

Councillor Ruhemann (Chair)  
Councillors Ayub, Ballsdon, Duveen,  
Eastwood, Gavin, Livingston, Maskell, Page,  
Rynn, Singh, Stanford-Beale, Williams and  
Willis

Our Ref: N:\PIng Apps  
Cttee\Agendas\130626.doc  
Your Ref:

Direct: ☎ 0118 937 2112  
e-mail: nicky.simpson@reading.gov.uk

18 June 2013

Your contact is: **Nicky Simpson - Committee Services**

**NOTICE OF MEETING - PLANNING APPLICATIONS COMMITTEE - 26 JUNE 2013**

A meeting of the Planning Applications Committee will be held on **Wednesday 26 June 2013 at 6.30 pm in the Council Chamber**, Reading. The Agenda for the meeting is set out below.

Please note that with regard to the planning applications, the order in which applications are considered will be at the Chair's discretion, and applications on which members of the public have requested to speak are likely to be considered first.

**AGENDA**

	<u>ACTION</u>	<u>WARDS AFFECTED</u>	<u>PAGE NO</u>
1. MINUTES OF THE PLANNING APPLICATIONS COMMITTEE HELD ON 29 MAY 2013	-	-	1
2. DECLARATIONS OF INTEREST	-	-	-
3. QUESTIONS	-	-	-
4. POTENTIAL SITE VISITS FOR COMMITTEE ITEMS	DECISION	BOROUGHWIDE	9
5. PLANNING APPEALS	INFORMATION	BOROUGHWIDE	12
6. APPLICATIONS FOR PRIOR APPROVAL	INFORMATION	BOROUGHWIDE	26

*CIVIC CENTRE EMERGENCY EVACUATION: Please familiarise yourself with the emergency evacuation procedures, which are displayed inside the Council's meeting rooms. If an alarm sounds, leave by the nearest fire exit quickly and calmly and assemble at the Hexagon sign, at the start of Queen's Walk. You will be advised when it is safe to re-enter the building.*

## Planning Applications to be determined

Item(s)	Action	Ward(s)	Page
7	DECISION	ABBEY	33
8	DECISION	BATTLE	53
9	DECISION	MAPLEDURHAM	85
10	DECISION	NORCOT	95
11-14	DECISION	SOUTHCOTE	107
15	DECISION	OUT OF BOROUGH	203
16	DECISION	MAPLEDURHAM (Appendix 4)	213 233

(If the Committee wishes to discuss the exempt information included in Appendix 4 to Item 16, the following motion will be moved by the Chair:

“That, pursuant to Section 100A of the Local Government Act 1972 (as amended) members of the press and public be excluded during consideration of Item 16 on the agenda, as it is likely that there will be disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A (as amended) to that Act.”)

# TABLE OF CONTENTS

## BOROUGH WIDE

### SCHEDULE OF PLANNING APPLICATIONS TO BE DETERMINED

Planning Applications Committee - 26<sup>th</sup> June 2013

#### Abbey Ward

<b>Application Number</b>	121540	<b>Item</b>	7	<b>Page</b>	33
<b>Applicant</b>	Sahana Enterprises Ltd				
<b>Address</b>	4,6 And 8 Cross Street Reading RG1 1SN				
<b>Proposal</b>	Change of use of first and second floors and conversion of loft space from offices to 3 x studio flats and 6 x 1 bedroom flats including construction of new mansard roof and new rear access stairs. Internal remodelling and construction of new shop front to No 8 Cross Street.				
<b>Recommendation</b>	Permitted, subject to a Legal Agreement				

---

#### Battle Ward

<b>Application Number</b>	130249	<b>Item</b>	8	<b>Page</b>	53
<b>Applicant</b>	Linthatch Limited				
<b>Address</b>	15 Western Elms Avenue, Reading RG30 2AL				
<b>Proposal</b>	Discharge of conditions 2, 3, 4, 6, 7, 8, 9, 10 and 11 of planning permission 10/01348/FUL allowed on appeal APP/E0345/A/A/10/2138413				
<b>Recommendation</b>	Discharge Conditions				

---

#### Mapledurham Ward

<b>Application Number</b>	130613/REG3	<b>Item</b>	9	<b>Page</b>	85
<b>Applicant</b>	Dr Carolyn Jenkins				
<b>Address</b>	"Mapledurham Pavilion", Upper Woodcote Road, Caversham, Reading RG4 7LB				
<b>Proposal</b>	Replacement and extension of roof, installation of new roof lights and construction of glazed veranda on east elevation				
<b>Recommendation</b>	Application Permitted				

## Norcot Ward

<b>Application Number</b>	130079	<b>Item</b>	10	<b>Page</b>	95
<b>Applicant</b>	Mr Zahid Raza				
<b>Address</b>	47 Cockney Hill, Tilehurst, Reading RG30 4HF				
<b>Proposal</b>	Proposed first floor extension to existing bungalow				
<b>Recommendation</b>	Application Permitted				

---

## Southcote Ward

<b>Application Number</b>	121529	<b>Item</b>	11	<b>Page</b>	107
<b>Applicant</b>	Taylor Wimpey West London				
<b>Address</b>	"Elvian School", 61 Bath Road, Reading RG30 2BB				
<b>Proposal</b>	Redevelopment to provide 193 residential units (173 new build and 20 through conversion) with associated access, parking, landscape and open space provision, following the demolition of existing school buildings				
<b>Recommendation</b>	Application Refused				

---

<b>Application Number</b>	130579	<b>Item</b>	12	<b>Page</b>	176
<b>Applicant</b>	Feltham Construction Ltd				
<b>Address</b>	"Edward Hughes Home", 60 Granville Road, Reading RG30 3PX				
<b>Proposal</b>	Demolition of the existing buildings and the erection of 30 affordable dwellings (6 x 3 bed houses, 5 x 1 bed flats, and 19 x 2 bed flats) and associated car parking and landscaping without complying with conditions 5 and 8 of planning permission 12/01248/FUL				
<b>Recommendation</b>	Permitted, subject to a Legal Agreement				

---

<b>Application Number</b>	130616	<b>Item</b>	13	<b>Page</b>	189
<b>Applicant</b>	Reading Borough Council				
<b>Address</b>	7 Southcote Parade, Reading RG30 3DT				
<b>Proposal</b>	Change of Use from Retail Class A1 to a Charity Registered Community Service called Home Start Class - D1.				
<b>Recommendation</b>	Application Permitted				

---

<b>Application Number</b>	130648	<b>Item</b>	14	<b>Page</b>	195
<b>Applicant</b>	Reading Borough Council				
<b>Address</b>	"Southcote Primary School", Silchester Road, Reading RG30 3EJ				
<b>Proposal</b>	Installation of a lean to canopy to a modular classroom unit				
<b>Recommendation</b>	Application Permitted				

---

## Out of Borough

<b>Application Number</b>	130665	<b>Item</b>	15	<b>Page</b>	203
<b>Applicant</b>	Shanly Homes				
<b>Address</b>	1055 and 1057 Oxford Road, Tilehurst, Reading RG31 6YE				
<b>Proposal</b>	Outline planning permission for the erection of 24 dwellings with associated access, parking and landscaping following demolition of existing dwellings at 1055 and 1057 Oxford Road				
<b>Recommendation</b>	Observations Sent - No Objection				

## Mapledurham Ward

<b>Application Number</b>	130311	<b>Item</b>	16	<b>Page</b>	213
<b>Applicant</b>	Mr Aidan Costelloe				
<b>Address</b>	"Warrenside Cottage", The Warren, Caversham, Reading RG4 7TQ				
<b>Proposal</b>	Certificate of Lawfulness for existing use of the flat roof at ground floor level, adjacent to the kitchen/dining room, as a roof terrace (amended description).				
<b>Recommendation</b>	Application Permitted				

---



## KEY TO CODING OF PLANNING APPLICATIONS

1. Planning application reference numbers are made up of 4 parts.

1.1 The number begins with the year e.g. 11/

1.2 This is followed by a consecutive number, showing what number the application is in any year (e.g. 11/00128).

1.3 The next, up to six, letters show what type of application it is. The following is a key:

ADJ	Consultation by adjacent authority
ADV	Advertisement
CON	Conservation Area Consent
EXT	Extension of time
FUL	Full Detailed
FULTEL	Full Telecommunications Approval
LBC	Listed Building Consent
OUT	Outline Application (Principle of development only)
REG3/4	Regulation 3/4 (Council application)
REM	Reserved Matters (following an outline approval)
TELE	Installation of Telecommunications Equipment
CLP	Certificate of Lawful Development - Proposed Use
CLE	Certificate of Lawful Development - Existing Use
HAZARD	Hazardous Substance (Storage of Large Quantities)
DEMCON	Demolition Notice
VARIAT	Variation of Condition/Minor Material Amendment
NMC	Non Material Amendment
SCO	Environmental Assessment Scoping Opinion
SCR	Environmental Assessment Screening Opinion
COND	Appeal to DCLG against a condition
ENFNOT	Appeal to DCLG against an Enforcement Notice
NONDET	Appeal to DCLG against a failure to decide
REF	Appeal to the DCLG against a Refusal of permission

2. The following is a key to existing officers with their direct dial telephone numbers.

DB	-	David Breeze	9372410
AB	-	Alison Bell	9372604
KR	-	Kiaran Roughan	9374530
LB	-	Lynette Baker	9372413
JW	-	Julie Williams	9372461
RE	-	Richard Eatough	9373338
AC	-	Andrew Chugg	9372458
JT1	-	Justin Turvey	9372993
AS1	-	Andrew Somerville	9374593
SB1	-	Susanna Bedford	9372023
BP	-	Ben Pratley	9372417
SDV	-	Steve Vigar	9372980
GPC	-	Gary Crawford	9372446
CR1	-	Claire Ringwood	9374545
CJB1	-	Christopher Beard	9372430
SGH1	-	Stephen Hammond	9374424
MDW	-	Mark Worringham	9373337
AJA	-	Alison Amoah	9372286
JM1	-	Julia Mountford	9374741
RS	-	Richard Stimpson	9372441
SH	-	Sarah Hanson	9372440
KR1	-	Kate Rodway	9374294

**GUIDE TO USE CLASSES ORDER  
and Permitted Changes of Use (England)**

Use Classes (Amendment) Order 2005	Use Classes Order 1972	Description	General Permitted Development (Amendment) Order 2005
<b>A1</b> Shops	Class I	<ul style="list-style-type: none"> <li>Shops, retail warehouses, hairdressers, undertakers, travel and ticket agencies, post offices, dry cleaners, internet cafes, etc.</li> <li>Pet shops, cat-meat shops, tripe shops, sandwich bars</li> <li>Showrooms, domestic hire shops, funeral directors</li> </ul>	No permitted changes
<b>A2</b> Financial and Professional Services	Class II	<ul style="list-style-type: none"> <li>Banks, building societies, estate and employment agencies</li> <li>Professional and financial services, betting offices</li> </ul>	Permitted change to A1 <i>where a ground floor display window exists</i>
<b>A3</b> Restaurants and Cafes		Restaurants, snack bars, cafes	Permitted change to A1 or A2
<b>A4</b> Drinking Establishments		Pubs and bars	Permitted change to A1, A2 or A3
<b>A5</b> Hot Food Take-Aways		Take-Aways	Permitted change to A1, A2 or A3
<b>Sui Generis</b>		Shops selling and/or displaying motor vehicles, retail warehouse clubs, laundrettes, taxi or vehicle hire businesses, amusement centres, petrol filling stations	No permitted change
<b>B1</b> Business	Class II  Class III	(a) Offices, not within A2 (b) Research and development, studios, laboratories, high tech (c) Light industry	Permitted change to B8 <i>where no more than 235m</i>
<b>B2</b> General industry	Class IV-IX	General industry	Permitted change to B1 or B8 <i>B8 limited to no more than 235m</i>
<b>B8</b> Storage or Distribution	Class X	Wholesale warehouse, distribution centres, repositories	Permitted change to B1 <i>where no more than 235m</i>
<b>Sui Generis</b>		Any work registrable under the Alkali, etc. Works Regulation Act, 1906	No permitted change
<b>C1</b> Hotels	Class XI	Hotels, boarding and guest houses	No permitted change
<b>C2</b> Residential Institutions	Class XII Class XIV	<ul style="list-style-type: none"> <li>Residential schools and colleges</li> <li>Hospitals and convalescent/nursing homes</li> </ul>	No permitted change
<b>C2A</b> Secure residential institutions		Prisons, young offenders institutions, detention centres, secure training centres, custody centres, short-term holding centres, secure hospitals, secure local authority accommodation or use as military barracks.	No permitted change
<b>C3</b> Dwelling houses		<ul style="list-style-type: none"> <li>Single occupancy or single households (in the family sense);</li> <li>No more than six residents living as a single household where care is provided;</li> <li>No more than six residents living as a single household where the building is managed by a local housing authority, a registered social landlord, a police authority, a fire authority, or a health service body.</li> </ul>	Permitted to change to C4
<b>C4</b> Houses in multiple occupation		Use of a dwellinghouse by between three and six residents, who do not form a single household (in the family sense) and share basic facilities (toilet, bathroom or kitchen).	Permitted to change to C3
<b>Sui Generis</b>		<ul style="list-style-type: none"> <li>House in multiple occupation with more than six residents</li> <li>Hostel</li> </ul>	No permitted change



<b>D1</b> Non-Residential Institutions	Class XIII Class XV Class XVI	<ul style="list-style-type: none"> <li>• Places of worship, church halls</li> <li>• Clinics, health centres, creches, day nurseries, consulting rooms</li> <li>• Museums, public halls, libraries, art galleries, exhibition halls</li> <li>• Non-residential education and training centres</li> </ul>	No permitted change
<b>D2</b> Assembly and Leisure	Class XVII Class XVIII	<ul style="list-style-type: none"> <li>• Cinemas, music and concert halls</li> <li>• Dance, sports halls, swimming baths, skating rinks, gymnasiums</li> <li>• Other indoor and outdoor sports and leisure uses, bingo halls, casinos</li> </ul>	No permitted change
<b>Sui Generis</b>	Class XVII	Theatres, nightclubs	No permitted change



Present: Councillor Ruhemann (Chair);

Councillors Ayub, Ballsdon, Livingston, Maskell, Page, Rynn, Singh, Williams and Willis.

Apologies: Councillors Duveen, Eastwood, Gavin and Stanford-Beale.

## RESOLVED ITEMS

### 1. MINUTES

The Minutes of the meeting held on 24 April 2013 were agreed as a correct record and signed by the Chair.

### 2. SITE VISITS

The Director of Environment, Culture and Sport submitted, at the meeting, a report containing a draft schedule of applications to be considered at future meetings of the Committee to enable Councillors to decide which sites, if any, they wished to visit prior to determining the relevant applications.

The report also had attached at Appendix A, a new Local Safety Practice (LSP) for Committee Site Visits which had been devised. The new LSP had been sent to all Councillors on 17 May 2013.

Resolved -

- (1) That the under-mentioned applications and sites, together with any additional applications which the Head of Planning and Building Control might consider appropriate, be the subject of site visits:

13/00548/FUL - CAVERSHAM HOUSE, 13-17 CHURCH ROAD, CAVERSHAM

Re-development comprising 14 residential apartments on the first, second and third floors and two commercial units on the ground floor (Classes A1 and A2), associated parking and private amenity space.

13/00560/REG3 - MAPLEDURHAM PAVILION, MAPLEDURHAM PLAYING FIELDS, UPPER WOODCOTE ROAD

Replacement and extension of roof, installation of new roof lights and construction of glazed veranda on east elevation.

13/00265/APPCON - 15 WESTERN ELMS AVENUE

Discharge of Conditions 2, 3, 4, 6, 7, 8, 9, 10 and 11 of planning permission 10/01348/FUL allowed on appeal APP/EO345/A/A/10/2138413

- (2) That the Local Safety Practice for Planning Applications Committee Site Visits, as attached at Appendix A, be noted.

### 3. PLANNING APPEALS

#### (i) New Appeals

The Director of Environment, Culture and Sport submitted a schedule giving details of a notification received from the Planning Inspectorate regarding a planning appeal, the method of determination for which he had already expressed a preference in accordance with delegated powers, which was attached as Appendix 1 to the report.

#### (ii) Appeals Recently Determined

The Director of Environment, Culture and Sport submitted a list of decisions that had been made by the Secretary of State, or by an Inspector appointed for the purpose, which was attached as Appendix 2 to the report.

#### (iii) Report on Appeal Decision

The Director of Environment, Culture and Sport submitted a report on the following appeal decision in Appendix 3:

Dismissed:

**12/01125/FUL - 4 WELLINGTON AVENUE, READING**

Demolition of existing dwelling and erection of four 4-bed detached chalet style dwellings.

Informal hearing.

Resolved -

- (1) That the new appeal, as set out in Appendix 1, be noted;
- (2) That the outcome of the recently determined appeals, as set out in Appendix 2, be noted;
- (3) That the report on the appeal decision as set out in Appendix 3 be noted.

### 4. TELECOMMUNICATIONS APPLICATIONS

The Director of Environment, Culture and Sport submitted a report stating that, since 24 April 2013, no prior approval notifications had been received or decided, no applications had been received for planning permission and no planning applications had been decided.

Resolved - That the report be noted.

**5. INTRODUCTION OF ADDITIONAL PERMITTED DEVELOPMENT RIGHTS UNDER THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (AMENDMENT) (ENGLAND) ORDER 2013**

The Director of Environment, Culture and Sport submitted a report stating that the Government had published the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 (GDPO). The Order, which would come into operation on 30 May 2013, increased permitted development rights to undertake specific kinds of development including changes of use. Permitted development was development which required planning permission, but the required permission was granted by virtue of the provisions set out in a development order ie the GDPO.

The report summarised these changes and considered the possible implications for the Council as Local Planning Authority, including those relating to the submission of applications for prior approval, under which applications were to be decided within a prescribed period of either 42 or 56 days, otherwise prior approval would be given by default. The report recommended that the Head of Planning and Building Control be given delegated authority to deal with all matters relating to prior approval applications.

An update report was tabled at the meeting which had attached, at Appendix A, a short note published by the Department for Communities and Local Government summarising the neighbour consultation process for larger household extensions. The update report also proposed that Ward Councillors and members of the Planning Management Panel be informed when a valid application for prior approval was received and that a report be submitted to each meeting of the Planning Applications Committee containing details of applications for prior approval, decision timescales and decisions made under officers' delegated powers.

**Resolved -**

- (1) That the report and the tabled update report be noted;
- (2) That the relevant Ward Councillors and members of the Planning Management Panel be advised when a valid application for prior approval was received;
- (3) That the Head of Planning and Building Control be given delegated authority to deal with all matters relating to applications for prior approval as set out in the Town and Country Planning (General Permitted Development) (Amendment) (England) order 2013, as set out in the update report.

**6. QUARTERLY PERFORMANCE MONITORING REPORT - DEVELOPMENT MANAGEMENT SERVICE - QUARTER 4, 2012/13 (JANUARY-MARCH 2013) AND THE YEAR 2012/13**

The Director of Environment, Culture and Sport submitted a report which provided information on performance in development management (applications, appeals and enforcement) for Quarter 4 (January-March 2013) and for the year 2012/13.

The report explained that performance in processing planning applications had been measured against the former national indicator NI157 which addressed the speed with which the applications were determined, and against the Planning Guarantee. The Government had set targets of 60% of "major" applications to be determined in 13 weeks, 65% of "minor" applications to be determined in eight weeks, and 80% of "other" applications also to be determined in eight weeks. The Planning Guarantee was that, in principle, no application should spend more than 26 weeks with either the Local Planning Authority (LPA) or the Planning Inspectorate, except by prior agreement with the applicant. In September 2012, the Government had published statistics showing how LPAs had performed against the Guarantee in 2011/12. These had included the number and percentage of (i) all applications and (ii) major applications decided within 26 weeks and, accordingly, these additional performance statistics were included in Table 1 which showed Reading's performance against targets and the Planning Guarantee.

The report stated that the number of valid applications in 2012/13 had fallen by 14% compared to the previous year. Performance in the minor and other categories of application had met targets, whilst major applications had been below target at 42% within 13 weeks. In response to the Government's consultation proposal on major application performance, it would be necessary to improve performance in respect of major applications and this might lead to more refusals of permission in the future if legal agreements could not be completed in time or applicants did not agree to enter into PPAs or agree to extensions of time to determine their applications. The percentage of applications approved remained very high at 91% for major applications, 81% for minor applications and 94% for householder applications. The number of pre-application enquiries received in 2012/203 had been 23% higher than those received in 2011/12.

With regard to Section 78 appeals, 2012/13 had experienced an increase in the percentage of appeals allowed at 46%, compared to 36% in 2011/12. The target was no more than 33 %. This increase seemed to reflect a more permissive approach to development by the Planning Inspectorate following publication of the National Planning Policy Framework in March 2012. It was not considered to be an indication of a reduction in the quality of decisions made by the Council when refusing permission prior to each appeal.

The number of new enforcement complaint cases in 2012/13 had fallen by 6% compared to the previous year, but still exceeded 400. The percentage of cases completed or where formal enforcement proceedings had commenced within 13 weeks (target 60%) had fallen to 49%, reflecting a reduction in the planning enforcement team from three to two officers.

#### Future Application Performance Measurement

The report also referred to the need to make changes to future application performance management. Firstly, given the Government's intention to use a measure of 30% or fewer of major applications determined within 13 weeks over the previous two-year period (but excluding Planning Performance Agreement (PPA) applications and those where the applicant had agreed an extension of time with the LPA) as a basis for defining "very poor performance" it would be necessary in future to measure performance against this bar. Because the measure excluded applications with a PPA or an agreed extension of time, the current

Reading Borough Council targets were no longer useful, although the Government might continue to publish application statistics on that basis. For non-PPA and non-extension of time applications, it would be logical at first to measure performance against a theoretical service standard of 100% and subsequently to adopt realistic and achievable targets when the achieved level of performance emerged through monitoring.

In addition, performance against the 26 week Planning Guarantee needed to be measured and a 100% performance level aimed for, since it was understood that under regulations likely to follow from the Growth and Infrastructure Act 2013, an applicant would be able to insist that their application fee was returned (except where a PPA was in place) if the Guarantee was not met.

Finally, the report referred to the greater emphasis which the Government was placing on the use of the prior approval process to assess certain aspects of a range of new permitted development rights (some for a limited period) to be introduced on 30 May 2013 (Minute 5 refers), and stated that it was proposed in future to publish performance against these time limits.

**Resolved** - That the report be noted.

## **7. PLANNING APPLICATIONS**

The Committee considered reports by the Director of Environment, Culture and Sport.

**Resolved** -

- (1) That consideration of the following applications be deferred for the reasons indicated:

### **12/01920/FUL - 4, 6 AND 8 CROSS STREET, READING**

Change of use of first and second floors and conversion of loft space from offices to 3 x studio flats and 6 x one-bedroom flats including construction of new mansard roof and new rear access stairs. Internal remodeling and construction of new shop front to No 8 Cross Street.

Deferred to enable officers to discuss with the applicant issues raised concerning the proposed Section 106 Agreement.

### **13/00265/APPCON - 15 WESTERN ELMS AVENUE**

Discharge of Conditions 2, 3, 4, 6, 7, 8, 9, 10 and 11 of planning permission 10/01348/FUL allowed on appeal APP/E0345/A/A/10/2138413.

An update report was tabled at the meeting which gave details of three further letters of objection received, together with additional information concerning materials, lighting and boundary treatment. Samples of bricks were also displayed at the meeting.

Deferred for a site visit, and also to allow further consideration of options for types of bricks to be used; options for lighting; and options for boundary treatment,

including planting of pyracantha, or other similar shrubs.

Objector Alan Overton and the applicant Nicholas McDonagh attended the meeting and addressed the Committee on this application.

- (2) That, subject to the requirements indicated, the Head of Planning and Building Control be **authorised to determine** the following applications under planning legislation:

**13/00150/FUL - 7 SCHOOL LANE, EMMER GREEN, CAVERSHAM**

Demolition of existing dwelling and detached garage and construction of a new dwelling and detached garage.

The issue of planning permission to be dependent on the submission of appropriate bat survey(s) and mitigation measures (if necessary) by 28 June 2013 (unless a later date be agreed by the Head of Planning and Building Control).

In the event of the requirements set out not being met, the Head of Planning and Building Control be authorised to refuse permission.

Conditional planning permission and informatives as recommended, subject to Construction Method Statement being approved in consultation with Ward Councillors and to an additional informative concerning repairs to the road.

Comments and objections received and considered.

**13/00406/FUL - 3 DERBY ROAD, CAVERSHAM**

Demolition of existing and erection of two new detached dwellings and new access.

An update report was tabled at the meeting which gave details of a further letter of objection received and officer comments thereon.

The issue of planning permission to be dependent on the completion of a Section 106 legal agreement by 28 June 2013 (unless a later date be agreed by the Head of Planning and Building Control) to secure:

- A financial contribution of £3,000 towards the Reading Urban Area Package (RUAP) - for use in the north area action plan areas of the Local Transport Plan. Payment to be index-linked from the date of planning permission and to be made prior to commencement of development.
- A financial contribution of £10,269 towards Education facilities in the north area of the borough. Payment to be index-linked from the date of planning permission and to be made prior to occupation of development.
- A financial contribution of £2,000 towards the open space/leisure improvements at the Thames Parks. Payment to be index-linked from the date of planning permission and to be made prior to occupation of development.
- A financial contribution of £15,000 towards the provision of Affordable



Housing in the borough. Payment to be index-linked from the date of planning permission and to be made prior to occupation of development.

In the event of these requirements not being met, the Head of Planning and Building Control be authorised to refuse permission.

Conditional planning permission and informatives as recommended, subject to:

- Hours of working condition being amended to prevent work taking place before 9.00am;
- Garage not to be used as living space.

Comments and objections received and considered.

Councillor Hopper attended the meeting and addressed the Committee on this application.

- (3) That, pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, the carrying out of the following developments be authorised, subject to the conditions now specified:

**13/00380/REG3 - COLEY PRIMARY SCHOOL - WOLSELEY STREET**

One demountable modular double classroom and associated external works.

Granted as recommended.

Conditional planning permission and informatives as recommended.

Comments received and considered.

**13/00434/REG3 - THE HILL PRIMARY SCHOOL, PEPPARD ROAD, EMMER GREEN**

WC block extension.

Granted as recommended.

Conditional planning permission and informatives as recommended.

Comments received and considered.

**13/00386/REG3 - LAND TO THE REAR OF 27-43 TEVIOT ROAD, TILEHURST**

Conversion of derelict garage site to form extensions of residential gardens.

Granted as recommended.

Conditional planning permission and informatives as recommended.

Comments received and considered.

**13/00382/REG3 - WHITLEY PARK PRIMARY & NURSERY SCHOOL, BRIXHAM ROAD**

Entrance foyer extension and installation of new canopies.

Granted as recommended.

Conditional planning permission and informatives as recommended.

Comments received and considered.

- (4) That the following observation be made to the statutory body in question in respect of the under-mentioned proposal referred to the Council for consultation purposes:

**13/00483/ADJ - 900 SOUTH OAK WAY, GREEN PARK.**

Approval of reserved matters following outline permission 10/00492/XOUTMA.  
Matters to be considered: Access, Appearance, Landscaping, Layout and Scale.

That West Berkshire Council be informed that this Council does not raise an objection to the proposed development, and that West Berkshire Council be sent a copy of the report for their information and use.

**8. EXCLUSION OF PRESS AND PUBLIC**

Resolved -

That, pursuant to Section 100A of the Local Government Act 1972 (as amended), members of the press and public be excluded during consideration of the following item as it was likely that there would be a disclosure of exempt information as defined in Paragraphs 6 and 7 of Part 1 of Schedule 12A (as amended) to that Act.

**9. ENFORCEMENT ITEM**

The Director of Environment, Culture and Sport submitted a report advising the Committee of the current position with regard to enforcement of a Tree Replacement Notice and containing details of options open to the Council.

Resolved - That Option 1 as set out in the report be approved.

(The meeting closed at 8.39pm).

# READING BOROUGH COUNCIL

## REPORT BY DIRECTOR OF ENVIRONMENT, CULTURE AND SPORT

<b>TO:</b>	PLANNING APPLICATIONS COMMITTEE		
<b>Date:</b>	26 <sup>th</sup> June 2013	<b>AGENDA ITEM:</b>	4
<b>TITLE:</b>	POTENTIAL SITE VISITS FOR COMMITTEE ITEMS		
<b>SERVICE:</b>	PLANNING	<b>WARDS:</b>	BOROUGH WIDE
<b>AUTHOR:</b>	David Breeze	<b>TEL:</b>	0118 9372410
<b>JOB TITLE:</b>	Planning Manager (Implementation)	<b>E-MAIL:</b>	david.breeze@reading.gov.uk

### 1. PURPOSE AND SUMMARY OF REPORT

- 1.1 To identify those sites where, due to the sensitive or important nature of the proposals, a Committee Site Visit might be appropriate before the meeting of the next Committee or at a future date and confirm relevant site visit dates as shown in diary.

### 2. RECOMMENDED ACTION

- 2.1 That you resolve to visit the sites in the Appendix which will be provided with the update Agenda on day of forthcoming Planning Applications Committee and identify any further site visits. That you confirm the site visit date and time shown in your diary.

### 3. THE PROPOSAL

- 3.1 The potential list of agenda items submitted since the last meeting of the Planning Applications Committee will be provided with the update Agenda on the day of forthcoming Planning Applications Committee. Where appropriate, I will identify those applications that I feel warrant a site visit by the Committee prior to formal consideration of the proposals.
- 3.2 Where a councillor has called in a normal delegated application for a Committee decision, they may also request a site visit if they consider it appropriate.
- 3.3 Officers may also recommend a site visit if they intend to report a normally delegated application to the Committee for a decision.
- 3.4 A site visit may also be proposed in connection with a planning enforcement issue which is before the Committee for consideration.
- 3.5 Site visits in the above circumstances should take place in advance of a Committee decision and should only be used where the expected benefit is substantial.
- 3.6 Site visits consist simply of an inspection by a viewing Committee, with officer assistance, as the most fair and equitable process between applicant and

objectors. Site visits are normally unaccompanied (ie without applicant and objectors). If accompanied, applicants and objectors will have no right to speak but may observe the process and answer questions when asked. Applicants will be informed of such visits as a matter of practice.

3.7 A site visit is only likely to be necessary if the impact of the proposed development is difficult to visualise from the plans and any supporting material including photographs taken by officers (although, if this is the case, additional illustrative material should have been requested); or, there is a good reason why the comments of the applicant and objectors cannot be expressed adequately in writing; or, the proposal is particularly contentious.

3.8 There may also be occasions where officers or councillors request a post completion site visit in order to review the quality or impact of a particular development.

3.9 Where for capacity reasons, it has not proved possible to accommodate all the agreed sites on the first available visit date, any outstanding sites will be added to a reserve list for inclusion on the next suitable visit date.

#### **4. CONTRIBUTION TO STRATEGIC AIMS**

4.1 The planning development management process (including Committee site visits) considers planning applications and thereby contributes to the Council's strategic aims in terms of :

- To Develop Reading as a Green City with a sustainable environment and economy at the heart of the Thames Valley
- To promote equality, social inclusion and a safe and healthy environment for all

4.2 Determining planning applications can also support the aims of the Sustainable Community Strategy (Reading 2020).

- A Fairer Reading for All
- Children and Young People
- Cleaner and Greener Environments
- Culture Leisure and Sport
- Decent and affordable Housing
- Healthy People and Lifestyles
- Safer and Stronger Communities
- Thriving Economy and Skills
- Transport and Accessible Spaces

#### **5. COMMUNITY ENGAGEMENT AND INFORMATION**

5.1 Statutory neighbour consultation takes place on planning applications.

#### **6. EQUALITY IMPACT ASSESSMENT**

- 6.1 Officers when assessing an application and when making a recommendation to the Committee, will have regard to its duties Under the Equality Act 2010, Section 149, to have due regard to the need to—
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

## **7. LEGAL IMPLICATIONS**

- 7.1 Non arising from this report.

## **8. FINANCIAL IMPLICATIONS**

- 8.1 The cost of site visits is met through the normal planning service budget.

## **9. BACKGROUND PAPERS**

Reading Borough Council Planning Code of Conduct.

Local Safety Practice 2013 Planning Applications Committee site visits.

**READING BOROUGH COUNCIL**  
**REPORT BY DIRECTOR OF ENVIRONMENT**

<b>TO:</b>	<b>PLANNING APPLICATIONS COMMITTEE</b>		
<b>DATE:</b>	<b>26<sup>th</sup> June 2013</b>	<b>AGENDA ITEM:</b>	<b>5</b>
<b>TITLE:</b>	<b>PLANNING APPEALS</b>		
<b>SERVICE:</b>	<b>PLANNING</b>	<b>WARDS:</b>	<b>ALL</b>
<b>AUTHOR:</b>	<b>David Breeze</b>	<b>TEL:</b>	<b>0118 939 0410</b>
<b>JOB TITLE:</b>	<b>Planning Manager (Implementation)</b>	<b>E-MAIL:</b>	<b>david.breeze@reading.gov.uk</b>

**1. PURPOSE AND SUMMARY OF REPORT**

- 1.1 To report notifications received from the Planning Inspectorate concerning various planning appeals.

**2. RECOMMENDED ACTION**

- 2.1 That you note the appeals received and the method of determination as listed in Appendix 1 of this report.
- 2.2 That you note the appeals decided as listed in Appendix 2 of this report.
- 2.3 That you note the Planning Officers reports on appeal decisions in Appendix 3

**3. THE PROPOSAL**

- 3.1 Please see Appendix 1 of this report for new appeals lodged since the last committee.
- 3.2 Please see Appendix 2 of this report for new appeals decided since the last committee.
- 3.3 Please see Appendix 3 of this report for new Planning Officers reports on appeal decisions since the last committee.

**4. CONTRIBUTION TO STRATEGIC AIMS**

- 4.1 The planning development management service defends planning decisions at appeal and thereby contributes to the Council's strategic aims in terms of :
- To Develop Reading as a Green City with a sustainable environment and economy at the heart of the Thames Valley
  - To promote equality, social inclusion and a safe and healthy environment for all

7.2 Defending planning appeals can also support the aims of the Sustainable Community Strategy (Reading 2020).

- A Fairer Reading for All
- Children and Young People
- Cleaner and Greener Environments
- Culture Leisure and Sport
- Decent and affordable Housing
- Healthy People and Lifestyles
- Safer and Stronger Communities
- Thriving Economy and Skills
- Transport and Accessible Spaces

## **8. COMMUNITY ENGAGEMENT AND INFORMATION**

8.1 Statutory consultation takes place on planning applications and appeals and this can have bearing on the decision reached by the Secretary of State and his Inspectors. Copies of appeal decisions are held on the public Planning Register.

## **9. EQUALITY IMPACT ASSESSMENT**

9.1 Where appropriate the Council will refer in its appeal case to matters connected to its duties Under the Equality Act 2010, Section 149, to have due regard to the need to—

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

## **10. LEGAL IMPLICATIONS**

11.1 Only Public Inquiries involve the use of legal representation. There is no third party right of appeal, only applicants have this right against refusal or non-determination.

## **12. FINANCIAL IMPLICATIONS**

12.1 Public Inquiries are Informal Hearings are more expensive in terms of officer and appellant time than the Written Representations method. Either party can be liable to awards of costs. Guidance is provided in Circular 03/2009 "Cost Awards in Appeals and other Planning Proceedings".

## **13. BACKGROUND PAPERS**

13.1 Planning Appeal Forms and letters from the Planning Inspectorate.

## APPENDIX 1

### Appeals Lodged:

WARD: SOUTHCOTE  
APPEAL NO: APP/E0345/A/13/2197106  
CASE NO: 12/01233/FUL  
ADDRESS: Elvian School, 61 Bath Road  
PROPOSAL: Redevelopment to provide 193 residential units (173 new build and 20 through conversion) with associated access, parking, landscape and open space provision, following the demolition of existing school buildings  
  
CASE OFFICER: Justin Turvey  
METHOD: Public Inquiry  
APPEAL TYPE: REFUSAL  
APPEAL LODGED: 14.05.2013

## APPENDIX 2

### Appeals Decided:

WARD: ABBEY  
APPEAL NO: APP/E0345/A/12/2189807/NWF  
CASE NO: 12/00578/FUL  
ADDRESS: 88 York Road  
PROPOSAL: Demolition of storage building and construction of a 3-bedroom dwelling  
  
CASE OFFICER: Richard Eatough  
METHOD: Written Representation  
DECISION: DISMISSED  
DATE DETERMINED: 20.05.2013

WARD: PARK  
APPEAL NO: APP/E0345/A/12/2187379/NWF  
CASE NO: 12/01146/FUL  
ADDRESS: 71 Eastern Avenue  
PROPOSAL: Construction of one 3-bed detached dwelling with access and parking on land rear of 71/75 Eastern Avenue (Resubmission of 11/01836/FUL)  
  
CASE OFFICER: Justin Turvey  
METHOD: Written Representation  
DECISION: DISMISSED  
DATE DETERMINED: 22.05.2013



WARD: TILEHURST  
APPEAL NO: APP/E0345/H/12/2188475  
CASE NO: 12-01268-ADV  
ADDRESS: 12 - 14 School Road  
PROPOSAL: 1 internally illuminated free standing double sided display unit  
CASE OFFICER: Claire Ringwood  
METHOD: Written Representation  
DECISION: ALLOWED  
DATE DETERMINED: 06.06.2013

WARD: KENTWOOD  
APPEAL NO: APP/E0345/A/13/2193326  
CASE NO: 12/01729/OUT  
ADDRESS: 928 Oxford Road, The Restoration Public House  
PROPOSAL: Outline application for the demolition of 'The Restoration' public house and erection of 20 apartments with associated parking, cycle storage and refuge storage (access, layout and scale only) (-re-submission of 11/01759/OUT)  
CASE OFFICER: Ben Pratley  
METHOD: Written Representation  
DECISION: DISMISSED  
DATE DETERMINED: 10.06.2013

### APPENDIX 3

Address Index of Planning Officers reports on appeal decisions.

12/00578/FUL	88 York Road
12/01146/FUL	71 Eastern Avenue
12/01729/OUT	928 Oxford Road

Planning Officers reports on appeal decisions attached.

# APPEAL DECISION REPORT:

BY THE DIRECTOR OF ENVIRONMENT CULTURE & SPORT  
READING BOROUGH COUNCIL  
PLANNING APPLICATIONS COMMITTEE: 26 June 2013

Ward: Abbey  
Appeal No: APP/E0345/A/12/2189807/NWF  
Planning Ref: 12/00578/FUL  
Site: 88 York Road, Reading  
Proposal: Demolition of storage building and construction of a 3-bedroom dwelling  
Decision level: Delegated  
Method: Written representations  
Decision: Appeal dismissed  
Date Determined: 3 May 2013  
Inspector: Jacqueline Wilkinson

## SUMMARY OF DECISION

The Inspector considered the main issues to be fourfold:

- (i) Whether the development would satisfactorily prevent unacceptable risk from flooding without increased flood risk elsewhere
- (ii) The effect on the living conditions of the adjacent occupiers at 149, 151 and 153 Caversham Road in terms of aspect and loss of late afternoon sun
- (iii) The effect on the character and appearance of the area; and
- (iv) The effect on the infrastructure provision of the Borough in terms of transport, education, leisure facilities and affordable housing.

### Flooding

The site is in Flood Zone 2 and the Inspector noted that the general aims of the NPPF were to steer inappropriate developments away from sites at highest risk of flooding, but that the NPPF Technical Guidance advises that dwellings are an appropriate use in Zone 2.

The difference between officers' approach and the Inspector's approach with this scheme is essentially that the Inspector gave more weight than the Council to three matters. The first was the Appellant's sequential test, which officers considered to be inadequate in terms of its geographical scope and failed to demonstrate to officers that there were no other safer sites for dwellings, at lesser risk of flooding.

Secondly, the Inspector gave weight to the fact that the technical guidance would not give rise to concerns for flooding if this were simply a change of use application.

Thirdly, she considered that there would be no greater run-off associated with the existing building and that the new building could be better designed in terms of flood resilience than the buildings nearby.

### Living conditions of adjacent properties

The Inspector considered there to be no material loss of amenity to the dwellings to above the shops of Caversham Road, although she accepted that the aspects (ie. the

general quality of outlook) from some of the windows would become more enclosed.

#### Character and appearance

The Inspector did not agree with officers that a regular roofline was needed on the rear/side of the proposed dwelling as in her opinion, the buildings opposite and on the other end of the terrace produced a varied character to the area and that therefore a variation in roof design was not inappropriate.

#### Infrastructure

Notwithstanding that she found the above aspects of the application to be acceptable, she dismissed the appeal on the basis of the failure to provide the necessary S.106 contributions via a S.106 agreement, accepting that officers had adequately demonstrated that the development would otherwise be unacceptable due to the increased pressure on the social infrastructure of the Borough attributable to the additional dwelling.

#### **HPBC COMMENTS ON THE DECISION:**

This is a somewhat surprising decision in terms of flooding policy, as the Inspector has effectively accepted - in your officers' opinion - a very limited Flood Risk Assessment and has allowed a development (albeit only a single unit) within an area of flood risk, on the basis that there would not be a policy concern if the existing storage building to be converted. This may be an indication that the Inspectorate is moving towards a more flexible approach on flood risk for these smaller developments, rather than applying the technical guidance and the Development Plan policy requirements strictly. The weight given to the fact that the building could be converted and therefore the flooding concerns would not apply appears to be contrary to the Appellant's claim that the building is not suitable for conversion. Therefore there was no evidence in front of the Inspector that this was even a rational fallback position. The Inspector does not appear to have specifically considered the issue of whether the development would provide 'significant regeneration benefits' (in terms of Policy CS35), although the inference is that the development would improve the amenities of the area.

However, in terms of flood risk, it is reasonable to conclude that the new building would have similar run-off rates to the existing building and although the Inspector has not referred to it, this would logically extend to the fact that the footprint of the proposal is the same as the existing storage building. Therefore displacement of flood storage capacity in a flood would be no worse than the existing situation and to that extent, there would be no greater risk of flooding outside of the site.

For Members' information, a new planning application has now been received for essentially the same development (the new style planning reference is 130795) and to gain planning approval, this application will still need to demonstrate suitable flood resilience and provide an appropriate S.106 agreement (including affordable housing). It should be noted that were the Council to have concluded that the development was acceptable in flood policy terms, in order to secure a safe access route, the occupants of the development would need to walk some 200 metres to the nearest point which is out of the flood area, which is on Ross Road, to the south-west of the site.

In the case of impact on living conditions and character/design, these matters have been considered by the Inspector and in her judgment, the harm caused was not sufficient enough to conclude that there was a conflict with the Council's design policies and this is accepted.

Site Plan:



Case officer: Richard Eatough

Ward: Park

Appeal Ref: APP/E0345/A/12/2187379

Planning Ref: 12/01146/FUL

Site: 71 Eastern Avenue, Reading

Proposal: Construction of one 3-bed detached dwelling with access and parking on land rear of 71/75 Eastern Avenue (Resubmission of 11/01836/FUL)

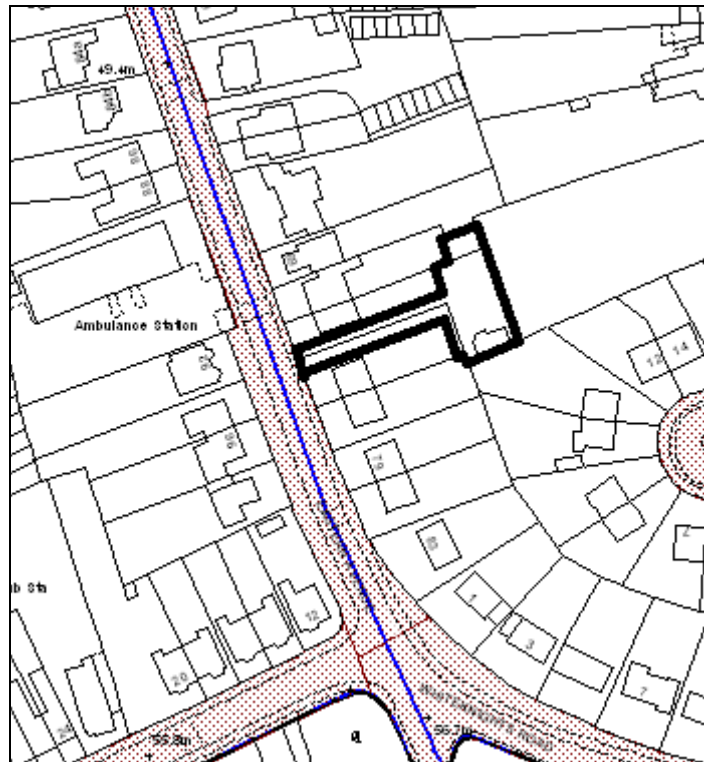
Decision level: Delegated

Method: Written Representations

Inspector: John Bell-Williamson MA MRTPI

Decisions: Appeal Dismissed

Date Determined: 22/05/2013



#### Site Description:

The appeal site is part of the rear gardens of Nos. 71, 73 and 75 Eastern Avenue. The site is located within a largely residential area and lies close to the South Park Conservation Area to the east and north of the site.

#### Description of Development:

The application which was the subject of the appeal relates to the erection of a detached 3-bedroom chalet style bungalow to the rear of the site.

#### Reasons for Refusal:

The application was refused for the following reasons:

The proposal would not provide a layout which integrates with the surrounding area with regard to the built up coverage of each plot, building lines, rhythm of plot frontages, parking areas, and existing pattern of openings on the site frontage and would result in a poor relationship to the existing built form and spaces around buildings within the surrounding area. It would therefore be detrimental to the character and appearance of the surrounding area and the adjacent Conservation Area and would fail to preserve or enhance its character or appearance.

The proposal would result in a building that would appear as an inharmonious and

incongruous feature, representing poor design, of detriment to the adjoining Conservation Area.

The proposal would result in an unacceptable level of perceived overlooking, and has not demonstrated it would not result in actual unacceptable overlooking, into the rear of No. 11 Waybrook Crescent, to the detriment of the occupiers of that property.

The proposal would result in a development in close proximity to, and overshadowed by, a protected Beech tree on an adjoining site. It is likely that the development would result in future pressure for the tree to be pruned, of detriment to its long term health.

The application has failed to demonstrate that the proposal would not have detrimental impact upon an identified Green Link, and has failed to propose adequate measures to mitigate any impact.

The proposal fails to provide adequate parking to serve the existing unit, No. 73 Eastern Avenue, resulting in conditions prejudicial to the free flow of traffic and highway safety.

The proposal fails to provide a completed legal agreement for the appropriate provision of or contributions towards necessary and relevant physical and social infrastructure relating to affordable housing, transport, education and leisure facilities.

#### **Main Issues:**

The Inspector considered the main issues to be:

- the effect on the character and appearance of the surrounding area, including the nearby South Park Conservation Area;
- the effect on the living conditions of the occupiers of No 11 Waybrook Crescent, with regard to privacy;
- the effect on a protected tree;
- the effect on an identified Green Link;
- the effect on parking and highway safety; and
- whether the proposal adequately contributes towards the provision of infrastructure and facilities relating to affordable housing, transport, education and leisure.

#### Character and appearance of the surrounding area

The Inspector found that the proposed house would be visible from Eastern Avenue and its position in rear gardens would be uncharacteristic and would reduce the openness of the area, that the blank façade would be in contrast with the rest of the street and that the extended driveway would be alien feature.

In relation to its design, the Inspector felt that the dwelling would have a complex roof form that would draw attention to its uncharacteristic proportions and give it an incongruous appearance compared to other properties. The Inspector concluded that the development would have an unacceptably harmful effect of the character and appearance of the area, including the nearby Conservation Area.

The appellant's statement drew the Inspector's attention to a recently approved backland development under construction at Nos. 61 - 65 Eastern Avenue; however, in the Final Submissions, officers were able to point out that this development was on a former garage court which was 'brownfield' land and kept to the footprint of the former garages. The Inspector therefore agreed that it was not directly comparable.

#### Living conditions of the occupiers of No 11 Waybrook Crescent

The appeal scheme proposed a large glazed area to the rear, much of which would be visible from No. 11 Waybrook Crescent. Whilst the Inspector considered that much of this area could be obscurely glazed to prevent overlooking, the extent of glazing was so extensive as to cause an unacceptable perception of overlooking, which would be harmful to the living conditions of the occupiers of No. 11.

#### The effect on a protected tree

The Inspector agreed with the submissions made by the Council that the extent of overhanging and the low level of the branches would mean that the mature protected Beech tree would come under pressure from future occupiers for pruning, harming the trees health and long term viability.

#### The effect on an identified Green Link

The Inspector agreed with the Council that the development would be unacceptable by reason of building on an identified Green Link without proposing any mitigation or measures to maintain or contribute to consolidation of the link.

#### The effect on parking and highway safety

The Inspector agreed with the Council's submissions that the reduction in parking from two spaces to one space to serve No. 73, which was proposed to allow for the extended driveway to serve the new dwelling, would be contrary to the Council's adopted standards and unacceptable in terms of parking and highway safety.

#### The provision of infrastructure

The applicant had submitted a Unilateral Undertaking which was considered to meet all requirements relating to transport, leisure and educational infrastructure impact mitigation and towards the provision of affordable housing. The Inspector was satisfied that the Council had provided details of how the contributions had been calculated proportionately and the specific infrastructure and facilities which the monies would be used for and that they therefore complied with the tests in Regulation 122 of the CIL Regulations and the policy requirements in the NPPF.

#### Other matters

The Inspector noted comments made in the appellants appeal statement regarding the developments contribution to housing supply, its sustainable location and sustainable design and construction principles but did not consider these outweighed the harm the development would cause.

The Inspector also considered submissions made by the appellant relating to examples of backland development allowed on appeal at two sites in Surrey. The Inspector agreed with submissions made by the Council at Final Comments stage that these schemes were not directly comparable to the appeal scheme, and were made under a different national (Pre adoption of the NPPF) and local policy framework and were not a precedent for this development.

#### **HPBC COMMENTS ON THE DECISION:**

This is a welcome appeal decision, particularly as the Inspector agreed with all the reasons contested by the Council at appeal.

In particular, it is pleasing that the Inspector gave considerable weight to Policy DM11 in relation to the impact of the development upon the character and appearance of the area.





Ward: Kentwood

Appeal No: APP/E0345/A/13/2193326

Planning Ref: 12/01729/OUT - 120913

Site: The Restoration Public House, 928 Oxford Road

Proposal: The demolition of 'The Restoration' public house and erection of 20 apartments with associated parking, cycle storage and refuge storage (access, layout and scale only) (-re-submission of 11/01759/OUT)

Decision level: Committee

Method: Written Representations

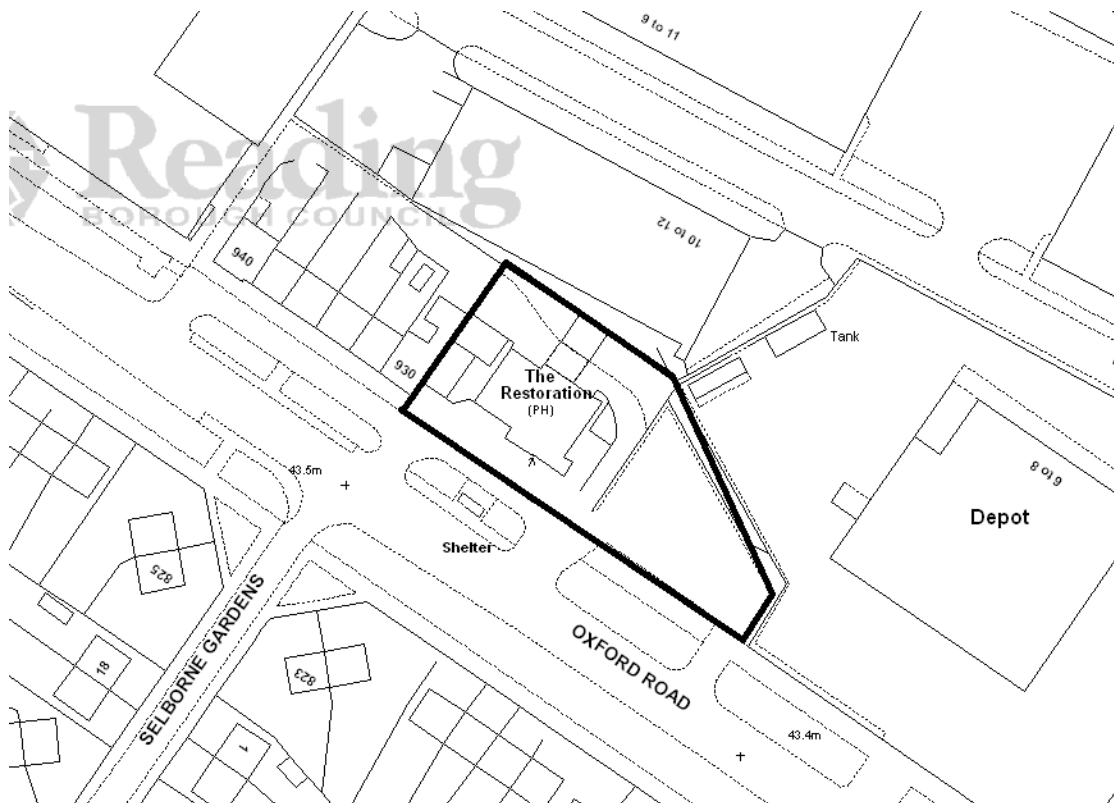
Decision: Dismissed.

Date Determined: 10 June 13, 2013

Inspector: Brian Dodd BA MPhil MRTPI

### Site Description

The appeal site comprises a currently vacant 1930s public house, with associated car park and gardens. The car park is currently in use as a hand car wash. Areas of hardstanding and relatively low rise commercial buildings are located to the east and south east of the site, and two storey dwellings are situated to the south and south west, on the far side of Oxford Road. To the north west of the site lie a two and a half storey parade of shops, with accommodation within the roof space. Beyond this is a Waitrose supermarket.



### Description of Development:

Outline application for the demolition of the existing building and the erection of a block of flats consisting of 10 two bedroom flats and 10 one bedroom flats. 25 car parking spaces were proposed to either side of the proposed building, with an area of amenity space to the rear. The appellant sought approval for the proposed access, layout and scale with appearance and landscaping to be considered as reserved matters.

### Reasons for Refusal:

The application was refused for the following reasons:

1. The proposed development would result in the loss of a community and leisure use, without providing for a comparable replacement, or justification for the loss.
2. The application has not been accompanied by a noise assessment.
3. The proposed development would result in the demolition of a building that is considered to have historic and architectural interest, without proposing a replacement that is of equal or greater quality.
4. The applicant has failed to demonstrate that the proposed amenity space would be of an acceptable standard.
5. The applicant has failed to demonstrate that the proposal would meet Code Level 3 and 4 of the Code for Sustainable Homes.
6. In the absence of a completed legal agreement to secure contributions towards local recreation/leisure and education infrastructure improvements and affordable housing the proposal fails to deal with its direct impact.

#### **Main Issues:**

The Inspector considered the main issues to be i) the availability of community and leisure facilities in the locality; ii) the street scene; iii) the amenity of the occupiers of the flats; iv) the provision of services, infrastructure and affordable housing.

#### The availability of community and leisure facilities in the locality

The Inspector confirmed that the Campaign for Real Ale (CAMRA) Public House Viability Test has no formal status in the planning system, but recognised that it was designed to help with assessment in cases such as this. Whilst recognising that the appellant had answered some of the questions in the test he considered it important that he had not answered the sections dealing with competition, the management of the business, and efforts to sell the public house. He considered the evidence of marketing the public house to be inadequate. He determined that further evidence would be required before the conclusion could be reached that there was no reasonable prospect of the premises being sold or leased for use as a public house.

#### The street scene

The Inspector considered that the public house is an attractive building and an important feature in the streetscene. In his opinion any replacement building should also be attractive in itself and sympathetic to the scale and character of its surroundings.

He stated that the block of flats would be significantly larger than the existing building, but noted that the Council considered the scale and massing to be acceptable. He did, however, find the detailed design to be flat and insipid, lacking the visual interest and character of the existing building. However, the application is in outline and appearance is reserved. Were there no other objection to the proposal he considered that this is an issue that could be dealt with as a reserved matter.

#### The amenity of the occupiers of the flats

The appellant's noise assessment concluded that although the site is in a relatively noisy location, 'reasonable' internal noise levels (as defined by BS8233) could be

achieved by careful design and choice of materials. Based on advice from the Environmental Protection Team the Council maintained that a 'good' standard is required for new development. In the Inspectors opinion it is important to be sure that appropriate levels of insulation could be achieved, and this would depend upon the precise design and materials chosen for the development. In this noisy location, this is a matter which should properly be resolved before planning permission is granted, and there is insufficient evidence to conclude with confidence that a suitable standard could be achieved.

The appeal proposal would provide less amenity space than required by Policy DM10, the space would lie to the north-east of the proposed building, below street level, and it would be dominated by the high blank wall of the adjacent industrial building. The Council confirmed that the shortfall in total amenity space would be acceptable if it could be demonstrated, by the submission of shadow diagrams and landscaping principles, that the proposed space would be useable by residents. Although the application is in outline, the Inspector stated that this consideration is fundamental in deciding whether the proposal is acceptable in principle, and there was insufficient evidence before him to conclude that sufficient suitable, useable, amenity space could in fact be provided.

#### The provision of services, infrastructure and affordable housing

The Inspector states that he has no reason to suppose that the requested contributions would not be directly related to the development, necessary to make it acceptable in planning terms, and fairly and reasonably related to it in scale and kind. In the absence of a signed undertaking by the appellant to make the contributions sought, and to provide the affordable housing, he concluded that the proposal would not make appropriate provision for supporting services, infrastructure and affordable housing.

#### **HPBC COMMENTS ON THE DECISION:**

Whilst stating that the CAMRA Public House Viability Test has no formal status in the planning system, it is welcome that the Inspector places some weight on the fact that the appellant had failed to supply all of the information requested by this document.

It is also useful that the Inspector has clearly identified those issues (noise, residential amenity, appearance) that would need to be satisfactorily resolved before the principle of redeveloping this property for residential use could be considered.

It is interesting to note that notwithstanding the design problems, the Inspector concluded that as the application was in outline, the issue could be dealt with as a reserved matter (following a grant of outline approval). Given, presumably, that the Council was content with the scale and massing of the building, but despite the fact that a design and access statement accompanying an outline planning application must explain the design principles and concepts that have been applied and demonstrate the steps taken to appraise the context of the development and how the design of the development has taken that context into account in relation to its proposed use.

READING BOROUGH COUNCIL

REPORT BY DIRECTOR OF ENVIRONMENT

TO:	PLANNING APPLICATIONS COMMITTEE		
DATE:	26 <sup>th</sup> June 2013	AGENDA ITEM:	6
TITLE:	APPLICATIONS FOR PRIOR APPROVAL		
SERVICE:	PLANNING	WARDS:	ALL
AUTHOR:	David Breeze	TEL:	0118 9372410
JOB TITLE:	Planning Manager (Implementation)	E-MAIL:	david.breeze@reading.gov.uk

1. PURPOSE AND SUMMARY OF REPORT

- 1.1 To update the Committee on new applications and decisions relating to applications for prior-approval under the Town and Country Planning (General Permitted Development) Order (GDPO).

2. RECOMMENDED ACTION

- 2.1 That you note the report.

3. BACKGROUND

- 3.1 At your meeting on 29 May 2013 a report was presented which introduced new permitted development rights and additional requirements for prior approval from the local planning authority for certain categories of permitted development. It was agreed that a report be brought to future meetings for information and to include details of applications for prior approval pending a decision and applications which have been decided since the last Committee date.

4. PROPOSAL

- 4.1 The categories of development requiring prior approval under the Town and Country Planning (General Permitted Development) Order 1995 as amended (the GDPO) are summarised as follows:

- (i) **Householder development** - rear home extensions. GDPO Part 1, Class A1 (ea). Decision period 42 days where prior approval is required.
- (ii) **Change of use from B1 office to C3 residential**. GDPO Part 3, Class J. Decision period 56 days.
- (iii) **Change of use to state funded school** from B1 (business), C1 (hotels), C2 (residential institutions), C2A (secure residential institutions) and D2 (assembly and leisure). GDPO Part 3 Class K. Decision period 56 days.
- (iv) **Change of use of 150 sq m or more of an agricultural building** (and any land within its curtilage) to flexible use within classes A1, A2, A3, B1, B8, C1 and D2. GDPO Part 3 Class M. Decision period 56 days.

- (v) **Development under local or private Acts and Orders** (e.g. Railways Clauses Consolidation Act 1845). GDPO Part 11. No decision period is specified.
  - (vi) **Development by telecommunications code system operators.** GDPO Part 24. Decision period 56 days.
  - (vii) **Demolition of buildings.** GDPO Part 31. Decision period 28 days.
- 4.2 A list of applications received and those decided is set out below in Tables 1 and 2.
- 4.3 It should be borne in mind that the planning considerations to be taken into account in deciding each of these types of application is specified in more detail in the GDPO. In some cases the LPA will first need to confirm whether or not prior approval is required before going on to decide the application on its planning merits where prior approval is required.
- 4.4 This report will also replace the previous regular report on applications for telecommunications development.
- 4.5 Details of appeals relating to prior-approvals will be included elsewhere in the agenda.

Table 1 - Prior-approval applications pending

Application type	Application ref. No.	Address	Ward	Proposal	Date Received	Decision Expiry Date	Comments
Prior Approval under Part 11 of the GDPO.	13-0763	The Triangle area of railway land, west of Reading Station and south of the main Great Western railway line	Abbey	Alteration to the new railway line through the Triangle are to incorporate a new access roadway on the eastern side of the embankment	21/5/13	N/A	Amendment to the development for new railway viaducts and railway line previously granted prior approval under 11/01885/FUL.
Prior Approval under Part 3 Class J	13-0814	156-158 Friar Street, Reading	Abbey	Change of use of the first, second and third floors from Class B1(a) (offices) to C3 (dwellinghouses) to comprise 2 x 2 bed and 4 x 1 bed flats.	31/5/2013	26/7/13	Site has planning permission with S.106 legal agreement for conversion of upper floors to form 2 x 2 bed and 4 x 1 bed flats (12/01647/FUL).
Prior Approval under Part 3 Class J	13-0957	Yell House, Queens Walk	Abbey	Prior Approval Notification Change of Use from office space (B1) to residential (110 flats)	6/6/13	31/7/13	
Prior Approval under Part 3 Class J	13-0862	14 Norcot Road	Tilehurst	Prior Approval Notification Change of Use from B1 (office) to C3 residential	10/6/13	4/8/13	
Prior Approval under Part 3 Class J	13 - 0847	106 London Street	Abbey	Prior Approval Notification Change of Use from B1 (office) to C3 (7 1xbed flats)	11/6/13	5/8/13	
Prior Approval under Part 3 Class J	13-0845	Q2 Building, Watlington Street	Abbey	Prior Approval Notification Change of Use from A1-A4 or B1 (office) to C3 (1x 1 bed	11/6/13	5/8/13	

				and 1 x 2 bed flats)			
Prior approval under Part 3, Class J	13-0867	102 Kings Road	Abbey	Prior Approval Notification Change of use from office space (B1) on ground, first and second floors to residential flats (C3)	14/6/13	9/8/13	
Prior approval under Part 3, Class J	13-0870	125 Chatham Street	Abbey	Prior Approval under part 3 Change of use of building from B1 (Offices) to C3 (Flats) under class J on an existing 2-storey building to provide 8 no. 1-bedroom flats.	11/6/13	6/8/13	

Table 2 - Prior-approval applications decided since 29 May 2013

Application type	Application ref. No.	Address	Ward	Proposal	Date Received	Decision Date	Dcision
-	-	-	-	-	-	-	-

## **5. CONTRIBUTION TO STRATEGIC AIMS**

5.1 The review of development proposals is in line with the Council's strategic aim to promote a safe and healthy environment for all and to develop Reading as a Green City with a sustainable environment and economy.

5.2 This supports the aims of the Sustainable Community Strategy (Reading 2020) in respect of :

- Cleaner and Greener Environments
- Thriving Economy and Skills

## **6. COMMUNITY ENGAGEMENT AND INFORMATION**

6.1 Neighbour consultation takes place on applications for prior approval where this is required by the GDPO .

## **7. EQUALITY IMPACT ASSESSMENT**

7.1 In assessing applications, officers will have regard to Equality Act 2010, Section 149, a public authority must, in the exercise of its functions, have due regard to the need to—

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

## **8. LEGAL IMPLICATIONS**

8.1 None arising directly from this report.

## **9. FINANCIAL IMPLICATIONS**

9.1 None arising directly from this report.

## **10. BACKGROUND PAPERS**

The Town and Country Planning (General Permitted Development) Order as amended.



# ABBEY



## COMMITTEE REPORT

BY THE DIRECTOR OF ENVIRONMENT CULTURE & SPORT  
READING BOROUGH COUNCIL  
PLANNING APPLICATIONS COMMITTEE: 26 June 2013

ITEM NO. 7

Ward: Abbey

App No.: 12/01920/FUL (121540)

Address: 4, 6 and 8 Cross Street, Reading

Proposal: Change of use of first and second floors and conversion of loft space from offices to 3 x studio flats and 6 x 1 bedroom flats including construction of new mansard roof and new rear access stairs. Internal remodelling and construction of new shop front to No 8 Cross Street.

Applicant: Sahana Enterprises Ltd.

Date received: 18 December 2012

8 week target decision date: 12 February 2013

26 week target decision date: 18 June 2013 (although the Applicant has agreed an extension to 26 July 2013)

### RECOMMENDATION (AMENDED):

Delegate to officers to **GRANT** planning permission, subject to the satisfactory completion of a S.106 legal agreement to secure:

- (a) **£13,500 towards the continued implementation of the Thames Parks Plan, or the Forbury Gardens or the Abbey Quarter Project (including the Abbey Ruins) in accordance with policies CS9 and CS29 of the Core Strategy and DM3 of the Sites and Details Policies Document, index-linked and payable no later than seven days after the sale of the third dwelling;**
- (b) **A minimum contribution of £50,000 as a commuted sum towards the provision of off-site affordable housing within the administrative area of the Council, in accordance with policies CS9 of the Core Strategy and DM6 of the Sites and Detailed Policies Document, payable no later than seven days after the sale of the third dwelling;**
- (c) **Not later than 21 days prior to the sale of the third dwelling, the Applicant shall submit audited actual construction costs 'to date' to the Council, together with an independently verified estimate of the likely remaining construction costs; and**
- (d) **On the basis of the actual and estimated costs in (c) above, no later than seven days after the sale of the third dwelling, provide a further additional deferred contribution as a commuted sum towards the provision of off-site affordable housing up to a maximum of £82,000 (therefore total of £132,000 potential total requirement), to be based on 50% of any savings on the applicant's build costs, derived from an independent study of actual and estimated build costs.**

If the S.106 agreement is not completed by 26 July 2013, delegate to the Head of Planning and Building Control to **refuse** planning permission, unless agreement is made for an extension of time.

Conditions and informatives as per attached report.

## 1. INTRODUCTION

- 1.1 This item was deferred at your 29 May meeting at the request of the applicant in order for further discussions to take place in connection with the Heads of Terms for a S.106 legal agreement. The previous report is attached at Appendix 1.
- 1.2 The Council's Valuer has accepted that the viability of this scheme is in part connected with significant 'up front' construction costs in constructing this development which includes the building of the stairtower and weatherproofing the building whilst the trusses, etc. for the mansard roof are erected via crane, within the pedestrianised street. The Council's Valuer accepts that these practical construction considerations are valid and materially affect the viability of the scheme and this has led to a revised Recommendation above for the leisure and initial affordable housing contributions to be paid once three dwellings are complete and have been sold. The Council's Valuer agrees that at that point in the construction process, the developer will have sufficient funds to pay these initial contributions, but not before.
- 1.3 Thereafter, a deferred contribution mechanism would be employed, whereby there would be a sharing of any returns with the Council if the build costs turn out to be less than the developer envisaged. This is considered to be a suitable response, as there is a difference between the estimate of the overall construction cost by the applicant and the Council's Valuer.
- 1.4 The Council's Valuer has agreed that in respect of the affordable housing contribution, this should be assessed taking into account construction costs which can be reviewed by the time of the completion and sale of the third flat.
- 1.5 The maximum level of affordable housing potentially payable would be £132,000.

## 2. CONCLUSION

- 2.1 The above Recommendation is considered to be acceptable and appropriate to the specific circumstances of the development and officers advise that this would deliver a suitable S.106 package in order to meet the Council's priorities for contributions and deliver this sustainable town centre development.

Case Officer: Richard Eatough

Appendix 1: Committee report to 29 May 2013 Planning Applications Committee

BY THE DIRECTOR OF ENVIRONMENT CULTURE & SPORT  
 READING BOROUGH COUNCIL  
 PLANNING APPLICATIONS COMMITTEE: 29 May 2013

ITEM NO. 9

Ward: Abbey  
 App No.: 12/01920/FUL  
 Address: 4, 6 and 8 Cross Street, Reading  
 Proposal: Change of use of first and second floors and conversion of loft space from offices to 3 x studio flats and 6 x 1 bedroom flats including construction of new mansard roof and new rear access stairs. Internal remodelling and construction of new shop front to No 8 Cross Street.  
 Applicant: Sahana Enterprises Ltd.  
 Date valid: 18 December 2012  
 Minor Application:  
 8 week target decision date: 12 February 2013  
 26 week target decision date: 18 June 2013

Delegate to officers to **GRANT** planning permission, subject to the satisfactory completion of a S.106 legal agreement to secure:

- (a) £13,500 towards the continued implementation of the Thames Parks Plan, or the Forbury Gardens or the Abbey Quarter Project (including the Abbey Ruins) in accordance with policies CS9 and CS29 of the Core Strategy and DM3 of the Sites and Detailed Policies Document;
- (b) A minimum contribution of £50,000 as a commuted sum towards the provision of off-site affordable housing in the area in accordance with policies CS9 of the Core Strategy and DM6 of the Sites and Detailed Policies Document; and a deferred payment up to a maximum of £32,000, to be based on 50% of any savings on the applicant's build costs, as set out in the applicant's viability appraisal.

If the S.106 agreement is not completed by 16 June 2013, delegate to the Head of Planning and Building Control to refuse planning permission, unless agreement is made for an extension of time.

Conditions to include:

1. Standard three year time limit
2. Plans approved
3. Materials: samples and details for roof extension, stair tower, infill and shopfront
4. No removal of original windows
5. Submission of noise scheme before commencement
6. Construction method statement (to include quiet periods of construction during the day)

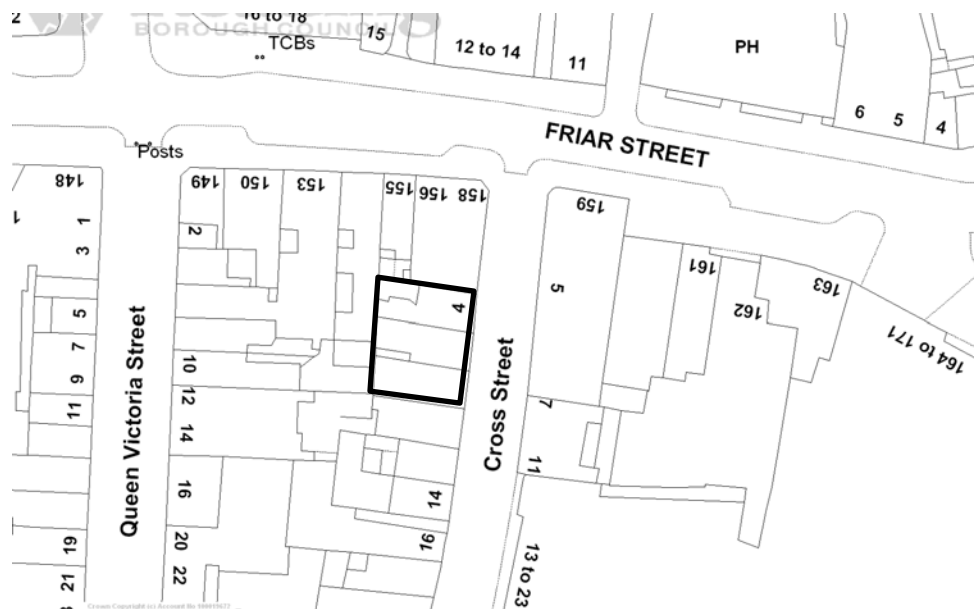
7. Submission of residential refuse management strategy
8. Submission of cycle storage details and no occupation before three flats have been supplied with folding cycles
9. Cycle and bin stores provided before occupation
10. No parking permits
11. Submission of addresses
12. Sustainability: submission of details to secure compliance with BREEAM Domestic Refurbishment Scheme 2012 "Very Good" standard and post-construction review to secure compliance.

### Informatives

- Development plan compliance
- Statement regarding pro-active discussion with developer
- Building Regulations approval required
- Terms and conditions
- Pre-commencement conditions
- Fee for conditions discharge
- Licence for works within the Highway
- Environmental Protection Act
- No parking permits
- Thames Water informative: surface water drainage

## 1. INTRODUCTION

- 1.1 The application site consists of three terraced buildings on Cross Street, a pedestrianised street in central Reading (and an identified Active Frontage in the Reading Central Area Action Plan). The buildings have basements (not included within this application), ground floors (to remain in retail use) and first and second floor offices, all of which are currently vacant.





1.2 The application is being reported to the Committee at the request of Councillor Page.

**2. PROPOSAL**

2.1 The proposal is to change the use of the first and second floors of the properties to three studio flats and six one-bedroom flats, with a new mansard roof extension accommodating three of the flats at third floor level. The rear of the ground floor in 6 and 8 Cross Street would house the bin and cycle store for the flats. The application includes alterations to the shopfront to No. 8.

2.2 Supporting information supplied with the application consists of:

- Design and access statement (DAS)
- Noise assessment
- Affordable housing viability appraisal

**3. PLANNING HISTORY**

11/01953/FUL (No.s 6&8)	Change of use of first and second floors and conversion of loft space from offices to 5 x one bedroom flats and 1 x studio flat, including construction of new mansard roof and new rear access stairs. New retail	WITHDRAWN 13/2/12
----------------------------	--	----------------------

	extension and internal remodelling and construction of new shop front to No. 8 Cross Street.	
11/01619/FUL (No. 6)	New shop front	PERMISSION 4/1/12
12/00528/FUL (No.s 6 and 8)	Change of use of first and second floors and conversion of loft space from office to 1 x studio flat, 4 x 1-bedroom flats and 1 x 2-bedroom flat, including construction of new mansard roof and new rear access stairs. Retail extension and new shop front to 8 Cross Street (resubmission of planning application 11/01953/FUL)	PERMISSION 11/7/12

#### 4. CONSULTATIONS

##### 4.1 Statutory:

None.

##### 4.2 Non-statutory:

**RBC Building Control** advises that a Building Regulations application would be required and have provided detailed comments.

**RBC Transport Strategy** advises that this is suitable as a car-free development, cycle storage is required and no contributions would be payable. Conditions suggested.

**RBC Parks and Leisure** request a contribution towards the Thames Parks Plan, on the basis of the additional strain from the nine new dwellings.

**RBC Housing Development** advises that this accommodation is likely to be unpopular in terms of affordable housing due to the small size of units and therefore requests an off-site contribution.

**RBC Environmental Protection** have concerns for the internal noise environment and disturbance during construction and conditions are recommended.

**RBC Education** have not requested a contribution as there are no family units proposed.

**RBC Waste Manager:** no response received.

**RBC Ecologist:** does not object to the application.

**Thames Water** does not object to the application and recommends an informative.

##### 4.3 Neighbour consultation:

A site notice was displayed and letters were sent to the following addresses:

Cross Street: 4, 5, 10, 12, 7-11

Friar Street: 154, 156, 158, 159.

No responses have been received.

#### 5. RELEVANT PLANNING POLICY AND GUIDANCE



5.1 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'.

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

5.4 National

National Planning Policy Framework (2012)

Reading Borough Local Development Framework Core Strategy (2008)

CS1 (Sustainable Construction & Design)

CS4 (Accessibility and the Intensity of Development)

CS5 (Inclusive Access)

CS7 (Design & the Public Realm)

CS9 (Infrastructure, Services, Resources and Amenities)

CS11 (Use of Land for Alternative Uses)

CS15 (Location, Accessibility, Density and Housing Mix)

CS20 (Implementation of The Reading Transport Strategy (Local Transport Plan 2006-2011))

CS24 (Car/Cycle Parking)

CS29 (Provision of Open Space)

CS33 (Protection and Enhancement of the Historic Environment)

CS34 (Pollution and Water Resources)

Reading Borough Local Development Framework, Reading Central Area Action Plan (RCAAP) (2009)

RC5 (Design in the Centre)

RC9 (Living in the Centre)

RC10 (Active Frontages)

Reading Borough Local Development Framework Sites and Detailed Policies Document (2012)

SD1 (Presumption in Favour of Sustainable Development)

DM1 (Adapting to Climate Change)

DM2 (Decentralised Energy)

DM3 (Infrastructure Planning)

DM4 (Safeguarding Amenity)

DM6 (Affordable Housing)

DM10 (Private and Communal Outdoor Space)

DM12 (Access, Traffic and Highway-Related Matters)

DM23 (Shopfronts and Cash Machines)

The Council's adopted supplementary Planning Guidance and Supplementary Planning Documents are also material planning considerations.

### Supplementary Planning Guidance/Documents

- Planning Obligations Under S.106 of the Town and Country Planning Act 1990 (2004)
- Sustainable Design and Construction (2011)
- Parking Standards and Design (2011)
- Affordable Housing (draft)

## 6. APPRAISAL

6.1 The main issues are:

- (a) Loss of office use
- (b) Dwelling mix
- (c) Layout of accommodation
- (d) External design
- (e) S.106 contributions

(a) Loss of office use

6.2 The first and second floor office floorspace within 4 and 6 Cross Street is currently vacant, whilst No. 8's offices are occupied on a short-term lease. This is a town centre location within the identified Office Core in the RCAAP, however, these are relatively modest offices within a secondary street and their loss would not produce a planning concern given the large amount of older office accommodation within the Borough and would not therefore harm the various employment criteria of Core Strategy Policy CS11 (Use of Land for Alternative Uses).

(b) Dwelling mix

6.3 The principle of conversion of these upper floors to residential use is considered to be acceptable in principle. Permission 12/00528/FUL (granted in July 2012 under officer's delegated powers) approved a mix in 6 and 8 Cross Street of one studio, four one-bedroom flats and one two-bedroom flat. This was considered to provide a suitable mix of dwelling sizes. However, the applicant does not consider that the application site is particularly suitable for family-sized units, due to the town centre location and lack of external amenity space and that a mix of one-bedroom flats and studios is more suited to the location. In bringing the additional property into the scheme (No. 8) the mix has been adjusted so that now there are no family-sized units proposed.

6.4 Core Strategy Policy CS15 (Location, Accessibility, Density and Housing Mix) states that the appropriate density and mix will be informed by an assessment of the local mix of uses in the area; its accessibility; the need for good design; and the need to minimise environmental impacts and detriment to neighbour

amenity. RCAAP Policy RC9 (Living in the Centre) requires developments to contribute to a mix of different sized units within the relevant development, with ideally, a mix of one, two and three bedroom units. No mix is specified for smaller developments, but as a guide, where there are developments of 15 dwellings or more, a maximum of 40% of the units should be one bedroom and a minimum of 5% should have (at least) three bedrooms (unless viability considerations indicate that this is not possible).

- 6.5 In this instance, the development does not provide a mix in terms of Policy RC9, as one bedroom flats and studios are both one-bed units. However, the layout of the accommodation proposed is relatively generous. The floorspace for the flats is approximately 40 square metres and the studios at 35 square metres, which are suitable in terms of the Council's standards, were this a residential conversion (and being assessed against the minimum areas in the House Conversions SPG). The studios are in the middle unit and are only single-aspect (towards Cross Street), as the area behind them is circulation/corridor space, but light levels should be acceptable. Furthermore, the stacking of like rooms, by floor, is good. Officers agree that the development is suitable without the need for car parking or external amenity space in this location and advise that there are no conflicts with policies CS24 or DM10.
- 6.6 Additionally, it should be borne in mind that on 30 May 2013, were this simply a conversion of the existing first and second floors from offices to flats (with internal alterations only), it would become 'permitted development' by virtue of the latest amendments to the General Permitted Development Order (see report elsewhere on this Agenda) and in such a circumstance, the Council would have no control over matters such as mix, servicing, sustainability, or contributions to leisure facilities. To be permitted development, the Prior Approval of the Council will still need to be sought for matters of transport/highways, contamination and flood risk. Of these, the only one relevant is transport/highways.
- 6.7 Overall, the development is considered to be suitable and given that there would be no car parking or amenity space and the very central location, it is agreed that this is not a suitable location for family accommodation. With the requirements on local planning authorities to deal with planning applications positively, these factors are considered on balance, to outweigh the conflict with Policy RC9 and the proposed mix of one-bed flats and studio units is acceptable and appropriate to this conversion in this central Reading location.

**(c) Layout of accommodation**

- 6.8 As described above, the flats and studios are provided with like-for-like units on top of one another and the conversion would generally retain a large proportion of the existing building fabric, including the original 0.5 metre thick dividing walls between the three buildings, which will help minimise lateral sound transmission.
- 6.9 Although Cross Street is generally quiet, this can be a noisy environment at certain times, with the rear of the site exposed to the noise from various plant

noise sources (e.g. air conditioning units) and the front can be subject to street noise from pedestrians, particularly in the evenings, being close to the bars and pubs on Friar Street. The previous permission included an acoustic assessment (which is re-supplied for this application) and this was considered to be acceptable. Providing that the development is provided with a scheme to protect the occupants from noise in accordance with the recommendations in the assessment, Environmental Protection does not object to the application and therefore noise conditions would be suitable in terms of policies CS34, RC9 and DM4.

- 6.10 This application includes a ground floor bin and bike store, which is considered to be a useful component part of this development, offering significant amenity value to the residents, by using the communal store in between refuse service collections. The DAS indicates that the existing residential properties in Cross Street have bagged waste collected weekly from the street. This system is also proposed for this development. The applicant advises that none of the existing shops use the small rear yard nor the basements for any purpose and this would not alter with the proposed development. Any waste would therefore need to need to be stored within their units and put out for the bagged collection service.
- 6.11 The bin/cycle store area in the current application is the same size and location as that proposed in the previous approval for six flats. Permission 12/00528/FUL for 6 and 8 Cross Street approved six flats with 6x bins and 4x cycle spaces. The current application for nine flats proposes 9x bins and two cycle spaces in the store, with two further spaces in the corridor. Whilst the bin store is suitable, the cycle parking is not as storing cycles in the corridor will not meet the Building Regulations. The Highway Authority advises that according to the Borough's parking standards, the cycle parking standard for Zone 1 is 0.5 spaces per dwelling, ie. 4.5 spaces for this development. Similar developments in the town centre have been considered to be acceptable with a condition for folding cycles and officers therefore advise that three dwellings should be supplied with folding cycles, to ensure that the overall amount of cycles/stores for cycles totals five. With such a condition, the proposal is considered to comply with Policy CS24 and the Borough's standards.

**(d) External design**

- 6.12 The first and second floors of the property have an original Victorian façade and this will not be affected in the proposal. Three extensions to the existing building are required to provide the conversion: a rear stairtower, a third storey roof extension and the infill of a small yard.
- 6.13 The stairtower extension would be built of matching brick and rise from the first floor to the third floor, to service the three residential levels. It includes chamfered corners and side-facing windows, which are shown on the plans as obscure glazed, but officers advise that this is not required. Although it is a tall structure, it is only 1.5 metres in depth and its design, with matching slate roof, would not look out of place in the rear of this service yard and from the wider rear views within the perimeter block and causes no overbearing or

similar concerns to the proposed flats or surrounding properties. It is therefore suitable in terms policies CS7 and DM4.

- 6.14 The roof extension is a Mansard-type which would be similar to the next door property and an 'extension' of the roof approved under permission 12/00528/FUL. This is suitable to the building and in the street (subject to submission of details of finish/materials) and would have no negative effects on neighbour amenity. At the request of officers, the dormer windows to the front of No. 8 were altered to provide flat tops, to match the flat head lintols of the windows in the building below. The dormers over 4 and 6 would have 'barrel' roofs, to match the arches of the windows below. These details would produce a vertical consistency of design for each of the three buildings and be sympathetic to the rhythm of the frontages in the street. The existing windows are original and in good condition and a condition should protect them from removal.
- 6.15 At the rear of No.s 6 is a small open yard which is proposed to be infilled at ground floor level only, and this space and further space taken from the rear space in No. 8 shall form the bike and bin store. There are no design concerns with this.
- 6.16 Otherwise, the only other external works required are to the shopfront of No. 8. The proposed shopfront will be of timber construction and in a generally traditional style, similar to that approved under recent permission 11/01619/FUL for No. 6 and therefore complies with SDPD Policy DM23 (Shopfronts and Cash Machines) and retains the active frontage, in accordance with RCAAP Policy RC10.
- 6.17 Overall, the application is acceptable in design terms in that the external works are suitable to the character of the building and the area and therefore comply with policies CS7, CS33, RC5 and DM23.

**(e) S.106 contributions**

- 6.18 This proposal will not produce any family-sized accommodation, therefore no education contributions have been requested. The Highway Authority advises that trip generation from the flats will be less than from the existing offices, therefore there is no requirement for a RUAP/integrated transport contribution. Contributions have been sought towards leisure and affordable housing, for the reasons below.

Leisure

- 6.19 In accordance with the Council's SPG on planning obligations, £1,500 per flat (total £13,500) has been sought. The Council's parks and open spaces department have identified that the contribution would be used towards the continued implementation of the Thames Parks Plan, or the Forbury Gardens or the Abbey Quarter Project (including the Abbey Ruins). This contribution is sought based upon the current SPG on the need for S.106 obligations to mitigate the direct impact on nearby leisure facilities of the proposed

redevelopment. Each additional development adds to the pressure on existing leisure infrastructure. Each additional resident moving into a new development who uses publicly provided leisure facilities, requires a marginal increase in the capacity of existing facilities as well as adding to the demand for additional facilities. The contribution would enable the Council to fund or contribute to a number of infrastructure improvements to mitigate the impact of the new development and to ensure that the new residents have adequate opportunity for recreation. The Council's Open Spaces Strategy points to a need for substantial qualitative improvements to many open space areas to meet the needs of both the existing population and those occupying new developments. New residential developments, whatever their size, are therefore essential in contributing towards the improvement of these areas for present and future generations. For the reasons above, the contribution is considered to comply with policies CS9, CS29, DM3 and the S.106 SPG and meets Regulation 122 of the CIL Regulations in terms of being necessary, related and suitable in scale to the development proposed.

#### Affordable housing contribution

- 6.20 SDPD Policy DM6 (Affordable Housing) is relevant and requires that on sites of 5-9 dwellings, a 20% on-site affordable housing provision is required, otherwise this would be made up via a commuted payment towards affordable housing. The Council's Housing Development Team advises that this type of accommodation is not required, therefore, in this instance, a financial contribution has been sought that will enable the equivalent of 20% of the housing to be provided as affordable housing elsewhere in the Borough. The applicant was asked to provide estimates of the Gross Development Value of the scheme, from which the commuted affordable housing contribution was calculated and this has been agreed at £132,000.
- 6.21 In response to this, the applicant has produced a viability appraisal for the scheme, on the basis that the affordable housing contribution was not viable with the requested contribution. The appraisal has taken into account the specifics of the development, including the existing use value, the particular costs of this conversion (which include the external stairtower and roof extension) and the overall value of the completed scheme. This has been assessed by the Council's Valuer and whilst it is agreed that a full payment is not viable, a contribution of £50,000 has been agreed with the applicant, together with a deferred payment mechanism linked to any savings in build costs achieved through the applicant's subsequent market tendering of the building works. It is proposed that the S.106 agreement specifies that the Council and the applicant will share any savings on the applicant's build cost estimate on an equal pro-rata basis. The contribution would be capped at £82,000, being the maximum outstanding affordable housing contribution sum due.
- 6.22 The applicant has agreed this approach, the contribution level and the deferred payment mechanism. The test of viability is required by the NPPF (para.173) which states that the costs of affordable housing to a development should still allow for competitive returns to a landowner and developer to

enable the development to be deliverable. The approach above is therefore considered to be appropriate and complies with the NPPF and Policy DM6.

### Other matters

#### Sustainability

- 6.23 The application has not been submitted with a BREEAM pre-estimator, but the DAS indicates that the applicant is content for a condition to be attached to any permission for the development to achieve the suitable standard. The specific assessment system for conversions is the BREEAM Domestic Refurbishment Scheme 2012. This allows for the particular circumstances of converting buildings and therefore officers advise that providing that the development meets the BREEAM "Very Good" level, this can be left to a planning condition. This would meet the aim of Core Strategy Policy CS1 and the revised Sustainable Design and Construction SPD (2011). Officers advise that this is not a situation where new Policy DM2 should apply as the site is considered to be too constrained for the consideration of decentralised renewable energy. There are also limited opportunities for adapting to climate change (DM1). Officers advise that in order to secure a successful conversion which retains the special features of the building, the BREEAM assessment will indicate which technologies are likely to be the most suitable and secondary glazing, thermal performance, efficient boilers, etc. are anticipated. With the condition, officers are content that the application is suitable in sustainability terms and would satisfactorily meet Core Strategy Policy CS1.

#### Construction matters

- 6.24 In this dense urban area, the construction impacts of the development may cause noise or other disturbance to residential and commercial properties. A condition will be required for a construction method statement (to include a requirement for 'quiet periods' during the working day) and to achieve compliance with policies CS34 and DM4. The developer is likely to require a licence for scaffolding, etc. on Cross Street and an informative should be included.

#### Equalities impact

- 6.25 In determining this application the Committee is required to have regard to its obligations under the Equality Act 2010. The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sexual orientation. The dwellings would not be accessible to disabled people and given the restricted floorspace involved, it is not considered to be beneficial to install lifts in the building. However, the new stair tower would allow ambulant disabled access. The ground floor shop area proposed is accessible. Otherwise, there is no indication or evidence (including from consultation on the application) that the protected groups have or will have different needs, experiences, issues and priorities in relation to the 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.

Positive and proactive

6.26 Regarding the requirement to be positive and proactive when dealing with planning applications:

Planning issue requiring resolution	Issue resolved at pre-app stage	Issue resolved at application stage	Comments
Adjustments to design of dormer windows	No	Yes	The dormers on the front elevation of No. 8 have been modified to relate to the design of the windows on the building below.
Affordable housing	No	Yes	Commuted sum, plus deferred payment mechanism agreed.

**7. CONCLUSION**

7.1 In summary:

- The loss of offices and the principle of conversion to residential is acceptable.
- The mix of accommodation is considered to be satisfactory and the general layout and configuration of the conversion appropriate to the location and officers consider that this would outweigh the conflict identified with RCAAP Policy RC9
- External design quality is appropriate to the building and would enhance the street and the character of the area
- A suitable contributions package would be supplied; and
- All other matters (sustainability and noise considerations, for instance) are capable of being adequately controlled by the conditions indicated.

7.2 On this basis, the application is recommended for approval.

**Plans:**

- 11696-155 Rev. A: Proposed Site Plan
  - 11696-156 Rev. A: Proposed Ground and First Floor Plans
  - 11696-157 Rev. A: Proposed Second and Third Floor Plans
  - 11696-158 Rev. B: Proposed Front Elevation (received on 26 March 2013)
  - 11696-159 Rev. A: Proposed Rear Elevation
  - 11696-160 Rev. A: Proposed Sections B and C
  - 11696-161 Rev. A: Proposed Sections D and E
- (All above plans received 18 December 2012, unless otherwise indicated.)

Case Officer: Richard Eatough



### PROPOSED GROUND FLOOR PLAN

Existing neighbouring property

Shop Floor

Shop Floor

Shop Floor

Cycle Storage 2x Bikes

Bin Store

Lobby

WC

External space

8 CROSS STREET

6 CROSS STREET

4 CROSS STREET

Double doors with existing door frame and low level timber infill panels access to comply with Part M

Entrance No. 8

Entrance No. 6

New timber frame to shop

Low level timber infill panels with firm below glazing

Existing neighbouring property

### PROPOSED FIRST FLOOR PLAN

Existing neighbouring property

Bedroom

Living / Dining

Kitchen

Showers

AC

FLAT 1

FLAT 2

FLAT 3

8 CROSS STREET

6 CROSS STREET

4 CROSS STREET

Existing neighbouring property

PROPOSED STAIRWELL  
GROUND TO FIRST FLOOR

Existing walls / partitions

New walls / partitions

0 0.5m 1m 2m 5m 10m

Project Title	4.6.8 Cross Street	Proposed Ground and First Floor Plans
Client	Sophons Enterprises	Job No. / Date No. 11696-156 / November 2012
Scale	Architectural	Drawn By: A
Project No.	11696-156	Checked By: A
Design Date	November 2012	Approved By: [Signature]
Client Reference	11696-156	11696-156
Architect	THE HARRIS PARTNERSHIP ARCHITECTS	101 Kingsway, 11th Floor, London, EC1A 3BA, UK
Contract No.	11696-156	11696-156
Date of Revision	14/12/2015	14/12/2015

121920

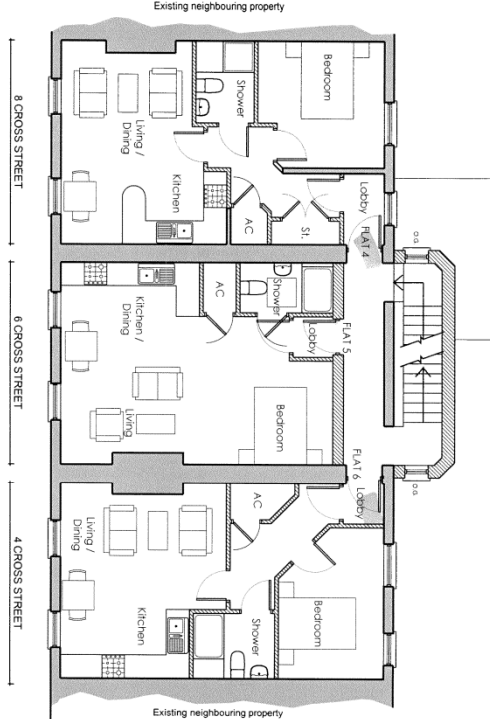
101 KINGSWAY

11TH FLOOR

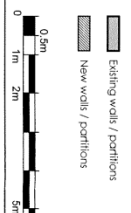
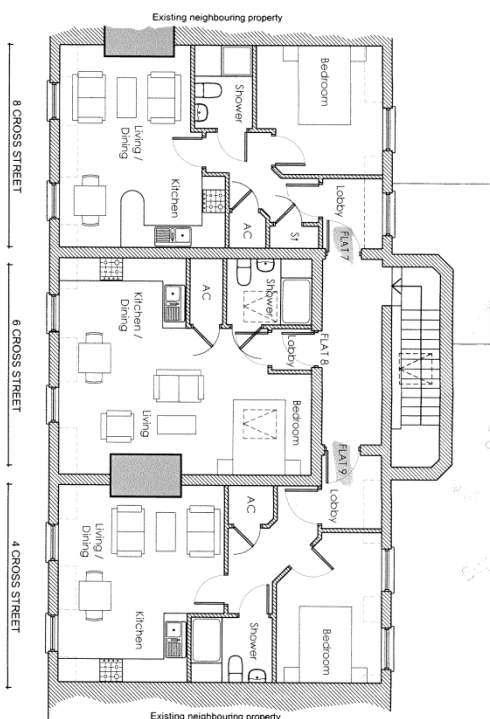
LONDON EC1A 3BA

UK

PROPOSED SECOND FLOOR PLAN

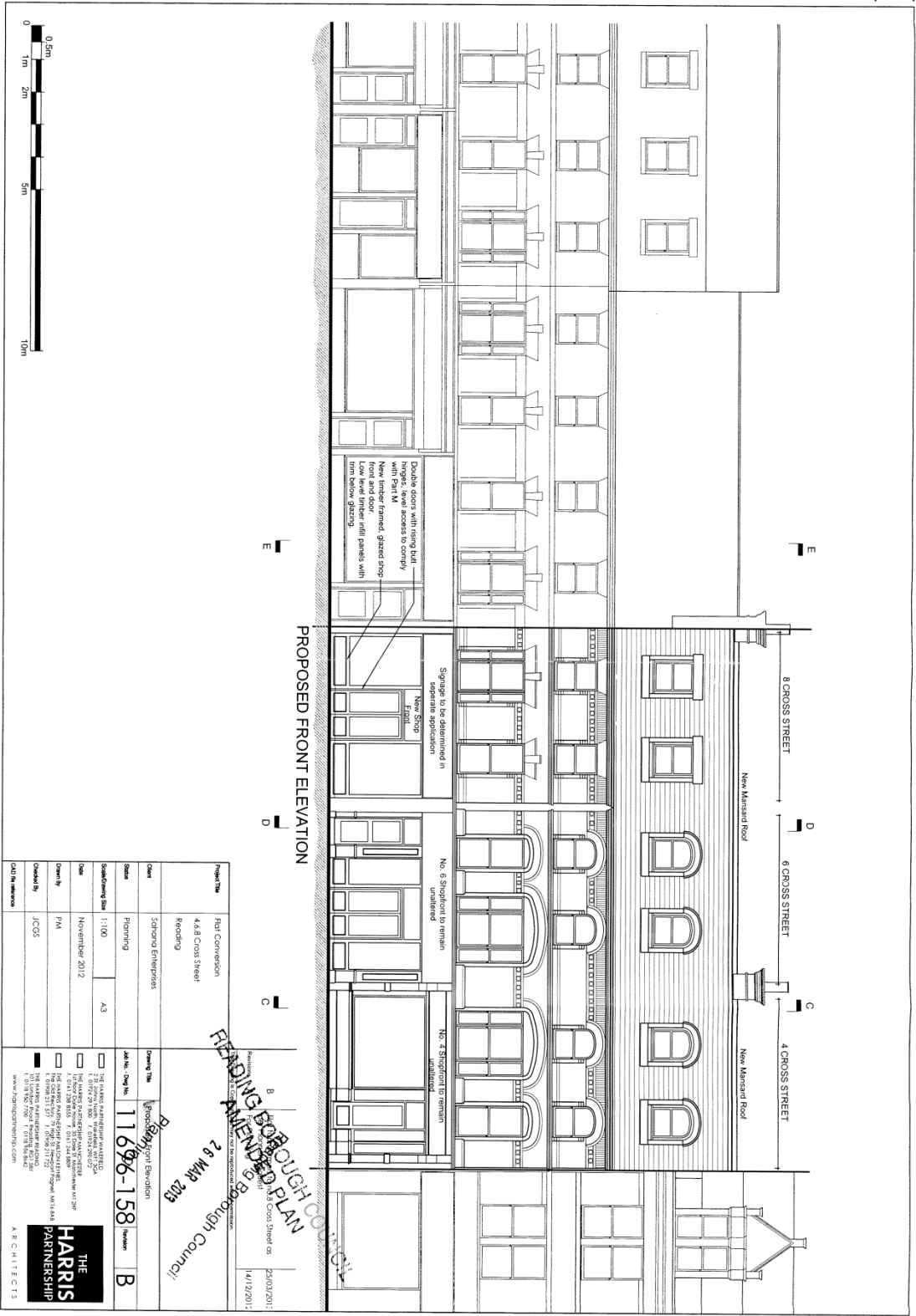


PROPOSED THIRD FLOOR PLAN



Project Title	Flat Conversion 4, 6, 8 Cross Street Reading	Reasons	A For Planning	14/17/2012
Client	Sahana Enterprises	Drawn By	11696-157	A
Status	Planning	Checked By	JCCS	
Scale/Working Size	1:100	Drawn Date	11/11/2012	
Date	November 2012	Project Title	Proposed Second and Third Floor Plans	
Drawn by	PM	Job No. / Obj. No.	11696-157	
Checked by	JCCS	1st Maxine Rajaratnam 11696-157 11/11/2012		
Scale in reference		2nd Maxine Rajaratnam 11696-157 11/11/2012		
		3rd Maxine Rajaratnam 11696-157 11/11/2012		
		4th Maxine Rajaratnam 11696-157 11/11/2012		
		5th Maxine Rajaratnam 11696-157 11/11/2012		
		6th Maxine Rajaratnam 11696-157 11/11/2012		
		7th Maxine Rajaratnam 11696-157 11/11/2012		
		8th Maxine Rajaratnam 11696-157 11/11/2012		
		9th Maxine Rajaratnam 11696-157 11/11/2012		
		10th Maxine Rajaratnam 11696-157 11/11/2012		
		11th Maxine Rajaratnam 11696-157 11/11/2012		
		12th Maxine Rajaratnam 11696-157 11/11/2012		
		13th Maxine Rajaratnam 11696-157 11/11/2012		
		14th Maxine Rajaratnam 11696-157 11/11/2012		
		15th Maxine Rajaratnam 11696-157 11/11/2012		
		16th Maxine Rajaratnam 11696-157 11/11/2012		
		17th Maxine Rajaratnam 11696-157 11/11/2012		
		18th Maxine Rajaratnam 11696-157 11/11/2012		
		19th Maxine Rajaratnam 11696-157 11/11/2012		
		20th Maxine Rajaratnam 11696-157 11/11/2012		



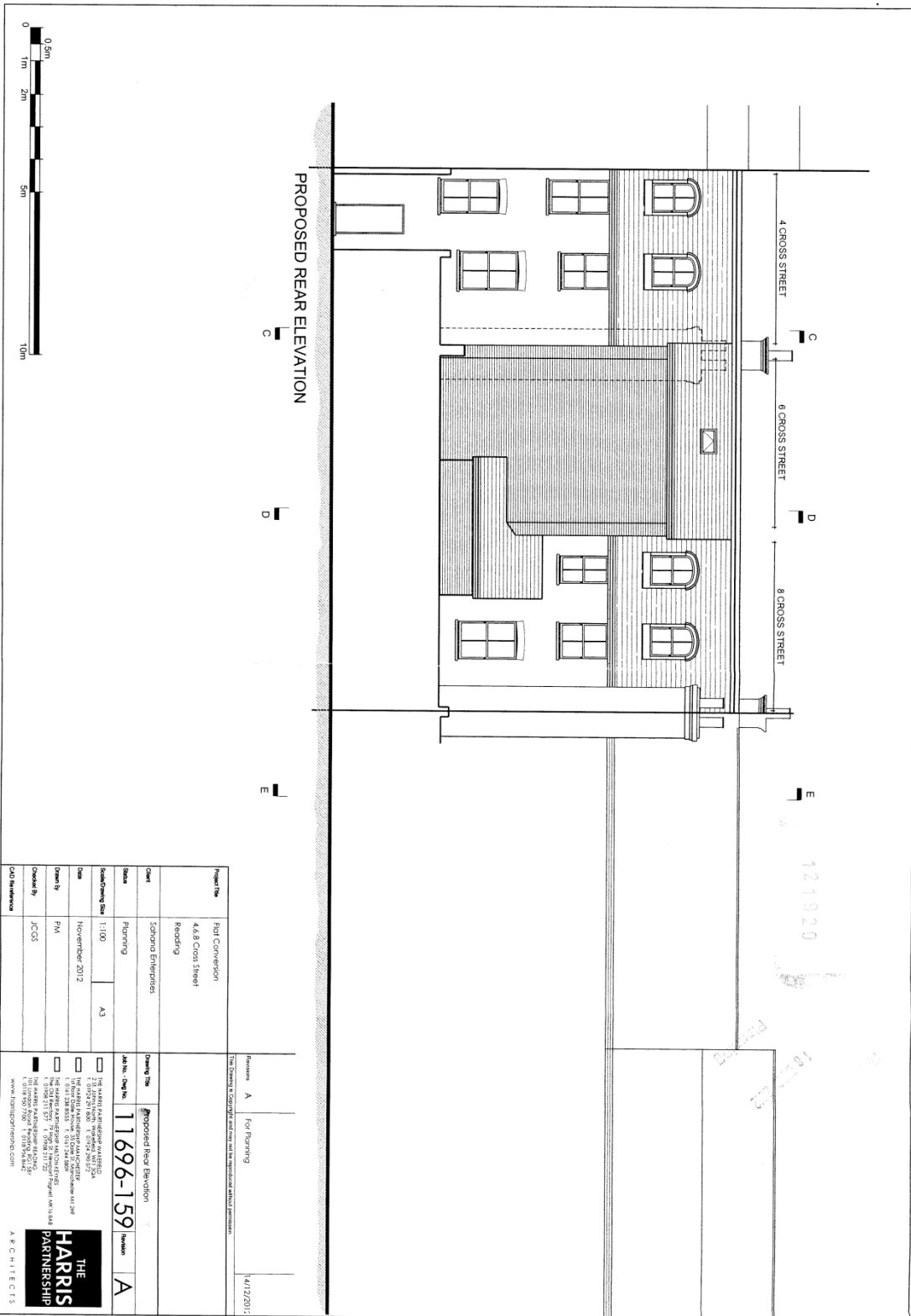


PROPOSED FRONT ELEVATION

Project No.	RFD Conversion 4A,B,C Cross Street Reading	Client	Sarona Enterprises	Drawn By	11696-158	Version	B
Scale/Working Size	1:100	Status	Planning	Date	November 2012	Checked By	JCCS
City	Reading	State	UK	Country	UK	Scale/Working Size	1:100
Project No.	11696-158	Client	Sarona Enterprises	Drawn By	11696-158	Version	B
Project Name	RFD Conversion 4A,B,C Cross Street Reading	Client	Sarona Enterprises	Drawn By	11696-158	Version	B
Scale/Working Size	1:100	Status	Planning	Date	November 2012	Checked By	JCCS
City	Reading	State	UK	Country	UK	Scale/Working Size	1:100
Project No.	11696-158	Client	Sarona Enterprises	Drawn By	11696-158	Version	B
Project Name	RFD Conversion 4A,B,C Cross Street Reading	Client	Sarona Enterprises	Drawn By	11696-158	Version	B
Scale/Working Size	1:100	Status	Planning	Date	November 2012	Checked By	JCCS
City	Reading	State	UK	Country	UK	Scale/Working Size	1:100
Project No.	11696-158	Client	Sarona Enterprises	Drawn By	11696-158	Version	B

READING BOROUGH COUNCIL  
28 MAR 2013  
READING BOROUGH COUNCIL

THE HARRIS PARTNERSHIP ARCHITECTS



<b>Project Title</b>	Full Conversion 4 & 8 Cross Street Reading	<b>Client</b>	Sofiano Enterprises
<b>Scale/Working Size</b>	1:100	<b>Date</b>	November 2012
<b>Drawn by</b>	PH	<b>Checked by</b>	JCS
<b>Scale/Working Size</b>	1:100	<b>Date</b>	November 2012
<b>Drawn by</b>	PH	<b>Checked by</b>	JCS

**Drawing Title** Proposed Rear Elevation

**Scale/Working Size** 1:100

**Date** November 2012

**Drawn by** PH

**Checked by** JCS

**Client Reference**

THE HARRIS PARTNERSHIP ARCHITECTS

11696-159

14/12/2012

# BATTLE



## COMMITTEE REPORT

BY THE DIRECTOR OF ENVIRONMENT CULTURE & SPORT  
READING BOROUGH COUNCIL  
PLANNING APPLICATIONS COMMITTEE: 26 JUNE 2013

ITEM NO. 8

**Ward:** Battle

**App No.:** 13/00265/APPCON (130249)

**Address:** 15 Western Elms Avenue

**Proposal:** Discharge of conditions 2, 3, 4, 6, 7, 8, 9, 10 and 11 of planning permission 10/01348/FUL allowed on appeal APP/E0345/A/A/10/2138413

**Applicant:** Linthatch Limited

**Date received:** 19 March 2013

**Other Application:** 8 week target decision date: 14 May 2013

### RECOMMENDATIONS

Subject to the receipt of satisfactory buff brick samples and confirmation regarding the reuse of existing features from No. 15 including the decorative archway, ridge tiles and finial, Discharge Condition 2.

Discharge Condition 7.

Subject to confirmation regarding proposed boundary treatment to the rear of Nos. 11 and 13 Western Elms Avenue, Discharge Condition 8.

## 1.0 INTRODUCTION

1.1 This application was deferred from consideration at your meeting on the 29<sup>th</sup> May to allow for:

- Members to undertake a site visit;
- Further information regarding the bricks submitted and further alternative bricks;
- Further information in respect of lighting
- Further information to be submitted in respect of boundary treatment;

## 2.0 ADDITIONAL INFORMATION

### Condition 2 (Materials)

2.1 Members undertook a site visit on the 13<sup>th</sup> June, which was attended by the applicant's brick merchant. It was explained on site that the applicant had taken advice in respect of the reuse of the existing bricks to No. 15, and it was considered unlikely that the majority of bricks would be retained in their present form given the pointing work which has been undertaken and the current condition of some of the bricks, which includes a number of

cracked bricks. Were the useable bricks reused on the replica No. 15, a number of them would be visibly damaged given the works necessary to dismantle No. 15, and a significant number of new bricks would need to be sourced to supplement them, which would contrast and affect the overall appearance of the building. The applicant has subsequently confirmed in writing that he would wish to use new bricks on the replica house, matching the bricks used to the rear of the site.

- 2.2 On site, the supplier displayed an Imperial red brick and the Ibstock Leicester Weathered Red as the main red brick for the site, as well as a number of other red bricks. Whilst not imperial, the Ibstock Leicester Weathered Red is considered to be a good visual match for the existing brick viewed from public vantage points and to be an appropriate brick for the site.
- 2.3 The supplier also displayed a proposed grey brick, Ibstock Swanage Glazed Headers, which are traditional stock bricks. Whilst the grey glaze does not match the existing duller grey on No. 15, it is considered to be a good visual match for the existing brick viewed from public vantage points and to be an appropriate brick for the site. Alternative, duller, grey bricks were submitted for consideration, but the grey glazed is considered to be a more appropriate brick for the site.
- 2.4 The applicant also proposes a replacement brick for the existing buff brick - Furness Edwardian Natural Cream. Samples of this brick have been ordered by the applicant and will be assessed in an update report at your meeting.
- 2.5 Samples of all these bricks will be available at your meeting.
- 2.6 As the proposal is now to demolish No. 15, officers have requested that the applicant confirms his intentions in respect of the detailing on No. 15 which would be appropriate to keep and reuse or to replicate. In particular, the decorative archway entrance feature is of interest and other features, such as the stonework around the fenestration and ridge tiles and roof finial, should also be replicated on the new No. 15. An update will be provided at your meeting.
- 2.7 Subject to the receipt of satisfactory buff brick samples and confirmation regarding the reuse of existing features of No. 15 including the decorative archway, ridge tiles and finial, it is considered that Condition 2 can be discharged.

#### Condition 7 (External Lighting)

- 2.8 Members also requested that the applicant explore alternative lighting for the site. As previously reported, the submitted plan showing lux levels for the 20 watt lighting scheme on 4m columns was considered to be acceptable in highway safety terms by Council's Development Control (Transport) Manager, was considered acceptable in ecological terms by the Council's Ecologist, was considered acceptable in crime and safety terms by the Thames Valley Police Architectural Liaison Officer and was considered to be acceptable in terms of the amenity of occupiers of the development and



surrounding residential properties by the Council's Environmental Health Section.

- 2.9 Alternatives to the submitted lighting scheme have been considered by the applicant. The Council's Development Control (Transport) Manager and the Thames Valley Police Architectural Liaison Officer have both confirmed that wall mounted or bollard lighting would not be acceptable in highway safety or crime safety terms for the site. The applicant therefore wishes the 20 watt scheme to be considered by Committee.
- 2.10 It is considered that the 20 watt lighting scheme has demonstrated that it would be acceptable in terms of highway safety, ecology, crime and safety and residential amenity. It is therefore considered that Condition 7 can be discharged in accordance with the submitted details.

Condition 8 (Boundary Treatment)

- 2.11 Members also requested further information in respect of boundary treatment and defensive planting. The applicant proposes to retain the existing 1.7m high brick boundary walls to the northern and southern boundaries of the site and the existing 2.7m fence to the eastern boundary (towards Reading West Station), which is considered to be acceptable by officers. It is of note that whilst the plans show that the 1.7m wall between No. 9 and No. 11 would be retained, the wall has in fact been added to, with an ivy covered wooden trellis and barbed wire, which raise the height of the boundary treatment to approximately 2.7m along this boundary. A picture of the wall with trellis and barbed wire is below for reference.



- 2.12 It is understood that the applicant proposes to erect a 1.8m close board fence to the rear of Nos. 11 and 13 Western Elms Avenue and flank of No. 13 Western Elms Avenue; however, this is not explicit on the submitted plans. Subject to this clarification, it is considered that Condition 8 can be discharged.

#### Other Issues

- 2.13 In relation to the approved conservatories to Units 1 - 5, the applicant has confirmed that:

We would like to build the conservatories but are concerned that by providing the 'nature reserve' at the bottom of the garden that the formal aspect of the garden will be too small. If we need to make a change we will of course submit the correct form and drawings

- 2.14 An update regarding the applicant's intentions will be provided at your meeting.

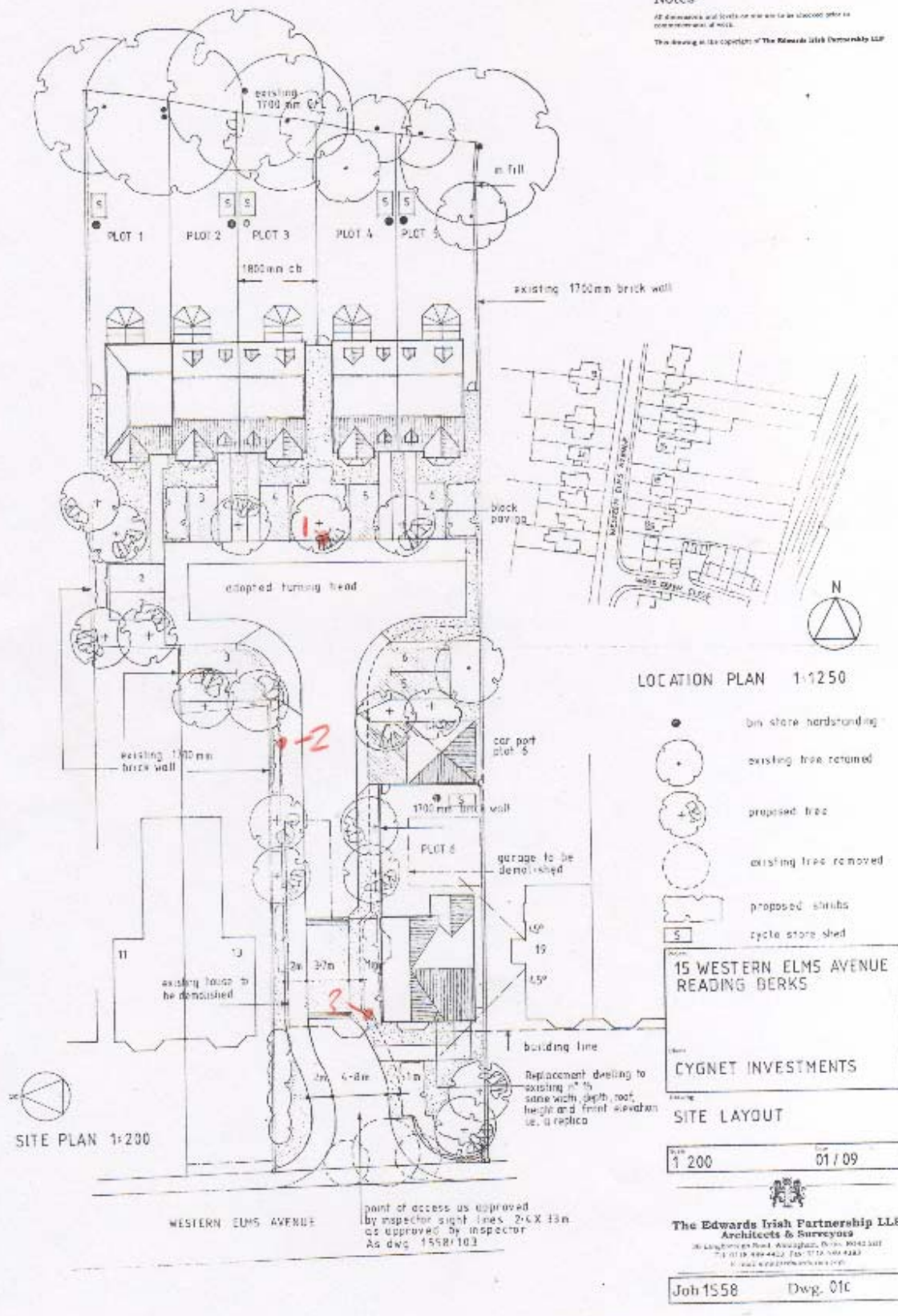
### **3.0 CONCLUSION**

- 3.1 Subject to the receipt of satisfactory buff brick samples and confirmation regarding the reuse of existing features of No. 15 including the decorative archway, ridge tiles and finial, it is considered that Condition 2 can be discharged.
- 3.2 It is considered that the 20 watt lighting scheme has demonstrated that it would be acceptable in terms of highway safety, ecology, crime and safety and residential amenity. It is therefore considered that Condition 7 can be discharged in accordance with the submitted details.
- 3.3 The submissions relating to Condition 8 (Boundary Treatment) are considered to be acceptable, subject to clarification regarding the proposed boundary treatment to the rear of Nos. 11 and 13 Western Elms Avenue.

Case Officer: Justin Turvey

**Notes**

All dimensions and levels are to be checked prior to commencement of work.  
 This drawing is the copyright of The Edwards Irish Partnership LLP



UPDATE REPORT

BY THE DIRECTOR OF ENVIRONMENT CULTURE & SPORT  
READING BOROUGH COUNCIL  
PLANNING APPLICATIONS COMMITTEE: 29 MAY 2013

ITEM NO. 10

Ward: Battle

App No.: 13/00265/APPCON

Address: 15 Western Elms Avenue

Proposal: Discharge of conditions 2, 3, 4, 6, 7, 8, 9, 10 and 11 of planning permission 10/01348/FUL allowed on appeal APP/E0345/A/A/10/2138413

Applicant: Linthatch Limited

Date received: 19 March 2013

Other Application: 8 week target decision date: 14 May 2013

RECOMMENDATIONS

Discharge Condition 2.

Discharge Condition 7.

Discharge Condition 8.

1.0 CONSULTATIONS

1.1 An additional 3 letters of objection have been received, relating to:

- Residents have all been bitterly opposed to this development;
- Development would have an effect on highway safety;
- Development would increase traffic;
- A further access onto Western Elms Avenue is unacceptable;
- Development would have an effect on wildlife on site;
- Increase in noise and disturbance;
- Construction noise and disturbance;
- The 4m high lighting columns are unacceptable, would be prejudicial to health and/or a nuisance and would detract from residents enjoyment of their own property;
- Light spillage would be unacceptable;
- PAC may wish to demand a lighting survey from a qualified member of the ILP;
- Any agreed lighting specification must be legally binding;
- Developer must establish his own boundary, this should be a continuous defensive hedgerow;
- Approval of the application has allowed public access to rear gardens;
- Areas of the site are hidden from the main road, and additional security measures are therefore necessary;

- No. 15 must be constructed using traditional methods;
- Reptile clearance must be undertaken in accordance with Natural England guidance;
- The development must be built out in accordance with the approved plans.

1.2 Several of these comments relate to the development itself e.g. traffic, impact upon wildlife, which were matters considered by the Inspector in allowing the appeal. This application relates to the approval of conditions, and comments made in respect of lighting and boundary treatment conditions are discussed below.

## 2.0 ADDITIONAL INFORMATION

### Condition 2 (Materials)

- 2.1 The applicant has proposed Weinberger Smoked Orange Multi Gilt Stock as the main brick for the new dwellings to the rear of the site. Whilst officers consider this to be satisfactory for the units to the rear of the site, should that brick be considered unacceptable by Members, the applicant has proposed Hanson Chertsey Antique Blend or Ibstock Leicester Weathered Red as alternatives. These are also considered to be acceptable by officers. Samples of these bricks are provided at your meeting, along with a further sample submitted by the applicant, Hanson Clumber Red, which is considered to be unacceptable in this instance because of its colour and more modern appearance.
- 2.2 The applicant has also confirmed that Chieveley sand would be used for the mortar mix, which would have a similar appearance to the existing mortar on No. 15.

### Condition 7 (Lighting)

- 2.3 Along with the revised lighting scheme, the applicant has submitted plans detailing proposed lux levels for the site using i) 40 watt LED bulbs and ii) 20 watt LED bulbs. In terms of light spillage, the Council's Environmental Health Section confirm that 2 lux at a property's window at 11.00 pm is the maximum tolerable level of light spillage. The 40 watt plan shows that this level would be exceeded to the rear and flank facing windows of Nos. 13 and 15. The 20 watt plan would not exceed this level.
- 2.4 The Council's Environmental Health Section therefore consider that the 20 watt LED bulbs would be acceptable.
- 2.5 The Council's Transport (Development Control) Manager has also confirmed that the 20 watt LED bulbs would be acceptable in highway safety terms.
- 2.6 Whilst an objection has been received in respect of the lighting columns and their impact upon neighbouring properties, the application has now demonstrated that it would not be unacceptable in relation to light spillage. In accordance with the Inspectors decision, the lighting must be carried out

### Condition 8 (Boundary Treatment)

- 2.7 An objection has also been received in relation to the proposed boundary treatment and the impact of the development in opening up the rear of neighbouring back gardens to crime. The applicant proposes to retain the existing 1.7m high brick boundary walls to the northern and southern boundaries of the site and the existing 2.7m fence to the eastern boundary (towards Reading West Station). Notwithstanding the objection received, the retention of this boundary treatment is considered to be acceptable.
- 2.8 Notwithstanding objections raised to this application to discharge conditions, the submissions are now considered to be acceptable and it is recommended that Conditions 2, 7 and 8 be discharged in accordance with the approved submissions.

### **2.0 CONCLUSION**

- 2.1 The recommendation has been amended to reflect the above matters and is set out at the beginning of this update report.

COMMITTEE REPORT

BY THE DIRECTOR OF ENVIRONMENT CULTURE & SPORT  
READING BOROUGH COUNCIL  
PLANNING APPLICATIONS COMMITTEE: 29 MAY 2013

ITEM NO.

Ward: Battle

App No.: 13/00265/APPCON

Address: 15 Western Elms Avenue

Proposal: Discharge of conditions 2, 3, 4, 6, 7, 8, 9, 10 and 11 of planning permission 10/01348/FUL allowed on appeal APP/E0345/A/A/10/2138413

Applicant: Linthatch Limited

Date received: 19 March 2013

Other Application: 8 week target decision date: 14 May 2013

RECOMMENDATIONS

Discharge Condition 2.

Subject to confirmation of no objection to the lighting scheme from the Council's Environmental Health Section and Transport (Development Control) Manager, Discharge Condition 7.

Discharge Condition 8.

**1.1 INTRODUCTION**

1.2 This application was deferred from consideration at your meeting on the 24<sup>th</sup> April to allow for:

- Submission and consideration of a plan showing lux levels that would result from the installation of three 4m lighting columns within the site, and
- Local consultation in respect of the conditions submitted for consideration to PAC.

**2.0 CONSULTATIONS**

2.1 The following properties were consulted in writing: 1 - 25C odds, 29, 37, 2 - 30 evens 42, 48 Western Elms Avenue; 1 - 7 odds Wood Green Close; 366 Gosbrook Road. 1 letter of objection has been received to date, relating to:

- Proposed bricks do not match the existing Victorian wire cut bricks and are not satisfactory in this context;
- SDPD makes reference to importance of retaining local bricks and tiles - it follows that new build projects must complement the

- Residents will have to look at this development which was granted permission by the Planning Inspectorate;
- Only materials of the very highest quality that match and complement the existing building will be acceptable.

2.2 Any further comments received will be reported in an update at your meeting.

### 3.0 FURTHER INFORMATION

#### Condition 2 (Materials)

3.1 The submitted application to discharge Condition 2 proposes Weinberger Smoked Orange Multi Gilt Stock as the main brick with Sandstone Weathered Buff used for detailing for plots 1- 5 (the units at the rear of the site) whilst plot 6 (No. 15 at the front of the site) would be rebuilt using the existing brick. As detailed in the April Committee Report appended to this report, and notwithstanding the comments made by the objector, plots 1 - 5 are set over 60m back from the street and would be well screened. Whilst this may enable more modern materials to be used, the Smoked Orange Multi Gilt Stock are considered to be fairly traditional in appearance and to be acceptable in this application, particularly given the separation distances between the existing street and proposed buildings. Closer matches to the existing buildings along Western Elms Avenue may be available, but the development is not required to replicate the existing dwellings and would be 30m from the rear of the closet existing dwellings and 60m from the street.

3.2 The applicant has submitted a number of alternative bricks for consideration should Members consider Weinberger Smoked Orange Multi Gilt Stock to be unacceptable. These are discussed further below:

- Hanson Chertsey Antique Blend - these bricks have a similar texture to the bricks used on No. 15 and the Smoked Orange Multi Gilt Stock, but would be slightly redder/duller than the Smoked Orange Multi Gilt Stock. These are considered to be an appropriate alternative were the Smoked Orange Multi Gilt Stock considered to be unacceptable.
- Ibstock Leicester Weathered Red - these bricks are a similar colour to the Chertsey Antique Blend, but have a smoother texture than the bricks on site, the Chertsey Antique Blend and the Smoked Orange Multi Gilt Stock. Given the 30m separation distance between the replica house at the front and the new houses to the rear it is considered that Leicester Weathered Red would also be an acceptable brick.
- Hanson Clumber Red - these bricks are a slightly 'cleaner' and bolder red than the other samples or bricks on site, and have a patterned and more modern appearance. Whilst they have been used on a number of modern developments within the Borough, they are considered to not be appropriate in the context of this site.



- 3.3 Samples of the bricks and photographs will be provided at your meeting.
- 3.4 Whilst an objection has been submitted to the main brick as proposed, it is considered that, overall, the proposed materials are acceptable. The proposal to reuse the existing bricks on the replica house was not considered necessary by the appeal Inspector, but is welcomed. The Inspector also did not require the bricks to be used on the houses to the rear to match those used on the replica house to the front, but the applicant has provided bricks which are considered to be appropriate when viewed from the street and in the context of the replica dwelling, especially given the significant separation distances between them. In the event that Members do not consider the proposed brick to be of sufficient quality or sufficiently sympathetic, alternatives have been provided for consideration.
- 3.5 It is considered that Condition 2 (materials) can be discharged in accordance with the submitted samples and details. In the event that Members are not satisfied with the proposed main brick, Weinberger Smoked Orange Multi Gilt Stock, it is recommended that either Hanson Chertsey Antique Blend or Ibstock Leicester Weathered Red be approved as the main brick.

#### Condition 7 (External Lighting)

- 3.6 The applicant has submitted plans to show lux levels from the lighting columns at 40 watts and 20 watts for consideration.
- 3.7 The Thames Valley Police Architectural Liaison Officer confirms that the lux levels on either plan are considered to be acceptable. The Council's Ecologist has also confirmed that the proposed lighting would not detrimentally affect the wildlife corridor to the rear of the site and has no objection to the application.
- 3.8 The proposed lighting scheme has also been submitted to the Council's Environmental Health Section and Transport (Development Control) Manager for consideration. Comments made will be provided in an update report at your meeting.

#### Condition 8 (Boundary Treatment)

- 3.9 As detailed in the April Committee Report appended to this report, with the inclusion of mammal gaps in the proposed fences to allow the movement of small mammals between properties, the proposed boundary treatment is considered to be acceptable.

### **4.0 CONCLUSION**

- 4.1 The submissions relating to Condition 2 (Materials) are considered to be acceptable and it is recommended that Condition 2 be discharged in accordance with the submitted samples and details. In the event that

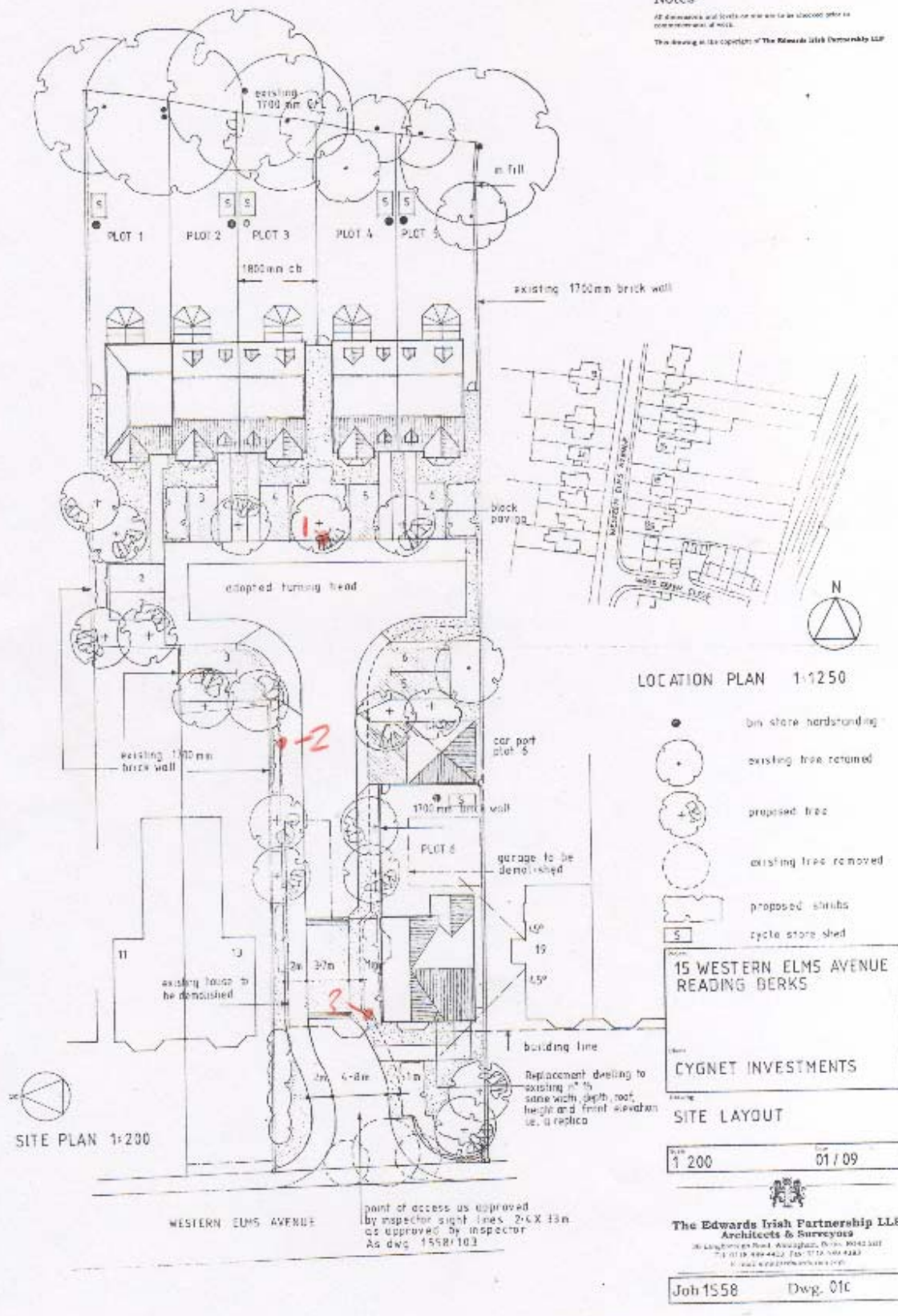
Members are not satisfied with the proposed main brick, Weinberger Smoked Orange Multi Gilt Stock, it is recommended that either Hanson Chertsey Antique Blend or Ibstock Leicester Weathered Red be approved as the main brick.

- 4.2 The submissions relating to Condition 7 (External Lighting) are considered to be acceptable, subject to confirmation of no objection to the lighting scheme from the Council's Transport (Development Control) Manager and Environmental Health Section. An update will be provided at your meeting.
- 4.3 The submissions relating to Condition 8 (Boundary Treatment) are considered to be acceptable, and it is recommended that Condition 8 be discharged in accordance with the approved submissions.

Case Officer: Justin Turvey

**Notes**

All dimensions and levels are to be checked prior to commencement of work.  
 This drawing is the copyright of The Edwards Irish Partnership LLP



UPDATE REPORT

BY THE DIRECTOR OF ENVIRONMENT CULTURE & SPORT  
READING BOROUGH COUNCIL  
PLANNING APPLICATIONS COMMITTEE: 24 APRIL 2013

ITEM NO. 10

Ward: Battle

App No.: 13/00265/APPCON

Address: 15 Western Elms Avenue

Proposal: Discharge of conditions 2, 3, 4, 6, 7, 8, 9, 10 and 11 of planning permission 10/01348/FUL allowed on appeal APP/E0345/A/A/10/2138413

Applicant: Linthatch Limited

Date received: 19 March 2013

Other Application: 8 week target decision date: 14 May 2013

RECOMMENDATION

DEFER APPLICATION

**1.2 ADDITIONAL INFORMATION**

1.3 The applicant has submitted a revised lighting scheme for consideration (appended). This includes the installation of three 4m lighting columns within the site. The Council's Ecologist has confirmed the proposal is acceptable in terms of ecology. The Thames Valley Police Architectural Liaison Officer has considered the revised lighting scheme, and comments that lighting columns are acceptable in principle and that the scheme represents an improvement. However, lux levels have not been shown, and the Police Architectural Liaison Officer and the Council's Transport (Development Control) Manager cannot confirm the acceptability of the proposal on this basis. Lux levels have been requested, but are not available for consideration in time for your meeting. It is therefore recommended that the application be deferred.

**2.0 CONCLUSION**

2.1 The recommendation has been amended to reflect the above matters and is set out at the beginning of this update report.

COMMITTEE REPORT

BY THE DIRECTOR OF ENVIRONMENT CULTURE & SPORT  
READING BOROUGH COUNCIL  
PLANNING APPLICATIONS COMMITTEE: 24 APRIL 2013

ITEM NO.

Ward: Battle

App No.: 13/00265/APPCON

Address: 15 Western Elms Avenue

Proposal: Discharge of conditions 2, 3, 4, 6, 7, 8, 9, 10 and 11 of planning permission 10/01348/FUL allowed on appeal APP/E0345/A/A/10/2138413

Applicant: Linthatch Limited

Date received: 19 March 2013

Other Application: 8 week target decision date: 14 May 2013

RECOMMENDATIONS

Discharge Condition 2.

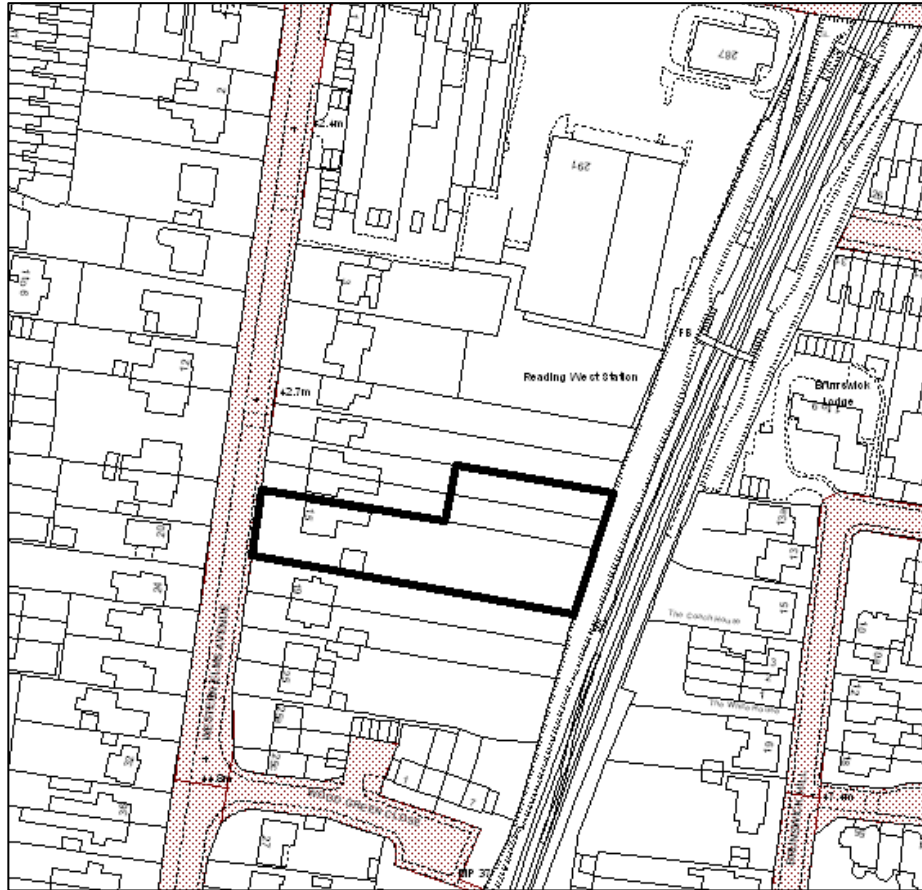
Subject to confirmation of no objection to the lighting scheme from the Council's Ecologist, the Council's Transport (Development Control) Manager and the Thames Valley Police Architectural Liaison Officer, Discharge Condition 7.

Discharge Condition 8.

**1.3 INTRODUCTION**

1.4 The application site (0.22ha) is located on the western side of Western Elms Avenue and backs onto the Reading - Basingstoke / Newbury railway line, a designated Green Link as identified with Policy DM17 of the Sites and Detailed Policies Document. The site incorporates 15 Western Elms Avenue and land that previously formed part of the rear gardens of 11 and 13. The immediate surrounding area is characterised by varied large detached and semi-detached houses set within relatively spacious plots. The exception to this is the 'backland' development of Wood Green Close to the south of the site. Although there are no listed buildings, Conservation Areas or Article 4 designations in the vicinity of the application site, many of the Victorian/Edwardian houses along Western Elms Avenue have significant architectural merit.

1.5 Nos. 11 and 13 Western Elms Avenue are a pair of semi-detached houses, while No. 15 is a double width plot on which a detached house and garage is located. Western Elms Avenue is classified as a (C408) local distributor road and carries a significant volume of traffic between Oxford Road and Tilehurst Road.





## 2.0 PROPOSAL AND SUPPORTING INFORMATION

2.1 Planning permission was granted, on appeal, for the demolition of the existing house at garage at No. 15, the formation of a new access and erection of a replacement house and 5 new houses to the rear of the site in May 2011. In granting permission for the development, the Inspector imposed a number of planning conditions.

2.2 A report on the Inspector's decision was presented to PAC in May 2011. At that meeting, PAC requested that details in relation to materials (condition 2), external lighting (condition 7) and boundary treatment (condition 8) be brought to PAC for consideration.

2.3 The developer has submitted an application for approval of Conditions 2, 3, 4, 6, 7, 8, 9, 10 and 11. Conditions 2, 7 and 8, which are for consideration by PAC, state:

2) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

7) No development shall take place until details of any external lighting have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. No external lighting shall at any time be installed other than in accordance with the approved details.

8) No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary

treatment to be erected. The boundary treatment shall be completed before any of the buildings hereby permitted are occupied or in accordance with a timetable agreed in writing with the local planning authority. Development shall be carried out in accordance with the approved details.

- 2.4 Conditions 3, 4, 5 and 6 (landscaping), 9 (CMS), 10 (reptiles) and 11 (biodiversity enhancements) have also been submitted for approval under this application but are delegated to officers to determine their acceptability.

### 3.0 RELEVANT PLANNING HISTORY

- 10/01348/FUL - Demolition of existing house and garage. Formation of new access and erection of 1 replacement house and 5 new houses. Application refused. Appeal allowed 04/05/2011 (APP/E0345/A/A/10/2138413).

### 4.0 CONSULTATIONS

#### (i) Statutory consultation

None.

#### (ii) Non statutory consultation

##### RBC Natural Environment:

Comments re Condition 8: New boundary treatments should have mammal gaps to allow the movement of small mammals such as Hedgehogs, located close to the rear of the properties in the existing green corridor.

##### RBC Ecology:

Comments will be reported in an update at your meeting.

#### (iii) Public/local consultation and comments received

None.

### 5.0 RELEVANT PLANNING POLICY AND GUIDANCE

- 5.1 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'.

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



National Planning Policy Guidance  
National Planning Policy Framework (NPPF)

Reading Borough Local Development Framework Core Strategy Document, 2008.

Policy CS7 (Design)  
Policy CS34 (Pollution and Water Resources)  
Policy CS36 (Biodiversity and Geology)  
Policy CS38 (Trees, Hedges and Woodlands)

Reading Borough Local Development Framework: Sites and Detailed Policies Document (2012)

Policy DM7 (Green Network)

## 6.0 APPRAISAL

### Main considerations

#### Condition 2 (Materials)

- 6.1 The submitted application to discharge Condition 2 proposes the following, as contained within the supporting letter:

It is proposed to use Weinberger Smoked Orange Multi Gilt Stock as the main brick for plots 1- 5. The detailing will be with All About Bricks - Sandstone Weathered Buff on all the units.... In relation to the 'replica' it is hoped to salvage as many of the bricks during demolition. From initial investigations it appears that the mortar joints are relatively soft and the bricks should clean reasonably well. Therefore it is hoped that as many of the bricks as possible will be salvaged and reused as possible but if there is a shortage matching bricks will be sourced.

The roof tiles for plots 1 - 5 will be a clay plain tile, Imerys HF amber with matching fittings. As with the bricks it is hoped that as many as possible of the existing tiles on No. 15 can be recycled and used on plot 6 with additional tiles sought to match and used where necessary.

- 6.2 The existing property, No. 15 contains attractive patterned brickwork and grey glazed bricks, which are comparatively rare and attractive features. The appealed scheme would demolish this building and effectively build a 'replica' on the southern side of the site to allow a new access to the rear garden. At appeal, the Council raised concerns regarding the appearance of the replica No. 15 given the potential difficulties in sourcing bricks to match the existing No. 15, particularly the distinctive grey glazed bricks. The Inspector considered this point, noting:

The Council has some concern that it would be difficult to use the distinctive silver grey bricks of the current house in its

replacement. However, there is no reason why satisfactory alternative brickwork could not be used.

- 6.3 The Inspector therefore felt it was not necessary to reuse or exactly replicate the existing brickwork. Notwithstanding this, the applicant has proposed to salvage, clean and reuse the existing bricks in the replica dwelling. Given the attractiveness of the existing dwelling, this proposal is welcomed.
- 6.4 Although the proposal is to reuse the existing bricks, the possibility remains that not all the bricks could be reused because they become damaged. Were this to occur, the applicant has confirmed that they would i) source reclaimed bricks from salvage, and if no salvaged bricks were available then ii) use an Ibstock Swanage which is available with a grey glaze.
- 6.5 It is considered that the applicant has proposed a satisfactory solution in respect of the 'replica' house, particularly given that the Inspector did not require the bricks to be reused.
- 6.6 The houses to the rear of the site (Plots 1 - 5) are set over 60m back from the street and would be well screened. Whilst this may enable more modern materials to be used, the applicant has proposed Wienberger Smoked Orange Multi Gilt Stock as the main brick with Sandstone Weathered Buff as a feature brick and Imerys HF amber as the roof tile, which, although stock bricks, are considered to be fairly traditional in appearance and to be acceptable in this application, particularly given the separation distances between the existing street and proposed buildings. Closer matches to the existing buildings along Western Elms Avenue may be available, but the development is not required to replicate the existing dwellings and would be 30m from the rear of the closet existing dwellings and 60m from the street. Samples of these materials will be available at your meeting.
- 6.7 It is therefore considered that Condition 2 (materials) can be discharged in accordance with the approved samples and details.

#### Condition 7 (External Lighting)

- 6.8 The applicant has submitted a Site Layout and Landscaping Plan which shows wall mounted lighting to the front and flank of the replica house, as well as by its rear boundary fence which would light the new access. Lighting is also proposed to the front of each unit of plots 1 - 5 which would light the property's car parking spaces and the turning head. All these lights would be automatically controlled by a timer. Views on the suitability of the proposed lighting have been sought from the Council's Transport Section in relation to highway safety and the Thames Valley Police Architectural Liaison Officer in terms of general safety and security. Comments from these consultees will be provided in an update report at your meeting.
- 6.9 Further wall mounted lighting is proposed on the rear wall of each unit of plots 1 - 5 which would light part of each house's rear garden. In the interests of helping to maintain the areas value for wildlife, these lights

would not be on a timer, but would be operated manually by individual occupiers. The adjoining railway line is recognised as a Green Link in the SDPD and the Council's Ecologist has been consulted to enable consideration of any potential impact upon the Green Link. Comment from the Council's Ecologist will be provided in an update report at your meeting.

#### Condition 8 (Boundary Treatment)

- 6.10 The submitted Site Layout and Landscaping Plan also includes the applicants proposals in respect of boundary treatment. The applicant proposes to maintain the existing brick boundary walls between the site and Nos. 9 and 19 Western Elms Avenue, which is considered to be appropriate. The applicant also proposes to retain the existing hedge between the frontages of Nos. 13 and 15.
- 6.11 The rear boundary of plots 1 - 5 have an existing 1.7m high fence maintained by Network Rail, which would be retained. A 1.8m close boarded fence is proposed to the rear of the replica units, as well as marking out the rear boundaries of plots 1 - 5. This is considered to be acceptable in design terms. Given the location of the site adjacent to the Green Link, the Council's Natural Environment Officer has requested that the new fencing includes mammal gaps to allow the movement of small mammals between properties - amended plans have been received to show the mammal gaps in the proposed fencing towards the rear of the gardens serving the houses and the fencing is considered to be acceptable in this respect.

## **7 CONCLUSION**

- 7.1 The submissions relating to Condition 2 (Materials) are considered to be acceptable and it is recommended that Condition 2 be discharged in accordance with the approved submissions.
- 7.2 The submissions relating to Condition 7 (External Lighting) are considered to be acceptable, subject to confirmation of no objection to the lighting scheme from the Council's Ecologist, the Council's Transport (Development Control) Manager and the Thames Valley Police Architectural Liaison Officer. An update will be provided at your meeting.
- 7.3 The submissions relating to Condition 8 (Boundary Treatment) are considered to be acceptable, and it is recommended that Condition 8 be discharged in accordance with the approved submissions.

Case Officer: Justin Turvey





---

# Appeal Decision

Site visit made on 14 February 2011

**by R J Marshall LLB Dip TP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 4 May 2011**

---

**Appeal Ref: APP/E0345/A/10/2138413**

**15, Western Elms Avenue, Reading, Berks RG30 2AL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Cotax Ltd. and Winslet Property Ltd. trading as Cygnet Investments against the decision of Reading Borough Council.
  - The application Ref 10/01348/FUL, dated 16 July 2010, was refused by notice dated 17 September 2010.
  - The development proposed is demolition of existing house and garage, formation of new access and erection of 1 No. replacement house and 5 No. new houses.
- 

## Application for costs

1. An application for costs was made by Cotax Ltd. and Winslet Property Ltd. trading as Cygnet Investments against Reading Borough Council. This application is the subject of a separate Decision.

## Decision

2. The appeal is allowed and planning permission granted for demolition of existing house and garage, formation of new access and erection of 1 No. replacement house and 5 No. new houses at 15, Western Elms Avenue, Reading, Berks RG30 2AL in accordance with the terms of the application, Ref 10/01348/FUL, dated 16 July 2010, subject to the conditions on the attached list.

## Procedural matters

3. One of the grounds for refusing planning permission was a failure to make contributions towards transport, local recreation/leisure and education. Just prior to the site visit the appellant provided a completed Unilateral Undertaking to cover these matters. This appears to be to the satisfaction of the Council. However, it remains necessary to consider whether the Undertaking meets the tests in Circular 05/2005 on Planning Obligations and the provisions of the Community Infrastructure Levy (CIL) Regulations. This is so that appropriate weight may be given to it in this decision.

## Background including changes in Government Guidance

4. The appeal site has been the subject of previous appeal decisions for broadly similar development, albeit materially different in certain detailed respects. The appeals were dismissed and the most relevant are APP/E0345/A/08/2065998 and APP/E0345/A/09/2106190. The first appeal was dismissed largely on the grounds of the impact of the proposed development

on living conditions and the decision on the second appeal turned largely on the adequacy of a replacement frontage dwelling.

5. The appeal site, which is well within the built-up area of Reading, largely comprises garden land. Since the recent changes made to Planning Policy Statement 3: Housing (PPS3) the appeal site is no longer defined as previously developed land (PDL) and there is no longer a national indicative minimum density. However, whilst garden land is no longer a priority for development the amendment to PPS3 does not preclude applications affecting garden land from being considered on their particular merit and it remains Government Guidance in PPS3 that effective and efficient use should be made of all land.
6. The appeal site is not specifically allocated for housing in the development plan. However, Policy CS14 of the Council's adopted Core Strategy Document (CSD) sets out how housing requirements will be met and accepts that development could come forward on small previously developed windfall sites. Notwithstanding the change made to PPS3 on PDL the Council does not suggest that development on private gardens is unacceptable as a matter of principle. Nor, with regard to CSD Policy CS15, does the Council have any in principle objection in this sustainable suburban location to the proposed density.
7. The Council accepts that in large measure whether or not the proposed development is acceptable depends upon an assessment against CSD Policies CS7 and CS15 and Policies HSG5, HSG9 and CUD14 of the Reading Borough Local Plan 1991-2006) (1998) in so far that they seek, in essence, high quality design that responds positively to local context. It is against such local Policy considerations, and the built context of the appeal site and its surroundings, that the decision on this appeal turns.
8. PPS3 has similar objectives to the development plan. Paragraph 16 of that guidance confirms that development should be well integrated with and complement neighbouring buildings and the local area in terms of scale, density, layout and access. It also observes in paragraph 50 that a more efficient use of land need not compromise the quality of the local environment.

### **Main Issues**

9. Given the above, the main issues in this appeal are:

first, the effect of the proposed development on the character and appearance of the surrounding area; and

second, the weight to attach to the appellant's Unilateral Undertaking on various financial contributions.

### **Reasons**

#### ***Character and appearance***

10. The appeal site fronts onto the eastern side of Western Elms Avenue. There is an attractive mix of dwellings in this road including some highly individual Victorian and Edwardian houses. The size of houses in the road varies. No. 15, which would be demolished as part of this proposal, is a relatively small 2-storey house whereas the properties to either side are much more substantial.
11. The appeal site comprises the plot of No.15 which has a lengthy rear garden, together with lengths of the back gardens of 2 adjoining properties. The rearmost part of the site lies within a larger undeveloped back garden area that

- lies between the rear of the houses in Western Elms Avenue and a tall railway embankment.
12. The proposed development requires the demolition of No. 15 to provide vehicular access to the rear of the site. It would be replaced by a house on the road frontage in a similar location but set further to the south on the plot. At the rear of the site, and running roughly parallel to the road and the railway embankment would be 5 new houses. Four of these properties would be 2<sup>1/2</sup> storeys high with dimensions and design akin to the 2 properties to either side of No. 15. The remaining house at the rear would be 2 stories high.
  13. In terms of design and scale this part of the proposed development would accord with frontage development in the vicinity and is similar to the most recent appeal decision where this aspect of the proposal was found to be acceptable. Moreover, there has been backland development on this side of Western Elms Avenue in the form of a substantial commercial building to the north of the appeal site and a rather attractive group of cottages in Wood Green Close to the south. On the western side of the Avenue a 1960's style flatted development has been undertaken in depth. Given the above, and the substantial size of the appeal site and the background of the railway embankment, the rearmost part of the proposed development would be appropriate in its local context. Sufficient land would exist around the buildings to respect the generally spacious character and appearance of development in the vicinity. Given the extent that the proposed dwellings at the rear would be set back from the highway they would not look over-dominant in relation to the smaller replacement dwelling on the road frontage.
  14. The proposed replacement for No. 15 would be an almost exact, albeit handed, replica of the existing most attractive cottage. As such it would have the pleasant proportions and detailed design of the existing cottage compared to the poorly proportioned and detailed replacement dwelling that was part and parcel of the development dismissed on appeal APP/E0345/A/09/2106190. The Council has some concern that it would be difficult to use the distinctive silver grey bricks of the current house in its replacement. However, there is no reason why satisfactory alternative brickwork could not be used. The provision of obscure glazing in some of the side elevation windows would not appear out of keeping in a building of this design and location.
  15. A more fundamental concern of the Council is that the proposed access road to the rear, past the replacement dwelling, would be an over-dominant feature and not provide the new house with an acceptable setting. However, subject to the use of appropriate materials and the provision of a good quality landscape scheme, the access road would not appear unacceptably intrusive especially as views directly down it would be limited to relatively few locations in the street. In arriving at this view it is appreciated that, in an earlier appeal APP/E0345/A/08/2065998 for a development scheme that involved the retention of No. 15, concerns were raised that the house to be retained would be deprived of an appropriate setting and that in appeal APP/E0345/A/09/2106190 the street frontage and garden of No. 15 were regarded as making an important contribution to the street scene. However, the proposed frontage house in the current scheme would have a front garden of a greater area than that which would have been retained in the development proposed in appeal APP/E0345/A/08/2065998. It would thus be less dominated by the new access than would have been the case with the scheme in this past decision. The provision in the current scheme of a good sized rear

garden for the replacement house, without intrusive parking spaces, is a further substantial improvement over the scheme in this earlier appeal. It is a further factor in ensuring that the replacement house now proposed would have a satisfactory setting.

16. There is concern locally that the proposed houses would appear as an unattractive pastiche of an earlier period. However, given the careful attention to detail and proportions of the proposed elevations that should not be the case.
17. Local residents are also concerned about the loss of No. 15. Although neither listed nor protected by conservation area status it is an attractive building containing pleasing architectural features. It is a good example of a period of residential development in Reading and is valued by local residents. It is a moot point whether or not No. 15 should be regarded as a heritage asset in the terms of Planning Policy Statement 5: Planning for the Historic Environment (PPS5) as the Council does not appear to have identified it as such during the process of decision making or through the plan making process. Moreover, even it was appropriate to regard it as a heritage asset in PPS5 terms the quality of the replacement dwelling means that its loss should not stand against the provision of the new housing.
18. It is concluded that the proposed development would respond positively to the character and appearance of the surrounding area and be appropriate in its context. As such it would comply with CDS Policies CS7 and CS15 and with Local Plan Policies HSG5 and HSG9.

### ***Unilateral Undertaking (UU)***

19. Amongst other things the UU provides for contributions to be made towards highway and transport improvements, education and open space. It may well be that the Council is justified in seeking these payments. It is noted that in the 2 previous appeal decisions already referred to an Undertaking for contributions had been submitted and was found to meet the tests of Circular 05/2005. These tests require contributions to be relevant to planning; necessary to make the proposed development acceptable in planning terms; directly related to the proposed development; fairly and reasonably related in scale and kind to the proposed development; and reasonable in all other respects. The Community Infrastructure Levy (CIL) Regulations say that a Planning Obligation may only constitute a reason for granting planning permission if it meets the 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> tests above.
20. The 2 previous appeal decisions gave little explanation for the conclusions reached on contributions. In this decision reliance must primarily be given to the justification now given for the contributions in the current Undertaking. The Council has provided a copy of development plan Policies on contributions and a copy of its Supplementary Planning Guidance on such matters. However, this alone is not sufficient. In the main body of the Council's case there is little beyond assertion to support its stance.
21. The appellant has also provided a contribution towards slow worm habitats. This appears to be justifiable as its requirement is based upon an agreed Ecological Mitigation Strategy designed to protect the habitat of this protected species.



22. It is concluded that the Council has failed to make out a case for the contributions other than on slow worm habitats. Therefore, other than with regard to that contribution, little weight can be placed on the Undertaking.

### **Other matters**

23. Various concerns have been raised over the adequacy of visibility splays from the site access onto Western Elms Avenue. However, this matter was dealt with in depth in appeal APP/E0345/A/08/2065998 where sight lines were found to be satisfactory. There is no substantial evidence to take a contrary view on this proposal which can provide similar sight lines. Western Elms Avenue appeared to be a busy road with much on-street parking. However, the proposed development would not be of a scale to increase traffic movements along this road to an unacceptable extent.
24. There is local concern on the impact of the proposed development on wildlife and that there would be a fragmentation of wildlife habitats. However, the appellant has had a detailed ecological survey prepared. The Council's ecologist is satisfied, on the basis of this, that there are no ecological grounds on which to refuse permission and there is no substantial evidence to the contrary.
25. It is suggested that the occupiers of the proposed replacement frontage house would suffer from unsatisfactory living conditions due to the new access to the rear that would pass its side elevation. Appeal APP/E0345/A/08/2065998 was dismissed on the grounds that the proposed access down the side of the frontage house to be retained would not have provided satisfactory living conditions. However, the replacement house in the current proposal would not have an access road passing close by windows in the same way that would have been the case in this earlier proposal.
26. The proposal would bring development closer to the side elevation of No.19 Western Elms Avenue. However, with the limited fenestration in the side elevation of that property, no detriment to living conditions would arise. There would be a sufficient distance from the proposed dwellings at the rear and the existing frontage houses to ensure no unacceptable loss of privacy for those living locally. There is no substantial evidence to support views that the proposed development would give rise to anti-social activity in the area. Any increase in noise and external lighting should not be to a level that would be out of keeping in this suburban setting.
27. Finally, full consideration has been given to the weight of local objection and to the understandable extent that people wish to protect their local environment. However, that does not mean, even in the context of the revised PPS3, that all development in areas such as this should be resisted. Account has to be taken of the actual impact of the proposed development and all other material considerations. As for the fear of precedent this decision should not make it difficult to resist development in the area that would be harmful.

### **Conditions**

28. Consideration has been given to the conditions to impose in the event of the appeal being allowed in addition to the standard condition on the time limit for the commencement of development. To protect the character and appearance of the area conditions should be imposed on: the external materials to be used; landscaping; external lighting; and boundary treatment. To protect the living

conditions of neighbours a construction method statement will be required. To ensure there is no harm to local ecology details must be submitted on the clearance of reptiles and on biodiversity enhancement. In the interests of highway safety conditions should be imposed on the construction of the access and parking spaces and stopping up the existing access. To ensure a sustainable form of development it will be required that the houses be built to a specified Code for Sustainable Homes standard. For the avoidance of doubt and in the interests of proper planning it shall be required that development be carried out in accordance with the approved plans.

29. The Council has suggested imposing a land contamination condition. However, in the absence of any specific and detailed evidence to justify this it will not be imposed.
30. The conditions attached to this decision broadly follow the wording of those suggested by the Council. They have been re-worded or amalgamated where required to bring them in line with Circular 11/95 on conditions.

### **Conclusion overall**

31. On the key matter remaining at dispute between the parties, that of impact on character and appearance, I have found for the appellant. In the decision to allow the appeal little weight has, in light of the CIL regulations, been attached to the Unilateral Undertaking other than in respect of the ecological payment.
32. It is concluded that the appeal should be allowed.

*RJ Marshall*

INSPECTOR

## Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 3) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg. refuse or other storage units, lighting etc); proposed and existing functional services above and below ground (eg. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.).
- 4) Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.
- 5) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the local planning authority.
- 6) No development shall take place until a schedule of landscape maintenance for a minimum period of 3 years has been submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.
- 7) No development shall take place until details of any external lighting have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. No external lighting shall at any time be installed other than in accordance with the approved details.
- 8) No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before any of the buildings hereby permitted are occupied or in accordance with a timetable agreed in writing with the local planning authority. Development shall be carried out in accordance with the approved details.
- 9) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i) the parking of vehicles of site operatives and visitors
  - ii) loading and unloading of plant and materials
  - iii) storage of plant and materials used in constructing the development
  - iv) the erection and maintenance of security hoarding
  - v) wheel washing facilities
  - vi) measures to control the emission of dust and dirt during construction
  - vii) a traffic management plan for demolition and construction vehicles.
- 10) No development shall take place until details have been submitted to and approved in writing by the local planning authority for the clearance of reptiles from the site and such clearance having been undertaken in accordance with those details.
  - 11) No development shall take place until details have been submitted to and approved in writing by the local planning authority for biodiversity enhancements and development shall be carried out in accordance with the approved details.
  - 12) The buildings hereby permitted shall not be occupied until a means of vehicular access has been constructed in accordance with the approved plans.
  - 13) No dwelling shall be occupied until space has been laid out within the site in accordance with the approved plans for the parking of cars and turning of vehicles.
  - 14) The existing access shall be permanently stopped up once the new access has been brought into use.
  - 15) The dwellings shall achieve a minimum of Level 3 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 3 has been achieved.
  - 16) Subject to the requirements of any of the aforementioned conditions the development hereby permitted shall be carried out in accordance with the following approved plans:
    - Job 1558-Dwg-01c
    - Job 1558-Dwg-02B
    - Job 1558-Dwg-03
    - Job 1558-Dwg-04
    - Job 1558-Dwg-06
    - Job 1558-Dwg-07
    - Job 1558-Dwg-E-10A
    - Job 1558-Dwg-SS01B
    - Job 1558-Dwg-103
    - 8070T/100
    - TMC-08085-S

# MAPLEDURHAM



## COMMITTEE REPORT

BY THE DIRECTOR OF ENVIRONMENT CULTURE & SPORT  
READING BOROUGH COUNCIL  
PLANNING APPLICATIONS COMMITTEE: 26 June 2013

ITEM NO.9

**Ward:** Mapledurham  
**App No.:** 130613/REG3  
**Address:** Mapledurham Pavilion, Mapledurham Playing fields, Upper Woodcote Road, Caversham  
**Proposal:** Refurbishment and renovation of pavilion building including replacement of roof and new glazed veranda on east elevation  
**Applicant:** Reading Borough Council  
**Date received:** 25 April 2013  
**Minor Application:** 8 week target decision date: 11 July 2013  
26 week date: 25 October 2013

### RECOMMENDATION

To GRANT planning permission.

#### CONDITIONS

- 1 - Time limit - three years
- 2 - Plans
- 3 - Materials - in accordance with application forms and plans
- 4 - Tree protection measures for existing trees - to be approved

#### INFORMATIVES

- Positive and proactive
- Reasons for approval and Development Plan policies
- Compliance with approved plans & details
- Building Regulations

## 1. INTRODUCTION

- 1.1 The application site comprises the existing pavilion building at Mapledurham Playing Fields. The pavilion contains a central hall with a raised pitched roof over with adjoining flat roof elements on either end which provide changing room, kitchen, toilet and storage facilities.
- 1.2 The building is located at the northern end of the playing fields, close to the access driveway from Upper Woodcote Road. In front of the building is an area of car parking, to the east are tennis courts, and to the south and west are areas of grass playing field.
- 1.3 The closest neighbouring residential properties are houses on Hewett Close, Little Woodcote Close and Knowle Close that back onto the playing fields.
- 1.3 The pavilion building is in a poor state of repair and is in need of renovation.
- 1.4 The application has been referred to PAC for decision because the applicant is Reading Borough Council.

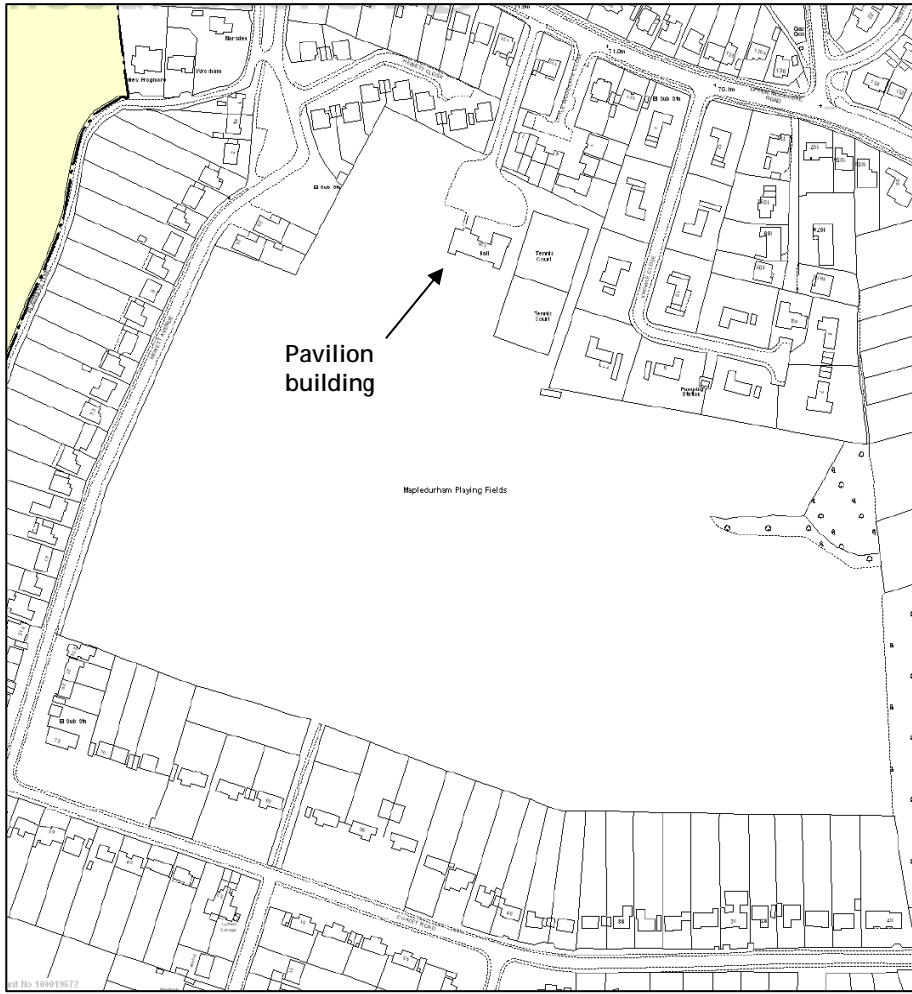


Figure 1.1 Location



Figure 1.2 Existing building viewed from the south



## 2. PROPOSAL AND SUPPORTING INFORMATION

- 2.1 Planning permission is sought for the renovation, alteration and extension of the pavilion building which would comprise the following:
- i. The continuation of the existing main pitched roof over the flat roof section at the eastern end of the building,
  - ii. A new lower pitched roof over the existing flat roof section at the western of the building,
  - iii. A new pitched roof over the main entrance on the northern elevation of the building,
  - iv. New rooflights in the existing pitched roof,
  - v. New French doors and window openings on the southern elevation of the building,
  - vi. A new veranda with glazed roof on the eastern elevation of the building,
  - vii. New timber and brick cladding,
  - viii. Installation of planted, living green walls on the western and part of the northern elevations of the building.
- 2.2 An additional 20 car parking spaces (from 35 to 55), would be provided through the rationalisation of the existing parking area. The existing access would remain unaltered.
- 2.3 Submitted plans and documents:
- Location plan
  - Site plan
  - Existing plan and elevation drawings
  - Proposed plan and elevation drawings
  - Design and access statement

## 3. RELEVANT PLANNING HISTORY

- 3.1 89-01315-REG3 Single storey flat roof extension to the pavilion's changing rooms. Permitted (10/01/90) and implemented.

## 4. CONSULTATIONS

### 4.1 Consultees

**Transport:** No objections.

**Leisure:** No objections.

**Building Control:** Building regulations application required.

### **Tree and Landscape Officer:**

The two trees adjacent to the north of the building should be protected during construction work.

The living wall is not a requirement of the proposal.

### Public/local consultation and comments received

- 4.2 17 properties have been consulted by neighbour notification letter; and a notice was displayed on the site.
- 4.3 Three letters in support of the application have been received.

- 4.4 There is also a letter in support from The Warren and District Residents Association (WADRA):
1. Commend this application
  2. We have campaigned for the last two decades for the Pavilion to be brought back to a modern standard and restored to fully active use.
  3. It is an important asset to the local community.
  4. The plan is practical and achievable in a realistic timescale.

## 5. RELEVANT PLANNING POLICY AND GUIDANCE

### Legal and Planning Policy Context

- 5.1 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'. However the NPPF does not change the statutory status of the development plan as the starting point for decision making (NPPF paragraph 12).
- 5.2 In this regard, 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).
- 5.3 Accordingly, the National Planning Policy Framework and the following development plan policies and supplementary planning guidance are relevant:
- 5.4 **Reading Borough LDF Core Strategy (Adopted January 2008)**
- CS5 Inclusive access
  - CS7 Design and the Public Realm
  - CS24 Car/Cycle parking
  - CS28 Loss of open space
  - CS31 Additional and Existing Community Facilities
  - CS38 Trees, Hedges and Woodlands
- 5.5 **Sites and Detailed Policies Document - (Adopted October 2012)**
- DM4 Safeguarding Amenity
  - DM12 Access, Traffic and Highway-Related Matters
  - SA16 Public and Strategic Open Space
- 5.6 **Supplementary Planning Guidance/Documents**
- SPD - Parking Standards and Design SPD (adopted 2011)

## 6. APPRAISAL

### Principle

- 6.1 Mapledurham playing fields is an area of public and strategic open space which is protected from loss or inappropriate development by Core Strategy Policy CS28 and SDPD Policy SA16.
- 6.2 The proposed refurbishment of the pavilion would maintain the same building footprint except for the addition of a small veranda (27.5sqm) on the eastern elevation. Given that the veranda is open in nature, would be sited in an already enclosed area of the playing fields (between the pavilion and tennis courts), and would enhance the amenity

of the pavilion building, it is considered that the small loss of playing field is acceptable. It is considered that the development would enhance the use and enjoyment of the playing fields by the public and therefore complies with Policies CS28 and SA16.

- 6.3 Core Strategy Policy CS31 promotes the improvement of existing community facilities. This proposal would afford significant benefits to users of the playing fields and other community groups; and the development is considered to be in accordance with the Core Strategy in this regard.

#### Design

- 6.4 It is considered the alterations would enhance the appearance of the building through the addition of pitched roofs over existing flat roof sections and new external brick and timber cladding.
- 6.5 The veranda on the eastern elevation would also be an attractive addition which would enhance the amenity of the building and the tennis courts to the east.
- 6.6 Two sections of living, green wall are proposed. The applicant details that these will add interest and attractiveness to the building, and provide opportunity for wildlife habitat and biodiversity. The green screens would comprise pre-fabricated metal trellising planted with evergreen climbing plants. Plants would be chosen to be durable, low-maintenance, non-climbable and reliable on both the northern and western facades. It is considered that these elements would enhance the appearance of the building; however, because they are not considered necessary (the development would still be acceptable even if the green walls were not proposed), conditions in relation to their final detail and maintenance etc. are not recommended.
- 6.7 There are two sycamore trees close to the northern, front elevation of the building. With regard to the advice from the tree and landscape officer, a condition is recommended to secure tree protective fencing during construction works.
- 6.8 Overall, it is considered that the design and appearance of the development is acceptable and Core Strategy Policy CS7 is satisfied.

#### Transport

- 6.9 There is an area of car parking adjacent to the north of the pavilion included within the application site. Because the floor area of the pavilion would not materially increase in size, there is no policy requirement to provide additional car parking.
- 6.10 However, the applicant sets out that there could be an increase in parking spaces, from 35 to 55, through the better arrangement and rationalisation of the existing area. Given that the rearrangement of the existing car parking area does not require planning permission, and given that there is no requirement for these additional spaces as part of the refurbishment of the pavilion, whatever the increase in number of parking spaces this would be acceptable in planning terms.
- 6.11 With regard to the continued use of the access on Upper Woodcote Road, transport raises no objection to the development.
- 6.12 There would only be a small increase in floorspace created by a new room in the roof space and veranda. Together this measures less than 100sqm; and therefore, with regard to the SPG on Planning Obligations, a RUAP contribution is not required.

#### Equality impact

- 6.13 In determining this application the LPA is required to have regard to its obligations under the Equality Act 2010. The key equalities protected characteristics include age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, gender, and sexual orientation.
- 6.14 The new building would be served by ramped accesses with level thresholds; and disabled toilets would be provided. It is considered that these measures are adequate to provide a suitably accessible development in accordance with Core Strategy Policy CS5. Otherwise there is no indication or evidence that other protected groups have or will have different needs, experiences, issues and priorities as a result of the development.

Discussions with applicant

- 6.15 Where planning permission is either approved or refused, the Council's decision notice must include a statement explaining how the LPA has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to the planning application. In this instance, officers have worked positively, to refer the application to PAC, with a recommendation to grant planning permission, within the prescribed eight-week application timeframe.

6.16 Plans

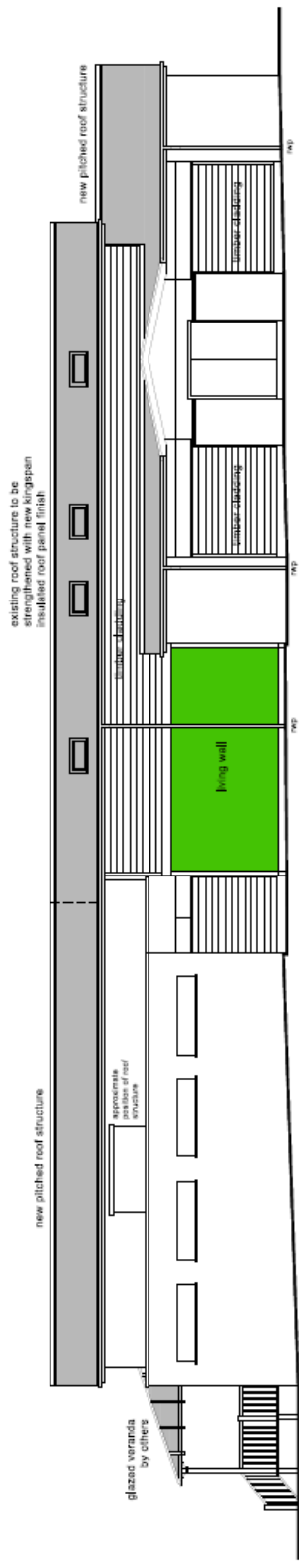
AL/3042/B/3	Existing plans
3042/03	Existing elevations
3042/04A	Proposed ground floor plan
3042/05A	Proposed roof plan
3042/06A	Proposed elevations

Case Officer: Andrew Somerville

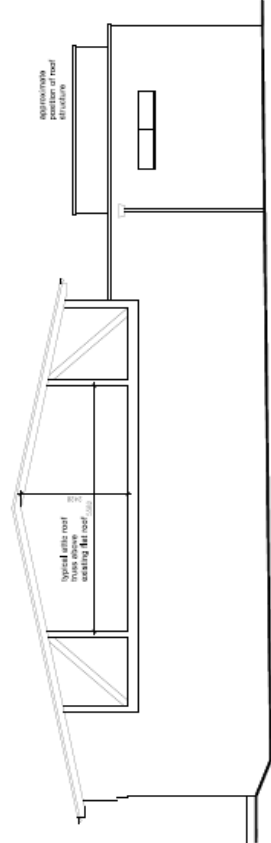


existing roof structure to be strengthened with new kingpost insulated roof panel finish

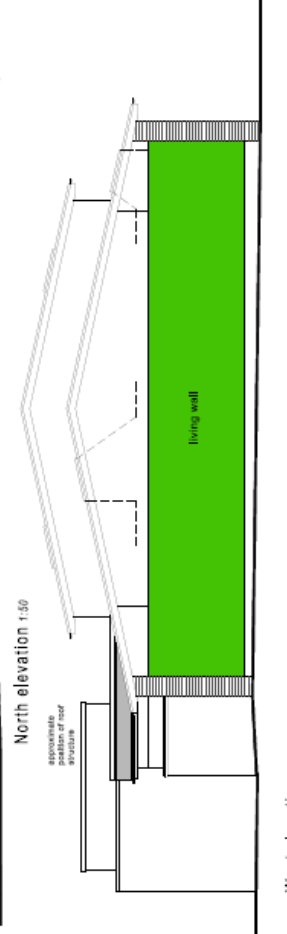
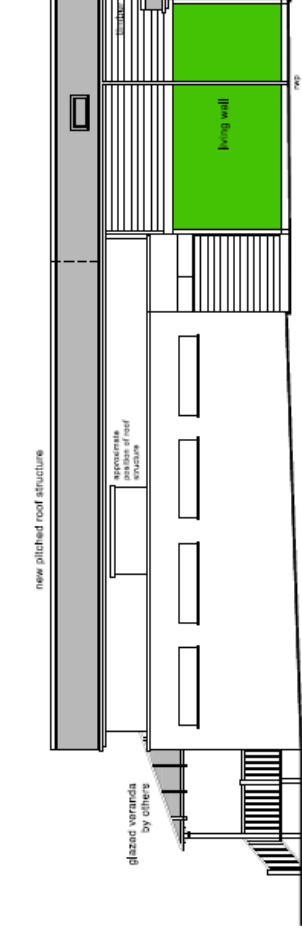
NO	DATE	BY	DESCRIPTION



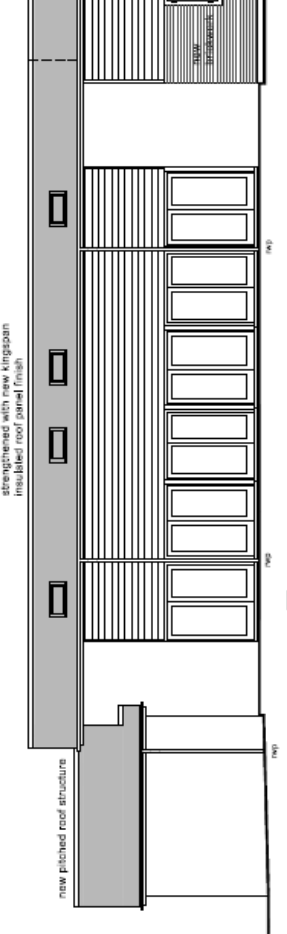
North elevation 1:50



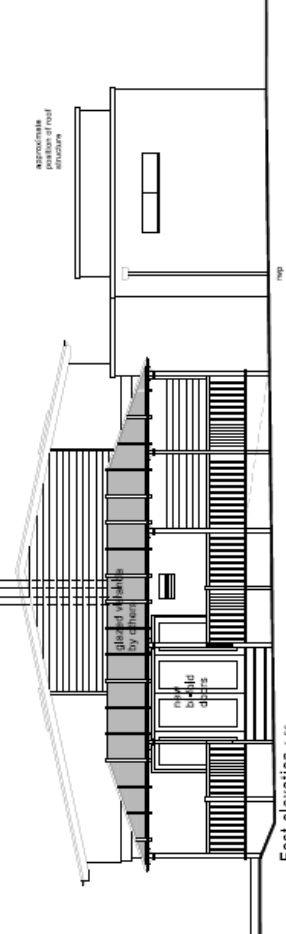
Typical cross section through new roof structure over existing flat roof section 1:50



West elevation 1:50



South elevation 1:50



East elevation 1:50

This drawing has been produced by working under a site plan. The site plan is not shown and is not available for reference.

**Day Tanner Partnership** ARCHITECTURE AND PLANNING  
 www.daytannerpartnership.com  
 0117 924 1111  
 0117 924 1112  
 0117 924 1113  
 0117 924 1114  
 0117 924 1115  
 0117 924 1116  
 0117 924 1117  
 0117 924 1118  
 0117 924 1119  
 0117 924 1120  
 0117 924 1121  
 0117 924 1122  
 0117 924 1123  
 0117 924 1124  
 0117 924 1125  
 0117 924 1126  
 0117 924 1127  
 0117 924 1128  
 0117 924 1129  
 0117 924 1130  
 0117 924 1131  
 0117 924 1132  
 0117 924 1133  
 0117 924 1134  
 0117 924 1135  
 0117 924 1136  
 0117 924 1137  
 0117 924 1138  
 0117 924 1139  
 0117 924 1140  
 0117 924 1141  
 0117 924 1142  
 0117 924 1143  
 0117 924 1144  
 0117 924 1145  
 0117 924 1146  
 0117 924 1147  
 0117 924 1148  
 0117 924 1149  
 0117 924 1150  
 0117 924 1151  
 0117 924 1152  
 0117 924 1153  
 0117 924 1154  
 0117 924 1155  
 0117 924 1156  
 0117 924 1157  
 0117 924 1158  
 0117 924 1159  
 0117 924 1160  
 0117 924 1161  
 0117 924 1162  
 0117 924 1163  
 0117 924 1164  
 0117 924 1165  
 0117 924 1166  
 0117 924 1167  
 0117 924 1168  
 0117 924 1169  
 0117 924 1170  
 0117 924 1171  
 0117 924 1172  
 0117 924 1173  
 0117 924 1174  
 0117 924 1175  
 0117 924 1176  
 0117 924 1177  
 0117 924 1178  
 0117 924 1179  
 0117 924 1180  
 0117 924 1181  
 0117 924 1182  
 0117 924 1183  
 0117 924 1184  
 0117 924 1185  
 0117 924 1186  
 0117 924 1187  
 0117 924 1188  
 0117 924 1189  
 0117 924 1190  
 0117 924 1191  
 0117 924 1192  
 0117 924 1193  
 0117 924 1194  
 0117 924 1195  
 0117 924 1196  
 0117 924 1197  
 0117 924 1198  
 0117 924 1199  
 0117 924 1200

# NORCOT





## COMMITTEE REPORT

BY THE DIRECTOR OF ENVIRONMENT CULTURE & SPORT  
READING BOROUGH COUNCIL  
PLANNING APPLICATIONS COMMITTEE: 26 JUNE 2013

ITEM NO. 10

Ward: Norcot

App No.: 130079 (13/00314/FUL)

Address: 47 Cockney Hill, Tilehurst, Reading

Proposal: Proposed first floor extension to existing bungalow

Applicant: Mr Zahid Raza

Date valid: 7 March 2013

Other Application: 8 week target decision date: 02 May 2013

Planning Guarantee: 26 week date: 5 September 2013

### RECOMMENDATION:

GRANT permission.

Conditions to include:

1. TL01 - Full time limit (3 years).
2. NSTD - Approved Plans.
3. NSTD - Materials to match existing.
4. NSTD - Pre-commencement and approval of tree protection measures.
5. NSTD - Removal of permitted development rights for Class A (extensions to the dwelling) and Class B (alterations to the roof) extensions.

Informatives to include:

1. Reasons for approval
2. Building Regulations approval required
3. No burning of waste on site
4. Positive and Proactive working

## 1.0 INTRODUCTION

1.1 The application site is a detached bungalow located along the northern side of Cockney Hill, close to the junction with Pantile Close. The area surrounding the site is largely residential in nature.

1.2 Councillor Lovelock has requested that this application be considered by PAC.

## 2.0 PROPOSAL AND SUPPORTING INFORMATION

2.1 The application is for full planning permission, relating to the erection of a first floor extension to the property. The submitted plans show a proposed two-storey gable ended property 8.4m in height, to the same

8.8m wide x 11.5m deep footprint as the existing footprint. Amendments are also proposed to the roof of the attached flank garage.

2.2 The scheme has been amended from the original submissions. Amended elevations and a streetscene were received 10/05/2013. Further amended elevations and a streetscene were received 20/05/2013. A further set of amended elevations were received 28/05/2013 and formed the basis of the public consultation.

2.3 The planning application is submitted with the following plans and supporting documents:

- MCA1347/03 Recd 07/03/2013 - Location Plan
- MCA1347/04A Recd 28/05/2013 - Front Elevation from Road
- MCA1347/05A Recd 28/05/2013 - Ground and First Floor Plans and Elevations.





### 3.0 RELEVANT PLANNING HISTORY

None relevant.

### 4.0 CONSULTATIONS

### (i) Statutory Consultation

None.

### (ii) Non Statutory Consultation

#### **RBC Natural Environment:**

Tree protection measures are required in order to ensure that no materials are stored within the RPA of trees. A plan showing the specification and location of tree protection measures is required prior to commencement of development.

#### **RBC Transport:**

The parking requirement for the site (2 spaces) can be accommodated on the existing long drive. No objections.

### (iii) Public/local consultation and comments received

Letters were sent to: 45, 49, 56, 58 Cockney Hill, 14 Pantile Close.

4 letters of objection received, relating to (summarised):

- Overdevelopment of the site;
- Overlooking between windows;
- Overshadowing;
- Excessive height of extension;
- Loss of light;
- Roof must not be converted;
- Loss of attractive features on existing property;
- Sufficient car parking required.

4 letters of objection received following reconsultation, relating to the following additional matters (summarised):

- Lots of construction work taking place in the area;
- Increased impact from amendments to roof;
- Would set a precedent of out of character developments.

## **5.0 RELEVANT PLANNING POLICY AND GUIDANCE**

5.1 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'.

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

National Planning Policy Guidance  
National Planning Policy Framework (NPPF)

Reading Borough Local Development Framework Core Strategy Document, 2008

Policy CS7 (Design and the Public Realm)

Reading Borough Local Development Framework: Sites and Detailed Policies Document (Submission Draft 2011)

Policy DM4: Safeguarding Amenity

Policy DM9: House Extensions and Ancillary Accommodation

Policy DM10: Private and Communal Outdoor Space

Policy DM12: Access, Traffic and Highway Related-Matters

Supplementary Planning Guidance/Documents

A Design Guide to House Extensions (2004)

## 6.0 APPRAISAL

### Main considerations

#### (i) Character and Appearance

- 6.1 The residential plots along this section of the street are characterised by their generous size, but other than this there is no uniform character or appearance along the street. To the east of the site are two storey gable-ended properties with two storey hipped roof properties further along the street. To the west of the site are chalet style bungalows with Pantile Close and two storey properties further along. To the south side of the street are larger, older, properties set behind tall brick walls. Whilst many of the properties along the northern side of the street are attractive, including the host dwelling, which includes a flank eyebrow dormer window, there are none worthy of listing and the site is not located within Conservation Area.
- 6.2 Given the mix of building styles, sizes and appearance along the street there is no objection in principal to a proposal that would increase the building height to two full storeys. The proposed extension has been amended to reduce the height of the building to 8.4m, which is the same height as the two-storey dwelling at No. 49. The amended scheme also includes a gabled roof to match No. 49. The materials used in the development would be conditioned to match the existing. Therefore in streetscene terms, the proposed development as amended is considered to be appropriate.
- 6.3 As such the development is considered to be appropriate in its context in accordance with Policy CS7 (Design and the Public Realm) of the Core Strategy (2008), Policy DM9 (House Extensions and Ancillary Accommodation) of the Sites and Detailed Policies Document (2012) and the Council's Adopted Supplementary Planning Guidance: A Design Guide to House Extensions (2004).

#### (ii) Neighbour Amenity

- 6.4 The neighbouring two-storey house and chalet style bungalow both have secondary flank habitable room windows at first floor level which look directly over the site. These windows would experience a loss of outlook over the site as a result of the development. However, given the separation distances between buildings (5.8m between No. 45 and No. 47 and 5.2m between No. 47 and No. 49), neighbouring properties would not experience a significant detrimental loss of light as a result of the proposed extension.
- 6.5 In order to further reduce the potential for overbearing, and to improve the design of the extension, the roof has been set significantly down to the rear. Amendments have been secured to ensure the proposed garage roof slopes away from No. 49, and it would not now be overbearing on that neighbour's rear amenity space. It is considered appropriate, in this instance, to restrict further extensions to the property and extensions to the roof, as further extensions of this type may affect the overall design of the property and neighbour amenity. It is not proposed to remove permitted development rights for rooflights.
- 6.6 The original application submissions proposed first floor windows to serve the house. These would have resulted in overlooking between the bedroom windows of the application property and the flank windows of the neighbours to either side. Amendments have been secured to remove these, and there is no objection on the basis of loss of privacy as a result of the development.
- 6.7 The amendments are considered to have secured an acceptable design, which would not be harmful to neighbour amenity, in accordance with Policy CS7 (Design and the Public Realm) of the Core Strategy (2008) and Policies DM4 (Safeguarding Amenity) and DM9 (House Extensions and Ancillary Accommodation) of the Sites and Detailed Policies Document (2012) and the Council's Adopted Supplementary Planning Guidance: A Design Guide to House Extensions (2004).

(iii) Access/Transport

- 6.8 The application has not been submitted with a plan showing a parking layout; however, it is clear that the property has a lengthy driveway (approximately 14m to the front of the house and 21m to the front of garage) which can accommodate at least 2 cars. There is therefore no transport based objection to the proposal and the proposal is considered to comply with Policy DM12 of the Sites and Detailed Policies Document and the Council's Revised Parking Standards and Design SPD.

(iv) Trees, Landscaping and Ecology

- 6.9 Subject to a condition to ensure details of the specification and location of tree protection measures prior to commencement of development, the

development would comply with Policy CS38 (Trees, Hedges and Woodlands) of the Core Strategy.

(v) Infrastructure Contributions

6.10 The development would not increase the demand for other infrastructure and no financial contributions are therefore sought.

(vi) Other Issues

Equality Act 2010

6.11 In determining this application the Council is required to have regard to its obligations under the Equality Act 2010. The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sexual orientation. There is no indication or evidence (including from consultation on the application) that the protected groups have or will have different needs, experiences, issues and priorities in relation to the particular planning application.

6.12 In terms of the key equalities protected characteristics it is considered there would be no significant adverse impacts as a result of the development.

6.13 If permission is granted, the Council’s decision notice will need to explain in an informative how the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application. These proposals have been the subject of discussions with the applicant post submission of the application. The recommendation to grant permission is considered to be a positive result of these discussions.

Planning Issue requiring resolution	Issue resolved at pre-application stage ?	Issue resolved at application stage ?	Comments
Design	-	YES	Applicant given the opportunity to submit additional information and amend the scheme in order to make it acceptable.

**7.0 CONCLUSION**

7.1 The proposed extension to the site would be acceptable in terms of its design and its impact upon the character and appearance of the street. Following amendments to the scheme, it is considered that the development would not be overbearing on neighbouring properties or have an unacceptable impact upon neighbours in terms of loss of light or loss of privacy. The development would therefore be in accordance

with Policy CS7 (Design and the Public Realm) of the Core Strategy (2008) and Policies DM4 (Safeguarding Amenity) and DM9 (House Extensions and Ancillary Accommodation) of the Sites and Detailed Policies Document (2012) and the Council's Adopted Supplementary Planning Guidance: A Design Guide to House Extensions (2004). The application is considered to have provided adequate car and cycle parking, in accordance with Policy DM12 of the Sites and Detailed Policies Document (2012) and the Council's Revised Parking Standards and Design SPD. The application would be acceptable in relation to its impact upon trees, subject to a condition, in accordance with Policy CS38 of the Core Strategy.

- 7.2 It is recommended that, the application be granted subject to the imposition of planning conditions.

Case Officer: Justin Turvey.



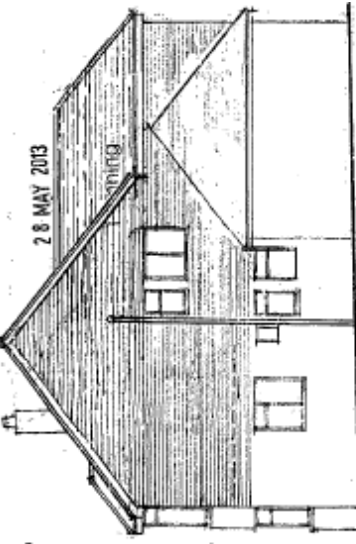
**READING BOROUGH COUNCIL  
AMENDED PLAN**

Reading Borough Council

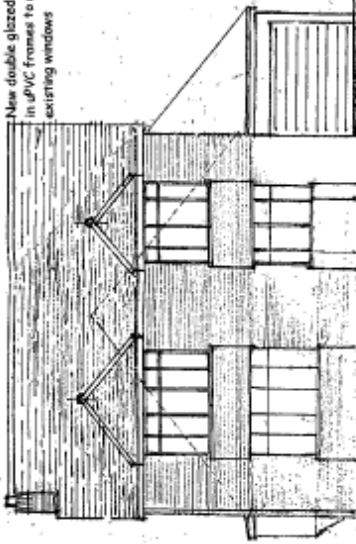
28 MAY 2013

12100214/FW  
Amended Plan  
28/05/13

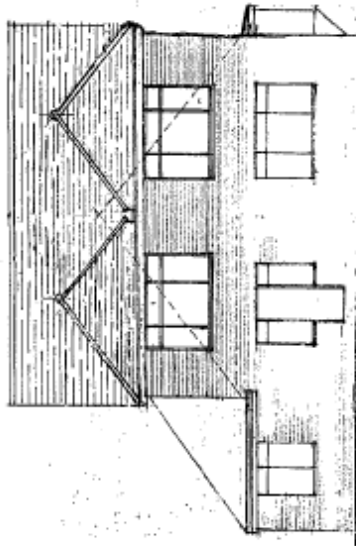
Matching roof tiles  
Matching facing bricks  
New double glazed units  
in PVC frames to match  
existing windows



**SIDE ELEVATION (North)**

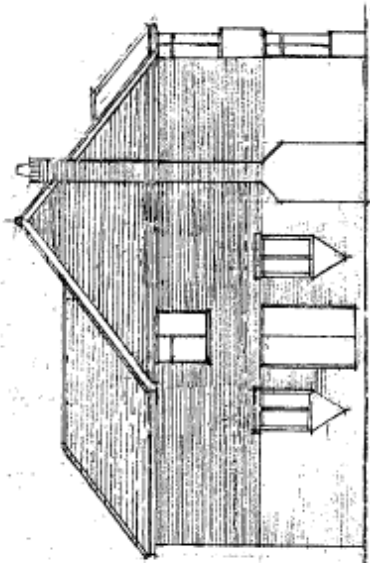
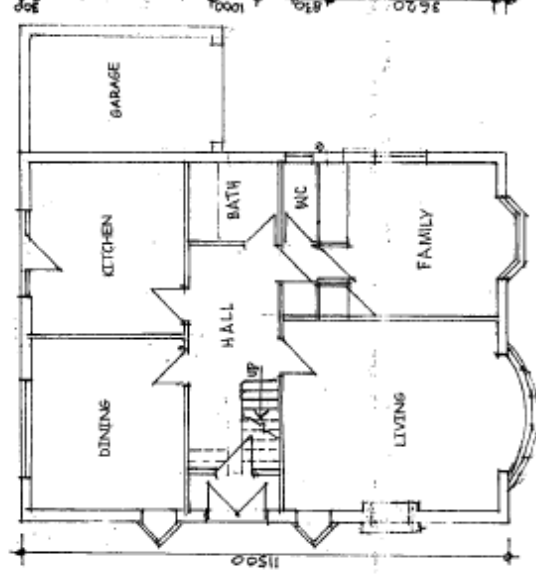
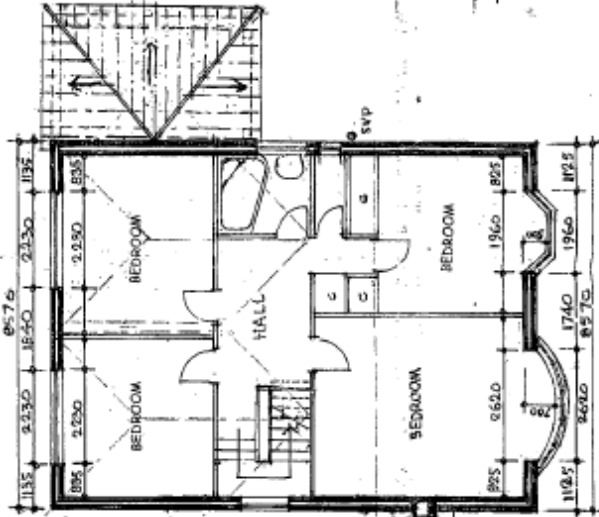


**FRONT ELEVATION**



**REAR ELEVATION**

Strip existing roof tiles coverings  
shown in balcony block



**SIDE ELEVATION (South)**

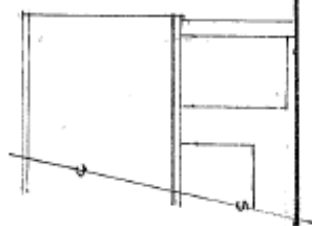
<b>MOJTBK CONSULTING ASSOCIATES</b> 11 Southwood Close, Lower Earley, Reading, Berkshire RG6 3UB Tel: 0118 961 0234	
<b>MOJTBK</b> MAY 2013 Ground & First floor Plans & Elevations	Scale 1:100 for MCA 1347/05B
<b>Revisions</b> a Amendments to roof and elevations b First floor plan amended to May 2013	
<b>PROPOSED FIRST FLOOR EXTENSION</b> AT 47 DOCKNEY HILL, TILEHURST, READING RG30 4HF	

13/00314/En  
 Amended Plan  
 28/05/13

**READING BOROUGH COUNCIL  
 AMENDED PLAN**

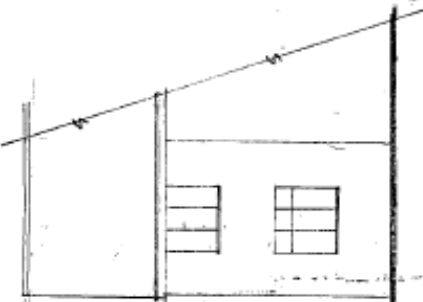
Reading Borough Council  
 Planning  
 28 MAY 2013

House No: 45

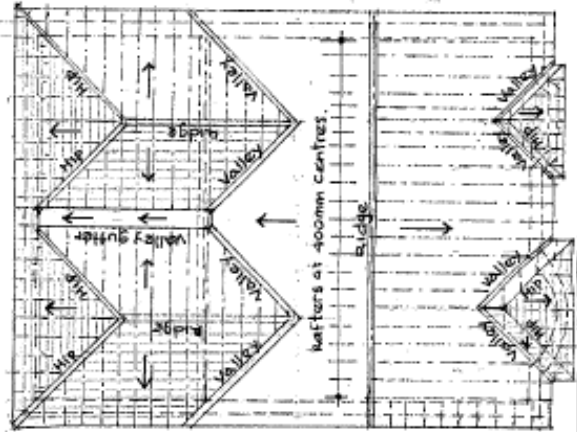


Matching roof tiles  
 Matching facing bricks  
 New double glazed units  
 in uPVC frames to match  
 existing windows

House No: 49



**FRONT ELEVATION FROM COCKNEY HILL**



**ROOF PLAN**

Revision  
 A Revised main roof - May 2013

PROPOSED FIRST FLOOR ADDITION AT 47 COCKNEY HILL, TILEHUIRST, READING RG30 4HF	
Date: 28th May 2013	Scale: 1:100
Drawn by: [Signature]	For: MCA 1347/04 A
<b>MOJIK CONSULTING ASSOCIATES</b> 14 Southward Close, Lower Earley, Reading, Berkshire RG6 3UB Tel: 0118 961 824	

# SOUTHCOTE



## COMMITTEE REPORT

BY THE DIRECTOR OF ENVIRONMENT CULTURE & SPORT  
READING BOROUGH COUNCIL  
PLANNING APPLICATIONS COMMITTEE: 26 June 2013

ITEM NO. 11

Ward: Southcote

App No.: 12/01233/FUL (121529)

Address: Former Elvian School, Bath Road, Reading

Proposal: Redevelopment to provide 193 residential units (173 new build and 20 through conversion) with associated access, parking, landscape and open space provision, following the demolition of existing school buildings

Applicant: Taylor Wimpey West London

### RECOMMENDATION:

THAT THE INSPECTOR BE ADVISED THAT THE COUNCIL WISHES TO REMOVE OR PUT FORWARD AMENDED REASONS FOR REFUSAL SET OUT AS FOLLOWS:

- Reason 2 (loss of playing field) further advice is being sought on this matter and will be presented in an update report to your meeting
- Delegate to officers to amend Reason 5 (Trees & landscaping). The proposal fails to demonstrate that trees intended to be retained on site can be adequately protected. Therefore the proposal is contrary to Core Strategy Policy CS7 and CS38 and Elvian School Site Bath Road/Southcote Lane Planning and Development Brief (2011).

Should an alternative layout be put forward by the appellant that removed future pressure to fell a number of mature trees and provided better long term tree protection Delegate to officers to Remove reason 5

- Delegate to officers to remove Reason 6 (Code for Sustainable Homes and sustainability assessment) once satisfactory information has been provided. Advise the Inspector that if minded to allow the appeal to impose conditions requiring relevant reports to be provided to demonstrate that the houses will achieve the required standard and a post construction report demonstrating what was actually achieved.
- Delegate to officers to Remove reason 7 (no legal agreement) once an acceptable Unilateral Undertaking submitted. An acceptable Undertaking to secure on site Affordable Housing provision (% still under discussion), Transport financial contribution of £87,360 towards RUAP, payable upon implementation and Education financial contribution of £1,172,698.04 payable upon first occupation.

## 1. INTRODUCTION

- 1.1 The Committee refused planning permission for this proposed redevelopment of the Elvian School site in October 2012. The applicant has lodged an appeal (planning inspectorate ref: APP/E0345/A/13/2197106)

against that decision and the appeal will be heard at a Public Inquiry to begin on September 9<sup>th</sup> 2013. Copies of the officer reports to this Committee on 17<sup>th</sup> October 2012 are attached at Appendices 1 & 2.

1.2 The reasons for refusal as set out on the decision notice were:

- 1 The proposal involves redeveloping on all of the Elvian School site and its playing field without substantiating that the land is no longer required for educational use or offering acceptable mitigation for its loss contrary to Policy SA9b of the Sites & Detailed Policy Document, Core Strategy Policy CS32, Elvian School Site Bath Road/Southcote Lane Planning and Development Brief (2011) and NPPF paragraph 72.
- 2 The proposal would result in the loss of a playing field without providing for its replacement close to the site with an equivalent playing field of better quantity and quality and in a suitable location and would fail to provide sufficient benefit in terms of the provision of new sports facilities to outweigh the loss of the existing playing field. Therefore the proposal is contrary to policy CS28 and SDPD Policy SA9b; Elvian School Site Bath Road/Southcote Lane Planning and Development Brief' (2011) and NPPF paragraph 74.
- 3 The proposed layout is dominated by vehicular access to the detriment of the landscaped areas resulting in a contrived and 'forced' layout with multiple 'hammer-head' features rather than 'through' roads which would provide a layout more in keeping with the traditional appearance of the proposed dwellings. Overall, the urban 'grain' is tightly packed. As such the site would lose its primary spacious green character interspersed with buildings and the proposal fails to integrate the new development with the natural, built and historic environment of the site. For this reason the proposal is contrary to Core Strategy Policy CS7, Elvian School Site Bath Road/Southcote Lane Planning and Development Brief (2011) and NPPF paragraphs 56 - 61.
- 4 Due to the proposed flat Blocks 1, 5, 6 & 7 being provided with insufficient landscaped setting around them these buildings, by virtue of their mass and bulky appearance, will appear cramped on overdeveloped sites to the detriment of their appearance and to the detriment of the character of the residential estate. Furthermore, by proposing flat Blocks 2 & 3 so close to the existing Oaklands Hall all three of these buildings would appear cramped and overdeveloped which in respect of Oaklands Hall, identified in the adopted Development Brief for this site as an undesignated heritage asset, would diminish the positive contribution this building could make to the character of the site. This is considered to be contrary to Core Strategy Policy CS7, Elvian School Site Bath Road/Southcote Lane Planning and Development Brief (2011) and NPPF paragraphs 56 - 61 and 135.
- 5 The proposal fails to demonstrate that trees intended to be retained on site can be adequately protected and by failing to provide details of servicing as requested fails to demonstrate that the proposed landscaping can be implemented as shown. In addition the landscape

masterplan for the site fails to provide a basis for establishing the principles and landscape details of the site and does not take the opportunity to provide street tree planting on the Southcote Lane frontage. Therefore the proposal is contrary to Core Strategy Policy CS7 and CS38 and Elvian School Site Bath Road/Southcote Lane Planning and Development Brief (2011).

- 6 The proposal fails to demonstrate how at least half of the proposed dwellings would meet Level 4 of the Code for Sustainable Homes sustainability assessment. The proposal therefore fails to demonstrate that the development would use energy water, minerals, materials and other natural resources appropriately, taking full account of the effects of climate change. Additionally, the failure to demonstrate how the scheme has been designed to incorporate measures to adapt to climate change or demonstrate how consideration has been given to securing energy for the development from a decentralised energy source is unacceptable. Taken together the proposal fails to meet the requirements of Core Strategy policy CS1: Sustainable Construction and Design and fails to meet the requirements of policy DM1 and DM2 of the Sites and Detailed Policies Document and is contrary to the National Planning Policy Framework.
- 7 In the absence of justification for the shortfall in the level of affordable housing proposed and in the absence of a completed legal agreement or unilateral undertaking to secure contributions towards RUAP or education or the provision of an acceptable level of affordable housing provision on site the proposal fails to mitigate its impact on the social, transport and economic infrastructure of the town and fails to accord with adopted affordable housing provision policy. Accordingly, the proposal is contrary to Core Strategy policies CS9 (Infrastructure, Services, Resources and Amenities) and CS16 (Affordable Housing) and the Council's Supplementary Planning Guidance, "Planning Obligations Under Section 106 of the Town and Country Planning Act 1990" (2004).

- 1.3 The Council has appointed Counsel, David Lintott of Cornerstone Barristers (2 - 3 Grays Inn Square), to act on behalf of the Council. Mr Lintott has reviewed each of the reasons for refusal and has advised that where the Council's case is weak or where agreement can be reached to overcome some of the other reasons we should indicate at an early stage that we are prepared to remove those reasons to avoid abortive work by both sides and thereby avoid or minimising having costs awarded against us by the Public Inquiry Planning Inspector. Members should note that these could be substantial if the Authority maintain a reason for refusal where a cogent and reasoned argument cannot be put forward.

## 2. Loss of Playing Field Reason for Refusal

- 2.1 On the playing field reason for refusal it is relevant that the applicant obtained planning permission for improvements to a playing field on Church End Road.
- 2.2 Planning application 12/01578/FUL for the development of 1x 11-a-side

junior football pitch, 1x no 9v9 pitch, 1 x no 7v7 pitch, 2 team changing rooms, officials changing room, store building, access to hard surface and associated car parking was considered and approved by Planning Applications Committee on its own merits on 12th December 2012, it being noted however that this did not imply that the facilities were adequate mitigation for loss of the playing fields on the Elvian site. This planning application raised no objections from the Council, Sport England or members of the public. Indeed Sport England and the Council's own leisure officers supported the provision of additional football facilities in West Reading to meet an identified need in this area.

- 2.3 The Council has confirmed to the applicant that in the event that a replacement facility close to the Elvian site could not be achieved it would agree to grant landowners consent to enable the applicant to carry out works to the Church End Lane site in accordance with the planning permission.
- 2.4 Counsel advice is being sought on the implications of this on the Council's ability to sustain a robust case for this reason for refusal notwithstanding that it is likely to be argued strongly by local residents that facilities at Church End Lane are too far to be regarded as a substitute. Officers will provide this advice in an update report for your meeting.

### 3. Landscaping Reason for Refusal

- 3.1 On landscaping progress has been made with the appellant to secure additional trees along the Southcote Lane frontage and is in the process of providing further information to overcome landscaping concerns. For the wider site landscape principles have been agreed and amended landscaping plans are still being prepared hopefully in time for your meeting. Officers will ask the Inspector, if minded to allow the appeal, to use conditions to ensure that the landscaping scheme is carried out in accordance with agreed details and thereafter maintained.
- 3.2 However whilst progress has been made with the Arboricultural Method Statement and tree protection plan such that if the development was approved at appeal, these documents would offer the best level of protection (during construction) and landscaping possible within such a dense development, it does not make the proposals acceptable in relation to trees. Officer objections remain on the basis of likely future pressure to fell a number of mature trees due to an inappropriate and unsustainable close proximity to the proposed dwellings.
- 3.3 Therefore the recommendation is to give delegated authority to officers to amend this reason for refusal to remove the reference to landscaping principles in the first instance and then, if an amended layout is submitted by the appellant between now and the Public Inquiry that is found to be acceptable to officers in respect of proximity to trees, give delegated authority to officers to remove this reason for refusal.

### 4. Code for Sustainable Homes Reason for Refusal



- 4.1 Core Strategy Policy CS1, requires developments of more than 10 dwellings to ensure that at least half of the dwellings meet Code 4 'Excellent' with the remainder meeting Code 3 'Very Good'. The planning proposal only allowed for all dwellings to achieve Code 3 and no justification provided for the lack of Code 4 'Excellent' units. There were also shortcomings with the indicated BREEAM levels for the refurbishment parts of the scheme with the pre-assessment estimator only demonstrating that the new build part of the scheme would achieve 58.05% whereas we would expect the pre-assessment stage to show a minimum of 65%.
- 4.2 Additional information has been provided by the applicant on this matter. Three pre-assessment estimators have been provided, which have stated that 50% of the homes would achieve at least Code for Sustainable Homes (CfSH) level 4 estimating a level of 71% (to achieve Code for Sustainable Homes level 4, a score of 68% must be achieved). The predicted level therefore includes a buffer of 3% as required by the SPD on Sustainable Design and Construction. There is a 3% buffer with the CfSH level 3 as well in that they have estimated a level of 60.69% would be achieved and a score of 57% needs to be achieved to secure CfSH level 3.
- 4.3 For the two buildings being refurbished on site they have submitted a BREEAM Domestic Refurbishment scheme. The pre-assessment estimator shows 65.56% could be achieved. This also includes a buffer of 3% as 62.5% is the mid-way point. The Planning Inspector will be asked to impose a planning condition to ensure that mandatory ratings to achieve BREEAM Excellent have been achieved e.g. for CO2 (which are not required for Very Good) but as 50% of units should be 'Excellent', reference to these criteria needs to be incorporated in any condition.
- 4.4 Policy DM2 - Decentralised Energy requires developments with more than 20 dwellings to provide for energy requirements from within the site. The policy threshold is based on research demonstrating that 20 dwellings is a feasible number to support CHP. Clearly 193 dwellings as proposed should therefore be capable in theory of securing energy from a decentralised energy source. The appellants have not provided any figures so far to support their assumption that decentralised energy would not be viable for this site and officers are still negotiating on this.
- 4.5 Given the progress being made on this matter it is considered likely that agreement will be reached before the Public Inquiry sits and therefore officers are seeking delegated authority to remove this reason for refusal (the Inspector will be asked to impose relevant conditions if minded to allow the appeal) if this is achieved.

## 5. S106 Reason for Refusal

- 5.1 Finally, discussions are continuing between officers and the appellants to agree a viability position on this site and again it is anticipated that acceptable heads of terms can be reached. It would be beneficial

therefore given the tight timescales and no Planning Applications Committee in August to have delegated authority to remove this reason for refusal if agreement on heads of terms can be reached before the public inquiry sits.

6. **Conclusion**

- 6.1 With the Public Inquiry due to start on 9<sup>th</sup> September there is just one Planning Applications Committee scheduled between this meeting and the Public Inquiry (24<sup>th</sup> July). It is important therefore that we have your agreement to remove or amend reasons for refusal or your delegated authority to remove or amend them should agreement be reached or the required information provided before the Public Inquiry starts.

Case Officer: Julie Williams

## COMMITTEE REPORT

BY THE DIRECTOR OF ENVIRONMENT CULTURE & SPORT  
 READING BOROUGH COUNCIL  
 PLANNING APPLICATIONS COMMITTEE: 17 OCTOBER 2012

ITEM NO.

Ward: Southcote

App No.: 12/01233/FUL

Address: Former Elvian School, Bath Road, Reading

Proposal: Redevelopment to provide 193 residential units (173 new build and 20 through conversion) with associated access, parking, landscape and open space provision, following the demolition of existing school buildings

Applicant: Taylor Wimpey West London

Date received: 6 August 2012

Major Application: 13 week target decision date: 5 November 2012

Planning Guarantee (26 weeks) Date: 4<sup>th</sup> February 2013

**RECOMMENDATION:**

REFUSE planning permission for the following reasons:

1. The proposed layout is dominated by vehicular access to the detriment of the landscaped areas, results in a contrived and 'forced' layout with multiple 'hammer-head' features rather than 'through' roads which would provide a layout more in keeping with the traditional appearance of the proposed dwellings. Overall, the urban 'grain' is tightly packed and the cramped appearance would be made worse by the lack of setting for the bulky blocks of apartments. As such the site would lose its primary spacious green character interspersed with houses and the proposal fails to integrate the new development with the natural, built and historic environment of the site. For this reason the proposal is contrary to Core Strategy Policy CS7 and NPPF paragraphs 56 and 61.
2. The proposal involves redeveloping on all of the Elvian School site and its playing field without substantiating that the land is no longer required for educational use or offering acceptable mitigation for its loss contrary to Policy SA9b of the Sites & Detailed Policy Document, Core Strategy Policy CS32 and NPPF paragraph 72.
3. The proposal would result in the loss of a playing field without providing for its replacement close to the site with an equivalent playing field of better quantity and quality and in a suitable location and would fail to provide sufficient benefit in terms of the provision of new sports facilities to outweigh the loss of the existing playing field. Therefore the proposal is contrary to policy CS28 and SDPD Policy SA9b and NPPF paragraph 74.
4. The proposal fails to demonstrate how at least half of the proposed dwellings would meet Level 4 of the Code for Sustainable Homes sustainability assessment. The proposal therefore fails to demonstrate that the development would use energy water, minerals, materials and other natural resources appropriately, taking full account of the effects of climate change. Additionally, the failure to demonstrate how the

scheme has been designed to incorporate measures to adapt to climate change or demonstrate how consideration has been given to securing energy for the development from a decentralised energy source is unacceptable. Taken together the proposal fails to meet the requirements of policy CS1: Sustainable Construction and Design of the Core Strategy and fails to meet the requirements of policy DM1 and DM2 of the Sites and Detailed Policies Document and is contrary to the National Planning Policy Framework.

5. The proposal fails to demonstrate that trees intended to be retained on site can be adequately protected and by failing to provide details of servicing as requested have failed to demonstrate that the proposed landscaping can be implemented as shown. In addition the landscape masterplan for the site is inadequate for establishing the detail and landscape principles of the site and does not take the opportunity to provide street tree planting on the Southcote Lane frontage. Therefore the proposal is contrary to Core Strategy Policy CS7 and CS38.
6. In the absence of justification for the shortfall in the level of affordable housing proposed and contributions and in the absence of a completed legal agreement or unilateral undertaking to secure an acceptable level of affordable housing and other contributions towards RUAP or education or the provision of affordable housing the proposal fails to mitigate its impact on the social, transport and economic infrastructure of the town and fails to accord with adopted affordable housing provision policy. Accordingly, the proposal is contrary to policies CS9 (Infrastructure, Services, Resources and Amenities) and CS16 (Affordable Housing) of the Core Strategy and the Council's Supplementary Planning Guidance, "Planning Obligations Under Section 106 of the Town and Country Planning Act 1990" (2004).

## INFORMATIVES

1. Refused Plans

## 1. INTRODUCTION

- 1.1 The 5.04 ha application site is occupied by the former Elvian School and lies between Bath Road to the north and Southcote Lane to the south. The site adjoins Pendragon Court to the east, residential properties along Southcote Lane to the south-east, 112 - 114 Southcote Lane to the south-west and playing fields associated with the Blessed Hugh Faringdon School to the west.
- 1.2 The site is approximately 230m wide (east to west) and between 200m and 280m deep (north to south), equating to approximately 5ha in total. The site contains two large vacant Victorian buildings, Oaklands Hall and Rotherfield Grange, the Elvian School building and ancillary buildings associated with the school. The western third of the site is a playing field associated with the school. Many of the trees on the site, particularly along the Bath Road frontage have Tree Preservation Orders on them and these lend the site a verdant quality and a high degree of seclusion when seen from the Bath Road. The site is mainly level but there is a drop

between the south-west section of the site and Southcote Lane.



Not to scale

## 2. PROPOSAL AND SUPPORTING INFORMATION

- 2.1 The application seeks full planning permission to redevelop the existing school building, grounds and playing field with 173 dwellings and the conversion of the two existing buildings Rotherfield Grange and Oakland Hall to 20 flats. Associated access, parking, landscaping and open space is also proposed.



Elvian School

2.2 The proposed housing is at a density of 38.45 dwellings per hectare across the whole 5.02 ha site. It would comprise:

Dwelling Type	Private	Affordable	Total
1 bed apartment	13	0	13
2 bed apartment	65	20	85
2 bed coach house (*)	0	1	1
3 bed house	40	15	55
4 bed house	32	7	39
Total	150	43 (22.3%)	193 (48.7% houses)

\* The applicant refers to this unit as a house in their calculations but it is the Council's practice to describe this type of "flat over garage" unit as a flat and this is reflected in the above calculation for the % of housing and in the following report.

2.3 As shown on the above table 94 (48.7%) of the dwellings take the form of mainly 2 storey houses with some having rooms in the roof. 99 (51.3%) of the dwellings will be either 1 or 2 bedroom flats with 20 of these in the refurbished 3 storey Rotherfield Grange and Oakland Hall. Two new blocks of 2<sup>1/2</sup> storey flats are proposed located on either side of Oakland Hall to appear as wings to this building. Five further new blocks of flats are shown located around the site with two 3<sup>1/2</sup> storey blocks on the Bath Road frontage of the existing playing field, one 2<sup>1/2</sup> storey block directly to the west of Rotherfield Grange, a 2<sup>1/2</sup> storey block of affordable flats in the south-east corner of the site and one 2<sup>1/2</sup> storey with 3<sup>1/2</sup> section in the centre of the site located on the proposed new main road into the site from Southcote Lane.

2.4 The southern part of the site is shown characterised by pairs of semi-detached houses set beyond landscaped access roads. The middle band of housing is plainer in appearance and denser in layout with terraces beyond which are buildings of greater mass and the flat blocks with red brick, brick detailing and feature window lintels and chimneys.

2.5 The proposed road layout feeds off a main access from Southcote Lane to serve 160 of the dwellings. The balance of 33 dwellings (in the converted Rotherfield Grange, the new flat block to west of it and the converted and extended Oaklands Hall) are shown accessed by a left in/left out only turning

from Bath Road. Bollards are shown on one of the roads that when lowered would allow emergency access through the site.

- 2.6 Pedestrian routes are shown around and crossing the site with a possible 3 pedestrian routes from Bath Road and 2 from Southcote Lane. One of the routes includes a shared cycle/pedestrian path running directly north/south through the site.
- 2.7 The proposals include a band of landscaped informal amenity space along the Southcote Lane frontage to a depth of about 10 metres, an informal play area annotated as a LEAP to the east of Oaklands Hall, the existing sunken garden is shown retained and landscaped and a landscaped area is shown on the north-east corner of the site. In addition the blocks of flats have small areas of communal garden space alongside them.
- 2.8 The application was submitted with the following supporting documents and drawings:
- Planning Statement prepared by DPP;
  - Design and Access Statement prepared by DHA Architecture;
  - Statement of Community Involvement prepared by DPP;
  - Heritage Assessment prepared by DPP Heritage;
  - Flood Risk Assessment prepared by Peter Brett Associates;
  - Noise Assessment Report prepared by AIRO (to follow);
  - Extended Phase 1 Habitat & Preliminary Bat Survey Report Revision 1 prepared by
  - Keystone Ecology;
  - Building Bat Emergence Report prepared by Keystone Ecology;
  - Tree Preliminary Bat Survey prepared by Keystone Ecology;
  - Interim Bat Activity Survey Report prepared by Keystone Ecology;
  - Stag Beetle Habitat Assessment prepared by Keystone Ecology;
  - Transport Assessment and Travel Plan prepared by Peter Brett Associates;
  - Tree Report prepared by ACD Arboriculture;
  - Arboricultural Impact Assessment prepared by ACD Arboriculture;
  - Arboricultural Method Statement prepared by ACD Arboriculture;
  - Utilities Report prepared by Atkins;
  - Archaeological Desk Based Assessment prepared by Thames Valley Archaeological
  - Services;
  - Air Quality Assessment prepared by Peter Brett Associates;
  - Sustainability Statement prepared by Vinci Technology Centre; and
  - Viability Statement prepared by BNP Paribas

Numerous drawings of existing and proposed site layout and buildings all with reference 081015.

- 2.9 The Design and Access Statement sets out quite a considered approach to the site; its surroundings, constraints and opportunities and seeks to justify the design approach taken to the layout and to the appearance of the new buildings. It describes the public response to earlier consultations and the feedback from pre-application discussions.
- 2.10 The Planning Statement explains why, notwithstanding the requirements of

the adopted Development Brief and Emerging SDDP policy SA9b which seeks the retention of the playing field and educational use of the site, the proposal does not seek to achieve either of these things.

### 3. PLANNING HISTORY

- 12/01294/SCR - Request for a Screening Opinion for 193 dwelling units with associated access, parking, landscaping and open space provision following demolition of existing school buildings. Observation sent 12/09/2012. The screening opinion of the Council concluded that an Environmental Impact Assessment would not be required.
- 11/00245/PREAPP - Pre-application advice for proposed residential development (194 no. units) and associated works, with retained historic buildings and associated open space, and provision for a multi-use games area. Observations Sent 2012.
- 09/01184/OUT - Hybrid planning application relating to a full application for a replacement school and a racquets club and an outline application for the development of up to 95 residential units (with all matters reserved except access to the site). Application Refused 09/10/2009.
- 09/00511/SCR - Request for Screening Opinion in respect of a proposed development for a replacement school, leisure club and residential development of up to 110 houses, and vehicular access. Observations sent 30/04/2009. The screening opinion of the Council concluded that an Environmental Impact Assessment would not be required.

### 4. CONSULTATIONS

#### (i) Statutory Consultation

##### **Environment Agency:**

There is **no objection** to the proposed development, subject to the inclusion of the planning conditions, to assess and mitigate any contamination on site and to verify the capacity of surface water drainage proposals.

##### **Sport England:**

It is understood that the site forms part of, or constitutes a playing field as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2010 (Statutory Instrument 2010 No.2184), in that it is on land that has been used as a playing field within the last five years, and the field encompasses at least one playing pitch of 0.2 ha or more, or that it is on land that allocated for the use as a playing field in a development plan or in proposals for such a plan or its alteration or replacement.

Sport England has therefore considered the application in the light of its playing fields policy. The aim of this policy is to ensure that there is an adequate supply of quality pitches to satisfy the current and estimated future demand for pitch sports within the area. The policy seeks to protect all parts of the playing field from development and not just those which, for the time being, are laid out as pitches.



Sport England's adopted Playing Fields Policy, 'A Sporting Future for the Playing Fields of England (1996)', sets out a policy presumption against development that would lead to the loss of, or would prejudice the use of, all or any part of a playing field, or land last used as a playing field. The aim of this policy is to ensure that there is an adequate supply of quality pitches to satisfy the current and estimated future demand for pitch sports within the area (whether the land is in public, private or educational use).

Sport England will, therefore, oppose development on playing fields in all but exceptional circumstances. These exceptional circumstances are where, in the judgment of Sport England:

E1 - A carefully quantified and documented assessment of current and future needs has demonstrated to the satisfaction of Sport England that there is an excess of playing field provision in the catchment, and the site has no special significance to the interests of sport.

E2 - The proposed development is ancillary to the principal use of the site as a playing field or playing fields, and does not affect the quantity or quality of pitches or adversely affect their use.

E3 - The proposed development affects only land incapable of forming, or forming part of, a playing pitch, and does not result in the loss of, or inability to make use of any playing pitch (including the maintenance of adequate safety margins), a reduction in the size of the playing area of any playing pitch or the loss of any other sporting/ancillary facility on the site.

E4 - The playing field or playing fields which would be lost as a result of the proposed development would be replaced by a playing field or playing fields of an equivalent or better quality and of equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements, prior to the commencement of the development.

E5 - The proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field or playing fields.

The application proposes the redevelopment of the entire former Elvian School site for housing development. The applicant intends to replace the playing field lost, by providing 'new' playing field land at Meadway Recreation Ground. The site at Meadway Recreation Ground has not been used for some years now after the removal of the old Redgrar surface that was once sited in this location. It is further proposed that new changing provision, toilets and parking will be provided at the Meadway Recreation Ground. There may be scope therefore, for the proposals to accord with exception E4 of the above policy.

That said, Sport England advised the applicant at pre-application stage that a planning application for the works at Meadway Recreation Ground would need to be submitted concurrently with the Elvian School application, so that both permissions could be robustly linked via legal (S106) agreement. As it stands, no application has been submitted for the Meadway Recreation Ground proposals.

As such, at this stage, exception E4 cannot be met. However, having discussed the matter with the applicant again, they have indicated that they intend to submit a planning application for the Meadway Recreation Ground shortly. Sport England would be keen to review the application in the round, once this related application is submitted.

Sport England therefore wishes to register an initial holding objection and allow the applicant time to submit a concurrent planning application, after which we would like the opportunity to comment further. However, as an objection has been submitted by Sport England the application will need to be referred to the National Planning Casework Unit should your Council be minded to grant planning permission; in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, and the DCLG letter of 10 March 2011.

## **(ii) Non Statutory Consultation**

### **RBC Transport:**

The comments from the Council's Transport Development Control Manager are extensive and therefore are included in full at appendix 1 to this report. In summary, they have considered data from car ownership in the area which shows that the average car ownership is 1.32 vehicles per 2 person house, 1.73 vehicles per 3 person house and 2.31 vehicles per 4 person house with between 6% and 11% of dwellings not owning a car. Compared to this, the proposal, which includes the provision of 1 two-bed, 55 three-bed and 39 four-bed houses, would require a minimum of 189 spaces to comply with the adopted SPD. This is the proposed provision stated at point 6.7.2 of the Transport Assessment so is therefore acceptable. The parking layout is also acceptable.

There are shortcomings with the cycle provision details, but could be overcome with revised drawings, and refuse vehicles turning needs to be demonstrated but overall subject to conditions and the securing of a financial contribution towards schemes identified in the Central and Western and Central Reading action plan areas of this Authority's Local Transport Plan there are no transport objections to the proposed redevelopment.

### **RBC Conservation and Urban Design**

The Development Brief for this site forms an important 'material consideration' which needs to be taken into account. It highlights a number of urban design and conservation aspects, which would need to be complied with, for development to be acceptable.

The proposed layout appears mainly based on vehicular access to the detriment of the landscaped areas. This results in a contrived and 'forced' layout with multiple 'hammer-head' features, rather than 'through' roads (especially to s.w. corner of site). Overall, the urban 'grain' is so tightly packed that the site has lost its primary character of being a spacious, green space, interspersed with houses. It would now become more 'urban' than suburban. This is largely due to the predominance of roads, hard-surfaces and car-parking which detracts from the spacious, open character of this site. The Council has consistently argued to simplify the layout and intersperse more green space between the flat blocks, to reduce the hard standings, and 'hammer-head' turnings, in order to provide a more 'permeable' layout. However, this has not been taken on board, to the detriment of the layout and the landscape setting.

While the Pre-Application stage draft designs are improved by the inclusion of more space between Rotherfield Grange and new flat Block B opposite, this is taken up largely by a car park. This is a missed opportunity, as more careful siting

of car spaces could retain an usable open space between these two flat blocks, to protect the Heritage Asset's setting and could serve as amenity for the flats. One positive aspect, however, is the proposed retention of a belt of trees and a Pedestrian/ bicycle route as a 'green corridor' via west end of site, which is welcomed.

Overall the urban realm appears over-developed with built form, leading to under-provision in the following areas:

- Lack of sufficient 'connectivity' through site via 'through' pedestrian paths; over-dominance of dedicated car/ road spaces and hard-standings; creation of cul-de-sac's, hence, convoluted access roads.
- Monolithic flat blocks, merging with private houses, losing the distinction between building types;
- High proportion of new access roads to open green space around homes; layout still appears 'cramped, as a result.

#### **Natural England:**

This proposal does not appear to affect any statutorily protected sites or landscapes, or have significant impacts on the conservation of soils, nor is the proposal EIA development. However, it is noted that the protected species survey has identified that the following European protected species may be affected by this application: Bats, dormice and great crested newt. Advice is then provided for each species;

**Bats:** advises that permission could be granted (subject to other constraints)" and that the authority should "Consider requesting enhancements". We have come to this conclusion on the understanding that although there are buildings considered as having high potential for roosts, further survey effort does not indicate a roost on site. We support the applicant's Ecologists recommendations for enhancements on site.

**Hazel Dormice:** advises that we accept the findings of the applicant's ecologist and consider promoting biodiversity enhancements for dormice (e.g. creation of habitat linkages) in accordance with NPPF and Section 40 of the NERC Act. .

**Great Crested Newts:** advises the authority to accept the findings and consider promoting biodiversity enhancements for great crested newts (for example creation of new water bodies and suitable terrestrial habitat) in accordance with in accordance with the NPPF and Section 40 of the NERC Act.

#### **RBC Natural Environment:**

The site is subject to Area TPO 93/03. Whilst the scheme does appear to include the retention of the most important trees on site, there are concerns about the successful long-term retention of some of these, the lack of information about servicing routes and detail missing from the Landscape Management Plan.

The application is currently unacceptable until satisfactory responses have been received to the concerns raised as the application does not currently demonstrate that trees can be successfully retained and that an adequate level of landscaping can be provided.

#### **RBC Ecology:**

There are unlikely to be any objections to this application on ecological grounds as the applicant has demonstrated that there are unlikely to be any adverse impacts on protected species, the proposals retain many of the existing trees on the site,

and the application will result in the replacement of an amenity grassland field with housing and associated trees and landscaping which is likely to have equal or improved biodiversity value (compared to the existing field). As such, subject to issues in relation to trees and landscaping being resolved, there should be no objections on ecology grounds. Should you be minded to recommend that the development is permitted there will need to be a number of conditions in relation to bats, badgers, reptiles, landscaping etc.

#### **RBC Leisure:**

The overall design has not changed much since the plan that was submitted for pre-application comment in February. I note, with approval, that the integrity of the Bath Road frontage has been strengthened with tree planting all the way to the western boundary, as we requested.

The play area is not really a LEAP in terms of the formal definition. In particular, it needs to be at least 400m<sup>2</sup>, and to have the following: at least five types of play equipment, of which at least two are individual pieces rather than part of a combination, and each item designed to stimulate one of the following:

- (i) Balancing, e.g. beams, stepping logs, clatter bridges, or graphic line elements.
- (ii) Rocking, e.g. see-saw or spring animals.
- (iii) Climbing or agility, e.g. frames, nets, overhead bars, or angled climbers.
- (iv) Sliding, e.g. traditional slides, straight or angles 'fire-fighters' poles.
- (v) Social play, e.g. sheltered areas or child seating.

It is ok to provide a LAP (local area for play) within the development, but then this would need to square with the development brief. Please note that, because there is no wider public benefit in this play area, given its location within the development, the Council will not want to adopt it nor should it be considered as meeting the aspirations of the Open Spaces Strategy to enhance the endowment of recreational public open space through planning gain. However, this latter aspiration may be addressed by whatever mitigation is proposed for the loss of the playing field.

#### **RBC Environmental Health:**

Environmental Protection concerns

- **Noise impact on development**
- **Air Quality impact of development**
- **Contaminated Land**
- **Construction and Demolition phase**

#### **Noise impact on development**

A noise assessment has been submitted with the application which assesses the site as NEC B. A scheme should now be completed to ensure that all the properties are sufficiently protected from noise. The applicants should demonstrate that the design and proposed noise mitigation complies with BS 8233: 1999 for recommended internal noise levels. For new build, the internal noise levels should comply with the 'good' standard as defined in table 5 of BS8233:1999 (i.e 30dB in bedrooms at night and 30dB in living rooms etc in the daytime). A condition is recommended to obtain these details before development commences on the houses.

### **Air quality impact of development**

The air quality assessment submitted with the application has shown that there will be a negligible impact on air quality from the operational phase of the development. Therefore no mitigation is required for this phase.

The impact on air quality during construction and demolition has not been considered as part of the submitted assessment. A condition is recommended to ensure that this is assessed and suitable mitigation measures put in place to ensure that there is no significant impact on air quality during the development phase.

### **Contaminated Land**

A site investigation has been submitted with the application. However it appears that the investigation was carried out prior to the most recent application which has altered the development. The site investigation identified elevated levels of lead, arsenic and chromium in the Northern area of the site. It was deemed satisfactory to leave these materials under the proposed sports centre, however now that these plans have changed the plans need to be revisited. These levels of contaminants would not be appropriate to leave in a residential garden.

The assessment also proposes that gas testing is carried out to ascertain what level of gas protective membrane should be installed to ensure that landgas ingress is not possible. Therefore this should be carried out prior to development commencing at the site.

The report also recommends that chemical test data be submitted to Thames Water where potable supply pipes go through the area of identified waste fill material. Conditions are recommended to ensure that any risk from contamination and landgas at the site to future users is dealt with appropriately.

### **RBC Education:**

Notwithstanding the in principle concern for the loss of educational use from the site if permission were to be granted for the development we would request contributions under Section 106 to help improve the capacity in our schools. In Reading we experienced a significant shortage of primary pupil places for September 2012 and had to identify a number of primary schools across the Borough to accommodate the additional children who applied for a school place. We saw a corresponding increase in demand for school places in the West and in response Oxford Road Primary and St Michaels Primary volunteered to accept an additional intake of up to 30 foundation stage children.

There are two secondary schools in the West area of Reading, an Academy, Prospect School, and a voluntary aided Catholic school, Blessed Hugh Faringdon. Although Prospect School is an Academy and is funded independently of the Local Authority there is still a statutory obligation to fund capacity in the school on the Local Authority therefore we are expected to continue to seek contributions from developers. Prospect school has been full to its published admission number for the last few years. Blessed Hugh Faringdon, has been supporting the undersupply of school places in the area by taking additional pupils over its published admission number for the last few years so is also filling from year 7 up.

The above address is in the West area. We shall be requesting an Education Contribution at both the Primary and Secondary phases to meet the rising levels of demand for school places.

There is pressure on educational resources in the West area of Reading and we believe that the developers should contribute towards improving buildings to provide suitable places for pupils who will come into the area as a result of new housing development. The sum of one million one hundred and seventy two thousand six hundred and ninety eight pounds and four pence has been requested as an Education Contribution from the developer, with the calculation based on the formulas set out in the adopted SPG on Planning Obligations.

#### **RBC Housing:**

The Elvian School Scheme proposes a mixed development of housing, amenity space and improved access and the renovation of existing dwellings on the site.

The development brief sought to guide a development that would bring a balanced and sustainable mix of household types and sizes to best meet local housing need and demand.

The attraction of Reading as a business location is placing increasing pressure on the availability of housing, including affordable housing.

Much of Reading's recent housing development has been smaller, 1 and 2 bed flats so it is particularly pleasing to see a mix of larger sized property provided on this site.

The proposed Elvian School development demonstrates a mix of affordable units, a mix of houses and flats that is capable of meeting Reading's housing need for owner occupiers.

The number of housing units proposed is 193, which includes 20 refurbished units in the existing Oaklands Hall and Rotherfield Grange.

#### **Affordable Housing**

It is considered that:

- All parts of the Borough are suitable for accommodating affordable housing.
- The design/construction of the affordable housing should be in keeping with market sale housing on the site, meet appropriate space and other standards laid down by the Homes and Communities Agency using their Scheme Development Standards and otherwise be in accordance with all relevant planning policies.

The affordable housing proposed on this scheme constitutes 43 homes from a development total of 173 (discounting the refurbishment of Oaklands Hall and Rotherfield Grange). This equates to 24.8% of the total number of housing units on site. Therefore, the provision of affordable housing is substantially below the 50% affordable housing target and will need to be justified.

Wherever possible, the design and appearance of affordable housing should be indistinguishable from market units. Inevitably there will be differences in design and specification, but close similarity should be a primary objective. However, the

proposed Affordable Housing units on this site are distinctly different in style and layout in comparison to the private sale housing:-

1. The proposed affordable units are (especially in the row of six 3 and 4 bed houses to the eastern edge of the development) narrow, cramped in nature, terraced with small, very narrow gardens and reduced footprint sizes in relation to private sale. E.g. The ground floor of 4 bed house type F (private sale) is 50% larger than the ground floor of house type AA (affordable).
2. The affordable units are either 2 or 2 ½ storeys with the loft space used to provide the extra bedroom or storey whilst the private sale are either detached or semi-detached houses of a more traditional 2 storey build with empty loft space. Whilst the bedrooms in the affordable units are the same size or bigger than private sale 4 bed units to comply with HCA space standards, the ground floor width and length is much less.

The style of the affordable housing is markedly different and cannot be shown as to be “in keeping” with the private sale homes.

No details of any fully disabled adapted homes has been provided in the Design & Access Statement but some Lifetime Homes compliance is detailed in the plans that accompany the application. The space standards shown and confirmed for affordable housing should be demonstrated to be in line with published HCA guidelines on space and quality standards.

### **Conclusion**

If the level of affordable housing provided on this site is justified in a viability study, then the level and overall mix of affordable housing units is supported as the size mix of affordable homes is in line with the mix of private housing units and will provide much needed rented family sized housing.

However, some of the affordable housing is not in keeping with the market sale housing as detailed above due to differences in house footprint, garden size and the overall cramped nature of the houses.

### **RBC Valuations:**

The submitted Viability Report has not adequately demonstrated that the development is not financially able to deliver the package of S106 contributions and affordable housing as required to comply with adopted policy.

### **Berkshire Archaeology:**

The Historic Environment of the Elvian School Site Planning Brief SPD highlights the value of Oakland Hall and Rotherfield Grange. In paragraph 6.11 it states that the site is located in ‘an area of archaeological potential’ and ‘developers will be expected to commission and submit an archaeological assessment of the site at an early stage’. Further, the planning authority expects that preservation of surviving remains will be secured by condition.

The NPPF states that pre-application fieldwork can form part of the assessment - paragraph 180 states that ‘in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets

affected ... Where an application site 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.' It is advisable that the applicant carries out pre-application field evaluation by way of trial trenching to assess the survival of archaeological remains located on the site, prior to its destruction and the potential to impact on deposits of other archaeological periods. It is possible to undertake this work during the decision-making period.

An archaeological desk-based assessment was produced in order to assess the archaeological potential of c.5ha of land at Elvian School in 2009 and again in 2011. A site visit was undertaken in 2009 and 2011 and found that the higher level of the proposal site would suggest that it has not been quarried though some localised quarrying may have occurred as, for example, the sunken garden on the Bath Road frontage is lower than immediately adjacent areas.

As a result of quarrying on the adjacent site, finds of Palaeolithic date were recorded indicative of the presence of occupation sites. If further deposits were present in adjacent unquarried sites, this would be a very significant location for Palaeolithic studies. The levels of most archaeological interest are, if present, to be found deeply buried at the base of, or beneath, the gravel, perhaps up to 4m below the modern ground surface.

Evidence for Iron Age occupation was also found during quarrying on the adjacent site. Finds from other archaeological periods are recorded in the immediate area, so the potential for impacting further on archaeology on this site is considered high and there are likely to be archaeological implications to development proposals. It is possible that archaeological deposits of almost any period might be expected and may have survived the 19th and 20th century development. If so, these will be located at the surface of the gravel and/or subsoil on the site. Potential for archaeology at depth has also been identified in the DBA and the impact on those deeper deposits will depend on the design of the foundations of the buildings - basements and piling for example may impact at these deeper levels.

To reiterate, pre-application field evaluation by way of trial trenching is advisable to assess the survival of archaeological remains located at depths of impact to allow a decision to be made as to whether preservation in situ or preservation by record is appropriate in areas where engineering solutions are not possible and to assess any time and cost implications for the development. And archaeological investigation does form part of likely environmental impacts of the proposed development. It is possible to undertake this work during the decision-making period and it would be appropriate to discuss the various deep impacts on site where preservation in situ is not possible.

#### **Thames Valley Police Architectural Liaison Officer: No Objections**

It was noted that the Safety & Security section within the Design and Access Statement (DAS) has an undertaking that if this application gains permission, at the reserved matters stage more physical methods of reducing crime and improving security will be incorporated by means of secure walls, fences and gates, particularly private gardens as well as the security features would be incorporated into the detailed design of the buildings. However the following points of detail,



which are relevant to the planning application, were provided for the applicant's attention:

**Footpath link, north to south in front of plots 9 to 12, plots 34 & 35, plots 79 to 82 & plot 74**

Whilst some of the plots address this footpath link, it may be able to be improved by:

- Ground floor bay window added on elevation overlooking path for plots 7 and 74.
- Side boundary fencing of amenity area of block 1 (85 - 93), block 2 (94 -105), Block 7 (63 - 73) to the side of the footpath link, could be open top railing fence creating defensible space for the blocks, but natural surveillance from the block over the footpath.

**Defensive Planting:** Pleased to see defensive planting such as is proposed along back line of rear gardens of plots 1 to 6, and front of other dwelling plots.

**Secured by Design:** It is recommended that the dwellings are built to the physical security of Secured by Design (SBD). The SBD standard uses subtle security measures and national sustained research proves that Secured by Design housing developments suffer at least 50% less burglary, 25% less vehicle crime and 25% less criminal damage.

**The Sunken Garden:** There is natural surveillance over the sunken garden from Oaklands Hall & blocks 2, 3, 4 & 7, as well as the A4. This will be restricted by the trees, but at ground level the lower branches of the trees should be cut so that there is a clear 1.8m vision under the tree canopy. Such facilities can be abused, but the natural surveillance should help deter this. It is queried if this area will be available for the wider area or just the residents? Will this area be private or owned and maintained by the council? If for just the residents then perhaps fencing (open top railings) and a gate and controlled access will help? This would make it similar to some squares in London where the communal garden is in the middle of the square? Water features can be notorious for being vandalised. The management plan should identify how this feature will be protected and maintained, whether it be in public or private ownership.

**(iii) Public/local consultation and comments received**

1 - 75 odds, 2 - 110 evens Kenilworth Avenue, (all) Monks Way, 1, 2 Faircross Road, 1 Parkhurst Drive, 1 Southcote Farm Lane, 24 Barn Close, 4 (all) Liebenrood Road, 60, Armadale Court (all), 64, 72, 74, 74a, 76 Inglewood Court (all), Belgravia Court (all), 57 - 59, Merlin Lodge, Pendragon Court Bath Road, 1 - 107 odds, Southcote Beefeater, 40, 42, Merlin Lodge (all), 52 - 70, 112 - 152 evens, Southcote Lane, 1, 2 Winsor Drive consulted by letter.

The application was advertised in the local press as a major development. A number of site notices were also posted along bath Road and Southcote Lane.

The applicants held a public exhibition in the former Elvian School building in February 2012, attended by approximately 90 people.

21 letters and e-mails have been received raising the following:

- Proposal is essentially the same as previous proposal

- Impact upon local infrastructure
- Loss of playing field/ playing field should be retained
- Loss of green space
- Loss of last remaining green area
- How do proposed facilities at Meadway benefit local community?
- Applicant could improve playing field provision at Blessed Hugh Faringdon
- Prospect Park is across busy road
- Site should be used for retirement homes with school renting playing fields
- Local schools are oversubscribed
- Site should be used as a school
- Site could be a school and sports centre
- Part of the site should be donated to Blessed Hugh Faringdon
- Missing an opportunity to allow for future development of Blessed Hugh Faringdon
- Community building should be provided
- Density too high
- Development would be out of keeping with the area
- Proposal overdevelops site/ number of units should be reduced
- Principle of housing acceptable if number of units reduced
- Housing should compliment the surrounding area
- Development should be of quality housing
- Increase in activity
- Noise and disturbance
- Overbearing impact of development
- Loss of sunlight
- Overlooking/ loss of privacy
- Proposal is large
- Development will result in deterioration of Southcote Lane road surface
- Access should be from Bath Road
- Should be a vehicular route through to Bath Road
- Increase in traffic
- Development will cause congestion
- Construction traffic issues
- Construction parking issues
- Lack of parking
- Proposed accesses onto Southcote Lane are too close together
- Traffic danger to children
- Access close to bus stop
- Lack of amenity space
- Local allotments are oversubscribed
- Damage to air quality
- The development should be more sustainable - solar panels, rainwater harvesting, water butts, permeable pavements
- Surface water run off concerns
- Flood risk
- Effect upon trees/loss of trees
- Effect upon wildlife
- On site play provision required
- Council supporting application/ making it difficult to object
- Developer only interested in profit
- Development will affect house prices

- If undeveloped, site could be haven for anti-social behaviour
- Footpath through the site welcomed (if publicly accessible)

A public meeting was held by Ward Members on the 5<sup>th</sup> September, attended by approximately 50 local residents, where the following comments were made:

- The brief allows for 110 units, which is more realistic than the proposed 193. Housing would be acceptable, but not at the number proposed.
- No proper children's play area is proposed
- Impact on local infrastructure
- Renovating the Meadway doesn't meet local need
- Loss of green space is not popular
- Lost opportunity to provide space for Blessed Hugh Faringdon to expand
- Prospect Park is across busy road and unlikely to be used regularly by families
- A workable traffic plan should be agreed between the Council and developer
- Development will cause traffic problems along Southcote Lane and Kenilworth Avenue
- Concern re construction traffic
- Query re ownership of the internal roadways
- Access from bath Road should be considered
- Query as to whether the density calculation is correct
- Concern that the sunken garden opens to the area to criminal activities

Alok Sharma MP has objected to the proposal on the basis of:

- Impact upon local traffic - development will lead to heavier, more constant traffic, cumulative impact of other developments
- Impact upon local infrastructure
- Impact upon public services
- Any S106 contribution should be spent locally

## 5. RELEVANT PLANNING POLICY AND GUIDANCE

5.1 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 NPPF allows weight to be given to relevant policies in emerging plans, according to their stage of preparation, the extent to which there are unresolved objections and the degree of consistency of relevant policies in the emerging plan to the NPPF. The SDPD is at an advanced stage. The Inspector has reviewed the remaining outstanding objection issues and has issued an interim statement that the plan is "Sound". The final stage in approving the plan will be its referral/approval by Full Council, expected to be at its meeting on 23 October 2012. Therefore the plan is considered to be at a very advanced stage and significant weight should be afforded to its policies.

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

National Planning Policy Guidance

National Planning Policy Framework (NPPF)

Planning Policy Statement 5 (PPS5) Practice Guide: 'Historic Environment Planning Practice Guide'

The South East Plan 2009

Policy SP3 (Urban Focus and Urban Renaissance)

Policy CC1 (Sustainable Development)

Policy CC4 (Sustainable Design and Construction)

Policy CC7 (Infrastructure and Implementation)

Policy H3 (Affordable Housing)

Policy H5 (Housing Design and Density)

Policy T4 (Parking)

Reading Borough Local Plan 1991 - 2006 'Saved Policies'

Policy CUD12 (Development Impact on Archaeological Remains)

Policy CUD14 (Standards of Design in Development)

Policy HSG5 (Residential Design Standards)

Policy HSG9 (Location of Residential Development)

Policy NE6 (Protecting Wildlife Habitats and Natural Features on or Adjoining Development Sites)

Policy NE7 (Creative Nature Conservation)

Policy NE10 (Surface water Run-off and Development)

Policy TRN11B (Development and Traffic)

Reading Borough Local Development Framework Core Strategy Document, 2008.

Policy CS1 (Sustainable Construction and Design)

Policy CS2 (Waste Minimisation)

Policy CS3 (Social Inclusion and Diversity)

Policy CS4 (Accessibility and the Intensity of Development)

Policy CS7 (Design and the Public Realm)

Policy CS9 (Infrastructure, Services, Resources and Amenities)

Policy CS14 (Provision of Housing)

Policy CS15 (Location, Accessibility, Density and Housing Mix)

Policy CS16 (Affordable Housing)

Policy CS20 (Implementation of the Reading Transport Strategy)

Policy CS22 (Transport Assessments)

Policy CS23 (Sustainable Travel and Travel Plans)

Policy CS24 (Car/Cycle Parking)

Policy CS28 (Loss of Open Space)

Policy CS29 (Provision of Open Space)

Policy CS30 (Access to Open Space)

Policy CS32 (Impacts on Community Facilities)

Policy CS33 (Protection and Enhancement of the Historic Environment)

Policy CS34 (Pollution and Water Resources)

Policy CS35 (Flooding)

Policy CS36 (Biodiversity and Geology)

Policy CS38 (Trees, Hedges and Woodlands)

Reading Borough Local Development Framework: Sites and Detailed Policies Document (Submission Draft 2011)

Policy DM1 (Adaption to Climate Change)

Policy DM2 (Decentralised Energy)

Policy DM3 (Infrastructure)

Policy DM4 (Safeguarding Amenity)

Policy DM5 (Housing Mix)

Policy DM6 (Affordable Housing)

Policy DM10 (Private and Communal Outdoor Space)

Policy DM12 (Access, Traffic and Highway-Related Matters)

Policy DM16 (Provision of Public Open Space)

Policy DM17 (Green Network)

Policy DM18 (Tree Planting)

Policy DM19 (Air Quality)

SA9 (Other Sites for Mixed Use Development Including Housing)

Supplementary Planning Guidance/Documents

'Elvian School Site Bath Road/Southcote Lane Planning and Development Brief' (2011)

'Sustainable Design and Construction' (2007)

'Planning Obligations under Section 106 of the Town and Country Planning Act 1990' (2004)

## 6. APPRAISAL

6.1 The main issues raised by this planning application have been identified by officers as:

- Principle of redevelopment for housing
- Loss of Educational Land
- Loss of Playing Field
- Density, Mix and Affordable housing
- Design, Layout and Amenity of Occupiers
- Impact on Neighbours
- Transport
- Landscape
- Sustainable Development
- S106 Agreement
- Other Considerations

### Principle of redevelopment for housing

6.2 This site adjoins an established residential area and is sited close to local amenities. The site has been identified as site SA9b in the Draft Sites and Detailed Policies Document (SDPD) as shown below:

*"Development for residential (range of 70 -110 dwellings indicated) and education or alternative community use on the part of the site excluding the playing field. Some intensification of sporting use on the playing field site may be appropriate, as long as any loss of playing fields is outweighed*

*by sport and recreation improvement, and there is no material increase in traffic on Bath Road.*

*Development should:*

- *Be appropriately accessed preferably utilising existing accesses;*
- *Retain the trees covered by an Area Tree Preservation Order, other important trees, and landscaped frontages;*
- *Retain and enhance green links across the site, as shown on the Proposals Map;*
- *Take account of the potential for biodiversity interest;*
- *Take account of the potential for archaeological significance; and*
- *Take account of the location partially within the Air Quality Management Area”*

6.3 This approach echoes the guidance provided in the adopted Elvian School Development Brief, which seeks to establish development principles for the site in the wake of the previous refused planning application for a mix of residential, education and leisure development (these principles are discussed later in context). In the supporting text to the policy it is explained that Oaklands Hall and Rotherfield Grange are of potential historic significance. While it is acknowledged that the SDPD is not yet adopted, as set out above, it has now reached a very advanced stage with adoption imminent. Therefore the above policy designation carries significant weight in the determination of this application.

6.4 The proposal departs from this policy for various reasons:

- The number of housing units proposed is 193, with 77 of the new dwellings proposed to be built on the playing field.
- There is no proposal for alternative educational or community use on the site.
- The proposal does allow for the retention of the existing historical buildings with 20 refurbished units in the existing Oaklands Hall and Rotherfield Grange but fails, particularly with regards to Oaklands Hall, to provide this building with a setting appropriate to its Heritage Asset status.

6.5 The clear departure from the principle of the Brief and emerging policy designation is not sufficient in its self to support refusing this planning application if other material policy considerations can show that on balance the proposal warrants being approved. The rest of this report explores these other considerations.

#### **Loss of Educational Land**

6.6 The applicant has included an “Education Impact Assessment” as appendix 5 to their Viability Assessment (received by the Council on 27<sup>th</sup> September). This assessment concludes:

*Whilst the current Blessed Hugh Faringdon site may well be deficient in team game playing field area, there are sufficient surplus places available at the school to meet the impact of this development without requiring*

*any further expansion of the school and any deficiency is an existing one which is not capable of being addressed through s106 contributions.*

*At primary level, using the most recent child yield figures available for the Reading area, the impact of the development is less than the current level of surplus places...and for the two local primary schools the pressure on places is forecast to reduce over the next five year period.*

*It is therefore our position that no contribution should be offered for either primary or secondary school.*

- 6.7 The assessment refers to a Final Report of the Review Board -April 2009 and a draft version of a Cabinet Report - School Place Forecast 2012-2016. Clearly the 2009 document is out of date and the draft Cabinet report is very different to the one that was presented to and agreed by Cabinet on 1<sup>st</sup> October 2012. (See Appendix 2).
- 6.8 The 1<sup>st</sup> October Cabinet Report details the worrying situation with school places in terms of existing capacity and predicted growth in demand at both primary and secondary school levels. In summary the report explains that this year the Council had revised its forecasting method to better reflect the fast changing population and to base it on child benefit data, live births and an appreciation of housing development, neighbouring authority strategic planning and the interpretation of the overall 2011 census data. This method reveals that the Council should plan for additional forms of entry on the long term pattern and to ensure that there were options for at least five additional bulge options for the peak demand expected in 2014/15.
- 6.9 For secondary schools it is expected that by September 2017 all secondary school places in the Borough will be full with a 500 place short-fall by 2021. The demand forecast was the equivalent of two additional large secondary schools worth of pupils. The report recommended that the Council should plan for the development of a new, eight form of entry secondary school to open by September 2019 and at least seven extra forms of entry at existing schools accessible by September 2017.
- 6.10 For primary schools the report anticipated that 69 forms of entry would be needed in September 2013 with an established space of only 57 forms of entry. Officers were in dialogue with 15 primary schools to seek in-principle agreement for them to take a bulge class, with 12 needed overall.
- 6.11 Many local residents have raised concerns about the loss of opportunity to use the school site and about increasing pressure on local schools. Planning officers are confident that the Council's information is accurate and conclude that until further work is carried out to substantiate whether the Elvian School site is surplus to requirements, this proposal to redevelop all the site for non-educational uses should be resisted and refused planning permission. This approach would be consistent with the above policies and NPPF advice in paragraph 72:

*The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new*

*communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:*

- *give great weight to the need to create, expand or alter schools;*
- *work with schools promoters to identify and resolve key planning issues before applications are submitted.*

### **Loss of Playing Field**

- 6.12 The western part of the site (approximately 2ha) was previously used as private playing fields associated with the Elvian School. The proposal shows 77 dwellings located on the playing fields without any compensatory replacement space on site. Core Strategy Policy CS28 opposes the loss of open space unless it can be clearly demonstrated that replacement open space can be provided close by or that compensatory improvements to recreational facilities can be provided to outweigh the loss.
- 6.13 The applicant has been in discussion with Sport England and Leisure colleagues about other playing pitches in this area and have sought to promote improvements to a playing pitch on Church End Lane to serve as a replacement for the existing pitch. In their offered Heads of Terms £435,000 is identified to go to Sport England to pay for this. This is why Sport England have registered a holding objection to allow the applicant time to submit a concurrent planning application. The idea being that if that application was to be approved the implementation of the works could be linked to the Elvian Site by a legal agreement.
- 6.14 However, a planning application has not been received and, without pre-determining the outcome if one was submitted, the implementation of the works is not within the control of the applicant as it would require the Council's agreement as landowner.
- 6.15 Furthermore Policy CS28 anticipates that the replacement open space should be provided close by - it is at least a mile between these two sites and neighbours and ward councillors have questioned how given this it can be considered to be adequate compensation for loss of the playing field at the Elvian site.
- 6.16 Officers have asked the applicant to retain at least part of the playing field (at its northern end) where it could be used as an extension to playing fields at Blessed Hugh Farringdon School to comply with CS28 and where it could retain the green frontage at this part of the site. The applicant instead is seeking to facilitate the improvement of the playing pitch on Church End Lane (see Sport England's comments) but the planning application for this has not yet been received. Officers conclude that the loss of the playing field has not been justified or compensated for (see S106 section later) and therefore would be contrary to Policy SA9b, the Elvian School Site Development Brief and Core Strategy policy CS28.

### **Density, Mix and Affordable housing**



- 6.17 Policy CS15 of the Core Strategy sets out a range of indicative densities and in 'Accessible Suburban' areas such as this site a range of between 35 - 55 dph is suggested as being appropriate. The proposed density of 38.45 sits comfortably in this range. It should also be stated that if the anticipated maximum number of 110 dwellings envisaged by the emerging policy came forward on the site excluding the playing field (c2 hectares) the density would be similar to that anticipated by the policy allocation and therefore, in principle, appropriate for the area.
- 6.18 The proposed mix of units would not achieve the aspiration of the emerging SDPD policy DM5 which seeks 50% of new development as 3 bedroom or more dwellings. However, the applicant has provided justification for the proposed mix by stating that the constraints imposed by the Development Brief, which seek the retention of protected trees and other green boundaries and the sunken garden and in particular the requirement that the existing Oaklands Hall and Rotherfield Grange are retained, results in 20 more flats being proposed than they might otherwise have chosen. They have claimed that the viability of redeveloping the site relies on the number of units proposed coming forward and this with the site constraints affects their ability to provide more conventional family housing.
- 6.19 Officers accept that the provision of more 3 bedroom or greater family houses on the site would result in more land take but do not agree that this inevitably means the loss of the protected trees, the sunken garden or the existing buildings. Further, the applicant's Viability Assessment provides information that allows the anticipated cost of providing the converted flats to be compared to the cost of the new build flats and they are not very dissimilar which undermines the applicant's claim that the Council's requirement to keep these buildings has a significant impact on the viability of the site. Officers suggest that an alternative layout could achieve the policy objective, for example by removing the two flat blocks on the Bath Road frontage. This would result in 25 fewer flats, would bring the % of houses up to 56% and would retain the green landscaped buffer to Bath Road.
- 6.20 Simple compliance with an indicative density for a site does not therefore necessarily mean that the layout of a site is acceptable. Further discussion on the proposed layout comes later in this report.
- 6.21 The applicant has proposed that 43 dwellings (22.3%) of the total provision would be affordable housing and 70% of these will be provided for rent. These units are shown spread in groups around the site with a mix of 22 houses and 23 flats. The mix of units and the % for rent is welcomed but the number of units offered is well below the policy target and this site is ideally located for affordable family accommodation.
- 6.22 Furthermore, the comments received from housing officers on the standard of some of the units proposed for affordable use is cause for concern. *"They are distinctly different in style and layout in comparison to the private sale housing with in some cases narrow and cramped gardens and reduced footprint sizes in relation to those for private sale.... The ground floor of 4 bed house type F (private sale) is 50% larger than the ground*

*floor of house type AA (affordable)*". The case officer notes these comments but generally feels the design is acceptable but agrees that the layout of the affordable units are more cramped than the private units and are readily spotted on the planning layout drawing.

- 6.23 The conclusion is that the proposal fails to comply with the relevant Core Strategy and Emerging SDPD policies; Policy CS15 (Location, Accessibility, Density and Housing Mix), Policy CS16 (Affordable Housing), Policy DM5 (Housing Mix) and Policy DM6 (Affordable Housing)

#### **Design, Layout & Amenity of Occupiers**

- 6.24 Generally it is hard to find fault with the proposed design approach to the new dwellings. Subject to adherence with the details of materials, chimneys, window and door design, which could be secured by a planning condition, the proposed design and appearance is acceptable.
- 6.25 The building storey heights for the houses is acceptable but the flat blocks work less well. Apartment Block 1 lies at a prominent location as one enters the site from Southcote Lane and would be 12 metres high to the ridge. The gabled detail roof design exaggerates the sense of height which coupled with the almost continuous roof form results in a 'monolithic' block of development. This impression will not be helped by the proposed landscaped strip of just over 1 metre between the building and the pavement edge along the extent of both streetside frontages. To the rear an area of amenity space of c200 sq.m is provided which is acceptable in terms of area and the visual setting of the rear of this block but is limited in its use by parking bays to the north and an access road to the west and being dominated by a significant tree.
- 6.26 Apartment Blocks 2 & 3 flank Oaklands Hall. At Pre-application stage officers advised that these block be reduced in scale to provide prominence for Oaklands Hall. They are now shown as 3 storey buildings but they are set too close to Oaklands Hall and create a cramped layout by over dominating Oaklands Hall such that there is no 'breathing space' with which to appreciate this Heritage Asset. A wider set-back from the Hall would give this building greater prominence and all of the blocks a better setting. The scale, massing & bulk of Flat Blocks 2 & 3 needs to be more discreet, and modelled to 'step-down' in height from Oaklands Hall.
- 6.27 The parking area for these blocks is provided on the north side of the building - as when in previous use. Visually this is acceptable and further softened in appearance by the backdrop of the sunken garden and trees. A small par-terre type garden is proposed on the southern frontage to Oaklands Hall with smaller areas of amenity space in front of Blocks 2 & 3. This arrangement has the potential to look attractive but is significantly marred because the opportunity is not taken to make Oakfield Hall the key building on the estate. The Council's Conservation and Urban Design officer commented that *"the proposed Masterplan layout fails to recognise the significance of Oaklands Hall as the natural centre-point of the estate which, together with the pivotal point of the 'Sunken Gardens' could provide an axial approach that would give a balanced form to the layout. Notwithstanding the 'asymmetrical' elevation of Oaklands Hall, it deserves*

*better recognition than to be labelled as a 'rear' or back elevation. Despite being slightly off-centre, this is a highly-considered, competent Victorian design, having great charm and a 'picturesque' quality. Therefore, its key location in this site is a natural centre-point for the site as a whole. If this were recognised and the Hall used as a visual 'anchor' -then it would serve as the natural focus and 'end vista' to the estate, giving it a balance it currently lacks".*

- 6.28 Block 4 has been designed to complement Rotherfield Grange and for this reason is the most 'considered' of the flat blocks being relatively well-proportioned and in scale with its neighbour with the car parking sensitively located to create a 'lawn' between the two buildings. Much will depend on cladding materials and window/door detailing. The proportions and segmental 'heads' of the 2<sup>nd</sup> floor windows appear over-scaled and need to be adjusted so as not to appear over-bulky and out-of-scale, at this level.
- 6.29 Block 5 lies in the south east corner of the site and is shown as an affordable flat block. It is a bulky three storey building with little setting when seen from the street and when seen in combination with Houses 146 & 148 (affordable units) with the building form extending with Plot 145 (the Coach House) over the access drive to car parking gives a monolithic appearance. This continuous, wall-like development needs to be broken down in bulk and massing. The amenity area however is relatively private and while there are significant trees on the boundary the area benefits from its southerly aspect.
- 6.30 Plot 145 appears 'over-developed' in particular as the arch does not lead into an 'end vista' of a house or flat block. Consequently, the use of this isolated 'mews-type' design here appears incongruous. Merging the 'carriage-way' wing into Plots 146 and 148 is especially unfortunate in urban design terms, as it loses any distinction between the different building types, or individuality, which is the existing characteristic of this site with Rotherfield Grange or Oaklands Hall.
- 6.31 Blocks 6 & 7 are proposed to be located on the Bath Road frontage of the playing field part of the site. They are shown set back from the pavement edge by c20 metres beyond the existing frontage planting and a new car parking area. The south side of Bath Road in this area is characterised by large buildings (such as James Court, Paxton Pendragon House and Rotherfield Grange to east) but all of these buildings are set back a substantial distance from the road edge allowing the street scene to be dominated by trees giving it a distinctive verdant character and policy SA9b requires that development of this site retains "the landscaped frontages". This "green" character continues westwards with the application site playing field merging with those at Blessed Hugh Farringdon School and is reinforced by the trees and open space of Prospect Park on the north side of the road.
- 6.32 Blocks 6 & 7 are designed as a matching pair rising with a pitched roof to 14 metres high at the ridge. They are both almost 16 metres wide on their north facing elevations and 20 metres deep north to south with a gap of 20 metres between them given over to car parking. These two over large

blocks in this context will appear over-dominant and alien features harming the spacious character of this part of Bath Road. By virtue of being set behind car parking and with car parking in between them they would also give the unattractive appearance of being dominated by hard-surfacing. The only amenity space for these units is a strip 10 metres wide by 40 metres long to the west of Block 6. This equates to 18 sq.m per flat so not sufficient to comply with guidance promoted by policy DM10. Credit could be given for being located so close to Prospect Park but it is disappointing nevertheless that the affordable units in Block 7 have no direct access to amenity space closer to the building.

- 6.33 The proposed layout appears mainly based on vehicular access to the detriment of the landscaped areas. This results in a contrived and 'forced' layout with multiple 'hammer-head' features, rather than 'through' roads (especially to s.w. corner of site). Overall, the urban 'grain' is so tightly packed that the site has lost its primary character of being a spacious, green space, interspersed with buildings. In spite of the claims of the Design and Access Statement the proposed layout is more 'urban' than 'suburban' in appearance. This is largely due to the predominance of roads, hard-surfaces and car-parking which detracts from the potentially spacious, open character of this site. The Council has consistently argued at pre-application discussions for a simplified layout with more green space between the flat blocks, to reduce the hard standings, and 'hammer-head' turnings, in order to provide a more 'permeable' layout. However, this has not been taken on board, to the detriment of the layout and the landscape setting. The applicant was also advised to take their scheme to the Berkshire Regional Design Panel (recently established and in accordance with NPPF guidance at paragraph 62) for an independent appraisal of the scheme, which they declined.
- 6.34 Officers conclude that while the appearance of the proposed houses and landscaped setting is generally acceptable the layout of the entire site lacks imagination and fails to take advantage of opportunities the site could give by using Oaklands Hall in particular as the pivot to the site layout. The flats blocks (apart from Block 4) appear overly large with inadequate setting for their size and these in combination with the dominance of access roads would give the finished development an uneasy cramped character at odds with its "suburban" surroundings. Therefore the proposal has been found contrary to policies Policy CS7 (Design and the Public Realm), SA9b and Policy DM10 (Private and Communal Outdoor Space)
- 6.35 In terms of the amenities for future residents the submitted plans show that all properties meet the minimum back to back separation distance of 20m as set out in DM4 as being appropriate and there does not seem to be obvious examples of unacceptable overlooking of back gardens or property. Adequate car parking provision is shown so generally it can be concluded that subject to conditions (permitted development rights would need to be removed for some plots to avoid overlooking or encroachment) the amenity of future occupants can be secured in accordance with Policy DM4.

### Impact on Neighbours

- 6.36 The application site is unusual for its suburban location in that there are very few neighbouring residential properties around it. To the east lies the NHS Primary Care Trust building with nursing accommodation in three storey blocks along the western boundary with Elvian School site. The proposed layout shows that there will be at least 25 metres between these dwellings and large trees on the boundary are shown retained. To the south-east of the site the few houses on Southcote Lane have substantial rear gardens and are unlikely to be significantly affected by the development. Likewise houses on the opposite side of Southcote Lane and to the west of the application site. Officers are satisfied that the combination of the distances between the existing and proposed properties and the trees on the boundaries are sufficient to minimise any loss of amenity to existing properties (and those proposed at the rear of 114 Southcote Lane). The proposal is acceptable in terms of residential amenity as set out in Core Strategy Policy CS7 and SDPD Policy DM4.

### **Transport**

- 6.37 The concerns from many local residents relate to traffic impacts on Southcote Lane. As confirmed in the summarised transport comments earlier in this report and shown in full as an appendix to this report transport colleagues are satisfied with the transport assessments carried out for this proposal. In simple terms, when compared to the previous use of the site as a secondary school the increase in trips from the site due to the redevelopment for housing would still be within the capacity of the local highway network.
- 6.38 The proposed layout as submitted shows that 160 of the dwellings would be accessed from Southcote Lane with the balance of 33 flats accessed from a left in/left out only junction on Bath Road. Bollards are shown located in the carriageway to prevent cars from Bath Road going further into the site. It is the predominance of vehicles having to use Southcote Lane that has caused much of the concern for residents. Transport officers have been asked to comment on the effect of deleting the bollards to allow all the site to be potentially accessed from Bath Road.
- 6.39 Transport officers have confirmed that this would be acceptable in terms of added movements on Bath Road at this point given the junction design and are satisfied that the convoluted route through the new development is such that it would discourage drivers using it as a cut through. The applicants have indicated that they are willing to make this change.
- 6.40 In terms of detail the number of parking spaces to be provided and turning spaces are acceptable, although additional information on cycle parking and turning for waste vehicles near Rotherfield Grange is required.
- 6.41 The conclusion is that in principle, the proposed redevelopment does not give rise to transport objections and therefore, subject to conditions and the payment of S106 contributions as requested to go towards transport infrastructure works, the proposal complies with relevant transport policies.

- 6.42 Works to junctions required to enable access to the site will need to be approved as part of a S278 works agreement.

### Landscape

- 6.43 The site is subject to Area TPO 93/03. Whilst the scheme does appear to include the retention of the most important trees on site, there are concerns about the successful long-term retention of some of these. The row of trees (predominantly Maple) that run through the site from the Southcote Lane to Bath Road boundary are a significant feature. A footpath is proposed through the site directly adjacent to these trees and within their root areas so the feasibility of being able to construct this path without long-term harm to these trees needs more work. Whilst the general specification and installation is provided it is not clear whether this will be achieved successfully. The footpath appears extremely close to the trunks of some of the trees. It may be that the only way to demonstrate the feasibility of this is to peg it out on site. It is noted that the layout requires the loss of 4 trees (B category) from G2 which is unfortunate, however if a road link is to be provided across the site this has to be accepted.
- 6.44 It is noted the intention to retain trees within the grounds of Block 1 & Block 5 but there is concern about future pressure to prune or fell these trees. The internal layout of Block 1 is such that the principle rooms are facing south, i.e. away from the trees, which is positive. However there are concerns about the need for hard surfacing within the RPA on 2 sides given the sensitivity of this species to root disturbance. Paragraph 5.2 of the Tree Report confirms that RPAs should be left undisturbed, which is not the case here. In addition, the AMS (para 9.1) and AIA (para 3.7.2) recommend the reduction of the canopy to ensure clearance from the building. The need to reduce the canopy indicates that the building is too close. It is also difficult to see how this could be carried out in accordance with the timetable in 2.1 of the AMS, i.e. before the building is constructed. In relation to Block 5, principle rooms are facing the trees to the south and main bedrooms are facing the trees to the east. This is likely to lead to concerns from future occupiers, e.g. perceived safety fears, lack of light and lead to pressure to allow pruning. For both Blocks, tree canopies effectively take up the vast majority of the garden leaving little 'useable' space for the residents. BS 5837:2012 states that (in relation to future pressure for removal) 'the relationship between buildings and large trees can cause apprehension to occupiers or users of nearby buildings or space, resulting in pressure for the removal of the trees. Buildings and other structures should be sited allowing adequate space for a tree's natural development, with due consideration given to its predicted height and canopy spread'. It is not considered that the relationship between the buildings and retained trees is sustainable, as stated in paragraph 1.7 of the AIA. It is suggested that greater space is required outside of canopies and between the trees and buildings to avoid future conflict. Whilst the trees are subject to a TPO and, as stated in paragraph 3.13.4 of the AIA, any requests to prune would be controlled by the LPA, we would have to be reasonable as to the relationship between the houses and trees and may be forced to allow works that would otherwise have been unnecessary.

- 6.45 There is some concern over the overbearing effect of trees on the gardens of certain plots, e.g. 18-21, 24, 129-135 and the possible future pressure from occupants to allow works to these trees. The house types proposed for plots 129-135 have principle rooms facing the east, i.e. the boundary where the trees are located. Given this, the height of the trees and the proximity of the crowns to the rear elevations, future occupiers are likely to want to fell/reduce these trees. Section 3.7.1 of the AIA states that 'in order to create a satisfactory relationship with the trees in G11 and the proposed houses and gardens of plots 129-135, the canopies of the trees are proposed to be pruned back towards the boundary by 2-3m'. Whilst this may not be detrimental to the trees, the need to prune shows that the houses are too close already and that repeat pruning will be required.
- 6.46 The proposed widening to the Bath Road entrance leading to Oaklands Hall will require the loss of one tree. Any loss of trees is unfortunate, (particularly the number and that many are B category trees but if it is a Highways requirement to widen this access, some tree loss has to be accepted). However, section 3.6.5 of the AIA indicates that the access will be built to adoptable standards which is very concerning as this has the potential to impact on the roots of retained trees. Further discussions are required on this matter as the works will be within the RPA of many trees so have the potential to cause a great deal of root damage.
- 6.47 It is noted that the use of no-dig surfacing is proposed in several locations. However the practicality of constructing to a no-dig specification in only the areas highlighted is highly questionable. The no-dig surfacing proposed will result in a higher ground level than would be achieved with normal construction methods - how will the small sections of no-dig proposed be married with the standard road/parking areas? Further clarification is required on this.
- 6.48 Also, with regard to hard surfacing, paragraph 3.10.1 indicates that the proposed driveway and parking areas to the east of the site are not likely to impact on trees as there is existing hard surfacing in that location. Clarification is required, however, as to any upgrading of the surfacing proposed to ensure that the AMS includes this if necessary. This also applies to the improvement of the eastern entrance from Bath Road. Similarly, in relation to the proposed pavement within the RPA of T838 (ref para 3.10.2 of the AIA), clarification is required as to the ground works required here. Whilst the AIA indicates that this area is currently tarmac surfacing, the construction of a pavement, presumably at a higher level than the existing surfacing may have an impact.
- 6.49 With reference to the Tree Protection Plan TW17527-03D, this is not acceptable as it does not show secondary positions for tree fencing when this will be required in several locations to allow construction of adjacent hard surfacing, e.g. on the frontage of Blocks 1 & 6 and to protect the trunks of G2 during the footpath construction. All works that are likely to be required within the tree protection areas need to be identified and secondary locations shown. In relation to the Tree Report, paragraph 5.9 should be updated to bring into in line with the 2012 TPO regulations.

- 6.50 Officers advised at pre-application that a plan showing the existing and proposed services would be required. Given the number of trees on site and proposed landscaping, it is fundamental that this is considered now, prior to a decision, in order that the applicant can demonstrate the services can be provided without conflicting with existing and new planting. The proposal leaves numerous trees in communal spaces, therefore careful consideration needs to be given to the future management of those trees. This is particularly important on the bath Road frontage at the front of Oaklands Hall. It would be useful to have confirmation of who will be responsible for the management of the various communal areas.
- 6.51 The landscape principals in the Masterplan are not considered to be detailed enough for such a large development site. At the least a planting palette should be provided. The sunken garden has been noted as a 'garden of interest' in Reading and it may be appropriate for the garden area to be rejuvenated to its original planting scheme. The proposed hedging, topiary trees and cottage style plants are acceptable but there appears to be no proposed tree planting to provide future replacements for the original tree planting. There are numerous evergreens in the area: Wellingtonias, Pines and Cypresses so planting with new, similar specimens for future replacements could be appropriate, along with the specific shrub/hedge planting. Whilst several trees within the garden are proposed for removal on arboricultural grounds, there appears to be no comment on whether 'restoration' will involve any further trees works, which may be a possibility. Further details are required.



The Sunken Garden

- 6.52 At pre-app officers stated that it would be important for landscaping on this site to break up the high density development and that this should aim to allow space for large canopy trees and street trees in line with the Council's Tree Strategy. It is disappointing to see that the majority of trees proposed within the curtilages of dwelling are in the rear garden with limited 'street tree' planting. Strategic street tree planting would help further soften and add scale to the landscaping on the frontages. It is noted that the Southcote Lane frontage to the front of plots 165-173 is proposed as a 'village green' feel. However, tree planting should be incorporated to utilise one of the few spaces for large canopy, new tree



planting. This would also be in line with objective 6 of the Council's adopted tree strategy.

- 6.53 With regard to the proposed play area (LEAP), it is noted that play equipment is proposed under tree canopies. The recently published 'Common Sense Risk Management of Trees' from the National Tree Safety Group suggests restricting access near to trees to reduce the potential risk and to avoid increased likelihood of compaction within the root zone, which would be detrimental to the trees' future health. Deliberately siting play equipment and seating under trees would not be prudent. The guidance actually refers to the 'falling distance' of trees rather than canopies, however, avoiding any equipment within falling distance would not be possible in this case.
- 6.54 Many of the local residents who have commented on the proposal raised concerns about the retention of trees and wildlife on the site and the loss of the green space generally. Officers comment that the adopted Development Brief accepts that much of this undeveloped site would be built on but seeks to safe guard the most important landscape features and the site's spacious character. The conclusion on this planning application is that with too many concerns raised and the lack of detail for the landscaping and the landscape masterplan that the proposal fails to satisfy the objectives of Policy CS38 and Policy CS7.

#### **Sustainable Development**

- 6.55 Core Strategy Policy CS1, requires developments of more than 10 dwellings to ensure that at least half of the dwellings meet Code 4 'Excellent' with the remainder meeting Code 3 'Very Good'. However, the Planning Statement explains that all of the proposed dwellings will achieve Code 3 and no justification provided for the lack of Code 4 'Excellent' units. The report refers to the policy requirements in terms of CfSH levels for the new build and BREEAM levels for the refurbishment parts of the scheme but the pre-assessment estimator only demonstrates that the new build part of the scheme would achieve 58.05%. Notwithstanding the requirement to include a buffer in the pre-assessment stage, a score of 58% is quite significantly below even the mid-point requirement of 62.5% (which at the pre-assessment stage should be a minimum of 65% to incorporate a buffer).
- 6.56 There is no pre-assessment estimator for the refurbishment part of the scheme. Although some reference to other technologies has been included in the Technical Report, it lacks detail on the reasoning for dismissing technologies and does not include the required detail that should be included in an Energy Statement. Therefore the sustainability requirements of Core Strategy Policy CS1 and SDPD policies DM1 & DM2 have not been met.

#### **Section 106 Agreement**

##### **Provision of Affordable Housing**

- 6.57 Policy CS16 (Affordable Housing) of the Core Strategy requires the provision of housing to meet the housing needs of the area based upon a housing needs assessment. In order to achieve this, and to tackle the problem of a lack of affordable housing, the policy sets an Affordable Housing target of

50% of the total number of dwellings, within developments of 15 dwellings or more. The provision of the units would form part of a S106 agreement if planning permission were to be granted.

- 6.58 The applicant in this case has offered 43 affordable units (22.3%) all designed to Lifetime Homes standards with 22 of these being 2, 3 or 4 bedroom houses. It is confirmed that 70% of the affordable units will be for rent. While the number of larger houses and offered tenure is welcomed the number proposed is below the % of affordable housing sought by policy so the applicant has been advised throughout the pre-application stage to submit financial information to justify how this % has been arrived at.

#### **Education and Transport**

- 6.59 In addition to the Affordable Housing requirements referred to above the proposal would have an impact on education and transport infrastructure by increasing the number of people likely to use and rely on such facilities. Officers have agreed that the provision of the sunken garden and the LEAP as managed open space for public use and their on-going maintenance would off-set the normal requirement for off-site leisure contributions. In the event that the proposals are found to be acceptable in all other respects heads of terms have been suggested by officers at pre-application stage to secure financial contributions in accordance with the Council's S106 SPG '*Planning Obligations Under Section 106 of the Town and Country Planning Act 1990*' (adopted 2004), subject to the Community Infrastructure Levy (CIL) Regulations 2010. These contributions would be necessary to ensure that adequate infrastructure would be provided to serve the needs of future occupants of the proposed development and therefore make the development acceptable in planning terms.

- 6.60 The SPG based calculation for transport, allowing for the previous school use) is as follows:

#### *Proposed Development*

99 dwellings x £2,000 (contribution per 1 and 2 bed flats and houses) =  
**£198,000**

55 dwellings x £3,000 (contribution per 3 bed dwelling) = **£165,000**

39 dwellings x £4,000 (contribution per 4 bed dwelling) = **£156,000**

**Total Proposed Development Amount = £519,000**

#### *Existing Developments*

School (capacity of 550 pupils and 110 staff equates to 660 x 2 = 1320 trips

1320 trips x £327 (contribution per trip) = **£431,640**

**Total Existing Development Amount = £431,640**

**£519,000 (proposed)**

- **£431,640 (existing)**

**£87,360 (Total Contribution)**

- 6.61 Based on the number of 2,3 & 4 bed apartments and houses proposed on the site £965,312.41 is sought towards the provision of secondary and primary education infrastructure improvements to schools in west Reading.

- 6.62 In response to these requests the applicant has provided (received on 27<sup>th</sup> September 2012) a Viability Assessment which confirms that the applicant is working to the following terms:

Education Contribution	£0
Sport England	£435,000
Other Section 106, including: RUAP, Play Area commuted sum POS Adoption, Offsite sport and recreation Community facilities	£1,000,000
	Total £1,435,000

- 6.63 The applicant has based their stance on the education contribution on the Education Impact Assessment referred to above. Their findings run counter to advice from Education officers which is that at the two secondary schools in this area Prospect School and Blessed Hugh Faringdon Prospect school has been full to its published admission number for the last 3 years and will shortly be full in all year groups and Blessed Hugh Faringdon has been supporting the undersupply of school places in the area by taking additional pupils over its published admission number for the last 3 years so is also filling from year 7 up. It is a similar case in primary schools in the area where in order to meet the rising levels of demand for school places generally the Council has been looking at all primary schools for possible expansion. It is considered that seeking an education contribution in this case would satisfy the CIL Regulations in that it would be:

- a) Necessary to make development acceptable in planning terms. The development would not be acceptable without increasing the capacity of local schools that are likely to be used by children living at the scheme.
- b) Directly related to the development. It can reasonably be assumed the units with more than 1 bedroom could be used by families with children and the local schools listed would be used by future occupants due to their proximity to the application site.
- c) Fairly and reasonably related in scale and kind to the development. The calculation shown above is based on formula in the SPG which applies a ratio to reflect the different child occupation levels found in flats and houses.

- 6.64 As stated above the Applicant has very belatedly provided a Viability assessment to support the level of affordable housing offered and to justify the financial contributions package. The Council's Valuer has undertaken an initial assessment of the viability appraisal submitted and confirms that the appraisals use well established development programs supported by scheduled costs and supporting contextual information. The report provides 2 different residual land outputs based on a variation of Affordable Housing tenure mix contained within an offer of an onsite quota of 22% and compares these to an estimate of the market value the site for continued use as a school within the D1 use class (Existing Use Value). The Council's Valuer has raised concerns relating to:

- i) accuracy, correlation and presentation of inputs within the residual appraisal and supporting information
- ii) approach in assessing the Existing Use Value
- iii) residual site value in terms of actual price paid by the applicant

- iv) amount of supporting information and justification of private end sales forecasts and affordable housing values
- v) local planning policy compliance in terms of cost related design and specification

At this stage the Council's Valuer is not satisfied that the Applicant has suitably demonstrated that the proposed scheme cannot deliver more than the current S106 package being offered.

- 6.65 On the basis of the inadequate package of Heads of Terms from the applicant and the shortcomings in the Viability assessment identified by the Council's Valuer officers are satisfied that it would be reasonable to refuse this planning application on the basis that the applicant has failed to enter into a S106 agreement and has failed to justify the shortfall in contributions proposed. The proposal has been found to be contrary to policies CS9 (Infrastructure, Services, Resources and Amenities) and CS16 (Affordable Housing) of the Core Strategy and the Council's Supplementary Planning Guidance, "Planning Obligations Under Section 106 of the Town and Country Planning Act 1990" (2004).

#### Other considerations

##### Inclusive Access and Design

- 6.66 The applicant has confirmed that all affordable units are designed to Lifetime Homes Standards but the Council's Access officer has noted that many of the flat blocks feature steps and other areas where it would be awkward for wheelchair users. It is possible that these features could be designed out if a condition was used if permission was granted. Generally the layout accords with policies CS5 (Inclusive Access) of the Core Strategy.

##### Archaeology

- 6.67 The site is located within an area of Palaeolithic archaeological potential. Surveys have been carried out and there is an opportunity here to use trenches prior to the commencement of any works on the site.

##### Noise, Contaminated Land and Air Quality

- 6.68 The applicants have submitted an updated noise assessment at the time of writing this report. An update report will be provided on the officer assessment of it. Otherwise there are no objections to this application with regards noise attenuation, contaminated land or air quality.

##### Equalities impact assessment

- 6.69 In determining this application the Committee is required to have regard to its obligations under the Equality Act 2010. The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. There is no indication or evidence (including from consultation on the application) that the protected groups have or will have different needs, experiences, issues and priorities in relation to the particular planning application. 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. CONCLUSION

- 7.1 The principle of redeveloping all of this site for housing without justifying the loss of the school or the playing field or providing for acceptable mitigation for the loss is contrary to Core Strategy and emerging SDPD policies and the adopted Development Brief for this site. Furthermore the layout and appearance of the development is not considered acceptable and the applicant has failed to demonstrate that the landscaping would be acceptable or that the houses could achieve required Code for Sustainable homes ratings. Finally, the Viability Assessment submitted does not provide the justification needed for the number of affordable houses or the level of financial contributions proposed. As such the proposal is contrary to Core Strategy and emerging SDPD policies as referred to above.

Julie Williams

### APPENDIX 1

#### DEPARTMENTAL MEMORANDUM

To: Planning Manager

Your Ref: JT

From: Development Control Transport

My Ref: DC  
Ext: 72612

Date: 26<sup>th</sup> September 2012

**Comments made regarding drawing number 081015/WIM-WL-01 dated 26.07.12**

#### Transport comments

The proposed development consists of the demolition of existing school buildings and the erection of 193 residential units (173 new build and 20 through conversion) and includes the provision of access, parking, landscape and open space provision.

Elvian School is located between the A4 Bath Road and Southcote Lane where a frequent premier bus route is located. The site is currently accessed by two access points from the Bath Road and one from Southcote Lane. The site was previously occupied by a secondary school, which at its closure had approximately 175 pupils, although this figure was below the maximum capacity of the school which was 550 pupils at its peak.

The site is also well located with regards local services and schools and is located within 300 metres of bus stops on Southcote Lane served by premier route 26 which operates on a 10 minute frequency in peak times and 12 minutes off peak, linking Reading Town Centre and the Station with Southcote, Fords Farm and the Calcot retail centre. Bus Services along the Bath Road again within 300 metres of the site are Jet Black 1 which operates on a half hour frequency linking Reading with Theale, Thatcham and Newbury and vitality 2 which links Mortimer, with Burghfield, Reading , Caversham and Sonning Common.

The Proposal is for 193 new residential dwellings with the majority, 160 dwellings accessed from Southcote lane with the remaining 33 accessed from left in and out junctions on the A4 Bath Road. The submitted proposal does not include a through link, however there are emergency links which could be opened up to allow through traffic and the submitted Transport Assessment (TA) has assessed the implications for the network if a through link was created. However while the Transport Assessment has analysed this, none of the submitted drawings have shown this arrangement.

Comments on the submitted Transport Assessment are as follows:

#### Trip Rates

The trip rates proposed have been taken from the Trip Rate Information Computer System (TRICS)<sup>1</sup> and have previously been agreed with Transport as the sites used provide a good comparison. Since the time when these trips rates were agreed with the applicant one of the selected sites has been resurveyed and would therefore result in an increase in trips, however given that this is only a minor increase (20 vehicles trips a day) which would be within the daily fluctuation of vehicles within the vicinity of the site I am happy that no additional TRICS data is required. In addition to the above these trip rates are also in excess of those that were accepted by a Planning Inspector at a Public Inquiry for the Bath Road Reservoir site located within close proximity of these proposals, and have similar Transport characteristics, I am therefore happy that these trips rates are acceptable.

#### Junction Assessments

As requested during pre-application discussions and for the previous planning application for the site (09/01184/FUL) the following junctions require assessments to ensure that the number of vehicle movements

---

1

TRICS is the national standard system of trip generation and analysis in the UK and Ireland, and is used as an integral and essential part of the Transport Assessment process. It is a database system, which allows its users to establish potential levels of trip generation for a wide range of development and location scenarios, and is widely used as part of the planning application process by both developer consultants and local authorities and is accepted by Inspectors as a valid way to ascertain likely trip generation

generated by the development would not have a detrimental impact on them.

- Circuit Lane / Southcote Lane
- Bath Road / Circuit Lane
- Bath Road / Liebenrood Road
- Southcote Lane / Bath Road
- Bath Road / Berkeley Avenue.

Assessment of the existing site has been undertaken in accordance with the requirements of the Department for Transport (DfT) document Guidance on Transport Assessments (March 2007), which states in section 4.7 *"the quantification of the person trips generated from the existing site and their modal distribution, or, where the site is vacant or partially vacant, the person trips which might be generated by any extant planning permission or permitted uses"*

To determine existing vehicular movements on the network surveys of the above junctions were undertaken together with automatic traffic counts (ATC) along the A4 and Southcote Lane during November 2011. These surveys have been checked against Reading Boroughs own permanent ATC sites in the area and the results obtained are acceptable and accurately reflect base flows.

While the existing use as a school had a reduced pupil role prior to closing, the school had a capacity of 550 pupils. Therefore as the existing buildings could be refurbished and opened as a school (i.e a free school), without Planning Permission given the permitted uses on the site and in accordance with national DfT guidance the existing site has been assessed as having the potential to accommodate 550 pupils.

However to ensure a fully detailed analysis of all the scenarios have been undertaken, the TA undertakes assessments of 4 different scenarios, these being the network with the school having 180 pupils, the school having a capacity of 550 pupils (assessed by factoring up the survey results undertaken when the school was operational with 180 pupils), the proposed access arrangement with no through road and a proposed access arrangement with a through route.

Tables 1.1 and Tables 1.2 below within Appendix 1 of this report detailed the implications of the proposals on Southcote Lane either side of the site and the Bath Road.

**Table 1.1 AM peak Vehicle Flows**

	Baseline Flows with School Closed	School operational with 180 Pupils	School operational with 550 Pupils	Proposed Development of 193 dwellings with no through	Proposed Development of 193 dwellings with a through

				route	route
Bath Road by site	1797	1797	1797	1822	1833
Southcote Lane east of site	557	654	844	601	601
Southcote Lane west of site	491	538	629	510	499

**Table 1.2 PM peak Vehicle Flows**

	Baseline Flows with School Closed	School operational with 180 Pupils	School operational with 550 Pupils	Proposed Development of 193 dwellings with no through route	Proposed Development of 193 dwellings with a through route
Bath Road	1747	1747	1747	1769	1785
Southcote Lane east of site	628	631	634	671	665
Southcote Lane west of site	666	672	677	697	687

As can be seen the proposed development in the AM peak will generate less vehicular movements than the school when it was operationally with 180 pupils and at its permitted operational capacity of 550 pupils. This is due to the school having the majority of its Trips concentrated around the school start time. Residential development trips are over a wider period and are not as concentrated. Figure 1 which has been obtained from the TRICS database shows how vehicle trips from residential developments similar to that proposed as part of this application are spread over the day (7am to 7pm) and peak periods.



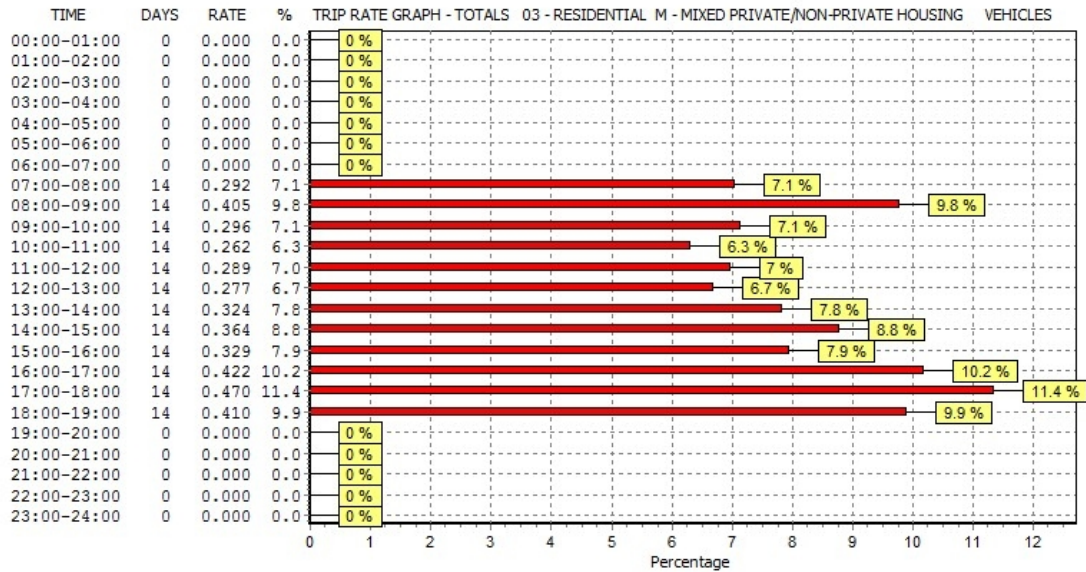


Figure 1 - TRIP Distribution for Residential Scheme.

However in the PM peak there are increases given the peak period vehicle trips for the school was at school closing time and these occurred between 4pm and 5pm. These increases are not material and represent between 22 and 26 additional vehicle trips along the A4 Bath Road and between 37 and 43 additional trips along Southcote Lane to the east of the site and 21 to 31 additional trips along Southcote Lane to the west of the site.

From these results it is possible to assess the likely impact on the A4 within Reading. The capacity of main urban roads are assessed in accordance with the requirements of Department for Transport Document TA 79/99 Traffic Capacity of Urban Roads. This document provides details of the capacity of different types of urban roads dependant on the urban environment they travel through. The 2-way capacity of the A4 adjacent to the site according to TA 79/99 as the road accommodates 3 lanes of traffic equates to 2750 vehicles per hour. As can be seen from the results in table 1, even if the traffic from the proposed development is added to the network the predicted flows are considerably under the capacity of the road. The 2-way capacity of Southcote Lane is 1850 vehicles per day and again the predicted flows are considerably below the capacity of the road.

It has been brought to my attention that there are concerns that the analysis has not taken in to account the proposed development at the Bath Road Reservoir, St James Court and the Happy Prospect public house. Tables 2.1 and 2.2 include the additional vehicle trips these developments will generate distributed on to the network. The trips from the Bath Road reservoir proposals are from the Transport Assessment submitted with the 2009 planning application, which was found to be acceptable to the Inspector at the Planning Inquiry and is for a larger scheme than that currently submitted and yet to be determined. With regards St James Court, all the trips from the proposed development of 53 apartments have been included and no reduction made for the previous use as Sheltered Accommodation, given the site was being developed when the vehicle surveys were being undertaken. With the Happy Prospect the same approach

has been undertaken given the previous site was vacant when the base surveys were undertaken. This will mean the vehicle trips added to the network will be robust. For further robustness the trips from the consented IKEA store at Calcot, application 11/00365/ADJ, have also been included.

**Table 2.1 AM peak Vehicle Flows including other development schemes**

	Baseline Flows with School Closed and further development	School operational with 180 Pupils	School operational with 550 Pupils	Proposed Development of 193 dwellings with no through route	Proposed Development of 193 dwellings with a through route
Bath Road by site	1805	1805	1805	1830	1841
Southcote Lane east of site	566	663	853	610	610
Southcote Lane west of site	500	547	638	519	508

**Table 1.2 PM peak Vehicle Flows including other development schemes**

	Baseline Flows with School Closed and further development	School operational with 180 Pupils	School operational with 550 Pupils	Proposed Development of 193 dwellings with no through route	Proposed Development of 193 dwellings with a through route

Bath Road	1804	1804	1804	1826	1842
Southcote Lane east of site	641	644	647	684	678
Southcote Lane west of site	675	681	686	706	696

It can be seen that even if the trips from other developments are included, the road network is still within capacity as stated by TA 79/99 and as the increases are within the daily fluctuations experienced on the network, they can be accommodated for both scenarios with a link route or not.

I would however stress that although the TA has assessed the proposal with a through route and as stated above both scenarios are acceptable the applicant has not provided any plans that illustrate this. An additional drawing should therefore be submitted illustrating a through route which should include the extension of the carriageway either side of Oaklands Hall removing both sets of bollards, this will allow the Council to condition which layout they prefer.

Junction / Access Design

The proposal incorporates a dedicated pedestrian / cycle path linking the A4 Bath Road with Southcote Lane therefore improving connections between this area of Southcote with bus services on the A4 Bath Road and Prospect Park. This is in accordance with LTP and LDF policies to promote alternative modes of travel to the private car and in principle is acceptable. However, as stated during the pre application discussions this should be an adoptable footway cycle path. In addition to this there are also other dedicated footways that will link the A4 Bath Road and the Southcote Lane.

The main access proposed for the site is a relocation of the existing access used by the former school on Southcote Lane and in principle is acceptable. However, this access should be in accordance with the Geometric Design Guidance for Accesses onto Classified Roads as required by policy DM12 in the emerging Sites and Detail Policies Document

The proposed main access should therefore have a visibility splay of 2.4m x 70m in both directions in accordance with the design guidance. These visibility splays have been illustrated and therefore are acceptable, although I would stress that although the splay to the east only appears to be illustrated as 2.4m x 31m this continues along the kerb edge and is therefore acceptable.

The submitted plan Drawing number 25995-002-SK07 illustrates the access is the required width of 5.5m, provided with 2m footways on either side of the carriageway with junction radii of 6m also provided on either side of the junction.

However, in accordance with the Geometric Design Guidance for Accesses onto Classified Roads the junction radii should be 10m given that it will accommodate more than 50 dwellings, I am however happy to accept 6m radii as long as a revised drawing illustrating the tracking of a refuse vehicle entering and leaving the site satisfactorily in forward gear in all directions can be provided.

A right turn lane is being proposed to accommodate vehicular movement into the site and this arrangement is required to comply with document TA 42/95 of the DfT documents The Design Manual for Roads and Bridges (DMRB)<sup>2</sup>. The comments on the right turn lane are as follows:

- The width of the right turn lane is not 3m and appears to vary between 2.6m and 2.8m in width given the number of dwellings that will be accessed from this junction, the right turn lane should be a minimum of 3m in width.
- Given that Southcote Lane is classified and is used by a frequent premier bus service the through lanes on either side of the right turn lane should be a minimum of 3m.
- The length of the ghost right turn lane is in excess of the minimum length required so is therefore acceptable.

The provision of this revised access also results in the relocation of a pedestrian refuge but if this is to be relocated it should be positioned closer to the proposed pedestrian / cycle path to improve connectivity. In addition to this the proposed refuge is not in accordance with the Boroughs standard design drawing for a pedestrian / cyclist refuge, a revised drawing should therefore be submitted illustrating the refuge to the required dimensions.

The secondary access onto Southcote Lane should also be in accordance with the Geometric Design Guidance for Residential Accesses on to Classified Roads as stated during pre-application discussions. However, none of the submitted plans illustrate the visibility splay of 2.4m x 70m, a revised drawing should therefore be submitted fully illustrating this. I am however happy for this to be dealt with by way of a condition as this required visibility is achievable.

Two of the existing accesses located along the A4 Bath Road are to be retained and slightly altered so that they are left in and left out only. The western access includes lengthening the central island to restrict right turners and my comments on this are as follows:

---

<sup>2</sup> The Design Manual for Roads and Bridges (DMRB), produced by The Department for Transport / Highways Agency, provides a comprehensive manual system which accommodates all current standards, advice notes and other documents relating to the design, assessment and operation of trunk roads and motorways. The document states it may also be applicable in part to other roads with similar characteristics and recommend that local highway authorities have formal policies in place. Reading Borough Council's adopted policy is that the document should be used for all roads carrying 10,000 vehicles a day or having a high percentage of buses / HGV's.

- The access road width of 4.8m has been agreed during pre-application discussions given that this is sufficient to accommodate two-way traffic flow.
- Although these accesses onto the A4 Bath Road are existing junctions they should still be illustrated as having visibility splays of 2.4m x 90m to the left given that these will be intensified. I am however happy for this to be dealt with by way of condition as these are existing junctions and the visibility is achievable.
- A Traffic Regulation Order (TRO) will also be required to enforce the no right turns at these junctions and this will also require the adoption of these two accesses.

The eastern access on the Bath Road is to provide vehicular access to a small section of one and two bed flats at Rotherfield Grange and a retained access to an individual dwelling that is not part of this application. Given that the access is only for a small proportion of units this has been deemed acceptable. This priority junction is also to be in the form of a left in left out arrangement however given that refuse vehicles are likely to require access from the A4 Bath Road the proposed access road should be widened to 4.8m for a set back distance of 20m. A tracking diagram of a refuse vehicle should also be submitted that confirms a vehicle can enter and leave the site without mounting the footways or affecting the flow of traffic on the A4 Bath Road.

I must also stress that all the proposed junctions should be provided with tactile paving to aid partially sighted pedestrians in accordance with national requirements.

All junctions and accesses no longer required as part of the development will have to closed off and kerb / footway fully reinstated.

It should be noted that the proposal will require the applicant to sign up to a S38/278 Agreement relating to any works on the Public Highway and for the adoption of any carriageways.

Accident Data

Accident data for the surrounding area has been assessed and includes the area between the A4 Bath Road / Circuit Lane roundabout and the A4 Bath Road / Southcote Lane roundabout as well as the A4 Bath Road / Southcote Lane roundabout and the Southcote Lane / Circuit Lane roundabout. I can confirm that there have been 25 accidents in the last 3 years and only 4 of these accidents involved turning movements of which none of these were as a result of the Highway layout. Therefore the proposed development and design of the access points will not have a detrimental impact on road safety.

Parking Standards

The site is located in Zones 2 and 3, Primary and Secondary Core Areas respectively and the required parking provision for the proposed apartments based on each of these zones is illustrated in the table below:

Dwelling	Zone 2 Standard	Zone 3 Standard
----------	-----------------	-----------------

Size	Required Standard	Visitor	Total Required	Required Standard	Visitor	Total Required
1 Bed Flat (14 Units)	14 (1 space / unit)	1 (1 space / 10 units)	15	21 (1.5 spaces / unit)	4 (1 space / 4 units)	25
2 Bed Flat (84 Units)	84 (1 space / unit)	1 (1 space / 10 units)	92	126 (1.5 spaces / unit)	21 (1 space / 4 units)	147
		Total	107		Total	172

Although this is the required standard given the SPD is written in accordance with national policy as contained within the National Planning Policy Framework (NPPF), the final requirement has to take in account local circumstances including car ownership figures.

Table 1 below details the average car ownership and levels of non-car ownership in the area, obtained from the Neighbourhood Statistics produced by the Office for National Statistics (updated 1<sup>st</sup> March 2007).

Ward	Dwelling Size	Car Ownership / per dwelling	% of Non car dwellings
Southcote	1 Person Flat	0.36	66%
Southcote	2 Person Flat	0.89	31%

Table 1

This data shows that the average car ownership is 0.36 vehicles per 1 person flat and 0.89 vehicles per 2 person flat with between 31% and 66% of dwellings not owning a car. Given that the flatted section of the proposals includes 14 one-bed flats and 84 two bed flats, the development would require a minimum of 91 spaces to be provided for the flatted section of the development to comply with the adopted SPD. I am also happy given the majority of the flats are located within Zone 2 that the parking provision is provided in accordance with that Zone, which as illustrated above would require a provision of 98 car parking spaces. In addition to this provision visitor parking would also be required and I am happy that this is at a ratio of 1 space per 10 flats in accordance with Zone 2 of the Parking SPD again given that the flats are mainly located on the eastern boundary of the site, which is within Zone 2. This would require an additional 9 spaces taking the total provision to 106 spaces, the development provides for 122 spaces for the flats and therefore the number of spaces proposed is in accordance with the adopted SPD.

The required parking provision for the 2, 3 and 4 bed houses based on Zones 2 and 3 are illustrated in the table below:

Dwelling Size	Zone 2 Standard			Zone 3 Standard		
	Required Standard	Visitor	Total Required	Required Standard	Visitor	Total Required
2 Bed House (1 Units)	1 (1 space / unit)	N/A	1	1 (1.5 spaces / unit)	N/A	1
3 Bed House (55 Units)	55 (2 spaces / unit)	N/A	110	55 (2 spaces / unit)	N/A	110
4 Bed House (39 Units)	39 (2 spaces / unit)	N/A	78	39 (2 spaces / unit)	N/A	78
		Total	189		Total	189

Although this is the required standard given the SPD is written in accordance with national policy as contained within the National Planning Policy Framework (NPPF), the final requirement has to take in account local circumstances including car ownership figures.

Table 2 below details the average car ownership and levels of non-car ownership in the area, obtained from the Neighbourhood Statistics produced by the Office for National Statistics (updated 1<sup>st</sup> March 2007).

Ward	Dwelling Size	Car Ownership / per dwelling	% of Non car dwellings
Southcote	2 Person House	1.32	11%
Southcote	3 Person House	1.73	7%
Southcote	4 Person House	2.31	6%

Table 2

This data shows that the average car ownership is 1.32 vehicles per 2 person house, 1.73 vehicles per 3 person house and 2.31 vehicles per 4 person house with between 6% and 11% of dwellings not owning a car. Given this and the proposals include the provision of 1 two-bed, 55 three-bed and 39 four-bed houses, this development would require a minimum of 189 spaces to comply with the adopted SPD. This is the proposed provision stated at point 6.7.2 of the Transport Assessment so is therefore acceptable.

The overall proposed provision based on the information within the TA is 313 spaces but the submitted plan 081015-WM-WL-01 only illustrates 311, the shortfall coming from the provision of Oaklands Hall. However, Oaklands Hall is provided with a provision of 13 spaces which is in excess of the parking SPD for Zone 2 and therefore has been deemed acceptable.

All the car parking spaces illustrated on the submitted plan are to the correct dimensions including the garages which are 3m x 7m in dimension which allows for car parking and some storage with all spaces also provided with adequate manoeuvrability.

#### Internal Layout / Design Comments

The internal layout of the site is in accordance with DfT document The Manual for Streets and is therefore acceptable. A tracking diagram has also been provided that illustrates a refuse vehicle undertaking turning manoeuvres within the site and has been deemed acceptable for the manoeuvres illustrated. However, as stated above no tracking diagrams have been submitted to illustrate turning for the flats at Rotherfield Grange located at the north east of the site, this is required to ensure there is sufficient room within the site for a refuse vehicle to turn.

#### General Comments

Cycle storage will also be required for all units and this should be in accordance with the Parking Standards and Design SPD. The proposed cycle store illustrated

within Drawing 081015-WIM-WL-CS1 dated 23.07.2012 is not illustrated as being equipped with Sheffield type stands and is only sufficient in size to accommodate 8 cycle spaces / 4 Sheffield stands, a revised drawing should therefore be submitted illustrating the cycle store to be equipped with Sheffield stands. Please note that the design of the Sheffield stands should be in accordance with the Boroughs Parking Standards and Design SPD. My comments on the individual blocks of flats are as follows:

- The cycle store for Block 1 is not provided with sufficient width or depth to accommodate the required number of Sheffield stands (2 stands), a revised drawing should therefore be submitted that provides a cycle store that is 2.1m in width and 3m in depth (internal dimension).
- The location of the cycle stores for Blocks 2 and 3 do not appear to be illustrated on the submitted plans. If the cycles are to be stored within the cycle stores illustrated on Drawing 081015-WIM-WL-CS1 then this is acceptable subject to the amendments above. However the location of the store should be illustrated so that it can be determined whether it is conveniently located.
- The cycle store for Block 4 is sufficient in width to accommodate in excess of the required cycle parking standards but the store is not provided with Sheffield type stands. The store is also not the required depth of 3m to accommodate manoeuvring of a bicycle, a revised drawing should therefore be submitted illustrating Sheffield type stand and a depth of 3m.
- The cycle store for Block 5 is acceptable subject to the amendments required to Drawing 081015-WIM-WL-CS1 but the store is not conveniently located to the flats and therefore it should be relocated closer to building.
- The cycle store for Block 6 is acceptable subject to the amendments required to Drawing 081015-WIM-WL-CS1.
- The cycle store for Block 7 is not provided with sufficient depth to accommodate the manoeuvring of a bicycle. A revised drawing should therefore be submitted illustrating Sheffield stands (3 stands) with a depth of 3m (internal dimension).
- The cycle store for Rotherfield Grange and Oakland Hall is acceptable subject to the amendments required to Drawing 081015-WIM-WL-CS1.

Cycle storage for the houses is to be incorporated within the large garages or sheds located within the gardens and has therefore been deemed acceptable.

The proposed bin store underneath the coach house is conveniently located but the access door opens out onto the undercroft driveway. A revised drawing should therefore be submitted that relocates the access door so that it does not open onto the driveway as this could cause conflict between residents and vehicles.

The bins stores for the other flats / apartments are deemed acceptable and refuse vehicles can get within 10m of all of them.

Please ask the applicant to submit suitably amended plans / information to address the above points before determining this application.

#### S.106 heads of terms



In accordance with Section 3 (Transport) of the Council's Supplementary Planning Guidance on planning obligations, September 2004, developments will be expected to contribute to wider and strategic transport improvements in relation to roads, public transport, and facilities for cycling and pedestrians. The sum of £87,360 will be used towards schemes identified in the Central and Western and Central Reading action plan areas of this Authority's Local Transport Plan. This has been calculated as follows:

*Proposed Developments*

99 dwellings x £2,000 (contribution per 1 and 2 bed flats and houses) = £198,000

55 dwellings x £3,000 (contribution per 3 bed dwelling) = £165,000

39 dwellings x £4,000 (contribution per 4 bed dwelling) = £156,000

Total Proposed Development Amount = £519,000

*Existing Developments*

School with a maximum capacity of 550 pupils and 110 staff equates to 660 x 2 = 1320 trips

1320 trips x £327 (contribution per trip) = £431,640

Total Existing Development Amount = £431,640

£519,000 (proposed) minus £431,640 (existing) = A Total Contribution of £87,360

Chris Saunders  
Transport Development Control Manager

APPENDIX 2 CABINET REPORT

READING BOROUGH COUNCIL

REPORT BY DIRECTOR OF EDUCATION, SOCIAL SERVICES & HOUSING

TO:	CABINET		
DATE:	1 OCTOBER 2012	AGENDA ITEM:	11
TITLE:	SCHOOL PLACE FORECAST 2012 - 2020		
LEAD COUNCILLOR:	CLLR ENNIS	PORTFOLIO:	EDUCATION
SERVICE:	EDUCATION AND COMMISSIONING SERVICES	WARDS:	BOROUGHWIDE
LEAD OFFICER:	KEVIN MCDANIEL	TEL:	0118 9374240
JOB TITLE:	HEAD OF EDUCATION AND COMMISSIONING SERVICES	E-MAIL:	kevin.mcdaniel@reading.gov.uk

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

1.1 During the first half of 2012 the council has spent £2m to provide 260 more places in Primary schools for four year olds; 260 places which are now allocated. This report sets out:

- The anticipated scale of the demand across the borough in the coming years.
- A Short term solution for the expected September 2013 primary school demand
- The framework for the proposed Let's Talk Education consultation events in Autumn to inform the longer term solution.

1.3 Appendix 1 is a separate map which illustrates the borough, school locations, so called "planning areas" and ward boundaries referenced in various sections of the report. Appendix 2 contains a break down of current school capacity for reference.

2. RECOMMENDED ACTION

- 2.1 Cabinet be asked to approve the recommended statements of long term need for primary and secondary schools as set out in 4.8 and 4.17.
- 2.2 Cabinet be asked to approve the immediate course of action set out in 4.18 - 4.21 to enable officers to secure sufficient primary school capacity for September 2013.
- 2.3 Cabinet be asked to approve the planned "Lets Talk Education" consultation events set out in section 6.2 in order that the view of residents, schools and others can be taken into account in future detailed planning.
- 2.4 Cabinet be asked to note the imprecise nature of forecasting and the factors that may result in variations and require an annual update to this forecast in Autumn of future years.

### 3. POLICY CONTEXT

- 3.1 The Council has a statutory duty to ensure that all children of statutory school age can access a school place if they so request. This duty does not necessarily require that the council directly provide all of those places or that they all be located within the Borough boundaries.
- 3.2 In recent years, the provision of school places has been the highest priority area of capital spend in education. With the exception of critical health and safety work this priority has consumed the entire education capital programme.
- 3.3 The national education policy favours new school capacity through the Free Schools programme and it is likely therefore that this report will be referenced by the Department for Education when considering future proposals to that scheme.

### 4. SCHOOL PLACE FORECASTS

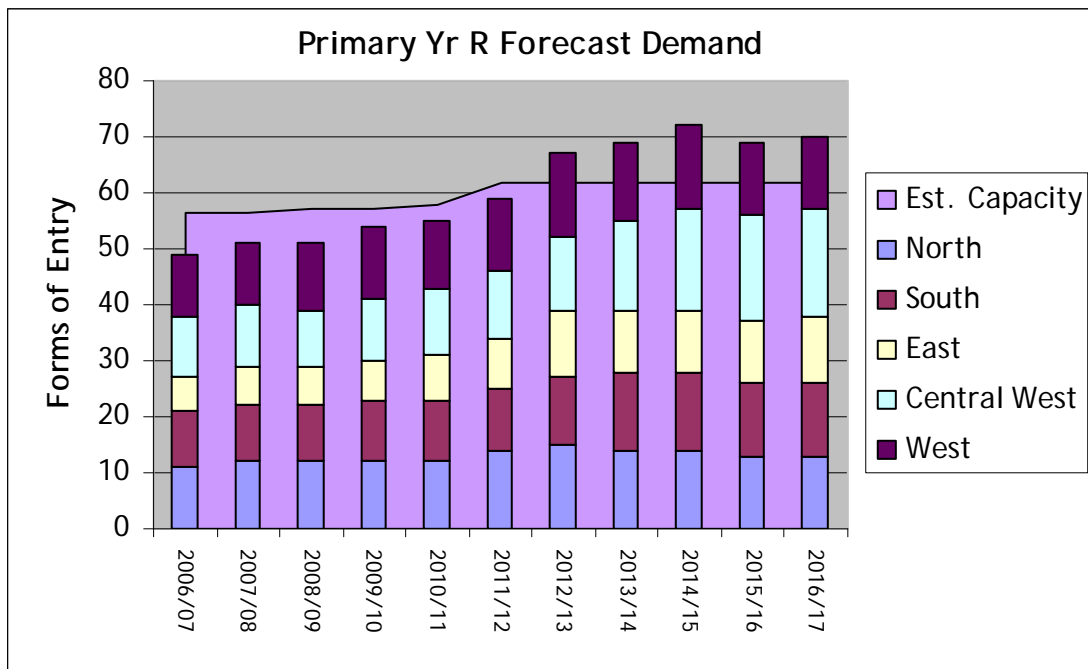
#### Key Background

- 4.1 Reading's education system is a Primary / Secondary model with transition between years 6 and 7 (Key stage 2 to Key Stage 3) at the age of 11. It is not considered prudent with the market turbulence caused by the Academy policy and very limited capital to plan to change this in the next 8 years.
- 4.2 This paper splits Reading into five areas for the purpose of population forecasting and school need planning. Those planning areas are called "North", "South", "East", "Central West" and "West" and a map is attached in Appendix 1 which details the areas, the school locations and ward boundaries. Appendix 2 breaks down the primary schools in those planning areas in terms of the sustainable space in each school and the additional one-off bulge classes they have taken in September 2012.  
Demand Forecast and Analysis: Entry into primary school
- 4.3 During 2012 the Council has revised its forecasting method to better reflect the fast changing population. It is now based on child benefit data, live births and an appreciation of housing development, neighbouring authority

strategic planning and the interpretation of the overall 2011 census data. It is still considered difficult to be any more accurate than +/- 10% and we expect to review the forecast every year, especially with the ward by ward census data due next year.

4.4 Graph 1 below shows the number of year R “forms of entry” (classes of 30 children) needed in the last seven years along with a forecast for the next four years broken down by planning area. This indicates that the total level of demand is following an “S curve shape with an overall upward trend with a large step in the middle.

4.5 The background area shows the effect of the council’s investment in a programme of expansion since 2009. A form of entry in the background area is equal to 210 places - seven classes of 30 children. The vertical bars show the demand for places by planning area. Overall the increase required in 2012 looks set to remain for the next four years at least, with varying levels of demand growth across the planning areas.



Graph 1: How demand for Yr R places is growing

The forecast by planning area is detailed in the table below to support the graph.

	Number of forms of entry into Yr R (classes of 30)										
	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17
North	11	12	12	12	12	14	15	14	14	13	13
South	10	10	10	11	11	11	12	14	14	13	13
East	6	7	7	7	8	9	12	11	11	11	12
Central West	11	11	10	11	12	12	13	16	18	19	19
West	11	11	12	13	12	13	15	14	15	13	13

Total Demand	49	51	51	54	55	59	67	69	72	69	70
Est. Capacity	56.6	56.6	57	57	58	61.7	61.7	61.7	61.7	61.7	61.7

4.6 It is not possible to say with any certainty what will happen in subsequent years as the children are not yet born. Clearly key factors which can affect the forecast continue to be:

- Overall economic climate for the UK
- Relative success of Reading in that climate
- Availability of affordable places to live (inc new developments)
- Reputation of schools
- Impact of decisions from neighbouring authorities which relate to accommodation, schools and relative competitiveness.

4.7 This forecast has to be translated into a working statement of needs. It is clear from Graph 1 that the five planning areas have different challenges ahead and that statement of need can be expressed by planning area as follows (a form of entry is 30 children):

	Current established capacity (forms of entry)	Peak demand forecast to 2016/17 (forms of entry)	Likely lowest level of demand to 2016/17 (forms of entry)	Proposed number of forms of entry to "expand" (7 classes of 30 places)	Proposed number of forms of entry to "bulge" (1 class of 30 places)
North	12	14	13	1	1
South	11	14	13	2	1
East	9	12	11	2	1
Central West	11.5	19	19	7	0
West	13.5	15	13	0	2
<b>Totals</b>	<b>57</b>	<b>74</b>	<b>69</b>	<b>12</b>	<b>5</b>

4.8 The final two columns lead to the recommendation:

**The council should plan for 12 additional forms of primary entry on the long term pattern and ensure that there are options for at least 5 additional bulge options for the peak, which is expected in 2014/15.**

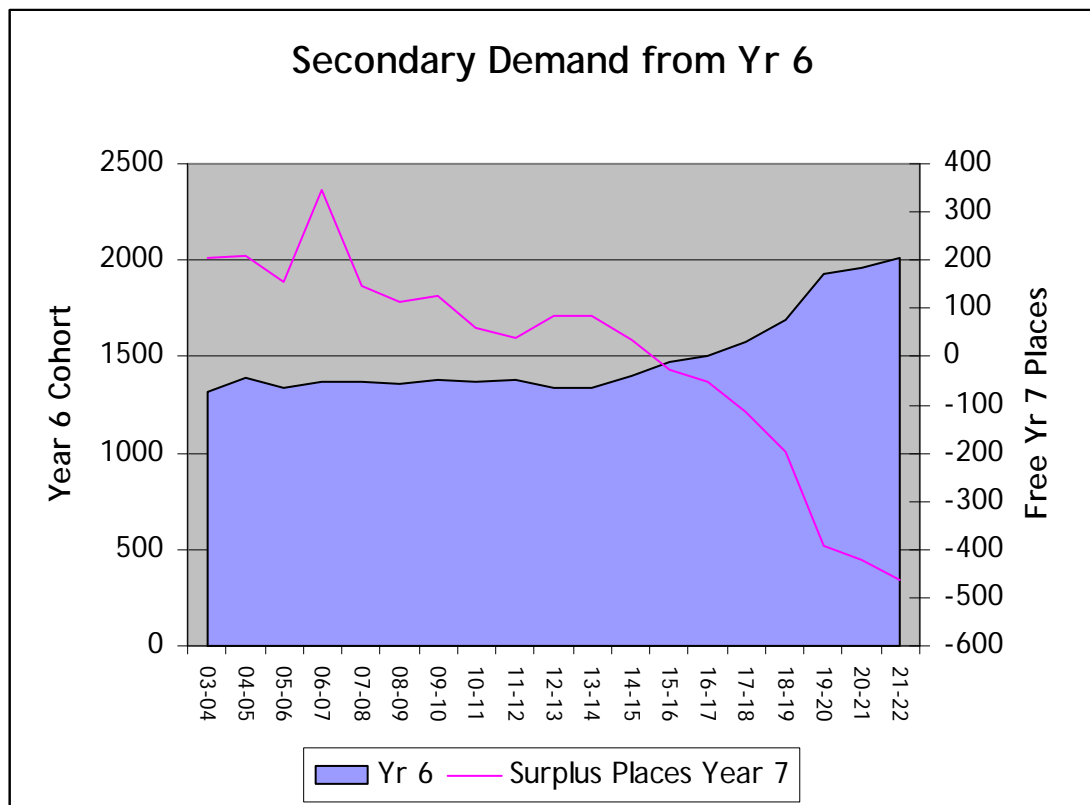
4.9 This data has been submitted to the Education Funding Agency for consideration in the 2013/14 capital funding round.

**Demand Forecast and Analysis: Entry into secondary school**

4.10 As a small borough it is not necessary or desirable to break down into sub planning areas for secondary school places as there is a good range of different education offers. The demand for secondary school flows predominantly from the children in primary school and their choices are:

1. A Reading based, state funded school
2. A non-Reading based, state funded school
3. A non-state funded secondary school

- 4.11 The forecast notes the strategic plan for our neighbouring authorities and their primary place demands and suggests that we should consider that we will be able to access a falling number of places in future years. We also expect the continuing economic conditions will not support significant expansion in private education.
- 4.12 These factors allow us to calculate the expected number of “unused year 7 places” each year in Secondary schools in Reading to 2021. This line is plotted on Graph 2 as a line on top of the predicted number of children who need to find a place, a number generated by the linear progression of more children through Primary schools.



Graph 2: Number of 11 year olds seeking a place and the shortfall within Reading

- 4.13 The graph shows that the number of pupils seeking a secondary school place after attending a Reading primary school will begin to increase from September 2014 and continue to rise as far as we can predict forward (blue area).
- 4.14 Taking into account the proportion who will either choose or require (ie our statutory duty to provide) provision in Reading, schools will have to start being creative from September 2015 and, officers estimate, that by September 2017 all secondary school capacity will be full.
- 4.15 In September 2019 the Yr 7 capacity is forecast to be 400 places short and continuing to head towards 500 by September 2021. An eight form of entry secondary school can accommodate 240 pupils. The demand forecast is

therefore the equivalent of two additional large secondary schools-worth of pupils.

4.16 The small nature of Reading however would be challenged by two more distinct schools, especially with a number of smaller schools who could find their viability challenged if the demand did not hit the projected levels.

4.17 The recommendation is therefore that:

**The council should plan for the development of a new, eight form of entry secondary school to open by September 2019. Additionally the council should work with all schools that serve Reading pupils to secure capacity for a further eight forms of entry across all areas with at least seven being accessible by September 2017.**

**The Short Term Issue: Primary Places for September 2013.**

4.18 Continuing to raise standards is the highest priority outcome for schools while the council has to ensure that there are sufficient places available as parents request them. By January 2013 parents will have to have applied for places for September 2013, a process that starts in November 2012. The forecast suggests that we will need 69 forms of entry and currently have an established space of only 57 forms of entry.

4.19 We therefore need to confirm 12 forms of entry overall to match demand by planning area as follows:

North	2
South	2
East	2
Central West	5
West	1

4.20 All schools are aware that we will need to solve 2013 with short term arrangements following a planning workshop on the 9<sup>th</sup> July 2012. Officers are in dialogue with 15 primary schools to seek in principle agreement for them to take a bulge class. We need to secure 12 overall.

4.21 It is desirable to achieve agreement so that all parents are aware of where the extra places are before they submit their forms which can start from the middle of November. It is recommended therefore that:  
**Cabinet authorise officers to secure sufficient places for September 2013 entry, in line with the principles used for 2012 bulge classes, by the middle of November.**

## 5. CONTRIBUTION TO STRATEGIC AIMS

5.1 Provision of school places in good schools which can be accessed by the whole community contributes to the following strategic aims:

- To Develop Reading as a Green City with a sustainable environment and economy at the heart of the Thames Valley
- To establish Reading as a learning City and a stimulating and rewarding place to live and visit
- To promote equality, social inclusion and a safe and healthy environment for all

## 6. COMMUNITY ENGAGEMENT AND INFORMATION

- 6.1 The forecast and recommendations set out in section 4 describe the level of need that the Borough is facing over the coming years. It will be crucial to work with ward councillors, residents, schools and other services to develop options which meet the school place need and other borough and ward priorities.
- 6.2 The administration has launched a series of consultation events called "Let's Talk Education" which will take place during October 2012. These events will seek resident's views on two related themes:
- The relative importance of factors that should be considered when considering specific options to meet the need outlined here.
  - The considerations to be made in the immediate future to ensure that children and families accessing the school system now and in the coming years have sufficient information to make a successful application.
- 6.3 In addition to the series of events, the council website will host an online consultation exercise which will provide the information outlined in this report to maximise the reach of the consultation.
- 6.4 This consultation will close on Wednesday 7<sup>th</sup> November and a summary of the responses will be published before any decisions are made about specific options.



## **7. EQUALITY IMPACT ASSESSMENT**

- 7.1 An Equality Impact Assessment (EIA) is not relevant to the recommendations in this report as the recommendations are made based on the entire population based solely on home address data.
- 7.2 Following consultation however, all options which may be considered as part of the solution to meet the identified need will require an Equality Impact Assessment as Reading has a diverse range of education provision and communities.

## **8. LEGAL IMPLICATIONS**

- 8.1 As outlined in the policy section, the local authority has a statutory duty to ensure there are sufficient school places available to families in Reading and this report is therefore a significant statement of future need.
- 8.2 The council has a number of planning policies set out, some of which prioritise the use of land for education purposes. This report is a significant summary of the evidence that underpins the continuation of those policies.

## **9. FINANCIAL IMPLICATIONS**

- 9.1 This report has little direct financial implication, with the costs of the consultation events being covered by in year budgets of the Education and Commissioning Services portfolio.
- 9.2 The recommendations made have a significant capital requirement in the future and will call on a range of funding sources depending on the options chosen in the future. At this point it is not possible to assess the level of impact for the Council.

## **10. BACKGROUND PAPERS**

- 10.1 The paper has been based on the council's internal forecasting methodology which takes information about home addresses, school roles and child benefit data and applies a range of statistical techniques. The information from this model has been reviewed at both an Officer planning group and via the School Admissions Forum.

### Appendix 1:

Borough map including schools and "Planning Areas". This is a separate document because of the size requirements

### Appendix 2:

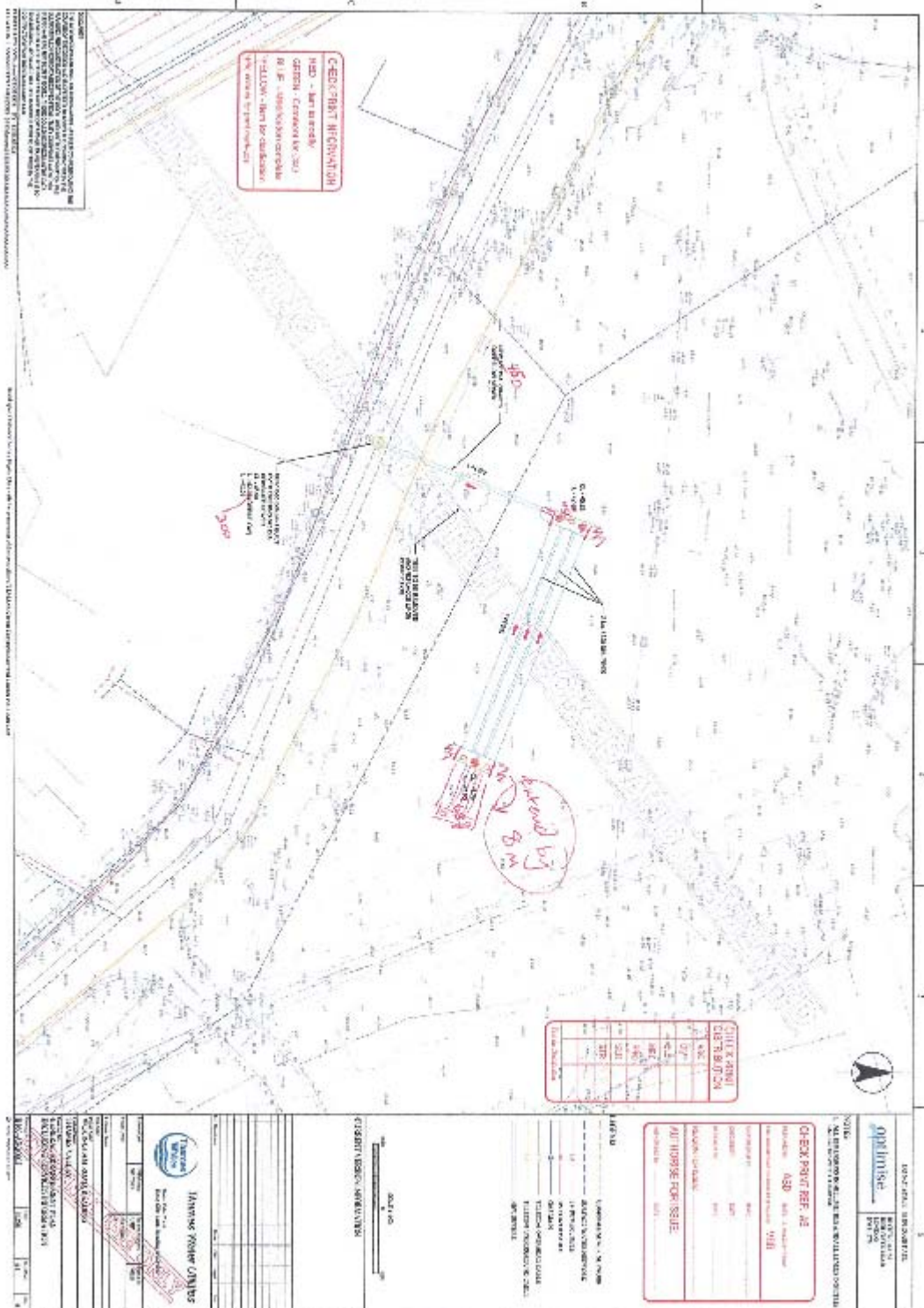
Each 'planning area' already contains a number of schools with an established entry number that the school can support on an ongoing basis (assuming the completion of existing and previously committed expansion projects). Some have taken additional bulge classes for September 2012. This information is presented in the table below.

Planning Area	Schools	Established Forms of Entry (places)	2012/13 Bulge classes (places)
<b>North</b> 11/12 11.8 FE 12/13 13.8 FE	Caversham Park Primary	1	0
	Caversham Primary	2*	1
	Emmer Green Primary	2*	1
	The Hill Primary	2	0
	Thameside Primary	2	0
	Micklands Primary	2	0
	St Martin's RC (VA) Primary	0.8 (24)	0
	St Anne's RC (VA) Primary	1	0
<b>South</b> 11/12 10.83 FE 12/13 11.5 FE	Geoffrey Field Infant	2.33 (70)	0.66 (20)
	Geoffrey Field Junior	2.33 (70)	0
	George Palmer	2	0
	Christ the King RC (VA) Primary	1.5 (45)	0
	New Christchurch CE (VA) Primary	1	0
	The Ridgeway Primary	1	0
	Whitley Park Primary	3	0
<b>East</b> 11/12 9 FE 12/13 12 FE	Alfred Sutton Primary	2	1
	Katesgrove Primary	3	0
	New Town Primary	1	1
	Redlands Primary	1	1
	St. John's CE (VA) Primary	2	0
<b>Central West</b> 11/12 11.66 FE 12/13 12.66 FE	All Saints CE (VA) Infant	0.66 (20)	0
	All Saints Junior	0.83 (25)	0
	Coley Primary	1	0
	EP Collier Primary	1	0
	Battle Primary	2	0
	Oxford Road Primary	1	1
	Southcote Primary	2	0
	St Mary's and All Saints CE (VA) Primary	2	0
Wilson Primary	2	0	
<b>West</b> 11/12 13.5 FE 12/13 15.5 FE	Churchend Primary	1	0
	English Martyrs RC (VA) Primary	2	0
	Manor Primary	1.5 (45)	0
	Moorlands Primary	2	1
	Park Lane Primary	2	0

	Ranikhet Primary	2	0
	St. Michaels's Primary	1	1
	Upcroft Primary	2	0
* means school already have a bulge class in addition to established number			

In summary Reading has a sustainable school estate that can support just under 62 forms of entry into primary school and provide seven years education for that group. In September 2012, those same schools have added almost nine forms of entry (a cohort of 260 pupils) and can support those children through their seven years of primary education. There is limited additional space remaining.

PLANS/DRAWINGS





BY THE DIRECTOR OF ENVIRONMENT CULTURE & SPORT  
READING BOROUGH COUNCIL  
PLANNING APPLICATIONS COMMITTEE: 17 OCTOBER 2012

ITEM NO. 17  
Page: 343

Ward: Southcote

App No.: 12/01233/FUL

Address: Former Elvian School, Bath Road, Reading

Proposal: Redevelopment to provide 193 residential units (173 new build and 20 through conversion) with associated access, parking, landscape and open space provision, following the demolition of existing school buildings

Applicant: Taylor Wimpey West London

**RECOMMENDATION:**

REFUSE planning permission for the following reasons:

1. The proposed layout is dominated by vehicular access to the detriment of the landscaped areas, results in a contrived and 'forced' layout with multiple 'hammer-head' features rather than 'through' roads which would provide a layout more in keeping with the traditional appearance of the proposed dwellings. Overall, the urban 'grain' is tightly packed. As such the site would lose its primary spacious green character interspersed with houses and the proposal fails to integrate the new development with the natural, built and historic environment of the site. For this reason the proposal is contrary to Core Strategy Policy CS7, 'Elvian School Site Bath Road/Southcote Lane Planning and Development Brief' (2011) and NPPF paragraphs 56 - 61.
2. By virtue of the proposed flat Blocks 1, 5, 6 & 7 being provided with insufficient landscaped setting around them these buildings, by virtue of their mass and bulky appearance, will appear cramped on overdeveloped sites to the detriment of their appearance and to the detriment of the character of the residential estate. Furthermore, by proposing flat Blocks 2 & 3 so close to the existing Oaklands Hall all three of these buildings would appear cramped and overdeveloped which in respect of Oaklands Hall, which is referred to in the adopted Development Brief for this site as an undesignated heritage asset, would diminish the positive contribution this building could make to the character of the site. This is considered to be contrary to Core Strategy Policy CS7; Elvian School Site Bath Road/Southcote Lane Planning and Development Brief' (2011) and NPPF paragraphs 56 - 61 and 135.
3. The proposal involves redeveloping on all of the Elvian School site and its playing field without substantiating that the land is no longer required for educational use or offering acceptable mitigation for its loss contrary to Policy SA9b of the Sites & Detailed Policy Document, Core Strategy Policy CS32, Elvian School Site Bath Road/Southcote Lane Planning and Development Brief' (2011) and NPPF paragraph 72.
4. The proposal would result in the loss of a playing field without providing for its replacement close to the site with an equivalent playing field of better quantity and quality and in a suitable location and would fail to provide sufficient benefit in terms

of the provision of new sports facilities to outweigh the loss of the existing playing field. Therefore the proposal is contrary to policy CS28 and SDPD Policy SA9b; Elvian School Site Bath Road/Southcote Lane Planning and Development Brief' (2011) and NPPF paragraph 74.

5. The proposal fails to demonstrate how at least half of the proposed dwellings would meet Level 4 of the Code for Sustainable Homes sustainability assessment. The proposal therefore fails to demonstrate that the development would use energy water, minerals, materials and other natural resources appropriately, taking full account of the effects of climate change. Additionally, the failure to demonstrate how the scheme has been designed to incorporate measures to adapt to climate change or demonstrate how consideration has been given to securing energy for the development from a decentralised energy source is unacceptable. Taken together the proposal fails to meet the requirements of policy CS1: Sustainable Construction and Design of the Core Strategy and fails to meet the requirements of policy DM1 and DM2 of the Sites and Detailed Policies Document and is contrary to the National Planning Policy Framework.
6. The proposal fails to demonstrate that trees intended to be retained on site can be adequately protected and by failing to provide details of servicing as requested have failed to demonstrate that the proposed landscaping can be implemented as shown. In addition the landscape masterplan for the site is inadequate for establishing the detail and landscape principles of the site and does not take the opportunity to provide street tree planting on the Southcote Lane frontage. Therefore the proposal is contrary to Core Strategy Policy CS7 and CS38 and Elvian School Site Bath Road/Southcote Lane Planning and Development Brief' (2011).
7. In the absence of justification for the shortfall in the level of affordable housing proposed and contributions and in the absence of a completed legal agreement or unilateral undertaking to secure an acceptable level of affordable housing and other contributions towards RUAP or education or the provision of affordable housing the proposal fails to mitigate its impact on the social, transport and economic infrastructure of the town and fails to accord with adopted affordable housing provision policy. Accordingly, the proposal is contrary to policies CS9 (Infrastructure, Services, Resources and Amenities) and CS16 (Affordable Housing) of the Core Strategy and the Council's Supplementary Planning Guidance, "Planning Obligations Under Section 106 of the Town and Country Planning Act 1990" (2004).

## INFORMATIVES

1. Refused Plans

### 1. CHANGES TO REASONS FOR REFUSAL

- 1.1 On further consideration of the original grounds for refusal as set out in the main report a revised set is provided above. Refusal 1 relates to the overall layout proposed for the site with lack of setting for the larger blocks and Oaklands Hall included in it. However, on reflection even if the layout was acceptable we would still have concerns for the setting of some of the flat blocks and Oaklands Hall and have concluded that it would be appropriate to make this a separate reason for refusal.

1.2 It has also been noticed that reference to the proposal being contrary to the principles of the adopted development brief for this site was omitted from some reasons where it would be relevant so this has been addressed as appropriate.

1.3 Officers have considered whether the housing officer's concerns for the relative sizes of the affordable housing units to the private units could form a further reason for refusal. Having reviewed the room sizes and gardens of the affordable units planning officers can confirm that while in some cases the affordable dwellings are smaller in footprint than some of the equivalent private sale dwellings they would still meet the minimum standards for bedroom sizes etc so not a sustainable reason for refusal.

## 2. ADDITIONAL COMMENTS

2.1 The applicant has submitted a detailed response to the Committee Report, which they ask is reported to committee so is appended to this update report.

2.2 They note that "on an application of this significance we would ordinarily expect an opportunity to properly respond to consultee comments prior to the application being reported to committee". Officers response to this is that we have been involved in pre-application discussions with the applicant for many months now and the concerns expressed in the report are consistent with the advice provided to the applicant at those meetings which the applicant has chosen to disregard when submitting the application. Officers have processed this application in accordance with normal procedures and Members have visited the site so there is no reason to defer the consideration of this planning application to a later meeting. The next Committee in November is outside the target 13 week date (5<sup>th</sup> November) for determining this application.

2.3 In summary they defend the proposed layout and the proposed treatment of Oaklands Hall but officers have been consistent during pre-application discussions in advising against the layout and in trying to promote an alternative approach to refurbishing Oaklands Hall.

2.4 The applicants have submitted further information on landscaping to address officer concerns and while they have helped to resolve some of the issues identified, the landscape officer maintains an objection.

## 3. REPLACEMENT PLAYING FIELD

3.1 Reason for refusal 4 above relates to the loss of the playing field and failure to provide a suitable replacement or compensation for its loss. Sport England are recorded as having lodged a holding objection but had advised the applicant at pre-application stage that a planning application for the works at Meadway Recreation Ground would need to be submitted concurrently with the Elvian School application, so that both permissions could be robustly linked via legal (S106) agreement.



- 3.2 Officers can confirm that a planning application (12/01578/FUL) for Meadway Recreation Ground has been submitted by the applicants for the Elvian site (received on 10<sup>th</sup> October 2012) but is still in the process of being validated. The description of development is "Development of 1no 11-a-side junior football pitch, 1no 9v9 pitch, 1no 7v7 pitch, 2no team changing rooms, officials changing room, store building, access to hard surface and associated car parking". Sport England has been made aware of this and have commented that *"I am surprised that the application is being taken to committee this week. The applicant has gone to the trouble of submitting the Meadway application such that they can both be considered concurrently. If they are not to be considered concurrently, this rather defeats the purpose. Without both applications being considered together, they cannot be linked robustly and securing the delivery of the replacement provision is put at risk and may not be delivered. Sport England most strongly requests that app ref 12/01233/FUL be deferred and taken to a latter committee alongside the Meadway application. For the avoidance of doubt, Sport England therefore maintains its objection to app ref 12/01233/FUL on the basis that the application fails to meet exception E4"*.
- 3.3 Officers have already explained above why there is no merit in deferring this Elvian site application. Sport England had made clear to the applicants during pre-application discussions that both applications should be considered concurrently but the Meadway Recreation Ground application was not submitted until 2 months after submitting the Elvian School site application. The appraisal of the Meadway Recreation Ground application has not begun but even if planning permission was to be granted the implementation of the changes would be outside the applicant's control as that site is not in their ownership.
- 3.4 Reason 4 reflects the policy CS28 assumption that any replacement or compensatory playing field be provided close by. The Development Brief for the Elvian Site identifies the opportunity that upgrading the playing fields for community use at neighbouring Blessed Hugh Farringdon School would present in mitigating for the loss of the existing private playing field and could have the added benefit of facilitating expansion of that school (although this would not address the grounds for reason for refusal 3 - loss of education land or reason for refusal 7 with regards to the education infrastructure contribution sought). The Meadway sports pitch improvements may have been identified by leisure officers and Sport England as being desirable but planning officers advise that they would not overcome the planning policy objection as set out above.
- 3.5 Officers maintain their advice that this planning application be refused planning permission for the recommended reasons for refusal as set out above.

Julie Williams

## COMMITTEE REPORT

BY THE DIRECTOR OF ENVIRONMENT CULTURE & SPORT  
READING BOROUGH COUNCIL  
PLANNING APPLICATIONS COMMITTEE: 26 JUNE 2013

ITEM NO. 12

Ward: Southcote

App No.: 130579 (13/00520/VARIAT)

Address: 60 Granville Road, Reading

**Proposal:** Demolition of the existing buildings and the erection of 30 affordable dwellings (6 x 3 bed houses, 5 x 1 bed flats, and 19 x 2 bed flats) and associated car parking and landscaping without complying with conditions 5 and 8 of planning permission 12/01248/FUL

**Applicant:** Feltham Construction Ltd

**Date valid:** 24 April 2013

**Major Application:** 13 week target decision date: 24 July 2013

**Planning Guarantee:** 26 week date: 23 September 2013

### RECOMMENDATION:

GRANT permission subject to completion of a Section 106 Legal Agreement by 23 September 2013 or (ii) REFUSE permission should the agreement not be completed by 23 September 2013 (unless the Head of Planning and Building Control agrees to a later date for completion of the agreement). The agreement shall secure the following in respect of:

- Affordable Housing - 15 units of affordable housing (equating to 50%) to have been built and made available prior to occupation of 75% of the residential units.
- Transport - A financial contribution of £21,255 towards transport infrastructure schemes in the Reading Local Transport Plan Central and South Western Transport Area of the Borough (with a maximum of 50% of the contribution to be used towards schemes to improve road safety along Granville Road), in compliance with Reading Borough Core Strategy Policy CS9 (Infrastructure, Services, Resources and Amenities). Payable on implementation and index linked from the date of issue of planning permission 12/01248/FUL.
- Education - A financial contribution of £106,762 towards the provision of primary and secondary education infrastructure improvements to schools serving West Reading in compliance with Reading Borough Core Strategy Policy CS9 (Infrastructure, Services, Resources and Amenities). Payment to be index linked from the date of issue of planning permission 12/01248/FUL and made prior to the occupation of the development.
- Leisure - A financial contribution of £4,500 towards the provision of leisure infrastructure improvements to Prospect Park. Payment to be index linked from the date of issue of planning permission 12/01248/FUL and made prior to the occupation of the development.

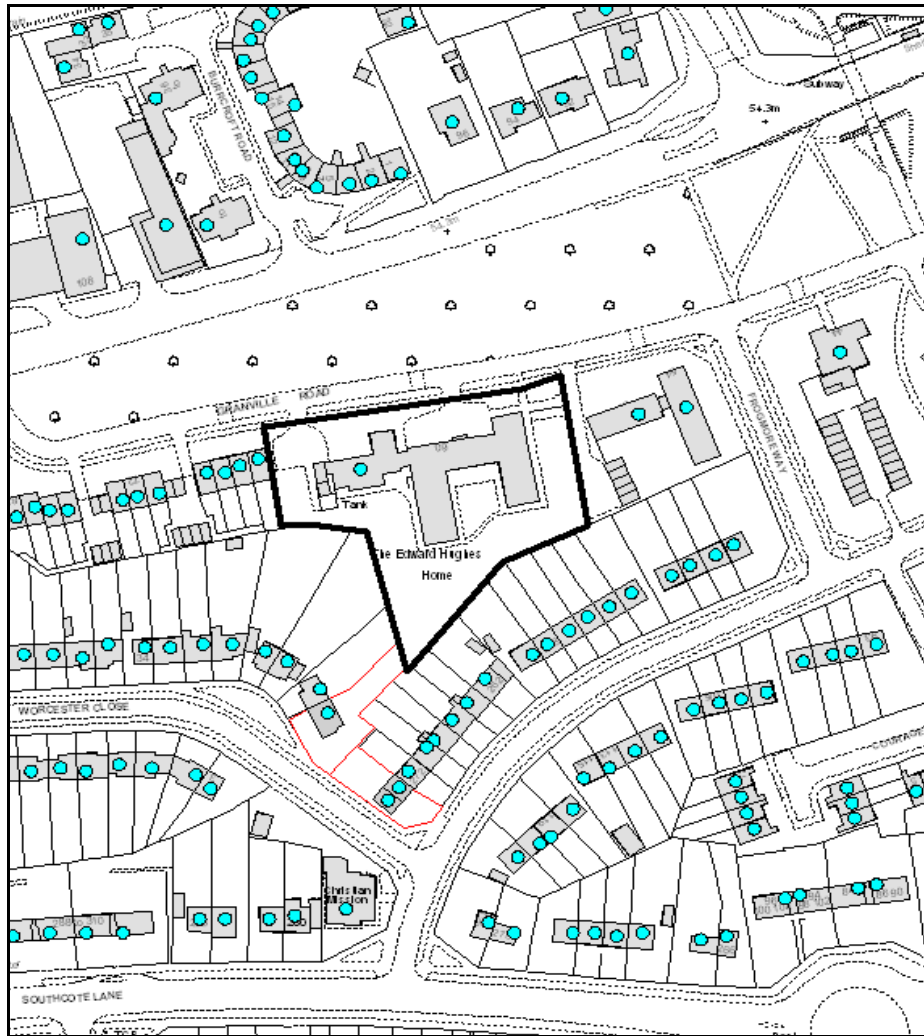
CONDITIONS TO INCLUDE

1. The development to which this permission relates must be begun not later than 25/01/2016.
5. No building above DPC level 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. The approved details shall be implemented thereafter.
8. Notwithstanding the approved plans, No building above DPC level shall commence until full details of both hard and soft landscaping have been submitted to and approved in writing by the local planning authority. The submitted details shall include:
  - (a) proposed finished ground levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas, hard surfacing materials, structures and ancillary objects (refuse bins, lighting columns etc); and
  - (b) proposed and existing functional services above and below ground (e.g drainage, power, communications cables, pipelines etc. indicating lines, manholes etc; and
  - (c) planting plans; tree pit details; a timetable for implementation; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate.

All other conditions and informatives of planning permission 12/01248/FUL apply to this permission.

## 1.0 INTRODUCTION

- 1.1 The application site is located on Granville Road, close to its junction with the A4 Bath Road. The site itself is approximately 82m wide and between 30m and 75m deep, equating to a total site area of approximately 0.4ha. The site is bounded by Granville Road to the north, with a 30m grassed area and the A4 Bath Road beyond this. To the east is 54-56 Granville Road, a two storey flatted block, to the south are the rear gardens of properties along Gainsborough Road and Worcester Close and to the west are two-storey terraced properties fronting Granville Road.
- 1.2 The site contains a vacant two-storey former residential care home with parking to the frontage. There are a number of trees on site, protected by Tree Preservation Order 38/11.



Not to scale





## 2.0 PROPOSAL AND SUPPORTING INFORMATION

2.1 Full planning permission was granted in January 2013 for the Demolition of the existing buildings and the erection of 30 affordable dwellings (6 x 3 bed houses, 5 x 1 bed flats, and 19 x 2 bed flats) and associated car parking and landscaping under application reference 12/01248/FUL. It is understood that development in relation to this permission has not commenced, but various works, including archaeological excavations have been undertaken on site in preparation for the commencement of development.

2.2 12/01248/FUL was subject to a number of conditions, including conditions relating to ecology and landscaping which read:

5. 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. The approved details shall be implemented thereafter.

8. Notwithstanding the approved plans, no development shall take place until full details of both hard and soft landscaping have been submitted to and approved in writing by the local planning authority. The submitted details shall include:

(a) proposed finished ground levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas, hard surfacing materials, structures and ancillary objects (refuse bins, lighting columns etc); and  
(b) proposed and existing functional services above and below ground (e.g drainage, power, communications cables, pipelines etc. indicating lines, manholes etc; and

(c) planting plans; tree pit details; a timetable for implementation; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate.

- 2.3 The applicant has made this application under Section 73 of the Act (as amended) to carry out the development without complying with Conditions 5 and 8. The applicant has proposed alternative conditions, which would have the same result as the current conditions attached to 12/01248/FUL, but rather than restricting the commencement of development prior to discharge of Conditions 5 and 8, would restrict works above damp-proof course (DPC) level before the conditions must be discharged i.e. it would allow works to reach DPC level before Conditions 5 and 8 must be approved.
- 2.4 The applicant has not proposed that other pre-commencement conditions, for example, submission and approval of materials, would be amended under this application.

### 3.0 RELEVANT PLANNING HISTORY

- 12/01248/FUL - Demolition of the existing buildings and the erection of 30 affordable dwellings (6 x 3 bed houses, 5 x 1 bed flats, and 19 x 2 bed flats) and associated car parking and landscaping. Application Permitted 25/01/2013.
- 130617 - Discharge of conditions 3, 6, 7, 11, 16, 19 and 20 of planning permission 12/01248/FUL. Pending consideration.
- 130712 - Discharge of condition 18 of planning permission 12/01248/FUL. Pending consideration.

### 4.0 CONSULTATIONS

#### (i) Statutory Consultation

None.

#### (ii) Non Statutory Consultation

##### **RBC Ecology:**

No objections subject to suitably-worded replacement condition.

##### **RBC Natural Environment:**

No objections subject to suitably-worded replacement condition and measures to ensure tree protection.

#### (iii) Public/local consultation and comments received

The application was advertised in the local press a major development and a site notice was posted.

Letters were sent to: 54-56 (all), 62-82 evens Granville Road, 30-41 (all) Worcester Close, 242 - 276 evens Gainsborough Road, 92, 94, 96, 104, 106, 108 Bath Road, 1-9 (all) 42, 44, 45 Burcroft Court. No comments have been received to date.

## 5.0 RELEVANT PLANNING POLICY AND GUIDANCE

5.1 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'.

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

National Planning Policy Guidance  
National Planning Policy Framework (NPPF)

Reading Borough Local Development Framework Core Strategy Document, 2008.

Policy CS1 (Sustainable Construction and Design)  
Policy CS2 (Waste Minimisation)  
Policy CS3 (Social Inclusion and Diversity)  
Policy CS4 (Accessibility and the Intensity of Development)  
Policy CS7 (Design and the Public Realm)  
Policy CS9 (Infrastructure, Services, Resources and Amenities)  
Policy CS14 (Provision of Housing)  
Policy CS15 (Location, Accessibility, Density and Housing Mix)  
Policy CS16 (Affordable Housing)  
Policy CS20 (Implementation of the Reading Transport Strategy)  
Policy CS24 (Car/Cycle Parking)  
Policy CS29 (Provision of Open Space)  
Policy CS32 (Impacts on Community Facilities)  
Policy CS34 (Pollution and Water Resources)  
Policy CS36 (Biodiversity and Geology)  
Policy CS38 (Trees, Hedges and Woodlands)

Reading Borough Local Development Framework: Sites and Detailed Policies Document (2012)

Policy DM1 (Adaption to Climate Change)  
Policy DM2 (Decentralised Energy)  
Policy DM3 (Infrastructure)  
Policy DM4 (Safeguarding Amenity)  
Policy DM5 (Housing Mix)  
Policy DM10 (Private and Communal Outdoor Space)  
Policy DM12 (Access, Traffic and Highway-Related Matters)  
Policy DM18 (Tree Planting)

Supplementary Planning Guidance/Documents  
'Revised Parking Standards and Design' (2011)  
'Revised Sustainable Design and Construction' (2011)  
'Planning Obligations under Section 106 of the Town and Country Planning Act 1990' (2004)

## 6.0 APPRAISAL

### Main considerations

#### (i) Principle of Development

- 6.1 The application site benefits from planning permission for the erection of 30 affordable housing units under application reference 12/01248/FUL; this current application seeks to amend conditions attached to that consent. There is no objection to the carrying out of the development without complying with Conditions 5 and 8 in principle, subject to satisfactory replacement conditions.
- 6.2 Were this permission granted, the standard three year time limit for the commencement of the development would run from the date that 12/01248/FUL was granted permission i.e. 25/01/2013 and condition 1 has been amended to reflect this.

#### (ii) Conditions 5 and 8

- 6.3 Condition 5 requires the submission of biodiversity enhancement measures prior to the commencement of development, whilst Condition 8 requires provision of a landscaping scheme prior to the commencement of development. Whilst the applicant accepts the requirement for the conditions, they have submitted this S73 application to enable the details to be approved prior to any works in relation to construction above DPC level rather than prior to commencement of development. This would enable certain works, for example demolition and access construction, to be carried out in advance these conditions being discharged.
- 6.4 Circular 11/95 (The Use of Conditions in Planning Permissions) advises that it is reasonable to require details relating to landscaping to be submitted prior to the commencement of development:
- To ensure that a landscape design scheme is prepared, conditions may require that no development should take place until the scheme is approved, so long as this requirement is reasonable.
- 6.5 It would also be reasonable to require details of biodiversity enhancements prior to commencement. Therefore, any change to the trigger for the submission of details (i.e. from prior to the commencement of development to prior to construction above DPC level) must be justified by the applicant.



- 6.6 The applicant has confirmed that they are waiting to commence development on site and have sought to discharge all pre-commencement conditions as quickly as possible to allow the demolition of the building and commencement of construction to lawfully proceed. Applications relating to the discharge of all other pre-commencement conditions have been submitted under application references 130617 and 130712 and are currently under consideration by officers. Draft submissions have been prepared in respect of biodiversity enhancements (Condition 5) and landscaping (Condition 8); however, the details need to be considered by the applicant's Ecologist, a Code for Sustainable Homes Assessor and assessed against Secured by Design Standards before they are submitted to the Council for approval. The applicant confirms that these details will be submitted to the Council as soon as possible, but have submitted this S73 application to allow development to commence in the meantime.
- 6.7 In relation to the requirement to provide details of biodiversity enhancement measures prior to the commencement of development, the Council's Ecologist has confirmed that there is no objection to the proposal on ecological grounds, subject to a condition requiring the submission and approval of the details prior to works reaching DPC level.
- 6.8 In relation to the requirement to provide details of both hard and soft landscaping prior to the commencement of development, the Council's Natural Environment Officer has confirmed that there is no objection to the proposal on landscaping grounds, subject to a condition requiring the submission and approval of the details prior to works reaching DPC level. The Officer comments; however, that tree protection measures must be in place - tree protection is controlled separately under Condition 6, and the developer has confirmed in writing that tree protection measures will be put in place prior to demolition and retained until construction works are complete.
- 6.9 It is considered that the applicant has provided a reasoned justification for the application, and has confirmed that an application to discharge Conditions 5 and 8 will be submitted shortly. The Council's Ecologist and Natural Environment Officers have confirmed that they have no objection to the proposal, subject to replacement conditions. Therefore, subject to the replacement conditions in the recommendation above, the application would not conflict with the aims of Policies CS36 and CS38 of the Core Strategy and there is no objection to the proposal on natural environment or ecological grounds.

(iii) Other Issues

Conditions and S106 Agreement

- 6.10 Were this application granted, a new separate planning permission for the whole development would be granted. Therefore, all other conditions of the original planning permission (12/01248/FUL), including in relation to parking, construction method, boundary treatment and archaeology need to be re-imposed (plus Conditions 5 and 8 as amended) and the S106 Agreement needs to be revised to reflect this new permission. This approach is set out in the recommendation above.

#### Equality Act 2010

- 6.11 In determining this application the Committee is required to have regard to its obligations under the Equality Act 2010. The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sexual orientation.
- 6.12 There is no indication or evidence (including from consultation on the application) that the protected groups have or will have different needs, experiences, issues and priorities in relation to the particular planning application. In terms of the key equalities protected characteristics it is considered there would be no significant adverse impacts as a result of the development.

### 7.0 CONCLUSION

- 7.1 It is considered that the applicant has provided a reasoned justification for the application, and has confirmed that an application to discharge Conditions 5 and 8 will be submitted shortly. The Council's Ecologist and Natural Environment Officers have confirmed that they have no objection to the proposal, subject to replacement conditions.
- 7.2 It is recommended that the application be granted subject the completion of a S106 Legal Agreement and imposition of planning conditions, including amended Conditions 5 and 8 and the imposition of all other conditions attached to 12/01248/FUL.

Case Officer: Justin Turvey.

Conditions are not to scale dimensions from this drawing



12/01248/FUL  
Amended Plan  
29/10/12

- REVISIONS**
- 1. Proposed layout to address planning concerns from RDC's partners
  - 2. Parking spaces in front of the proposed block increased by 10 spaces
  - 3. Height of first block reduced by 1.5m
  - 4. Height of second block increased by 1.5m
  - 5. Height of third block increased by 1.5m
  - 6. All landscaping added to front of units 25 and 26
  - 7. Three added to corner of units 14 & 27
  - 8. Two added to corner of units 14 & 27
  - 9. Two added to corner of units 14 & 27
  - 10. Changes to proposed form of site

- CHANGES MADE TO ADDRESS PLANNING CONCERNS**
- 1. Proposed layout of 12 units revised to meet RDC's requirements
  - 2. All parking spaces to be provided on site
  - 3. All parking spaces to be provided on site
  - 4. All parking spaces to be provided on site
  - 5. All parking spaces to be provided on site
  - 6. All parking spaces to be provided on site
  - 7. All parking spaces to be provided on site
  - 8. All parking spaces to be provided on site
  - 9. All parking spaces to be provided on site
  - 10. All parking spaces to be provided on site

**BroadwayMalyan™**  
Architecture Urbanism Design

100 Granville Road  
Reading  
RG2 9AT  
Tel: 0118 932 2000  
Fax: 0118 932 2001  
www.broadwaymalyan.com

**Client:** Thames Valley Housing Association  
**Address:** 80 Granville Road  
**Reading**  
**Site layout**

**PLANNING**

Drawn by: [Name]  
Date: 12/08/11  
Drawn by: [Name]  
Date: 28/02/12  
A-02-001-P-12



12/01/2018/FULL  
 Amended Plan  
 29/10/12

Approved for use in accordance with the  
 New Zealand Resource Management Act 1991



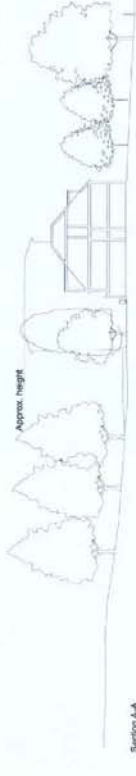
Street Elevation - Looking South From Granite Road



Approx. height

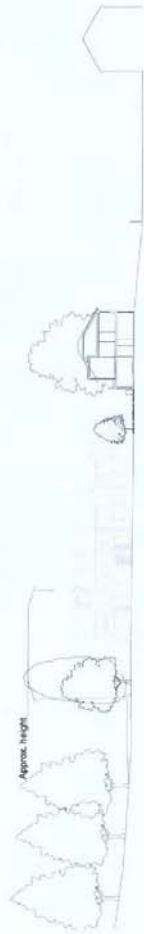


Street Elevation - Looking East from the corner of the site



Section AA

Approx. height



Section BB

Approx. height

**BroadwayMilyan™**  
 Residential Development Group

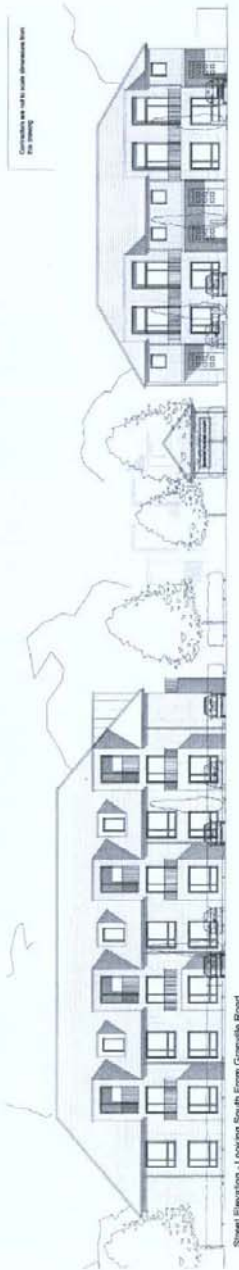
12/01/2018/FULL  
 Amended Plan  
 29/10/12

Thomas Valley Housing Association  
 60 Granite Road  
 Auckland  
 New Zealand  
 09 524 5200

Project Name: [REDACTED]  
 Project No: [REDACTED]  
 Date: 29/10/12

Author: [REDACTED]  
 Designer: [REDACTED]  
 Checker: [REDACTED]  
 Approver: [REDACTED]

12/01/24/8/FULL  
 Avenued Plan  
 29/10/12



**Units 27-30 Front Elevation**

**Units 30 Side Elevation**

**Units 27-30 Rear Elevation**

**Units 27 Side Elevation**

**Units 25 & 26 Front Elevation**

**Units 25 Side Elevation**

**Units 26 & 25 Rear Elevation**

**Notes:**

- 1. All elevations are shown in black and white.
- 2. All elevations are shown in black and white.
- 3. All elevations are shown in black and white.
- 4. All elevations are shown in black and white.
- 5. All elevations are shown in black and white.
- 6. All elevations are shown in black and white.
- 7. All elevations are shown in black and white.
- 8. All elevations are shown in black and white.
- 9. All elevations are shown in black and white.
- 10. All elevations are shown in black and white.

**BroschwayMalayan™**  
 Architects & Urbanists Design

28782 AOG-F-002

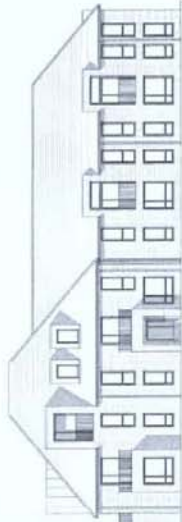
Thames Valley Housing Association  
 42 Drayville Road  
 Reading  
 RG2 9AT

28782 AOG-F-002

28782 AOG-F-002

12/01/24 9/16/24  
 Amended Plan  
 29/10/12

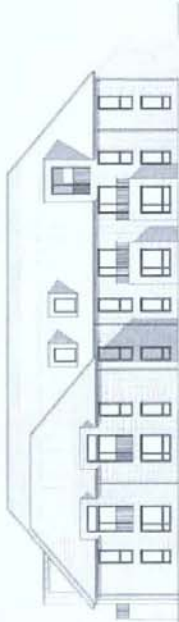
Consulted with V&V and approved for  
 the drawing



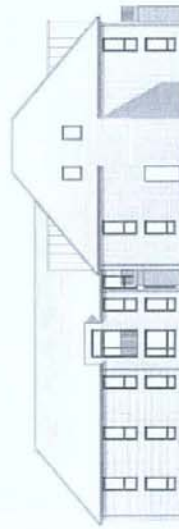
Flat Block - East Elevation



Flat Block - North Elevation



Flat Block - South Elevation



Flat Block - West Elevation

<b>BroadwayMajesty™</b>	
Architectural Design	
12/01/24 9/16/24	
29/10/12	
Amended Plan	
Flat Block	
East Elevation	
Prepared by: [Name]	
Checked by: [Name]	
Date: 12/01/24	
Project: [Name]	
Address: [Address]	
City: [City]	
State: [State]	
Zip: [Zip]	
Phone: [Phone]	
Fax: [Fax]	
Email: [Email]	
Website: [Website]	
Project No: [Project No]	
Drawing No: [Drawing No]	
Revision: [Revision]	
Scale: [Scale]	
Notes: [Notes]	

## COMMITTEE REPORT

BY THE DIRECTOR OF ENVIRONMENT CULTURE & SPORT  
READING BOROUGH COUNCIL  
PLANNING APPLICATIONS COMMITTEE: 26 June 2013

ITEM NO. 13

Ward: Southcote

App No.: 13/00564/REG3 (130616)

Address: 7 Southcote Parade

Proposal: Change of Use from Retail Class A1 to a Charity Registered Community Service called Home Start - Class D1.

Applicant: Reading Borough Council - Housing

Date application valid: 10 May 2013

Minor Application: 8 week target decision date: 5 July 2013

### RECOMMENDATION

Grant.

#### CONDITIONS TO INCLUDE

1. TL1 - Full - time limit - three years.
2. The premises shall be used as a family support service as described in the document entitled 'Further Supporting Document' only and for no other purpose, including any other purpose in the same Use Class of the Schedule to the Town and Country Planning (Use Classes Order 1987) (as amended), or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification. Reason: to enable the local planning authority to control the use of the building and to comply with Policy DM4 (Safeguarding Amenity) of the Reading Borough SDPD.
3. Standard approved plans condition.
4. Noisy construction, demolition and associated activities should be restricted to between the hours of 08:00hrs to 18:00hrs Mondays to Fridays, and 09:00hrs to 13:00hrs on Saturdays, with no noisy works taking place at any time on Sundays and Bank or Statutory Holidays.

#### INFORMATIVES TO INCLUDE

1. Standard reasons for approval informative.
2. Standard positive and proactive informative.

## 1. INTRODUCTION

- 1.1 The application site comprises a retail unit that has been vacant since September 2011. The neighbouring units, to the west of the site, are occupied by a newsagents/grocers (A1) and a beauty parlour (sui generis). The remainder of the building is occupied by residential flats.



## 2. PROPOSAL

- 2.1 The application is for change of use from A1 (retail) to D1 (non-residential institution). The applicant is not proposing any physical changes to the building.

## 3. PLANNING HISTORY

- 90-00807-FUL. Continued use as offices of ground floor. Refused
- 00-00425-FUL. Change of use from office (B1(a) use) to a mixed office and retail use on the ground floor. Granted.

## 4. CONSULTATIONS

### 4.1 Statutory:

No statutory consultations were required given the nature of the application.

### 4.2 Non-statutory:

- Transport Development Control - no objections (see report below)
- Environmental Health - no objections
- Valuations Section - no objection

### 4.3 Public consultation:



- 9 properties were consulted by neighbour consultation letter. A site notice was displayed by the applicant. The consultation period expired on 3 June 2013.
- No representations were received

## 5. 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'.

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

National Planning Policy Framework  
Part 8 - Promoting healthy communities

Reading Borough Local Development Framework Core Strategy (2008)  
CS24 (Car/Cycle Parking)  
CS31 (Additional and Existing Community Facilities)

Sites and Detailed Policies Document (2012)  
SD1 (Presumption in Favour of Sustainable Development)  
DM4 (Safeguarding Amenity)

Reading Borough Council Supplementary Planning Guidance

- Planning Obligations under Section 106 of the Town and Country Planning Act 1990 (Supplementary Planning Guidance).
- Parking Standards and Design (Supplementary Planning Document).

## 6. APPRAISAL

### Main Issue

6.1 The main issue is the suitability of this location for the proposed use.

### Proposed change of use

6.2 The Design and Access Statement accompanying this application states that the applicant, Home-Start Reading, is a registered charity that gives support to parents that are struggling to care for young children through mental or physical illness, family breakdown or other reasons. It will have similar characteristics to a clinic, a health centres and/or a crèche and will therefore fall within the D1 use class.

6.3 The application site is not located within a District or Local Centre and therefore there are no policy restrictions that prevent the principle of a change of use of this unit from A1 to D1. Policy CS31 does, however, offer support to additional community facilities such as this.

- 6.4 The Design and Access Statement confirms that there will be no internal or external changes as a result of this application. New fascia signage will be required although no details have been submitted with this application. Advertisement consent may be needed depending on the size of the signage and whether it is illuminated.

#### Transport Issues

- 6.5 The Design and Access statement states that the unit would be occupied by 5 staff at varying times during the week. Two senior organisers are likely to attend the office daily and make site visits during the day. The other 3 staff would visit the site infrequently but not on a daily basis. Volunteers would also visit the site infrequently.
- 6.6 The Council's Transport Strategy Section have obtained information confirming that the unit was previously occupied by an electrical firm that carried out electrical work off site. This involved electricians reporting in at the beginning of the day and then departing to jobs and returning at the end of the working day. This involved at least 3 vans.
- 6.7 The proposed use is therefore not dissimilar to the use that has vacated the site. The site has the benefit of a service yard at the rear that could accommodate at least 2 cars associated with the premises and a service road at the front that can accommodate casual parking. As the proposal is unlikely to result in an increase in vehicle trips or parking demand the transport aspects of the proposal are considered to be acceptable.

#### Proposed use condition

- 6.8 Given the nature of the use it is not considered that it would be more disruptive to occupants of nearby residential dwellings than the existing retail use. However other uses falling within the D1 use class may have different impacts on amenity and parking requirements. It is therefore recommended that a condition is attached restricting the use to a family support service only and for no other purpose within the D1 use class.

#### Equalities impact assessment

- 6.9 In determining this application the Committee is required to have regard to its obligations under the Equality Act 2010. The key equalities protected characteristics include age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, gender, sexual orientation. It is understood that there is not a level access from the pavement into the unit. The applicant has agreed to submit details of how they will make provision for disabled people. An update will be provided at your meeting. Apart from this, there is no indication or evidence (including from consultation on the application) that the protected groups have or will have different needs, experiences, issues and priorities in relation to the particular planning application.
- 6.10 In terms of the key equalities protected characteristics it is considered, subject to the receipt of satisfactory information regarding access, there would be no significant adverse impacts as a result of the development.

#### Discussions with applicant

6.11 Where planning permission is either approved or refused, the Council's decision notice must include a statement in explaining how the LPA has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to the planning application.

Planning issue requiring resolution	Issue resolved at pre-app stage	Issue resolved at application stage	Comments
Is level access provided?	No pre-app undertaken.	Awaiting resolution	It is understood that there is not a level access from the pavement into the unit. The applicant has agreed to submit details of how they will make provision for disabled people.
Will air conditioning part or other equipment be required?	No pre-app undertaken	Yes	Applicant's agent has confirmed that no such equipment is required.

## 7. CONCLUSION

7.1 The proposal is considered to comply with the relevant national and local policies as assessed above and would bring a vacant unit into use. It is therefore recommended that approval be granted, subject to suitable conditions.

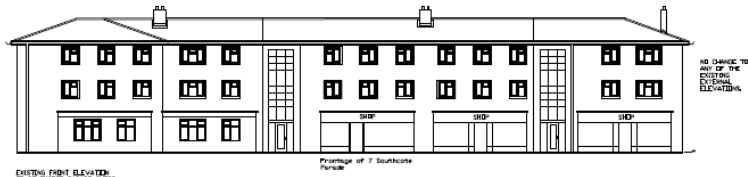
Plans: Drawing 01.

Case Officer: Ben Pratley

7 Southcote Parade and neighbouring units:



Plans and elevations (not to scale):

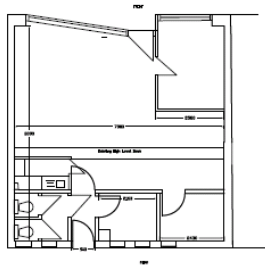


EXISTING FRONT ELEVATION  
OF 7 SOUTHCOTE PARADE SHOP  
AND OFFICE IN RELATION TO  
SOUTHCOTE PARADE ELEVATION  
WILL STAY THE SAME

Portage of 7 Southcote  
Parade

NO CHANGE TO  
ANY OF THE  
EXISTING  
ORIAL  
ELEVATIONS

SCALE 1/50



EXISTING PLAN OF GROUND FLOOR  
MIDDLE TERRACE SHOP/ OFFICE  
(7 SOUTHCOTE PARADE) PLAN  
WILL STAY THE SAME

SCALE 1/50

Existing Plan and  
Elevation will not  
change on the change  
of use from retail  
shop to community  
based "Home Start  
Office"  
Only the Shop name  
will change

READING BOROUGH COUNCIL	
PROPERTY SERVICES 14 Bennet Road, Reading RG2 0XK Tele: 0118 939 9565 Ext: 73965	
7 Southcote Parade, Reading Existing Plan and Existing Elevation	
Scale: Drawing No: Drawn By: Date:	Plan: 1/50 Elevation: 1/50 J. Nichols April 2013

## COMMITTEE REPORT

BY THE DIRECTOR OF ENVIRONMENT CULTURE & SPORT  
READING BOROUGH COUNCIL  
PLANNING APPLICATIONS COMMITTEE: 26 June 2013

ITEM NO. 14

Ward: Southcote  
App No.: 130648/REG3  
Address: Southcote Primary School, Silchester Road, Reading  
Proposal: Installation of a lean to canopy to modular classroom unit  
Applicant: Southcote Primary School  
Date validated: 9 May 2013  
Minor Application: 8 week target decision date 4 July 2013.

### RECOMMENDATION

GRANT permission

Conditions to include:

1. TL1 - Full 3 years
2. AP1 - Development as approved plans
3. Materials as submitted

Informatives to include:

Positive & Proactive  
Terms and Conditions

### 1. INTRODUCTION

1.1 The application site is Southcote Primary School, the school is on a 6.4 hectare site and is accessed via Silchester Road.



Site for proposed canopy

## 2. PROPOSAL

- 2.1 The proposal is to erect a lean to canopy adjacent to the modular classroom unit for Early Years pupils. Overall the canopy would be 6.1 metres long and 8 metres wide. Where it adjoins the classroom it would measure 3.3 metres high dropping down to 2.2 metres high adjacent to the playground.
- 2.2 Materials to be green painted metal supports and the screen a tensile fabric coloured white.

## 3. PLANNING HISTORY

11/01642/REG3 - Installation of cover to swimming pool. Permitted

12/00075/REG3 - Installation of roof mounted solar photovoltaic (PV) panels - permitted

09/00275/REG3 - Construction of 2 single-storey extensions - permitted

02/01428/REG3 - Siting of metal security container for storage of PE equipment - permitted

00/00550/REG3 - Siting of a steel storage container for use as a sports equipment store - permitted

## 4. CONSULTATIONS

### 4.1 Statutory:

None

### 4.2 Non-statutory:

- Transport - No objections
- Building control - No objections
- Environmental Health - No objections
- Valuations - No objections
- Education - No objections

### 4.3 Public consultation:

Shepley Drive 21, 31 - 51 (odds) were notified by letter, and a site notice posted on site. No letters of comment have been received.

## 5. RELEVANT PLANNING POLICY AND GUIDANCE

### 5.1 National:

National Planning Policy Framework 2012 (NPPF)

### 5.3 Reading Borough Core Strategy 2008):

- CS7 (Design and the Public Realm)
- CS31 (Additional and Existing Community Facilities)

### 5.4 Sites and Detailed Policies Document 2012:

- DM4 (Safeguarding Amenity)

## 6. APPRAISAL

### (i) Legal 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.

### (ii) Main Issues

#### 6.1 The main issues are considered to be:

- (i) Design and siting
- (ii) The impact on nearby properties
- (iii) Other Matters

#### (i) Design and siting

6.2 The Early Years modular unit is located on the south side of the school at the rear of the site backing onto a garage court accessed from Shepley Drive. The nearest houses backing on to the school site in Shepley Drive are over 40 metres away.

6.3 The proposed canopy design is simple and modern in keeping with the appearance of the school and would be appropriate to the needs of a modern school. Furthermore it is considered that the proposal would not harm the character or appearance of the existing building when glimpsed from outside the school site.

6.4 Therefore the proposal is considered to be of an acceptable design and complies with policy CS7 of the Reading Borough LDF Core Strategy.

#### (ii) The impact on nearby properties

6.5 The ground slopes down from the school towards Shepley Drive properties but given the separation distance and the low height of the proposed canopy it is considered that the proposed structure would not have a detrimental impact on any nearby residential properties and residential amenities (policy DM4) will not be harmed.

#### (iii) Other Matters

6.6 In determining this application the Committee is required to have regard to its obligations under the Equality Act 2010. The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sexual orientation. The canopy is required to provide shelter for the children while involved in outdoor activities which would be beneficial for the health and wellbeing of the children aged between 4 - 11 years. Otherwise, there is no indication or evidence (including from consultation on the application) that the protected groups have or will have different needs, experiences, issues and priorities in relation to the particular planning application.

6.7 Where planning permission is either approved or refused, the Council's decision notice must include a statement explaining how the LPA has worked with the applicant in a positive and proactive manner based on

seeking solutions to problems arising in relation to the planning application. In this instance, officers have worked positively, to refer the application to PAC, with a recommendation to grant planning permission, within the prescribed eight-week application timeframe.

## 7. CONCLUSION

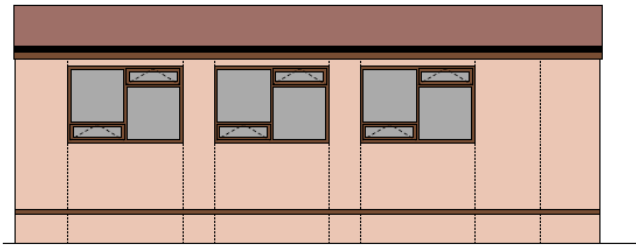
The proposed development is considered acceptable in planning terms and for the reasons given above.

### Plans:

E02349-P001 (location plan), P002 (block plan), P003 (existing plan), P004 (proposed plan) & P005(existing & proposed elevations)

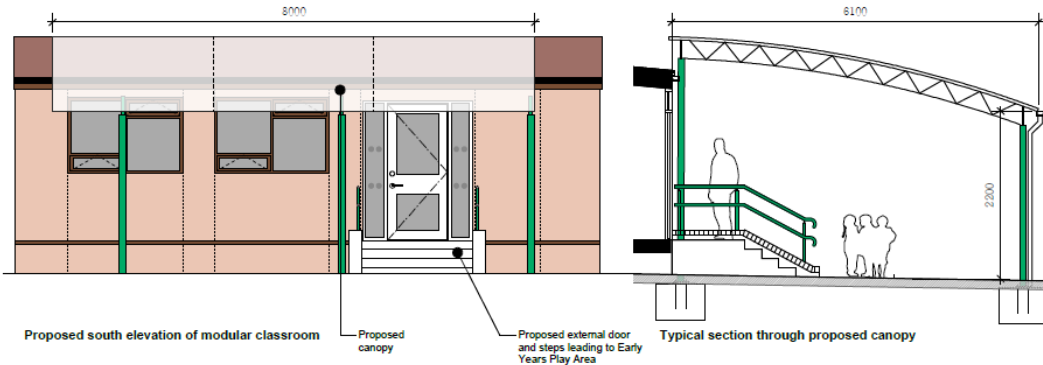
Case Officer: Julie Williams





Existing south elevation of modular classroom

- Proposal Notes:**
- Steps**
- Width of steps to be 1800mm so walls about Modular either side of new door window.
  - Style of steps to match existing nearby external steps.
  - Handrails to be ppc, colour Green to match other existing handrails.
- External Door**
- Aluminium Single door with side windows to infill the removed window.
  - Colour of door leaf to be Green to match other newly installed external doors.
- Canopy**
- Lean To Canopy with tensile fabric finish.
  - Size - 6m deep, 2m wide, approx. 3.3m high (to ensure the canopy roof sails over the existing temporary classroom eaves).
  - Colour of columns to be Green to match existing handrails.

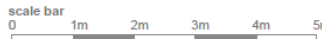


Proposed south elevation of modular classroom

Proposed canopy

Proposed external door and steps leading to Early Years Play Area

Typical section through proposed canopy



**Hampshire County Council**  
 HCC Property Services  
 Three Mirrors House,  
 76 High Street, Winchester SO23 8UL,  
 tel: (01962) 847801

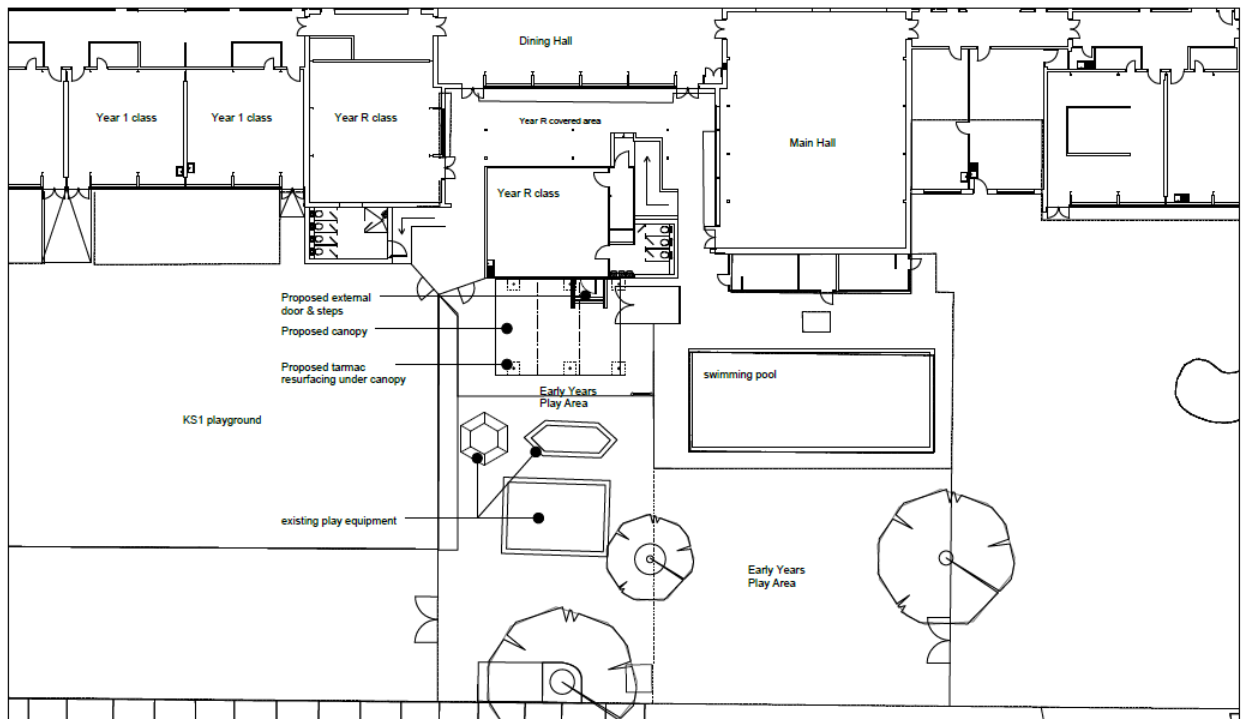
Notes	
1	This drawing is © copyright Hampshire County Council 2013. No unauthorised reproduction permitted. All rights reserved.
2	No dimensions are to be scaled from this drawing.
3	This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction in any form is prohibited and may lead to prosecution or civil proceedings. (00001910), (2015)

REV	DESCRIPTION	DATE	BY

PROJECT			
Reading Borough Council Southcote Primary School Early Years Canopy			
SCALE	DATE	DRAWN	CHKD
@ A1 @ A3	01/05/13	GT	

SHEET CONTENTS	
Elevations Existing & Proposed	
DRAWING NO.	E02349-P005
FILE REF.	

Planning

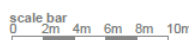


Proposed external door & steps

Proposed canopy

Proposed tarmac resurfacing under canopy

existing play equipment



**Hampshire County Council**  
 HCC Property Services  
 Three Mirrors House,  
 76 High Street, Winchester SO23 8UL,  
 tel: (01962) 847801

Notes	
1	This drawing is © copyright Hampshire County Council 2013. No unauthorised reproduction permitted. All rights reserved.
2	No dimensions are to be scaled from this drawing.
3	This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction in any form is prohibited and may lead to prosecution or civil proceedings. (00001910), (2015)

REV	DESCRIPTION	DATE	BY

PROJECT			
Reading Borough Council Southcote Primary School Early Years Canopy			
SCALE	DATE	DRAWN	CHKD
@ A1 @ A3	01/05/13	GT	

SHEET CONTENTS	
Proposed Plan	
DRAWING NO.	E02349-P004
FILE REF.	

Planning



# **CONSULTATION BY OTHER AUTHORITIES**



## COMMITTEE REPORT

BY THE DIRECTOR OF ENVIRONMENT CULTURE & SPORT  
READING BOROUGH COUNCIL  
PLANNING APPLICATIONS COMMITTEE: 26 JUNE 2013

ITEM NO. 15

Ward: Out of Borough

App No.: 130665

Address: 1055 and 1057 Oxford Road, Tilehurst, Reading

Proposal: Outline planning permission for the erection of 24 dwellings with associated access, parking and landscaping following demolition of existing dwellings at 1055 and 1057 Oxford Road

Applicant: Shanly Homes

Date Received: 18<sup>th</sup> April 2013 (By West Berkshire Council)

Major Application: West Berkshire Council 13 week target: 18<sup>th</sup> July 2013

### RECOMMENDATION

- That West Berkshire Council be informed that Reading Borough Council raise NO OBJECTION to the proposal.
- That if West Berkshire Council is minded to approve the application, a S106 Agreement is entered into to ensure a financial contribution of £38,500 towards the A329 Oxford Road corridor study is paid to Reading Borough Council.
- That West Berkshire Council is sent a copy of this report and all comments received for their information and use.

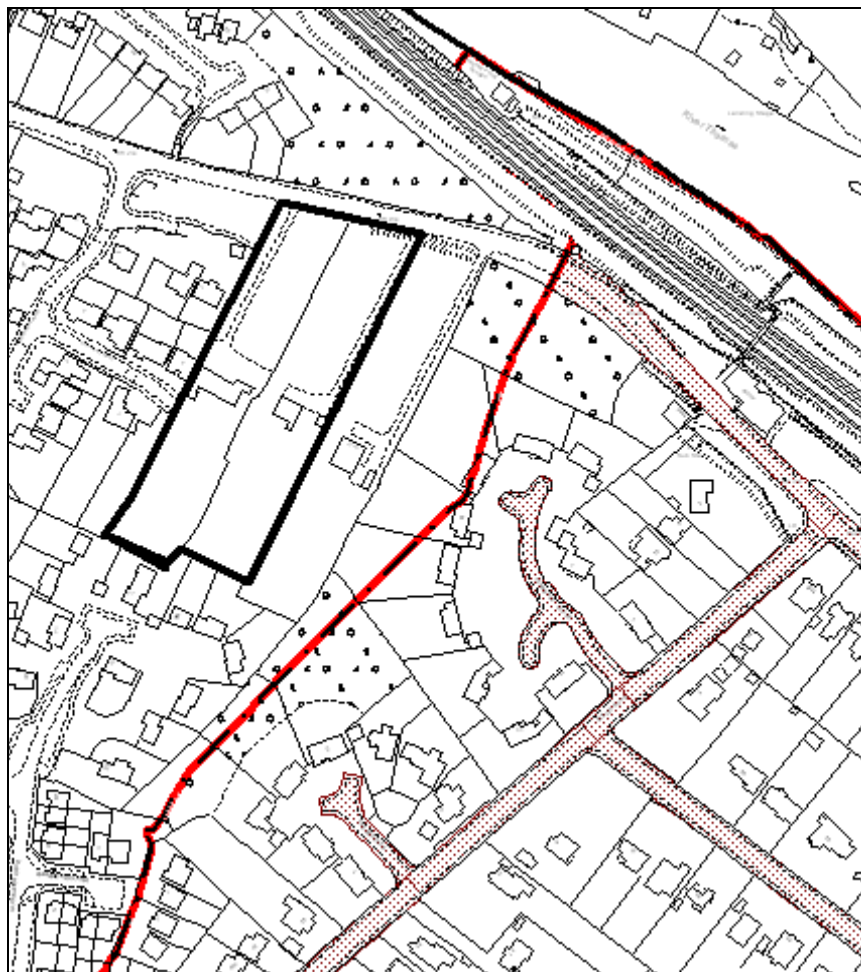
## 1. INTRODUCTION

1.1 Reading Borough Council (RBC) has been consulted on the proposal by West Berkshire Council (WBC). The application site is wholly within West Berkshire, however, the site is close to the boundary with Reading (approximately 60m to the east), and is accessed from the Oxford Road (A329), which is a major route into Reading.

## 2. PLANNING HISTORY

- 1055 And 1057 Oxford Road - 12/01344/ADJ - Outline planning permission with layout, access and scale for the demolition of the existing dwellings of 1055 and 1057 Oxford Road and the erection of 29 dwellings with associated access, parking turning and landscaping. Observations Sent 10/01/2013. Application refused by WBC. Appeal allowed 13/05/2013.
- 1055 And 1057 Oxford Road - Outline planning permission (with access and layout) for the demolition of the existing dwellings (1055 & 1057) Oxford Road and the erection of 28no. dwellings with associated access, parking, turning and landscaping. Observations Sent 27/04/2012. Application refused by WBC.

- 1053-1057 Oxford Road - 03/00088/WBKADJ - Residential development (50 dwellings) following demolition of existing dwellings. Observations Sent 2003. Application refused by WBC. Allowed on appeal 2005.
- 1055-1057 Oxford Road - 03/00286/WBKADJ - Demolition of 2 existing dwellings and erection of 28 new dwellings, access, garages, car parking, landscaping and open space. Observations Sent 2003. Application withdrawn by applicant.
- 1053-1057 Oxford Road - 05/00279/WBKADJ - Demolition of 3 dwellings and erection of 39 dwellings with associated parking, gardens, garaging and new estate road. Observations Sent 2005. Application withdrawn by applicant.
- 1053-1057 Oxford Road - 08/00167/ADJ - Residential development following demolition of existing dwellings (this application was effectively a renewal of 03/00088/WBKADJ, which was allowed on appeal) Application withdrawn by applicant.



### 3. PROPOSAL

- 3.1 The proposal is in outline, with details of access, scale and layout submitted for consideration, and appearance and landscaping reserved matters, relating to the demolition of Nos. 1055 and 1057 Oxford Road and the erection of 24 dwellings.

3.2 The application proposes that all units would be houses, ranging from 2 - 5 bedrooms with a total of 50 parking spaces proposed. Access to the development would be taken directly off the Oxford Road.

3.3 The site has been subject to a number of applications for residential development in the past. West Berkshire refused an outline application for residential development of 50 units on 1053-1057 Oxford Road in 2003, which was subsequently allowed on appeal in 2005. An application to renew this permission was withdrawn in 2008. Applications in 2003 and 2005 on 1055-1057 Oxford Road were also withdrawn.

3.4 Most recently, Reading Borough Council were consulted on an outline application relating to the erection of 29 dwellings at this site. The application was considered at your meeting in September 2012, where the following was resolved:

- That West Berkshire Council be informed that Reading Borough Council raise an OBJECTION to the proposal on the basis that:
  - The forward siting, scale, bulk and massing of the buildings fronting the site would appear out of character with and would detract from the sylvan setting of the A329 Oxford Road, which constitutes an important well used access point into Reading.
- That if West Berkshire Council is minded to approve the application, a S106 Agreement is entered into to ensure a financial contribution of £40,500 towards the A329 Oxford Road corridor study is paid to Reading Borough Council.
- That West Berkshire Council is sent a copy of this report and all comments received for their information and use.

3.5 WBC subsequently refused the application; however, the decision was appealed and planning permission granted for the development for the development in May 2013. This current application was submitted prior to determination of the appeal.

#### **4. CONSULTATIONS**

4.1 WBC have carried out their own consultations. RBC's consultation responses are outlined below:

##### **RBC Development Control (Transport):**

The site is located approximately 70m west of the Reading boundary and is situated on the southern side of the A329 Oxford Road. Tilehurst railway station can be found approximately 700m south east of the entrance to the application site and a bus stop can be found approximately 90m west of the application site entrance.

It has been stated within the Transport Statement that the proposal will generate 192 vehicle movements a day which equates to 8 movements per dwelling. This does

seem an overestimate given that a previous assessment of the Trip Rate Information Computer System (TRICS) resulted in a trip rate of 5.326 trips per dwelling, equating to a total of 128 daily vehicle movements. This figure would equate to 11 vehicle movements an hour, which could be accommodated on the Highway network within Reading. Given this there are no transport objections to the proposal.

Whilst the proposals are within West Berkshire, it is highly likely that a high proportion of trips will turn right out of the site and therefore be undertaken on the transport network within Reading. If the site was within Reading SPG contributions would be required to mitigate the effects of the additional trips, for all modes on the transport network. In accordance with the Reading Borough SPD, the proposed development would require a contribution of £77,000, although not all the person trips will be undertaken on the transport network within Reading and therefore a 50% reduction (equating to a £38,500), should be provided towards the A329 Oxford Road corridor study.

#### **RBC Natural Environment:**

The situation has been improved for the trees on the frontage compared to the previous scheme, in that the driveway and parking has been moved further away from tree T2 and T39 in particular, enabling adequate protection of these trees during construction. The road has also been moved to the edge of the RPA of T30. It is possible that some encroachment into the RPA of this tree will be required to provide kerbs and it may not be feasible to position the tree protection as indicated on the Tree Protection Plan. The hard landscaping has been removed from the wild area in the south western corner of the site, which is much improved and will again allow all of these trees to be given sufficient protection during excavation.

There are concerns in respect of the proximity of the parking and access drive to trees T19, T16 and T15, given the amount of proposed hard surfacing within its RPA. It is unlikely that the road in this area will be adoptable because of the use of a Cellular Confinement System (CCS). A CCS cannot also be installed in semi-circular sections as shown. It must be implemented in a square or rectangular formation to retain the structure of the cells. It is also totally impractical on site to cut a CCS in a semi-circle. Arboricultural supervision must be carried out for the positioning of tree protection and construction of the parking/driveway in this location to ensure the tree is protected.

#### **Neighbours:**

The following properties were consulted by letter: 5, 6, 7 Ferndale Close, 5 The Beeches, Roebuck Cottage, Roebuck PH Oxford Road. No responses were received.

## **5. POLICIES**

### National Planning Policy Guidance

National Planning Policy Framework (March 2012)

## **6. APPRAISAL**



## Main considerations

The main considerations are:

- Legal Context
- Principle of Development
- Character and Design
- Transport

### i. Legal Context

- 6.1 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.
- 6.2 Whilst it does not fall to RBC to determine this planning application, the Council may make comments as a consultee.

### ii. Principle of Development

- 6.3 The site is located within the Tilehurst/Purley settlement boundary to the west of Reading, and has been the subject of several applications for redevelopment before, including schemes allowed on appeal; however, the principle of redevelopment against more recent policy considerations, such as the NPPF, is a matter for West Berkshire Council to consider.

### iii. Character and Amenity

- 6.4 The site is located approximately 60m from the boundary with Reading and represents an important, busy, main route in to and out of the Borough. Along this stretch of road, development is set well back from the street - the existing houses within the site are set back approximately 80m from the street, whilst the more recent residential development along Roebuck Rise which adjoins the site is set back at least 40m from the street. Fronting these buildings the character of the street is of a largely sylvan nature, with established trees and landscaping punctuated with occasional small accesses. Previous appeal decisions have referred to the 'green tunnel' effect along this stretch of the Oxford Road, and it forms an attractive setting as one of the main routes into the Borough.
- 6.5 Reading Borough Council objected to the previous application for residential development on this site on the basis that the forward siting, scale, bulk and massing of the buildings fronting the site would appear out of character with and would detract from the sylvan setting of the Oxford Road. West Berkshire Council took the same view, and refused the application on this basis, as well as other grounds. In allowing the appeal against that refusal, the Inspector noted:

This length of Oxford Road has a particularly sylvan appearance characterised by a wide verge and mature trees with development set well back from the carriageway, and is defined as being of a semi-rural character typically found along arterial routes. The area is

predominantly residential with single access roads off Oxford Road serving small estates, such as the modern Roebuck Rise development abutting the western boundary of the appeal site. The proposed road access and layout would reflect and reinforce this established pattern of development.

Although the new access would puncture the existing green screening alongside the road and open up views into the site, this would be offset by the closure of the two existing driveways and the appellants' stated intention to introduce new landscaping between the development and the highway which would maintain the verdant appearance of Oxford Road. The most important trees on the site are to be retained and protected throughout the development. The scope for additional landscaping would help to mitigate any loss and would be the subject of a reserved matters application, thereby enabling the Council to agree the extent of the future landscaping.

- 6.6 On the appealed scheme, the proposed development was set back at least 15m from the Oxford Road. The current application proposes a minimum set back well in excess of 20m from the Oxford Road, and would be similarly screened by retained trees and landscaping. Whilst the buffer from the road would not be as deep as other sites along this section of the street, it would be longer than that recently allowed on appeal. On the basis of the Inspector's decision, it is considered that no objection should be raised on the impact of the character and setting of the Oxford Road.
- 6.7 It is recommended that the detailed comments in respect of tree protection provided by the Council's Natural Environment Section are passed to West Berkshire Council for their consideration.

#### iv. Transport Considerations

- 6.8 The level of parking proposed for the development (approximately 2.1 spaces per unit) is a matter for West Berkshire to consider, as it is the acceptability of the access; however, it is not considered that the level of parking or access visibility would be of detriment to the convenience of road users or the highway safety of road users in Reading.
- 6.9 Given the position of the site on the Oxford Road, close to Reading, it is likely that a number of trips (approximately 50%) from the development would be made into Reading, using Reading's transport infrastructure. On this basis, it is considered reasonable to request that a financial contribution is sought to mitigate the impact of the development on Reading's transport infrastructure. In this instance, £38,500 is sought towards the A329 Oxford Road corridor study, which would include road safety and junction improvements following on from recommendations the study may make.
- 6.10 Were the contribution provided, it would be CIL compliant as 1) the monies would go towards the A329 Oxford Road corridor study, including necessary works arising from the study; 2) there is a clear linkage between the development and the requirement for a contribution towards transport

## 7. CONCLUSION

7.1 It is recommended that:

- West Berkshire Council be informed that Reading Borough Council raise no objection to the proposal.
- If West Berkshire Council is minded to approve the application, a S106 Agreement is entered into to ensure a financial contribution of £40,500 towards the A329 Oxford Road corridor study is paid to Reading Borough Council.
- West Berkshire Council is sent a copy of this report and all comments received for their information and use.

Case Officer: Justin Turvey



# MAPLEDURHAM



## COMMITTEE REPORT

BY THE DIRECTOR OF ENVIRONMENT CULTURE & SPORT AND THE HEAD OF LEGAL AND DEMOCRATIC SERVICES  
READING BOROUGH COUNCIL  
PLANNING APPLICATIONS COMMITTEE: 26 June 2013

ITEM NO. 16

Ward: Mapledurham

Application No.: 13/00211/CLE (130311)

Address: Warrenside Cottage, The Warren, Caversham, RG4 7TQ (the Property).

Proposal: Certificate of Lawfulness for existing use of the flat roof at ground floor level, adjacent to the kitchen/dining room, as a roof terrace (amended description).

Applicant: Mr. Aidan Costelloe

Date received: 20 March 2013

Application: 8 week target decision date: 15 May 2013

### RECOMMENDATION

1) Certify that on 20 March the reasonable use of the flat roof at ground floor level, adjacent to the kitchen/dining room, as a roof terrace incidental to the use of the dwellinghouse at Warrenside Cottage, The Warren, Caversham, as shown edged black on the attached plan was lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended), for the following reason:

Use of the flat roof identified on the attached plan for purposes incidental to the reasonable enjoyment of the dwellinghouse is lawful because use of any buildings or other land within the curtilage of a dwellinghouse for any purposes incidental to the enjoyment of the dwellinghouse as such does not constitute development by virtue of section 55(2)(d) of the Town and Country Planning Act 1990.

2) Certify that on 20 March the operations involved in the provision of sliding patio doors to allow access to the flat roof at ground floor level, adjacent to the kitchen/dining room at Warrenside Cottage, The Warren, Caversham, as shown edged black on the attached plan were lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended), for the following reason:

On the basis of the evidence submitted, and on the basis of information available to the local planning authority, it has been demonstrated, on the balance of probability, that the patio doors were constructed at least 10 years prior to the date of this notice and are therefore lawful.

#### Informatives

i) Any alterations to the flat roof (e.g. fencing or railings) might constitute operational development and require planning permission.

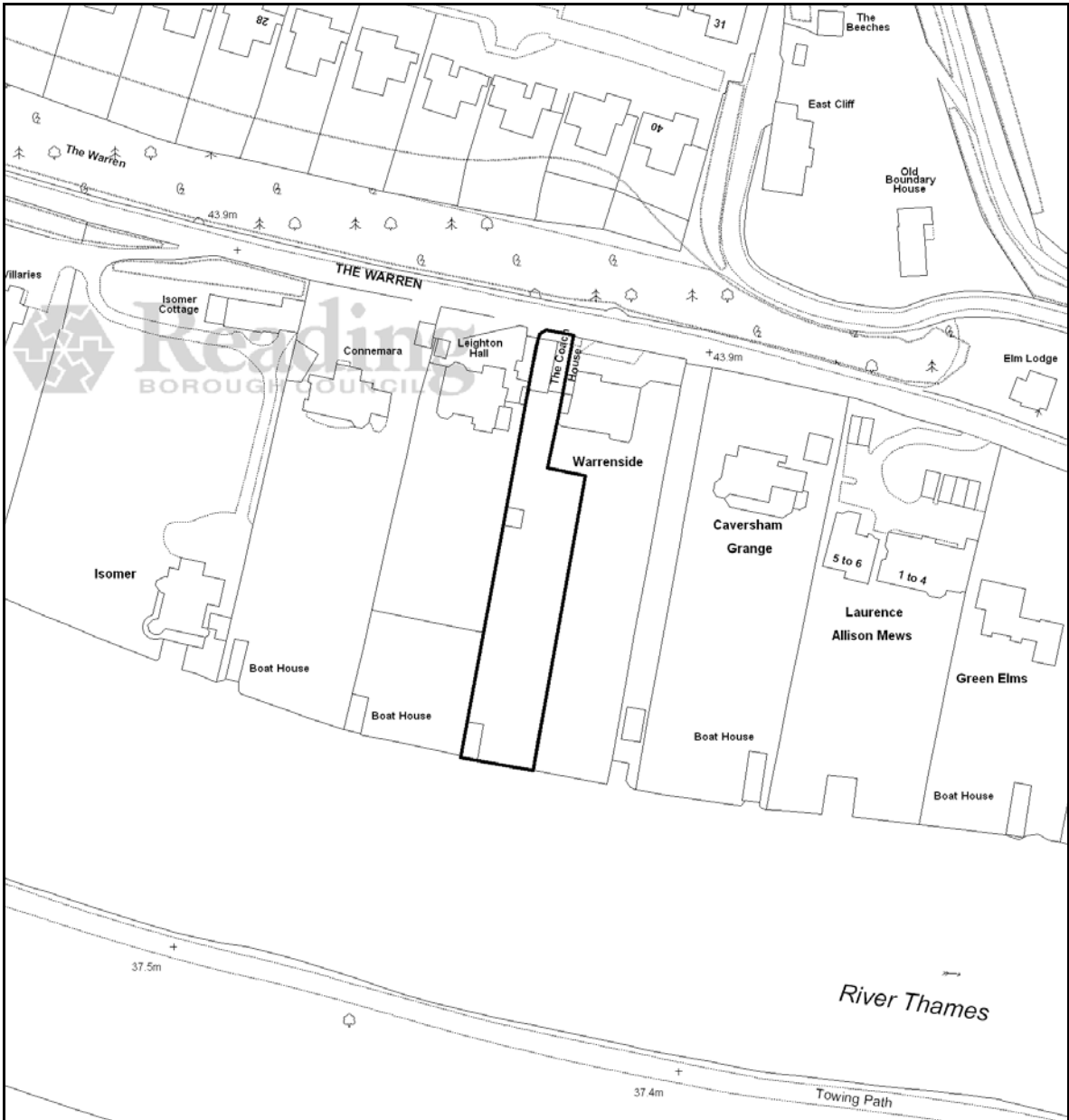
ii) Any use of the flat roof for purposes which might not be considered incidental to the enjoyment of the dwellinghouse would also fall outside the scope of this certificate and require planning permission.

iii) This certificate should not be interpreted as confirmation that the roof is structurally appropriate for use as a roof terrace, or that it is safe for such a use. Separate approval under The Building Regulations may be required. You are advised to contact Building Control on 0118 937 2449 for advice.

## 1. INTRODUCTION

- 1.1 This report relates to an application for a Certificate of Lawfulness by Mr. Aidan Costelloe in respect of the installation of sliding patio doors at the Property and the use of a flat roof at ground floor level adjacent to the kitchen/dining room, as a roof terrace. The determination of the application must be based on purely legal issues as detailed in Section 5 and Appendix 2 of this report which summarises the relevant law on the construction of planning conditions. The planning merits of the works and the use are irrelevant.
- 1.2 It is because of the legal nature of such applications that they are normally determined under delegated powers by the Head of Planning and Building Control (in consultation with the Head of Legal and Democratic Services) but in this case the application has been called in by Councillor Ballsdon with the consent of the Chairman of the Committee.
- 1.3 As the evidence for these applications does not appear on the public planning register and a number of local residents have made written representations the application and supporting papers together with the representations have been placed in Part 2 of the Agenda so as not to disclose personal information about an individual. However it is hoped that the application can be considered and determined in public without the need to go into private session and exclude the press and public.
- 1.4 The Property is located fronting The Warren and the roof terrace is situated at the northern end of the site and extending downslope southwards to the River Thames.
- 1.5 The Property is a predominantly two-storey dwelling (ground and first floor) with a rear extension that provides additional accommodation at ground floor (kitchen and dining area) and lower ground floor. The extension is stepped in profile and flat roofed, resulting in two areas of flat roof, one level with the first floor (bedroom) and the other level with the ground floor (kitchen and dining area).





Site Location Plan



Aerial photograph (taken in 2006). The red arrow shows the position of the flat roof.

## 2. PROPOSALS

- 2.1 A Certificate of Lawfulness of Existing Use or Development is sought for use of the flat roof at ground floor level, adjacent to the kitchen/dining room, as a roof terrace (amended description). The application form also refers to building works in breach of condition (Condition 5) of the planning permission annexed at Appendix 1 relating to the provision of patio doors to allow access to the flat roof.
- 2.2 On the officer site visit, the applicant stated that the roof terrace in question was at ground floor level accessed from the kitchen/dining room. However, the description on the application form was originally somewhat ambiguous and clarification was therefore sought from the applicant as to whether the roof was that existing at ground floor level accessed from the kitchen/dining room, or that existing at first floor level adjoining the bedroom. The applicant responded with plans clarifying that the roof is that at ground floor level (the lower of the two). The application description was also amended to reflect this and clarify matters.
- 2.3 The following evidence (See Part 2 Blue Bundle) was submitted with the application:

### *Drawings*

1:1250 scale OS site location plan.

H05MAR13-1PD, dated 15 March 2013, received 20 March 2013.

Copy of drawing H05 MAR13-1PD with area of flat roof cross-hatched.

### *Documents*

Letter from RBC Planning Enforcement to Mr. Costelloe referring to the use of the flat roof as a balcony, dated 31 July 2000.

Photographs and video stills showing use of the roof.

### 3. RELEVANT PLANNING HISTORY

3.1 Although the Property does not have the benefit of an express planning permission or a Certificate of Lawfulness the Local Planning Authority accept that its lawful use is that of a single private dwellinghouse (C3).

3.2 97/0653/FD - Lower ground and ground floor extensions to rear and loft extension - approved.  
This included the following conditions:

*Condition 4: "Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification) no windows, other than those shown on the approved plans shall be constructed".*

*Condition 5: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any order revoking or re-enacting that Order, there shall be no works other than on the approved drawings that would enable the roof above the proposed kitchen and living room to be used as a balcony.*

3.3 03/00709/FUL - Erection of replacement dwelling - refused.

3.4 04/00171/FUL - Erection of replacement dwelling. (Revised design from application 03/00709/FUL - brick chimney added to west elevation) - refused

3.5 04/00172/FUL - Erection of replacement dwelling - refused.

### 4. CONSULTATIONS

*Statutory:*

4.1 None. There are no statutory consultees in respect of Certificate of Lawfulness applications.

*Non-statutory:*

4.2 RBC Planning Enforcement - no comments received.

*Public Consultation*

4.6 Letters were sent to the following addresses:  
The Warren:  
Leighton Hall, Flats 1, 2 and 3  
Warrenside, Flats 1 - 7

4.7 10 representations have been received raising the following points These are contained in full in the Part 2 Blue Bundle.

- The roof was not regularly used prior to 2011 and only accessed for maintenance.
- The extension was built 600mm higher than in the plans and with patio doors instead of windows.
- Condition 5 [of 97/0653/FD] has two elements. The physical works element and the restriction on the nature of use.
- The roof was overrun with ivy prior to 2011 when the ivy was cut back and plant pots placed on the roof.
- A guard was in place [to prevent access to the roof] in May 2003. No evidence has been submitted to confirm on what date this guard was removed. There is insufficient evidence to substantiate a claim that there has even been ten years of continuous possible access, let alone use as a roof terrace.
- A guard was put up after the letter from Planning Enforcement dated 31 July 2000 which confirms that there has not been 10 year continuous breach of condition 5 of the planning permission.
- The presence of persons on the roof has been so minimal that it cannot be claimed that the roof has been used as a roof terrace continuously for more than ten years.
- Following the Council's letter of 31 July 2000 the use of the flat roof as a balcony ceased. Two ceramic pots were placed on the corners of the roof parapet, these were initially tended from below then neglected.
- Recently (2012) the applicant placed additional pots on the side parapets. These were tended from the flat roof area, accessed through the patio doors.
- In late summer 2012, the applicant erected a wooden trellis to each side parapet.

## 5. LEGAL AND PLANNING CONTEXT

- 5.1 The lawful use of the Property is that of a single private dwellinghouse within Class C3 of the 1987 Use Classes Order (as amended). The use of a building or other land within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse is not development by virtue of Section 55 (2)(d) of the 1990 Act. It follows that it is not subject to planning control unless the activity is restricted by way of a condition attached to a planning permission.
- 5.2 The relevant law and government policy in relations to planning conditions is set out in some detail in [Appendix 2](#) including the model condition on roof terraces contained in Circular 11/95 which was published at the time the planning permission referred to in paragraph 3.2 above was granted by the Council as Local Planning Authority.
- 5.3 As Members will know, works and uses which do not benefit from planning permission can become lawful and thus immune from planning control if no enforcement action has been taken within certain specified statutory periods. In

summary these are 4 years from the date of substantial completion in respect of works and 10 years for a use in breach of a condition. Such matters can be regularised by an Applicant applying for a Certificate of Lawfulness as in this case. Circular 10/97 'Enforcing Planning Control: Legislative Provisions and Procedural Requirements' paras. 8.12 to 8.15 of Annex 8 - Lawfulness and the Lawful Development Certificate states the following:

*" The onus of proof in a LDC application is firmly on the applicant.*

*Section 191(1) of the 1990 Act enables anyone to apply to the LPA for a decision whether a specified existing use, operation, or failure to comply with a planning condition or limitation, which has already been carried out on land, is lawful for planning purposes*

*Subsection (4) of section 191 provides that if, on an application under the section, the LPA are provided with information satisfying them of the lawfulness, at the time of the application, of the use, operations or other matter described in the application, or that description as modified by the LPA or a description substituted by them, they shall issue a certificate to that effect; and, in any other case, they shall refuse the application.*

*If the LPA have no evidence of their own, or from others, to contradict or otherwise make the applicant's version of events less probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate 'on the balance of probability'".*

## 6. APPRAISAL

### i) Works enabling access to the roof

- 6.1 Conditions 4 and 5 were breached in 2000 by the installation of the patio doors. This was confirmed by the Council's Planning Enforcement team. A meeting between the Applicant and Planning Enforcement on 15 February 2000 resulted in an informal agreement that the doors could remain but that a guard should be fitted to limit access to the roof. A letter to the Applicant from Planning Enforcement dated 31 July 2000 (copy submitted as evidence in support of the current application) advised that the use of the roof as a balcony should cease and the guard fitted. It is clear from this correspondence, photographs submitted by objectors, and the recent officer site visit, that on the balance of probability the doors themselves have been in place for more than 10 years and are therefore immune from enforcement action. It follows that they have assumed lawfulness through the passage of time.
- 6.2 The Council would have had to have served a Breach of Condition Notice requiring the removal of the patio doors, or specifying some other alternative means of controlling access to the roof (e.g. railings across the doorway) if control was to be retained, as only a formal notice is capable of 'stopping the clock' in relation to immunity from enforcement. The lack of formal enforcement action allowed the immunity deadline to be reached in respect of the physical works, which allowed access to the roof.
- 6.3 It is apparent that a 'guard' in the form of a waist-high timber trellis, was installed across the opening part of the patio door at some point after the

installation of the patio doors, but this has been removed. It is relevant to note that this guard was not a requirement of any Enforcement Notice or Breach of Condition Notice and did not form part of any Planning Permission. Instead it was the Applicant's response to an informal letter from Planning Enforcement. Whilst Condition 5 restricts works to allow the roof to be used as a balcony it does not provide for any remedial works or alternative method of restricting access in the event that the condition is breached. The installation of the doorway was such a breach, but once installed there was no requirement under planning permission 97/0653/FD for any mitigation (e.g. a guard) to restrict access. It would therefore have been necessary to secure this through formal enforcement action, which did not occur. The presence of the guard or otherwise is therefore a separate matter in planning terms. There was no requirement for a guard of the type installed, and subsequently removed, to have been installed or retained. Therefore the length of time during which the guard may or may not have been in place is not relevant to this case.

ii) Use of the flat roof

6.4 Use of a flat roof forming part of a dwellinghouse as a terrace or balcony is generally lawful because as indicated in paragraph 5 above use of any buildings or other land within the curtilage of a dwellinghouse for any purposes incidental to the enjoyment of the dwellinghouse does not constitute development.

6.5 In the case of Warrenside Cottage, (which is in use as a dwellinghouse), in order to restrict use of the roof, it would have been necessary to impose a condition specifically worded to achieve this. However Condition 5 of permission 97/0653/FD, which grants permission for the rear extension, reads as follows:

*"Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any order revoking or re-enacting that Order, there shall be no works other than on the approved drawings that would enable the roof above the proposed kitchen and living room to be used as a balcony."*

It is clear from the wording that the condition does not restrict the *use* of the roof, instead it only restricts any *works* enabling such a use. The condition therefore relates to 'operational development' rather than 'use'. It therefore remains the case that reasonable use of the flat roof for purposes incidental to the use of the dwellinghouse such as identified by the Applicant in his application would not constitute development and would therefore be lawful in Planning terms.

6.6 The reason given for Condition 5 was *"in the interests of the privacy and amenity of neighbours"* Whilst it is clear that the condition *intended* to prevent use of the roof, it is the actual wording that is relevant. It is not appropriate to imply the meaning of a condition and the courts have held that conditions are to be given their plain and ordinary meaning. Where the language of the condition is unambiguous, no extraneous words are to be implied.

6.7 The model condition (no.62) in Circular 11/1995, which is set out in Appendix 2, would have prohibited the use of the flat roof if it were to have been imposed when determining application 97/0653/FD but unfortunately the opportunity was not taken.

*"The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the LPA".*

6.8 The law is well established when considering conditions of this nature granted by a Local Planning Authority (rather than those set out in an Inspector's Decision Letter on an appeal) and the decisions in *Sevenoaks DC -v- First Secretary of State (2004)* and the most recent decision in *Telford and Wrekin Council -v- Secretary of State for Communities and Local Government and Anor (2013)* are relied upon in this report. The *Hulme Case* which has a more benevolent approach is distinguished for the reasons set out in Appendix 2.

6.9 Whilst there have been suggestions from neighbours that the use has not occurred continuously for more than 10 years, this is not relevant to this case because the use does not constitute development and is not controlled by condition. There is therefore no breach of planning control because the use of the roof for purposes incidental to the use of the dwellinghouse is not development and no other controls have been imposed.

### iii) Other Matters

6.10 It is important to note that the planning merits of the proposal are not a matter for consideration in a certificate of lawfulness application and must not influence the LPA's decision. It is probable, given the reasons given for imposing Condition 5, that the use of the roof as a terrace would harm the amenity of neighbours to some degree. However this is not a valid reason for refusing the certificate.

6.11 It is also important to note that if the Applicant uses the roof as a terrace in an unreasonable way there may be other statutory controls which the Council could use i.e. the statutory nuisance provisions in the Environmental Protection Act 1990.

## 7. CONCLUSION

7.1 On the basis of the evidence submitted, it has been demonstrated, on the balance of probability, that the patio doors were constructed, in breach of Conditions 4 and 5 of permission 97/0653/FD at least 10 years ago and are therefore lawful in planning terms through the passage of time. There are now no other planning requirements for physical restrictions on access to the roof.

7.2 Use of the flat roof identified on the attached plan for purposes incidental to the enjoyment of the dwellinghouse is lawful because use of any buildings or other land within the curtilage of a dwellinghouse for any purposes incidental to the enjoyment of the dwellinghouse as such does not constitute development by virtue of section 55(2)(d) of the Town and Country Planning Act 1990.

Case Officer: Steve Vigar

APPENDIX 1

PERMISSION 97/0653/FD



TOWN AND COUNTRY PLANNING ACT 1990  
PLANNING AND COMPENSATION ACT 1991  
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER 1995

APPLICATION FOR FULL PLANNING PERMISSION

To: JOY ARCHITECTS  
5 KNIGHTON CLOSE  
CAVERSHAM  
READING RG4 7SZ

Application No:  
97/0653 /FD

Applicant: MR & MRS COSTELLO


READING BOROUGH COUNCIL as local planning authority GRANT  
planning permission for the following development:

Lower ground and ground floor extensions to rear and loft extension.

at WARRENSIDE COTTAGE, THE WARREN

Subject to such conditions and for such reasons as may be  
attached:

Date: 23rd September 1997

  
Head of Planning and  
Transport Strategy

OTHER STATUTORY CONSENTS MAY BE REQUIRED  
PLEASE READ THE NOTES ISSUED WITH THIS DECISION NOTICE





WARRENSIDE COTTAGE, THE WARREN

Application No: 97/0653

Conditions and Reasons:

- 1 The development to which this permission relates must be begun not later than the expiration of five years beginning with the date on which the permission was granted. Reason: to prevent an accumulation of unimplemented planning permissions, and in accordance with Section 91(1) to the Town and Country Planning Act 1990.
- 2 The development to which this permission relates shall be carried out in accordance with the approved plans and details before the building(s) are occupied, except as may be subsequently agreed in writing by the Local Planning Authority. Reason: to ensure the completion of the development in accordance with the approved plans and details before occupation of the building(s) takes place.
- 3 The materials to be used in the construction of the external surfaces of this development shall match those used on the existing building. Reason: as no details of the materials have been submitted and in the interests of ensuring that the new development appears in keeping with the existing building.
- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification) no windows, other than those shown on the approved plans, shall be constructed. Reason: as unrestricted development or various minor operations to or around the dwelling could have a serious impact on adjoining properties and the area in general and should therefore be controlled.
- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any order revoking or re-enacting that Order, there shall be no works other than on the approved drawings that would enable the roof above the proposed kitchen and living room to be used as a balcony. Reason: in the interests of the privacy and amenity of neighbours.

Date: 23rd September 1997

*[Signature]*  
Head of Planning and  
Transport Strategy *et*

*[Signature]*

## APPENDIX 2

### The Relevant Law and Policy on Planning Conditions

#### 1. Power to impose Conditions

Under Section 70(1) of the 1990 Act the Local Planning Authority are empowered to impose '*such conditions as they think fit*' when granting planning permission.

Section 72 provides that, without prejudice to the generality of Section 70(1), conditions may be imposed on the grant of planning permission for regulating the development or use of the land under the control of the applicant or requiring the carrying out of works on such land, so far as appears to the Local Planning Authority to be expedient for the purposes of or in connection with the development authorised by the permission.

Although Local Planning Authorities have a wide discretion to impose conditions this is subject to the scrutiny of the Courts. In *Newbury District Council -v- Secretary of State for the Environment (1981)* the House of Lords stated there were 3 limitations on the exercise of such a wide power and they are:-

- a. the condition must be imposed for a 'planning' purpose and not for any ulterior purpose;
- b. the condition must fairly and reasonably relate to the development permitted by the planning permission; and
- c. a condition should not be so unreasonable that no reasonable Local Planning Authority could have imposed it.

#### 2. Government Guidance on Conditions - Circular 11/95

The Government sets out a six fold test which must be met before a condition is imposed and those are necessity, relevant to planning, relevant to the development, enforceable precise and reasonable in all other respects.

In respect of the last of precision the Circular at paragraph 30 provides:-

'30. *The framing of conditions requires care not least to ensure that the condition is enforceable. The condition, for example, requiring only that "a landscape scheme should be submitted for the approval of the Local Planning Authority", is incomplete since if the applicant were to submit the scheme, even if it is approved, a Local Planning Authority is unlikely to be able to require the scheme to be implemented. In such a case the requirement that needs to be imposed is that landscape work shall be carried out in accordance with the scheme to be approved in writing by the Local Planning Authority, and the wording of the condition must clearly require this...'*

The Circular contains suggested models of acceptable conditions for use in appropriate circumstances and conditions which are unacceptable. Model Condition 62 relates to the use of flat roofs as balconies and states:-

*'The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of specific permission from the Local Planning Authority'*

It can be seen that the model condition is precise and unambiguous and complies with the guidance at paragraph 30 of the Circular set out above.

### **3. The Construction of Planning Conditions**

Over the years the Courts have established through case law a number of key legal principles on the construction of planning conditions and they are;-

- i. As a general rule a planning permission is to be construed within the four corners of the consent itself ie including the conditions in it and the express reasons for those conditions unless another document is incorporated by reference or it is necessary to resolve an ambiguity in the permission or condition.
- ii. The reason for the strict approach to the use to extrinsic material is that a planning permission is a public document which runs with the land. Save for where it is clear on its face that it does not purport to be complete and self-contained it should be capable of being relied upon by later landowners and members of the public reading it who may not have access to extrinsic material.
- iii. It follows from point ii above that in construing of planning permission;-
  - the question is not what the parties intended but what a reasonable reader would understand was permitted by the Local Planning Authority and
  - conditions must be clearly and expressly imposed so that they are plain for all to read.

*Sevenoaks DC -v- First Secretary of State (2004)*

- iv. Conditions should be interpreted benevolently and not narrowly or strictly and given a common sense meaning.
- v. Condition will be void for uncertainty only 'if it can be given no meaning or no sensible or ascertainable meaning and not merely because it is ambiguous or leads to absurd results. This shows a flexible and benevolent way of construing conditions This principle was applied in *Hulme -v- Secretary of State for Communities and Local Government (2011)*.
- vi. If there is an ambiguity in a condition it has be resolved in a common sense way having regard to the underlying planning purpose for it as evidence by reasons for its impositions. *Sevenoaks DC -v- First Secretary of State (2004)*

- vii. There is no room for an implied condition in a planning permission. This principle was enunciated in *Trustees of Walton on Thames Charities-v-Walton and Weighbridge DC (1970)*. In addition the courts have precluded implying an obligation by way of an addition to an existing condition.
  - viii. Where planning permission containing conditions that have been granted in a decision by an inspector allowing an appeal and the condition is ambiguous it is possible to construe it in the context of the decision letter as a whole *Hulme -v- Secretary of State for Communities and Local Government (2011)*.
4. *Telford and Wrekin Council -v-Secretary of State for Communities and Local Government and Anor (2013)*

In this case the court had to consider the meaning of the following condition attached to a planning permission for a garden centre:-

*“prior to the garden centre hereby approved opening, details of the proposed types of products to be sold should be submitted to and agreed in writing by the Local Planning Authority”*

It was clear that what was intended was that once the centre was opened the only goods that could be sold were those that had been submitted and approved. However the condition did not say that. The wording did not impose an absolute ban on the sale of other products than those listed and approved. The Council in the case relied heavily on *Hulme -v- Secretary of State for Communities and Local Government (2011)* where the Court of Appeal accepted a benevolent approach to the construction of the condition. HELD The court having considered the principles set out above upheld the literal interpretation of the condition. The case concerned the conflict between the intention of the parties and the actual wording used in drafting the permission. It particularly relied on principle iii) above. In distinguishing the *Hulme* Case the judge stated that unlike the present case the condition in *Hulme* was ambiguous and that ambiguity could be resolved by looking at other parts of the permission and at the Inspector’s Decision Letter.

## APPENDIX 3

### APPLICATION FORM AND LOCATION PLAN



Application for a Lawful Development Certificate for an Existing use or operation or activity including those in breach of a planning condition.

Town and Country Planning Act 1990: Section 191 as amended by section 10 of the Planning and Compensation Act 1991.

Town and Country Planning (Development Management Procedure) (England) Order 2010

#### Publication of applications on planning authority websites.

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

<b>1. Applicant Name, Address and Contact Details</b>							
Title:	Mr	First name:	aidan	Surname:	costelloe		
Company name:							
Street address:	Warrenside Cottage			Telephone number:	Country Code	National Number	Extension Number
	The Warren						
Town/City:	Reading			Mobile number:			
County:	Reading			Fax number:			
Country:				Email address:			
Postcode:	rg4 7tq						
Are you an agent acting on behalf of the applicant?				<input type="radio"/> Yes <input checked="" type="radio"/> No			
<b>2. Agent Name, Address and Contact Details</b>							
No Agent details were submitted for this application							
<b>3. Site Address Details</b>							
Full postal address of the site (including full postcode where available)				Description:			
House:		Suffix:					
House name:	Warrenside Cottage						
Street address:	The Warren						
	Caversham						
Town/City:	Reading						
County:							
Postcode:	RG4 7TQ						
Description of location or a grid reference (must be completed if postcode is not known):							
Easting:	470181						
Northing:	174997						
<b>4. Pre-application Advice</b>							
Has assistance or prior advice been sought from the local authority about this application?				<input type="radio"/> Yes <input checked="" type="radio"/> No			
<b>5. Lawful Development Certificate - Interest in Land</b>							
Please state the applicant's interest in the land:				<input checked="" type="radio"/> a) Owner <input type="radio"/> b) Lessee <input type="radio"/> c) Occupier <input type="radio"/> d) Other			

## 6. Authority Employee/Member

With respect to the Authority, I am:

- (a) a member of staff
- (b) an elected member
- (c) related to a member of staff
- (d) related to an elected member

Do any of these statements apply to you?

Yes  No

## 7. Description of Use, Operation or Activity

Which category describes the existing use or operation or development for which the certificate is sought:

- An existing use
- An existing operation
- An existing use, operation or activity in breach of a condition

Being a use, operation or activity in effect on the date of this application.

If Yes, to either 'an existing use' or 'an existing use in breach of a condition', please state which one of the Use Classes of the Town and Country Planning (Use Classes) Order 1987 (as amended) the use relates to:

Use Classes:  Other:

## 8. Description of Use, Operation or Activity

Describe the existing uses, building works or activities for which you want a lawful development certificate. Where appropriate, show to which part of the land each use building works or activity relates:

## 9. Grounds For Application For A Lawful Development Certificate

Under what grounds is the certificate being sought:

- The use began more than 10 years before the date of this application
- The use, building works or activity in breach of condition began more than 10 years before the date of this application.
- The use began within the last 10 years, as a result of a change of use not requiring planning permission, and there has not been a change of use requiring planning permission in the last 10 years
- The building works (for instance, building or engineering works) were substantially completed more than four years before the date of this application.
- The use as a single dwelling house began more than four years before the date of this application
- Other - please specify (this might include claims that the change of use or building work was not development, or that it benefited from planning permission granted under the Act or by the General Permitted Development Order).

If the certificate is sought on 'Other' grounds please give details:

If the certificate is sought for a use, operation, or activity in breach of a condition or limitation, please specify the condition or limitation that has not been complied with:

Reference number:  Condition number:  Date:

Please state why a Lawful Development Certificate should be granted:

Planning condition 5 on Application 97/0653/FD approval given 23 September 1997 stated " there shall be no works other than on the approved drawings that would enable the roof above the proposed kitchen and living room to be used as a balcony". This condition does not in itself prevent the use of the existing flat roof as a balcony, merely the construction of works to enable this. The contravention of this condition occurred in that a patio door was constructed in 2000 instead of the window shown on the drawings. This allowed direct access onto the existing flat roof and enabled use as a balcony.

In 2000 a metal guard was fitted and prevented access to the flat roof, this was not included in the plans submitted, this was removed by July 2000 as evidenced in supporting document 1, from Reading Council, dated 31 July 2000. This letter also noted the commencement of use of the flat roof as a balcony area in July 2000. The metal guard was not replaced. The use as a balcony commenced from that date and continues.

The flat roof was used from 2001 to the present to cultivate herbs, initially two bay trees in green ceramic pots, and more recently 10 plastic pots of herbs and salads. See photographs taken 22 April 2002 Document 2/3. Regular access onto the flat roof was made for watering by hand, cultivation and harvesting the plants. The flat roof was also regularly accessed for leisure purposes.

In 2007 a BBC documentary was filmed showing leisure use of the flat roof as a balcony, with access being made through the patio doors. The family can be seen seated and standing on the flat roof, document 4 and 5 and refer to a copy of the documentary at the following link. <http://www.youtube.com/watch?v=U-I3MWix1U8>.

On many occasions in the past 12 years family and visitors to Warrenside Cottage have accessed the roof through the patio doors in the living room for social purposes. The construction and use of the unobstructed access through the patio doors to the flat roof comprises sufficient reason to grant planning consent for such use.

The continued use of the patio doors to access the flat roof for a variety of leisure uses over the past 12 years, as evidenced by examples above, comprises use of the flat roof as a balcony area.

### 10. Information in Support of a Lawful Development Certificate

When was the use or activity begun, or the building works substantially completed?

01/03/2000

In the case of an existing use or activity in breach of conditions has there been any interruption?

Yes  No

In the case of an existing use of land, has there been any material change of use of the land since the start of the use for which a certificate is sought:

Yes  No

### 10. Information in Support of a Lawful Development Certificate (cont.) - Residential / Dwelling Units

Does the application for a certificate relate to a residential use where the number of residential units has changed?

Yes  No

### 11. Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

Yes  No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact? (Please select only one)

The agent  The applicant  Other person

### 12. Declaration

I/we hereby apply for a Lawful Development Certificate as described in this form and the accompanying plans/drawings and additional information. I/we confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.



Date:

15/02/2013

Warning:

The amended section 194 of the 1990 Act provides that it is an offence to furnish false or misleading information or to withhold material information with intent to deceive. Section 193(7) enables the authority to revoke, at any time, a certificate they may have issued as a result of such false or misleading information.



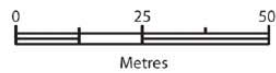
Reproduction in whole or in part is prohibited without the prior permission of Ordnance Survey.

Ordnance Survey and the OS Symbol are registered trademarks and OS MasterMap® is a trademark of Ordnance Survey, the national mapping agency of Great Britain.

The representation of a road, track or path is no evidence of a right of way.

The representation of features as lines is no evidence of a property boundary.

Scale 1:1250



Supplied by: Getmapping  
 OS License Number: 100030846

(not printed to scale)



## **APPENDIX 4**

Evidence submitted by the applicant in support of the application and also evidence submitted by third parties in response to the public consultation.

This is included in Part 2 of the agenda (blue papers) as being not for publication under the Local Government Act.

