

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

APPLICATION FOR FULL PLANNING PERMISSION

To: Davis Planning Ltd
19 Woodlands Avenue
Wokingham
RG41 3HL

Application No: 180795
Application type: Full Planning Approval

Applicant: Fitzwilliam Trustees No.1 Ltd

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

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

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

For the attached reasons

PLEASE READ THE NOTES ISSUED WITH THIS DECISION NOTICE

Date: 13 December 2018



Head of Planning, Development & Regulatory Services *RE*

Application At: Land to the rear of 173-175 & 177 Kings Road Reading

Application No: 180795

Application type: Full Planning Approval

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 CS7 and CS33 of the Reading Borough Local Development Framework Core Strategy 2008 (Altered 2015) and Policy RC5 of the Reading Central Area Action Plan 2009.
2. The proposed development, by reason of its detailed design, would not be of a sufficiently high quality design that maintains and enhances the character and appearance of the area, nor sufficiently respects the form and quality of the detailing and materials in the area, including the wider Eldon Square Conservation Area, contrary to Policies CS7 and CS33 of the Reading Borough Local Development Framework Core Strategy 2008 (Altered 2015) and Policy RC5 of the Reading Central Area Action Plan 2009.
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, creating 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 footprint, proposed internal layout and proximity to a protected mature Plane tree (subject to a Tree Preservation Order), would cause an unacceptable pressure to prune the protected tree, creating an unsustainable relationship between the proposed building and the tree (which also contributes to the character of the Eldon Square Conservation Area) contrary to Policies CS7, CS33 and CS38 of the Reading Borough Local Development Framework Core Strategy 2008 (Altered 2015).
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



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approved/implemented developments at 173-175 & 177 Kings Road (as indicated by a blue line on plan 17.35-100 Rev A Location Plan, as received 07/08/18), 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 CS2 and CS24 of the Reading Borough LDF Core Strategy 2008 (Altered 2015) and Policy DM12 of the Reading Borough LDF Sites and Detailed Policies Document 2012 (Altered 2015).

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 CS9 of the Reading Borough LDF Core Strategy 2008 (Altered 2015), policies DM3 and DM6 of the Reading Borough LDF Sites and Detailed Policies Document 2012 (Altered 2015), and the Council's Adopted Affordable Housing Supplementary Planning Document 2013.

INFORMATIVES

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

Plans:

17.35-100 Rev A Location Plan, as received 07/08/18
17.35-113 Existing Site Plan, as received 07/08/18
17.35-115 Existing Site Levels Plan, as received 07/08/18
17.35-114 Proposed Site Levels Plan, as received 07/08/18
17.35-101 Rev A Proposed Block Plan, as received 15/08/18
17.35-102 Rev A Proposed Site Plan, as received 07/08/18
17.35-103 Rev A Proposed Plans, as received 07/08/18
17.35-104 Rev B Proposed Front Elevation & Building Section, as received 07/08/18
17.35-105 Rev B Proposed Rear & Side Elevations, as received 07/08/18
17.35-106 Proposed & Existing Site Section / Front El, as received 07/08/18
17.35-107 Proposed & Existing Site Section / Side El, as received 07/08/18



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17.35-108 Proposed & Existing Site Section / Rear El, as received 07/08/18
17.35-109 Proposed & Existing Site Section / Side El, as received 07/08/18
17.35-110 Proposed & Existing Site Section / Rear El, as received 07/08/18
17.35-111 Proposed Cycle & Bin Store Details, as received 07/08/18
17.35-116 Details of Materials, as received 07/08/18
17.35-117 Glimpsed Views 175 to 177 Kings Road, as received 14/11/18

Other documents submitted:

Planning, Heritage, Affordable Housing and Sustainability Statement by Davis Planning Ltd, as received 15/05/18
Tree Survey and Impact Assessment by Keen Consultants, Ref 9531-KC- XX-YTREE-TreeSurvey-and-ImpactAssessment-Rev0, Rev A dated 14/05/18, as received 15/05/18
9531-KC-XX-YTREE-TPP01Rev0 Tree Protection Plan, as received 15/05/18
9531-KC-XX-YTREE-TCP01Rev0 Tree Constraints Plan, as received 15/05/18
3944/SK01 Rev P1 Foundations Plan and Details - Feasibility Scheme, as received 15/05/18
17.35-112 Proposed CIL Plans, as received 07/08/18
Design & Access Statement & Sustainability Statement by Spires Architects, Ref 17.35-DAS Rev A, dated 04/05/18, as received 07/08/18
Air Quality Assessment for the proposed development at Kings Road, Reading Ref AQ_assessment/2018/Kings_Road_Reading Version 1, by Aether, dated 25/07/18, as received 07/08/18
Daylight and Sunlight Report by Schroeders Begg (UK) LLP Ref 200/BV, dated August 2018, as received 16/08/18
Table 4 - Self-test sunlight (RO below 177 Kings Road, Reading), provided by the Daylight consultant to BRE during the course of the application (received via BRE by the local planning authority on 05/10/18)
Table 3 - Self-test ADF x2 excel spreadsheets, provided by the Daylight consultant to BRE during the course of the application (received via BRE by the local planning authority on 05/10/18)
Email from Davis Planning 'RE: Land to the rear of 173-175 & 177 Kings Road (180795)', dated and received 23/08/18
Letter from Davis Planning Ltd dated and received 14/11/18

Information submitted on a private and confidential basis:

Affordable Housing Viability Report for Davis Planning Ltd, Land to the rear of 173-177 Kings Road, Reading RG1 4EX, by S106 Management, dated 06/08/2018, as received 07/08/18.



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2. The local planning authority has worked with the applicant in a positive and proactive way by clearly setting out concerns relating to the proposal and providing an opportunity for the applicant to withdraw the application. However, the applicant chose not to withdraw the application, hence the issuing of this refusal notice.
3. Without prejudice to any future application or appeal, the applicant is advised that part of reason for refusal 6 could be overcome by entering into a Section 106 Legal Agreement or unilateral undertaking for a scheme that was in all other respects acceptable.
4. The applicant is advised that the refused scheme, had it been able to be approved, would have been a CIL (Community Infrastructure Levy) liable development.
5. No pre-application advice was submitted before the submission of this planning application. Any further proposals should be subject to a formal submission via the Council's pre-application advice service.



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NOTES

APPEALS TO THE SECRETARY OF STATE

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

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

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

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

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

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order. In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN, tel. 0303 444 5000, or online at <https://acp.planninginspectorate.gov.uk/>

Purchase Notices

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