

DELEGATED APPLICATION REPORT

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

Application No: 180795/FUL

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

Applicant: Fitzwilliam Trustees No. 1 Ltd

Date received: 15/05/18

Valid date: 23/08/18

Target Decision date: Originally 18/10/18; Extension of time for the determination of the application was later agreed with the agent on behalf of the applicant until 14/12/18

Case officer: Jonathan Markwell

1. Site Description and Surrounding Area

- i. 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.
- ii. 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. It is in the process of being converted to residential use (see relevant history section below).
- iii. 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 bows, each with one window. The buildings include four bays, glazing bar sashes (cornices on 1st floor) and a centre break with bows. 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.
- iv. The site lies in the Eldon Square Conservation Area and is also within an air quality management area. In 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.

- v. 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

- i. Full planning permission is sought for the erection of a 5 storey building to provide 9 (1x1, 6x2 & 2x3-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).
- ii. Prior to the registration of the application (but after it was submitted) more plans, an air quality statement, daylight & sunlight and viability assessment was submitted. During the course of the application a letter and plan were submitted in response to the consultation response received from Historic England.

3. Internal / External Consultations

Internal consultation responses

RBC Historic Buildings Consultant

Planning (Listed Buildings and Conservation Areas) Act 1990

Listed Buildings

With respect to these applications, the applicable statutory provisions are:

- Section 66(1) the determination of applications affecting the setting of a Listed Building

Section 66(1) states that:

'in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority, or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

Recent legal cases relating to issues of the setting of listed buildings have established that under section 70(3) the general power to grant planning permission under section 70(1) is expressly subject to sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

In the case of *East Northamptonshire v. Secretary of State for Communities and Local Government* (known as the 'Barnwell Manor' case) the Court of Appeal held that section 70(1) was expressly subject to section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and that decision-makers should give '*considerable importance and weight*' to the desirability of preserving setting of a listed building.

Conservation Areas

Recent legal cases have established that under section 70(3) the general power to grant planning permission under section 70(1) is expressly subject to sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 72(1) provides that there is a statutory duty that:

‘with respect of any building or other land in a conservation area.....special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Case Law

In the case (2014) of *East Northamptonshire District Council v. Secretary of State for Communities and Local Government* (known as the ‘Barnwell Manor’ case) the Court of Appeal held that section 70(1) was expressly subject to section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and that decision-makers should give ‘considerable importance and weight’ to the desirability of preserving setting of a listed building.

In the Barnwell Manor wind-farm case it was established that it did not follow that, if harm to a listed building was found to be less than substantial under the balancing exercise in policies HE9 and HE10 (NB: under PPS5 which was then in force), that a decision-maker could ignore the overarching duty imposed by section 66 (of the Act).

In the case of *R (Forge Field Society) v Sevenoaks District Council* [2014] EWHC 1895 (Admin), it was found that when any development harms a listed building or its setting, that harm alone gives rise to a strong presumption against the grant of planning permission.

In this case Lindblom J, found that:

‘Once he had found that there would be some harm to the setting of the listed building and some harm to the conservation area, the officer was obliged to give that harm considerable importance and weight in the planning balance.’

In the case of *R (Lady Hart of Chiltern) v Babergh District Council* [2014] EWHC 3261 (Admin), before Sales J found that the NPPF creates a strong presumption against the grant of planning permission for development which will harm heritage assets, requiring particularly strong countervailing factors to be identified before it can be treated as overridden.

In the case of *the Forest of Dean and Secretary of State for Communities and Local Government and Gladman Developments Ltd* [2016] EWHC 421 (Admin) Justice Coulson considered the relationship between paragraphs 14 and 134 of the NPPF (2012 version). The High Court held that the planning inspector had failed to apply a required test when allowing a development that would cause ‘less than substantial harm’ to a designated heritage asset.

Paragraph 134 details the assessment of less than substantial harm to a designated heritage asset, and could therefore be considered a policy that would restrict development as detailed in footnote 9. However, it is considered that paragraph 134

would only indicate that development be restricted if the less than substantial harm is not outweighed by the public benefits of the proposals.

In the recent case of *Steer v SSCLG* [2017] EWHC 1456 (Admin) before Mrs Justice Lang, the High Court was called upon in to consider the duty of a decision-maker under section 66 of the Listed Buildings Act to have special regard to the desirability of preserving (among the other things listed in that section) the setting of a listed building, Kedleston Hall and the Park, because of the historical, social and economic association between the Hall and the agricultural lands of its Estate.

Mrs Justice Lang agreed that the Inspector had adopted an artificially narrow approach to the issue of setting which treated visual connections as essential and determinative. In adopting this approach, the Inspector made an error of law, and the appeal decision was accordingly quashed.

In the case of *R (Irving) v Mid-Sussex District Council* [2016] EWHC 1529 (Admin) before Gilbert J the point of contention arose from the fact that the Council's officer's report found that there would be a harmful effect on the character and appearance of the Conservation Area, but sought to look at in the context of the Conservation Area as a whole:

... the main impact of the proposed development would be on the character of the immediate vicinity through the loss of panoramic views to the south. Construction of the dwelling will obstruct long views from the western end of Courtmead Road, from the public footpath abutting the northern boundary and from within the site itself. The views across the open countryside to the distant South Downs are a distinctive feature of the southern edges of the Cuckfield conservation area and they engender a particularly strong sense of place. Loss of these views will diminish an important quality of this part of the designated area and as a result this weighs against the favourable recommendation of the application proposals.

Nonetheless, the final report stated:

However, the area in which the diminution will be experienced is limited to the western end of Courtmead Road, the public footpath and from within the site itself. From elsewhere in the southern fringes of the conservation area, similar panoramic southerly views will remain. Thus, while there is damage to a component of the heritage asset i.e. the conservation area, the special character of the conservation area as a whole will be preserved...

Gilbert J firmly dismissed this as the wrong approach, stating:

If there is harm to the character and appearance of one part of the Conservation Area, the fact that the whole will still have a special character does not overcome the fact of that harm. It follows that the character and appearance will be harmed. While I accept that the question of the extent of the harm is relevant to consideration of its effects, it cannot be right that harm to one part of a Conservation Area does not amount to harm for the purposes of considering the duty under s 72 PLBCAA 1990.

In the recent case of *Steer v SSCLG* [2017] EWHC 1456 (Admin) before Mrs Justice Lang, the High Court was called upon in to consider the duty of a decision-maker under section 66 of the Listed Buildings Act to have special regard to the desirability of preserving (among the other things listed in that section) the setting of a listed building. Mrs Justice Lang noted that there was a significant amount of material before the Inspector in support of the submission that the appeal site formed part of the setting of both Kedleston Hall and the Park because of the historical, social and economic association between the Hall and the agricultural lands of its Estate.

Mrs Justice Lang therefore agreed with the submission of the claimant and Historic England that the Inspector had adopted an artificially narrow approach to the issue of setting which treated visual connections as essential and determinative. In adopting this approach, the Inspector made an error of law, and his appeal decision was accordingly quashed.

This case is clearly important in establishing the wide scope of the term setting where it is used in section 66 of the Listed Buildings and Conservation Areas Act, and in the various advice on this issue published by ministers and by Historic England.

National Planning Policy Framework (NPPF) 2018

In March 2012, the Government published the National Planning Policy Framework (NPPF), which replaced the National Planning Policy Statements (PPS) and Planning Policy Guidance (PPG). The NPPF was subsequently updated in 2018. The NPPF sets out a presumption in favour of sustainable development and a key dimension of ‘sustainability’ is defined as ‘...protecting and enhancing our...historic environment’ (DCLG et al, 2018).

The NPPF recognises the historic environment as comprising all aspects of the environment which have resulted from the interaction between people and places through time (DCLG et al, 2018, Annex 2: Glossary). The elements of the historic environment that are considered to hold significance are called heritage assets (DCLG et al, 2018, Annex 2: Glossary).

All heritage assets have a setting. The NPPF defines the setting of a heritage asset as: *The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.*

The NPPF identifies heritage assets as:

A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).

The glossary annexed to the NPPF defines the setting of a heritage asset as:

The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.

The NPPF (paragraph 189) requires that:

189. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Paragraph 192 of the NPPF states that, local planning authorities should take into account:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) the desirability of new development making a positive contribution to local character and distinctiveness.*

Paragraph 193 states that:

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance

Paragraph 195 states that:

Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and*
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.*

Paragraph 196 states that:

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

Paragraph 197 states that:

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

Planning Practice Guide (PPG)

The Planning Practice Guide (PPG) (2014) clarifies this additional requirement under ‘What is the main legislative framework for planning and the historic environment?’ where it states that:

In addition to the normal planning framework set out in the Town and Country Planning Act 1990.... the Planning (Listed Buildings and Conservation Areas) Act 1990 provides specific protection for buildings and areas of special architectural or historic interest. Any decisions relating to listed buildings and their settings and conservation areas must address the statutory considerations of the Planning (Listed Buildings and Conservation Areas) Act 1990 (see in particular sections 16, 66 and 72) as well as satisfying the relevant policies within the National Planning Policy Framework and the Local Plan.
(See ID 18a-002-20140306)

PPG states that local planning authorities may identify non-designated heritage assets and in some areas, these heritage assets may be identified as ‘*locally listed*’ (DCLG et al, 2014, para. 39). These identified heritage assets may include buildings, monuments, sites, places, areas or landscapes which have a degree of value meriting consideration in planning decisions but which are not formally designated heritage assets (DCLG et al, 2014, para. 39).

The PPG states under ‘Why is ‘significance’ important in decision-taking?’ that:

Heritage assets may be affected by direct physical change or by change in their setting. Being able to properly assess the nature, extent and importance of the significance of a heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposals.

Under the discussion of ‘How to assess if there is substantial harm?’ the PPG offers:

What matters in assessing if a proposal causes substantial harm is the impact on the significance of the heritage asset? As the National Planning Policy Framework makes clear, significance derives not only from a heritage asset’s physical presence, but also from its setting.

Whether a proposal causes substantial harm will be a judgment for the decision taker, having regard to the circumstances of the case and the policy in the National Planning

Policy Framework. In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting.

The PPG states under 'What is meant by the term public benefits?':

Public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the National Planning Policy Framework (Paragraph 7). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.

Public benefits may include heritage benefits, such as:

- sustaining or enhancing the significance of a heritage asset and the contribution of its setting;*
- reducing or removing risks to a heritage asset; or*
- securing the optimum viable use of a heritage asset in support of its long term conservation.*

(Permalink ID 18a-020-20140306)

Historic England Good Practice Advice

Historic England has produced new guidance on the interpretation and implementation of the NPPF and PPG with regard to the historic environment in the form of:

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

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

However, if the building is not in the right place and well designed a tall building, by virtue of its size and widespread visibility, can also seriously harm the qualities that people value about a place. What might be considered a tall building will vary according to the nature of the local area. A ten-storey building in a mainly two-storey neighbourhood will be thought of as a tall building by those affected, whereas in the centre of a large city it may not. One of the principal failings in the design of certain

tall buildings was a lack of understanding of the nature of the area around them, and the impact they would have on both specific features of the historic environment and its general character. There have been many examples of tall buildings that have had a lasting adverse impact through being unsuitably located, poorly designed, inappropriately detailed and badly built and managed.

Historic England, 2015a, Planning Note 2: Managing Significance in Decision-Taking
Historic Environment Good Practice Advice in *Planning Note 2: Managing Significance in Decision-Taking* (Historic England, 2015a) states that:

Cumulative Change

The cumulative impact of incremental small-scale changes may have as great an effect on the significance of a heritage asset as a larger scale change. Where the significance of a heritage asset has been compromised in the past by unsympathetic development to the asset itself or its setting, consideration still needs to be given to whether additional change will further detract from, or can enhance, the significance of the asset in order to accord with NPPF policies. Negative change could include severing the last link to part of the history of an asset or between the asset and its original setting. Conversely, positive change could include the restoration of a building's plan form or an original designed landscape (Historic England, 2015a, p.8).

Positive Contributors

Most of the buildings in a conservation area will help to shape its character. The extent to which their contribution is considered as positive depends not just on their street elevations but also on their integrity as historic structures and the impact they have in three dimensions, perhaps in an interesting roofscape or skyline. Back elevations can be important, as can side views from alleys and yards (Historic England, 2016, p16).

Historic Environment Good Practice Advice in *Planning Note 2: Managing Significance in Decision-Taking* (Historic England, 2015a) states that:

Design and local distinctiveness

Both the NPPF (section 7) and PPG (section ID26) contain detail on why good design is important and how it can be achieved. In terms of the historic environment, some or all of the following factors may influence what will make the scale, height, massing, alignment, materials and proposed use of new development successful in its context:

- *The history of the place*
- *The relationship of the proposal to its specific site*
- *The significance of nearby assets and the contribution of their setting, recognising that this is a dynamic concept*
- *The general character and distinctiveness of the area in its widest sense, including the general character of local buildings, spaces, public realm and the landscape, the grain of the surroundings, which includes, for example the street pattern and plot size*
- *The size and density of the proposal related to that of the existing and neighbouring uses*
- *Landmarks and other built or landscape features which are key to a sense of place*

- *The diversity or uniformity in style, construction, materials, colour, detailing, decoration and period of existing buildings and spaces*
- *The topography*
- *Views into, through and from the site and its surroundings*
- *Landscape design*
- *The current and historic uses in the area and the urban grain*
- *The quality of the materials*

Historic England, 2017 Planning Note 3: The Setting of Heritage Assets

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. The potential for appreciation of the asset's significance may increase once it is interpreted or mediated in some way, or if access to currently inaccessible land becomes possible.

As stated in *Planning Note 3: The Setting of Heritage Assets* (Historic England, 2017):

....the contribution of setting to the significance of a heritage asset is often expressed by reference to views, a purely visual impression of an asset or place which can be static or dynamic, including a variety of views of, across, or including that asset, and views of the surroundings from or through the asset, and may intersect with, and incorporate the settings of numerous heritage assets (Historic England, 2015b p.3).

Reading Borough Planning Policies

The Core Strategy 2008 (with further alterations January 2015), Policy CS33: Protection and Enhancement of the Historic Environment states:

Historic features and areas of historic importance and other elements of the historic environment, including their settings, will be protected and where appropriate enhanced. This will include:

- *Listed Buildings;*
- *Conservation Areas;*
- *Other features with local or national designation, such as sites and features of archaeological importance, and historic parks and gardens.*

Planning permission will only be granted where development has no adverse impact on historic assets and their settings. All proposals will be expected to protect and where appropriate enhance the character and appearance of the area in which they are located and for the purpose of ensuring that work is appropriate to the special architectural or historic interest of the listed building.

Within paragraph 11.8 of the Core Strategy it also specifies that:

The Borough Council is committed to protecting and where appropriate, enhancing the Borough's historic environment. This includes ensuring that buildings and features of Local architectural and historic interest (which are not necessarily recognised components of the historic environment) are taken fully into account and safeguarded...".

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. Three separate blocks of two houses each joined together by single storey links of varying design. Similar design apart from applied order. 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 windows. 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.

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 as 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. 173-175-177, 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 wider Conservation Area.

Proposals

The proposals consist of a new building immediately to the rear of No. 173-175 & 177 Kings Road in a modern design of ‘blocks’, which would step away from 177 Kings Road as its height increases. The built form of the proposed building would ‘step up’ in height from 177 Kings Road as the separation increases. The building would be three storeys in height at its nearest point to 177 Kings Road, stepping up to a height of 5 storeys at its highest point. A minimum separation distance of 10.5m from proposed building to existing building at 177 Kings Road is provided. A minimum separation distance of 23.5m is detailed between the proposed building and the rear extension of 169 Kings Road.

The building would be constructed in yellow gault brickwork, to reflect the colour of the predominant Bath sandstone buildings. The ‘wings’ and ‘plinth’ of the building will be constructed in grey brickwork similar to the Victorian Reading grey brickwork found within the town. The core of the building and part of the upper storey will be of an aluminium rain screen cladding in a metallic bronze patchwork.

More explicitly, materials would consist of:

- Yellow Gault Brick for the main ‘blocks’ of the buildings to reflect the colour of the neighbouring Bath sandstone buildings.
- Grey Brick for the ‘wings’ and ‘plinth’ similar to the Victorian Reading grey brickwork found within the town.
- Rainscreen cladding for the core of the building and part of the upper storey will be of an aluminium rain screen cladding in a metallic bronze patchwork.
- Aluminium Cladding for the entrance canopy, balcony aprons, roof copings and flashings
- Balconies to be formed in frameless glass.

The Design and Access statement (D&A) states that due to the intervening frontage of the Listed Building there would be negligible views from the street and views of the proposed building from Orts Road would also largely screened by the existing built form and vegetation on the northern perimeter of the site. The D&A states that the only clear views of the proposed building that can be achieved from the surroundings are from within the existing car park to the rear of 179-183 Kings Road; the D&A considers these views to be an unimportant view within the Conservation Area as they are not within the public realm.

Discussion

The proposed site to the rear 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. The proposed new building to the rear of the Listed Building would encroach on the land associated with the Listed Building which once formed part of their associate 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. A large, 3 storey, climbing to 5 storeys covering such a large footprint and within 11m of the rear of the Grade II* Listed Building(s) would severely erode the legibility of these buildings and their historic form and function.

The Conservation Area appraisal notes as negative the loss of rear gardens to parking and garages; the addition of a new large-scale development would compound that negative effect.

Whilst the D&A negates the visual impact on Kings Road, there would certainly be some glimpsed views of the proposals, especially from the eastern approach along Kings Road, which would harm the character and appearance of the Conservation Area.

Whilst the car-park to the rear of the Listed Buildings does not enhance the area, it represents 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 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. A further constraint with any proposal at the site is the existence of a Tree Preservation Order on a tree to the rear of the property, which forces any development into close proximity with the listed building.

Although Nos 173 to 175 remain as Grade II* Listed Buildings, it is known that the structure was destroyed by fire in the 1980s and was totally re-built in a matching style to the original building although there remain some original architectural details, principally the first floor, front elevation window surrounds.

Given the re-construction of the building as a replica in modern materials, it is largely the effect of the alterations on the exterior and the setting of the surrounding Grade II* Listed Buildings that is sensitive.

RBC Transport Planning

History

Planning permission has been granted in October 2015 and in principle again in November 2016 (under Refs. 160775 & 160776) for change of use of Nos. 173-175 Kings Road from offices to 13 & 15 residential units. 18 no. parking spaces (including 2 disabled bays) were allocated for the 15 residential units to the rear of the building as illustrated on Drwg no. 16-P1255-02 Rev P3. The works to implement these consents has been completed and the buildings are now in residential use.

Planning permission has been granted in February 2017 (under ref 160749) for change of use of No 177 Kings Road from offices to 6 residential units. 6 no. parking spaces were allocated for the 6 residential units to the rear of the building as illustrated under Drwg no. 16-P1255-05 Rev P1). The works to implement this consent are currently underway on site.

Transport comments

The application site is located on land rear of 173-175 & 177 Kings Road, Reading. The site is currently a car park, which serves the existing residential properties at 173-175 & 177 Kings Road and the proposed development will comprise 1 x 1 bedroom, 6 x 2 bedroom and 2 x 3 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 and 1.5 spaces per 3 bedroom residential unit. This equates to a requirement for 10 parking spaces for the proposed development.

The existing car park will be modified to achieve a more efficient layout. Car parking will be arranged in an L-shape around the proposed building to provide 35 parking spaces which will meet the parking requirements of the previously approved developments and the proposed residential units submitted under this application.

However, the applicant has failed to demonstrate precisely how the car park will be managed within the context of previously approved developments, over and above it being confirmed that the parking spaces will be allocated. The applicant is required to demonstrate through a plan the allocation of spaces for all of the residential units at 173-175 & 177 Kings Road, which in the event of this being suitably shown would be secured by condition in the event of permission being granted. 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 the absence of such a plan it is considered that there has been a failure to demonstrate these matters, which in-turn could cause highway safety, impact on the functioning of the transport network, contrary to policies CS24 and DM12.

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 5 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 14 secure lockers opposed to the 16 required in the context of what was approved at 173-175 & 177 Kings Road. The applicant is reasonably required to demonstrate 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. In the absence of such a plan it is considered that there has been a failure to demonstrate these matters, contrary to policies CS24 and DM12.

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 but only 6 bins are illustrated on the proposed plans. Waste collection vehicles should be able to get within 10m of the storage point and should not reverse in excess of 12m. Further, the bin store is situated in excess of the recommendations with Manual for Streets (MfS) and Reading Borough Council's waste department. Again, the applicant has failed to demonstrate acceptable provision in this regard, contrary to policies CS2, CS24 and DM12.

RBC Environmental Protection (EP)

There are potential EP concerns relating to:

- Noise impact on development
- Noise transmission between dwellings
- Air Quality impact - increased exposure / new receptors
- Construction and Demolition phase

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.

Air Quality - Increased exposure - The air quality assessment submitted with the application shows that no special mitigation measures are needed to protect the applicants against poor air quality. In the event of a permission a compliance condition should be included.

Construction and demolition phases - concerns about potential noise, dust and bonfires associated with the construction 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 are recommended, in the event of permission being granted, as follows:

- Control of Noise and Dust - CMS to be submitted
- Hours of Working - construction and demolition phase
- No materials or green waste produced as a result of the clearance of the site, demolition works or construction works associated with the development hereby approved shall be burnt on site.

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. No doubt there will be comments as to the acceptability of the proposal in terms of the setting of the listed buildings and I would suggest that the setting is currently appropriate for the large Plane tree. The proposal will bring living accommodation considerably closer to the tree and could result in future pressure to prune the tree, particularly as there are principle rooms (Bed 1) on the north side adjacent to the tree. The height of the lowest branches may limit this pressure but the edge of the canopy (with reference to the Tree protection Plan - TPP) is only approx 1m away from the nearest elevation.

In relation to the roots, I note that trial pits have 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.

If approved, implementation would mean that landscaping approved under 160220/APPCON (for 151116) and 160775/FUL could not be implemented. However, I note indicative tree planting shown which would compensate for that. In the areas where previously approved landscaping (drawing 673/02 B) could be implemented, the indicative landscaping for this current application differs. If this application is approved, it may be that further applications are required to regularise the landscaping between schemes.

If minded to refuse this application, the addition of a tree reason for refusal (future pressure to prune) would be appropriate.

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 disturb or harm 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 DM6, 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 (/ BPS Chartered Surveyors)

BPS has undertaken an independent review of the viability submission by the applicant, on behalf of the local planning authority and RBC Valuations.

A summary of the BPS report is as follows:

- The applicant concludes that an affordable housing contribution would further compromise the viability of the scheme and therefore the scheme is proposed with a nil contribution.
- BPS are broadly in agreement with the proposed private residential sales values and ground rents, with the exception of Plot 9 (which BPS consider should include a premium, being a larger 3-bed unit across the entire top floor)

- However, car parking units have not been assigned a value and do not appear to have been taken into consideration when valuing the private residential units
- The applicant's benchmark land value being based on comparable land transactions and landowners premium is problematic to BPS.
- BPS consider that an existing use value method should be applied (including car parking value)
- Inputting the areas of disagreement into the appraisal already undertaken improves the residual value and produces a surplus over the benchmark land value BPS has calculated.
- BPS therefore concludes that the proposed scheme is viable to contribute towards affordable housing.

BRE (on behalf of the local planning authority in terms of day/sunlight matters)

BRE undertook an independent review of the day/sunlight information submitted with the application. In discussion with the applicant's specialist consultant, more information was submitted to BRE, in advance of BRE providing their report to the local planning authority. BRE included the additional information submitted to them on behalf of the applicant when providing their report to the local planning authority. A summary of the BPS findings are detailed below:

- A planning application, reference 180795, has been submitted to Reading Borough Council for a proposed to redevelop the rear of 173-177 Kings Road Reading. BRE have been commissioned by Reading Borough Council to evaluate the daylight and sunlight report submitted in support of the application. This report gives the result of the evaluation.
- In the course of the review, Schroeders Begg supplied additional calculations for sunlight provision to the new development and revised/expanded table data for daylight provision when requested. These have been included in the review.
- Schroeders Begg have evaluated loss of daylight and sunlight to existing properties using the BRE Report BR 209, 'Site layout planning for daylight and sunlight, a guide to good practice'. They correctly state that the advice given in the BRE Report is not mandatory. The guidance it contains is advisory. Daylight and sunlight provision to the proposed properties have been evaluated using British Standard 8206-2:2008 'Code of Practice for Daylighting'. These sources are appropriate and are widely used by local authorities to help determine planning applications.
- Loss of daylight and sunlight as a result of the proposed development would be within the guidelines for all but three windows on the basement floor of 175-177 Kings Road. These windows directly face the proposed location. In two cases, the losses would be just outside the BRE guidelines. The third has a larger loss and other factors tending towards a moderate adverse impact. Two rooms, one of the lesser affected basement rooms and a ground floor room, would be just outside the guidelines for daylight distribution.
- These properties appear to be currently vacant and in the process of change of use, which means that new occupants would not have the opportunity to become accustomed to the current levels of daylight and it would be reasonable to consider retained levels of daylight. Average daylight factor calculations have not

been carried out, but the retained levels of vertical sky component to the windows would be similar to those to the more obstructed windows at 169 Kings Road and comparable to those which might be found in a dense urban environment. Basement rooms do typically receive less daylight. Daylight distribution to the rooms would be generally reasonable.

- Daylight provision to the proposed development would be above the minimum recommended by BS 8206 except for two bedrooms, one on the first floor and one on the second, where it would be just below it. There is scope to increase the window sizes to these rooms.
- Sunlight provision to the proposed living rooms would be reasonable given the orientation of the building.

External consultation responses:

Historic England

Summary

The proposed development would harm the significance of the grade II* listed 173-183 Kings Road. As we do not consider this harm to be justified Historic England objects to this application.

Historic England Advice

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.

The proposed block of flats would harm the significance of this highly important listed building group. Most seriously the building would be glimpsed in the gap between 175 and 177 when viewed from King's Road, particularly in oblique views along the street. The rhythm of the group - of pairs of houses with a space between - is a key aspect of the design and so a very modern building popping up in what was always intended to be clear space between the two would entail material harm the architectural qualities of the group.

The proposals would also 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.

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 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 of course 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, as follows:

Condition:

No development shall take place within the site until the applicant, or their agents or their successors in title, has secured and implemented a programme of archaeological work (which may include more than one phase of work) in accordance with a written scheme of investigation, which has been submitted to and approved in writing by the Local Planning Authority. The development shall only take place in accordance with the detailed scheme approved pursuant to this condition.

Reason: To ensure that any archaeological remains within the site are adequately investigated and recorded or preserved in situ in the interest of protecting the archaeological heritage of the borough.

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

4. Public Consultation

i. Neighbour Consultation

Letters were sent to nearby occupiers on 30/08/17, expiring on 20/08/18. Site notices were erected on 06/09/18, expiring on 27/09/18. A press notice was published on 13/09/18, expiring on 04/10/18. A total of 3 objections and 1 comment have been received. A summary of the issues raised in the objections (from occupiers of Alexander House, 169-171 Kings Road; Biko Court, Orts Road; Mandela Court) is provided below:

- Concerns over the tree report not fairly reflecting the overall impact of the development (noting recent tree works were carried out)
- No specific reference in the submission to the impact on line of sight to Alexander House flats - proposal would erect a 5 story building in direct line of sight from these properties at a distance of less than 25m.
- Loss of amenity to the side elevation of 169 Kings Road properties/terraces through direct overlooking from windows/balconies proposed. Overall result is that the development would be detrimental to quality of life.
- Design concerns - The submission indicates that the development will be in keeping with the character of its surroundings, but in reality proposes a brick and metal box in close proximity to listed buildings of a more classical stone design.
- Development would be detrimental to the value of nearby properties (Planning officer note: not a material planning consideration).
- Insufficient access ramp - use has drastically increased over recent years after the change from office to residential use and there is not enough room for two cars to pass = increased noise and disturbance for Biko Court residents.
- Not clear that the remaining parking area will be adequate to meet demand. This will add to the risk of informal parking nuisance in the immediate area.
- Loss of sunlight and overlooking/loss of privacy to the east side of Biko Court

- The new building will be a visual intrusion, replacing what is currently an open space with a concrete structure.
- Loss of trees / biodiversity - Twenty years ago the car parking area behind 173-177 Kings Road was a small wooded area inaccessible from the road. This has now been lost, and further trees have more recently lost as a result of recent development on the site. As a result, there has been a gradual loss of biodiversity on the site over the years. The proposed development will result in the loss of further trees, with no proposals for mitigating or compensating for this.
- Construction disturbance, particularly within the context of ongoing work and deliveries to the site in the past couple of years from the 173-177, have resulted in noise and disturbance.

ii. One comment has been received from an Arthur Place resident, summarised as follows:

- No basic cause for concern over this application from the Orts Road Aspect. The council should ensure the design is conducive to the existing street view.
- Suggestion that TPO's are imposed on all screening greenery as well as the London plane Tree, to ensure Arthur Place continues to be sheltered / screened.
- Request for displacement car parking to be tightly managed especially during construction, and afterwards by banning / restricting permits for parking on Orts Road.
- Request for noise and heavy trucks on the access ramp to be managed especially hours of access during construction.
- Only concern is one of the Conservation street view from Hanover House road side - the developer has avoided providing elevation views from Kings Road south side to show the aspect viewable over the roofline of 175 Kings Road. There is a need to show that the design of that part of the new building is conducive to the existing street view retained by much effort - it is important that it is not degraded by intrusive rear build that may be in sight line.
- It is also suggested that an additional elevation from Orts Road, looking past Morris Court, showing the roofline of the new building, and the effective green screening, would be beneficial.

5. Plans / Documents Considered

i. The Council, in reaching its recommendation, has taken into consideration the following plans 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
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

6. Relevant Planning History

Application site only:

- i. 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):

- ii. 5780/TP/1628: Use as offices - Approved
- iii. 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
- iv. 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.
- v. 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.
- vi. 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.
- vii. 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.
- viii. 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.
- ix. 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.
- x. 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.
- xi. 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.
- xii. 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.
- xiii. 160915/APPCON: Discharge of condition 2 (material details) of listed building consent 151117. Condition discharged 26/07/2016.

- xiv. 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.
- xv. 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.
- xvi. 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.
- xvii. 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.
- xviii. 161934/APPCON - Discharge of condition 2b (secondary glazing details) of listed building consent 151117. Condition discharged 17/11/16.
- xix. 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.
- xx. 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.
- xxi. 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.
- xxii. 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):

- xxiii. 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.
- xxiv. 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.

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

Tree applications at 173-175 Kings Road

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

- xxix. 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

- xxx. 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

comprises the Reading Local Development Framework 'Core Strategy' 2008 (Altered 2015), 'Reading Central Area Action Plan' 2009 and 'Sites and Detailed Policies Document' 2012 (Altered 2015).

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') 2018 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) (Core Strategy, RCAAP and Sites and Detailed Policies Document) 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);

Core Strategy 2008 (Altered 2015)

CS1 Sustainable Construction and Design
CS2 Waste Minimisation
CS4 Accessibility and the Intensity of Development
CS5 Inclusive Access
CS7 Design and the Public Realm
CS9 Infrastructure, Services, Resources and Amenities
CS14 Provision of Housing
CS20 Implementation of the Reading Transport Strategy
CS23 Sustainable Travel and Travel Plans
CS24 Car / Cycle Parking
CS29 Open Space
CS33 Protection and Enhancement of the Historic Environment
CS34 Pollution and Water Resources
CS36 Biodiversity and Geology
CS38 Trees, Hedges and Woodlands

Reading Centre Area Action Plan (2009)

RC5 Design in the Centre

RC9 Living in the Centre

Sites and Detailed Policies Document (2012) (Altered 2015)

- SD1 Presumption in Favour of Sustainable Development
- DM1 Adaptation to Climate Change
- DM3 Infrastructure Planning
- DM4 Safeguarding Amenity
- DM6 Affordable Housing
- DM10 Private and Communal Outdoor Space
- DM12 Access, Traffic and Highway Related Matters
- DM18 Tree Planting
- DM19 Air Quality

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 (2011)

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)
- DCLG Technical housing standards - nationally described space standard (2015)

10. Appraisal

- i. 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

- ii. With regard to the principle of the proposed use, from purely a land use perspective, it is considered that a proposal to introduce nine residential units would comply with the principles of Policy CS14. 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

- iii. 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).
- iv. 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, climbing to 5 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.
- v. 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. In addition, glimpsed views of the proposals, especially from the eastern approach along Kings Road, 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 CS7, CS33 and RC5). 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.
- vi. It is acknowledged that the applicant considers that given the proposed building is detached from the rear elevation the proposal will not have a harmful impact on listed buildings/conservation area. Furthermore, the applicant considers that: the car park contributes little to the area and is well screened from the public domain; the Kings Road elevation is unaffected (the casual observer would not be aware that there was a new

building behind the existing terrace); buildings either side have already been extended (so the setting is fundamentally different to its historic setting); the scheme has been designed with a higher central element with lower outer wings on either side to reduce its bulk/mass and provide a suitable transition to the rear of the listed buildings. 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 CS7, CS33 and RC5.

- vii. 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).
- viii. In terms of the appearance and detailed design of the proposal, the applicant contends that the contemporary design with a modern materials palette creates a contrasting design to ensure that it “does not in any way compete with the classical/Italianate design of the neighbouring listed buildings”. The DAS also explains that a pastiche is intentionally not sought, with a ‘simple’ modern design of a distinct style and appearance instead sought. Furthermore, the applicant considers that the scheme has been designed with a higher central element with lower outer wings on either side to reduce its bulk/mass and provide a suitable transition to the rear of the listed buildings. 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 ‘wings’ and ‘plinth’ of the building would be grey brickwork similar to Victorian Reading grey brickwork found in the town. The core and part of the upper storey will be of an aluminium rain screen cladding in a metallic bronze patchwork, which the applicant considers will add interest to the façades.
- ix. In response, officers do not consider that the appearance/detailed design of the building would 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, thereby contrary to Policies CS7, CS33 and RC5.
- x. More specifically, particular concerns are raised in relation to the amount/use/dominance of cladding (both the presence of fixed panels next to the windows and the area above the entrance/at top floor level). Furthermore, the appropriateness of two separate brick types and a third cladding material is considered an excessive number of materials for a building of this scale and nature, particular given its proximity to a terrace of grade II* listed buildings and not aligning with the ‘simple’ design approach outlined by the applicant. Instead, a building is created which does seek to compete with the listed terrace. 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 an arguably bland, standardised and uninspiring design/appearance is sought; 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.

Housing Mix / Affordable Housing

- xi. Considering first the housing mix proposed, 1x1, 6x2 & 2x3-bed units are sought to be created by the scheme. Policy CS15 seeks for proposals to provide an appropriate range of housing opportunities in terms of a mix of housing types, sizes and tenures. Policy RC9 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. By providing 1, 2 and 3-bed units it is evident that the proposal accords with these policies.
- xii. 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.
- xiii. 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.
- xiv. 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).
- xv. The Committee agreed the following as the basis for determining planning applications where 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.
- xvi. The proposal seeks to create 9 residential units and therefore, due to local circumstances, a contribution in line with DM6 is continued to be required (20% on-site requirement, equating to 1.8 units, or in practice 1 on-site unit and an equivalent 0.8 financial contribution, based on the SPD formula). The principle of this matter has been tested at appeal on numerous occasions since the committee resolution above. There are over 20 examples of Inspectors finding in favour of the local planning authority on this matter, including decisions which have been issued and taken into account the 2018 version of the NPPF.

- xvii. 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. According, as detailed at section 3 above, BPS (on behalf of the local planning authority and RBC Valuations) has undertaken an independent review of the viability submission by the applicant. In short, BPS concludes that a number of areas of the viability submission are not agreed and that BPS considers that the proposed scheme is viable to contribute towards affordable housing.
- xviii. On this basis, this forms a further reason for the refusal of the application. 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, 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.
- xix. 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 individual application basis). This is also necessary in part due as the number of units proposed being one below 10, whereby the affordable housing contribution changes from 20% to 30% and conversions resulting in a change of use under 10 units (as could be proposed at a later date) do not attract contributions (as per the application of Policy DM6).
- xx. 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

- xxi. The overall unit size of the proposed flats is considered to be suitable, largely in line with the principles of the national space standards (the 3-bed flat 2 is under the 74sqm size, at 71.4sqm, but this deficiency isn't considered to significantly compromise the overall standard of this unit). Although there are shortfalls in the size of bedroom 2 in Flats 1 & 3-7 and bedroom 3 in Flat 2 (5.5sqm, below the 7.5sqm expected) it is considered that had the proposals been supported, this could have been altered via

officer negotiations and this consequently doesn't form a reason for refusal. 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 is provided. Furthermore, the windows provide suitable levels of outlook and BRE has confirmed that sufficient day/sunlight will 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. Therefore, internally at least, in overall terms the standard of accommodation is on balance considered to be suitable.

- xxii. Externally however, there are some shortfalls in the car/cycle parking and waste facilities, which is detailed in the transport section below.

Amenity impacts on nearby occupiers

- xxiii. 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, aside from a single bathroom window on the south side elevation at ground floor window. This serves a bathroom, so in the event of a permission this could have been secured via condition as being obscure glazed/fixed shut. 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.
- xxiv. Turning to consider day/sunlight impacts, the submitted report has been independently reviewed on behalf of the LPA by BRE. A summary of BRE's findings are detailed at section 3 above. 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.
- xxv. In relation to visual dominance and overbearing effects of a development, the presence of a five-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 is being implemented). 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. It is extremely doubtful whether officers would have supported the presence of a lower ground floor unit at this point

had an existing 5 storey building existed at the point proposed. Therefore significant concerns are raised with the visual dominance and overbearing impact of the proposal on the lower ground floor unit.

- xxvi. In relation to the other Policy DM4 (and related Policy CS34) 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

- xxvii. In line with section 3 above, transport officers raise issues with the proposals. More specifically, a lack of information has been submitted to sufficiently demonstrate that adequate vehicular parking facilities, 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/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 14 cycle parking spaces across the wider site are shown, rather than the 16 required. Only 6 bins are illustrated on the plans for the wider site, whereas 12 (6 x 1100 litre refuse bins and 6 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 CS2, CS24 and DM12.
- xxviii. 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

- xxix. As per the Natural Environment officer comments above at section 3 above, concerns are raised that, owing to the footprint and internal layout of the proposed building and proximity to a TPO mature plane tree, the proposals would cause an unacceptable pressure to prune. This would create what is considered to be an unsustainable relationship between the proposed building and the tree and therefore the proposals are considered to be contrary to Policies CS7, CS33 and CS38.
- xxx. 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

- xxxi. 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 can be secured via condition, it does not form a reason for refusal of the application.

Sustainability

- xxxii. Although a formal code for sustainable homes pre-assessment is no longer required (as a result of this being withdrawn by the Government on 27/03/2015) a sustainability statement has been included as part of the planning / design & access statement. This covers a variety of sustainability related matters. In short, it is considered that the applicant has sufficiently demonstrated that the proposals comply with the principles of policies CS1 and DM1.

CIL (Community Infrastructure Levy)

- xxxiii. 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

- xxxiv. 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

- i. 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 when application a critical planning balance to all material considerations (and all other factors / matters raised), they are considered to outweigh any benefits of the proposal. Therefore, again having regard to the material considerations and all matters raised, the Local Planning Authority considers that the balance of considerations weigh against the granting of planning permission. Accordingly, planning permission is recommended to be refused, for the following summarised reasons:

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. 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.
4. Unacceptable pressure to prune a TPO tree, owing to the footprint and internal layout of the proposed building and proximity to a TPO mature plane tree.
5. Failure to demonstrate that adequate vehicular parking facilities, 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.

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 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 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 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 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 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, 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 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
 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.

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.