

DELEGATED APPLICATION REPORT

Ward: Katesgrove

App Ref: 210329/FUL

Address: 5 Christchurch Gardens, Reading, RG2 7AH

Proposals: Change of use of the newly acquired land from residential to Class E. Insertion of an access gate and associated works (Amended Description).

Case Officer: Mr David Brett

Applicant: St. Luke's Trust Berks

Date received (valid from): 11/10/2021

Target Decision date: 26/08/2022, extension of time on decision agreed from 06/12/2021

1. INTRODUCTION

The application site is a semi-detached building located on Christchurch Gardens, Katesgrove. The surrounding area is considered predominantly residential with a mix of semi-detached and detached dwellings. The ground floor consists of a nursery school, whilst the first and second floors consist of self-contained flats. The proposal site is located 100m south of the Whitley Street Local Centre, and within an Article 4 area which restricts the change of use from the C3 Use Class (dwellinghouses) to the C4 Use Class (small HMO). The proposal site is also within the Air Quality Management Area.



Fig 1. Garden area acquired from 85 Whitley Street. Photo taken by case officer on 06/05/2022.



Fig 2. Rear of 5 Christchurch Gardens. Photo taken by case officer on 06/05/2022.

The proposal site is within the Christchurch Conservation Area.

A site visit was undertaken by the case officer on 06/05/2022.

2. PROPOSAL AND SUPPORTING INFORMATION

The application seeks the change of use of land procured from the rear garden of 85 Whitley Street from residential to Class E, as an extension of the existing garden at 5 Christchurch

Gardens serving the nursery school. To facilitate this, a entrance gate is proposed within the existing rear boundary wall of 5 Christchurch Gardens, with a access ramp down to the new garden area.

The following plans and documents have been submitted for consideration under this application:

- Proposed Block Plan
- Gate Elevations

Received on 01/03/2021

- Location Plan

Received on 12/04/2021

~~Tree Survey Report~~

Received on 01/07/2021

~~Proposed Ramp Plan and Section Plan~~

- Proposed Plan

Received on 11/10/2021

- Proposed Ramp Plan and Section Plan

~~BS5837 Tree Protection Method Statement for new path link. Planning Application RBC 21/0329 Prepared by B. J. Unwin Forestry Consultancy Ltd.~~

Received on 09/02/2022

- BS5837 Tree Protection Method Statement for new path link. Planning Application RBC 21/0329 - Prepared by B. J. Unwin Forestry Consultancy Ltd. Rev 25th July 2022 to address RBC Natural Environment Officer advice.

Received on 29/07/2022

3. RELEVANT PLANNING HISTORY

910485/FUL - Continued use of dwelling for nursery school with self-contained flat on upper floors. - Application Permitted on 12/12/1991

091611/VAR - Continued use of dwelling for nursery school with self-contained flat on upper floors without complying with condition 1 of planning permission 91/01014/FUL - Application Permitted on 12/10/2009

4. CONSULTATIONS

4.1 The following addresses were consulted by letter.

7 Christchurch Gardens, Reading, RG2 7AH - No response received.

Flat 1, 3 Christchurch Gardens, Reading, RG2 7AH - No response received.

Flat 2, 3 Christchurch Gardens, Reading, RG2 7AH - No response received.

Flat 3, 3 Christchurch Gardens, Reading, RG2 7AH - No response received.

85 Whitley Street, Reading, RG2 0EG - No response received.

4 Christchurch Road, Reading, RG2 7AD - No response received.

6 Christchurch Road, Reading, RG2 7AD - Response received on 17/01/2022

- Concerns regarding a class E use within a residential area. Concerns that the space could be converted to a different use under Class E.

- Considers the use class F1 (Learning and Non-Residential Institutions) to be a more appropriate designation for the development.

8 Christchurch Road, Reading, RG2 7AD - No response received.

Flat 1, 8 Christchurch Road, Reading, RG2 7AD - No response received.

Flat 2, 8 Christchurch Road, Reading, RG2 7AD - No response received.

Flat 3, 8 Christchurch Road, Reading, RG2 7AD - No response received.

Flat 4, 8 Christchurch Road, Reading, RG2 7AD - No response received.

Flat 5, 8 Christchurch Road, Reading, RG2 7AD - No response received.

Flat 6, 8 Christchurch Road, Reading, RG2 7AD - No response received.

Flat 7, 8 Christchurch Road, Reading, RG2 7AD - No response received.

Flat 1, 10 Christchurch Road, Reading, RG2 7AD - No response received.

Flat 2, 10 Christchurch Road, Reading, RG2 7AD - No response received.

Flat 3, 10 Christchurch Road, Reading, RG2 7AD - No response received.

10 Glebe Road, Reading, RG2 7AG - No response received.

Flat 1, 10 Glebe Road, Reading, RG2 7AG - No response received.

Flat 2, 10 Glebe Road, Reading, RG2 7AG - No response received.

Flat 3, 10 Glebe Road, Reading, RG2 7AG - No response received.

Flat 4, 10 Glebe Road, Reading, RG2 7AG - No response received.

Flat 5, 10 Glebe Road, Reading, RG2 7AG - No response received.

Flat 6, 10 Glebe Road, Reading, RG2 7AG - No response received.

Flat 7, 10 Glebe Road, Reading, RG2 7AG - No response received.

12 Glebe Road, Reading, RG2 7AG - No response received.

14 Glebe Road, Reading, RG2 7AG - No response received.

A site notice was erected on 26/11/2021 for a period of 21 days, expiring on 17/12/2021.

4.2 The following consultees were consulted by letter.

Reading Borough Council, Conservation & Urban Design Officer - No response received.

Reading Conservation Area Advisory Committee - No response received.

Reading Borough Council, Natural Environment - Response received on 20/12/2021

- *The proposed tree works in the Tree Survey (with ref to annotated photos) are acceptable and have already been agreed through a Section 211 Notice (210825/TCA) for which a formal response was issued on 29/06/21. I note the recommendation to carry out the re-pollarding in late summer - a comment on alternative timing was given in that response.*
- *However, a tree survey is not sufficient in itself to demonstrate that the works are acceptable in relation to trees, i.e. to show how trees will not be harmed and will be protected during the works. An Arboricultural Impact Assessment (AIA) was expected.*
- *I note the location of the gate and ramp. The gate location is acceptable in relation to trees. The ramp will be within the likely RPA of T1 & T2 and I am unclear from the ramp drawing provided, what ground works will be in this area. My main concern would be excavation within this area, which would seem unlikely given the drop in ground level to the newly acquired land, however ground levels (existing or proposed) are not labelled on the section drawings hence it is not clear. I would also expect confirmation of the make-up and construction of the ramp, along with tree protection details - this would all be within an AIA.*
- *In conclusion, there is unfortunately insufficient arboricultural information to demonstrate that the proposal is acceptable.*

Reading Borough Council, Natural Environment - Further response received on 23/03/2022 upon review of revised documents.

- Further revisions required to the arboricultural information in order to be considered acceptable. Clarification required regarding pollarding of trees, details of tree protection, path and buggy area, and excavation.

Reading Borough Council, Natural Environment - Final response received on 19/08/2022 upon review of revised documents.

- The revised arboricultural method statement and tree protection plan is now acceptable and should be secured via condition to any approval of this application.

Reading Borough Council, Environmental Protection - Response received on 24/03/2022

- *Given the extended garden could accommodate more children and that it is fairly close to number 85 [Whitley Street], it would be better to restrict the garden use to certain hours or limit to number of hours each day.*

5. EQUALITY ACT 2010

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.

6. LEGAL AND PLANNING POLICY CONTEXT

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'. The following local and national planning policy and guidance is relevant to this application:

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.

National Policy

National Planning Policy Framework

National Planning Practice Guidance

Reading Borough Local Plan (Adopted November 2019)

CC7 Design and the public realm

CC8 Safeguarding amenity

EN1 Protection and Enhancement of the Historic Environment

EN3 Enhancement of Conservation Areas

EN14 Trees, Hedges and Woodland

EN15 Air Quality

OU1 New and Existing Community Facilities

Other Documents

Christchurch Conservation Area Appraisal (September 2010)

7. APPRAISAL

7.1 Principle of Development

Paragraph 199 of the NPPF (2021) states that; “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance”.

Policy EN3 of the Reading Borough Local Plan states that; “The special interest, character and architecture of Conservation Areas will be conserved and enhanced. Development proposals within Conservation Areas must make a positive contribution to local character and distinctiveness. Positive consideration will be given to proposals which take opportunities to enhance the character of conservation areas”.

In this instance, the main consideration for this development is the change of the use of the residential garden from residential to amenity space for the use of the established nursery school business to the ground floor of 5 Christchurch Gardens. It is important to distinguish whether the use proposed would be intrusive to what is considered to be a predominantly residential area. Policy CC8 of the Reading Borough Local plan ensures that development does not have a detrimental impact on the living conditions of neighbouring residents with regards to noise and disturbance.

There are no objections to the principle of the development, provided that the development is considered acceptable following the assessment against local planning policies, in particular Policies CC8, EN1 and EN3 of the Reading Borough Local Plan.

7.2 Impact on the character of the surrounding area and Conservation Area

In accordance with Policy CC7 of the Reading Borough Local Plan; all development must be of high design quality that maintains and enhances the character and appearance of the area of Reading in which it is located. Development will be assessed to ensure that a positive contribution to urban design objectives, including character. Development should also address the needs of all in society and are accessible, usable and easy to understand by them, including providing suitable access to, into and within, its facilities, for all potential users, including disabled people, so that they can use them safely and easily.

When viewed from the highway, 5 Christchurch Gardens appears as a semi-detached residential dwelling. The nursery school business advertised to the front of the highway, and consists of a freestanding sign behind the boundary fence. There is also a small notice board attached to the front boundary fence. The main property is considered to be characteristic of the surrounding area, retaining its timber frames windows and patterned brickwork. No external alterations are proposed to the main building at 5 Christchurch Gardens.

5 Christchurch Gardens benefits from a large rear garden, as do many of the residents along Christchurch Gardens, Whitley Street, Glebe Road, and Christchurch Road. This application seeks the change of use of an adjoining residential garden for the use of the nursery school business.

The proposal site is within Area 3: Western street block bounded by Christchurch; Glebe Road; Christchurch Gardens and Basingstoke Road as defined within the Christchurch Conservation Area Appraisal. The conservation area appraisal describes Area 3 as consisting of 1890s larger semi-detached and detached houses, with varying detailing in terms of patterned brickwork and mouldings. Features that are described as making a positive contribution to the conservation area include the retention of original buildings (with little to no alterations), the retention of

original brick walls and/or railings, and good tree cover within the grounds of individual properties.

The development would not alter the external appearance of 5 Christchurch Gardens, the only physical alterations would be to the rear boundary wall. This consists of the insertion of an access gate and the installation of a buggy ramp down to the new garden. This alteration would not be visible from the street scene. This aspect of the development is also considered so minor in scale as to not be harmful and would not have a detrimental impact on the character and appearance of the conservation area.

Visually, the main building at 5 Christchurch Gardens is considered to appear as residential buildings within a predominantly residential surrounding area. The proposed installation of the gate to the rear boundary and the access ramp is considered necessary to facilitate the proposed use of the recently acquired land. Therefore, in design terms, the mixed use is considered in accordance with Policies CC7, EN1 and EN3 of the Reading Borough Local Plan.

7.3 Safeguarding Amenity

In accordance with Policy CC8 of the Reading Borough Local Plan; development will not cause a detrimental impact on the living environment of existing residential properties or unacceptable living conditions for new residential properties, in terms of:

- Privacy and overlooking;
- Access to sunlight and daylight;
- Visual dominance and overbearing effects of a development;
- Harm to outlook;
- **Noise and disturbance;**
- Artificial lighting;
- Vibration;
- Dust and fumes;
- Smell;
- Crime and safety; or
- Wind, where the proposals involve new development of more than 8 storeys

The garden has been identified by the applicant as a key area of the business where a number of learning activities take place, with the procurement of the additional land to become a nature garden and play area.

The Environmental Protection raised a concern with regards to noise and disturbance generated from the proposed use. Conditions have been used in previous permissions to restrict the hours for the nursery school business and the number of children attending the nursery school business at any one time. This is to prevent the intensification of the use and minimise noise disturbance to neighbours. The following conditions were included to the decision for application 091611/VAR (see section 3 above for details):

- **Nursery School Use**
 - *The use of the premises hereby permitted shall not take place between hours of 15:45 and 09:30 Mondays to Fridays, not on Saturdays, Sundays or Bank Holidays. Any ancillary evening meetings to be held to be terminated by 22:00 hours.*
- **Number of Children**
 - *The number of children to be accommodated shall be restricted to nineteen*

It is considered reasonable to include the above conditions within any approval of this application. This is to protect local residents from unreasonable disturbance arising from the use in accordance with Policy CC7 and CC8 of the Reading Borough Local Plan 2019.

It is also considered necessary to secure the use of the newly acquired garden as ancillary to the nursery school use to the ground floor of 5 Christchurch Gardens. This is to ensure that the use would not detract from the amenities or living conditions of neighbouring residential properties (or the character of the locality) in accordance with Policies CC7 and CC8 of the Reading Borough Local Plan 2019.

The development is not considered to harm the living conditions of neighbouring residents with regard to any of the other criteria listed under Policy CC8. Therefore, subject to conditions, the development is considered in accordance with policies CC7 and CC8 of the Reading Borough Local Plan.

7.3 Natural Environment

The development proposed consists of the installation of an access gate to the rear boundary wall, and an access ramp from the existing garden at 5 Christchurch Gardens down to the newly acquired land. It has been identified that the development would be within the root protection areas of two lime trees to the rear boundary of 5 Christchurch Gardens. Therefore, an arboricultural method statement and tree protection plan has been prepared for this application. Due to the size and scale of the development, it is not considered necessary to secure details of hard or soft landscaping.

The arboricultural method statement details that the two lime trees in question are to be retained, with re-pollarding required. The proposed ramp will be installed using a minimal dig approach. The details of the arboricultural method statement and tree protection plan have been agreed by the Natural Environment Team and will be secured via condition to any approval of this application in accordance with Policy EN14 of the Reading Borough Local Plan.

7.4 Air Quality

This proposal has been considered against Reading Borough Local Plan policy EN15, as the proposal site is within an Air Quality Management Area (AQMA). As demonstrated in the policy, this proposal does not meet the requirements for an Air Quality Assessment (AQA) and is considered not enough of a detrimental impact air quality to warrant such an assessment due to the size and scale of the proposal.

8. CONCLUSION

The development has been assessed and the use is considered to be in accordance with the above relevant policies and planning permission can be granted.

9. RECOMMENDATION

GRANT

10. CONDITIONS

TL1: Time Limit (Standard)

The development hereby permitted shall begin no later than three years from the date of this planning permission.

REASON: In pursuance of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004) in order to prevent an accumulation of unimplemented planning permissions.

AP1: Approved Plans

The development hereby permitted shall ONLY be carried out in accordance with the following approved plans:

Plans considered:

- Proposed Block Plan
- Gate Elevations

Received on 01/03/2021

- Location Plan

Received on 12/04/2021

- Proposed Plan

Received on 11/10/2021

- Proposed Ramp Plan and Section Plan

Received on 09/02/2022

- BS5837 Tree Protection Method Statement for new path link. Planning Application RBC 21/0329 - Prepared by B. J. Unwin Forestry Consultancy Ltd. Rev 25th July 2022 to address RBC Natural Environment Officer advice.

Received on 29/07/2022

REASON: For the avoidance of doubt and to ensure that the development is carried out and adhered to in accordance with the application form and associated details hereby approved.

Ancillary Use

The development hereby permitted shall not be occupied at any time other than for purposes ancillary to the nursery school use of the ground floor to the main building known as 5 Christchurch Gardens.

REASON: To accord with the terms of the application, and to ensure that the use would not detract from the amenities or living conditions of neighbouring residential properties (or the character of the locality) in accordance with Policies CC7 and CC8 of the Reading Borough Local Plan 2019.

Nursery School Use

The use of the premises hereby permitted shall not take place between hours of 15:45 and 09:30 Mondays to Fridays, not on Saturdays, Sundays or Bank Holidays. Any ancillary evening meetings to be held to be terminated by 22:00 hours.

REASON: In order to protect local residents from unreasonable disturbance arising from the use in accordance with Policy CC7 and CC8 of the Reading Borough Local Plan 2019.

Number of Children

The number of children to be accommodated within the site shall not exceed nineteen at any time.

REASON: In order to protect local residents from unreasonable disturbance arising from the use in accordance with Policy CC7 and CC8 of the Reading Borough Local Plan 2019.

L7A: Arboricultural Method Statement (As Specified)

Protective measures, including fencing, ground protection, supervision and working procedures shall be carried out in accordance with the "BS5837 Tree Protection Method Statement for new

path link. Planning Application RBC 21/0329” prepared by B. J. UNWIN FORESTRY CONSULTANCY Ltd. dated 25TH July 2022. Any deviation from the works prescribed or methods agreed in the report will require prior written approval from the Local Planning Authority.

REASON: In order to ensure that reasonable measures are taken to safeguard trees in the interests of local amenity and the enhancement of the development itself in accordance with Policy EN14 of the Reading Borough Local Plan 2019.

11. INFORMATIVES

Standard Informatives