



Planning

Planning Statement

Client:

Jhahangar Zaman

40 - 48 Mount Pleasant

Reading, RG1 2TD

Section 73 application to vary condition 02 of planning permission 201880, including affordable housing viability.

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CIL | Enforcement | Land Promotion | Planning | Sequential Tests | Viability

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- Appendix 1 – Appeal Decision 3332225
- Appendix 2 – Estate Agent correspondence

1. Introduction

- 1.1 This statement is produced to support a planning application under Section 73 of the Town and Country Planning Act 1990 (as amended) to vary condition 2 of planning permission 201880.
- 1.2 Planning permission 201880 granted permission for the '*Demolition of existing car repair garages and erection of 6 family dwellings and associated landscaping, waste and bicycle storage*' at 40-48 Mount Pleasant, Reading.
- 1.3 The permission was granted on 12 January 2022, and has commenced. Therefore the permission is extant.
- 1.4 This planning statement will cover the background to the Section 73 application and provide the necessary information to enable its determination by officers at the Council. It will consider the amendments in light of relevant planning policies and other material considerations. The conclusion reached is that key material considerations and the wider objectives of National and Local planning policy support the grant of permission.
- 1.5 In addition to this planning statement, the application is accompanied by the appropriate planning application forms and ownership certificate, duly signed and completed, and the relevant plans.
- 1.6 The relevant application fee will be submitted by the applicant separately.

2. Site Location and Description

- 2.1 Prior to the commencement of the development as per planning permission 201880, the application site comprised an area of hardstanding primarily used for vehicle parking, alongside single storey buildings forming part of an historic vehicle repair business.
- 2.2 The site takes access from the highway of Mount Pleasant to the immediate east, and is roughly rectangular in shape. It is bounded by residential properties to the south and west, of which 50, 52 and 54 Mount Pleasant to the south form a Grade II Listed Building. To the north lies the Mapp Community Centre.
- 2.3 The site lies south of Reading town centre, in a mixed use area that predominately involves residential but also contains various community, education and retail/restaurant/takeaway (etc.) uses.
- 2.4 As above, planning permission 201880 has commenced on site.

3. Planning History

- 3.1 The site benefits from extant planning permission 201880, as detailed in paragraphs 1.2 and 1.3 above.
- 3.2 Planning conditions for permission 201880 have been discharged through application references PL/23/00283 AND PL/23/0860.
- 3.3 There is no further relevant planning history.

4. Development Proposals

4.1 The Section 73 application seeks to vary condition 02 (approved plans) in respect of extant, commenced planning permission 201880. Specifically, alterations to the bin store are proposed, making the bin store detached from the boundary with the easternmost dwelling. In turn, this would enable fire access and escape involving the rear gardens of the proposed dwellings, as highlighted on the submitted plan.

4.2 The proposal therefore seeks to amend the wording of condition 02 to the following:

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

*Drawing No: 01 P1 – Site Location Plan
Received on 5th January 2021*

*Drawing No: 010 P2 – Combined Floor Plans
Drawing No: 014 P2 – Existing and Proposed Elevations
Drawing No: 015 P2 – Proposed Elevations and Section in Context
Drawing No: 111 P2 – House 1 Detailed Plan
Drawing No: 112 P2 – Houses 2, 3 Detailed Plan
Drawing No: 114 P2 – House 4, 5 Detailed Plan
Received on 18th June 2021*

*Drawing No: J32-5843-001 – Masterplan Review
Received 5th August 2021*

~~*Drawing No: 016 P2 – Bin Store and Bike Store Details
Received on 17th August 2021
Drawing No: 002 Rev P7 – Block Plan, Urban Grain, 3D Views
Drawing No: 011 Rev P3 – Combined Roof Plan
Drawing No: 113 Rev P3 – House 6 Detailed Plan
Received on 2nd December 2021*~~

Drawing No: 01 A – Proposed Bin Store & Fire Escape Alts.

REASON: For the avoidance of doubt and to ensure that the development is carried out and adhered to in accordance with the application form and associated details hereby approved.

- 4.3 These specific proposed amendments are not retrospective; these elements of the development are yet to be undertaken.
- 4.4 In addition, changes are sought to the commuted sum of £232,250 previously agreed as part of the Section 106 Legal Agreement towards the provision of affordable housing.
- 4.5 The specific revised sum is a matter for further discussion with the Council, however it is initially presented that the development is no longer viable to provide any form of affordable housing contribution.
- 4.6 The reasons for this requested revision are presented in Section 5 of the statement below.
- 4.7 Pre-application discussions were engaged with the Council on this matter, however as no formal pre-application response was issued, escalation to this application submission is necessary.
- 4.8 In terms of the procedure for adjusting affordable housing contributions within a Section 73 application, this process has been previously established within multiple instances. One such instance can be found in appeal decision APP/L5240/W/23/3332225 (**Appendix 1**).
- 4.9 Appendix 1 confirms the correct approach firstly in paragraph 7 of the decision – that a standalone planning permission is created by a Section 73 approval. Paragraph 8 goes on to state that whilst planning obligations are ‘freestanding legal instruments that do not form part of a planning permission’, a planning obligation may be necessary to make the amended scheme acceptable in planning terms.
- 4.10 As a standalone application under Section 106A of the TCPA would not enable the presentation or assessment of material planning

considerations as part of that process, it is correct to therefore submit a Section 73 application for this matter.

5. Policy Assessment

- 5.1 **National Guidance:** The National Planning Policy Framework (2024) ('NPPF') is a relevant material consideration to the application.
- 5.2 The purpose of the planning system is to contribute to the achievement of sustainable development. So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development. Paragraph 39 of the NPPF states that "Local planning authorities should approach decision on proposed development in a positive and creative way" and "at every level should seek to approve applications for sustainable development where possible". Paragraph 124 of the NPPF comments that planning should "promote an effective use of land" in "meeting the need for homes and other uses, whilst safeguarding and improving the environment and ensuring safe and healthy living conditions".
- 5.3 Paragraph 61 confirms the Government's objective to boost the supply of housing, and paragraph 8 identifies the three objectives of sustainable development, as economic, environmental and social.
- 5.4 Paragraph 131 identifies that "Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities", whilst paragraph 139 states that significant weight should be given to "outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in

an area, so long as they fit in with the overall form and layout of their surroundings.”

- 5.5 The National Design Guide builds on the above, and clarifies that “well-designed neighbourhoods need to include an integrated mix of tenures and housing types that reflect local housing need and market demand. They are designed to be inclusive and to meet the changing needs of people of different ages and abilities. New development reinforces existing places by enhancing local transport, facilities and community services, and maximising their potential use” (para 109).
- 5.6 **Principle of Development:** Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 5.7 Reading’s Development Plan comprises the Reading Borough Local Plan (2019) (‘RLP’).
- 5.8 The principle of development for residential use on this site has been accepted within the parent planning approval. Namely, the development complies with RLP Policy EM3, which seeks to ensure the overall level of employment land is maintained, as the site is not located within a defined Core Employment Area, and met the list of requirements in terms of accessibility and surrounding character.
- 5.9 Sub-section (iii) of Policy EM3 applies a policy test of ensuring there would not be a surplus of similar size and type of accommodation when considering loss of employment land. Sub-section (v) applies a test of whether the need for the alternative use (residential) is stronger than the need for retaining the employment land.
- 5.10 Connected to the above tests, RLP Policy H1 sets out the general housing requirement for the Borough, with sub-paragraph 4.4.1

noting that there is a pressing need for additional housing in Reading in the surrounding area. Sub-paragraph 4.4.3 goes on to acknowledge that with reading being a tightly defined urban area, new sites for development are limited, particularly on areas that are not in the functional floodplain or public open spaces, with a resulting reliance on previously developed land.

- 5.11 Within this same overarching topic of residential/housing need, RLP Policy H2 states that the appropriate density of residential development will be informed by a range of factors, including character, design and efficient use of land (et al). Policy H2 goes on to state that, 'wherever possible' residential development should contribute to meeting the needs for the mix of housing set out in the RLP, which particularly relates to family homes of three or more bedrooms.
- 5.12 This application does not seek to change the density of the proposed residential development. However, it does impact upon the affordable housing contribution, which is acknowledged within Policy H2 as being relevant to housing mix.
- 5.13 However, critically within Policy H2 it is explicitly stated that adherence to this recommended mix is 'wherever possible' as opposed to being a mandatory requirement. In other words, where a lower amount of affordable housing, or even no affordable housing, can be robustly justified, the development would maintain compliance with Policy H2. This is not a matter of individual discretion, it is how the Policy is set out.
- 5.14 Turning also to the requirements of Policies H1 and EM3 above in the context of the proposed changes to affordable housing contribution, Policy H1 in particular is very clear in confirming the need for housing in general (i.e. market housing), and explicitly states the limited land

availability and reliance on previously developed sites, as with this application site. Whilst the Local Planning Authority may be meeting its five year housing requirement, this does not reduce the weight given to Policy H1 (indeed the situation confirms full weight should be given). Furthermore, the five year housing supply is well established to not represent any form of ceiling or cut-off for housing development; instead it means the Borough is providing the minimum housing required for the short-term.

5.15 All of the above factors and Policies confirm that even where development cannot provide affordable housing, there is still both a demand and a need for market housing in the Borough. This is combined with the acceptance of the loss of the employment use in the parent permission, including on grounds of improvement to the character of the area, and impacts on the Listed Building.

5.16 Therefore, in the context of the affordable housing position in particular, as discussed in further detail below, the development is presented to remain acceptable in principle, given compliance with RLP Policies H1, H2 and EM3 in particular.

5.17 **Proposed Bin Store and Fire Escape Alterations:** The proposed works seek to alter the location of the bin store, detaching it from the boundary with the eastmost proposed dwelling. This would enable a functional and physical separation between the residential property and the store. A slight adjustment is also accordingly proposed to the specific siting of the proposed car parking spaces, which remain to the front of the bin store.

5.18 The bin store would retain its flat roofed single storey height, and would occupy a similar footprint to previous.

5.19 Partly connected to the bin store relocation is the provision of fire escape points to individual dwellings, which link to the easternmost

dwelling. These are advised under separate Building Regulations processes following the initial grant of permission, and so accordingly have required an adjustment to the site layout.

- 5.20 These proposed changes are considered minor, and given that they relate to layout as opposed to design or overall bulk/massing, they are presented to maintain compliance with the Development Plan, particularly RLP Policy CC7. The adjustment of the siting of the bin store would place it slightly closer to the streetscene, however given the limited change it is not considered to have a functional (albeit more than non-material) impact.
- 5.21 **Affordable Housing:** In connection with RLP Policy H2 (see paragraphs 5.11 onwards above), RLP Policy H3 relates directly to Affordable Housing. The policy states that residential development will make an appropriate contribution towards affordable housing to meet the needs of Reading. With the development comprising six dwellings, the affordable housing contribution is the equivalent of 20% of the housing to be provided as affordable via a financial contribution towards provision elsewhere.
- 5.22 Policy H3 goes on to state that where developments fall short of the policy target due to viability considerations, an 'open-book' approach will be taken, with the onus on the applicant to demonstrate the circumstances justifying a lower contribution.
- 5.23 Therefore Policy H3 makes allowance for a reduction in the affordable housing contribution where it is robustly demonstrated, and as per Policy H2 this should not prevent residential development outright.
- 5.24 As part of the parent approval the applicant agreed to provide a financial contribution aligned with Policy H2's contents of 20%. However, as is not uncommon, the situation concerning the viability of the development has shifted since the time of the parent approval.

When noting that the parent application was submitted back in 2020 and approved in January 2022, this is not a controversial position.

- 5.25 A Viability Appraisal undertaken by the applicant in 2024 via pre-application discussions with the Council. The Council did not provide a written response to the pre-application, and so it is not considered that this matter has been previously resolved.
- 5.26 During the discussions within the aforementioned pre-application, the Council's authorised Viability Consultant suggested that the scheme was viable subject to no longer pursuing a Passivhaus level.
- 5.27 Needless to say, this is beyond the remit of the Development Plan tests to suggest changes to a previously approved scheme. Removing the Passivhaus standards would essentially require a new planning application to be submitted, beyond a Section 73 variation, due to the extent of changes required.
- 5.28 Instead what is to be assessed is the viability of the scheme as approved.
- 5.29 A Financial Viability Appraisal and Costs Plan is submitted with the application. These demonstrate that the development cannot provide any affordable housing in order to be viable. This is the starting position of the applicant, however as also noted in paragraph 4.5 of the Statement above, negotiations can be entered into to discuss the extent of contribution.
- 5.30 Furthermore, as an update to the Viability Appraisal, **Appendix 2** forms an email from the Estate Agent involved in this development, advising that the advertised house prices are not resulting in successful offers, despite a significant number of viewings involved. The email suggests a reduction in house prices which in turn has a further impact on the viability prospects of the development.

5.31 With the robust evidence provided it is therefore presented that a reduced affordable housing contribution can be justified whilst maintaining compliance with RLP Policy H3.

6. Conclusion

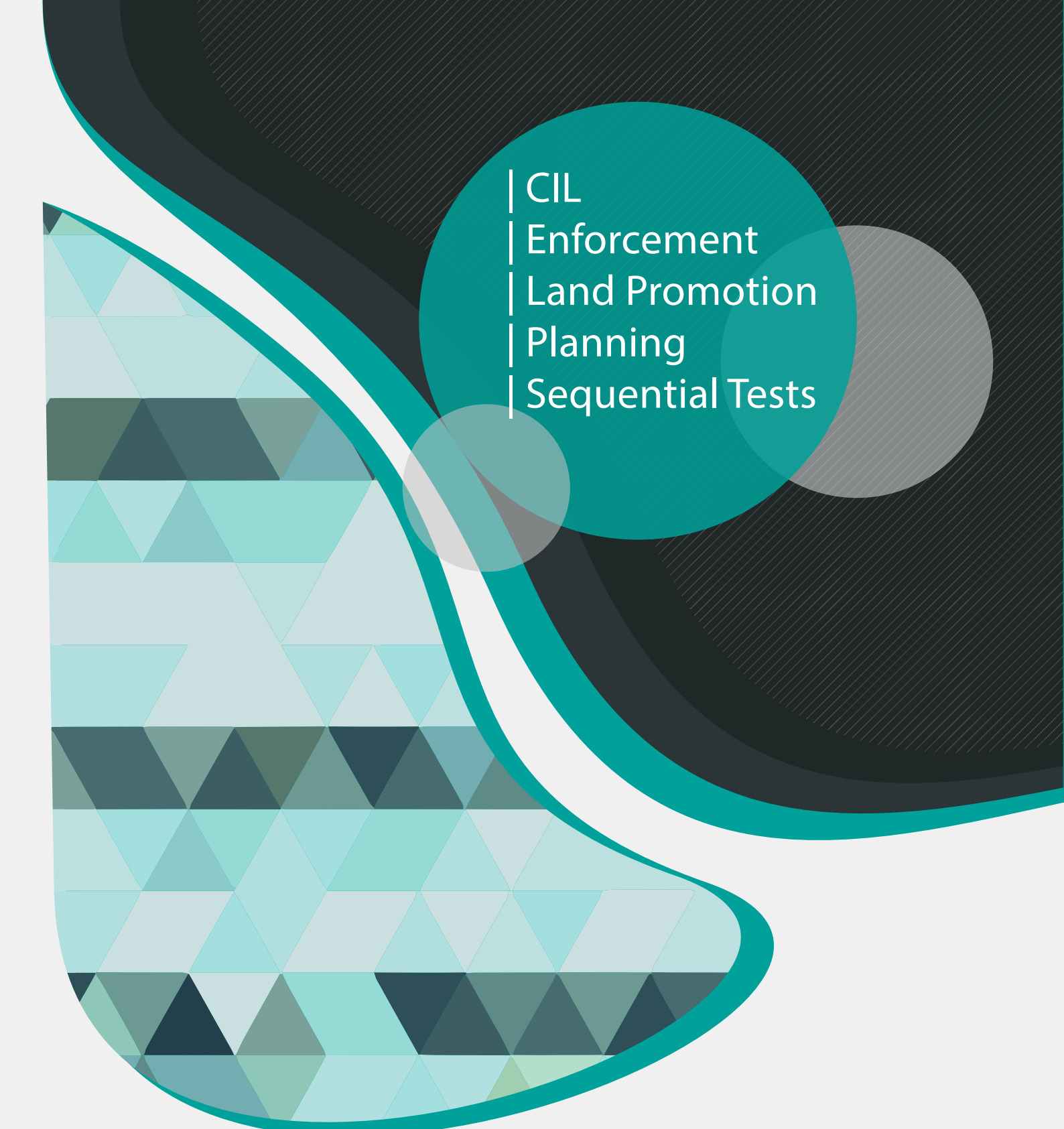
- 6.1 This statement has demonstrated that the revisions to the parent approval in terms of changes to the bin store and insertion of fire escape routes comply with the Development Plan.
- 6.2 Additionally, and as within the allowance of Section 73 application submissions, the application seeks discussion on the viability of the development. Pre-application discussions were engaged with the Council on this matter, however as no formal pre-application response was issued, escalation to this application submission is necessary.
- 6.3 Information has been submitted which robustly demonstrates that the development can no longer provide an affordable housing contribution whilst being viable. Additionally, it has been demonstrated that without affordable housing contribution where justified a full market dwelling scheme would still maintain compliance with the Development Plan, as there remains a need for market dwellings in this location as per RLP Policy H1 in particular.
- 6.4 It is therefore considered that the proposed scheme complies with relevant Development Plan Policies and is further supported by National Guidance. As a consequence, it is respectfully requested that planning permission is granted.

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