

DELEGATED APPLICATION REPORT

Application No: 191393/FUL

Address: 3 - 23 Duke Street, Reading, RG1 3EX

Proposals: Alterations to Dukesbridge House, including: Replacement of grills with windows at lower ground floor level on east and south elevations; new windows at ground to second floor on north elevation; new windows at lower ground to third floor on east elevation; installation of rooflights; new external cycle parking, bin storage and external lighting within courtyard area and various other associated alterations to facilitate the implementation of prior approval 190602 (amended description)

Applicant: Lipman Properties Ltd

Case officer: Jonathan Markwell

Date received (valid from): 31/10/19

Target decision date: Originally 26/12/19, but extensions of time for the determination of the application have been agreed until 10th March 2020

1. Site Description and Surrounding Area:

- 1.1 The red line application site comprises Dukesbridge House, buildings along the east side of Duke Street, Dukesbridge Chambers office building and the rear courtyard parking/servicing area. The proposed works are limited to Dukesbridge House and the courtyard area, which is bounded by Highbridge Wharf to the east, the public right of way (route 30) path and River Kennet to the south, Duke Street to the west and buildings which front onto Kings Road to the north. Dukesbridge House is five storeys in height, with the building interconnected to the retail unit which fronts onto Duke Street / the river (occupied by Subway).
- 1.2 The site is located within Market Place / London Street Conservation Area. None of the buildings are listed, nor identified as being buildings of townscape merit in the conservation area appraisal. Highbridge House to the east is grade II listed, as is the High Bridge, 1, 2&4 London Street to the south / south-east. Views east from High Bridge along the River Kennet are identified as important in the conservation area appraisal.
- 1.3 The site is also within an Air Quality Management Area, an area of archaeological potential and Flood Zone 2. The site is also within the Reading Central Area Action Plan boundary, being located within the primary shopping area and central core (Duke Street are also active frontages, but outside (adjacent to the boundaries) of the tall building cluster and office core. The surrounding area contains a mix of uses, including a library to the north. The predominant character is commercial at ground floor level, with residential and further commercial uses at upper floor levels.

2. Proposals:

- 2.1 The proposal involves various works to facilitate the residential use of Dukesbridge House, following the office prior approval granted at the site in 2019 (see relevant history section below). More specifically, works include:
 - Replacement of grills with windows at lower ground floor level on east and south elevations;
 - New windows at ground to second floor on north elevation;
 - New windows at river to third floor level on south-east elevation
 - Installation of rooflights
 - New external cycle parking within the courtyard area
 - New external bin storage within the courtyard area
 - Replacement external lighting within the courtyard area

- 2.2 During the course of the application amendments to the original proposals were made (e.g. relocation of cycle / waste facilities; omission of “possible sub-station”), a number of which followed officer advice. Numerous inconsistencies within the originally submitted plans were also identified and corrected. Moreover, the applicant also altered the red line boundary of the site, which facilitated the public re-consultation referenced below.

3. Plans Considered:

Existing Lower Ground Floor Plan 5016-36
Existing Ground Floor Plan 5016-32
Existing First Floor Plan 5016-33
Existing Second Floor Plan 5016-34
Existing Third Floor Plan 5016-35
Existing Loft Plan 5016-37
Proposed River Level Floor Plan 5016-24 Rev J
Proposed Ground Floor Plan 5016-20 Rev J
Proposed First Floor Plan 5016-21 Rev E
Proposed Second Floor Plan 5016-22 Rev E
Proposed Third Floor Plan 5016-23 Rev D
Proposed Loft Plan 5016-25 Rev C
Existing Elevation 1 5016-96
Existing Elevation 2 5016-97
Existing Elevation 3 5016-98 Rev A
Existing Elevation 4 5016-99
Existing Elevation 5 5016-100 Rev A
Existing Elevation 6 5016-108
Proposed Elevation 1 5016-101 Rev A
Proposed Elevation 2 5016-102
Proposed Elevation 3 5016-103 Rev B
Proposed Elevation 4 5016-104 Rev A
Proposed Elevation 5 5016-105
Proposed Elevation 6 5016-109
Rooflight Details 5016-110
Openable Glass Roof Details 5016-111
All received on 23/01/2020

Site Location Plan 5016-31 Rev C
Block Plan 5016-29 Rev C
Site Plan 5016-27 Rev P
Permitted Development Parking Allocation Plan 46110/5501/SK004 Rev F
Existing Elevation 7 5016-112
Proposed Elevation 7 5016-113
Existing Roof Plan 5016-116
Proposed Roof Plan 5016-115
As received 04/02/2020

Design and Access Statement by Stuart Henley & Partners, dated October 2019
Planning and Heritage Statement by Vocalism Ref VOC-18-26, dated October 2019
As received 03/10/19

4. Relevant Planning History:

- 4.1 190602 - Change of use of part lower ground floor, part ground floor, first, second, third and loft floors from Class B1(a)(offices) to Class C3 (dwelling houses) to comprise 77 dwellings (26 x studio, 49 x 1 bed, 2 x 2 bed). Prior Notification under Class O, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015. Prior Approval Granted 06/06/2019.

5. Public Consultation:

- 5.1 3 site notices were erected on 06/11/2019, expiring on 27/11/2019. A press notice was published on 14/11/19, expiring on 05/12/19.
- 5.2 Reading CAAC was formally consulted on the application.
- 5.3 No responses have been received.
- 5.4 Following a change / enlargement in the red line boundary of the application site (following the submission of revised plans on 23/01/2020), a period of re-consultation took place. 3 site notices were erected on 06/02/2020, expiring on 27/02/2020. A press notice was published on 13/02/2020, expiring on 05/03/2020.
- 5.5 No responses have been received to the re-consultation.

6. Consultation Responses:

6a. RBC Transport:

Following the submission of additional plans and information, officers were satisfied with the proposals subject to conditions from a transport perspective.

6b: RBC Natural Environment officer:

Originally concerns were raised in relation to the position of cycle and waste storage facilities being in locations where trees within the conservation area have in the recent past been removed without replacements being planted. Some originally proposed elements were also omitted following officer concerns (e.g. “possible sub-station” in location of existing trees). Once the locations were altered no significant concerns were raised. Although it would have been preferable to secure replacement tree works as part of the application, given the scope and nature of the proposed works, this was not considered possible. Instead, given the location of the site within a conservation area, this matter can be pursued separately.

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 Policy and Guidance

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.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Material considerations include relevant policies in the National Planning Policy framework (NPPF) - among them the 'presumption in favour of sustainable development'. However the NPPF does not change the statutory status of the development plan as the starting point for decision making.

In this regard, the NPPF states that due weight should be given to the adopted policies of the Local Development Framework (LDF) (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 National Planning Policy Framework and the following development plan policies and supplementary planning guidance are relevant:

Reading Borough Council Local Plan 2019

- CC5 Waste Minimisation and Storage
- CC7 Design and the Public Realm
- CC8 Safeguarding amenity
- EN1 Protection and enhancement of the historic environment
- EN3 Enhancement of conservation areas
- EN6 New development in a historic context
- EN14 Trees, hedges and woodland
- EN15 Air Quality
- EN18 Flooding and drainage
- TR3 Access, traffic and highway-related matters
- TR5 Car and cycle parking and electric vehicle charging
- CR2 Design in the centre

Other relevant documents/guidance

Revised Parking Standards and Design Supplementary Planning Document 2011
Market Place / London Street Conservation Area Statement

9. Appraisal

The main issues are:

- a) Design, heritage assets and impact on the character and appearance of the surrounding area
 - b) Amenity - for future occupiers and impact on neighbours
 - c) Trees and landscape
 - d) Transport
 - e) Other matters - Flooding, air quality, contaminated land & CIL
- a) **Design, heritage assets and impact on the character and appearance of the surrounding area**
- 9.1 The changes to windows, doors and entrances (including both the removal and inclusion of new) amount to relatively minor alterations to the building as a whole. Where additions are proposed, these are shown to align with the character and

detailing as existing, in order to assimilate with the pre-existing character of the building. Accordingly, from a pure design perspective no issues are raised. It is noted that the application site is located within a conservation area and is opposite listed buildings and structures (see section 1 above). It is considered that the inclusion of windows / doors / entrances as proposed would both preserve and enhance the character and appearance of the conservation area (particularly in the context of the existing), nor negatively impact on the setting of nearby buildings / structures. It is recommended for a condition to be included specifying that the development shall be carried out in accordance with materials to match, unless where otherwise stated, to ensure the design quality of the proposed works.

b) Amenity - for future occupiers and impact on neighbours

- 9.2 For future occupiers, the provision of various windows / doors will improve the quality of accommodation for future occupiers (in comparison with the sub-optimal accommodation allowed under the prior approval, for which the local planning authority has no control). The provision of dedicated waste and cycle facilities would also be a welcomed addition in principle. Although it is considered that the overall size / quality of a significant number of units is far from ideal, set within the context of the office prior approval there is no scope to raise such issues within the assessment of this current application.
- 9.3 For existing nearby occupiers (those within residential properties which front onto Duke Street, Kings Road and Highbridge Wharf), it is acknowledged that the provision of additional windows/doors within Dukesbridge House would increase opportunities for overlooking and loss of privacy. However, in all instances these relate to frontages which already include existing windows and the proposals are not considered to harmfully exacerbate the existing situation. It is also noted that the provision of cycle / waste storage facilities within the courtyard space would intensify the use of the space and potentially lead to increased levels of noise and disturbance. However, when weighed against the increase levels of natural surveillance created by the proposed use, it is considered that no significantly harmful impacts would occur for existing nearby occupiers.

c) Trees and landscape

- 9.4 As detailed at section 6 above, there are some on-going separate issues regarding the removal (without replacement) of trees at the site (within a conservation area). Owing to the nature of the works proposed as part of this application, it is not considered possible to pursue this matter as part of this specific application. Instead this matter can be pursued separately. More specifically, at the outset of the application some of the originally proposed works would have impacted on former tree locations / current trees. However, the proposals were amended during the course of the application to remove such instance. Hence, given that none of the now proposed works were in the locations of the former trees, it was not possible for officers to insist on the applicant committing to replanting works as part of this application. Instead, this can be separately sought under Section 213 (1) of the Town and Country Planning Act 1990.

d) Transport

- 9.5 Transport observations have confirmed that the principle of providing cycle and waste storage facilities in the courtyard area is acceptable, and that the realignment of car parking arrangements at the wider site (beyond Dukesbridge House, covering the red

line boundary - comprising 14 spaces) as shown are appropriate, as is the access. Both the parking and access matters will be secured via compliance conditions.

- 9.6 The site is located within Zone 1, which lies at the heart of Reading Borough, consisting primarily of retail and commercial office developments with good transport hubs. The area is well served by rail and bus links and also contains the largest proportion of public car parking spaces and is close proximity of the Oracle shopping centre and multi-storey car park. The surrounding classified road networks all have parking restrictions preventing on-street parking. Adjacent London Street forms part of the A327 and operates one way southbound with a northbound bus lane that is enforced 24 hours a day.

Permitted application 190602 consisted of the change of use from Class B1(a) (offices) to C3 (dwellinghouses) to comprise 77 dwellings (25 x studio, 51 x 1 bed, 1 x 2 bed). As part of application 190602 it was agreed that this would be a car free development.

- 9.7 The Design and Access Statements states that a minimum of 40 cycle stores will be located, within the rear courtyard. The relocation of some spaces during the application is considered acceptable. However, the actual design of the stands have not been demonstrated sufficiently (only a generic cycle stand has been shown on the plan, and it is not clear whether this is possible or feasible in this instance - owing to the location of some of the cycle areas [some adjacent to windows / others on currently sloped areas) and conservation area / listed building setting, so full details of the cycle parking will be secured via pre-occupation condition.
- 9.8 Bin storage area is located in the court yard as was permitted in application 190602, approved plan 5106 27 H. Again however, no details of the design of the areas have been provided and hence these details will be secured via pre-occupation condition.
- 9.9 Given the site's constrained and sensitive location a CMS is considered to be necessary in this instance, to protect the highway and amenity during construction works.
- 9.10 Finally, it is considered necessary and relevant to include the standard parking permit conditions in this instance, owing to the heavily constrained on-street parking arrangements in this central location.
- 9.11 Accordingly, subject to these various conditions, the proposals are acceptable from a transport perspective.

e) Other matters - Flooding, Air Quality, Contaminated Land, Lighting & CIL

- 9.12 Flooding - It is acknowledged that the application site is located within Flood Zone 2. However, owing to the nature of the proposed works (no extensions are proposed), it is considered that this specific development would not reduce the capacity of the flood plain to store floodwater, would not impede the flow of floodwater and would not in any way increase the risks to life and property arising from flooding. Accordingly, the proposal is considered to comply with Policy EN18.
- 9.13 Air Quality - Although the application site is located within an air quality management area, no change of use is proposed as part of this application, and hence it is not possible to seek information in this regard.

- 9.14 Contaminated land - part of the site is located with an area of potentially contaminated land. However, given no intrusive works into the ground are proposed, no adverse impacts are envisaged.
- 9.15 Archaeology - although the site is within an area of archaeological potential, no intrusive ground works are proposed and hence no impacts are envisaged.
- 9.16 Lighting - During the course of the application, owing to alterations in the location of cycle / waste storage areas, it became clear that the existing external lighting at the site would be relocated as part of the works. As no details beyond the relocated lights have been provided, it is considered necessary to include a condition securing details such as a plan indicating the locations of the lights, specifications, height, luminance; lens shape/beam pattern and any hoods/shades. This is to protect the privacy and amenity of adjoining and future occupiers and enhance the appearance of the development and the Conservation Area.
- 9.17 CIL - It is confirmed that the proposal will not be CIL liable.
9. **Conclusion**
It is considered that the proposals are acceptable for the reasons set out in this report.

10. RECOMMENDATION:

Grant Planning Permission subject to conditions.

11. Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission was granted.

Reason: To prevent an accumulation of unimplemented planning permissions, and in accordance with Section 91 of the Town & Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

Proposed River Level Floor Plan 5016-24 Rev J
Proposed Ground Floor Plan 5016-20 Rev J
Proposed First Floor Plan 5016-21 Rev E
Proposed Second Floor Plan 5016-22 Rev E
Proposed Third Floor Plan 5016-23 Rev D
Proposed Loft Plan 5016-25 Rev C
Proposed Elevation 1 5016-101 Rev A
Proposed Elevation 2 5016-102
Proposed Elevation 3 5016-103 Rev B
Proposed Elevation 4 5016-104 Rev A
Proposed Elevation 5 5016-105
Proposed Elevation 6 5016-109
Rooflight Details 5016-110
Openable Glass Roof Details 5016-111

All received on 23/01/2020

Site Location Plan 5016-31 Rev C

Block Plan 5016-29 Rev C

Site Plan 5016-27 Rev P

Permitted Development Parking Allocation Plan 46110/5501/SK004 Rev F

Proposed Elevation 7 5016-113

Proposed Roof Plan 5016-115

All received 04/02/2020

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

3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used on the existing building, unless where otherwise stated.

REASON: In the interests of visual amenity and ensuring the new development responds positively to the local context and character in accordance with Policies CC7 and EN3 of the Reading Borough Local Plan 2019.

4. * No development shall commence on site, including any works of demolition, until a site specific Construction Method Statement has been submitted to and been approved in writing by the Local Planning Authority. The Statement shall provide for where required:
 - a) Space on site where vehicles of site operatives and visitors can be parked with details of how site operatives and visitors will be required to make use of the parking area provided;
 - b) Location on site for storage of plant and materials used in constructing the development;
 - c) The erection and maintenance (including removal of any graffiti or fly posters) of security hoarding around the site;
 - d) Identification of any footpath closures or road closures needed during construction;
 - e) Required wheel washing facilities on site;
 - f) A scheme for recycling waste resulting from the construction works.
 - g) Measures for controlling the use of site lighting whether required for safe working or for security purposes;
 - h) Required measures to control the emission of dust, dirt and other airborne pollutants during demolition and construction;
 - i) Provisions to be made for the control of noise coming from the site during demolition and construction;
 - j) Full details of pest control measures following any demolition required. Where necessary, capping of drains/sewers and baiting arrangements.

The measures within the approved Statement shall be adhered to throughout the demolition and construction period unless otherwise agreed in writing by the Local Planning Authority.

REASON: These details are required due to insufficient information being contained within this submission and in the interests of protecting the amenity of local land uses

or neighbouring residents, the character of the area and highway safety in accordance with Policy CC8 and TR3 of the Reading Borough Local Plan 2019.

5. No dwelling shall be occupied until the vehicle access serving it has been constructed in accordance with the plans hereby approved.

REASON: In the interests of road safety in accordance with Policy TR1 and TR3 of the Reading Borough Local Plan 2019.

6. The dwelling(s) shall not be occupied until all vehicle parking space(s) have been provided in accordance with the plan hereby approved Permitted Development Parking Allocation Plan 46110/5501/SK004 Rev F. The space(s) shall be kept available for parking at all times thereafter.

REASON: To ensure that the development is provided with adequate parking facilities to meet the needs of future occupiers and reduce the likelihood of roadside parking which could be a danger to other road users in accordance with Policy TR3 and TR5 of the Reading Borough Local Plan 2019.

7. Prior to the first occupation of any residential unit plan(s) and elevations showing the design and layout of cycle parking spaces on site shall be submitted to and be approved in writing by the Local Planning Authority. The cycle parking spaces shall be provided in full accordance with the approved details prior to first occupation and thereafter kept free of obstruction and retained in accordance with the approved details and shall remain available for bicycle parking at all times thereafter.

REASON: These details are required due to insufficient information being contained within this submission and in order to encourage travel by sustainable alternatives to private vehicle in accordance with Policy TR3 and TR5 of the Reading Borough Local Plan 2019.

8. Prior to the first occupation of any residential unit, plan(s) and elevations showing the design and layout of refuse and recycling storage sufficient for the intended development shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented before first occupation and the areas of land so provided shall not be used for any purposes other than the storage (prior to disposal) or the collection of refuse and recycling and shall be thereafter retained and maintained as such.

REASON: In the interests of general amenity, to ensure convenience of arrangements for refuse and recycling storage and collection and to ensure that no obstruction is caused on the adjoining highway, in the interest of highway safety and in accordance with Policy CC7 of the Reading Borough Local Plan 2019.

9. No residential unit shall be occupied until the Local Planning Authority has been notified in writing of the full postal address of the unit(s) hereby approved. The notification shall be sent to the Local Planning Authority quoting the application reference specified on this Notice.

REASON: In order that the Council can update its records to ensure that parking permits are not automatically issued to the occupiers of the new residential units hereby approved, and thus ensure that the development does not harm the existing amenities of the occupiers of neighbouring residential properties by adding to the

already high level of on street car parking in the area in accordance with Policy TR3 and TR5 of the Reading Borough Local Plan 2019.

10. Prior to any agreement being entered into for a new occupation of, or transfer of any interest in, the residential unit(s), the prospective occupier/transferee shall be informed that there is no automatic entitlement to a car parking permit for any existing residential parking permit schemes and future schemes on adjacent and surrounding streets. All material used for advertising or marketing the residential unit(s) for letting or sale shall make it clear to prospective tenants and occupiers that they will not be automatically entitled to a parking permit, but any application for a parking permit will be considered on its merits.

REASON: In order that the prospective occupiers are made aware of the fact that while they can submit an application they will not be automatically entitled to an on-street car parking permit. In the interests of the proper management of parking, and to ensure that the development does not harm the existing amenities of the occupiers of neighbouring residential properties by adding to the already high level of on street car parking in the area Policy TR3 and TR5 of the Reading Borough Local Plan 2019.

11. Prior to the first occupation of any residential unit, full details of all external lighting to be installed within the development shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a plan indicating the locations of the lights, specifications, height, luminance; lens shape/beam pattern and any hoods/shades. The approved scheme shall thereafter be installed before first occupation of any residential unit and the external lighting shall thereafter be maintained and operated in accordance with the approved details.

REASON: In order to protect the privacy and amenity of adjoining and future occupiers and enhance the appearance of the development in accordance with Policy CC7 and CC8 of the Reading Borough Local Plan 2019.

Informatives

1. i) The attention of the applicant is drawn to Section 59 of the Highways Act 1980, which enables the Highway Authority to recover expenses due to damage caused by extraordinary traffic.

ii) Any works affecting the Highway shall be in accordance with Reading Borough's Council's document "Guidance Notes for Activities on the Public Highway within the Borough of Reading". The applicant should note that compliance with this document is mandatory and licences to work on the Highway will only be issued if the requirements contained within it are met. A copy can be obtained from the Council's website.
2. Your attention is drawn to the possible requirement for submission of a Building Regulations application for the proposed development. Please contact Building Control on 0118 937 2449 for advice.

3. The Local Planning Authority has worked positively and proactively with the applicant during the assessment of the application, to enable a positive officer recommendation to be made.
4. The occupiers of the residential unit(s) will not be automatically entitled to an on-street car parking permit. Current and new occupiers should be informed of this and be advised to find out more about parking permits on the Council's website. There is already a high level of on street car parking in the area and the site is located close to local facilities, with frequent public transport services on nearby roads.
5. In accordance with Article 35 (DMPO 2015) some conditions have been highlighted (with a *) to make clear that they require approval from the Local Planning Authority before any development begins. This is because the details need to be designed or works implemented before any other works start on the site or are of a nature that it would be impractical to consider after work has started.
6. Your attention is drawn to the terms and conditions of this permission. Any development which is carried out but which differs materially from the approved plans and details, or does not comply with any condition(s) or planning obligation(s) attached to the permission may result in the Council taking action to remedy the breach of planning control. If you are in any doubt please contact the Council.
7. Complaints are commonly received about noise and dust caused by construction and demolition works, particularly working outside reasonable hours and smoke from bonfires associated with the burning of waste on site. The developer is reminded that construction and demolition associated with the approved development will be subject to environmental health law.
8. You are advised that no tree works are approved by virtue of this consent. Any works to trees subject to a Tree Preservation Order or to Conservation Area status will require submission of a tree works application or Section 211 Notice respectively.