

## **DELEGATED APPLICATION REPORT - Application No. 210707/FUL**

**Address:** 92 Whitley Street

**Proposal:** Demolition of existing two-storey building and construction of a three-storey dwelling

**Case officer:** Matt Burns

### **Site Description and Surrounding Area**

The site lies behind commercial premises at Nos.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 No.92 currently contains a two-storey building, its ground floor used as a redundant plant room to the existing laundrette at the front of No.92, and its first floor used as a residential flat. This building directly abuts and is set forward of the end-of-terrace house at No.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 No.90.

Along the western boundary of the site is a 2-metre wide right-of-way enabling the occupiers of No.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 HMO's have been removed.

### **Proposal**

The application seeks full planning permission for demolition of the existing two-storey building to the rear of no. 92 and construction of a single three-storey three-bedroom dwelling.

### **Plans Considered**

Drawings ref:

- 1285 3 - Block and Location Plan

Received by the Local Planning Authority on 6<sup>th</sup> May 2021

- 1285 1 - 1:100 Site Plan as Existing

Received by the Local Planning Authority on 10<sup>th</sup> June 2021

- 1285 4 - 1:100 Site as Existing

Received by the Local Planning Authority on 30<sup>th</sup> June 2021

- 1285 20 C - 1:100 Site Proposals

- 1285 21 - Indicative Furniture Layouts & Front Roof Plan

Received by the Local Planning Authority on 13<sup>th</sup> September 2021

### **Relevant Planning History**

None.

### **Consultation Responses**

RBC Transport - No objection, subject to conditions to secure submission and approval of a construction method statement prior to commencement of development, pre-occupation submission and approval of cycle and refuse storage details and to state that future occupiers of the development would not be automatically entitled to obtain on-street vehicle parking permits.

Ecology Adviser - No objection, subject to conditions to ensure that any demolition works occurs outside of the bird nesting season and that details of a biodiversity enhancements are submitted and approved prior to commencement of development.

### *Public Consultation*

No.s 82A, 82-84, 90, 94, 94A, 96 Whitley Street and no.s 1 and 2 Essex Street were notified of the application by letter.

No letters of representation have been received.

### **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 T

O 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  
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 2013  
Section 106 Planning Obligations SPD 2013

### **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 additional dwellings 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 no net loss of ‘centre uses’ except in exceptional circumstances. The proposed development would result in loss of the rear ground floor plant room to the existing laundrette at no. 92 which the application states is redundant and no longer required. 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’.

#### Layout, Appearance and Design

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. Policy H10 (Private and Communal Outdoor Space) seek that residential dwellings are provided with functional outdoor private or communal amenity space which respects the size and character of similar spaces in the vicinity.

The rear part of the site where the proposed dwelling would be located fronts on to Essex Street and consists of a 1 and ½ storey brick building with pitched gable roof which sits directly on the pavement on Essex Street. The building also adjoins no. 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 is set back 2m from the Essex Street pavement by way of small front yard/garden areas whilst the existing 1 and 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 proposed replacement building would be sited similarly to the existing building and would front on to the Essex Street pavement frontage. The overall height of the proposed building would be reflective of the existing terrace of dwellings to Essex Street, however as the building incorporates three storeys of accommodation as opposed to the two storey character of the existing terrace it would appear different in with a shallower pitched roof, different window alignment and proportions and a timber fascia to the roof gable which would house the third floor level of accommodation.

The three-storey scale and appearance of the proposed building, siting directly on the Essex Street pavement frontage, is considered to result in an over dominant and out of character development within Essex Street, which is a narrow road and primarily consists of two storey terrace dwellings which are set back from the pavement edge. Whilst the overall height of the development is reflective of the adjacent terrace of dwellings the third storey of accommodation, large timber clad gable roof form and shallow roof pitch exacerbate the prominence of the development and its lack of integration with the rest of the street. Whilst it is acknowledged that the existing building is sited similarly this is a much more modest 1 ½ storey building with roof sloping away from the street which appears subservient to the other nearby buildings.

Whereas the existing building adjoins no. 1 Essex Street it is noted that the proposed development would introduce a 2.8m gap to the flank elevation of the neighbouring dwelling where a small garden amenity area, bin/bike store and the entrance to the dwelling would be located. This gap would also maintain right of way access for no. 94 Whitley Street to Essex Street. The gap would provide a minor degree of relief to no. 1 Essex Street from the proposed development this 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.

The proposed development is also considered to provide insufficient functional private amenity space. Policy H10 sets out that dwellings of 3 or more bedrooms should be served by private outdoor amenity space of a size no less than the gross floor area of the dwelling to which it

relates. The gross floor area of the proposed dwelling is 90m<sup>2</sup> whilst the small area of outdoor space proposed between the new building and no. 1 Essex Street would be only 20m<sup>2</sup> in floor area. This space would also not be private as it is required to provide right of way access across it to the occupiers of no. 94 Whitley Street and therefore this space is unlikely to be functional as an area of private amenity space contrary to Policy H10.

#### 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.

The proposed dwelling is considered to be served by suitable outlook and daylighting and would accord with the nationally prescribed spaces standards as required by Policy H5. The site is located within the Whitley Major Local Centre and close to a number of surrounding commercial uses. Therefore, if planning permission were to be granted a condition would be attached to seek 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 could be attached to secure an air quality mitigation scheme.

In terms of impact on neighbouring properties, 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 no.1. The flat to the upper floor of no.94 Whitley Street which adjoins the application site to the south has north facing windows which would face the upper floors of the proposed development and the windows to bedrooms 1 and 3 at a 90-degree angle at a distance of around 3m. The close proximity of this relationship is considered to result in unacceptable overlooking and loss of privacy to the occupiers of the proposed development and the existing occupiers of the upper floor flat to no. 94 Whitley Street contrary to Policy CC8.

#### 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 related 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 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 can be considered in this location. However, the future occupants of the dwellings should be aware that they 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 be secured by way of condition.

Bin and cycle storage areas are indicated within the small area of outdoor space access from Essex Street and details of these arrangements could also be secured by way of conditions. A pre-commencement condition would also be 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.

Subject to the measures outlined above the proposed development is considered to accord with Policies TR1, TR3 and TR5.

#### 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 and details of this in the form of design and construction stage SAP reviews can be secured by way of conditions.

#### Natural Environment

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.

The Local Planning Authority's Ecology Adviser has reviewed the proposals and is satisfied that the existing building is such that it is unlikely to host roosting bats however there is potential for a building in this part of Reading to host nesting swifts and therefore a condition is recommended to ensure no demolition work is undertaken within the bird nesting season. A further condition is also recommended to secure details of swift brick to be incorporated within the development to ensure the development results in a net gain in biodiversity on the site.

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

#### 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 2019 this equates to contribution equivalent to 5% of the GDV of the development.

The applicant has confirmed that they agree to enter into a section 106 legal agreement to secure a policy compliant affordable housing contribution however given planning permission is to be refused for other reasons a section 106 has not been drafted and therefore this would amount to an additional reason for refusal of the planning application.

#### Community Infrastructure Levy

The proposals are for new building housing and are therefore liable for CIL based upon a new build floor area of 90m<sup>2</sup>. Based upon the Local Planning Authority's current CIL charging rate of £156.71 this would equate to a levy of £14, 100. If the applicant can demonstrate that the existing parts of the building to be demolished have been within a lawful use for a minimum continuous period 6 months within the last 3 years then the levy required could be reduced and off-set against the floor space of the existing building.

#### **RECOMMENDATION:**

REFUSE Planning Permission for the following reasons:

1. The proposed development as a result of its three-storey scale and appearance incorporating shall pitched roof together with its forward siting directly onto the Essex Street pavement is considered to result in a dominant development which is out of keeping with the character of Essex Street and that of the surrounding area. The development is also considered to fail to provide adequate functional private amenity space for a three-bedroom family dwelling. The proposals are contrary to Policies CC7 and H10 of the Reading Borough Local Plan 2019.
2. The proposed development by way of its siting and position of windows to bedrooms 1 and 3 is considered to result in unacceptable overlooking and loss of privacy to future occupiers of the proposed development and to the existing occupiers of the upper floor flat to no. 94 Whitley Street. The proposals are contrary to Policy CC8 of the Reading Borough Local Plan 2019.
3. 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, contrary to Policies H3 and CC9 of the Reading Borough Local Plan 2019 and the adopted Affordable Housing SPD 2021.

#### Informatives:

1. This decision relates to the following plans:

- Drawings ref:
- 1285 3 - Block and Location Plan

Received by the Local Planning Authority on 6<sup>th</sup> May 2021

- 1285 1 - 1:100 Site Plan as Existing

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Received by the Local Planning Authority on 13<sup>th</sup> September 2021

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 withdrawn 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 3 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.