

DELEGATED APPLICATION REPORT

Application No: 230506/FUL

Address: 92 Whitley Street, Reading

Proposal: Demolition of existing 2-storey building and construction of two storey residential maisonette and ground floor shop

Case officer: Ethne Humphreys

Target Date: 07/07/2023

SITE DESCRIPTION AND SURROUNDING AREA

The site lies behind commercial premises at 90 and 92 Whitley Street at the end of a terrace of two-storey residential dwellings on the south side of Essex Street.

The rear of 92 Whitley Street currently contains a two-storey building, its ground floor use is a redundant plant room to the existing laundrette at the front of 92 Whitley Street, and its first floor is used as a residential flat. This building directly abuts and is set forward of the end-of-terrace house at 1 Essex Street and, along with the other houses in the terrace, is generally of traditional brick construction with pitched slated roofs. This two-storey building at the rear of 92 Whitley Street is conjoined to the single-storey neighbouring commercial premises at 90 Whitley Street.

Along the western boundary of the site is a 2m wide right-of-way enabling the occupiers of 94 Whitley Street access to Essex Road.

The site is located within an air quality management area (AQMA) and Article 4 area where permitted development rights for conversion of dwellings to HMOs have been removed.

PROPOSAL

The application seeks full planning permission for the demolition of the existing 2-storey building and the construction of two storey residential maisonette above a ground floor shop.

PLANS CONSIDERED

Drawing No: 1285 / 4 / a Site Plan as Existing

Drawing No: 1285 / 3 / b Block and Location Plans

Drawing No: 1285 / 40 Site Proposals

Design & Access Statement

Received 18th April 2023

Supplementary Statements

Received 12th May 2023

Drawing No: Effect on 1st Floor Windows to No.94 1285 / 41

Received 3rd July 2023

RELEVANT PLANNING HISTORY

220016/FUL Demolition of existing 2-storey building and construction of two storey residential maisonette above ground floor shop. Refused.

210707/FUL - Demolition of existing two-storey building and construction of a three-storey dwelling.

CONSULTATIONS RESPONSES

RBC Transport

No objection subject to conditions, discussed below.

Ecology

Object, due to lack of bat survey, discussed below.

Environmental Protection

No objection subject to conditions, discussed below.

Public Consultation

Nearby neighbouring properties were notified and a site notice displayed.

One neighbour letter of objection received, concerned with:

- Traffic and vehicle movements

EQUALITY ACT

In determining this application, the Council is required to have regard to its obligations under the Equality Act 2010. However, there is no indication or evidence (including from consultation on the application) that the protected groups identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application. Therefore, in terms of the key equalities protected characteristics it is considered there would be no significant adverse impacts as a result of the development.

RELEVANT PLANNING POLICY AND GUIDANCE

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'. However, the NPPF does not change the statutory status of the development plan as the starting point for decision making.

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

Reading Borough Local Plan 2019

CC1: PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT

CC2: SUSTAINABLE DESIGN AND CONSTRUCTION

CC3: ADAPTATION TO CLIMATE CHANGE

CC6: ACCESSIBILITY AND THE INTENSITY OF DEVELOPMENT

CC7: DESIGN AND THE PUBLIC REALM

CC8: SAFEGUARDING AMENITY
CC9: SECURING INFRASTRUCTURE
EN12: BIODIVERSITY AND THE GREEN NETWORK
EN16: POLLUTION AND WATER RESOURCES
H1: PROVISION OF HOUSING
H2: DENSITY AND MIX
H3: AFFORDABLE HOUSING
H5: STANDARDS FOR NEW HOUSING
H10: PRIVATE AND COMMUNAL OUTDOOR SPACE
RL1: NETWORK AND HIERARCHY OF CENTRES
RL3: VITALITY AND VIABILITY OF SMALLER CENTRES
TR1: ACHIEVING THE TRANSPORT STRATEGY
TR3: ACCESS, TRAFFIC AND HIGHWAY-RELATED MATTERS
TR4: CYCLE ROUTES AND FACILITIES
TR5: CAR AND CYCLE PARKING AND ELECTRIC VEHICLE CHARGING

Supplementary Planning Guidance

Sustainable Design and Construction SPD 2019
Revised Parking Standards and Design SPD 2011
Affordable Housing SPD 2021
Section 106 Planning Obligations SPD 2015
Biodiversity Action Plan 2021

APPRAISAL

Land Use Principles

The NPPF states that LPAs should “*encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value*”. The NPPF definition of ‘previously developed land’ excludes private residential gardens. Therefore, it is clear that the priority for development should be on previously developed land, in particular vacant and derelict sites and buildings.

The proposal would provide an additional dwelling to the Borough’s housing stock on previously developed land - the principle of which aligns with the broad objectives of Policy H1 (Provision of Housing) in assisting meeting annual housing targets. The application site is also situated within a predominately residential area, whereby its location and accessibility is considered to accord with Policy CC6 (Accessibility and the Intensity of Development).

The site is located within the designated Whitley Major Local Centre where Policy RL3 (Viability and Vitality of Smaller Centres) states that there should be no net loss of ‘centre uses’ except in exceptional circumstances. The proposed development would result in the loss of the rear ground floor plant room to the existing laundrette at 92 Whitley Street which the application states is redundant and no longer required. However, the proposal introduces a new commercial/retail unit on the ground floor of the proposed building accessed from Essex Street. The laundrette would be retained to the Whitley Street frontage and as such the existing commercial use on the site would be retained and there would be no net loss of ‘centre uses’.

Design Considerations

Policy CC7 (Design and the Public Realm) states that all development must be of high design quality that maintains the character and appearance of the area within which it is located including layout, landscape, density, scale and architectural detail and materials of similar spaces in the vicinity.

Paragraph 130 of the NPPF 2021 details that decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character including the surrounding built environment.

The National Design Guidance identifies 10 key components for good design and of particular note is the characteristic of 'Context' and it states that "well designed new development responds positively to the features of the site itself and the surrounding context beyond the site boundary. It should enhance positive qualities and improve negative ones." Additionally, there is specific reference to 'views inwards and outwards'.

The rear part of the site where the proposed dwelling would be located fronts on to Essex Street and consists of a 1½ storey brick building with pitched gable roof which sits directly on the pavement on Essex Street. The building also adjoins 1 Essex Street which is an end of terrace house forming part of a terrace of dwellings which spans the length of Essex Street. The row of terraced dwellings which characterise the street are set back 2m from the Essex Street pavement by way of small front garden areas whilst the existing 1 ½ storey building to the application site is set further forward and directly fronts the Essex Street pavement. A similar terrace of dwellings exists on the opposite side of Essex Street. To the east of the site is the junction of Whitley Street and Essex Street which consists of a mixture of single and two storey buildings with commercial uses at ground floor level.

The main bulk of the proposed replacement building would be sited approximately 2m from 1 Essex Street and would front on to the Essex Street pavement frontage. It would also be forward of the Essex Street frontage by approximately 2m. The proposal is lower than the previously refused scheme (220016) and would not be higher than No.1 Essex Street. However, it would feature differing roof heights, including the undercroft feature and blank facades to the side and rear elevations. The building would not reflect the proportion or the detailing of the adjacent Essex Street. The proposed building, significantly forward of the building line of Essex Street, is considered overly dominant and entirely at odds with the strongly defined building line which characterises Essex Street. Whilst the forward projection of the existing building is noted, given the more diminutive nature of the existing building this is not overly prominent and is subservient to the adjacent terrace, reflective of its historic ancillary function to the shop fronting Whitley St. Conversely, the proposed building would, given its height and significant forward projection of this terrace, be overly prominent and would not integrate well with either No.90 Whitley Street or the Essex Street terrace.

In terms of detailed appearance, the undercroft feature is also uncharacteristic and not considered to be a good design response, further adding to the incongruous nature of the proposal and indicative of overdevelopment.

The proposed building, albeit lower in height, would be wider, with convoluted roof form and would not integrate with the rest of the street - even more so with the introduction of a commercial/retail units at ground floor level adjacent the Essex Street residential terrace.

The existing building adjoins No.1 Essex Street. The proposed would introduce a 2m gap at ground floor, with undercroft above. This gap would also maintain right of way access for 94 Whitley Street to Essex Street. As above, this is not characteristic of the area. Furthermore, it would result in a visually unattractive 'tunnel' at the front of the building, with little activity at ground floor level. Whilst this might provide some minor degree of relief to No.1 Essex Street, nevertheless it would not integrate with the adjacent Essex Street residential terrace and is not considered to detract from the dominance and out of keeping character of the development within the street as a result of its scale, appearance and forward siting contrary to Policy CC7.

Amenity of surrounding and future occupiers

Policy CC8 (Safeguarding Amenity) seeks that development proposals should safeguard the amenity of both existing and future occupiers and Policy EN16 (Pollution and Water Resources) seeks that development will only be permitted where it would not be damaging to the environment and sensitive receptors in terms of pollution. Policy H5 (Standards for New Housing) sets out the standards to which new dwellings shall be constructed. Policy EN16 (Pollution and Water Resources) seeks to protect from the impacts of pollution. Policy H10 (Private and Communal Outdoor Space) seeks, that residential dwellings are provided with functional outdoor private or communal amenity space which respects the size and character

Impact on neighbouring amenity

No.1 Essex Street incorporates a first-floor level side facing landing window facing the proposed development. As a window serving a non-habitable space there is not considered to be any adverse impact on the amenity of the occupiers of 1 Essex Street. Similarly, the forward projection of the building is not considered to result in any adverse overbearing effects to occupiers of this property.

However, the flat to the upper floor of 94 Whitley Street which adjoins the application site to the south has north facing windows. The proposed development would be in close proximity to this neighbouring flat. Whilst the proposed development has blank side and rear elevations therefore removing any concerns regarding loss of privacy and overlooking, its close proximity and overall size up to the boundary with 94 Whitley Street is considered to result in visual dominance and overbearing effects on the existing occupiers of the upper floor flat to 94 Whitley Street. The applicant submitted a plan to demonstrate this. It is officer's view that this plan, which better reflects the existing and proposed relationship, only serves to demonstrate the unacceptable impact through close proximity. The proposals are therefore contrary to Policy CC8.

The site is located within the Whitley Major Local Centre and close to a number of surrounding commercial uses although these uses front onto Whitley Street itself. The proposed commercial/retail use at ground floor may be acceptable as Policy RL1 states that improvements to existing centres will be acceptable where they provide improvements such

as *'broadening the range of facilities and have a residential use on the upper floors'*. However, the use of the ground floor unit would need to be controlled to ensure there is no detrimental impact on neighbouring properties. Had the application been acceptable in all other regards this matter could have been controlled by way of suitable conditions.

The site is located close to the busy Whitley Street where there are a number of commercial uses and had the application been acceptable a condition would have been attached to seek the submission and approval of a noise assessment and mitigation scheme prior to commencement of development. The site is also located within an air quality management area and as such a similar condition would have been attached to secure an air quality mitigation scheme.

Impact on future occupiers

The submitted Design & Access Statement advises the proposed flat measures 50sqm which would comply with the requirements of Policy H5 (for a 1 bedroom, 1 storey, 2 person dwelling) and the nationally prescribed spaces standards. It is not clear from the plans whether this measure is correct, with annotations suggesting a smaller size and the layout appearing cramped. The proposed flat would also be accessed from the bike store which, for a new build, is not considered acceptable.

The proposed development is also considered to provide insufficient functional amenity space. Policy H10 sets out that flats outside central Reading, as a guide, should provide 25sqm per flat of private or communal outdoor amenity space. Policy H10 also states that *'the design of outdoor areas will respect the size and character of other similar spaces in the vicinity, clearly identify whether they are private or communal spaces, ensure that they are appropriately related to main entrances, enhance safety and the perception of safety for future residents and the general public, and not be compromised by the relationship of other buildings which may be detrimental in terms of overlooking, overbearing or overshadowing.'*

The Design and Access Statement states that the proposal would have a *'modicum of amenity space with stage for bicycles and bins'*. The small area of outdoor space is proposed between the new building and 1 Essex Street, adjacent the bin and bike storage. This space would also not be private as it is required to provide a right of way access across it for the occupiers of 94 Whitley Street and assumed access to the bin store for the proposed commercial/retail unit and access to the bin store and bike store. This area would also be hemmed in between the proposed building, 1 Essex Street and 94 Whitley Street making it uninviting and inappropriate as an area of private amenity space. Whilst limited amenity space might reflect the local pattern of development in Whitley Street with residential over commercial units, the proposed building is on Essex Street which is a residential road with rear gardens provided and Policy H10 requires some degree of suitable amenity space that contributes to a high quality of life which the proposed development is not considered to achieve.

Transport

Policies TR3 (Access, Traffic and Highway related matters), TR1 (Achieving the Transport Strategy) and TR5 (Car and Cycle Parking and Electric Vehicle Charging) seek to address access, traffic, highway and parking relates matters relating to development.

The site fronts onto the A327 which is a main transport corridor between central Reading and the south. The A327 has parking restrictions preventing on-street parking and a peak hour loading ban in force. Pedestrian access to the site is via Essex Street which is a residential street serving predominantly terraced properties which have limited off street parking facilities. Essex Street is part of a Resident Permit Parking Zone 10R.

Local parking standards are set out in the RBC, Revised Parking Standards and Design Supplementary Planning Document (SPD) which takes into account the accessibility of the site. The site is located in Zone 2, Primary Core Area and the parking requirement in this zone is 2 spaces per 3-bedroom dwelling. However, there is currently no parking associated with the site and it is not possible to provide any off-street parking given the terraced nature of the street.

Given the constraints of the site and the parking controls in the area, a car free development could be considered in this location. However, the future occupants of the dwellings would not be eligible for any residents parking permit to park in the surrounding residential area. If planning permission were to be granted this would have been secured by way of condition.

Bin and cycle storage areas are indicated adjacent the covered archway. Further details of these arrangements could have been secured by way of conditions. A pre-commencement condition would have also been required to secure submission and approval of a construction method statement to demonstrate how the development could be constructed without adversely impacting on the surrounding highway network and existing nearby dwellings. A condition would also have been required for a delivery and servicing plan to manage how vehicles would access each unit without creating safety concerns and congestion will be required to be submitted and approved in writing.

Sustainability

Policy CC3 (Adaptation to Climate Change) requires that development proposals incorporate sustainable design practices to take account of climate change. Policy H5 (Standards for New Housing) requires that all new housing is built to the higher level of water efficiency standards under Building Regulations and achieves at a minimum a 19% improvement in the dwelling emission rates above the Building Regulations standards.

Should the application have otherwise been recommended for approval, conditions would have been recommended to ensure the development meets the following requirements:

- Higher water efficiency standards of 110 litres per person per day; and
- A 19% improvement over building regulations energy requirements

Although secured by planning condition, these new requirements would have been administered through the Building Regulations, with confirmation of compliance submitted to the LPA to discharge the condition.

Natural Environment - landscaping

Policy EN12 (Biodiversity and the Green Network) seeks that development should not result in a net loss of biodiversity and should provide for a net gain of biodiversity wherever possible by protecting, enhancing and incorporating features of biodiversity on and adjacent to development sites and by providing new tree planting and wildlife friendly landscaping and ecological enhancements wherever practicable. Policy CC7 (Design and the Public Realm) sets out that good design should incorporate appropriate landscaping.

Whilst it is acknowledged that scope for landscaping within the development is limited in this location, if planning permission were to have been granted, details of landscaping proposals would have been secured by way of condition.

Ecology

Policy EN12 (Biodiversity and the Green Network) seeks that development should not result in a net loss of biodiversity and should provide for a net gain of biodiversity wherever possible by protecting, enhancing and incorporating features of biodiversity on and adjacent to development sites and by providing new tree planting and wildlife friendly landscaping and ecological enhancements wherever practicable.

The application has not been accompanied by a bat survey. The Council's Ecologist has confirmed that the building to be demolished may be affected by roosting bats (and nesting birds) and as such a bat survey is required. The agent has stated that no bat survey has been requested previously. It is important to note that site circumstances change over time and indeed the Council's Ecologist has confirmed recent sighting of bats within the immediate vicinity. Under previous applications the Ecologist has also noted that buildings within this part of Reading are likely to host nesting swifts.

Given the above there is insufficient information for the Council to determine whether or not protected species would be affected by the proposed development. As such the proposal is contrary to Policy EN12 of the Reading Borough Local Plan 2019.

Given the nature of the scheme, it would also have been appropriate to ensure that ecological enhancements were provided, namely bird/bat boxes and wildlife friendly landscaping. This could have been secured by way of condition in compliance with Policy EN12 had the proposal been able to be supported. A condition would also have been attached to ensure no demolition work be undertaken within the bird nesting season.

Affordable Housing

Policy H3 (Affordable Housing) requires that for schemes of 1-4 dwellings a financial contribution to enable the equivalent of 10% of the housing to be provided as affordable housing elsewhere within the Borough. In accordance with the adopted Affordable Housing SPD 2021 this equates to contribution equivalent to 5% of the GDV of the development.

The applicant stated they agreed in principle to enter into a legal agreement to secure a financial contribution. However, no formal valuations have been submitted (noting the agent's suggested contribution). Given that the proposal is not considered acceptable in other planning terms, the Council has not pursued the S106 legal

agreement to secure the financial affordable housing provision. The proposal is therefore contrary to Policies H3 and CC9 of the Reading Borough Local Plan 2019.

An informative will specify that this reason for refusal could be overcome, in the context of an acceptable scheme in all other respects, by entering into a s106 or unilateral undertaking.

Community Infrastructure Levy

The proposal would be a Community Infrastructure Levy (CIL) liable development. The applicant has provided the CIL Additional Information Form. If the scheme had been acceptable an informative would have been attached to the decision notice to advise the applicant of their responsibilities in this respect.

If the applicant could demonstrate that the existing parts of the building to be demolished had been within a lawful use for a minimum continuous period 6 months within the last 3 years from the granting of any future planning permission, then the levy required could be reduced and off-set against the floor space of the existing building. This calculation is also on the assumption that the unit proposed on the ground floor would be for retail only and again this figure could change if this were not the case.

RECOMMENDATION:

REFUSE Planning Permission for the following reasons:

1. The proposed development, due to its incongruent and inappropriate appearance combined with its overall height, bulk and massing would appear overly dominant within the street scene and would fail to respond positively to its context and would fail to maintain and enhance the character and appearance of the area. The proposal is therefore contrary to Policy CC7 (Design and the Public Realm) of the Reading Borough Local Plan 2019.
2. The proposed development, due to its cramped layout and insufficient amenity space would applicant have a detrimental effect on the living conditions of future residents contrary to Policies CC8 (Safeguarding Amenity), H5 (Standards for New Housing) and H10 (Private and Communal Outdoor Space) of the Reading Borough Local Plan 2019.
3. The proposed development, due to its close proximity to 94 Whitley Street and its overall size in relation to the boundary and windows at 94 Whitley Street would be visually dominant and overbearing on the existing occupiers of the upper floor flat at 94 Whitley Street, harmful to their amenity. The proposal is therefore contrary to Policy CC8 (Safeguarding Amenity) of the Reading Borough Local Plan 2019.
4. The application fails to demonstrate whether or not bats (a protected species) would be adversely affected by the proposed development, contrary to Policy EN12 (Biodiversity and The Green Network) of the Reading Borough Local Plan 2019.

5. In the absence of a completed legal agreement to secure an acceptable contribution towards the provision of Affordable Housing, the proposal fails to contribute adequately to the housing needs of Reading Borough. The proposal is therefore contrary to Policies H3 (Affordable Housing) and CC9 (Securing Infrastructure) of the Reading Borough Local Plan 2019 and the Council's Adopted Affordable Housing Supplementary Planning Document 2021.

Informatives:

1. This decision relates to the following plans:

Drawing No: 1285 / 4 / a Site Plan as Existing
Drawing No: 1285 / 3 / b Block and Location Plans
Drawing No: 1285 / 40 Site Proposals
Design & Access Statement
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Drawing No: Effect on 1st Floor Windows to No.94 1285 / 41
Received 3rd July 2023

2. The local planning authority has worked with the applicant in a positive and proactive by advising of the concerns with proposal and providing for the opportunity for the application to be withdrawn. The applicant chose not to withdraw the application, hence the issuing this refusal notice
3. Without prejudice to any future application or appeal, the applicant is advised that reason for refusal 5 could be overcome by entering into a Section 106 Legal Agreement.
4. The applicant is advised that the refused scheme, had it been able to be approved, would have been a CIL (Community Infrastructure Levy) liable development.