

DELEGATED PLANNING APPLICATION REPORT

Ward: Caversham

App Ref: 240022/FUL

Address: 2 Bridge Street, Caversham, Reading, RG4 8AA

Proposals: Outdoor seating terrace and canopy along Thames River.

Case Officer: Steve Vigar

Date received (valid from): 11 February 2024 Target Decision date: 7 April 2024

1. SITE DESCRIPTION

Site visit date: 24 January 2024



Site visit photos:

The site is located at river level on the Thames immediately to the west of Caversham Bridge. The site adjoins and forms part of a restaurant use at 2 Bridge Street.

The site is located within the St. Peters Conservation Area.

The Thames Valley is designated as a Major Landscape Feature in the Local Plan

2. PROPOSAL AND SUPPORTING INFORMATION

Retrospective planning permission is sought for retention of the existing structure. This has been confirmed by the applicant's agent, although it is noted that the submitted drawings are not wholly consistent with the existing structure as these show an open sided canopy whereas the existing structure is more enclosed. Notwithstanding this point, it is considered that the following assessment applies equally to both the existing structure and that shown on the submitted drawings.

Plans considered

230801-6 - Proposed Floor Plan/Site Plan dated August 2023

230801-7 - Proposed Riverside Elevation dated August 2023

3. RELEVANT PLANNING HISTORY

080446 - Removal of dilapidated landing stage structure and erection of a replacement. Approved 10 October 2008.

4. CONSULTATIONS

RBC Conservation Officer

“Relevant Policies and Legislation”

Section 72(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990* also requires the Council to pay **special attention** to the desirability of preserving or enhancing the character and appearance of designated Conservation Areas.

The *NPPF* outlines government policy, including its policy in respect of the historic environment. Chapter 16 of the *NPPF (2023)* ‘Conserving and enhancing the historic environment’ sets out the Government’s high-level policies concerning heritage and sustainable development.

Paragraph 203 requires local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and of new development making a positive contribution to local character and distinctiveness.

Policy EN1 ‘Protection and enhancement of the historic environment’ of the Reading Borough Local Plan sets out the Council’s aspirations for the historic environment. The policy requires that all proposals to protect and, where possible, enhance the significance of heritage assets and their settings, historic character and local distinctiveness of the area in which they are located.

Policy EN3 ‘Enhancement of conservation areas’ of the Reading Borough Local Plan requires that development proposals within Conservation Areas contribute positively to local character and distinctiveness. This policy further states “Positive consideration will be given to proposals which take opportunities to enhance the character of conservation areas.”

Policy EN6 ‘New development in a historic context’ also requires “New development will make a contribution to the historic character of the area by respecting and enhancing its architectural and visual qualities and considering how heritage considerations can influence the design of new development. When determining planning applications for new development, the following factors will be taken into consideration:

- a. The positive contribution of the development to the existing historic townscape (scale, height, mass, proportion, plot size, street form, materials, significant vistas and views, and open space);
- b. Sensitivity to historic context;
- c. Reflection of borough-wide major heritage themes that contribute to local distinctiveness (e.g. patterned brickwork or former worker terraced housing);
- d. Whether development promotes and/or improves access to previously undiscovered or neglected historic significance.”

St Peters Conservation Area Appraisal is also a material consideration in determining applications for development.

Assessment

The subject building is dating the late Victorian period with an extension to the restaurant following the permission ref. 89/00691/FUL. Historically the southern part of the

application site has been in use for the landing stage which is one of the characteristics of the St Peters Conservation Area that contributes to the openness of the riverbank along with the group of trees to the north of River Thames. That is the views from the promenade on the south of the River Thames - views into/appearance of the conservation area are defined and enhanced by this feature.

The St Peters Conservation Area states “The heavily-wooded ridge above the Thames providing a green backdrop to the CA is crucial in views into it from across the river, particularly from Caversham Bridge and the Thames Promenade. Some of these assets lie outside the area. There are also important views of the river and the bridge from Caversham Court Gardens, and glimpsed views of the river from elsewhere in the CA.” as the first key characteristics of the conservation area.

It also adds “It is vital that development in the vicinity of the Conservation Area is considered in terms of the effect it could have on the setting of, and views from within, the Conservation Area.” (p. 32) and “The north bank of the River Thames has a visually ‘soft’ treatment with greenery and gardens descending to the river edge and this adds to the quality of the setting. One length of riverbank has, however, been sheet steel piled in the past , adding a hard and discordant element to the river edge. Further sheet steel piling of other parts of the river bank should be avoided where possible. Sympathetic edge treatments should be sought where work is required to stabilise the river bank. Soft engineering solutions are now more readily available and in addition to aesthetic benefit, can offer habitat and ecological advantage.” (p. 34)

The proposed development is a metal structure of low quality, resulting in the change of use of this space from a mooring/landing platform for the boats to an enclosed (vertically) open service area for the restaurant, which would be an alien addition to the conservation area causing less than substantial harm at moderate level to the character and appearance of the conservation area. The problem is not only with the design but also with materials which would not contribute to the special interest of the area: the openness and richness of soft landscaping. As such, the proposal would be contrary to the policies EN1, EN3 and EN67 of the Reading Local Plan (2019). No public interest could be defined to outweigh this harm. Hence, it is also against Paragraph 208 of the NPPF.”

Environment Agency

“In accordance with the National Planning Policy Framework (NPPF), we have multiple objections to the proposed development due to insufficient or substandard information and an unacceptable risk of flooding. We therefore recommend planning permission is refused.

Objection No 1 - Environment Agency Position

We object to the proposed development as it falls within a flood risk vulnerability category that is inappropriate to the Flood Zone in which the application site is located.

Reasons

NPPF Annex 3 classifies development types according to their vulnerability to flood risk. PPG Table 2 provides guidance on which developments are incompatible with certain Flood Zones. In accordance with paragraphs 10.1.6 to 10.1.8 inclusive of your Level 1 Strategic Flood Risk Assessment (SFRA), First Issue, dated 12th June 2017, Project Ref No: 27560/4002, the site lies within Flood Zone 3b of the functional flood plain. The development is classed as More Vulnerable in accordance with Annex 3 of the NPPF. Table 2 of PPG makes it clear that this

type of development is not compatible with this Flood Zone and therefore should not be permitted.

This proposal is also contrary to policy EN18 - Flooding and Sustainable Drainage Systems in the Reading Borough Council Local Plan adopted in November 2019.

Overcoming our Objection

The applicant can overcome our objection by clearly demonstrating that the proposed development site is located outside of Flood Zone 3b. This may include undertaking further studies such as a site-specific flood modelling and a topographical survey. Table 2 of the Planning Practice Guidance to the National Planning Policy Framework makes it clear that this type of development is not compatible with this Flood Zone and should not therefore be permitted.

We have provided comments below on the Flood Risk Assessment in order to provide as much clarity as we can to inform your decision-making process and to advise the applicant on other technical matters. Only upon successfully demonstrating the site is outside of Flood Zone 3b would the proposed development potentially be appropriate at this site.>

Objection No 2 - Environment Agency Position

In the absence of an acceptable flood risk assessment (FRA), we object to this application and recommend that planning permission is refused.

Reasons

The submitted FRA, referenced AEG4188_RG4_Reading_01, dated 1st February 2024 and compiled by Aegaea Limited does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 20 to 21 of the Flood Risk and Coastal Change Planning Practice Guidance (PPG) and its site-specific flood risk assessment checklist.

This proposal is also contrary to policy EN18 - Flooding and Sustainable Drainage Systems in the Reading Borough Council Local Plan adopted in November 2019. The FRA does not therefore adequately assess the flood risks posed by the development.

In particular, the FRA fails to:

- use the most up to date available information to assess flood risk.*
- take the impacts of climate change into account.*
- demonstrate the flood modelling used within the FRA is appropriate.*
- consider how a range of flooding events (including extreme events) will affect people and property.*
- consider whether flood risk will be increased in the surrounding area.*
- demonstrate the development will not increase flood risk elsewhere.*
 - it has not been demonstrated that the loss of floodplain storage within the 1% annual exceedance probability (AEP) flood extent with an appropriate*

allowance for climate change caused by the proposed development can be mitigated for.

- *address the opportunities presented by this development for reducing flood risk.*
- *consider how people will be kept safe from the identified flood hazards.*
- *demonstrate that finished floor levels will be set above the 1% annual exceedance probability (AEP) flood level with an appropriate allowance for climate change. Consequently, there would be an unacceptable risk to the health and safety of the occupants in a flood event.*

Overcoming our Objection

To overcome our objection, the applicant should submit a revised FRA which addresses the points highlighted above. If this cannot be achieved, we are likely to maintain our objection. Please re-consult us on any revised FRA submitted and we'll respond within 21 days of receiving it.

Specifically, the FRA will need to:

- *calculate an appropriate allowance for climate change using those advised in 'Flood risk assessments: climate change allowances'.*
- *demonstrate that any loss of floodplain storage within the 1% AEP plus an appropriate allowance for climate change can be directly compensated for to prevent an increase in flood risk elsewhere.*
- *demonstrate that finished floor levels are set above the 1% AEP plus climate change flood level to reduce the risk of flooding to people and property.*

Informative

*The applicant should have obtained a **permit for this development on or within 8 metres of a main river** under the Environmental Permitting (England and Wales) Regulations 2016. We could not find any records of a permission of the Environment Agency for these works.*

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- *on or within 8 metres of a main river (16 metres if tidal)*
- *on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)*
- *on or within 16 metres of a sea defence*
- *involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert*
- *in a floodplain more than 8 metres from the riverbank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission*

We do not grant retrospective flood risk activity permits. We would advise you that, in accordance with our Enforcement and Prosecution Policy, previous incidents are taken into consideration when determining appropriate enforcement action. Any further breaches in legislation may be considered in the event of any future enforcement action.

*If you are proposing to carry out any further works in or adjacent to a watercourse, you should contact Partnerships and Strategic Overview Team at westthamesconsents@environment-agency.gov.uk who will be able to advise you as to your requirements. Information can also be found on the Gov.uk website.
<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>*

Objection No 3 - Environment Agency Position

The submitted planning application and associated documents indicate that a new structure capable of restricting the flow of water the River Thames will be required as part of the proposed development. This activity will require a flood risk activity permit under the Environmental Permitting (England and Wales) Regulations 2016, which is unlikely to be granted for the current proposal.

We do not have enough information to know if the proposed development can meet our requirements for nature conservation and fisheries because no assessment of the risks has been provided. We therefore object to the proposal and recommend that the planning application is refused.

Reason(s)

In determining the flood risk activity permit for this development, we will assess its compliance with the Thames River Basin Management Plan (RBMP). We'll also consider how the development will affect water biodiversity and the wetland environment. The RBMP states that the water environment should be protected and enhanced to prevent deterioration and promote the recovery of water bodies. In this location, the construction of a platform over the river could have a negative impact on in channel flora and fauna by shading them out. This will also impact the flow of the river, which can cause detrimental impacts.

An ecological assessment and a hydromorphological (Morph) survey are required to assess how the proposal will affect species and habitats. This assessment will need to demonstrate how this risk will be controlled. Where possible, it should identify opportunities for environmental improvements. Until this is provided the risk posed by the proposed development is unacceptable.

This objection is supported by paragraphs 180 and 186 of the National Planning Policy Framework (NPPF) which recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity. If significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort compensated for, planning permission should be refused. Opportunities to incorporate biodiversity in and around developments should be encouraged.

Overcoming our objection

To overcome our objection, the developer will need to carry out and submit an ecological assessment prior to the development of any detailed plans.

The survey and ecological assessment should:

- identify the impacts to the ecological and hydromorphological elements and determine if they may be at risk of deterioration.*
- identify any rare, declining, protected or otherwise important flora, fauna or habitats within the site.*
- assess the importance of the above features at a local, regional and national level.*
- identify the impacts of the scheme on those features.*
- demonstrate how the development will avoid adverse impacts to flora and fauna, including in channel species.*
- propose mitigation for any adverse ecological impacts or compensation for loss.*
- propose wildlife/habitat enhancement measures.”*

The following addresses were consulted by letter.

107C Upper Woodcote Road, Caversham, Reading, Berkshire, RG4 7JZ
3 Riverside Court, Promenade Road, Caversham, Reading, Berkshire, RG4 8AL
4 Riverside Court, Promenade Road, Caversham, Reading, Berkshire, RG4 8AL
Flat 4, 2 Bridge Street, Caversham, Reading, RG4 8AA
Flat 1, 2 Bridge Street, Caversham, Reading, RG4 8AA
Flat 2, 2 Bridge Street, Caversham, Reading, RG4 8AA
Flat 6, 2 Bridge Street, Caversham, Reading, RG4 8AA
Flat 5, 2 Bridge Street, Caversham, Reading, RG4 8AA
Flat 3, 2 Bridge Street, Caversham, Reading, RG4 8AA
4a Bridge Street, Caversham, Reading, RG4 8AA

6 letters of representation have been received, summarised as follows - full version available to view on Planning Register comments include those by Warren and District Residents' Association and Caversham GLOBE:

- Concern over retrospective nature of application (officer comment: this is not a material consideration in and of itself).
- The permission applied for bears no resemblance to what has been built.
- The height of what has been built is lower than that shown.
- Lack of EA comment
- Lack of flood compensation
- Restriction to river flows resulting in increased flood risk upstream.
- Inadequate FRA - it relates to open sided structure, not what has been built.
- No Ecology report
- No EA licence (officer comment: not a Planning matter)
- Land ownership (officer comment: not a Planning matter)
- Photographs of submerged structure during flood events January and February 2024

5. LEGAL AND PLANNING POLICY CONTEXT

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

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.

National Policy and Guidance

National Planning Policy Framework

National Planning Practice Guidance

Reading Borough Local Plan (2019)

CC1: PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT

CC2: SUSTAINABLE DESIGN AND CONSTRUCTION

CC3: ADAPTATION TO CLIMATE CHANGE

CC7: DESIGN AND THE PUBLIC REALM

CC8: SAFEGUARDING AMENITY

EN1: PROTECTION AND ENHANCEMENT OF THE HISTORIC ENVIRONMENT

EN3: ENHANCEMENT OF CONSERVATION AREAS

EN5: PROTECTION OF SIGNIFICANT VIEWS WITH HERITAGE INTEREST

EN6: NEW DEVELOPMENT IN A HISTORIC CONTEXT

EN11: WATERSPACES

EN12: BIODIVERSITY AND THE GREEN NETWORK

EN13: MAJOR LANDSCAPE FEATURES AND AREAS OF OUTSTANDING NATURAL BEAUTY

EN16: POLLUTION AND WATER RESOURCES

EN18: FLOODING AND DRAINAGE

RL3: VITALITY AND VIABILITY OF SMALLER CENTRES

RL4: BETTING SHOPS AND PAYDAY LOAN COMPANIES

RL5: IMPACT OF MAIN TOWN CENTRE USES

Other Local Documents

St Peters Conservation Area Appraisal

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.

APPRAISAL

Flood Risk

The restaurant/café use is classified as Less Vulnerable in Annexe 3 of the NPPF. Associated guidance in Table 2 of the NPPG (Paragraph: 079 Reference ID: 7-079-20220825) confirms that Less Vulnerable uses are not compatible with Flood Zone 3b. The site is located in the river and has recently flooded (Jan/Feb 2024), it is therefore very unlikely that it would be possible to re-classify the development as falling outside of the functional floodplain.

There is therefore an in-principle policy objection due to the incompatibility between the development and its location in an area of high flood risk.

In addition to this in-principle flood risk concern, the EA advise that the Flood Risk Assessment is inadequate as the FRA fails to:

- use the most up to date available information to assess flood risk.
- take the impacts of climate change into account.
- demonstrate the flood modelling used within the FRA is appropriate.
- consider how a range of flooding events (including extreme events) will affect people and property.
- consider whether flood risk will be increased in the surrounding area.
- demonstrate the development will not increase flood risk elsewhere.
- it has not been demonstrated that the loss of floodplain storage within the 1% annual exceedance probability (AEP) flood extent with an appropriate allowance for climate change caused by the proposed development can be mitigated for.
- address the opportunities presented by this development for reducing flood risk.
- consider how people will be kept safe from the identified flood hazards.
- demonstrate that finished floor levels will be set above the 1% annual exceedance probability (AEP) flood level with an appropriate allowance for climate change. Consequently, there would be an unacceptable risk to the health and safety of the occupants in a flood event.

The proposals are therefore contrary to Policies EN11 and EN18 of the Reading Borough Local Plan 2019 and Paragraphs 159, 165, 168, 173 and Annexe 3 of the NPPF 2023 and associated NPPG guidance.

Ecology

The site is located above, and at times of flood within, the main river. As per EA advice set out in the consultation section above, the application fails to demonstrate that the ecological and hydromorphological impacts can be suitably mitigated and that a net gain in biodiversity can be achieved. As such the proposal is contrary to Policies EN11 and EN12 of the Reading Borough Local Plan 2019 and paragraphs 180 and 186 of the NPPF 2023

Heritage and Character

The proposal is prominently located, jutting into the river within views westward from Caversham Bridge (a view of historical significance - Policy EN5). 2 Bridge Street has been extended with a modern extension in the past and the additional enclosed terrace appears as further creeping encroachment of built form into the river environment. The Conservation Officer comments above set out a clear assessment of the harm identified in respect of harm to views from the bridge, the openness of the north riverbank and the introduction of an alien, unsympathetic structure which does not contribute to the special interest of the conservation area. In terms of NPPF criteria, the development causes a moderate level of less than substantial harm to the character and appearance of the conservation area. There are no apparent public benefits which might outweigh this harm. As such the development is contrary to Policies EN1, EN3, EN6, EN11 and CC7 of the Reading Borough Local Plan 2019 and Paragraph 208 of the NPPF 2023.

Conclusion

The development as shown on the submitted drawings, and also currently constructed, is harmful in respect of risk, harmful in terms of its effect on the ecological and hydromorphological qualities of the river and its environs and harmful to the heritage significance of the St. Peters Conservation Area.

RECOMMENDATION

Refuse Planning Permission for the following reasons:

1. The development increases flood risk due to its siting within the Thames river channel. The development is incompatible with Flood Zone 3b within which it is located. The submitted Flood Risk Assessment fails to adequately assess the flood risk posed by the development including the impacts of climate change, how property will be affected, or how people will be kept safe from flood hazards associated with the development. It fails to demonstrate that the development will not increase flood risk elsewhere. The development is therefore contrary to Policies EN11 and EN18 of the Reading Borough Local Plan 2019 and Paragraphs 159, 165, 168, 173 and Annexe 3 of the NPPF 2023 and associated NPPG guidance.
2. It has not been demonstrated that the development does not result in harm to the ecological and/or hydromorphological qualities of the Thames River and its environs. As such the development is contrary to Policies EN11 and EN12 of the Reading Borough Local Plan 2019 and paragraphs 180 and 186 of the NPPF 2023.
3. The development by reason of its excessive scale, inappropriate form, unsympathetic materials and finishes and prominent siting projecting into the river, relates poorly to the host building and adjacent bridge and appears as a discordant and piecemeal addition to the building façade. This unsatisfactory arrangement is harmful to the appearance of the site itself, harmful to the open character of the River Thames at this location and harmful to views upstream from Caversham Bridge and within the Thames Valley Major Landscape Feature. These visual harms, individually and in combination, are harmful to the character and appearance of the St. Peter's Conservation Area. As such the proposal is contrary to Policies CC7, EN1, EN3, EN5, and EN13 of the Reading Borough Local Plan 2019 and Paragraphs 200, 201, and 203 of the NPPF 2023.