

DELEGATED APPLICATION REPORT

Address: Clock House, 286 Kings Road, Reading

Application No: 181077/FUL

Proposal: Insertion of 2 windows at both first and second floor level of the east (side) elevation.

Applicant: Serrate Ltd

Date received (valid from): 20/06/18

Target Decision date: 15/08/18

Case officer: Jonathan Markwell

1. Site Description and Surrounding Area

- i. The application site comprises a four storey building on the corner of Kings Road and Fatherson Road. The building has undercroft parking at ground floor level and the building was in active Class B1(a) office use at the time of the officer site visit on 31/07/18. The application site building is not listed, nor located within a conservation area. The surrounding area is a mix of residential and commercial (office / educational) uses.

2. The Proposal

- i. Full planning permission is sought for the insertion of 2 windows at both first and second floor level of the east (side) elevation of the building. During the course of the application the originally proposed two windows on the side elevation at ground floor level were omitted, as the officer site visit deduced that openings at this point were pre-existing (and had been for a period of time). Revised plans to correct errors shown on the originally proposed plans were also submitted.

3. Consultation

- i. Neighbour Consultation
A consultation letter was sent to No. 300 Kings Rd and a site notice was erected on 06/07/18. One objection has been received, summarised as follows:
 - The proposed windows within the east elevation should not prejudice the ability of the neighbouring site (land between 286 and 300 Kings Road - current application 180683 seeks permission for 14 dwellings neighbouring the application site) being developed.
 - Any reduction in the neighbouring land scheme to allow meaningful light to and aspect from the eastern elevation of 286 Kings Road would prejudice the viability of the neighbouring scheme.
 - The neighbouring scheme proposes 14 dwellings, including 3 affordable units, and makes efficient use of a brownfield site aligning with a core planning principle of the NPPF. In contrast the proposal at no.286 seeks to service their building with additional light and an aspect across third party land. The ground floor of the car park seeks permission for two additional non-glazed openings, the purpose of which seems very odd [Officer comment: these were omitted during the application as they already exist].
 - Two of the additional windows at first and second floor appear to seek a secondary window for bedrooms. It should also be noted that the width of no.286 is under 4m and with such a narrow building, the requirement for additional light and a secondary aspect seems unnecessary.
 - The benefits of this application, whether the windows serve the current office use or the proposed residential use, are therefore extremely limited, as occupiers would still have a reasonable amenity without the proposed windows.
 - In comparison the benefits of the neighbouring development are significantly higher and to prejudice the redevelopment of this brownfield site for additional windows within no.286 would

represent a poor use of land contrary to a core planning principle of the NPPF. It is therefore concluded that this application should be refused.

The applicant has provided a response to the matters raised in the objection, summarised as follows:

- It is recognised that this application is considered on its own merits;
- The neighbouring development should comply with the Development Plan by ensuring that the design of development is neighbourly and would not lead to unacceptable impacts in regard to neighbouring amenity; these matters should not be outweighed by concerns regarding viability. These detrimental impacts are indicative of overdevelopment of the neighbouring site
- Developers should consider the acceptable parameters for developing sites before purchasing in order to ensure that the amount paid for the land is sufficient to ensure viability based upon the likely quantum's achievable.
- It is not, therefore, that the proposed openings would prejudice the development of the adjacent site because Clock House already benefits from existing openings in this elevation (at the ground floor and roof level) which would already be unacceptably impacted by the neighbouring development proposal. Moreover, the insertion of windows would not cause material harm to the adjacent site, therefore would comply with the Development Plan.
- Until commencement of development on the neighbouring site, there is no guarantee of delivery. The applicant considers that the adjacent development proposal is undeliverable because the proposed development on the adjacent site would still be unduly harmful to the amenity of Clock House. The applicant therefore considers that the neighbouring developer cannot likely reduce the scheme to avoid unneighbourly impacts without rendering the scheme unviable, irrespective of this application to insert windows at Clock House.
- In response to the necessity of the proposal, necessity is not a material matter. However, the existing building suffers from limited natural daylight to the internal areas as a result of the single aspect. Accordingly, the proposed windows are necessary to ensure good conditions working conditions for the current office users and, moreover, to provide good quality living conditions for future residential occupiers. Indeed, dual aspect is a commonplace requirement for new residential units in order to provide sufficient light, outlook and ventilation.
- In summary, the applicant considers that the objection does not provide any reason for why planning permission should be refused for the insertion of the openings. The proposed development on the adjacent site is considered to be unacceptable and contrary to the development plan and therefore is considered to be undeliverable in its current state. Accordingly, the adjacent applicant is considered to hold very limited weight. On the contrary, the proposed insertion of windows would not cause any material detriment to the neighbouring site and would therefore comply with the provisions of the local Development Plan.

4. Plans & Documents Considered

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

PL-100 - Site Location Plan, as received 19/06/18

PL-03 - Existing Elevations, as received 16/07/18

PL-04 - Existing Plans, as received 16/07/18

PL-05 - Proposed Plans, as received 16/07/18

PL-07 - Proposed Elevations, as received 16/07/18

Letter from Bell Cornwell, Ref 8824/MT, dated and received 19/06/18

Email from Bell Cornwell, dated and received 30/07/18

5. Relevant Planning History

Application site:

140594/OPA - Change of use of building from Class B1(a) (offices) to C3 (dwellinghouses) to comprise 3 x 1 bed flats. Prior approval granted 02/07/14. Not implemented at the time of the officer site visit on 31/07/18.

181090 - Change of use of existing building from Class B1(a) (offices) to C3 (dwelling houses) to comprise 3 residential 1- bed flats. Prior Notification under Class O, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015. Current application under consideration.

Neighbouring sites:

Land Adjacent 300 Kings Road

180683 - Construction of a part five part three storey building of 14 residential apartments (C3) and associated undercroft car parking. Current application under consideration.

300 Kings Road

170512 - Change of use of office building from Class B1(a) (offices) to C3 (dwelling houses) to comprise 78 flats. Prior Notification under ClassO, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015. Granted 25/05/17.

6. 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.

7. Relevant Planning Guidance

- i. 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) and '*Sites and Detailed Policies Document*' 2012 (Altered 2015).

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 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:

8. Relevant Policies

- i. The application has been assessed against the following policies:

National

National Planning Policy Framework 2018;
National Planning Policy Guidance;

RBC Local Development Framework

Core Strategy 2008 (Altered 2015)

CS7 Design and the Public Realm

Sites and Detailed Policies Document 2012 (Altered 2015)

SD1 Presumption in Favour of Sustainable Development

DM4 Safeguarding amenity

9. Appraisal

- i. The main issues are considered to be:

- Design
- Amenity
- CIL

- ii. Design

- iii. The proposed windows at first and second floor level would follow the design approach on the existing windows on the corresponding west elevation (in terms of shape, size, position and upvc framing materials). As such, purely from a design perspective no issues are raised and the proposals are considered to align with Policy CS7.

- iv. Amenity

The proposals are considered to improve the quality of accommodation for future office occupiers, by providing an additional source of outlook, access to day/sunlight and potential additional ventilation. It is noted that similar benefits would occur should the current office prior approval to residential proposal be granted/implemented (current application under consideration - see relevant history section). However, it is noted that the existing arrangements are not considered to provide unacceptable / uninhabitable accommodation, with suitable outlook / access to day/sunlight presently possible from the existing arrangements (as witnessed during the officer site visit on 31/07/18)

In terms of the impact on neighbouring / nearby occupiers, given the location of the proposed windows on the east (side) elevation the only potentially impacted parties are at 300 Kings Road / land adjacent to 300 Kings Road. Considering 300 Kings Road first, it is noted (as per the planning history and as seen during the officer site visit on 31/07/18) that this building is presently in the process of being converted from office to residential use (see relevant history section above). In short, given the 20m distance between the buildings no significantly harmful amenity impacts (as per Policy DM4) are anticipated. In terms of the impact of the proposals on the currently under consideration proposals at land adjacent 300 Kings Rd (see relevant history section above), the proposals would face a blank side elevation façade built up to the boundary (no windows are proposed on this elevation, given the proximity to the application site). Therefore, for possible future occupiers of these proposed residential units, the proposals would

have no impact (aside from the provision of both these proposed windows and the façade of the neighbouring building will be likely to be subject to separate Party Wall Act considerations).

With regard to the impact of the current neighbouring proposals on the application site building it is considered that the emerging proposals would not cause a significant detrimental impact to the environment of existing office occupiers or future residential occupiers (should 181090 be approved and implemented). In terms of existing office occupiers, it is noted from the layout plans submitted and witnessed during the officer site visit on 31/07/18 that these open plan rooms presently enjoy triple aspect outlook (through the provision of a bay window on the east elevation providing outlook to the north and south, as well as to the west) and provide suitable levels of access to day/sunlight for the current use. Should the neighbouring development be granted and implemented it would not result in the office accommodation suffering significant detrimental impacts in the context of the existing arrangements being suitable. More specifically, should the proposed windows be implemented prior to the possible implementation of the neighbouring proposals it is acknowledged that this would result in a reduction in outlook (being visually dominating and overbearing) and day/sunlight, but given the existing window arrangements the level of harm would not be significantly detrimental. Furthermore, it is considered that an office use could function (as it does at present) with the existing arrangements.

With regard to a possible future residential use, based on the layout plans submitted for 181090 (see relevant history above) it is evident that the proposed windows on the east elevation would be secondary windows for a bedroom and combined living/kitchen/dining room at each floor. Accordingly, future occupiers would enjoy sufficient access to day/sunlight and outlook from the existing arrangements (including two windows on the west elevation for the living/dining/kitchen room, one of which is a bay window effectively providing triple aspect), and owing to this context, future residential occupiers would not suffer a significant detrimental impact to their living environments. More specifically, should the proposed windows be implemented prior to the possible implementation of the neighbouring proposals it is acknowledged that this would result in a reduction in outlook (being visually dominating and overbearing) and day/sunlight, but given the existing window arrangements the level of harm would not be significantly detrimental.

In any event, given the location of the proposed windows on the boundary of neighbouring land, such matters of dispute between separate landowners (as evidenced by the public consultation response & reply to this from the applicant) would be covered by the Party Wall Act 1996 - which provides neighbouring owners the opportunity of objecting to a proposal that they consider to be unacceptable. An informative will be included on the decision notice regarding this. In addition, it is considered that it would not be possible to resist these proposals on the basis of potentially stifling neighbouring development without such a permission being in place and owing to the separate Party Wall Act matters.

v. CIL

The proposals involve no increase in floorspace or change of use. Accordingly, the proposals are not CIL liable.

10. Conclusion

- i. Having regard to the material considerations and all matters raised, the Local Planning Authority considers that the balance of considerations therefore weigh in favour of granting planning permission subject to conditions.

Recommendation

Grant Planning Permission subject to conditions;

11. Conditions:

1. The development hereby permitted shall begin no later than three years from the date of this planning permission.

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

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

PL-05 - Proposed Plans, as received 16/07/18

PL-07 - Proposed Elevations, as received 16/07/18

Reason: because permission is granted in respect of the development as detailed in the approved plans only.

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

Reason: in the interests of ensuring that the new development appears in keeping with the existing building in accordance with Policy CS7 of the Reading Borough LDF Core Strategy 2008 (Altered 2015).

Informatives:

1. These works may require separate approval under the Building Regulations. Please contact the Council's Building Control service for further advice on (0118) 937 2449.
2. Your attention is drawn to the terms and conditions of this permission. Any development which is carried out but differs materially from the approved plans and details, or does not comply with any condition (s) or planning obligation (s) attached to the permission may result in the Council taking action to remedy the breach of planning control. If you are in any doubt please contact the council.
3. The determination of this planning application required no issues during the course of the application, so officers have worked positively and proactively to provide a recommendation for approval within the statutory timescale.
4. Complaints are commonly received about noise and dust caused by construction and demolition works, particularly working outside reasonable hours and smoke from bonfires associated with the burning of waste on site. The developer is reminded that construction and demolition associated with the approved development will be subject to environmental health law.
5. During the course of construction, the developer should take care to ensure that no part of this development (foundations, eaves, guttering, etc.) would encroach on, under or across the boundary line with the adjoining property, as the requisite Notice has not been served on the

owner of that property. This permission does not confer any right of access onto land that is not under the developer's control. The developer should also be mindful of the obligations and requirements of the Party Wall Act (1996) details of which can be found at: <http://www.communities.gov.uk/publications/planningandbuilding/partywall>