

**TOWN AND COUNTRY PLANNING ACT 1990
PLANNING AND COMPENSATION ACT 1991
THE TOWN & COUNTRY PLANNING
(DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015**

APPLICATION FOR FULL PLANNING PERMISSION

To: Atlas Planning Group
Bodenham House Barn
Bodenham
Salisbury
SP4 5EN

Application No: 200123
Application type: Full Planning Approval

Applicant: The Faculty Ltd

READING BOROUGH COUNCIL as Local Planning Authority **REFUSE** planning permission for the following development.

Proposal: 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.

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

For the attached reasons

PLEASE READ THE NOTES ISSUED WITH THIS DECISION NOTICE

Date: 9 June 2020



Head of Planning, Development & Regulatory Services *RE*

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

Application No: 200123

Application type: Full Planning Approval

REASONS FOR REFUSAL

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.

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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:

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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

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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 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

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NOTES

APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision of the Council to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against the Council's decision on the application you must do so within 28 days of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and you want to appeal against the Council's decision on your application, you must do so within 28 days of the date of service of the enforcement notice, or within 6 months (or 12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.

If the above circumstances do not apply, any appeal must be made within the following time limits:

If this is a householder application and you want to appeal against the Council's decision then you must do so within 12 weeks of the date of this notice. If this is an advertisement application and you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of this notice. If you want to appeal against your local planning authority's decision for any other type of application (which is not a householder or advertisement application, or an application for a Certificate of Lawfulness) then you must do so within 6 months of the date of this notice.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

Purchase Notices

If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.