolite stonework and aluminium framed windows will be especially important in the overall success of the design approach. Accordingly, both samples and manufacturer details of all facing materials will be secured via pre-commencement condition. By securing this

condition it will ensure the high design quality envisaged at application stage is achieved in practice.

- 6.12 Turning to consider the impact of the proposals on nearby heritage assets, as the RBC Heritage Consultant's comments above at section 4ii) make clear, this is a sensitive location with the Eldon Square Conservation Area. Owing to a combination of the transitional height proposed, the significant set back from the public realm and the high quality finished appearance envisaged (with a condition ensuring these materials appear natural and sympathetic to the character and appearance of the conservation area), it is considered that the proposal has been carefully and cleverly designed to both preserve and enhance the setting of surrounding heritage assets (including the listed buildings outlined at paragraph 4.13 above), whilst also enhancing the character and appearance of the wider conservation area. Together with the proposed landscaping being secured via condition (as discussed elsewhere), both the RBC Heritage Consultant and members of the DRP consider that the proposals are acceptable in this regard. Hence, in summary officers fully support the design approach taken, with this being considered a planning benefit in the overall planning balance for the scheme.

iii) Housing mix and affordable housing

- 6.13 In relation to the mix of units proposed, the scheme seeks to create 3x1-bed and 4x2-bed units. Policies CS15 and DM5 seek for proposals to provide an appropriate range of housing opportunities in terms of a mix of housing types, sizes and tenures, with the DM5 stipulation of at least 50% 3-bed units only applying in 10+ unit schemes (with this scheme below that number of units). With the policy context in mind it is considered that the proposed mix is suitable in this instance, providing a combination of smaller (1-bed) and larger (2-bed) units.
- 6.14 Moving onto consider affordable housing matters, in line with Policy DM6 a 20% on site provision is required. In a 7 unit scheme this equates to 1.4 units. At the outset of the application the applicant was proposing a fully policy compliant contribution of 1 on-site unit (a 1-bed socially-rented unit) and the remaining 0.4 of a unit being in the form of a financial contribution (amounting to £52,507.40, as per the SPD formula) towards affordable housing elsewhere in the Borough. RBC Housing feedback was that a 2-bed on-site unit would be preferred instead of the one-bed unit offered, in order to help meet the greatest housing need in the Borough, with the financial contribution reducing accordingly too. Following on from this officer request, the applicant undertook a full cost assessment of the scheme and subsequently withdrew the entirety of the original affordable housing offer.
- 6.15 Instead, the applicant submitted a financial viability assessment to seek to justify a nil contribution towards affordable housing. In making this change in approach, the agent outlined that, *"Having already bought the site, the applicant still wishes to bring this development forward in order to minimise potential loses and take risk on it as a longer term investment, but the loses would be just too great for this to be possible if affordable housing is applied"*.
- 6.16 Accordingly, this viability appraisal has been reviewed on behalf of the local planning authority by BPS Chartered Surveyors. As outlined at section 4 vii) above, this has been thoroughly reviewed and it has been concluded that the scheme cannot viably support an affordable housing contribution. Although this is disappointing to officers (especially in the context of the original offer), it is

evident that the applicant has clearly demonstrated the circumstances for justifying a lower (in this case nil) affordable housing contribution. Policy DM6 allows for this and there is consequently considered by officers to be no scope to secure any affordable housing contribution on the basis of the current projected viabilities associated with the development. However, as also detailed at section 4 vii) above, both BPS and RBC Valuations consider there to be scope to secure a deferred affordable housing mechanism, which would enable the Council to share in any subsequent uplift in actual value. This will be secured within the s106 Legal Agreement.

- 6.17 Moreover, there is a further s106 legal agreement obligation which is considered to be necessary and could have knock-on affordable housing implications. A head of term is considered necessary to specify that should the building subsequently be extended / altered (to create further units) or units subdivided (e.g. a 2-bed unit becomes 2 separate 1-bed units) then contributions to affordable housing would apply on a cumulative basis (rather than individual application basis). This is also necessary in part due as the number of units proposed being close to 10, whereby the affordable housing contribution changes from 20% to 30% and conversions resulting in a change of use under 10 units (as could be proposed at a later date) do not attract contributions (as per the application of Policy DM6).
- 6.18 Put another way, officers consider it appropriate to secure via legal agreement a mechanism to ensure that each future part of any future proposal at the site makes an appropriate contribution to affordable housing, having regard to the contribution that would arise from a single assessment across all components. Typically any additional contribution would take the form of a financial contribution to affordable housing elsewhere in the Borough, given the likely difficulties of incorporating further on-site provision in this instance. It is noted that such an approach was sought and considered appropriate on appeal by the Planning Inspectorate elsewhere in the Borough in June 2018 (see Ref 170251 at City Wall House, 26 West St Appeal Ref: APP/E0345/W/17/3188270).
- 6.19 In respect of both of the obligations proposed by your officers, the agent has confirmed that the applicant is agreeable to a S106 Legal Agreement in these regards. With these two elements secured via legal agreement it is considered that, although accepting that no on-site / off-site affordable housing provision or financial contribution is provided at this stage, this has been shown to due to the specific viability conditions in this particular case. Policy DM6 allows for such scenarios and scheme viability has been thoroughly tested by external consultants BPS on behalf of the local planning authority. Consequently, on balance, this is considered the best possible contribution towards affordable housing in this particular case. The proposal is thus considered to be policy compliant in this regard.

iv) Quality of accommodation

- 6.20 The internal layout of the proposed units are arranged so as to create an overall high standard of living accommodation for future occupiers. Although the shape and form of the building has evidently been influenced by the close proximity of nearby properties, the internal layout has been devised as efficiently and effectively as possible with these constraints in mind. Each unit is either dual or triple aspect, with suitable sized rooms and complemented with inset balconies at first and second floor and a projecting balcony for the third floor unit. Storage spaces are provided within each unit, together with dedicated cycle/waste facilities at ground floor level. Shared external amenity space is provided within communal gardens off the Eldon Road frontage, which is welcomed in principle (an

open shared space is shown, as well as a more enclosed space). An overshadowing assessment has been submitted which demonstrates that this space will have sufficient access to direct sunlight, making this a potentially valuable shared space for future occupiers.

- 6.21 The units have also been designed so as to reduce as far as practicably possible instances of overlooking and loss of privacy from existing nearby occupiers. Through the use of careful siting and orientation, direct overlooking from existing nearby occupiers is minimised. It is noted that on the north-west elevation a secondary window serving bedrooms within the third and fourth floor flats would be 8m from windows at Hanover House. As such, these two windows will be secured via condition as obscurely glazed/fixed shut up to 1.7m. This is not considered to unduly compromise these bedrooms (e.g. in terms of access to light), which are primarily served by a west-facing window already. Although there are other instances where there is a closer relationship than the 20m referenced by Policy DM4 (e.g. north elevation towards Hanover House is 17m and there is a diagonal distance of 12.5m from the south elevation towards 1 Eldon Road - as such, overlooking would be at an acute angle rather than direct), it is considered that these relatively minor shortfalls would not unduly compromise the overall quality of the accommodation for future occupiers.
- 6.22 In terms of daylight matters, during the course of the application the report has been updated to assess this for future occupiers. It is shown that each room will comfortably meet the recognised average daylight factor (ADF) test, despite some rooms incorporating recessed windows. This is primarily owing to the accommodation being at first floor level and above and many of the rooms including more than one window and these being orientated in different directions. Accordingly, it is considered that the proposals have satisfactorily demonstrated that they provide suitable levels of light for future occupiers. Related to this, future occupiers are considered to receive ample outlook from the proposed units. This is partly thanks to the generously sized windows and partly due to the double/triple aspect provided for the flats in many instances.
- 6.23 As outlined in section 4iv) above, it has been demonstrated through the submission of reports that no issues are raised in relation to noise and air quality matters. The provision of parking (cycle and vehicular) has been demonstrated to Transport officers to be satisfactory, with suitable waste and recycling provision too. However, in relation to waste and recycling, the submission is not explicit in precisely how this will work in practice in terms of collections and management. Given the relative distance of the store to both Eldon Road and Eldon Terrace, together with the closer context of the Hanover House car parking spaces, it is considered necessary to secure a pre-occupation waste management plan, via condition. In overall terms it is therefore considered that the proposals comply with policies DM4 and CS34 (in particular) and provide a suitable standard of accommodation for future occupiers.

v) Amenity for nearby occupiers

- 6.24 Given the footprint and use of the proposed building in relation to nearby properties (in particular Hanover House, Town Place and 1&3 Eldon Road), the safeguarding of amenity for nearby occupiers is particularly pertinent in this case and has been carefully considered. It is evident that the design and internal layout of the proposed units has been influenced by the existing context and various steps have been taken to minimise the impact for existing occupiers.

- 6.25 Considering first privacy and overlooking matters, it is noted that the building is within 20m (the back to back distance between dwellings referenced within Policy DM4 as usually being appropriate, albeit there is also reference in the supporting text that individual site circumstances may enable dwellings to be closer without a detrimental effect on privacy) of the existing nearby properties. More specifically, the north-south distance between the building and Hanover House is 17m, with a diagonal north-west elevation of the proposed building within 8m of south-east corner of the Eldon Road fronting element of Hanover House. To the east there is a minimum 19.5m distance to the front façade of the Town Place properties (albeit the distance to the front amenity spaces associated with these properties is less, starting at 9m). To the south-west of the proposed building, there is a diagonal distance of 12m towards the rear elevation of 1 Eldon Road at ground to second floor level and 15m at third floor level.
- 6.26 In light of these distances, a number of steps have been taken in the internal layout of the building to minimise detrimental effects. First, the stair and lift area is proposed in the north-east corner of the proposed building, in the closest point to the south side of the Hanover House block which fronts Kings Road and in line with Nos. 7 & 9 Town Place. Although windows are proposed at this point, they are non-habitable and thereby not significantly harmful to nearby occupiers. Accordingly, on the north elevation of the proposed building there is a single bedroom window at first to fourth floor level facing Hanover House, with an internal window to window distance of 17m. Owing to the relatively small number of windows and the minor shortfall of the DM4 distance, this is not considered to result in a significantly detrimental impact for existing/future occupiers of these Hanover House occupiers.
- 6.27 On the angled north-west elevation there are no windows at ground to second floor level, with a single window at third and fourth floor level. As outlined in the quality of accommodation section above, these windows (secondary windows within bedrooms) will be secured via condition to be obscure glazed/fixed shut up to 1.7m. On the west elevation recessed balconies are proposed at first and second floor level, together with living room and bedroom windows at all floors. This elevation is considered most appropriate for such rooms, as any loss of privacy to Hanover House units would only be at acute angles, thereby sufficiently mitigating the detrimental impact.
- 6.28 To the south-west the form of the building is again angled away from boundary with No's 1 & 3 Eldon Road, together with a significant setback of the building as a whole above second floor level (thereby limiting the mass of the element to three floors). The openings are intentionally narrowed to reduce, to an appropriate level, opportunities for overlooking/loss of privacy, which is also further reduced by the existing vegetation cover. A third floor projecting terrace is proposed, but this is well back from the closest element below towards the Eldon Road properties and is limited in size. Therefore, on balance, the terrace is considered suitable, with a condition recommended which limits terraces to only areas shown on the plans. Accordingly, no other flat roof area (e.g. the remaining area above the three-storey element and the roof of the five-storey element) will be utilised as a terrace (thereby protecting nearby occupiers from overlooking/loss of privacy and possible noise and disturbance too) without separate permission from the local planning authority.
- 6.29 To the south, this elevation includes bedroom/living room windows and recessed terrace spaces at first/second floor level and living rooms on the substantially setback third and fourth floors. This elevation is less sensitive to overlooking,

given it faces directly towards the Hanover House car park, with views towards Town Place and 1&3 Eldon Road properties only possible at acute angles. Accordingly, the window openings are generally larger (for the benefit of future occupiers) and no significantly adverse privacy/overlooking issues are envisaged at this specific point.

- 6.30 To the south-east and east, as already mentioned the window to window distance to Town Place properties is 19.5m, marginally below the 20m distance referenced in the supporting text to Policy DM4. However, the distance to the front amenity spaces associated with the Town Place properties is less (minimum 9.5m), while it is also noted that there is a degree of vegetation cover as well in the intervening area. Although numerous windows are proposed at first (8 windows) and second (6 windows) floor level on the proposed east elevation, only three of these windows at each floor serve habitable rooms (the others serve en-suites / bathrooms / refuge or staircases). Given the distances involved and the prevailing context, this relationship is not considered so significantly detrimental to the living environment of Town Place occupiers to warrant refusal of the application on this basis. At third and fourth floor level the building is intentionally angled away from the Town Place properties (in a south-east direction) to protect the amenity of nearby occupiers. Hence, to conclude on privacy and overlooking matters, although there are some shortfalls, the various steps the applicant has taken and the conditions recommended means in overall terms the impact will not be significantly detrimental.
- 6.31 In respect of visual dominance, outlook and overbearing matters, it is acknowledged that for existing nearby occupiers, the context will undoubtedly change as a result of the proposed development. However, the proposals include a number of angled and stepped in elements which have been incorporated partly to ensure these impacts are not significantly detrimental. In particular, the breaking down of the mass from five to three-storeys is significantly in helping maintain an adequate level of outlook for nearby occupiers, whilst not being so visually dominating or overbearing to warrant the refusal of the application as a whole on this basis.
- 6.32 Turning to consider day/sunlight and overshadowing matters, a full assessment has been submitted which follows the established BRE methodology. It is shown the all Town Place and Eldon Road properties would pass the recognised vertical sky component (VSC) daylight test, thereby sufficiently demonstrated that although there would be a reduction in daylight levels, the level of reduction would be within the prescribed BRE levels. In terms of daylight to Hanover House units, it has been demonstrated that 8 windows (of the 70 tested) would fail the VSC test (6 of these would be at first floor level on the inner-corner east/south elevations facing the application site), but these would comfortably pass the average daylight factor (ADF) daylight test. Accordingly, it is considered by officers that the extent of harm is not significant enough to resist the proposed development on these grounds.
- 6.33 In relation to sunlight matters, in line with the BRE guidance, only windows facing within 90° of due south are required to be assessed. Accordingly a sunlight assessment of 4-9 Town Place and 1 Eldon Road was not required or submitted. In terms of Hanover House, the assessment shows that six windows would not comply with the Annual Probable Sunlight Hours (APSH) sunlight test, with these being positioned on the east elevation of the block fronting Eldon Road. This includes the dual aspect (with the southern elevation) corner units at first, second and third floor level. These units are shown to receive suitable access to sunlight from

the south, downplaying the overall impact to these three units. As such, given the small number of deficiencies below the guidelines, the loss of sunlight is not considered to cause an overall significant detrimental impact to the living environment of existing Hanover House residential properties to warrant a sustainable reason for the refusal of the scheme as a whole, when applying a critical planning balance of all material considerations.

- 6.34 In terms of overshadowing to gardens and outdoor amenity space, the BRE Spring Equinox assessment has been undertaken. For completeness a Summer and Winter Equinox assessment has been undertaken too. The established Spring assessment demonstrates that the only noticeable change will be in the late afternoon for 7-9 Town Place and 220 Kings Road (not in residential use), meaning in overall terms there will not be a significantly harmful prolonged impact to the amenity space of any existing nearby occupier.
- 6.35 In terms of other amenity based matters (noise and disturbance, dust and fumes and crime and safety), consistent with the quality of accommodation section above, the proposals are considered appropriate in these regards subject to a series of conditions. In particular, the public consultation responses have raised concerns regarding disturbance during the construction period, which will be suitably managed by a pre-commencement demolition and construction method statement. Furthermore, the inclusion of a waste management plan is also partly to protect the amenity of nearby occupiers as well as being for the benefit of future occupiers too.
- 6.36 In overall terms the proposals are not considered to cause a significant detrimental impact to the living environment of existing residential properties or wider users of the area. The proposals are therefore considered to comply with policies DM4 and CS34 in particular.

vi) Transport

- 6.37 In line with section 4i) above, in overall terms from a transport perspective the proposals are considered to be acceptable, subject to a number of conditions. This includes conditions relating to future occupiers having no automatic entitlement to on-street parking permits (downplaying any increase the 'parking stress' in the local area) and a demolition and construction method statement. Furthermore, the vehicle parking, bin storage and cycle parking facilities are recommended to be implemented prior to first occupation. Possible issues in relation to misuse of off-street parking spaces at Hanover House are a private matter between landowners.

vii) Trees, landscaping and ecology

- 6.38 As per sections 4v) and 4vi) above, the proposals are considered appropriate in terms of not harming existing trees / habitats on or nearby the site. Meanwhile the proposals will also create a suitable level of hard/soft landscaping in the proposed scheme, including biodiversity enhancements and a wildlife-friendly landscaping scheme to the front of the site. With these elements being secured in full via condition, the proposals are considered appropriate in these regards, complying with policies CS7, CS36 and CS38.

viii) Sustainability

- 6.39 Although a formal code for sustainable homes pre-assessment is no longer required (as a result of this being withdrawn by the Government on 27/03/2015) a sustainability statement has been submitted. This covers a variety of sustainability related matters, indicating that the scheme will, for example, incorporate the use of water efficient fittings and equipment, comply with building regulations part L in terms of reducing carbon emissions and will aim to reduce waste during the demolition/construction process. Such measures, together with the air quality report, noise assessment, landscaping and cycle provisions of the scheme means it is considered that the proposals comply with policies CS1 and DM1.

ix) Other matters

Section 106 Legal Agreement

- 6.40 Policies CS9 and DM3 allow for necessary contributions to be secured to ensure that the impacts of a scheme are properly mitigated. It is considered that the heads of terms in relation to affordable housing, as referenced above, would comply with the National Planning Policy Framework and Community Infrastructure Levy (CIL) in that it would be: i) necessary to make the development acceptable in planning terms, ii) directly related to the development and iii) fairly and reasonably related in scale and kind to the development.

Pre-commencement conditions

- 6.41 In line with section 100ZA(5) of the Town and Country Planning Act (as amended) discussions have been undertaken with the applicant regarding pre-commencement conditions. The applicant formally agreed to a pre-commencement condition (relating to a demolition and construction management plan) and two pre-commencement - barring demolition - conditions (relating to materials and hard/soft landscaping, including ecological enhancements) via return email on 28/11/18.

Other matters raised in public consultation responses

- 6.42 As per section 4x), a variety of matters have been raised in public consultation responses. A response to the vast majority of these matters has already been made in this appraisal. There are however some issues which haven't as yet, and hence responses are provided below.
- 6.43 With regard to the provision of this building adding to on-going fire risks associated with neighbouring Hanover House, it is noted that fire safety is not a material planning consideration. There is no reason to suggest the proposal would itself increase the fire risk to a wholly separate nearby building, providing the proposal is carried out in accordance with any planning conditions and all other separate requirements. Furthermore, during the lifetime of this application, a separate planning permission relating to the removal of the cladding on Hanover House has been separately granted planning permission (on 23/11/18, as per paragraph 3.7 above).
- 6.44 In terms of the application site being incorrect (including parking areas outside the applicant's title) and incorrect information regarding the title deed and ownership of land, this has been discussed with the agent of the applicant. The agent has reiterated that the correct procedures have been following (Certificate B / notice served) and that the area where building is proposed is wholly owned by The

Faculty Ltd, and the company has unfettered legal right of way on foot with and without vehicles over the whole of the Hanover House car park.

Equality

- 6.45 In determining this application the Council is required to have regard to its obligations under the Equality Act 2010. The key equalities protected characteristics include age, disability, sex, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sexual orientation. It is considered that there is no indication or evidence that the protected groups have or will have different needs, experiences, issues and priorities in relation to this particular application.

7. CONCLUSION

- 7.1 In overall terms it is considered that the loss of the existing use has been justified and the provision of 7 residential units would assist the Borough in meeting its annual and plan period housing targets. Furthermore, from a design perspective the proposal represents a welcomed and high quality addition which would enhance the character and appearance of the conservation area and preserve/enhance the setting of nearby heritage assets. The quality of accommodation is suitable for future occupiers, while significant steps have been incorporated to ensure the proposals do not cause a significant detrimental impact to the living environment of existing residential properties, despite some acknowledged shortfalls. In addition, the lack of any contribution towards affordable housing at this stage is disappointing, but this has been evidenced and justified through a viability submission. Instead officers have negotiated a deferred affordable housing mechanism and a further requirement for affordable housing being applied on a cumulative basis should future proposals seek to subdivide or extend the building to create further residential units. Therefore, in overall terms, when applying a critical planning balance, the merits are considered to outweigh the shortfalls of the proposals.
- 7.2 The proposals are therefore considered to be acceptable within the context of national and local planning policies, as detailed in the appraisal above. As such, full planning permission is recommended for approval, subject to the recommended conditions and completion of the S106 Legal Agreement.

Drawings / documents to be referenced on the decision notice:

- 186-SK-01 Existing Plan, as received 06/04/18
- 186-D-00 Site Location Plan & Block Plan, as received 06/04/18
- 186-D-04 Site Roof Plan, as received 06/04/18
- 186-D-05 - Rev C Site Plan, as received 27/06/18
- 186-D-06 First and Second Floor Plan, as received 06/04/18
- 186-D-07 Third and Fourth Floor Plan, as received 06/04/18
- 186-D-10 Illustrative technical section, as received 06/04/18
- 186-D-11 Sections AA, as received 06/04/18
- 186-D-12 Sections BB, as received 06/04/18
- 186-D-13 Proposed Elevations, as received 06/04/18
- 186-D-13A Proposed Elevations, as received 23/04/18 (Proposed Elevation BB - No Landscape)
- 186-D-14 Proposed Elevations, as received 06/04/18

Tree impacts assessment, tree protection plan and method statement by David Archer Associates Ref: OB Architecture 1a Eldon Road, Reading DAA AIR TPP & AMS 02A June 2018, dated June 2018, as received 11/06/18

Other documents submitted:

186-D-01 Existing Site Photos, as received 06/04/18

186-D-02 Concept-Form Development, as received 06/04/18

186-D-03 Massing-Form Development, as received 06/04/18

186-D-08 Influencing Precedent, as received 06/04/18

186-D-09 Materiality + Appearance, as received 06/04/18

186-D-15 Visual 1, as received 06/04/18

186-D-16 Visual 2, as received 06/04/18

186-SK-02 Existing Building Photographs, as received 06/04/18

Air Quality Assessment by Aether Ref AQ_assessment/2017/Eldon_Road V1, dated 22/09/17, as received 06/04/18

Affordable Housing Statement by Atlas Planning Group dated March 2018, as received 06/04/18

CIL Evidence (x6 pages), as received 06/04/18

Heritage Statement by Atlas Planning Group dated January 2018, as received 06/04/18

Environmental Noise Impact Assessment by Impact Acoustics Ref IMP5184-1 v1.0 dated September 2017, as received 06/04/18

Design and Access Statement by OB Architecture, dated March 2018, as received 06/04/18

Planning Statement by Atlas Planning Group dated April 2018, as received 06/04/18

Daylight, Sunlight & Overshadowing Impact Assessment by Hawkins Environmental Ref H2536 V3, dated 10/07/18, as received 12/07/18

Sustainability Statement by Atlas Planning Group dated February 2018, as received 06/04/18

Transport Statement by Atlas Planning Group dated March 2018, as received 08/06/18

Response to neighbour representations by Atlas Planning Group dated May 2018, as received 31/05/18

Email 'RE: Mulberry House, 1a Eldon Rd, Reading (180591)' from Atlas Planning Group, dated and received 28/11/18

Mulberry House, 1a Eldon Road, Reading - Swept Path Analysis, as received 27/06/18

Information submitted on a private and confidential basis:

Development Viability Report by WP Housing, dated July 2018, as received 24/07/18

Note from Haslams dated 14/08/18, as received 17/08/18

Letter 'Independent Viability Review by BPS' from WP Housing, dated 03/12/18, as received 04/12/18

Case Officer: Jonathan Markwell