

DELEGATED APPLICATION REPORT

Address: Land to the rear of 173-175 & 177 Kings Road, Reading

Application No: 191097/FUL

Proposal: Erection of a 3 storey building to provide 6 (6x2-bed) residential units (Class C3), parking, landscaping and associated works

Applicant: Fitzwilliam Trustees No. 1 Ltd

Date received: 8/7/19

Valid date: 16/9/19

Target Decision date: Originally 20/12/19; Extension of time for the determination of the application was later agreed with the agent on behalf of the applicant until 16/3/20

Case officer: Anthony Scholes

1. Site Description and Surrounding Area

The site is located to the east of the town centre, to the rear of mid-terrace Grade II* listed buildings (No's 173-175 and 177) which front Kings Road. Vehicular access is found to the rear of the buildings, via Orts Road, and essentially this forms the red line boundary of the application site (a blue line is provided around the buildings and amenity space which fronts Kings Road). The site comprises the current car parking area, which is also a part landscaped (including TPO tree - a large Plane Tree, TPO 95/06) area, such as along the northern and part western boundaries.

To the south of the red line boundary, No. 173 is five-storeys in height, including a lower ground and roof levels. No. 175 is three-storeys in height and also includes a lower ground and roof level space. These buildings have recently been converted from office to residential use. No. 177 Kings Road is three-storeys in height and also includes a lower ground and roof level space.

As already mentioned, the buildings are Grade II* listed, as part of a list entry that covers Nos. 173 to 183 Kings Road (odd), a terrace dating from after 1832 (see Historic Buildings Consultants observations in full for exact details). There are three separate blocks of two houses each joined together by single storey links of varying design. Each block has three storeys and basement, Nos 173-179 with attics. They comprise Bath stone and slate roofs, with central chimney stacks with many pots. They include channelled ground floors with moulded string, entablature and blocking course with corner and central pilasters framing two three storey bays, each with one window. The buildings include four bays, glazing bar sashes (cornices on 1st floor) and a centre break with bays. The ground floor has two windows (French casements) with balconies and contemporary cast-iron rails and decoration. Doors in outer bays have segmental heads and two panels.

The site lies in the Eldon Square Conservation Area and is also within an Air Quality Management Area. The Eldon Square Conservation Area Appraisal describes the buildings as being of architectural interest as grand 19th century villas in Bath stone and having historic interest as examples of the polite architecture built as part of the urban development of Reading. Nos. 173-183 contributes positively to the significance of the conservation area. The Eldon Square Conservation Area Appraisal identifies vistas along

Kings Road towards the buildings as important. The rear elevation of the listed buildings makes a positive contribution to the significance of the listed building and the conservation area.

To the east of the site is the car parking area to the rear with No's 179-183 Kings Road. Beyond this to the east is a 5 storey building beyond the original No. 185 Kings Road building. To the north of the site are the three-storey Morriss Court blocks of properties, although there is a fall in land levels from the site at this point. The character of the surrounding area is mixed, with a combination of residential and commercial uses.

2. The Proposal

Full planning permission is sought for the erection of a 3 storey building to provide 6 no. 2-bed residential units (Class C3), together with on-site vehicular parking (for all occupiers of No's 173-175 & 177 & the proposed building), landscaping and associated works. The proposal is within land which is presently part of the car-parking area and is close to the eastern boundary of the site (adjacent to the car park to the rear of No's 179-183). As such, the footprint of the building is largely to the rear of the No. 177, although its width is such that it is also to the rear of No. 175 too (although the site is land to the rear of 173-175 & 177).

3. Internal / External Consultations

Internal consultation responses

RBC Historic Buildings Consultant

Nos. 173-183 Kings Road

Nos 173 to 183 form a Grade II* Listed terrace dating from around 1832. The principal houses in the former Waterloo Place. The listing includes three separate blocks of two houses, which are joined together by single storey links of varying design. Modified Doric for Nos 173/175 and 181/183, composite Nos 177/179.

Each block has three storeys and basement, Nos 173-179 with attics. Bath stone. Slate roof with central chimney stack with many pots. Channelled ground floor with moulded string, entablature and blocking course with corner and central pilasters framing two three storey bows, each with one window. Four bays, glazing bar sashes (cornices on 1st floor), centre break with bows. Ground floor has two windows (French casements) with balconies and contemporary cast-iron rails and decoration. Doors in outer bays have segmental heads and two panels. No 169 linked to No 171 and No 183 linked to No 185 by recessed Ionic porticoes in antis with parapets. To rear: Nos 177/179 have full height bows; Nos 181/183 have ground floor bows.

Interiors: No 173 contemporary staircase with moulded rail and stone steps, delicate undercut cornices (similar to contemporary ones in Cheltenham). No 183 contemporary staircase. As part of the conversion to offices Nos. 187-189 were joined together and their interiors largely removed and altered, apart from the stairs. An internal steel frame with six vertical members and modern lift shafts were inserted at the same time.

Although there are some surviving sash windows many have been replaced with inferior modern copies.

The Eldon Square Conservation Area

The listed building is located within Eldon Square conservation area. The Eldon Square conservation area appraisal (designated in 1972 and extended in 1982) (Reading Borough Council, 2007) describes the buildings as being of architectural interest as grand 19th century villas in Bath stone and having historic interest as examples of the polite architecture built as part of the urban development of Reading.

Area 1: Kings Road, Eldon Road and Eldon Square;

Nos. 173-177, which are located within Character Area 1, contribute positively to the significance of the conservation area. The Eldon Square conservation area appraisal identified vistas along Kings Road towards the buildings as important. The rear elevation of the listed buildings make a positive contribution to the significance of the listed building and the conservation area.

This area contains the majority of the conservation area's listed buildings and is characterised by tall detached or semi-detached residences faced with Bath stone and set back from the highway with long rear gardens. Many of these former houses have been converted to flats, offices or professional uses. Nos. 163 to 189 Kings Road form an almost continuous row of buildings of architectural interest enriched by large stone porticos, rusticated ground floors and pairs of full height bows. They rise to three storeys with basement and are approached up a flight of stone steps. Eldon Square is a formally planned composition (c1840) of houses around three sides of a park, unique in Reading. A row of 19th century buildings lies on the west side of Eldon Road, nearly all are listed and date from the same period as Eldon Square, but nos 20/22 and 24/26 do not appear on a map of 1879. The east side of Eldon Road is less intensively developed and contains a large brick pair (nos 1/3) and a large stucco pair (nos 11/13) on either side of a c1900 row of three terraced houses built in Bath stone.

Character Area 1: Features that make a positive contribution to the historic character and appearance of the conservation area:

- The high concentration of listed buildings;
- The architectural cohesion of prestigious mid-19th century residential development;
- The formal planning of Eldon Square;
- King George V Gardens and railings in Eldon Square;
- Grandeur of nos 163 -189 Kings Road;
- Good quality townscape;
- Prevalent use of local stone;
- Areas of historic stone paving and kerbs/gutters in Eldon Square;
- The green open space of King George V Gardens bordered by mature trees.

Character Area 1: Features that have a negative impact on the historic character and appearance of the conservation area:

- Loss of 19th century buildings that stood on the site of present day no. 36 Eldon Road and nos 75-77 London Road;
- Intrusive traffic noise spoils the ambience of the park in Eldon Square;

- Poor quality paving around Eldon Square;
- Insensitive alterations to listed buildings e.g. garage door in basement of no. 2 Eldon Road;
- Continual disturbance, noise and pollution of traffic;
- Modern developments on south side of Kings Road;
- No. 36 Eldon Road, in a prominent corner location, is out of character with the prevalent architectural cohesion of Eldon Road and Eldon Square;
- **Loss of rear gardens to parking and garages; (emphasis added by officers)**
- Loss of original front boundary walls and railings.

The Conservation Area appraisal describes Nos 163 to 189 Kings Road as:

‘...a long row of prestigious Bath stone former early 19th century residences with good quality Classical and Italianate detailing.’

The Conservation Area appraisal also describes Nos 163 to 189 Kings Road as:

‘...are set well back from the road. Because of a slight bend in the road and its unusual width, these large stone houses, elevated above semi-basements, are prominent in views along Queen’s Road and Kings Road. Northward views along Eldon Road and Eldon Street are enhanced by a glimpse of the stone facades of no. 169 and no. 187/189 respectively.’

The Conservation Area appraisal also describes:

‘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.’

Setting

The proposed site is roughly rectangular in shape, measuring approximately 31m in by wide by 46m. The southern boundary consists of the existing car park kerb edge, the northern boundary of a retaining wall, the eastern boundary is a 1m high brick wall to 179 Kings Road and the western boundary with 169 Kings Road of a dwarf wall with metal railings.

The proposed site is located to the north (rear) of a row (Nos.173-177) of elegant Grade II* listed Regency buildings which front onto Kings Road dating from around 1832 they are constructed of Bathstone with parapet walls and slate roofs. The existing site is a rear car park for the associated residential apartments.

Nos. 173-183 are arranged in 3 blocks of 2 buildings, each 5 storeys in height. The blocks are joined together by 2 storey annexes which connect the buildings to create a largely continuous frontage to Kings Road. No.173 is five storeys in height with a lower ground floor and roof level; no.175 is three storeys, forming a link between Nos.173 and 177.

The front elevations of the buildings facing onto Kings Road are ornate and include extensive detailing. To the rear, the elevations are much simpler with simple architectural detailing and sash windows and dormer windows.

There are other similar buildings at 163-169 Kings Road and 185-189 Kings Road which form part of the same group of classical Bathstone buildings. No. 185 Kings Road, is a listed building which unfortunately has a large multi-storey extension built to the rear of this building which detract from the setting of Nos. 187-189 Kings Road and the Conservation Area.

Proposals

The proposals consist of a new building immediately to the rear of No. 17 Kings Road in a modern 'block' design of three storeys in height. A minimum separation distance of c.8m from proposed building to existing building at 177 Kings Road.

The building would be constructed all in buff brickwork. The drawings show that north and south elevations of the block are largely blank with no architectural features such as windows.

The main materials would consist of:

- Buff brickwork.
- Aluminium frame windows
- Balconies of frameless glass.

Discussion

The proposed development site has both a functional and historic relationship to the Listed Buildings Nos. 173-177 Kings Road, in that it is attached to these properties and once formed part of their gardens curtilage. The proposed new building to the rear of the Listed Buildings would encroach on the land associated with them which once formed part of their associated gardens but now forms car parking.

Nevertheless, the architectural design to rear of these properties, whilst simpler than the front elevations, is still of good quality which was designed to be seen from surrounding properties and within the garden and therefore represents part of the significance of the Listed Buildings and contributes to the Conservation Area.

A large, 3 storey building with a large footprint, located within c.8m of the rear of the Grade II* Listed Building would severely erode the legibility of these buildings and their historic form and function and obscure views of their rear elevation. The lack of architectural detailing to the proposed building, in order to avoid issues of 'over-looking' does not enhance the overall visual appearance of the design.

The Conservation Area appraisal for Eldon Square notes as negative, the loss of rear gardens to car parking and garages; the addition of a new large-scale development in this location would compound that negative effect by removing all semblance of open-space annexed to the Listed Buildings.

There would potentially be some glimpsed views of the proposals from the eastern approach along Kings Road, which would harm the character and appearance of the

Conservation Area. It should be noted however that as stated in Planning Note 3: The Setting of Heritage Assets (Historic England, 2017):

Because setting does not depend on public rights or ability to access it, significance is not dependent on numbers of people visiting it; this would downplay such qualitative issues as the importance of quiet and tranquillity as an attribute of setting, constraints on access such as remoteness or challenging terrain, and the importance of the setting to a local community who may be few in number.

Whilst the car-park to the rear of the Listed Buildings does not enhance the Conservation Area, it does represent a neutral space which maintains views towards the Listed Buildings from surrounding properties in the Conservation Area. This provides a degree of legibility which allows them to be 'read' as former gardens; replacement of the car park with a large-scale block of flats would remove the visual dominance of the listed building at the rear and eliminate most views towards it from the north.

Conclusions

The design of new buildings intended to stand alongside historic buildings needs very careful consideration and should respect their setting, and follow fundamental architectural principles of scale, height, massing and alignment, and use appropriate materials. Based on fundamental principles of architecture, including the scale, height, massing, location and materials, the proposed development would harm the character and appearance of the Conservation and harm the significance of the adjacent Listed Buildings through impact on their settings.

The NPPF paragraph 193 requires 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.

In this case the buildings are Grade II* Listed Buildings, forming among the top 8% of Listed Buildings in country and located within the Eldon Square Conservation Area.

Therefore, the giving 'considerable weight and importance' to the desirability of preserving setting of a listed building and to the statutory requirement to preserve or enhance the character and appearance of the Conservation Area, the proposed development should be refused, based on the statutory requirements of Sections 66(1) and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF and Reading Policy EN3.

RBC Transport Planning

The application site is located on land rear of 173-177 Kings Road, Reading. The site is currently a car park, which serves the existing residential properties at 173-177 Kings Road and the proposed development will comprise of 6 x 2 bedroom flats.

Vehicular access into the site is achieved via an existing access driveway that extends from Orts Road to the north. It is stated that sufficient car parking will be retained for the existing residential accommodation at 173-177 Kings Road as well as the proposed development.

The site is located in Zone 2, Primary Core Area, of the Revised Parking Standards and Design SPD. This zone directly surrounds the Central Core and extends to walking distances of 2 kilometres from the centre of Reading. This zone is well served by public transport, with buses continuing either into or out of the Central Core Area via this zone. In accordance with the adopted Parking SPD, the development would be required to provide 1 on-site parking space per 1-2 bedroom residential unit.

The proposal reconfigures the existing layout to the rear of Nos.173-177 making better use of the space and as a result providing a total of 34 no. spaces for the existing and proposed apartments which meets the parking requirements of the previously approved developments and the proposed residential units submitted under this application.

The applicant is requested to submit a plan illustrating the allocation of spaces for all of the residential units at 173-175 & 177 Kings Road which should be secured by condition. This is to ensure that the development is provided with adequate parking facilities to meet the needs of future occupiers as well as retaining a sufficient level of parking for the approved developments.

In accordance with the Council's Revised Parking Standards and Design SPD, the development would be required to provide 0.5 cycle parking space per 1-2 bedroom unit. This equates to 3 cycle parking spaces for the proposed development whilst retaining 11 cycle parking spaces for the previously approved applications (160775 (8 spaces) and 160749 (3 spaces)). The cycle storage will be provided in the form of secure lockers. However, the plans only illustrate 11 secure lockers opposed to the 14 required in the context of what was approved at 173-175 & 177 Kings Road. The applicant is requested to clarify the total number of secure cycle parking spaces available within the site to ensure the development meets the Council's standards to encourage travel by sustainable alternatives to driving a motorcar.

The amount of bins needed for 31 flats (total) would be 6 x 1100 litre refuse bins and 6 x 1100 litre recycling bins for a fortnightly collection. The bin store is situated in excess of the recommendations with Manual for Streets (MfS) and Reading Borough Council's waste department. In view of this, it is recommended that the Council's Waste team are consulted on this application to see if the waste collection arrangements are acceptable.

RBC Environmental Protection (EP)

There are potential EP concerns relating to:

- Environmental Protection concerns
- Noise impact on development
- Noise transmission between dwellings
- Air Quality impact

- Construction and Demolition phase
- Bin storage - rats

Noise impact on development - A noise assessment should be submitted in support of applications for new residential proposed in noisy areas. The noise assessment will be assessed against the recommendations for internal noise levels within dwellings and external noise levels within gardens / balconies in accordance with BS 8233:2014 and WHO guidelines for Community Noise. The report should identify any mitigation measures that are necessary to ensure that the recommended standard is met. As a noise assessment has not been submitted and the proposed development is by a busy road, it is recommended that a condition is attached to any consent requiring a noise assessment to be submitted prior to commencement of development and any approved mitigation measures implemented prior to occupation to show that recommended noise levels can be met. The noise assessment will need to identify the external noise levels impacting on the proposed site.

Noise mitigation is likely to focus on the weak point in the structure; glazing. Given that the acoustic integrity would be compromised should the windows be opened, ventilation details must also be provided, where mitigation relies on closed windows. Ventilation measures should be selected which do not allow unacceptable noise ingress and should provide sufficient ventilation to avoid the need to open windows in hot weather, however non-openable windows are not considered an acceptable solution due to the impact on living standards.

A condition is recommended should permission be granted.

Air Quality - The proposed development is located within an air quality management area that we have identified with monitoring as being a pollution hot-spot (likely to breach the EU limit value for NO₂) and introduces new exposure / receptors. The air quality assessment submitted with the application concludes that no mitigation is required to protect the occupants from poor air quality.

We have concerns about potential noise, dust and bonfires associated with the construction (and demolition) of the proposed development and possible adverse impact on nearby residents (and businesses).

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.

Conditions would be recommended to address the above concerns should permission be granted.

RBC Natural Environment

The site includes a TPO mature Plane tree at the rear, as is indicated in submissions.

The tree is likely to be of a similar age to the listed building and currently sits in a situation that does not appear to have changed in size from the original, albeit what was originally garden has been converted to parking. The proposal will bring living accommodation closer to the tree, however the building height has been reduced by 1-2 storeys since the previous submission and the canopy of the tree is naturally high, particularly on the southern side of the canopy adjacent to the proposed building therefore the relationship between the canopy of the tree and new building is considered to be more or less sustainable.

A trial pit has been dug within the car park area in the location of the nearest proposed piles, which show only minor fibrous roots. Whilst excavation would also be required between the piles for the ground beams it appears that these will not go below the existing sub-base of the car park and based on the trial pits findings, this should be acceptable.

I note the tree protection measures for the Plane tree as shown on the TPP and am not clear on why these consist of a timber box around the tree trunk and adjacent ground protection when access to the current soft beds should not be required. It would be preferable to secure fencing around as much of the existing soft beds as feasible.

As an Arb method Statement has not been provided there are elements missing from tree protection considerations such as the method of converting the existing hard landscaping to soft, along with securing arb supervision. An AMS would be required if the application is approved (Conditions L6a & L6b) . Given the extent of works within the rooting areas of the tree and significance of the Plane to the Borough it would also be appropriate to include a specific condition on Arboricultural supervision and monitoring along the following lines:

In addition to the Arboricultural Method Statement, Arboricultural supervision is to be agreed as to the sequence or timings for each phase before, during and after the construction and landscaping works. Details of all meeting and site inspections including dates, times and photographic evidence shall be provided when necessary. This condition may only be discharged on completion of the development, subject to contemporaneous evidence of monitoring and supervision of the tree protection during the development by the appointed tree specialist.

Reason: To ensure that appropriate supervision by a competent arboricultural professional is undertaken and that the tree is not damaged in the interests of visual amenity.

If this application is approved, we will also require landscaping conditions L2a, L2b, L3. An acceptable scheme of landscaping should look to include new trees to replace the healthy and well-formed Birch and Hornbeam which will be removed if the development goes ahead.

RBC Ecology Consultant

The application site comprises a parcel of land to the rear of 173-175 & 177 Kings Road where it is proposed to erect a five-storey building. The site comprises mainly

hardstanding with a number of scattered trees. As per the plans submitted (“Tree Protection Plan”), a number of young trees are to be removed, as such, any vegetation removal should be undertaken outside the bird nesting season (May-August inclusive). These should be conditioned to ensure that no birds are disturbed or harmed during the development. Wording for the condition is given below.

In addition to this, in order to enhance the area for wildlife, and in accordance with paragraph 175 of the NPPF, which states that “opportunities to incorporate biodiversity in and around developments should be encouraged” a condition should be set to ensure that enhancements for wildlife are provided within the new development. Wording is given below.

As such, subject to the conditions below, there are no objections to this application on ecological grounds.

Condition 1: All areas of hedges, scrub or similar vegetation where birds may nest which are to be removed as part of the development, are to be cleared outside the bird-nesting season (March - August inclusive) or if clearance during the bird-nesting season cannot reasonably be avoided, a suitably qualified ecologist will check the areas to be removed immediately prior to clearance and advise whether nesting birds are present. If active nests are recorded, no vegetation clearance or other works that may disturb active nests shall proceed until all young have fledged the nest.

Reason: To ensure that wildlife is not adversely affected by the proposed development in line with Policy CS36 of the core strategy and wildlife legislation.

Condition 2: No development hereby permitted shall commence until details of biodiversity enhancements, to include bird and bat boxes, tiles or bricks on and around the new buildings and native and wildlife friendly landscaping has been submitted and approved in writing by the council.

Reason: To incorporate biodiversity in and around developments in accordance with paragraph 175 of the NPPF.

RBC Housing

In line with Policy H3, 20% of the on-site units proposed should comprise affordable housing units. A viability assessment has been submitted which will dictate whether this is possible or not.

RBC Valuations

Based on the above input variants and assumptions RBC’s valuer considers that the full H3 contribution is deliverable as a commuted sum.

External consultation responses:

Historic England

Summary

While this application reduces the size of the proposed block of flats to the rear of 177 Kings Road we maintain that the proposals would harm the significance of these listed buildings and that there is no justification for this harm. We therefore object to this application.

This application follows an earlier application for a larger block of flats on this site (180795) which was refused. The current application has reduced the scale of the proposed flats, which are now only intended to be three storeys high, rather than five.

This application needs careful consideration as the proposed block of flats would stand just to the rear of 177 Kings Road. This building forms part of a group of linked semi-detached houses (173-183 Kings Road) which formed the centrepiece of Waterloo Place, a really fine example of a Regency style architectural set piece and one of the best groups of historic buildings in Reading. Their architectural significance is recognised by their grade II* listing (which puts them in the top 8% of listed buildings nationally) and their inclusion in the Eldon Square Conservation Area.

When built these properties had long, narrow, landscaped back gardens with terraced mews at the far end. This arrangement is shown on the first detailed map of this area, the OS 1:500 town plan of 1875-6. The land to the rear of these buildings is now taken up by car parks but enough boundary walls and major trees survive to make it clear that this was once a garden.

This reduced proposal would address the most serious issue raised by the previous application: the impact that a large block would have on the architectural quality of the facades of these listed buildings as it would be glimpsed in the gap between 175 and 177 when viewed from King's Road, particularly in oblique views along the street, upsetting the rhythm of the composition.

However, the proposals would still have a marked effect on the rear of these properties. While less important than the frontages the rear elevations were designed to look out over and be seen from gardens so a degree of care went into them, as is demonstrated by the use of stone for the elevations and paired projecting bows. A block of flats on this site would obscure views of the rear of 175 and cut off views out from the principal rooms. These were intended to overlook a garden and be light and pleasant spaces. A large building on this site would completely erase the sense that these houses once overlooked a garden and markedly curtail the amount of light entering them. The proposals would also involve the loss of a tree which is identified in the conservation area appraisal as contributing to the character of the area.

Paragraph 193 of the NPPF requires great weight to be given to the conservation of a listed building while paragraph 194 of the Framework requires a clear and convincing justification for any harm to a such a building while paragraph 196 requires a proposal

that would lead to harm to a listed building to be weighed against the public benefits. We can see no clear and convincing justification for the harm as the development is not needed to sustain the listed buildings and there is no clear necessity to create housing on this particular site. As the public benefit of providing housing is a generic benefit, and does not have to be delivered on this particular site we think that it should be given very little weight against the harm caused. Recent appeal decisions, for instance (e.g. Land north of Moor Street, Rainham, APP/A2280/W/15/3012034) support this stance.

Recommendation

Historic England objects to the application on heritage grounds. We consider that the application does not meet the requirements of the NPPF, in particular paragraph numbers 193, 194 and 196.

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and 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.

Your authority should take these representations into account in determining the application. If you propose to determine the application in its current form, please inform us of the date of the committee and send us a copy of your report at the earliest opportunity.

Berkshire Archaeology

There are potential archaeological issues with the above application as the site is located within an area of unknown potential for archaeological remains from all periods. The Berkshire Historic Environment Record (HER) notes there have been few archaeological investigations in the vicinity, although the area is likely to have been favoured for settlement and other activity in the prehistoric period and later, and may contain previously unrecorded archaeological assets reflecting this.

Acknowledging that previous land uses on the site are likely to have affected any buried archaeological assets to a degree, any archaeological work required in mitigation of the impact of redevelopment can be carried out post-determination. This is likely to be limited and dependent on the construction methods and amount of ground disturbance for the new build and associated ancillary works.

Therefore I recommend that a condition requiring a phased scheme of works following approval of a written scheme of archaeological investigation is attached to any planning permission granted, to mitigate the impact of the development. This is in accordance with Paragraph 141 of the NPPF which states that 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’.

Reading CAAC and Reading Civic Society were formally consulted on the application, but no responses from either organisation have been received.

4. Public Consultation

Neighbour Consultation

Letters were sent to nearby occupiers and a site notice was erected. A total of 3 objections have been received. A summary of the issues raised in the objections is provided below:

- Concerns over the impact on the outlook from adjoining properties;
- Impacts of noise coming from proposed flats;
- Impact the value of adjoining properties (*Officer note: This is not a material planning consideration*);
- Noise impact of construction;
- Impact on vegetation in the area;
- Concerns over loss of daylight/sunlight to adjoining premises;
- Privacy impacts on adjoining properties;
- Intensification of use of the rear access, and impacts on transport network (traffic)

5. Plans / Documents Considered

The Council, in reaching its recommendation, has taken into consideration the following plans and documents:

Plans:

- 17.35-100 Rev B Location Plan
- 17.35-101 Rev B Proposed block plan
- 17.35-102 Rev C Proposed site plan
- 17.35-103 Rev D Proposed floor plans
- 17.35-104 Rev E Proposed front elevation & Building section
- 17.35-105 Rev C Proposed rear and side elevations
- 17.35-106 Rev B Proposed and existing site section/front elevation
- 17.35-107 Rev A Proposed & existing site section/side elevation
- 17.35-108 Rev A Proposed & existing site section/ rear elevation
- 17.35-109 Rev A Proposed & existing site section/ side elevation
- 17.35-110 Rev A Proposed & existing site section/rear elevation
- 17.35-111 Rev A Proposed cycle & bin store details
- 17.35-112 Rev A Proposed CIL Plans
- 17.35-113 Rev A Existing site plan
- 17.35-114 Rev A Proposed site levels plan
- 17.35-115 Rev A Existing site levels plan
- 17.35-116 Rev A Details of materials
- 17.35-117 Rev A Kings Road glimpse views

9531-KC-XX-YTREE-TCP01Rev0 - Tree constraints plan

9531-KC-XX-YTREE-TPP01Rev0 - Tree protection plan

Other documents submitted:

Planning and Affordable Housing Statement Prepared by Davis Planning Ltd

Heritage statement, prepared by Heritage collective reference 4827

Design & Access Statement (& Sustainability statement) prepared by Spires Architects

Financial viability appraisal, prepared by s106 management

Air quality assessment for the proposed development at Kings Road, Reading, prepared by Aether Ltd

Daylight and sunlight report, prepared by Schroeders Begg (UK) LLP

Information submitted on a private and confidential basis:

Financial viability appraisal, prepared by s106 management

6. Relevant Planning History

Application site only:

None specifically relating only to the application site.

173-175 Kings Road (also incorporating various parts of the parking area which forms the application site in this instance):

5780/TP/1628: Use as offices - Approved

82/TP/1008: Rebuilding Nos. 173-175 with improvements; rebuilding link block between Nos. 175 and 177 to new design, refurbishing No. 177 with improvements to roof. Buildings to continue in use as offices. Approved

85/TP/985: Demolition of boundary walls, alteration of front gardens and to rebuild boundary walls to match those existing. Approved by Secretary of State.

990257 - Installation of air cooling condensor units in computer rooms on ground floor of No. 175 and lower ground floor of No. 177 and wall mounted to rear of No. 177, together with associated pipework. Granted 23/03/02.

140485/FUL: Change of use from office to 13 dwellings. Minor external alterations to create 1 no. new window at lower ground floor and new roof lights to mansard roof. Withdrawn 27/03/15.

140486/LBC: Internal works associated with the change of use from office to 13 dwellings. External alterations to create 1 no. new window at lower ground floor and new roof lights to mansard roof. Withdrawn 27/03/15.

151116/FUL: Change of use from office (Class B1a) to 13 (1xstudio, 2x1, 7x2 & 3x3-bed) residential units (Class C3) and associated works. Granted following completion of s106 legal agreement 30/10/2015.

151117/LBC: Internal and external alterations associated with change of use from office (Class B1a) to 13 (1xstudio, 2x1, 7x2 & 3x3-bed) residential units (Class C3). Listed Building Consent granted 20/11/2015.

160220/APPCON: Discharge of conditions 6 (Construction Method Statement), 10 (Air Quality), 12 (Tree Protection Plan), 13 (Arboricultural Method Statement) and 14 (Hard and Soft Landscaping) of planning permission 151116. Conditions discharged 18/04/2016.

160214/VARIAT - Removal of condition 16 (BREEAM Domestic Refurbishment assessment and certificate) of planning permission 151116, granted on 30/10/15. Withdrawn 08/03/16.

160392/APPCON: Discharge of condition 16(i) (BREEAM Domestic Refurbishment design stage assessment) of planning permission 151116, granted on 30/10/15. Condition discharged 15/03/2016.

160915/APPCON: Discharge of condition 2 (material details) of listed building consent 151117. Condition discharged 26/07/2016.

161539/LBC: Internal alterations to layout of flats 7&8 at first floor level, flats 10&11 at second floor level and flats 12&13 at third floor level previously approved by consent 151117/LBC (part retrospective). Listed Building Consent granted 04/10/2016.

161547/NMA - Non-material amendments to planning permission 151116/FUL to alter the internal layouts of flats 7&8 at first floor level, flats 10&11 at second floor level and flats 12&13 at third floor level (part retrospective). Non-material amendments granted 13/09/2016.

160775/FUL: Change of use from office (Class B1a) to 15 (4x1, 10x2 & 1x3-bed) residential units (Class C3) and associated works, including fenestration alterations at lower ground floor level, balustrade and door at rear first floor level to facilitate external terrace, rooflights and vents. Granted following completion of s106 legal agreement 22/12/16.

160776/LBC: Internal and external alterations associated with change of use from office (Class B1a) to 15 (4x1, 10x2 & 1x3-bed) residential units (Class C3) and associated works, including fenestration alterations at lower ground floor level, balustrade and door at rear first floor level to facilitate external terrace, rooflights and vents. Granted 05/01/17.

161934/APPCON - Discharge of condition 2b (secondary glazing details) of listed building consent 151117. Condition discharged 17/11/16.

170115/APPCON - Discharge of conditions 3 (Construction Method Statement), 4i (final design stage BREEAM) and 5 (Refuse collections) of planning permission 160775. Conditions discharged 22/03/17.

170382/APPCON - Discharge of conditions 2a (windows), 2b (doors) and 2d (terrace railings) of listed building consent 160776 granted on 05/01/2017. Conditions discharged 27/03/17.

171335/NMA - Non-material amendments to planning permission 160775/FUL to alter the internal layouts of flats 11&12 at lower ground floor level, flats 8&9 at ground floor level and flat 7 at first floor level. Agreed 08/09/17.

171336/LBC - Internal alterations to layout of flats 11&12 at lower ground floor level, flats 8&9 at ground floor level and flat 7 at first floor level previously approved by consent 160776/LBC. Granted 27/09/17.

177 Kings Road (also incorporating various parts of the parking area which forms the application site in this instance):

160749/FUL - Change of use from office (Class B1a) to 6 residential units (Class C3) including 2no. studios, 3no. two-bedroom and 1no. one-bedroom flats plus new front dormer and associated works. Granted 5/2/17.

160750/LBC - Change of use from office (Class B1a) to 6no. residential units (Class C3) including 2no. studios, 3no. two-bedroom and 1no. one-bedroom flats plus new front dormer and associated works. Granted 6/2/17.

171659/APPCON - Discharge of conditions 3 (Bin Stores), 9 (Cycle Stores), 10 (Construction Method Statement), 11 (Noise Protection Measures), 12 (Air Quality) and 13 (Noise and Dust) of planning permission 160749. Conditions discharged 15/11/17.

171647 - Discharge of condition 2 (ventilation details) of listed building consent 160750. Condition discharged 2/11/17.

180795 - Erection of a 5 storey building to provide 9 (1x1, 6x2 & 2x3-bed) residential units (Class C3), parking, landscaping and associated works

Tree applications at 173-175 Kings Road

110890 - Reduce Leylandii trees away from adjacent properties. Granted 5/10/11.

172091 - 01 Norway Maple - fell due to weak stem union, main stem is within falling distance of public footpath. This tree is being replaced with Acer Rubrum 20-25cm. 03 Goat Willow - fell due to amount of debris falling from tree into lower level window area and rear pathway. Agreed 05/12/17.

Other recent example of a (partly) similar type of proposal further along Kings Road

187-189 & 191 Kings Road

161205 - Change of use of 187-189 Kings Rd from office (Class B1) to 26 student units (Sui Generis); Erection of 5-storey building to rear of 187-189 to create 35 student units (involving the reduction from 20 to 1 on-site parking space); Erection of single storey roof extension and 2-storey front extension at 191 Kings Rd to increase number of student units from 72 to 89, along with associated external alterations and landscaping (total increase of 78 student units from 72 to 150). Refused 10/11/16.

Nearby site at 185 Kings Road

79/TP/766 - New office building on site of 185 Kings Road, Reading, together with a new access road taken from Kings Road and car parking area to rear. Granted 14/08/1980.

7. 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.

8. Relevant Planning Guidance

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for Reading relevant to the application site is the Reading Borough Local Plan (2019).

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority to have special regard to the desirability of preserving a listed building or its setting or any features of special interest which it possesses.

Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority in the exercise of its functions to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

The 'National Planning Policy framework' ('NPPF') 2019 states clearly that its content is to be a material consideration in the determination of applications. The 'NPPF' states that due weight should be given to the adopted policies of the Local Development Framework (LDF) (Reading Borough Local Plan (2019)) according to their degree of consistency with the 'NPPF' (the closer the policies in the plan to the policies in the 'NPPF', the greater the weight that may be given). Accordingly, the 'NPPF' and the following development plan policies and supplementary planning guidance are relevant:

9. Relevant Policies

The application has been assessed against the following policies:

National Planning Policy Framework (2018);

National Planning Policy Guidance (2014 onwards);

Reading Borough Local Plan (2019)

- CC1 Presumption in Favour of Sustainable Development
- CC2 Sustainable Design and 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
- H1 Provision of Housing
- H3 Affordable Housing
- H5 Housing Standards
- H10 Private and Communal Outdoor Space
- TR1 Achieving the Transport Strategy
- TR5 Car and Cycle Parking and Electric Vehicle Charging
- EN9 Provision of Open Space
- EN1 Protection and Enhancement of the Historic Environment
- EN2 Areas of Archaeological Significance
- EN3 Enhancement of Conservation Areas
- EN6 New Development in a Historic Context
- EN12 Biodiversity and the Green Network
- EN14 Trees, Hedges and Woodland
- EN15 Air Quality
- EN16 Pollution and Water Resources
- EN17 Noise Generating Equipment
- CR2 Design in Central Reading
- CR1 Definition of Central Reading

Reading Borough Council Supplementary Planning Documents

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 / guidance / legislation

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)

Historic England Good Practice Advice in Planning Note 4: Tall Buildings (Historic England, 2015c).

Principles of Conservation (Historic England, 2008)

Guide to the Conservation of Historic Buildings (British Standards Publication BS 7913:2013, 2015)

Reading Tree Strategy (2010)

10. Appraisal

The main issues are considered to be:

1. Land use principles
2. Impact on nearby heritage assets / conservation area and scale, appearance & design matters
3. Housing Mix / Affordable Housing
4. Standard of accommodation for future occupiers
5. Amenity impacts on nearby occupiers
6. Transport
7. Trees and landscaping / Ecology
8. Other matters - Archaeology, Sustainability, CIL, Discussions with applicant

Land use principles

With regard to the principle of the proposed use, from purely a land use perspective, it is considered that a proposal to introduce six residential units would broadly comply with the principles of Policy H1. This is by contributing to the housing needs within the borough. The impact on heritage assets / potential loss of parking spaces are wider matters of principle and are discussed separately below.

Impact on nearby heritage assets / conservation area and scale, appearance & design matters

Concerns are raised regarding the impact of the proposed building on the setting of Grade II* listed buildings and the character and appearance of the Eldon Square Conservation Area. This is on the basis of both observations received from the RBC Historic Buildings Consultant and Historic England (as both detailed in full in section 3 above - reference should be made to these comments in full, with this appraisal instead providing a summary of the main points).

More specifically, it is considered that the site has both a functional and historic relationship to the listed buildings in that it is attached to the property and once formed part of their gardens and part of the curtilage. It is considered that the proposed building would encroach on the land associated with the listed building, which once formed part of their associated gardens but now forms car parking. Nevertheless, the rear of these properties, whilst simpler than the front elevations, was designed to be seen from surrounding properties and within the garden and therefore represents part of the significance of the listed buildings. It is considered that a large, 3 storey building, covering such a large footprint and within 11m of the rear of the Grade II* listed building would severely erode the legibility of these buildings and their historic form and function.

The Conservation Area appraisal notes the loss of rear gardens to parking and garages as a negative change in the CA but it is considered that the addition of a new large-scale development would compound that negative effect. Although reduced in height from the previous part 5-storey proposal which would allow the proposal to be hidden from view from Kings Road, the proposed development would harm the character and appearance of the Conservation Area. Whilst it is acknowledged that the car-park to the rear of the listed buildings does not enhance the area, it is instead considered to represent a neutral space which maintains views towards the listed buildings from surrounding properties in the Conservation Area and provides a degree of legibility which allows them to be 'read' as former gardens; replacement of the car park with a large-scale building would remove the visual dominance of the listed building at the rear and eliminate most views towards it from the north (contrary to Policies CC7, EN1, EN3, EN6 and CR2). On the basis of above, officers consider it is difficult to envisage how the proposal could be revised to address these concerns; thereby amounting to an in-principle objection to the form of the proposal, based on the combination of the footprint / mass proposed.

It is acknowledged that the applicant considers that the proposed building would be in a screened position and detached from the rear elevation and that the proposal would not have a harmful impact on the listed buildings/conservation area. Furthermore, the applicant considers that: the car park (and hard surfacing) contributes little to the area and is well screened from the public domain; the proposal would form a subordinate feature in the context of the listed buildings and would still allow views to and from the rear of 177, and buildings either side have already been extended (so the setting is fundamentally different to its historic setting). However, whilst mindful of the justification put forward by the applicant, officers consider that by reason of its mass, height and location, the proposal would be detrimental to the setting of nearby listed buildings and the character and appearance of the wider Eldon Square Conservation Area, contrary to Policies EN1, EN3, EN6 and CR2.

There are evidently a number of areas where there is disagreement between the applicant and the local planning authority; with specific reference to other nearby buildings being extended, it is noted that each application needs to be judged on its own merits and the example at No. 185 dates back as far as 1980 (in a different planning policy context), whereas in contrast a more comparable proposal to the rear of Nos. 187-191 was refused in 2016 (see relevant history section above for details).

In terms of the appearance and detailed design of the proposal, the applicant contends that the contemporary design with a modern materials palate and "the use of yellow gault bricks will reduce any visual impact as glimpsed from the opposite site of Kings Road". More specifically in terms of materials, the main 'blocks' will comprise yellow gault brickwork, to attempt to reflect the colour of the bath sandstone listed buildings. The 'plinth' of the building would be grey brickwork similar to Victorian Reading grey brickwork found in the town. The detailing and features will be predominantly aluminium cladding with concrete balconies, which the applicant considers will add interest to the façades.

In response, officers consider that the appearance/detailed design would utilise 'heavy' materials that neither replicate, or sufficiently contrast the listed buildings, and further detract from the proposal. As such, the proposal would not be of a sufficiently 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, thereby contrary to Policies CC7, EN1, EN3, EN6 and CR2.

Particularly given its proximity to a terraced of grade II* listed buildings, , there are concerns in relation to the unattractive, and standard design of the proposal, being symmetrical and creating a bland appearance with (as mentioned above) the use of heavy brick and concrete. . Moreover, despite the rationale explained by the applicant, the proposed design is considered to lack a distinct character, failing to respect the form/quality of materials in the area (most obviously the listed buildings) and instead it is considered that a bland, standardised and uninspiring design/appearance has been presented. Given the sensitivity of the surrounding area, although a pastiche is also not encouraged (and therefore there is agreement with the applicant in this regard), a bespoke response which responds positively to the surrounding area is required (as per policy) and is considered to be distinctly lacking in this instance. As such, the detailed design of the scheme forms a further reason for refusal of the application.

In terms of landscaping, as outlined in the consultation response from natural environment officers, had the scheme been found to be acceptable in other regards, suitable landscaping could have been secured by condition.

Housing Mix / Affordable Housing

Policy H2 seeks proposals to provide an appropriate range of housing opportunities in terms of a mix of housing types, sizes and tenures. Policy CR6 details that all proposals will be required to contribute towards a mix of different sized units within the development, with the minimum/maximum % guide only applying to 15+ unit schemes. Policy H2 only sets a mix requirement on those above 10 dwellings. In this instance, by providing solely 2-bed units for the 6-units, that this would assist in meeting the Council's market housing requirements (which sets a requirement for 29.6% of the supply to be 2-bed units).

With regard to affordable housing, West Berkshire District Council and Reading Borough Council applied for a judicial review of the Secretary of State's Written Ministerial Statement (WMS) to Parliament in 2014 on changes to national planning policy. Those changes sought to exempt developments of 10 or less dwellings from planning obligations for affordable housing and social infrastructure contributions and to introduce a new measure known as the Vacant Building Credit.

The High Court handed down its judgment on the case on 31st July 2015. The High Court found in favour of the challenge by the local authorities and quashed the amendments to the NPPG. The Secretary of State appealed the judgment and the Court of Appeal has now quashed the decision of the High Court.

At its meeting of the Strategic Environment Planning and Transport Committee on 13th July 2016, the Council discussed the outcome of the Court of Appeal's decision on its challenge (the report can be found here: http://www.reading.gov.uk/media/5651/Item09-SEPT-C-Report-on-C-of-Appeal-judgement-05-16/pdf/Item09_SEPT_C_Report_on_C_of_Appeal_judgement_05_16.pdf).

The Committee agreed the following as the basis for determining planning applications where superseded Policy DM6 of the SDPD is relevant:

To implement Policy DM6 as currently adopted in the SDPD but excluding proposals that solely involve the conversion of an existing property, where the conversion involves the provision of 10 or less dwelling units (i.e. not HMOs), or the replacement of dwellings by the same number of replacement dwellings where there is no net increase.

Following the above, the Reading Borough Local Plan (2019), specifically policy H3 (affordable housing) sets a lower threshold, and requirement for all developments within Reading to contribute toward affordable housing. The Local Plan was scrutinised by the Secretary of State and found to be sound (with the inclusion of policy H3), and as such, it is considered that this policy would be in accordance with the NPPF. As the proposal seeks to create 6 residential units, due to local circumstances, a contribution in line with H3 is required (20% on-site requirement, equating to 1.2 units as an equivalent financial contribution, based on the SPD formula).

In this instance the applicant has submitted a viability submission, seeking to justify that due to scheme viability constraints, the scheme cannot provide any contribution to affordable housing. The Council's Valuer has undertaken an open book review (in accordance with policy H3) of the viability submission by the applicant and concludes that a number of areas of the viability submission are not agreed and that the proposed scheme is viable to contribute towards affordable housing.

On this basis, the lack of an acceptable contribution towards the provision of Affordable Housing, and the resulting absence of a completed legal agreement to secure such, forms a further reason for the refusal. This is because the proposal would fail to contribute adequately to the housing needs of Reading Borough, contrary to policy CC9 and H3 of the Reading Borough Local Plan, and the Council's Adopted Affordable Housing Supplementary Planning Document 2013.

Furthermore, had the proposals been able to be supported at officer level, it would also have been considered necessary to secure a further affordable housing related obligation via the s106 legal agreement. An obligation is considered necessary to specify that should the building subsequently be extended / altered (to create further units) or units subdivided (e.g. one of the six 2-bed units becomes two separate 1-bed units, or one of the two 3-bed units becomes 2 separate 1-bed units) then contributions to affordable housing would apply on a cumulative basis (rather than on an individual application basis). This is also necessary in part due to the fact that the number of units proposed is below 10. For schemes above 10 units the affordable housing contribution changes from 20% to 30%, and changes of use under 10 units (as could be proposed at a later date) do not attract contributions (as per the application of Policy H3).

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 on-site provision in this instance (within the context of a solely market housing scheme for example). 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). Accordingly, reference to this obligation is also specifically referenced in the affordable housing reason for refusal.

Standard of accommodation for future occupiers

The overall unit size of the proposed flats would fall short of the minimum requirements outlined in Policy H5, which identifies 70sqm for for 2-bed 4-person flats.. As this proposal is for new development, the minimum gross internal floor space requirements are considered essential to create a high quality living environment for future residents.

Aside from this, the dual aspect form of the units, together with dedicated storage spaces and small projecting balconies for some units indicate a suitable standard of accommodation.. Furthermore, the windows provide suitable levels of outlook, and the daylight/sunlight assessment has confirmed that sufficient day/sunlight would be achieved by future occupiers.

The air quality assessment is sufficient and had the proposals been supported a noise assessment would have been secured via condition.

Although a large amount of the accommodation would be acceptable (in terms of daylight/sunlight, privacy etc.), the shortfall in internal space would create a cramped living environment for future residents contrary to Policy CC8, and H5 of the Reading Borough Local Plan (2019). This would therefore form a further reason for refusal.

Amenity impacts on nearby occupiers

In terms of overlooking and loss of privacy, the proposed scheme takes a number of steps to acceptably reduce this impact. On the north and south elevations no windows/doors are proposed. Window openings are proposed on the east and west elevations. To the east, some angled views would be possible back towards the rear of No. 179 and beyond, but this is at a distance (at least 13m) and angle that a significant detrimental impact would not result. To the west, similar oblique angles towards the rear of No 173-175 mean no significant adverse impacts are envisaged at this point. Meanwhile the properties at No. 169 (24m) and 1-2 Biko Court (35m) are too distant for overlooking / loss of privacy to be considered significantly detrimental. In addition, the projecting balconies are limited to the north end of the west elevation, which is the most distant from all other existing properties.

Turning to consider day/sunlight impacts, the submitted report has been reviewed by the LPA. In short, although some shortfalls (against the guidance) are identified, these are not considered by officers to be so significant to warrant the refusal of the application on this basis alone.

In relation to visual dominance and overbearing effects of a development, the presence of a three-storey building within 10.5m of the rear facing residential units at No. 177 Kings Road will undoubtedly change the outlook for these future occupiers (as part of the approved 160749/FUL / 160750/LBC permission/consent at the site - see relevant history section above - which has been implemented/finished). Significant concerns are raised in relation to the lower ground floor level studio unit, which is a single aspect north-facing unit served by an entrance door and a single window, enclosed in close proximity by an existing lightwell. It is considered that the harmful impact on the upper floor levels is reduced by virtue of these units being dual aspect (they cover the entire floor of the building with outlook to the north and south), which is in direct contrast to the lower ground floor unit. As such, officers concerns relate solely to the lower ground floor unit. It is however considered that this impact will be significantly detrimental and result in an oppressive living environment for future occupiers. Therefore significant concerns are raised with the visual dominance and overbearing impact of the proposal on the lower ground floor unit.

In relation to the other Policy CC8 (and related Policy EN15, EN16, AND EN17) considerations the proposals do not raise any significant concerns, although had the proposals been supported at officer level conditions (such as the construction method statement - protecting amenity from noise and disturbance) would have been secured as part of any permission.

Transport

In line with section 3 above, transport officers raise issues with the proposals. A lack of information has been submitted to sufficiently demonstrate that cycle parking and waste storage facilities would meet the needs of future occupiers as well as retaining a sufficient level of parking/waste storage for the approved/implemented developments at 173-175 & 177 Kings Road (which is land under the ownership of the applicant and specified by a blue line on the location plan - at the time of these previous permissions the red line of these sites covered at least part of the parking area which forms the red line boundary for this application). Although it has been indicated that the car spaces will be allocated, no such plan has been submitted to demonstrate this in practice. Only 11 cycle parking spaces across the wider site are shown, rather than the 14 required. Only 6 bins are illustrated on the plans for the wider site, whereas 10 (5 x 1100 litre refuse bins and 5 x 1100 litre recycling bins) are required (and would need to be shown to be in a suitable location). Moreover, the practical management of the spaces/areas have not been shown in any meaningful way. In the absence of information/shortfalls, the applicant has failed to demonstrate these matters, which in-turn could cause highway safety, impact on the functioning of the transport network and not provide sufficient alternatives to the use of cars, contrary to policies CC5, TR5 and TR3.

In terms of other transport related matters, such as the requirement for a construction method statement, had the application been able to be supported by officers these matters would have been secured via conditions.

Trees and landscaping / Ecology

As per the Natural Environment officer comments above at section 3 above, concerns are raised that, the ground works required would impact the protected tree. As such, had a positive recommendation been made, conditions should be attached to secure an appropriate arboricultural method statement (AMS), as well as conditions for landscaping to replace the trees to be removed as part of the proposal.

In terms of other trees and landscaping related matters, such as the proposed landscaping and general protection of other trees around the site, had the application been able to be supported by officers these matters would have been secured via conditions. Similarly, in terms of Ecology based considerations, the proposals are considered appropriate subject to the conditions recommended in section 3 above by the RBC Ecology Consultant.

Other matters

Archaeology

As per the observations from Berkshire Archaeology, as detailed in section 3 above, had the proposals been supported at officer level then an archaeological condition would have been secured. As this matter could be secured via condition, it does not form a reason for refusal of the application.

Sustainability

The proposed development would be required to the standards as set out in Policy H5, which includes improved water efficiency, dwelling emission rate, and be accessible in line with M4(3) of the building regulations. The proposal would be able to be conditioned to comply with the principles of policies CC2, CC3, and H5.

CIL (Community Infrastructure Levy)

The applicant duly completed a CIL liability form and submitted plans to detail how the floorspace figures have been calculated. On the basis of the information submitted the proposed scheme is CIL liable and had the application been supported at officer level he standard CIL informative will be included on the approval decision notice. In practice, a liability notice would have been sent to the applicant once any planning permission had been granted. Given the officer level recommendation is to refuse permission, instead an informative will be included on the decision notice outlining that it would have been a CIL liable development.

Discussions with the applicant

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. This will be detailed as an informative on the decision notice.

11. Conclusion

The local planning authority considers that whilst there are some planning merits in the proposals (e.g. the principle of additional residential units in the borough), there are also

numerous conflicts. The various shortcomings detailed in this officer report are such that they are considered to outweigh any benefits of the proposal and against the granting of planning permission. Therefore, the recommendation is for refusal summarised as follows:

1. Harmful impact on the setting of the grade II* listed buildings
2. Detailed design of the proposal not maintaining / enhancing the character and appearance of the area
3. Failure to provide appropriately sized dwellings for the enjoyment of future residents
4. The significant detrimental impact to the living environment of residential occupiers of the lowest floors at No. 177 Kings Road, with specific regard to a loss of outlook causing a sense of enclosure / visually dominant and overbearing.
5. Failure to demonstrate that adequate cycle parking and waste storage facilities have been provided to meet the needs of future occupiers as well as retaining a sufficient level of parking/waste storage for the approved developments.
6. Not providing an appropriate contribution towards affordable housing, thereby failing to contribute adequately to the housing needs of the borough and the absence of a s106 legal agreement to secure a subsequently appropriate contribution towards affordable housing, including a specific 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.

It should be noted, that were the scheme considered more acceptable at officer level, amendments may have been sought to overcome a number of reasons for refusal, however as the scheme has been found unacceptable for a number of design/location reasons the decision to refuse the scheme has been taken.

Recommendation

Refuse Planning Permission

12. Reasons for refusal:

1. The proposed development, by reason of its mass, height and location, would be detrimental to the setting of nearby listed buildings and the character and appearance of the wider Eldon Square Conservation Area, contrary to Policies CC7, EN1, EN3, EN6, and CR2 of the Reading Borough Local Plan (2019).

2. The proposed development, by reason of its detailed design, 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, contrary to Policies CC7, EN1, EN3, EN6, and CR2 of the Reading Borough Local Plan (2019).

3. The proposed development, by reason of its mass, height and location (in proximity to No. 177 Kings Road), would be visually dominating and overbearing equating to a lack of outlook for the lower ground floor flat at the rear (north end) of No. 177 Kings Road, resulting in sub-standard accommodation to the detriment of the living environment and amenity of occupiers of this flat, contrary to Policy DM4 of the Reading Borough Council Local Development Framework Sites & Detailed Policies Document 2012 (Altered 2015).

4. The proposed development, by reason of its proposed internal layout would fail to provide an appropriate level of amenity for future residents of the proposed dwelling. The resultant shortfalls in standard of accommodation, and failure to meet the Council's standards would be contrary to Policy H5, and CC8 of the Reading Borough Local Plan (2019).

5. The proposed development, by reason of a failure to demonstrate that adequate vehicular parking facilities, cycle parking and waste storage facilities have been provided and acceptably managed, to meet the needs of future occupiers as well as retaining a sufficient level of parking/waste storage for the recently approved/implemented developments at 173-175 & 177 Kings Road, would potentially result in highway safety concerns, impact on the functioning of the transport network and not provide sufficient alternatives to the use of cars, contrary to policies CC5, TR1, and TR3 of the Reading Borough Local Plan (2019).

6. The proposed development, by reason of its lack of an acceptable contribution towards the provision of Affordable Housing, and in the subsequent absence of a completed legal agreement to secure an acceptable 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 contribute adequately to the housing needs of Reading Borough, contrary to policy CC9 and H3 of the Reading Borough Local Plan (2019) and the Council's Adopted Affordable Housing Supplementary Planning Document 2013.