

DELEGATED APPLICATION REPORT

Ward: Redlands

App Ref: 200123/FUL

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

Proposals: Erection of a 3 to 5 storey building and semi-open basement providing 11 (5x1bed, 3x2bed and 3x3 bed) residential units (Use Class C3), 10 parking spaces, landscaping and associated works.

Case Officer: Mr Jonathan Markwell

Applicant: The Faculty Ltd

Date received (valid from): 10 March 2020 **Target Decision date:** 9 June 2020

1. INTRODUCTION

- 1.1 The application site comprises a vacant plot of land / green space which fronts onto Eldon Road (close to the junction with Kings Rd to the north), and also comprises a number of parking spaces and vehicular access to Eldon Terrace. Until recently the plot contained a single storey building (former dental surgery), but this has been demolished (see relevant history section below). Immediately to the north of the plot 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 been fairly recently been converted to residential use (through an office prior approval and planning permission solely for the fourth floor - see relevant history section below).
- 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 Central Reading (CR policies within the adopted local plan) boundary, although neighbouring Hanover House is located within the Central Reading area. The application site is within an air quality management area.

2. PROPOSAL AND SUPPORTING INFORMATION

- 2.1 The proposal seeks full planning permission for the erection of a 3 to 5 storey building and semi-open basement providing 11 (5x1bed, 3x2bed and 3x3 bed) residential units (Use Class C3), 10 parking spaces (all at basement level), landscaping and associated works.
- 2.2 Prior to the validation of the application a number of revised/additional plans and documents were submitted, as the original submission was lacking in a number of regards. Furthermore, at that juncture it was referenced by officers that the applicant should consider entering into pre-application discussions with the LPA (prior to the formal validation of the application), given none had been undertaken up to that point. This option was not followed by the applicant, who instead submitted the necessary information to validate the application without the benefit of any pre-application discussions.
- 2.3 Plans and information considered

8694/ PL- 00 Existing Site Location Plan Proposed Block Plan, as received 02/03/2020
8694/ PL-01 Proposed Site Plan, as received 02/03/2020
8694/ PL-02 Proposed Basement Plan & Ground Floor, as received 02/03/2020
8694/ PL-03 Proposed Basement First & Second Floors, as received 02/03/2020
8694/ PL-04 Proposed Basement Third & Fourth Floors, as received 02/03/2020
8694/ PL-05 Proposed Basement Roof Plan, as received 02/03/2020
8694/ PL-06 Rev A Proposed Existing and Proposed Section AA, as received 02/03/2020
8694/ PL-07 Rev A Proposed Existing and Proposed Section BB, as received 02/03/2020
8694/ PL-08 Rev A Proposed Elevations 1 & 2, as received 02/03/2020
8694/ PL-09 Rev A Proposed Elevations 1 & 2, as received 02/03/2020
8694/ PL-10 Rev A Proposed True Partial Elevations 5 & 6, as received 02/03/2020
8694/ PL-11 Rev A Proposed True Partial Elevations 7, 8 & 9, as received 02/03/2020
8694/ SCH-01 Proposed Areas Per Floor, as received 09/03/2020
20024 - TR001 Swept Path Analysis Basement Car Park Estate Car, as received 02/03/2020

Air Quality Assessment for the proposed development at Mulberry House, 1a Eldon Road, Reading, RG1 4DS by Aether Ltd Ref AQ_assessment/2019/EldonRd Version 1.2, dated 08/10/2019, as received 27/01/2020

Environmental Noise Impact Assessment PRoPG Planning and Noise by Impact Acoustics Ref IMP5184-2, dated October 2019, as received 27/01/2020

Accommodation Schedule - Mulberry House Comparisons from approved planning 30th 2019, as received 27/01/2020

Daylight, Sunlight & Overshadowing Impact Assessment by Hawkins Environmental Ref H2536 V6 dated 8th November 2019, as received 27/01/2020

Heritage Statement by Atlas Planning Group, dated January 2020, as received 27/01/2020

Planning Statement by Atlas Planning Group, dated January 2020, as received 27/01/2020

Sustainability Statement by Atlas Planning Group, dated January 2020, as received 27/01/2020

Transport Statement by Atlas Planning Group, dated January 2020, as received 27/01/2020

Tree Report by Hellis Solutions Limited Ref 19/09/164/NH, dated October 2019, as received 27/01/2020

Utilities Statement by Ambiantal Environmental Assessment Ref 5038_SWDS / 4124 US Final v1.0, dated 27/02/2020, as received 02/03/2020

Design and Access Statement, dated February 2020, as received 02/03/2020

Ecological Appraisal Report by Davidson-Watts Ecology, Ref DWE 0752, dated 24/02/2020, as received 02/03/2020

Surface Water Drainage Strategy by Ambient Environmental Assessment Ref 5038_SWDS Final v2.0, dated 10/02/2020, as received 02/03/2020

Viability Report by DJC Housing Consultants Ltd, dated November 2020, as received 02/03/2020

Draft Section 106 Heads of Terms by Atlas Planning Group, dated February 2020, as received 02/03/2020

Open Space Statement by Atlas Planning Group, dated February 2020, as received 02/03/2020

Energy Statement by JAW Sustainability, dated 28th November 2019, as received 02/03/2020

Policy H5 Statement 'Standards for New Housing' by Atlas Planning Group, dated March 2020, as received 02/03/2020

- 2.4 Had the proposals been able to be supported by officers, the scheme would have been liable to a Community Infrastructure Levy (CIL) payment. Based purely on the floorspace information provided by the applicant, this would have amounted to £211,328.51 (floorspace specified as 1,344.5sqm x the 2020 CIL rate of £157.18 per sqm of accommodation).

3. RELEVANT 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 180591/FUL - 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. Granted following completion of s106 legal agreement 27/03/2019.

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

Internal / external consultations

- 4.1 **Transport Development Control** raise a number of concerns, summarised as follows:

- 4.2 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 walking distance of Reading Town Centre and Reading Railway Station. In accordance with the Council's adopted parking standards the following parking provision would be required:

5 x 1 Bed Units = 5 Parking Spaces
3 x 2 Bed Units = 3 Parking Spaces
3 x 3 Bed Units = 3 Parking spaces
Total = 11 Parking Spaces

- 4.3 In addition to the 11 required parking spaces an additional parking space is required for visitors therefore the total no of carparking spaces required would be 12. Plans indicate that 10 parking spaces are to be provided, of which 2 will be disabled bays; this therefore falls short of the Council's current standards. However, given the proximity to the town centre, good transport links and the ability to control unauthorised on street parking via the parking restrictions in place in the area and surrounding streets, a reduced provision can be accepted in this instance.
- 4.4 The location of the proposed traffic signals as detailed in the Design and Access Statement need to be illustrated on revised plans including tracking to illustrate vehicles coming off the ramp.
- 4.5 The gradient of the proposed ramp should be no greater than 1:10; confirmation is required.
- 4.6 It should be noted that electric vehicle charging point(s) are required in line with the Council's Local Plan Policy TR5 (Within communal car parks for residential or non-residential developments of at least 10 spaces, 10% of spaces should provide an active charging point). Details of this will need to be provided and illustrated on revised plans.
- 4.7 The tracking diagrams provided manoeuvring in and out of the parking spaces are deemed acceptable; however clarification is required with regards to the entrance and exit of the site. Page 10 of the Design and Access Statement states the entrance is via Eldon Terrace, whereas previous applications suggested that was access via Eldon Road / Hanover House.
- 4.8 With regards to the positioning of the bins for collection, to the north of the bin collection point are car parking spaces, therefore this route could be obstructed, clarification is required and or alternative route proposed. Whilst cycle and bin storage can be housed in a single building, they should be kept separate to ensure access to the cycles and bins is easily accessible. This should be clearly illustrated on revised plans.

- 4.9 The Natural Environment officer has a number of concerns relating to the impact of the development on trees, as follows:
- a) 8.3 of the Tree Report states:
'The proposed development requires the removal of one tree, namely T1. In my opinion the mulberry is an unremarkable tree of limited arboricultural, landscape or cultural merit hence it is allocated to Category C. The previous tree surveyor noted the estimated remaining contribution of the mulberry as 10+ years, which would automatically place it in Category C. Reading Borough Council have not disputed the previous tree survey'.
 - b) This tree is subject to a TPO and its removal is NOT required in order to implement the proposal. It is not agreed that it has no cultural merit, in fact the remainder of 8.3 goes on to explain how Black mulberries came to this country, the details supporting the cultural value. There are a number of mature Mulberries around the Borough, which, as with the one in question, would have stood within the grounds of a large house. The planting of a new Mulberry (White is acceptable) is welcomed, however it would be suggested that this should only be seen as a future replacement for the existing Mulberry for when it has to be removed on arboricultural grounds. In the meantime the ground around the tree could be improved, e.g. by creating a large mulched zone, to improve the conditions and prolong the life of the tree.
 - c) 8.5 of the Tree Report states: *'The proposed development will encroach within the root protection areas of T2, T3 and T6. However, the construction activity should not adversely impact upon T2, T3 and T6 if the specified precautions detailed within the arboricultural method statement below are followed'.* However, the construction of the basement is partly within the RPA of retained T6 - this is not assessed satisfactorily, with 10.14 simply stating: *'the construction of the proposed basement, within the root protection area of T6, will provide a minimum of 1.0m of soil above the top cover of the basement. Additionally, drainage will be installed to facilitate the movement of water over and around the basement, to ensure it does not collect on the top of the basement and to facilitate a sustainable urban drainage system'.* How will the basement be installed without removing part of the root system?
 - d) 8.4 of the Tree Report states: *'Retained trees that will or may need to be pruned to enable construction: The proposed development requires the judicious pruning of T2 and T6 to provide a 3.0m clearance over the adjacent proposed footpath'.* The use of the word 'judicious' implies that specific pruning to provide the 3m clearance should be specified but nothing other than 'crown lift to 3m above the proposed footpath' is specified in the tree survey table. In addition, no pruning is specified to T4 (off-site black Pine) despite the canopy being shown as conflicting with part of the proposed building. Clarification is required on these points, taking into account future growth allowance for T4.
 - e) 7.14 of the Tree Report - following reference to shadow patterns in 7.13, 7.14 states (for whatever reason) that these have not been shown on a plan. It is normal for a tree constraints plan to be provided to show these, along with canopies and RPAs, in order for the LPA to be satisfied that shading will not be an issue.
 - f) Tree protection - the document and tree protection plan both indicate that fencing will have to be moved during the development process - the AMS and TPP should indicate the revised positions.
 - g) The current tree information is not acceptable to demonstrate that the proposed development is not harmful to trees.
 - h) Incidentally, it is noted that Table 1 in 8.1 of the Tree Report states that T5 is a U category tree, which is normally one to be felled, but 8.2 confirms that this is to be retained - it is assumed that this is because this is an offsite tree (the tree survey table should state this).

- i) With reference to the Drainage Strategy, this routes a private water surface drain within the RPAs of T2, T4 & T6 which is far from ideal and should be avoided if at all possible. If not, the installation should specifically be dealt with within the AMS.
- j) In terms of landscaping, it is unclear how the proposed green roof and landscaping on top of the basement would work.
- k) In terms of tree planting, the site is within a 10% of less canopy cover area, hence an area where tree planting should be maximised and within the AQMA where landscaping is vital to address air pollution. From the indicative landscaping shown, it does not appear that tree planting has been maximised. In addition, the Conservation Area appraisal states: *'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. Trees or tree groups in the following localities are of special note: the park in Eldon Square, Watlington House (especially beside Watlington Street), around The Oval, around nos 1/3 Eldon Road and roadside trees along London Road (north side) and Kings Road'*. This also, therefore, supports the need for an appropriate level of tree planting to maintain the character of the conservation area. It is appropriate for landscape principles to be agreed now, including biodiversity enhancements, as detailed in 5.2 of the ecological appraisal report.

4.10 Environmental Protection - No objections subject to a number of conditions and informatives.

- a) 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 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.
- b) In terms of noise between future dwellings, to minimise the disturbance by noise of future residential occupiers of the flats and its effect on neighbouring residents, residential accommodation must be designed and constructed or converted so as to achieve the insulation requirements set out in Building Regulations Approved Document E (an informative should state this on any permission).
- c) The air quality assessment demonstrates that the occupants will not be exposed to air pollutants above the EU limit values therefore no mitigation is required. The assessment also states that there will be an insignificant impact on air quality due to only 10 parking spaces being provided. No further assessment or mitigation is therefore required.
- d) No specific contaminated land risk has been identified on site as a result of historic land uses. However, a condition relating to the finding of unidentified contamination is recommended, as this is a redevelopment of the site and contamination can be present anywhere.
- e) During the construction phase concerns are possible in terms of potential noise, dust and bonfires possibly having an adverse impact on nearby residents (and businesses), sometimes depending on the time of day. Details will therefore be required via condition, including standard construction hours.
- f) 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. A condition will therefore prevent such instances.

- g) There is a widespread problem in Reading with rats, as rats are being encouraged by poor waste storage which provides them with a food source. Where developments involve shared bin storage areas there is a greater risk of rats being able to access the waste due to holes being chewed in the base of the large wheelie bins or due to occupants or passers not putting waste inside bins, or bins being overfilled. It is therefore important for the bin store to be vermin proof to prevent rats accessing the waste. Details will therefore be secured via condition.
- 4.11 **RBC Valuations** - The Council's Valuer has carried out a high-level review of the online FVA submission by DJC Consultants and considers that further discussions around key input such as sales values, existing use and development costs are necessary to assess the extent to which an affordable housing contribution or deferred payment mechanism (should no on-site or financial contribution be later shown to be justified up front) are deliverable.
- 4.12 Hence, at the present time the viability submission is not agreed. It is therefore not considered that the proposal is making an appropriate contribution towards affordable housing and the viability submission has not suitably justified a nil contribution. Therefore, the application will be refused on the basis of not providing an appropriate contribution to affordable housing and being in the absence of a s106 legal agreement to secure that appropriate contribution towards affordable housing, contrary to Policy H3.
- 4.13 The **Access officer** has commented that were disabled people to live at the site there would need to be a different system to access the refuse area. It would also have been preferable to have included step free access from Eldon Road.
- 4.14 **RBC Lead Local Flood Authority** (Via RBC Transport, in conjunction with RBC Streetcare Services Manager - Highways). The proposed SuDS scheme identifies an existing greenfield run off rate of 0.1 l/s second and appears to propose the retention of all surface water as a run off rate of 0 has been stated. However, the proposal includes a discharge into the foul system for the basement and a soakaway that discharges into the ground, this therefore contradicts the run off rates statement mentioned above.
- 4.15 The proposal must therefore identify the existing run off from the site and confirm that the proposed run off will be no worse or at the very least just confirm that the run off rates will be no worse. Although officers are content that any detailed design could be undertaken at the detailed design stage and as such can be dealt with by way of a condition. Until such time an objection is raised on the following grounds:
- 4.16 Due to the absence of an acceptable Sustainable Drainage Strategy, the application has failed to demonstrate its acceptability in terms of sustainable drainage and attenuating localised flooding, contrary to Policy EN18 of the Reading Borough Local Plan 2019.
- 4.17 **RBC Historic Buildings Consultant** objects to the proposed development. Full comments are as follows:
- 4.18 **Legislative and Planning Policy Framework**
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.

- 4.19 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.’
- 4.20 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’.
- 4.21 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.’
- 4.22 Reading Borough Council Planning Policy. The relevant RBC policies are:
- 4.23 EN1: PROTECTION AND ENHANCEMENT OF THE HISTORIC ENVIRONMENT
Historic features, areas of historic importance and other elements of the historic environment, including their settings will be protected and where possible enhanced. This will include:
- Listed Buildings;
 - Conservation Areas;
 - Scheduled Monuments;
 - Historic parks and gardens; and
 - Other features with local or national significance, such as sites and features of archaeological importance, and assets on the Local List.
- 4.24 All proposals will be expected to protect and where possible enhance the significance of heritage assets and their settings, the historic character and local distinctiveness of the area in which they are located. Proposals should seek to avoid harm in the first instance. Any harm to or loss of a heritage asset should require clear and convincing justification, usually in the form of public benefits.
- 4.25 Applications which affect Listed Buildings will not have an adverse impact on those elements which contribute to their special architectural or historic interest including, where appropriate, their settings.
- 4.26 Applications which affect Historic Parks and Gardens will safeguard features which form an integral part of the special character or appearance of the park or garden. Development will not detract from the enjoyment, layout, design, character, appearance, features or setting of the park or garden, key views out from the park, or prejudice its future restoration.

- 4.27 Applications which affect, or have the potential to affect, the significant features of heritage assets should be justified by a Heritage Statement.
- 4.28 The Council will monitor buildings and other heritage assets at risk through neglect, decay or other threats, proactively seeking solutions for assets at risk including consideration of appropriate development schemes that will ensure the repair and maintenance of the asset, and, as a last resort, using its statutory powers.
- 4.29 Where there is evidence of deliberate neglect or of damage to a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.
- 4.30 **EN3: ENHANCEMENT OF CONSERVATION AREAS**
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. These may include:
- Reducing visual clutter caused by negative factors, such as poles and overhead wires, satellite dishes or unnecessary street furniture;
 - Restoring original building features; Removing inappropriate additions or alterations to buildings;
 - Protecting and encouraging the maintenance of green spaces and important trees, particularly where they are intrinsic to the history and character of the area;
 - Improving signage and street furniture;
 - Restoring or re-establishing appropriate paving, railings or walls;
 - Sympathetic landscaping and planting;
 - Improving or restoring green spaces, including front gardens, that are appropriate to the historic interest of a Conservation Area;
 - Signage that reveals and promotes the Conservation Area and its boundaries;
 - Interpretation panels to inform the public of the area's historical significance.
- 4.31 Where a Conservation Area Appraisal and Management Plan has been adopted for a particular Conservation Area, this will be a material consideration in determining applications for development
- 4.32 **EN4: LOCALLY IMPORTANT HERITAGE ASSETS**
Development proposals that affect locally important heritage assets will demonstrate that development conserves architectural, archaeological or historical significance which may include the appearance, character and setting of the asset.
- 4.33 Planning permission may be granted in cases where a proposal could result in harm to or loss of a locally important heritage asset only where it can be demonstrated that the benefits of the development significantly outweigh the asset's significance. Where it is accepted by the Local Planning Authority that retention is not important, recording of the heritage asset should be undertaken and submitted alongside development proposals. Replacement buildings should draw upon heritage elements of the previous design, incorporating historical qualities that made the previous building significant. This may include appearance, scale and architectural quality.

4.34 EN6: NEW DEVELOPMENT IN A HISTORIC CONTEXT

In areas characterised by heritage assets, the historic environment will inform and shape new development. New development will make a contribution to the historic character of the area by respecting and enhancing its architectural and visual qualities and considering how heritage considerations can influence the design of new development. When determining planning applications for new development, the following factors will be taken into consideration:

- a. The positive contribution of the development to the existing historic townscape (scale, height, mass, proportion, plot size, street form, materials, significant vistas and views, and open space);
- b. Sensitivity to historic context;
- c. Reflection of borough-wide major heritage themes that contribute to local distinctiveness (e.g. patterned brickwork or former worker terraced housing);
- d. Whether development promotes and/or improves access to previously undiscovered or neglected historic significance.

4.35 National Planning Policy Framework

In March 2012, the Government published the National Planning Policy Framework (NPPF), which replaced the National Planning Policy Statements (PPS) and Planning Policy Guidance (PPG). 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).

4.36 Paragraph 193 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.

4.37 Paragraph 196 states that:

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

4.38 Paragraph 197 states that:

The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

4.39 Paragraph 199 states:

Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the

ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

4.40 Planning Practice Guide (PPG)

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:

4.41 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.

4.42 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. (See ID 18a-002-20140306)

4.43 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. Occasional modern, late 20th century office blocks rise to as many as 5 storeys.

4.44 Character Area 1: Kings Road, Eldon Road and Eldon Square

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.

4.45 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.

4.46 Buildings of Townscape merit

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.

4.47 Proposals

Further to comments on this site under application 171521/FUL and 180591-FUL the proposals for the replacement building following demolition of the Mulberry House dental surgery at 1a Eldon Road, Reading.

4.48 The proposals have been amended (in the context of permission 180591) and consist of construction of a part five and part three storey block of 11 flats with underground

parking. The proposed replacement building consists of a modern design with an angled plan-form and materials consisting of:

- faceted/ lozenge configuration
- Smooth Panelised stone
- 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
- boundary condition created by Hanover House.

4.49 Landscaping to provide green areas is incorporated around the development proposals.

4.50 Discussion

The proposed site is an area of land between Nos. 1 and 3 Eldon Road and Hanover House. The site represents a transitional area between the commercial scale of Hanover House and the more domestic scale of Nos. 1 and 2 Eldon Road.

4.51 Nos. 1 and 3 Eldon Road, to the south of the site are Buildings of Townscape Merit, as identified in the Conservation Area appraisal. There are also a number of listed buildings to west of the site in Eldon Road. The area surrounding the site includes a mix of building types and scale which are predominantly in residential and commercial use.

4.52 The adjacent Hanover House, is modern commercial building of part six and part seven-storey with permission for conversion to flats. Hanover House overshadows the proposed site and has a negative impact on the character and appearance of the conservation area.

4.53 The proposed replacement building would consist of a part 3 and part 5 storey building which is therefore similar to the approved scheme (180591-FUL). However, whilst the approved scheme removes the mass of the building from the elevation nearest Nos 1 and 2 Eldon Road (Buildings of Townscape Merit), by stepping down towards it, the proposal is more of a consistent mass when viewing the principal, south, elevation. This removes some of the elegance of the original scheme and its concession to the existing historic buildings adjacent to the proposed site. In addition, the elevation a higher degree of glazing to the front elevation, which gives it more of a commercial office building appearance and is less successful in relation to the character of the Conservation Area.

4.54 Conclusions

In view of the location of the proposed development within the Conservation Area, the statutory requirement is to preserve or enhance the character or appearance of the Conservation Area. Given that the existing site is an area of open greenery, the design of a building on this site requires careful planning. Whilst the overall scale of the building has been accepted, the additional bulk of the building towards the east elevation together with additional glazing and less harmonious elevational treatment means this building compares poorly in relation to the approved scheme and would not preserve or enhance the character or appearance of the Conservation Area or the settings of nearby Listed Buildings.

- 4.55 The proposed development is not considered to preserve or enhance the character or appearance of the Conservation Area or preserve the settings of nearby Listed Buildings as required by Sections 66 and 72 of the Planning (Listed Building and Conservation Areas Act) 1990, contrary to the NPPF, PPG and Reading Planning Policies.
- 4.56 **Reading Design Review Panel** - The scheme was presented to and considered by the Reading Design Review Panel on 7th May 2020. Unfortunately receipt of the DRP formal written comments have been delayed owing to a family bereavement. However, it was clear from the discussions on the day that there were a variety of concerns raised by DRP (including, but not limited to: the additional massing [removal of the clear step in scale down to Eldon Rd properties]; lack of a contextual relationship with the neighbouring buildings; lack of legibility in the proposed design; hierarchy of windows not clear).
- 4.57 **RBC Ecology consultant** - The application site comprises a disused dental surgery where it is proposed to demolish the existing building (Planning Officer note: the building was already demolished at the time of the application, with consent previously granted separately - see relevant history section above) and erect a new residential building. The ecological report concludes that the proposals are unlikely to affect protected species. However, the proposals will result in the loss of a black mulberry tree and its replacement with a white mulberry tree. This established tree is likely to be of value to wildlife in this urban area and its removal seems unnecessary. I agree with the Natural Environment officer's comments on this matter and my advice is that it should be retained where possible.
- 4.58 If the tree can be retained, and in accordance 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 secured via a planning condition - wording is given below.

“Condition: No development shall take place until full details of both hard and soft landscape proposals have been submitted to and approved by the Local Planning Authority. Landscape details shall include:

- Planting plans
- Written specifications (including cultivation and other operations associated with plant and grass establishment)
- Schedules of plants and trees, to include large canopy, native and wildlife friendly species, and species likely to prove adaptable to climate change, noting species, planting sizes and proposed numbers / densities,
- Details of tree pits
- Details of sustainable drainage and irrigation systems such as rain gardens, and temporary pools and swales
- Implementation timetables
- Biodiversity enhancements, including integral bird nesting and bat roosting opportunities on and around the new building
- Specifications for fencing
- Above and below ground service routes (ensuring they do not conflict with new or existing planting)
- Permeable hard surfaces

- 4.59 **Berkshire Archaeology** are content that there are no archaeological implications from this proposal. The development is very modest in scale and largely lies on the footprint of Mulberry House. No further action is therefore required in relation to the buried archaeological heritage.
- 4.60 **Crime Prevention Design Advisor at Thames Valley Police** comments as follows:
- 4.61 While I do not wish to object to the proposed plans, I do have some concerns which would need to be addressed, these primarily relate to:-
- 4.62 Basement parking: From the plans provided, I note that basement parking be controlled via red /green light signals. However, it is unlikely that this will prevent unauthorised members of the public (pedestrians) from accessing this area. Underground car parks that aren't secure, are extremely vulnerable to criminal activities. They can attract anti-social behaviour, and provide a location for individuals to sleep or shelter. The crime, anti-social behaviour and the fear of such crimes can result in the occupants abandoning the parking facilities. Poor access control, surveillance, and management practices can facilitate criminal activity in specific sites.
- 4.63 I therefore ask that the basement carpark be secured through the inclusion of electronic gates or shutters (LPS1175 SR2 or equivalent). These measures must incorporate an access control system that allows the driver to operate the system without leaving the vehicle. In addition, I ask that the bin collection area in the half basement must also be secured with electronic access controlled gates which can be opened on collection days.
- This is a significant concern and I ask that amended plans be submitted and approved prior to planning approval being considered
- 4.65 Storage Room / Gym Room: The plans show a 'storage / gym' room opposite the bin and cycle storage area, but I was unable to locate any other information as to this rooms purpose. Consideration should be given to the fact that this is a secluded room
- I ask the applicant to provide clarification as to the intended use of this 'storage / gym' room prior to planning permission being granted.
- 4.66 Physical security of dwellings -Physical security and access control will be critical in creating and sustaining a 'Safe and accessible environments where crime and disorder, and the fear of crime will not undermine quality of life or community cohesion'.
- I therefore ask that the following be dealt with via an appropriately worded access control condition
- 4.67 External Communal entrance: All external Communal entrance doors meet the requirements of the minimum physical security requirements of ADP-Q, and meet the minimum physical security requirements of PAS24:2012. and include electronic remote release locking systems with audio and visual intercom link to each apartment, capable of recording and capturing images of individuals using the door entry panel. This will allow residents to communicate with their visitors without having to open their front door and speak to them face-to-face as this allows them to filter who is allowed into the building and up into their flat. *Please note double leaf doors can be problematic in terms of sustainability, durability this in turn can affect the security of the doors. I therefore would urge the applicant to consider, where possible, the use of single leaf doors.*

- 4.68 Residential door Sets: Individual flat entrance doors must also comply with ADP-Q, and meet the minimum physical security requirements of PAS24:2012.
- 4.69 Access from Car Park into Residential Units - The underground parking facility will incorporate communal entrance doors for the residential cores.. Access to private residential dwellings must be made secure. I would ask that that parking facility communal entrance doors meet the requirements of the minimum physical security requirements of PAS24:2012 and include electronic remote release locking systems with audio and visual intercom link to each apartment, capable of recording and capturing images of individuals using the door entry panel.
- 4.70 The above comments are made on behalf of Thames Valley Police and relate to crime prevention design only.
- 4.71 **Royal Berkshire Fire & Rescue Service** comment as follows:
- 4.72 The applicant should be advised of the requirement to provide fire safety information imposed by Regulation 38.
- 4.73 The premises (once occupied) will be subject to the requirements of the Regulatory Reform (Fire Safety) Order 2005.
- 4.74 The Responsible Person must make a suitable and sufficient assessment of the risks to which relevant persons are exposed for the purpose of identifying the general fire precautions which need to be taken. There is no period of grace for the Responsible Person to produce the assessment. The documentation and any necessary safety measures must be in place on the first day that the building is occupied. The Department for Communities and Local Government (CLG) has developed a set of guides which explain what you have to do to comply with fire safety law, help you to carry out a fire risk assessment and identify the general fire precautions you need to have in place. The guides are available via the following link:-
<http://www.communities.gov.uk/fire/firesafety/firesafetylaw/>
- 4.75 Comments concerning advisory matters not enforceable under legislation - It is strongly recommended that the applicant takes appropriate measures to reduce the likelihood of arson. Further guidance can be found in the various guides produced by the insurance industry, the Arson Prevention Bureau and the Arson Control Forum.
- 4.76 **Historic England** has no objection to the application on heritage grounds, considering that the application meets the requirements of the NPPF, in particular paragraph numbers 127, 192, 197 and 200. Accordingly, the LPA should take these representations into account in determining the application. The HE comments in full are:
- 4.77 **Significance**
The proposed development falls within the Eldon Square Conservation Area. Eldon Street, the north-south 'spine' lying at the core of the conservation area, is characterised by a unitary and distinctive architectural townscape provided by the high concentration of good-quality prestigious mid-19th-century detached and semidetached buildings. The shared scale, classical vocabulary and general use of honey-coloured ashlar Bath stone facings to their facades significantly contribute to the cohesive character of the street-scene. In particular, the row of houses on the west frontage of Eldon Road, situated

opposite the development site, are nearly all group listed for their architectural and historical interest.

4.78 A group of rather pleasant but unlisted late-Victorian/Edwardian three-storey houses on the south-east section of the site at Nos 1 and 3 also contribute to the character of the conservation area.

4.79 The trees and tree groups located within the site on the west front of Eldon Road form one of the rare green oases to be found within this dense urban area, thus enhancing its character and appearance.

4.80 *Impact*

The proposed scheme is for the development of a part-three- part-five-storey building with a semi-open basement to accommodate eleven residential units. The current proposals constitute a revision of the redevelopment scheme approved by Reading Borough Council on 5th December 2017 (App ref. 180591). The changes include the provision of underground parking space, the use of the ground floor level for accommodating residential units instead of circulation, and the slightly lengthening of the upper floors.

4.81 As the proposed development does not change the fundamental nature of the approved scheme, the impact on the significance of the surrounding historic environment remains the same as that accruing from the previous proposals. The new basement would take advantage of the existing raised level of the site in relation to the immediate context, and thus would maintain the overall scale of the previously proposed building. Accordingly, its height would continue to act as a beneficial transitional element between the manifestly dominant massing and scale of the adjacent and detracting Hanover House and the domestic scale of the sensitive but unlisted Nos 1 to 3 Eldon Road, providing a visual hierarchy to the overall skyline. The lack of visual interaction between the row of listed buildings on the western front of Eldon Road and the application site of its eastern side would be mitigated by the proposed scheme. Set back from the street, visibility of the new building will continue to be screened by Hanover House and the retained group of mature trees on the southern boundary. However, the improvements proposed to front boundary wall with Eldon Road, along with high quality soft landscaping to the existing large expanse of unmanaged green area located to the south of the development site, would result in a positive enhancement to the conservation area.

4.82 *Policy*

In determining this application, you should bear in mind the statutory duty of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas; and section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

4.83 *Position*

The proposed scheme would positively address the current approach from Eldon Road and preserve the setting of unlisted buildings of merit at Nos 1 to 3 and group of listed buildings on the western front, while the good-quality design and choice of materials of the new building would sustain and enhance the character and appearance of the wider conservation area.

4.84 **Thames Water Developer Services** comments as follows:

4.85 The applicant will need to approach us for a pre-planning application. They can find details here: <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Water-and-wastewater-capacity> Our sewer records don't indicate any shared drainage within the site, but there may be newly transferred sewers that we haven't yet mapped and aren't aware of.

4.86 If the site owner finds shared drainage, the sewers may need to be diverted, as we don't allow new builds over public sewers. They will need to submit their pre-development application to us and then discuss any potential diversions with the engineer dealing with their application.

Local Group consultations

4.87 **Reading Conservation Area Advisory Committee** was formally consulted on the application and objects, summarised as:

- a) Heritage / conservation area - Application 180591 was approved and although it has its detractors the modern design was well received at the Planning Applications Committee and the Design Review Panel. The increase in bulk and massing proposed in this application is to the detriment of the heritage context.
- b) Design, scale and density - In increasing the number of floors, if not the footprint, the elegance of the former stepped design has been lost.
- c) Suitability of accommodation - The provision of three bedroomed units is a welcome sign, however the on site amenities of the property are unlikely to be attractive to families with children. Eldon Square is the nearest open space and is not really a suitable 'play area'; neither are King's Road Gardens which require the navigation of the Watlington Street gyratory to access them.
- d) Impact on neighbours - The increased development and excavation required for the basement will be an additional inconvenience for existing local residents during the construction phase. If this application is approved additional conditions may be required over and above those in the approved application (180591).
- e) Tree - There would seem to be no good reason to remove the protected Black Mulberry. It was protected in both the application to demolish Mulberry House (171521) and in the approved development application (180591). The tree is an ecologically significant landscape feature in the conservation area dating from at least the 1840s when the site was the garden of 2 Eldon Road. The tree report accompanying application 180591 described it as ancient and of high ecological value although in decline.

We understand that Mulberry trees often look very wizened but have amazing powers of recovery and will burst into life without any provocation when the time of year is right e.g. the ancient mulberry in Caversham Court Gardens and the ancient Bethnal Green Mulberry that survived a bomb in 1941. As it will take many years for a new Mulberry to reach the stature of this Mulberry we suggest that, should this application be granted that it is retained until it becomes absolutely necessary to fell it. In the meantime an additional younger mulberry should be planted on the site.

- f) Relationship with Hanover House - We are concerned that application 181831 to remove dangerous cladding from Hanover House and approved over a year ago has not been implemented and has now expired. Reading CAAC supported this application.
- g) The lack of progress on that work and therefore the continued closure of the Hanover House car park will cast a shadow over any development on the Mulberry House site.
- h) Concluding comments - This application is an overdevelopment of this site. In maximizing the occupancy and parking spaces it has lost the elegance of the original design and should be rejected. If approved, conditions should be imposed in relation to appropriateness of materials and the ancient TPO'd Mulberry should be retained.

Public Consultations

- 4.88 Adjoining occupiers and addresses which had commented on application 180591 were consulted by letter. A press notice was published on 26/03/2020 and two site notices were erected on 14/05/2020, expiring on 04/06/2020.
- 4.89 Seven letters of representation have been received, objecting to the proposals (including one from a representative of the resident management company for the adjacent Hanover House). A summary of the issues raised were as follows:
- 4.90 Design / heritage impacts
 - infilling could ruin the character of the road while multi storey building would overwhelm it.
 - Policy C6 in the emerging (sic) Local Plan for Reading and paragraph 64 of the National Planning Policy Framework states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
 - Don't want another concrete monstrosity on Eldon Road, where the majority of properties are Victorian. The developer and architect need to be much more sympathetic to the heritage of Reading.
 - Character of the conservation area is desirable to preserve or enhance; Fail to see how the proposed building preserves or enhances the area in any way. Rather than taking inspiration from the magnificent buildings in Eldon Square Conservation area, the applicant seems to have drawn inspiration from the brutalist architecture that is already abundant in other Reading neighbourhoods and its neighbour Hanover House. The proposal is akin to a cheap 1970s block of flats which will look dated and out of place from the moment it is completed.
- 4.91 Amenity impacts
 - Visually overbearing on Town Place properties. Another respondent says it is far too close to the properties which sit on Town Place and will be visually overbearing.
 - Disturbance during construction e.g. lorries and contractors parked on Eldon Terrace
 - Air and general pollution. More residents stacked up in flats means, more rubbish, sewage.
 - Daylight/sunlight impacts on Town Place properties; selective interpretation of the BRE guidance where the proposals do not accord with the guidance. Instead it is not considered that the impacts are negligible. The impact of this proposal cannot be described as negligible by anyone, professional or layman. There will be a 45 degree angle from the property of Number 9, to the 5th floor. Furthermore, in addition to the 'shadow' prediction, there is a need to consider ambient light restriction. More specifically, the light availability in 9, Town Place is already compromised, and the lights

in the kitchen need to be on most of the day as it is. The light has not been assessed from inside the property and it is suggested that it should be.

- The windows of the proposed development will also be facing east, and morning sun will dazzle strongly and reflect the direct sunlight onto the windows and properties opposite (Town Place) requiring blinds to be drawn.

4.92 Overdevelopment of the site

- This proposed development is trying to squeeze too many dwellings into such a small space

4.93 Transport implications

- More congestion on what is already a heavily congested area in Reading (10 cars rather than 5 in the already approved scheme. The residents of the Eldon Square conservation area already suffer with parking shortage and Eldon Road, Kings Road and London Road is already a constant traffic jam most days of the week.
- Adding 10 car park spaces and a traffic control system seems likely to adversely impact on the Hanover House car park.
- Generally, there is insufficient space in the Hanover House car park for the comings and goings of 10-11 extra homes.
- The idea that it would be possible to excavate a basement car park and then build a block of flats without impacting on the privately owned car park spaces in the Hanover House car park seems fanciful.

4.94 Type of development

- We have so many flats in town already. We need larger dwellings of 3 to 4 bedrooms for families. These could be apartments, but ideally these should be houses. Another respondent states: We have plenty of flats just completed or in the process of being completed or reconverted from offices in Reading (RG1).

4.95 Impact on trees

- Trees including a significant mulberry will be lost.

4.96 Waste collection arrangements

- The property has no direct roadside access of its own where large wheelie bins (as used by blocks of flats) can be left or collected from. It will therefore need to coordinate with Hanover House. No such coordination has been proposed or attempted.

4.97 Alternative development suggestions

- a single storey structure with limited parking should be proposed instead.
- How about the applicant comes up with a new proposal which isn't another monstrous block of flats and offers something new to Reading and in particular Eldon Square Conservation area? It would be great if they built a property where someone actually wanted to live and enhanced the area, not another dated concrete beehive.

4.98 Other matters

- If this work is going to be carried out, the works on Hanover House need to also be done either prior or at the same time.
- Given the current Covid-19 restrictions, I think local residents should be given more time to comment on this application and allow for a true opinion to be expressed.

4.99 Discussions with the agent of the applicant: Feedback was provided to the applicant following the expiry of the statutory public consultation period on 4th June. The applicant was advised of the multiple issues with the proposals, which meant the officer

recommendation would be for the application to be refused planning permission by 9th June. On this occasion, owing to the nature and breadth of the concerns raised, it was not considered worthwhile from the perspective of officers to enable the applicant to submit further/revised information, as in short this would be very unlikely to overcome all of the officer concerns. The applicant did not agree with this viewpoint, but ultimately chose not to withdraw the application; hence the issuing of this decision notice by the expiry of the statutory determination period.

- 4.100 This decision is proceeding under delegated powers, as per alterations to the scheme of delegation (as agreed at Policy Committee on 27th April 2020). This allowed major planning applications, recommended for refusal by officers, to be determined under delegated powers, rather than be considered by the Planning Applications Committee.

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.

5. 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:

National Policy

National Planning Policy Framework

National Planning Practice Guidance

Reading Borough Local Plan (2019)

- CC1 Presumption in Favour of Sustainable Development
- CC2 Sustainable Design & Construction
- CC3 Adaptation to Climate Change
- CC5 Waste Minimisation and storage
- CC6 Accessibility and the Intensity of Development
- CC7 Design and the Public Realm
- CC8 Safeguarding Amenity
- CC9 Securing Infrastructure

- EN1 Protection and Enhancement of the Historic Environment
- EN2 Areas of Archaeological Significance
- EN3 Enhancement of Conservation Areas
- EN4 Locally Important Heritage Assets
- EN6 New Development in a Historic Context
- EN8 Undesignated Open Space
- EN9 Provision of Open Space
- EN12 Biodiversity and the Green Network
- EN14 Trees, Hedges and Woodland
- EN15 Air Quality

EN16 Pollution and Water Resources
EN17 Noise Generating Equipment
EN18 Flooding and Sustainable Drainage Systems

H1 Provision of housing
H2 Density and Mix
H3 Affordable Housing
H5 Standards for New Housing
H10 Private and Communal Outdoor Space

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

Reading Borough Council Supplementary Planning Documents

Employment, Skills and Training SPD (2013)
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 (2019)

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 in assessing the application are considered to be:

- i) Land use principles
- ii) Scale, appearance, design and effect on heritage assets
- iii) Affordable housing
- iv) Housing Mix
- v) Quality of accommodation for future occupiers
- vi) Amenity for nearby occupiers
- vii) Transport
- viii) Trees, landscaping and ecology
- ix) Sustainability and energy
- x) SuDS
- xi) Other matters - S106, Other matters raised in public consultation responses
- xii) Overall Planning Balance and Conclusion

6.2 Accordingly, each issue is considered in-turn.

i) Land use principles

6.3 The existing site comprises a vacant plot and green space, following the recent demolition of a single storey dental surgery at the site (see relevant history section above). As a consequence, the application requires consideration against Policy EN8 (Undesignated open space). Although the plot is by consequence open space, it is in private ownership and has not previously provided a recreational or amenity use (paragraph 4.2.30 of the supporting text). As such, there is no use or enjoyment (as per the wording of Policy EN8) to protect in this instance. Furthermore, the existence of an extant permission at the site (which can be implemented up to March 2022) means that resisting the proposal on the basis of Policy EN8 would not be sustainable if tested at appeal.

6.4 In addition, to clarify, given that the dental surgery has been demolished, the policy context (loss of a community facility) considered at the time of recent separate applications at the site (171521 & 180591) is not relevant in this instance.

6.5 The principle of a proposed residential use aligns with the broad parameters of Policy H1, with the proposals assisting in the provision of 689 homes per annum within the Borough across the plan period of 2013 to 2036. As such, the proposed use is supported in principle.

6.6 It is noted that the floor plans specify the possibility of a gym at basement floor level. Had the application been recommended by approval a condition would have been secured to specify that this would be ancillary to the residential use, rather than being a separate planning unit in itself, as the transport / amenity implications of a standalone gym have not been considered/assessed.

ii) Scale, appearance, design and effect on heritage assets

6.7 Although each application is naturally required to be considered on its own merits, there are evident parallels with an extant permission on the site, which could be implemented up to March 2022. Accordingly, this assessment needs to factor in this context, together with another important advancement that since the previous permission the local policy context has changed with the adoption of the Reading Local Plan 2019.

6.8 It is evident from the submission that the proposed scheme seeks to take inspiration from the extant permission, with the submission specifying that a similar material palette is proposed. However, it is also evident from the proposed floor plans (which helpfully also specify the footprint of the approved scheme) and elevations that the proposed scheme builds on and expands on the permission (greater footprint to the north and west, and also in bulk/massing at the top two storeys to the south).

6.9 Moreover, it is considered by officers that the proposed scheme has a number of significant shortcomings in itself, and when considered within the context of the approved scheme too. As detailed in full within the RBC Historic Buildings observations (see above at section 4 - which also provide a detailed summary of the national/local policy/guidance framework - which in the interests of brevity are not repeated here), the approved scheme provided a suitable transition between Hanover House and 1-3 Eldon Road. However, the 'additional massing' (in the context of the extant permission) means

the proposed scheme is of a more consistent mass, thereby dominating 1&3 Eldon Road, not providing a suitable transition and lacking the elegance required.

- 6.10 More specifically, this is in terms of the need to maintain and enhance the character and appearance of the area (required by Policy CC7), protect and where possible enhance the historic environment (referenced by Policy EN1), conserve and enhance the special interest, character and architecture of the conservation area (noting that 1&3 Eldon Road are buildings of townscape merit in the adopted conservation area appraisal) required by Policy EN3, or respect and enhance the architectural and visual qualities of the historic character (referenced by Policy EN6). As a consequence, the proposals are not supported on these local policies bases, as well as the national policy requirements of preserving or enhancing the character or appearance of the Conservation Area or preserving the settings of nearby Listed Buildings required by Sections 66 and 72 of the Planning (Listed Building and Conservation Areas Act) 1990. It is acknowledged that Historic England do not share this viewpoint, but based on the viewpoint of officers and Reading Design Review Panel (as also noted above in section 4) it is considered that this forms part of the reason for refusal of the application.
- 6.11 At the more detailed design level, although the applicant has confirmed that the same high-quality materials are proposed as was approved as part of 180591 (which at the time was fully supported by officers), there are a number of fundamental alterations in the proposed scheme. On the west elevation, which faces towards Eldon Road, the elevation now includes a high degree of glazing, which is considered to alter the whole character of the proposed building (the Historic Buildings Consultant considers it gives it more of a commercial office building appearance, which aligns with the officer conclusion that the proposed design, on its own merits, lacks legibility and does not respond positively to the local context or be visually attractive, contrary to a number of elements of Policy CC7) and is a backward step in comparison with the extant permission. Furthermore, considered on its own merits, this has a significant role in the resultant conclusion in the scheme failing to conserve and enhance the character and appearance of the Eldon Square Conservation Area. Whilst acknowledging that the building is set back a significant distance back from the pavement, the proposal (given its massing and contemporary design approach) would be prominent in the streetscene, with the proposed extent of glazing being a significant shortcoming.
- 6.12 Whilst the above matters form the primary concerns with the proposals, it is also noted that the level and nature of information shown on the plans is not particularly clear in articulating the proposals in their full context. For example, at the Reading Design Review Panel the applicant verbally detailed that proposals were sought in relation to the front boundary wall along Eldon Road, but any such works have not been shown in any detail on any of the plans submitted. Accordingly, this element has not been assessed as part of the application.
- 6.13 As such, in overall terms it is considered that the massing and architecturally detailing (in particular the expanse of glazing on the western elevation) counts against the overall design quality of the scheme. Set within a sensitive local context of the Eldon Square Conservation Area (notwithstanding the existing negative impact of neighbouring Hanover House), where there is a clear local policy requirement to both protect / conserve / enhance, the proposed scheme is lacking in these regards and, accordingly, this forms a reason for refusal of the application.
- 6.14 It is also relevant to note that massing forms part of the reason for refusal, albeit the density of development (110 dwellings per hectare, based on 11 dwellings on a 0.1ha

site) is within the indicative density range stipulated within Policy H2 and the application is not being refused on the basis of density per se.

iii) Affordable housing

- 6.15 In line with Policy H3 a 30% on site provision is required, which for this 11 unit scheme equates to 2.72 units (which in practice would be 2 on-site units a financial contribution making up the 0.7 of a unit). In support of the application a financial viability assessment has been submitted, seeking to justify a nil contribution towards affordable housing. This viability appraisal has been reviewed by the Council's Valuer. As per the observations summarised at section 4 above, it is considered that further discussions around key input such as sales values, existing use and development costs are necessary to assess the extent to which an affordable housing contribution or deferred payment mechanism are deliverable. Therefore, the viability submission is not agreed. It is therefore not considered that the proposal is making an appropriate contribution towards affordable housing and the viability submission has not suitably justified a nil contribution. Therefore, the application will be refused on the basis of not providing an appropriate contribution to affordable housing and being in the absence of a s106 legal agreement to secure that appropriate contribution towards affordable housing, contrary to Policy H3.
- 6.16 Moreover, as part of any future s106 legal agreement, there would also be the need for related affordable housing obligations too, as secured at the time of permission 180591 at the site. More specifically these relate to scenarios where the building would be 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 to Policy H3 requiring different levels of affordable housing depending on the number of units (thereby avoiding a succession of applications each having different requirements) and future conversions potentially not attracting an affordable housing contribution but potentially improving viability significantly.
- 6.17 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).

iv) Housing Mix

- 6.18 The proposed scheme seeks to provide 5x1, 3x2 and 3x3-bed units. Policy H2 is clear that on new developments for 10 or more dwellings (such as this proposal for 11 units) outside the central area and defined district and local centres (with this site outside of all those areas) planning decisions will ensure that over 50% of dwellings will be of 3 bedrooms or more, having regard to all other material considerations.
- 6.19 The proposal seeks 27.27% 3-bed units, significantly below the 50% rate. Paragraph 4.4.10 of the supporting text to the policy does set out that other material considerations, such as viability, could form a basis for deviating from the policy requirement. As noted above

separately in respect of viability/affordable housing matters, the viability evidence is not agreed and hence cannot form a basis from deviating from the clear policy intention.

- 6.20 Although the supporting planning statement seeks to justify the non-policy compliant proposal, the other site examples are not considered particularly comparable (e.g. the Kings Road example sits between two existing flatted developments) and the justification is not considered sufficient to deviate from the clear policy requirement. Furthermore, the reference by the applicant at paragraph 5.9 of the planning statement, in respect to paragraph 4.4.13 of the supporting text to Policy H2, is considered to be a selective extract which doesn't provide a basis for the proposed mix when reading the policy/supporting text as a whole (given the contrasting approach given to Central Reading sites, which this site is not).
- 6.21 Accordingly, it is considered that the proposed mix has not sufficiently justified the lack of over 50% of dwellings being of 3 bedrooms or more. In the absence of this justification the proposed development would not adequately contribute towards meeting the needs for the mix of housing in the Borough, contrary to Policy H2.
- v) Quality of accommodation for future occupiers
- 6.22 It is first noted that in respect of the Policy H5 criteria, the proposed dwellings are considered to be appropriate. The individual units are of a sufficient size, albeit the shape of some units are somewhat irregular in part. Furthermore, conditions would have secured the water efficiency standards, and zero carbon is separately discussed in the sustainability and energy section below. The access officer has also raised no fundamental concerns with the proposals. In addition, from an environmental protection perspective the proposals are considered satisfactory subject to a variety of conditions (see section 4 above). Beyond the EP observations, a further noise-based condition would have secured details in relation to structural-borne noise disturbance prior to the first occupation of the proposed ancillary gym at basement floor level. There have been instances elsewhere in the borough where structural borne noise disturbance has occurred on floors above gym facilities; accordingly, details would have been secured via condition.
- 6.23 In other regards, the provision of external amenity space for each unit (either a recessed or protruding balcony) is welcomed in principle, to complement the shared amenity space proposed at the front of the site towards Eldon Road. Had the proposals been supported in overall terms, details of privacy screens to separate the upper floor flats facing the west elevation would have been secured via condition (to protect amenity between different units within the proposed development) and the east facing terrace on the top floor (to prevent harmful overlooking towards Town Place).
- 6.24 In terms of the proposal according with the Policy CC8 requirements, the results are considered to be more mixed. Whilst a number of features have been incorporated to protect future occupiers from overlooking and the negative impacts of a loss of privacy (e.g. orientation of windows / enclosure of balconies / minimising instances of direct overlooking), there are some shortfalls, such as the 15.2m distance between the north elevation and the 4.8m distance in the north-west corner (as part of the angle privacy wall) of the site towards Hanover House. As such, future occupiers will be subject to some lack of privacy and a lack of outlook at some points too. However, from the perspective of future occupiers, these deficiencies are not in themselves to be so severe to warrant the refusal of the application on this basis.

- 6.25 In a number of the other Policy CC8 considerations, it is considered that conditions could have suitably secured further details, such as in relation to artificial lighting and dust and noise and disturbance (e.g. limiting access to only areas specified as terraces for that purpose - and no other flat roof areas - thereby protecting amenity between different future occupiers).
- 6.26 However, there are considered to be areas where the impacts are either detrimental, or there has been a failure to demonstrate the impact in the submission. Considering the latter matter first, no information has been submitted in relation to the day/sunlight to be experienced by future occupiers. It is noted that such information was submitted for permission 180591, and is considered to be essential in this instance owing to the nature of the proposal including numerous recessed balconies, rooms served by a single window, other rooms where it is stated that obscure glazing will be included and, of course, the close proximity of other buildings and trees/vegetation. As such, this element of the quality of accommodation is unproven, and therefore the proposals have failed to demonstrate the appropriateness of the accommodation in this regard. This matter could not be secured via condition, as if this element were proven not to be satisfactory it would be likely to have a number of wider impacts, which would unpick other matters within any permission.
- 6.27 The Crime Prevention Design Advisor at Thames Valley Police has also raised a number of concerns, as detailed in section 4 above. First, in relation to unauthorised members of the public (pedestrians) accessing the basement parking area, it is known that underground car parks that aren't secure are extremely vulnerable to criminal activities. They can attract anti-social behaviour, and provide a location for individuals to sleep or shelter. The crime, anti-social behaviour and the fear of such crimes can result in the occupants abandoning the parking facilities. Poor access control, surveillance, and management practices can facilitate criminal activity in specific sites. The lack of secured access to the basement parking is therefore a significant shortcoming of the proposal. Concerns are also raised in respect of the secluded location of the storage/gym room at basement level and the ensuing crime issues this may create (particular when factored alongside the potential unauthorised access by pedestrians).
- 6.28 Considered cumulatively, these shortfalls mean that the quality of accommodation for future occupiers has not been demonstrated in full and therefore the proposals will be resisted on the basis of not adhering to Policy CC8. Whilst acknowledging the various steps the applicant has introduced to seek to provide a suitable quality of accommodation for future occupiers, and a number of areas where the proposals are considered suitable, there are some significantly detrimental impacts, or omissions in the information submitted which means this cannot be proven in the determination of the application. Hence, on balance, it is considered that the shortfalls in the quality of accommodation for future occupiers forms a further reason for refusal of the application.

vi) Amenity for nearby occupiers

- 6.29 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. This was also the case at the time of extant permission 180591 at the site, when the proposals were carefully considered and in overall terms considered appropriate, despite some shortfalls identified in the officer committee report. In summary, a different conclusion is raised in this instance. In contrast, in these proposals some of the 'additional' elements are going beyond what was previously considered appropriate and instead tip the balance the other

direction, leading to an overall conclusion that the proposals result in a detrimental impact on the living environment of existing nearby residential occupiers, or have failed to demonstrate that it would not do so.

- 6.30 First, in terms of visual dominance, outlook and overbearing matters, at the time of permission 180591 it was acknowledged that for existing nearby occupiers, the context would undoubtedly change as a result of the proposed development. However, at the time of application 180591, it was noted that the proposals included a number of angled and stepped in elements which helped to ensure that in overall terms the proposals were not considered to be significantly detrimental. However, in the case of the current proposals, this incorporates a number of additional elements which tip the balance against the proposals.
- 6.31 In the north-west corner of the site the footprint of the proposed building is getting closer to Hanover House than was previously approved (proposed at the closest point 4.8m away, compared with 8m on the approval). The provision of an “angled privacy wall” is considered to be visually dominant and overbearing for existing occupiers of the corner units opposite at Hanover House, despite the angled gaps included in the design and this gradually reducing in length on the upper floors. It is considered to be a dominant feature from the perspective of Hanover House occupiers, at an extremely close distance, and indicative of an overly-ambitious proposal. On the north elevation the distance to Hanover House is reducing from 17m to 15.2m. Although a deficiency in comparison with the previous approval, and itself below the Policy CC8 20m back-to-back overlooking/loss of privacy distance, this in itself is not considered harmful enough (given the context of the previous approval) to be a specific reason for refusal.
- 6.32 Furthermore, on the south side of the building, the proposed massing on the south-west corner are now directly next to the boundary with 1&3 Eldon Road, with the third and fourth floor footprints also far closer to the boundary too compared with the extant permission. This is in contrast to the approved footprint and massing of the approved scheme, which included a number of step backs. The previous proposal intentionally narrowed windows, whereas this proposal makes little such concession. This is another area where the balance has tipped from acceptable to unacceptable, with it being considered that the occupiers of 1&3 Eldon Road would be suffer harmful overbearing impacts as a result of the proposed development.
- 6.33 In terms of the impact on Town Place properties, the impact is comparable with that at the time of 180591. At the time of 180591 the impact was not considered so significantly detrimental to the living environment of Town Place occupiers to warrant refusal of the application on that basis. The distance (19.5m) remains the same and the amount of overlooking opportunities is comparable (a lower number of openings, but those openings are wider), while the ‘additional’ mass at the upper two floors would further reduce outlook and increase a sense of enclosure. In overall terms however, it is considered on balance that the overlooking/outlook deficiencies would not be so harmful to refuse the application on this basis. With specific reference to the inclusion of an external terrace at fourth floor level, this would be larger and closer to Town Place than that accepted under 180591. On the east facing elevation a privacy screen could be secured via condition to prevent harmful overlooking (thereby meaning this does not form part of the reason for refusal, albeit its inclusion may have knock-on adverse design implications).
- 6.34 Turning to consider day/sunlight and overshadowing impacts, an assessment has been submitted with the application. The results of the daylight, sunlight and overshadowing assessment are however questioned and not accepted by officers, given that the

submitted report details that there is an existing building at the site, whereas elsewhere in the submission (and as seen on site) the dental surgery has been demolished. Accordingly, the accuracy of the existing figures (which are then used as a basis to calculate the reductions in comparison with the proposed) are questioned. It is acknowledged that due to the size of the former building that the impact on the results may prove to be limited, but that is unclear at this juncture. It is surprising to officers that the methodology for the assessment appears to be based on an outdated context (introduction referencing the proposal relates to the demolition of an existing building and that building being shown on all the figures throughout the report - a former site plan being included in the appendix). Accordingly, due to this inaccurate methodology the day/sunlight and overshadowing impacts of the proposed development are unproven and the submission has failed to demonstrate that this is satisfactory. In summary, in this regard the proposed development has failed to demonstrate that it would not cause a detrimental impact on the living environment of existing nearby residential occupiers in terms of access to sunlight and daylight.

6.35 In terms of other amenity-based matters (noise and disturbance, dust and fumes and crime and safety), the proposals are considered appropriate in these regards. Had the proposals been supported a series of conditions would have secured various matters (e.g. construction method statement / waste collection details).

6.36 In overall terms, considering the proposed scheme on its own merits, there are clear instances where the proposals would not safeguard the amenity of nearby occupiers, or have failed to provide justification based on an accurate methodology to demonstrate that it would not cause a detrimental impact on the living environment of existing nearby residential occupiers. The proposals are therefore considered to be contrary to Policy CC8.

vii) Transport

6.37 As per the Transport observations detailed at section 4 above, a number of concerns are raised with the proposals. Whilst a lower than policy compliant amount of on-site parking is considered appropriate in this instance, there are a number of areas where concerns and clarifications are required, owing to a lack of information, summarised as:

- The location of the proposed traffic signals as detailed in the Design and Access Statement need to be illustrated on revised plans including tracking to illustrate vehicles coming off the ramp.
- The gradient of the proposed ramp should be no greater than 1:10; confirmation is required.
- It should be noted that electric vehicle charging point(s) are required in line with Policy TR5 (10% of spaces) and have not been shown to be provided on the plans.
- The tracking diagrams provided manoeuvring in and out of the parking spaces are deemed acceptable; however, clarification is required with regards to the entrance and exit of the site. Page 10 of the Design and Access Statement states the entrance is via Eldon Terrace whereas it was previously detailed that access was via Eldon Road (via Hanover House).
- With regards to the positioning of the bins for collection, to the north of the bin collection point are car parking spaces, therefore this route could be obstructed, clarification is required and or alternative route proposed.
- Whilst cycle and bin storage can be housed in a single building, they should be kept separate to ensure access to the cycles and bins is easily accessible. This should be clearly illustrated on revised plans.

6.38 Whilst there are shortfalls in the transport-based information submitted with the application, both individually and cumulatively these are not matters which it is considered should form a reason for refusal, as put simply the matters are of a nature which could ultimately be managed by the imposition of planning conditions. Accordingly, they shall not form a reason for refusal in this instance. Had the above concerns been able to be addressed, a number of transport-based conditions would have been secured in the event of planning permission being able to be granted. These would have included matters relating to: construction method statement; car parking spaces being ready for occupation prior to first occupation (and only used for parking thereafter); electric charging points; cycle spaces; waste storage/collection/management details; on-street parking restrictions.

viii) Trees, landscaping and ecology

6.39 The Natural Environment officer comments are detailed in full in section 4. In short, it is considered that the proposed development would be unacceptably harmful to trees. In turn, this would also fail to conserve and enhance the special interest and character of the conservation area, by virtue of the specific references within the in relation to the adopted Eldon Square Conservation Area Appraisal. In particular, the loss of the TPO'd black mulberry has not been adequately justified, while the protection of a common beech, sycamore and silver birch trees (Refs T2, T3 & T6 in the Tree Report by Hellis Solutions Limited Ref 19/09/164/NH, dated October 2019, as received 27/01/2020) has not been sufficiently demonstrated either. Accordingly, this forms a reason for refusal of the application.

6.40 In terms of landscaping / ecology matters, as referenced by both the Natural Environment officer and the Ecology consultant (detailed in section 4 above), although there are some shortfalls in the information provided, these details could be secured via condition and therefore do not form a reason for refusal of the application.

ix) Sustainability and energy

6.41 The applicant has submitted both a sustainability statement and energy strategy, as required for a major application. In short, the details proposed in both documents are considered to be satisfactory in principle. The scheme incorporates a variety of welcomed features, such as an efficient building fabric (e.g. insulated walls and efficient glazing), efficient systems and an array PV Panels are proposed at roof level. Hence, the scheme achieves more than 35% carbon reductions. However, the energy strategy itself concedes that the proposed units will not be zero carbon, and therefore an offset payment will be required to make up for the shortfall (in respect of zero carbon) on site, as required by policy and detailed within the 2019 adopted SPD. Accordingly, an offset payment (the applicant has estimated that this amounts to £19,409, based on the SPD formula) would have been secured via s106 legal agreement had the application been supported at officer level. Given the application is to be refused on other grounds, this consequently also forms a 'in the absence of a completed s106' reason for refusal. More specifically, in the absence of a completed legal agreement to secure an appropriate financial contribution towards carbon offsetting in the Borough, the proposal will not acceptably adapt to climate change, achieve zero carbon homes standards and not provide appropriately towards energy infrastructure, An informative will however be included on the decision notice to specify that in the event of a scheme which was acceptable in all other regards, this reason for refusal could be overcome by entering into a s106 legal agreement.

x) SuDS

- 6.42 As per the RBC Lead Local Flood Authority observations detailed at section 4 above, the proposed scheme includes contradictions which ultimately mean that an acceptable sustainable drainage scheme has not been submitted. As per Policy EN18, all major schemes (such as this) must incorporate SuDS as appropriate and in line with the Government's Technical Standards. In short, the applicant has failed to do so as part of the application submission and accordingly this weighs against the proposal and forms a reason for refusal of the application, in line with Policy EN18.

xi) Other matters - S106, Other matters raised in public consultation responses

- 6.43 As a major development, the scheme attracts an Employment and Skills Plan (construction phase only given it is solely a residential development), as required under Reading Borough Council's Supplementary Planning Document (April 2013), which feeds into Policy CC9. Whilst the applicant has indicated a willingness to enter into a s106 for an ESP (albeit not explicitly stating whether this would take the form of an actual ESP or a financial contribution - both options are possible/acceptable, as per the SPG), given the application is recommended for refusal, this forms a further reason for refusal of the application. However, an informative will be included on the decision notice to clarify that in the event of a scheme which was acceptable in all other regards, this reason for refusal could be overcome by entering into a s106 legal agreement. This is consequently an 'in the absence of' reason for refusal, which would also apply in relation to the affordable housing and carbon offsetting reasons for refusal referenced earlier in the assessment.

- 6.44 The public consultation responses raise a number of wider matters, which are briefly responded to here:

- Interaction with proposals at Hanover House

As per the planning history section, it is noted that there have been recent permissions at Hanover House. Had these proposals been considered appropriate, a construction method statement would have been secured, which would have confirmed details relating to neighbouring developments possibly coming forward at the same time and protecting nearby amenity in that instance.

- Alternative proposals

Only the proposed development can be considered / assessed as part of this application, and not alternatively suggested proposals (e.g. single storey single dwellinghouses).

- Consultation period

Owing to lockdown restrictions (as a result of the on-going Coronavirus pandemic), the site notices were erected a significant time after the other strands of public consultation. Accordingly, a longer than normal statutory consultation period did take place on this application.

- Wider matters associated with Hanover House

It is noted that an element of one public consultation response casts doubt as to whether the proposal could be implemented in practice (owing to ownership/access arrangements between the application site and Hanover House. Similar concerns were raised at the time of previous application 180591. At that time the then Council's Planning Solicitor commented as follows, which is considered to still apply at this time too: the issues that have been highlighted are more about the ability of the applicant to implement the planning permission rather than about an obstacle that

needs to be overcome before the development is acceptable in planning terms. Officers consider that the majority of the matters raised are landowner disputes (e.g. access rights, or more specifically occupation of land rights), which is not a matter of concern for the local planning authority unless there is little or no prospect of a satisfactory access to the development being provided.

7. OVERALL PLANNING BALANCE AND CONCLUSION

- 7.1 It is fully acknowledged that there would be some planning benefits associated with the proposed development, such as the provision of 11 residential units to assist with the Boroughs housing targets. Other benefits of the scheme include the in-principle sustainability/energy credentials of the proposals. Furthermore, as outlined above, there are some areas where the proposals are acceptable and it is appreciated that there is an extant permission at the site for a 7 unit scheme which could be implemented at the site until March 2022. However, when considering the application on its own merits there are considered to be a number of significant shortfalls, such as the proposed massing and detailed design deficiencies, which results in the proposals being harmful to the character and appearance of the conservation area and setting of nearby listed buildings / heritage assets too. In addition, there are significant concerns over some elements of the quality of accommodation proposed, as well as the detrimental impact on the living environment of existing nearby occupiers. Furthermore, the affordable housing, mix and SuDS elements are unproven/not agreed, while the loss of the TPO'd mulberry tree and potential impact on other trees are further shortcomings.
- 7.2 As such, when applying an overall critical planning balance of all material considerations, the various shortfalls of the proposals are such that in overall terms these concerns override the merits. Put another way, in overall terms the concerns are so significant so as to weigh against the proposals when considering all relevant material considerations. Accordingly, within the context of national and local planning policies and other material considerations, as detailed in the appraisal above, full planning permission is recommended to be refused.

8.0 RECOMMENDATION

Refuse Planning Permission for the following reasons:

1. The proposed development, by reason of its mass and architectural detail and materials, would not be of a sufficient high quality design that maintains and enhances the character and appearance of the area, nor sufficiently respect the form and quality of the detailing and materials in the area, including the wider Eldon Square Conservation Area, and therefore also fail to protect and enhance the setting of nearby listed buildings and fail to conserve and enhance the character and appearance of the Eldon Square Conservation Area, contrary to Policies CC7, EN1, EN3 and EN6 of the Reading Borough Local Plan 2019 and Eldon Square Conservation Area Appraisal (2007).
2. The proposed development, by reason of its proposed removal of a black mulberry tree (T1, subject to a Tree Preservation Order) and insufficient information to demonstrate that there would not be harmful impacts to a common beech, sycamore and silver birch trees (Refs T2, T3 & T6 in the Tree Report by Hellis Solutions Limited Ref 19/09/164/NH, dated October 2019, as received 27/01/2020), the proposal would be unacceptably harmful to trees and the character and appearance of the Eldon Square Conservation

Area, contrary to Policies CC7, EN1, EN3 and EN14 of the Reading Borough Local Plan 2019 and Eldon Square Conservation Area Appraisal (2007).

3. The proposed development, by reason of its mass, height and footprint, would be visually dominating and overbearing equating to a harm to outlook, resulting in a detrimental impact on the living environment of existing nearby residential occupiers. In addition, owing to the lack of an appropriate methodology, the proposed development has failed to demonstrate that it would not cause a detrimental impact on the living environment of existing nearby residential occupiers in terms of access to sunlight and daylight. In both instances the development is contrary to Policy CC8 of the Reading Borough Council Local Plan 2019.
4. The proposed development, in the absence of a daylight, sunlight and overshadowing assessment in relation to the 11 proposed residential units, and a lack of features to prevent crime and maintain safety, has failed to demonstrate that it would provide acceptable living conditions for future residential occupiers, contrary to Policy CC8 of the Reading Borough Local Plan 2019.
5. The proposed development, by reason of its proposed mix not sufficiently justifying the lack of over 50% of dwellings being of 3 bedrooms or more, would not adequately contribute towards meeting the needs for the mix of housing in the Borough, contrary to Policy H2 of the Reading Borough Local Plan 2019.
6. The proposed development, in the absence of an acceptable Sustainable Drainage Strategy, has failed to demonstrate its acceptability in terms of sustainable drainage and attenuating localised flooding, contrary to Policy EN18 of the Reading Borough Local Plan 2019.
7. The proposed development, by reason of its lack of an appropriate contribution towards the provision of Affordable Housing, and in the subsequent absence of a completed legal agreement to secure an appropriate contribution towards the provision of Affordable Housing, including an obligation for Affordable Housing to be applied on a cumulative basis should the building subsequently be extended / altered (to create further units) or units sub-divided, the proposal fails to make an appropriate contribution to the housing needs of Reading Borough, contrary to Policies H3 and CC9 of the Reading Borough Local Plan 2019 and the Council's Adopted Affordable Housing Supplementary Planning Document 2013 and Planning Obligations under Section 106 (2015).
8. In the absence of a completed legal agreement to secure an Employment and Skills Plan (construction phase only; employment and skills plan, or financial contribution), the proposal will not mitigate its impact on the social and economic infrastructure of the borough, contrary to Policy CC9 of the Reading Borough Local Plan 2019 and the Council's Adopted Supplementary Planning Documents on Employment, Skills & Training (2013) and Planning Obligations under Section 106 (2015).
9. In the absence of a completed legal agreement to secure an appropriate financial contribution towards carbon offsetting in the Borough, the proposal will not acceptably adapt to climate change, achieve zero carbon homes standards and not provide appropriately towards energy infrastructure, contrary to Policies CC3, CC9 and H5 of the Reading Borough Local Plan 2019 and the Council's Adopted Supplementary Planning Documents on Sustainable Design and Construction (2019) and Planning Obligations under Section 106 (2015).

Informatives:

1. The decision relates to the following drawings and documents:

8694/ PL- 00 Existing Site Location Plan Proposed Block Plan, as received 02/03/2020
8694/ PL-01 Proposed Site Plan, as received 02/03/2020
8694/ PL-02 Proposed Basement Plan & Ground Floor, as received 02/03/2020
8694/ PL-03 Proposed Basement First & Second Floors, as received 02/03/2020
8694/ PL-04 Proposed Basement Third & Fourth Floors, as received 02/03/2020
8694/ PL-05 Proposed Basement Roof Plan, as received 02/03/2020
8694/ PL-06 Rev A Proposed Existing and Proposed Section AA, as received 02/03/2020
8694/ PL-07 Rev A Proposed Existing and Proposed Section BB, as received 02/03/2020
8694/ PL-08 Rev A Proposed Elevations 1 & 2, as received 02/03/2020
8694/ PL-09 Rev A Proposed Elevations 1 & 2, as received 02/03/2020
8694/ PL-10 Rev A Proposed True Partial Elevations 5 & 6, as received 02/03/2020
8694/ PL-11 Rev A Proposed True Partial Elevations 7, 8 & 9, as received 02/03/2020
8694/ SCH-01 Proposed Areas Per Floor, as received 09/03/2020
20024 - TR001 Swept Path Analysis Basement Car Park Estate Car, as received 02/03/2020

Air Quality Assessment for the proposed development at Mulberry House, 1a Eldon Road, Reading, RG1 4DS by Aether Ltd Ref AQ_assessment/2019/EldonRd Version 1.2, dated 08/10/2019, as received 27/01/2020

Environmental Noise Impact Assessment PProPG Planning and Noise by Impact Acoustics Ref IMP5184-2, dated October 2019, as received 27/01/2020

Accommodation Schedule - Mulberry House Comparisons from approved planning 30th 2019, as received 27/01/2020

Daylight, Sunlight & Overshadowing Impact Assessment by Hawkins Environmental Ref H2536 V6 dated 8th November 2019, as received 27/01/2020

Heritage Statement by Atlas Planning Group, dated January 2020, as received 27/01/2020

Planning Statement by Atlas Planning Group, dated January 2020, as received 27/01/2020

Sustainability Statement by Atlas Planning Group, dated January 2020, as received 27/01/2020

Transport Statement by Atlas Planning Group, dated January 2020, as received 27/01/2020

Tree Report by Hellis Solutions Limited Ref 19/09/164/NH, dated October 2019, as received 27/01/2020

Utilities Statement by Ambiantal Environmental Assessment Ref 5038_SWDS / 4124 US Final v1.0, dated 27/02/2020, as received 02/03/2020

Design and Access Statement, dated February 2020, as received 02/03/2020

Ecological Appraisal Report by Davidson-Watts Ecology, Ref DWE 0752, dated 24/02/2020, as received 02/03/2020

Surface Water Drainage Strategy by Ambiantal Environmental Assessment Ref 5038_SWDS Final v2.0, dated 10/02/2020, as received 02/03/2020

Viability Report by DJC Housing Consultants Ltd, dated November 2020, as received 02/03/2020

Draft Section 106 Heads of Terms by Atlas Planning Group, dated February 2020, as received 02/03/2020

Open Space Statement by Atlas Planning Group, dated February 2020, as received 02/03/2020

Energy Statement by JAW Sustainability, dated 28th November 2019, as received 02/03/2020

Policy H5 Statement 'Standards for New Housing' by Atlas Planning Group, dated March 2020, as received 02/03/2020

2. The local planning authority has worked with the applicant in a positive and proactive way by clearly setting out concerns relating to the proposal and providing an opportunity for the applicant to withdraw the application. However, the applicant chose not to withdraw the application, hence the issuing of this refusal notice.
3. Without prejudice to any future application or appeal, the applicant is advised that part of reasons for refusal 7, 8 and 9 could be overcome by entering into a Section 106 Legal Agreement or unilateral undertaking for a scheme that was in all other respects acceptable.
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.
5. This planning application was submitted without the benefit of first seeking pre-application advice from the Local Planning Authority, which can often result in the avoidance of refusal of planning permission. Please see the following link to the Council's pre-application service here:
http://www.reading.gov.uk/media/1190/Pre-Application-Enquiry-Form/pdf/Pre-app_Nov_2016.pdf