

DELEGATED APPLICATION REPORT

Application No.231141

Address: 3 Prospect Street, Reading

Proposal: Conversion of first floor to form x2 no1 bed flats. Upward extension to form x1 no2 bed flat.

Case officer: Ethne Humphreys

Target Date: Originally 1/12/2023 EOT until 3/5/2024

Site Description and Surrounding Area

The application site relates to No.3 Prospect Street, located on the east side of Prospect Street. It is a two storey red brick building with single storey rear extension that covers the entirety of the rear of the plot. At ground floor level there is a café and the first floor comprises an existing flat.

The site is located within the Caversham District Centre within Policy RL1 of the Local Plan. The site is within an Air Quality Management Area. The site is not Listed, nor in a Conservation Area.

Proposal

The application seeks full planning permission for the proposed conversion of existing first floor flat to create 2 x 1 bed unit and for an upwards extension to create 1 x 2 bed unit.

The proposals originally included the conversion of the ground floor commercial extension at the rear to a residential flat. This element of the proposals was omitted from the scheme due to concerns raised over amenity.

Plans and Documents Submitted

Location Plan 9107-100 Rev B Received 19th February 2014

Proposed Ground Floor Plan 9107-107 Rev A

Proposed Elevations 9107-112 Rev C Received 22nd December 2023

Existing and Proposed Block Plan 9107-101

Proposed First Floor Plan 9107-108 Rev B

Proposed Second Floor Plan 9107-109 Rev B

Proposed Roof Plan 9107-111 Rev B Received 6th September 2023

Proposed Section 9107-114 Received 8th November 2023

Proposed Side Elevations 9107-112 Rev B Received 29th April 2024

Relevant Planning History:

Extensive; most relevant:

230052/FUL Erection of a three-storey building comprising five flats at 1a North Street, conversion of existing first floor flat at No.3 Prospect Street in to two new flats, conversion of ground floor commercial extension to residential flat and erection of additional floor at No.3 Prospect Street to comprise one flat. Withdrawn.

221084/APC Application for approval of details reserved by condition 6 (Construction method statement) of Application 201857. Discharged.

201857/FUL Single storey rear extension to existing cafe (amended). Permitted.

180563/FUL Change of use of restaurant to (A3) to retail/professional & financial services (A1/A2), upwards extension to 3 Prospect Street or provide additional residential unit, conversion of rear part of restaurant to provide 4 new residential units, demolition of 1a North Street and replacement with building containing 4 residential units. Non-determination. Dismissed at appeal.

Public Consultation:

Notification letters were sent to nearby properties.

1 neighbour letter of objection received, concerned with the following (summarise):

- Loss of privacy/overlooking (overlooking from No.1a North Street) loss of privacy from upper floor 3 Prospect Street
- Lack of privacy for future occupants
- Conflict with Article 8 of Human Rights Act
- Overshadowing/loss of light
- Insufficient parking/impact on traffic
- Lack of infrastructure/pressure on GP services
- Damage to public health
- Artificial light invasion
- Noise pollution
- Lack of tree survey/impact on trees

Consultation Responses:

Transport: Further to revised plans and additional information, no objection, subject to conditions. Discussed further below.

Environmental Protection: No objection, subject to conditions. Discussed further below.

CADRA: Object, due to principle of extension, awkward proposal, poor amenity, insufficient parking. Discussed further below.

Ward Councillors have expressed interest in the application and discussed matters with the case officer/team leader during the course of the application. However, the application has not been 'called-in' for determination by the Planning Application Committee.

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.

Relevant Planning Policy and 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. Material considerations include relevant policies in the National Planning Policy Framework (NPPF) - among them the 'presumption in favour of sustainable development', which means 'approving development proposals that accord with an up-to-date development plan without delay' (NPPF paragraph 11).

The following local and national planning policy and guidance is relevant to this application:

National Planning Policy Framework (2023)

The following NPPF chapters are the most relevant (others apply to a lesser extent):

- 2. Achieving sustainable development
- 4. Decision-making
- 5. Delivering a sufficient supply of homes
- 8. Promoting healthy and safe communities
- 9. Promoting sustainable transport
- 11. Making effective use of land
- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding and coastal change

National Planning Policy Guidance (2014 onwards)

Reading Borough Local Plan 2019

- CC1 Presumption in favour of sustainable development
- CC2 Sustainable design and construction
- CC3 Adaptation to climate change
- CC5 Waste minimisation and storage
- CC6 Accessibility and the integrity of development
- CC7 Design and the public realm
- EN14 Trees, hedges and woodlands
- EN15 Air quality
- EN16 Pollution and Water Resources
- EM3 Loss of Employment Land
- H1 Provision of housing
- H2 Density and mix
- H3 Affordable housing
- H5 Standards for new housing
- H8 Residential Conversions
- TR1 Achieving the transport strategy
- TR3 Access, traffic and highway related matters
- TR5 Car and cycle parking and electric vehicle charging
- RL1 Network and Hierarchy of Centres
- CR6 Living in central Reading

Supplementary Planning Documents

Affordable Housing SPD (2021)
Revised Parking Standards and Design SPD (2011)
Revised SPD on Planning Obligations under Section 106 (2019)
Residential Conversions SPD (2023)

Land Use Considerations

The NPPF states that LPAs should “encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value”.

The proposals seek to provide three residential units by way of conversion of existing first floor to provide 2 x 1 bed units and upward extension to provide 1 x 2 bed unit. The site is on previously developed land within the urban area and is therefore considered suitable for residential development in principle, subject to any other relevant policies relating to the existing or proposed uses.

It is recognised at both national and local level that the introduction of residential accommodation within centres serves to enhance the vitality and viability of those areas as well as being an important source of delivering affordable housing in sustainable locations. It is also supported by Policy RL1 which notes that ‘residential use of upper floors’ would be acceptable in all centres.

It is considered that the principle of providing a residential use is acceptable, which aligns with the broad objectives of Policy H1 in assisting in meeting the annual housing targets. On the basis of the above, the proposals are considered acceptable in principle, subject to other material considerations discussed below.

Unit Mix

Policy CR6 (Living in the Centre) seeks that the residential developments within the town centre provide a range of different sized units, ideally a mix of 1, 2- and 3-bedroom units. Given the size of the proposals for three units only the proposed mix of 2 x 1 bed and 1 x 2 bedroom units is considered acceptable.

Design and Heritage Considerations

Policies CC7 (Design and the Public Realm) seeks to ensure that new development enhances and preserves the local character and Policy CR2 (Design in Central Reading) seeks to acceptable relationships between buildings in the town centre are created.

Concern has been raised by CADRA that the proposals would result in an awkward upward extension. CADRA also suggests that no upward extension should be permitted.

The proposed extension would be higher than No. 1 Prospect Street and lower than No. 5 Prospect Street. Whilst the height of the eaves would be increased, the extension is considered to result in an acceptable transition between properties. The proposed dormer windows on the front elevation would be relatively small scale, would sit comfortably within the roof slope and would align with the first floor windows below. The materials would match

the existing property which is appropriate and would assist in integrating the extension with the host property and wider street scene.

At the rear, the proposed dormer windows would again sit relatively comfortably within the roof slope, without resulting in an overly dominant or cluttered appearance.

There is a mix of 2 storey and 3 storey buildings within the street scene and the proposals are considered to be reasonably well integrated with the surroundings. The building is not Listed, Locally Listed or within a Conservation Area and the proposals are not considered to be so incongruous so as to warrant a refusal on this basis. In accordance with Policy CC7.

Impact on Neighbours

Policy CC8 (Safeguarding Amenity) requires development to not cause a detrimental impact on the living environment of existing residential properties or unacceptable living conditions for new residential properties, in terms of: Privacy and overlooking; Access to sunlight and daylight; Visual dominance and overbearing effects of a development; Harm to outlook; Noise and disturbance; Artificial lighting; Vibration; Dust and fumes; Smell; Crime and safety. Policy CR6 (Living in Central Area) seeks to safeguard neighbour amenity from potential noise disturbance.

Concern has been raised that the proposals would result in a loss of light and privacy, would result in overshadowing and would be unneighbourly, in conflict with the Human Rights Act.

Human Rights Act

The comments submitted engages the issue of whether the right under Article 8 of the Human Rights Act (HRA) applies (Respect for Home and Family Life). The grant of planning permission for development which may have sufficiently serious effects on the enjoyment by local residents of their home life may in principle affect Article 8 although such cases are likely to involve extreme facts. In addition, Article 8(2) allows public authorities to interfere with the right to respect the home if it is “in accordance with the law” and “to the extent necessary in a democratic society” in the interest of “the well-being” of the area.

In the light of the objection received it is considered appropriate to assume that (for the sake of the objections) an interference with the neighbours’ human rights is relevant and Article 8 is engaged.

Under S.70 of the 1990 Planning Act, Parliament has entrusted planning authorities with the statutory duty to determine planning applications and has said (S.70(2)) that in dealing with such an application the authority “shall have regard” to the development plan and to “any other material considerations” which will include HRA issues.

The courts have held that a “balance” has to be struck in planning decisions between the rights of the developer and the rights of those affected by the proposed development. This involves the balance between:

- On the one hand the specific interests of the individual objector as documented (see above), and

- On the other hand, the interests of the applicant to obtain the planning permission he has applied for, and lastly
- The interests of the wider community as expressed in Lough (2004) in the following terms “in an urban setting it must be anticipated that development may take place” and that it “is in the public interest that residential developments take place in urban areas if possible”.

The use of the site for 3 residential units is not considered to result in any general harm or noise disturbance to the surrounding area where residential uses are common at upper floor levels. Indeed, there is already an existing first floor flat. The increase from 1 to 3 units is not considered to result in such significant material harm to cause concern.

The proposed second floor window and Juliet balcony on the rear elevation are not considered to result in significant material loss of privacy over and above the existing first floor rear windows and given the distance to the rear of the site. Similarly, given the nature of the upward extension, combined with distance to the rear of the site, no significant overbearing effects or overshadowing to any neighbouring property are considered to arise.

No harmful noise/dust/disturbance impacts are considered to arise. A construction method statement has been submitted during the course of the application which will assist in protecting neighbouring amenity during the construction period. The proposed flats are not considered to harm the living conditions to neighbouring properties or the surrounding area.

In these circumstances, it is not considered that the proposed development would result in any material overlooking or loss of privacy or amenity for the neighbours given the siting and design of the proposed development and the separation distances between properties. As such in overall terms, considering all nearby residential occupiers, no significantly harmful amenity impacts would occur, subject to conditions and in compliance with Policies CC8 and CR6, with no conflict with the Human Rights Act.

Amenity of future occupiers

Policy CC8 (Safeguarding Amenity) seeks to ensure that both the amenity of neighbouring properties and the amenity of future occupiers is adequately protected. Policy H10 (Private and Communal Outdoor Space) seeks that residential developments are provided with adequate private or communal outdoor amenity space.

Concern has been raised by CADRA that the proposals would result in substandard accommodation for future occupiers due to floorspace. The proposed units would comply with the national space standards and Policy H5 in this respect, albeit at the minimum. Each unit is considered to be provided with suitable levels of outlook and daylight. The proposals are considered to provide a suitable level of residential accommodation for future occupiers.

As is the case with the majority of town centre dwellings, meaningful amenity space is not capable of being provided on site. Given the location of the site and access to nearby public amenities it is considered that in this instance the lack of amenity space is acceptable and is not considered to unduly compromise the overall quality of accommodation proposed such to warrant a refusal on this basis.

In terms of noise and disturbance, RBC Environmental Protection officers have raised no objection subject to a pre-commencement condition to require a noise assessment due to combination of commercial and residential uses. This is required owing to the busy nature of Prospect Street, coupled with commercial premises at the site and within the vicinity that may cause noise disturbance. Therefore, in overall terms the units are considered to provide an overall suitable standard of accommodation. In accordance with Policies CC8 and EN5 in particular.

Transport Matters

Policies TR3 (Access, Traffic and Highway related matters), TR1 (Achieving the Transport Strategy) and TR5 (Car and Cycle Parking and Electric Vehicle Charging) seek to address access, traffic, highway and parking relates matters relating to development.

The site is located in Zone 2, Primary Core Area, of the Revised Parking Standards and Design SPD and lies in the centre of Caversham and is in a highly sustainable location in terms of proximity to local services, transport links and easy access to the wider community. The site also adjoins North Street to the rear for access and this is predominantly residential. Prospect Street and the surrounding road network all have extensive parking restrictions preventing on-street parking. Chester Street public car park is within walking distance of the site.

Concern has been raised by CADRA that the proposals would lead to unavoidable pressure on parking spaces for existing residents.

Policy TR5 states that developments should provide car parking and cycle parking that is appropriate to the accessibility of locations within the Borough to sustainable transport facilities, particularly public transport. In accordance with the Council's current Parking Standards and Design SPD each 1- and 2-bedroom unit should be provided with 1 parking space, therefore, equating to 3 parking spaces. The Design and Access statements states that the development will provide access for 1 off-street parking space to the rear of the site; however, a technical note submitted during the course of the application indicated that parking provision would not be required. As such, parking provision falls below current standards; however, given the extensive parking restrictions in place preventing unauthorized parking nil-provision can be accepted in this instance. It should be noted that future occupants of the proposed units, would not be eligible to apply for resident or visitor parking permits and this will be covered via the appropriate conditions and informatives.

In accordance with the Council's Standards, each unit would require 0.5 parking cycle storage spaces. However, given that vehicle parking is not being provided, 1 cycle storage space per unit should be providing thereby providing an alternative sustainable mode of transport. The proposals include 4 cycle spaces, which is 1 more than required and considered acceptable.

Bin storage is located to the rear of the site adjacent to the bike store and accessed via North Street. Transport officer advice is that the maximum distances that operatives should be required to wheel containers from storage/collection area to loading position is:

15m for any 2 wheeled containers up to 240-litres

10m for any 4 wheeled containers

The bin collection point would be approximately 18m away from kerbside. However, this is the same context as that approved for 1A North St (with the same bin store being used) and as such is not considered reasonable to refuse in this instance.

During the course of the application the applicant submitted a Construction Method Statement. Transport officers have confirmed that this is acceptable and compliance with the detailed measures will be secured by way of condition.

There are no transport related objections to the proposal.

Natural Environment

Policy EN14 (Trees, Hedges & Woodland) seeks to extend the Borough's vegetation cover and that development should make provision for tree planting, whilst Policy CC7 (Design and the Public Realm) seeks proposal should include appropriate landscaping. Policy EN12 (Biodiversity & The Green Network) seeks that developments should retain, protect and incorporates features of biodiversity.

Due to the relatively constrained nature of the site, there is limited scope for landscaping. However, the application does propose some limited soft landscaping to the rear of the site, which is welcomed and further details of which will be secured by way of condition.

The proposal would not result in a net loss of biodiversity, and it is accepted that the provision of meaningful landscaping cannot appropriately be achieved. It would be appropriate to secure biodiversity enhancements such as swift and bat boxes by way of condition. In accordance with Policies EN12 and 14.

Sustainability

Policy CC2 (Sustainable Design and Construction) requires new development to reduce the consumption of resources and materials. Policy H5 (Standards for New Housing) requires that all new build housing integrate additional measures for sustainability. In light of this conditions are recommended to ensure the development meets the following requirements:

- Higher water efficiency standards of 110 litres per person per day; and
- A 19% improvement over building regulations energy requirements

Although secured by planning condition, these new requirements will be administered through the Building Regulations. Confirmation of compliance will need to be submitted to the LPA to discharge the condition. In accordance with Policies CC2 and H5.

Affordable Housing

Policy H3 (Affordable Housing) seeks to ensure that an appropriate affordable housing contribution is made for the delivery of new housing. This proposal seeks to create 3 new dwellings through extension and conversion and therefore requires a financial contribution to be made that will enable the equivalent of 10% of the housing to be provided as affordable housing elsewhere in the Borough.

The applicant has agreed to enter into a legal agreement to secure a financial contribution if planning were to be granted. A Section 106 Legal Agreement has been drawn up, which secures a financial contribution of £11,375 for the purposes of providing affordable housing elsewhere within the Borough. The figure has been calculated based on the valuations from two Estate Agents. This is considered acceptable and complies with Policy H3 of the Reading Borough Local Plan and the Affordable Housing SPD (2021).

CIL

With regards the proposed scheme, development will be potentially liable for CIL if it involves the change of use to residential where floorspace has not been in use for 6 months of the previous 3 years on the day planning permission is granted. The standard CIL informative will be attached to the decision notice reminded the applicant of their duty in this respect.

RECOMMENDATION:

GRANT Planning Permission