

COMMITTEE REPORT

BY THE DIRECTOR OF ENVIRONMENT AND NEIGHBOURHOOD SERVICES

READING BOROUGH COUNCIL

ITEM NO. 12

PLANNING APPLICATIONS COMMITTEE: 25 April 2018

Ward: Katesgrove

App No.: 172213

Address: After Dark Nite Club, 112 London Street, Reading

Proposal: Demolition of existing building and erection of 2 x class C3 residential apartment blocks comprising 6.No. flats

Applicant: KK Propety Investments Ltd

Application 8 week target decision date: 6 February 2018

RECOMMENDATION:

REFUSE planning permission for the following reasons:

1. The proposal, in terms of its layout, height, bulk and massing would result in cramped and visually dominant overdevelopment of the site, out of character with the existing pattern of development. This would have a significant detrimental impact on the rear setting of principal Listed Buildings on London Street, failing to preserve or enhance views in this part of the Market Place/London Street Conservation Area. The proposal is considered contrary to Core Strategy policies CS7, CS33, Reading Central Area Action Plan (RCAAP) policy RC5.
3. The development would fail to provide a suitable standard of residential accommodation in terms of quality and security of approach, natural surveillance, privacy, amenity space and bin storage. The proposal is considered contrary to Core Strategy Policies CS3, CS5, CS7, CS20, RCAAP Policies RC5, RC9, RC14, Sites and Detailed Policies Document (SDPD) policies DM4 and DM10 and the Parking and Design SPD.
4. The development will result in a significant detrimental impact to the living environment of existing residential properties in Nelson Mews and at 118-128 London Street, through visual dominance and overbearing effects of the development. The proposal is considered to be contrary to RCAAP Policy RC9, SDPD Policy DM4.
5. The development has failed to contribute towards the provision of affordable housing in the Borough. The proposal is considered contrary to SDPD Policy DM6 and the Affordable Housing SPD.

Informatives:

1. Plans refused

2. Reason for refusal 5 could be overcome by a Section 106 agreement.

1. INTRODUCTION

- 1.1 The application site relates to the After Dark night club, which lies to the rear of 110-114 London Street in central Reading (Listed Grade II). The frontal buildings on London Street are in B1(a) (architects' office) use for No. 110 and A2 (Financial and Professional Services) use as employment agency in No. 114. No. 114 now has its primary access from the covered passageway between 110 and 114. The site offered for development, however, is not being promoted in connection with the frontal buildings or any other adjoining site. No. 108 (to the north) is also listed and is in office use and may be vacant. The development to the south, 118-128 London Street, is a modern block of serviced apartments.
- 1.1 The site is located within the Market Place/London Street Conservation Area. It consists of a long, narrow building, which occupies the majority of the site, connected by walls and 'temporary' canopy structures to 110 and 114 and extends all the way to St. Giles Close. The building has had a long and varied history and is made up of a number of elements. The two storey building at the entrance houses the ticket office, cloakrooms, bar and part of the dancefloor at ground floor and storage rooms and a manager's office at first floor. It has a shallow hipped roof and may be of Victorian construction, although much altered. Then after a slightly raised single-storey section, the building continues westwards with a large flat roofed single-storey element which at the western end has a parapet roof. There are various other small flat-roofed extensions. The southern wall (externally) features some interesting brick arches which appear to be indicative of a former industrial use.



Site Location



View of After Dark Club from St. Giles Close



View of historic wall on southern boundary, from 118-128 London St. car park



Listed Buildings at 110 and 114 London Street, with passageway entrance to the After Dark Club in the centre of the building

2. PROPOSAL

- 2.1 The application seeks full planning permission to demolish the existing nightclub building and erect 2 three storey residential blocks each containing 3 flats (6 flats total).

- 2.2 The two proposed residential blocks (A & B) would be sited either side of a central landscaped communal courtyard area. Block B would be sited closest to the rear of nos 110 and 114 London Street, sited 3m (at the closest point) from the rearmost elevation of these properties. Block A would front St Giles Close to the rear of the site. Access to the residential blocks would be obtained from via both the existing passageway from London Street and also from St Giles Close.
- 2.3 The proposal would retain the historic wall along the southern boundary of the site with the car park of nos 118-128 London Street.
- 2.4 Both the residential blocks would be regular in footprint and three storeys in height with a hipped roof and recessed top floor of accommodation. Materials are proposed as the red brick up to two storey level and grey brick for the recessed third storey level together with grey slate roof tiles for both blocks. First and second floor balconies would face onto the central communal courtyard area.
- 2.5 In terms of accommodation, the proposal would provide 5 x two bedroom flats and 1 x one bedroom flat.
- 2.6 The proposal is for a car free development with no car parking spaces proposed. Bin and cycle storage is proposed to the central courtyard area.

3. PLANNING HISTORY

- 3.1 Relevant planning history is as follows:

161935 - Demolition of existing night club and erection of 10 new residential Class C3 apartments (5 x 1 bed and 5 x 2 bed) with courtyard garden, cycle and bin storage: Planning permission refused for the following reasons:

- (1) *The proposal is a poor design solution in terms of its layout/location and height, bulk and massing. This would have a significant detrimental impact on the rear setting of Listed Buildings on London Street, failing to preserve or enhance views in this part of the Market Place/London Street Conservation Area. In addition, the general crampedness and lack of opportunity for landscaping, no active frontage to the streetscene/failure to connect visually to the site frontage of St. Giles Close and failure to relate to the existing pattern of development will produce a development which is neither comprehensive nor sympathetic to the character of the area. For these reasons the proposal is contrary to the National Planning Policy Framework (2012) Sections 7 and 12; Reading Borough LDF: Core Strategy (2008, amended 2015) policies CS3 (Social Inclusion and Diversity), CS5 (Inclusive Access), CS7 (Design and the Public Realm), CS33 (Protection and Enhancement of the Historic Environment); and Reading Borough LDF: Reading Central Area Action Plan (RCAAP) (2009) policies RC5 (Design in the Centre) and RC14 (Public Realm).*

- (2) *The development would produce substandard accommodation in terms of quality and security of approach, natural surveillance, adequate light levels, privacy, access for all, amenity space and cycle parking, contrary to the National Planning Policy Framework Section 7; Reading Borough LDF: Core Strategy Policies(2008, amended 2015) policies CS3 (Social Inclusion and Diversity), CS5 (Inclusive Access), CS7 (Design and the Public Realm), CS24 (Car/Cycle Parking); Reading Central Area Action Plan (RCAAP) (2009) policies RC5 (Design in the Centre), RC9 (Living in the Centre), RC14 (Public Realm) and Reading Borough LDF: Sites and Detailed Policies Document (SDPD) (2012, amended 2015) policies DM4 (Safeguarding Amenity) and DM10 (Private and Communal Amenity Space), and the Council's Revised Parking and Design SPD (2011).*
- (3) *The development will result in a significant detrimental impact to the living environment of existing residential properties in Nelson Mews and at 118-128 London Street, through detriment to privacy and overlooking, and the visual dominance and overbearing effects of the development, contrary to the Reading Borough LDF: Reading Central Area Action Plan (RCAAP) (2009) policies RC9 (Living in the Centre) and Reading Borough LDF: Sites and Detailed Policies Document (SDPD) (2012, amended 2015) Policy DM4 (Safeguarding Amenity).*
- (4) *The development has failed to contribute towards the provision of affordable housing in the Borough, contrary to Reading Borough LDF: Sites and Detailed Policies Document (SDPD) (2012, amended 2015) Policy DM6 (Affordable Housing) and the Council's Affordable Housing SPD (2013).*
- (5) *The development has failed to either provide a construction phase Employment and Skills Plan (ESP) or a contribution towards the provision of an ESP and has therefore failed to mitigate the harm caused to the local employment market as a result of the development, contrary to Reading Borough LDF: Core Strategy (2008, amended 2015) policies CS9 (Infrastructure, Services, Resources and Amenities), CS13 (Impact of Employment Development); and Reading Borough LDF: Sites and Detailed Policies Document (SDPD) (2009, amended 2015) Policy DM3 (Infrastructure Planning) and the Council's Employment, Skills and Training SPD (2013).*

4. CONSULTATIONS

RBC Transport Strategy: does not object to the application, subject to conditions such as requiring a construction method statement (CMS), details of cycle parking and details of bin storage.

RBC Environmental Protection: does not object to the application, subject to conditions relating to construction impacts and contaminated land.

Historic England: does not consider no. 112 to be covered by a listing.

RBC Natural Environment Team (Tree Officer): does not object subject to securing a suitable landscaping scheme by way of condition. The Cypress tree next to the site on St. Giles Close is not protected and not in good condition and there would be no objection to its removal.

RBC Ecologist: is content with the bat survey and does not object to the application.

Berkshire Archaeology: does not object subject to a condition to require implementation of a programme of archaeological work in accordance with a written scheme of investigation to be submitted to and approved by the Local Planning Authority prior to the commencement of development.

RBC Conservation Consultant: The proposed development would not enhance or preserve the character and appearance of the conservation area and is considered to harm the significance of Listed Buildings contrary to considerations as set out in sections 72(1) and section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and would fail to meet the requirements of the NPPF, the PPG and RBC Policy CS33.

The Conservation Area Advisory Committee (CAAC) has provided objections/comments and these are summarised as follows:

This proposal will involve the demolition of 112 London Street, a heritage and community asset which has been in use for at least 200 years. The replacement proposed is a poorly designed flat development which would have a negative impact on the character and appearance of the Market Place/ London Street Conservation Area and the adjacent listed buildings at 110 and 114 London Street.

Detail

112 London Street lies within the Market Place/ London Street conservation area. A development on this site should protect and enhance the historic environment which the poor design in this application does not do.

The building ceases to be used as a club design solutions should be sought which retain it at the heart of any future development, by reason of its importance to the physical and community heritage of Reading and London Street.

The setting of listed buildings 110 and 114 London Street will be negatively impacted by the unsympathetic design of the proposed development on this site, its height and proximity to these buildings.

Although at the time of the last application for this site (169135) Historic England stated that 112 London Street is not mentioned in the Historic England listing of 110-114 London Street (1113530), there is evidence of common ownership from

1800 to 1918. Connections between the buildings on London Street continue thereafter; for a large part of the twentieth century the building (112) was the Foresters Hall and the Ancient Order of Foresters had offices at 110 London Street. To exclude 112, which includes the flagged passageway, from the listing appears artificial and we would urge that further investigation is carried out.

Reading Conservation Area Advisory Committee is pleased to note that this proposal includes retention of the southern boundary wall of the site. This wall, which was part of the Huntley Boorne and Stevens tin works, is an important reminder of Reading's industrial heritage.

Whilst the proposal represents some improvement on the previous submission it is our view that:

The design is bland, functional and poor quality and jars with other buildings in the area whether historic or modern. A truly imaginative solution is required if this site is to be redeveloped.

The development appears cluttered and claustrophobic with little natural light for occupants. The building and location is ideal for its current use as a dark club where minimal daylight is required.

The view from London Street down the flagged stone passageway mentioned in the Market Place/ London Street conservation area appraisal, will be of a blank red brick wall entirely out of keeping with the frontage.

The proposed development is considerably taller than the After Dark Club which will affect the setting of listed buildings at 110 and 114 London Street from the rear and residents of those properties. The resulting mass is unacceptable.

It is our belief that the applicant should try harder and that this application should be refused.

Public consultation

No.s 108, 110, 110a, 114 and 118-128 London Street, 5-11 Nelson Mews and 28-34 St Giles Close were notified of the application by letter and a site notice was also displayed at the application site.

32 letters of objection and 8 letters of general comments have been received raising the following issues:

Cultural and historic

- The After Dark has for long time been part of Reading's history and many famous acts have played here. This is Reading's 'Cavern Club'. It would be a terrible loss to the character of the town.
- The provision of housing does not outweigh the community benefits of the club

- The After Dark is a valued local Reading independent nightclub and should be protected from development. Considers that the building should be listed as a Local Heritage Asset. *Officer comment: this is a separate process and not related to this planning consideration*
- The proposal does not seek to improve the neglect which has occurred in the passageway and the present poorly-maintained drains
- The proposal would adversely affect ventilation to the frontal listed buildings, to the detriment of their historic fabric.
- The proposal would not allow a suitable gap to allow the maintenance of the rear of the historic buildings
- To the rear of 114 there is a basement vault which abuts the application site. Sensitive building works should be carried out in this area, particularly as this may well lead to the historic wall on the southern side of the application site.
- Consider that the building forms part of the curtilage listing of the London Street frontal buildings.
- Note that the workshop side wall is to be retained; ideally the less decorative factory wall fronting St Giles Close would also be retained and incorporated within any design.
- The plans indicate the levels of the site will be brought down to a level to match Prince Regents House to the rear of no. 108 London Street - this will interfere with the foundations of surrounding historic buildings and walls and archaeological remains.
- An assessment of the historic relationship between no. 112 and no.s 110 and 114 London Street has been submitted to demonstrate that no. 112 should form part of the listing or curtilage listing of the listed frontal buildings.

Planning and land uses

- The proposal has not sufficiently addressed the reasons for refusal given for the previous planning application at the site (ref. 161935).
- Does not agree that residential is a suitable land use, given surrounding mix of land uses
- Flats would put further strain on parking/transport infrastructure, schools and doctors. *Officer comment: schools and transport infrastructure payments would be collected by the Community Infrastructure Levy, were permission to be granted. The local NHS trusts and individual surgeries will plan for demand for additional practices*
- Existing distinctive land uses in the area should be retained
- The proposal should include affordable housing
- There is already a surplus of these luxury flats in Reading
- These are not really low cost flats
- The National Planning Policy Framework seeks to ensure protection of the vitality of town centres and this proposal does not do this
- Use other free brownfield sites for redevelopment instead. *Officer comment: this is not a reason to preclude the redevelopment of this site*
- Club owners should not be forced from town centres by rising rents.

- The application was submitted around Christmas time to attract less attention. *Officer comment: the Local Planning Authority cannot control when applications are submitted.*
- Note policies which require a case to be demonstrated to justify loss of leisure and cultural facilities relate to sites outside the Reading Centre Area (where the site is located) but consider that they should relate to this application - *Officer comment: Policy DM15 and Policy RL6 of the Emerging Draft Local Plan are clear that the policies relate to sites outside the defined Reading Central Area only and as such cannot be considered in determination of this application.*
- The Government has suggested it is to introduce new legislation to protect independent music venues - *Officer comments: the Government is currently consulting on an amended NPPF (not yet published) - this references music venues but in terms of not placing the onus on existing music venue operators to address noise concerns if new housing is located nearby - rather the onus should be on the housing developer - as such this would not be directly relevant to the current proposal.*
- There is shared ownership/shared access rights arrangement over the passageway.

Design merit of the proposal

- The building contains elements of historical and architectural merit which should be conserved
- The units would have a poor standard of accommodation in terms of internal environment, poor daylight and poor views, outlook, privacy, security of approach natural surveillance and access to amenity space.
- Siting of bin store within the communal courtyard would be unpleasant in terms of odour.
- The building should be locally listed: *Officer comment: this is a separate procedure to the planning application process.*
- Concern for impact on adjacent Listed Buildings
- Present building is not subordinate to the backs of the Listed Buildings, when seen from St. Giles Close
- The design is not reflective of the Conservation Area and will not preserve it
- The proposal will adversely affect light levels and outlook to the buildings on London Street
- Concern for the waste disposal arrangements and the waste capacity and disturbance to the passageway
- The proposal would appear over-dominant to no. 108 London Street and no. 118-128 London Street presenting largely blank flank façades.
- The proposal does not mention any repair or replacement of existing heritage stones in the shared passageway.
- The proposal does not mention how the gates belonging to 114 will be managed or protected - there is not agreement for shared use.
- 114, 112 and 110 all have access to the rear passageway for onto St Giles Close which is obstructed by temporary structure - seek rear access back for fire escape. *Officer comment - this would be a civil matter between neighbouring occupiers - fire escape provision would not be a material planning consideration but would*

however be subject to separate building regulations standards for the relevant units.

- No detailed landscaping provided.
- Overlooking to Nelson Mews.
- Loss of light to the rear windows of no. 114.

Transport and parking

- Not suitable to have no parking

Economic and social

- Has a full social/financial/cultural appraisal of the existing and proposed land uses been conducted? The After Dark also provides associated business for other establishments nearby. *Officer comment: the Planning Acts do not require such an appraisal to be undertaken and unless relevant planning issues emerge, such would not be relevant to the material planning considerations to the determination of this planning application*
- No drainage/sewerage details have been submitted with the application. *Officer comment: such details are not required in consideration of the planning application.*
- The venue attracts visitors to Reading and has a positive impact on our economy
- Entire social groups exist because of the club - this would be a significant loss of culture, night life and history.
- References Matt Rodda MP's objection to the previous application (ref. 161935) and concerns regarding loss of the 'much love music venue'.
- Refers to Policy CR4 of the emerging draft Reading Local Plan - Leisure Culture and Tourism in Central Reading - *Officer comment: this is an emerging policy that has not yet been adopted and as such does not carry full weight - nonetheless the policy refers to siting of new facilities in the Reading Central area and does not discuss retention of existing facilities.*

Other

- Concerns for impact on nearby homes and businesses during construction. *Officer comment: this can be covered in a comprehensive Construction Management Statement (CMS), via condition*
- The Council should not even be considering this planning application and constantly allowing the proposals to be re-run. *Officer comment: the Council cannot prevent a planning application from being submitted and is obliged to determine valid applications*
- The Council should not be taking such services away. *Officer comment: this is a private night club, not a Council service.*
- *The application site includes land which is not in the applicant's control.*
- *Noise complaints will have been made by interested parties wishing to see the application succeed.*

2 letters of support for the application have been received raising the following issues:

Support

- There is a need for 2 and 3 bedroom flats in Reading which is only increasing. The need for housing outweighs the current land use.
- The night club use is noisy and disruptive.
- The existing night club building blocks two fire exits to the rear of the London Street frontage buildings.

5. LEGAL AND PLANNING POLICY CONTEXT

5.1 Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority to have special regard to the desirability of preserving a listed building or its setting or any features of special interest which it possesses.

5.2 Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority in the exercise of its functions to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

5.3 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'.

5.4 The application has been assessed against the following policies:

5.5 National

National Planning Policy Framework (2012):

Section 2: Ensuring the vitality of town centres

Section 4: Promoting sustainable transport

Section 6: Delivering a wide choice of high quality homes

Section 7: Requiring good design

Section 10: Meeting the challenge of climate change, flooding and coastal change

Section 12: Conserving and enhancing the historic environment

National Planning Practice Guidance

5.6 Reading Borough LDF: Core Strategy (2008, amended 2015)

CS1 (Sustainable Construction and Design)

CS4 (Accessibility and the Intensity of Development)

CS5 (Inclusive Access)

CS7 (Design and the Public Realm)

CS14 (Provision of Housing)

CS15 (Location, Accessibility, Density and Housing Mix)
CS20 (Implementation of the Reading Transport Strategy)
CS24 (Car/Cycle Parking)
CS25 (Scale and Location of Retail, Leisure and Culture Development)
CS32 (Impacts on Community Facilities)
CS33 (Protection and Enhancement of the Historic Environment)
CS34 (Pollution and Water Resources)
CS36 (Biodiversity and Geology)
CS38 (Trees, Hedges and Woodlands)

5.7 Reading Borough LDF: Reading Central Area Action Plan (RCAAP) (2009, amended 2015)

RC5 (Design in the Centre)
RC7 (Leisure, Culture and Tourism in the Centre)
RC8 (Drinking Establishments)
RC9 (Living in the Centre)
RC14 (Public Realm)

5.8 Reading Borough LDF: Sites and Detailed Policies Document (SDPD) (2012, amended 2015)

SD1 (Presumption in Favour of Sustainable Development)
DM1 (Adaptation to Climate Change)
DM4 (Safeguarding Amenity)
DM6 (Affordable Housing)
DM10 (Private and Communal Outdoor Space)
DM12 (Access, Traffic and Highway-Related Matters)
DM15 (Protection of Leisure Facilities and Public Houses)
DM18 (Tree Planting)
DM19 (Air Quality)

5.9 Reading Borough Council Supplementary Planning Documents (SPD)

Employment, Skills and Training (2013)
Revised Parking Standards and Design (2011)
Revised SPD on Planning Obligations under Section 106 (2015)
Sustainable Design and Construction (2011)

5.10 Other relevant documents

Market Place/London Street Conservation Area Appraisal (20xx)
Historic England Good Practice Advice in Planning Note 1: Conservation Area Designation, Appraisal and Management (Historic England, 2016)
Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking (Historic England, 2015)

Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets (Historic England, 2015)

6. APPRAISAL

6.1 The main issues for consideration in this planning application are:

- i. Proposed loss of night club
- ii. Heritage considerations
- iii. Suitability of the design response in this sensitive area
- iv. Quality of residential accommodation
- v. Impact on adjoining properties
- vi. S.106 contributions and CIL

i. Proposed loss of night club

- 6.2 There has been a nightclub/dance hall use on this site for a very long time and this is the established planning use of the premises/site. However, it is sited in a relatively dense urban area where there are now likely to be many more residential properties in close proximity than in the past. Were a planning application now received for this change of use (to a night club), such is unlikely to be given planning permission as it is essentially a non-conforming use in this area which contains residential uses.
- 6.3 As a recognition of the disturbance that night clubs can cause (noise, vibration, anti-social behaviour, etc.) night clubs have their own planning use class and they are a *sui generis* or 'unique' use. Therefore, its removal from the area and replacement with a residential use is supported when assessed against Policy DM4 (Safeguarding Amenity), providing that the replacement scheme is itself acceptable.
- 6.4 Officers have received a large amount of objections from members of the public seeking to protect the After Dark in situ and also ask that it be given some sort of policy protection, for instance, the same as that applied to public houses or community facilities. Firstly, it should be born in mind that these premises could - without any control by the Planning Department - be operated by a completely different club and one which is not so popular with the public or the amenities of surrounding neighbours.
- 6.5 Secondly, this is not a community use or a public house outside the town centre area, therefore there is no conflict with adopted planning policies CS31 or DM15 which protect these types of uses from redevelopment.
- 6.6 The club is in a mixed residential/office/retail area and during its hours of operation, has the potential to cause considerable residential disturbance. The Council's Licensing and Environmental Protection teams advise that the number of complaints from the After Dark club is actually very low. Overall however, the removal of this non-compatible land use from a location where there is potential to

cause nuisance is supported and other Council policies seek to ensure that such uses are situated in the central part of the town centre.

6.7 Some objectors have asked for the club to be considered as an Asset of Community Value. This is a separate process and is not relevant to this planning assessment.

6.8 Overall, officers identify no planning policy conflict with the principle of removing the night club use from this area. The principle of this was established under the previous application for redevelopment of the site (161935) to which loss of the existing facility did not form a reason for refusal of the application.

ii. **Heritage considerations**

6.9 The applicants heritage statement identifies the southern wall on the application site which can be seen from the car park of the served apartments at no. 118-128 London Street as the last remaining remnant of what was the large tin works factory complex in the St. Giles Close area and has at some point been joined to the hall building with a flat roof, leaving a covered passageway along the southern flank of the site. The wall has characteristic blind windows and flattened arches, reminiscent of a Victorian factory wall. The wall is an important surviving physical and cultural marker of the Huntley, Boorne & Stevens tin works, which made the tins for Huntley & Palmers Biscuits. The production of biscuits was one of the three main industries that made Reading famous in the Victorian period. The boundary wall is to be retained as part of the current application.

6.10 During consideration of the previous application (see Appendix 2 and 3) there was significant discussion as to whether or not this remaining wall element and indeed no. 112 itself formed part of the listing or curtilage listing of the building fronting London Street. Advice was sought in this respect from Historic England who advised that the listing description refers to 110 *and* 114 not 110 *to* 114. They commented that whilst mention is made of a passage to the Oddfellows Hall that simply states that there is a passage, it does not imply that the hall is included in the listing. As such it was considered, at the time, that there was not ground to refuse the previous application on failure to appropriately identify and consider all heritage assets.

6.11 However, the officer report at the time did acknowledge that this was not a definitive response from Historic England and rather just an assessment of the wording of the listing rather than any detailed review of the historic context/history of the site.

6.12 The applicant's heritage assessment has considered the current proposal on the basis of the officer committee report for the previous application (161935) which, following an update report (see Appendix 3), removed a reason for refusal relating to failure to identify the historical significance of the building. As such a listed building consent application has not been submitted.

6.13 Since the submission of the planning application, further investigation of the building has been undertaken by the Planning Department with the Council's

Conservation Consultant along with valuable input from the CAAC and also various detailed objections which have been received (Appendix 1). This research has been very helpful to further inform the overall consideration of the building's status. A summary and commentary of what is known of the buildings history is set out in paragraphs 6.13 and 6.14.

- 6.14 The present building has been used in approximately its present envelope and use (as a night club) for the past 40 years or so. Historical information seems to indicate that the use of the taller element of the building at least, was originally used as a church hall (St Giles) from about 1800. The footprint of the existing taller element of the building is reflective of that shown on historic maps dating as far back as 1879. The building was also used as auction rooms, a chapel and later a dance hall, a hall in association with the Ancient Order of Foresters at No. 110 (listed building to the front of the site) and then its present use as a night club. There have been various extensions over the years, mostly in the Twentieth Century and in particular the north-west corner, where an area of the rear garden of No. 108 appears to have been assimilated into to the premises. The taller element of the present building also displays historic brickwork - Flemish bond with burnt headers and a hipped slate roof.
- 6.15 The listing of no.s 110 and 114 describes the passage leading to the 'Oddfellows Flail' [sic] (this is thought to be a typo and should read, 'hall' (see appendix 1). The date of the frontal buildings (circa. 1790) chimes with the earliest records in the Local Studies Library for activity on the site (use of 112 London Street as St. Giles Young Christian Association hall from about 1800). On site, there are linking side walls to the edges of the site which physically attach the hall to the frontal buildings (and may also link underground as well) and the entrance canopies to the club link the two structures. The precise boundaries are not always easy to determine from the listing description, but it would also seem odd for the listing to cover the passageway/alley and mention the hall to the rear, but not intend for it to be included. Research provided also indicates that the three buildings (no. 110, 112 and 114) were in single ownership from the early nineteenth century to 1918.
- 6.16 Historic England guidance note 10 - Listed Buildings and Curtilage (February 2018) sets out that the 3 main factors to be taken into account when assessing whether a structure or object is within the curtilage of a listed building are:
- the physical layout of the listed building and the structure;
 - their ownership, both historically and at the date of listing; and
 - the use or function of the relevant buildings, again both historically and at the date of listing
- 6.17 In officers' opinion it is apparent that there are some links between the London Street frontal buildings and no. 112 both in terms of history and ownership. Elements of the existing building on site also display historic features that could chime with small hall building known to have been in this location.

- 6.18 However, Historic England have again reviewed the evidence summarised above and have advised that they can see no sound reason to consider no. 112 London Street to be listed and have commented as follows:

'To be considered curtilage the Courts have held that a structure must be ancillary to the principal building, that is it must have served the purposes of the principal building at the date of listing, or at a recent time before the date of listing, in a necessary or reasonably useful way and must not be historically and independent building. Where a self-contained building was fenced or walled-off from the remainder of the site at the date of listing, regardless of the purpose for which it was erected and is occupied, it is likely to be regarded as having a separate curtilage. The structure of building must still form part of the land, and this probably means that there must be some degree of physical annexation to the land.'

'110 and 114 are listed as a pair of late 18th century townhouses. While the passage to the hall is mentioned the hall is not explicitly included in the list description. 112 seems to have been walled off from 110 and 114 at the date of listing. It had a completely separate entrance, through the passage and there appears to have been no interconnection between the two. On that basis I think it fair to conclude that 112 is an independent building with its own curtilage, regardless of the fact that 110 and 112 were occupied by the same organisation. Furthermore, 112 was not ancillary to 110. They may have shared the same occupier for a time but surely the principal building for the Ancient Order of Foresters was the hall, and their offices were ancillary to the hall rather than vice versa.'

- 6.19 Given this is Historic England's interpretation of its own listing description and also the additional evidence referred to above and in Appendix 1, this opinion should be given weight.
- 6.20 As such officers conclude, as per the previous application and based upon the evidence available at this time, that there is not sufficient ground to refuse the application on the failure of the applicant's heritage assessment to appropriately identify and consider all heritage assets.
- 6.21 There is currently uncertainty in relation to the underground connections which may exist between the frontal buildings and the club building. As far as is known, the club has no cellar area. However, the vault to the rear of No. 114 appears to be abruptly cut off at the start of the easternmost wall of the club above and the vault may in fact continue westwards. This vault also has what appears to be a capped access hatch at ground level, which may also have allowed some kind of connection to the club building in the past. There are concerns that the condition of the premises and the passageway may be leading to damage to adjacent buildings. This is Civil concern of itself, but it may also be indicative of underground connections between the buildings which are not currently apparent.

Suitability of the design response in this sensitive area

- 6.22 The applicant's heritage statement has assessed the proposal in terms of the impact of the development upon on the setting of the adjacent listed buildings and surrounding conservation area, as the Council must do also.
- 6.23 It is important to note that contrary to the previous application (See Appendix 2) the current proposal seeks to retain the unlisted former tin factory boundary wall on the boundary with the car park of no. 118-128 London Street. This is considered a positive element of the proposed development. The two proposed residential blocks would be set 1m in from the boundary with the wall element to remain in situ.
- 6.24 The present hall building is in a relatively poor state of repair and there appears to have been a great many changes over the years (most may be unauthorised). The building's mostly single storey haphazard nature is not generally a positive contribution to the street-scene of St. Giles Close.
- 6.25 Officers and the Council's Conservation Consultant disagree with the applicant's heritage statement which states that the proposed development possesses a height, scale, mass and bulk that is appropriate for the secondary nature of the site and would remain subservient to the listed buildings. The heritage statement also considers that the contemporary style of the buildings would differentiate to the high quality listed buildings.
- 6.26 At present the club building is only single storey and officers acknowledge that the backs of the frontal listed buildings include poor modern elements of limited aesthetic value. However the replacement building would be three storeys in height and would represent a significant uplift in massing above the existing situation. Officers do not consider that a building of this height and massing together with limited 3m separation to the rear of nos 110, 114 and also 108 would achieve the required level of subservience to these listed buildings and would instead result in an overly bulky and dominant addition harmful to their settings and contrary to Policy RC5, CS7 and CS33.
- 6.27 In addition, the design and appearance of the proposal, based on the drawings provided, is considered to appear of poor quality and unsympathetic to its buildings historic setting. The irregular window proportions and placement, poor integration of the recessed third storey with elements of flat roof, together with large blank facades to either flank elevation together with the massing and lack of separation are considered to exacerbate further the harm to the settings of the rear of the listed buildings. Whilst there are some less aesthetically pleasing additions to the rear of the London street frontal buildings, the 1980's office developments properties are at least set well away from the rear of the frontage buildings, respecting their settings. The buildings to rear of no. 106 and 108 have a separation of 8m and 10m between two storey elements and whilst being attached to the rear of the frontal buildings this is via modest link corridor additions. The massing of these neighbouring additions is also less dominant at two storeys only whilst there is also a step down in levels to the element at the rear of no. 106.

- 6.28 In terms of both design and massing the proposal appears to take its cues from the Home Court development to the rear of no. 96 London Street which also fronts on to St Giles Close but is not listed (albeit adjoined by two grade II listed buildings). The Home Court development is separated from the rear of no. 96 by a distance of over 10m. The 3m lay off to the rear of the listed buildings at no. 110 and 114 is considered to be highly insufficient.
- 6.29 In terms of footprint the existing building fills the entire rear of the site. Whilst the proposal is split in to two separate blocks, separated by a central courtyard both the separation to the rear of no.s 110 and 114 and also that to the St Giles Close frontage at the height and level of massing proposed is considered to appear as a significant overdevelopment contrary to Policy CS7, CS33 and RC5.
- 6.30 Officers do not object to the conclusions of the applicant's heritage statement with regard to the lack of harm to the setting of the grade II listed buildings at no.s 7, 9 and 11 Church Street which are located some 40m to the north of the site and no. 104 London Street given the limited indivisibility and separation.
- 6.31 The proposed height, scale and mass of the proposed block would overshadow the rear façade of the historic buildings to the front and dominate their settings. In doing so, the proposed apartment block design would not achieve the requirement to 'preserve or enhance' the character and appearance of the Conservation Area.
- 6.32 Although the site is located within the Conservation Area, it is acknowledged that the Area is mainly concerned with the London Street frontage and then includes some associated land to the rear. Most of St. Giles Close is not in the Conservation Area. Nevertheless, the development will have an impact on views into and within the Area and the development needs to be suitable in terms of the impact on the Area's setting.
- 6.33 Whilst the present building is a generally poor feature in the conservation area, in terms of its immediate frontage on St. Giles Close, its principal impact from the rear is comparatively limited, given its utilitarian and single-storey frontage and views to the upper floors of the rear of the frontage buildings to London Street are maintained. The proposal, at three storeys in height, would further obstruct views from within the conservation area to the rear elevations of the London Street listed buildings.
- 6.34 The character of St Giles Close is of a series of small-scale buildings, mostly residential, some offices. There are many 1980s/1990s infills and some small houses, including townhouses. Nevertheless, there is intimacy to the scale of the surroundings and the applicant's development with two blocks of significant scale is not considered to reflect the prevailing pattern of development and would be out of keeping with the character of the surrounding area. The prevailing pattern of development respects site frontages: sited either along the London Street frontage; as a subservient extension to that frontage; or relates to St. Giles Close. This development seeks to link all three, creating an overdevelopment which would

fail to be successfully assimilated into the area. This is an overdevelopment which appears cramped, whether experienced from outside or inside the site and is considered harmful to the historic character of the conservation area contrary to Policies CS7, CS33 and RC5.

- 6.35 The proposal, in terms of its layout, height, bulk and massing would result in cramped and visually dominant overdevelopment of the site. This would have a significant detrimental impact on the rear setting of principal Listed Buildings on London Street, failing to preserve or enhance views in this part of the Market Place/London Street Conservation Area. The proposal is considered contrary to Core Strategy policies CS7, CS33, Reading Central Area Action Plan (RCAAP) policy RC5.

iv. Quality of residential accommodation

- 6.36 The narrow nature of the site and cramped form of development results in narrow alleyways (1m in width) either side of both proposed residential blocks with access into block A located off one of these alleyways. This is considered to be a poor quality approach and access to design the development. The narrow width of the alleyways would make passing difficult and unpleasant and in terms of crime and disorder potentially unsafe with poor levels of natural surveillance, particularly during night time. This would also form, what is considered to be an unsafe route between London Street and St Giles Close. The proposal is considered to be contrary to Policy CS7.
- 6.37 Whilst the flank elevations of both blocks would be subject to minimal and small high level glazing only such that overlooking and privacy from the alleyways would not be an issue, the ground floor units facing into the internal courtyard (habitable rooms windows) would suffer from poor privacy conditions from users of the courtyard or those passing through. Whilst planting is shown in-front of these windows this is not considered to mitigate these concerns given the intricate nature of the courtyard area and ability for people to pass through the site. This is considered contrary to Policies DM4 and RC9.
- 6.38 At first and second floor level habitable rooms of units within both blocks would face each other across the communal courtyard at a distance of 12m. Policy DM4 recommends that back to back distances between residential dwellings should achieve a minimum separation of 20m but does acknowledge that circumstances on some sites will allow dwellings to be closer without a detrimental impact upon privacy. The urban context of the site is acknowledged but the 12m separation would fall well below the recommended standard whilst the proposed small balcony areas facing into the courtyard areas to both blocks would also facilitate greater potential for overlooking and loss of privacy between units. This is considered contrary to Policies DM4 and RC9.
- 6.39 The units proposed are considered to be of adequate size and to be served by sufficient outlook and daylighting whilst the mix of units (5 x 2 bed and 1 x 1 bed) is also considered to be acceptable and to accord with Policies DM4 and RC9.

- 6.40 The principle of the provision of communal amenity space is considered to be acceptable for flats in the centre of Reading as per Policy DM10 and this area is also considered to provide satisfactory potential for landscaping (Policies CS7 and RC5) details of which could be secured by way of condition. However, there are concerns as to how usable this space would be in terms of the level of privacy afforded to the ground floor units facing in to the courtyard area and also the siting of a large bin store and associated odour from this, particularly on hot days. There are also concerns with regard to safety in this confined space given the open access from St Giles Close. The proposed courtyard space is considered to provide a poor standard communal amenity space and to be contrary to Policy DM10.
- 6.41 Transport officers have also commented that the proposed bin store would be located more than the recommended 15m from access point to the site. This would be the case for both collection from St Giles Close or London Street. This distance is recommended to avoid stationing of service vehicles on the carriageway for excessive periods. The proposal would only marginally exceed this distance (16.5m from St Giles Close) and therefore it is likely that this issue could be addressed. Bin store details could be secured by way of a suitably worded condition.
- 6.42 No car parking is provided and the Highway Authority is satisfied that none is required in this proposal in this sustainable central Reading location. A condition would be attached to any consent to prevent access to future occupiers of the units to parking permits to prevent adding to the already high levels of parking to surrounding roads to accord with Policies DM12, CS20 and CS24.
- 6.43 In accordance with the adopted Parking SPD, the development is required to provide a minimum of 0.5 cycle parking spaces for each dwelling which should be in a conveniently located, lockable, covered store. This therefore equates to a minimum of 3 cycle parking spaces for this proposed development. Plans submitted illustrate cycle parking provision located within a courtyard area for 6 cycles with access provided from St Giles Close and London Street. The planned provision exceeds the number required by the current adopted parking standard. It is considered reasonable to secure precise details of the type of cycle parking to be provided by way of condition to ensure this accords with Councils standards should planning permission be granted.
- 6.44 Overall in this respect, the development would fail to provide a suitable standard of residential accommodation in terms of quality and security of approach, natural surveillance, privacy, amenity space and bin storage. The proposal is considered contrary to Core Strategy Policies CS3, CS5, CS7, CS20, RCAAP Policies RC5, RC9, RC14, Sites and Detailed Policies Document (SDPD) policies DM4 and DM10 and the Parking and Design SPD.

v. **Impact on adjoining properties**

- 6.45 There is a flatted development accessed from St. Giles Close known as Nelson Mews which sits at an angled relationship to the rear car park serving 119-128 London Street and this has residential accommodation over a bridge for car access on the

first, second and third floors. The rear elevation of no. 118-128 (serviced apartments), which adjoins no. 114, faces onto its rear car park with the application site and proposed development located 90 degrees to the north set 1m from the site boundary where the old factory wall is to be retained. No. 108 London Street (including Prince Regent House to the rear) and no. s 110 and 114 are in office use.

- 6.46 Other than a small number of high level windows the proposal does not incorporate any side facing habitable windows to either block. There is not considered to be any undue overlooking or loss of privacy to Nelson Mews, no. 118-128 London Street or no.s 108, 110 and 114 London Street.
- 6.47 The windows to the east elevation of block B facing the rear elevations of no. 110 and 114 London Street at a distance of 3m would also either again be small high level windows or larger windows which would serve the entrance door and stairwell access only. These windows could be required to be obscurely glazed to prevent any undue overlooking between the office accommodation and London Street frontal buildings. The separation between the rear windows to Block A of the proposed development, which face into the courtyard area, and the facing windows of no. 108 and 118-128 London Street (over 20m) is considered to be sufficient to prevent any detrimental overlooking. In this respect the proposal is not considered to result in any undue overlooking or loss of privacy to surrounding properties.
- 6.48 The height, depth and proximity of Block B to the rear elevation of no. 118-128 London Street, sited at a 90 degree angle and only 1m from the site boundary, is considered to appear visually dominant and overbearing to the closest serviced apartment windows of this property. Outlook from these closest windows would be of a three storey blank brick wall of 10m in depth. Whilst these adjacent units are serviced apartments they can be subject to stays of up to 3 months and occupants warrant an adequate standard of amenity. The scale and proximity of the proposed development is considered harmful to the amenity of the occupiers of this building by way of visually dominant and overbearing impact contrary to Policy DM4 and RC9.
- 6.49 Proposed Block B is also considered to adversely affect light levels to the rear elevation of 108 London Street, however, this building is believed to be in office use, therefore effects on light levels to this building (or indeed 110 or 114) is not considered to be harmful enough to be of concern.
- 6.50 The angled relationship of block A with Nelson Mews to the south is also of concern. The three storey flank elevation of block A would be located 11m from the facing elevation and windows of the flats at Nelson Mews which is a three/four storey building. Officers consider that the introduction of block A here, given the separation distances, would result in a visually dominant and overbearing form of development to the occupiers of Nelson Mews and harm to their amenity contrary to Policy DM4 and RC9.

6.51 Overall, in the above respects, the development is considered to result in a significant detrimental impact to the living environment of existing residential properties in Nelson Mews and at 118-128 London Street, through visual dominance and overbearing effects of the development. The proposal is considered to be contrary RCAAP Policy RC9, SDPD Policy DM4.

vi. S.106 contributions and CIL

6.52 This would be a CIL-liable development and the necessary form has been submitted.

Affordable housing

6.53 Affordable housing would be required at a level of 20% in accordance with Policy DM6 and the Council's SPD: 'Affordable Housing'. For a development of six units of new build, this equates to one on-site unit plus a financial contribution in lieu, or an off-site contribution.

6.54 The applicant is proposing an off-site contribution at policy compliant level. Given the difficulties with the practicality of providing a single on site unit securing an off-site contribution is considered appropriate in this instance.

6.55 Whilst this level of contribution has been offered, given the number of other outstanding officer concerns with the proposed development, a section 106 legal agreement to secure the required level of contribution has not been progressed and would therefore represent a further reason for refusal of the application in line with Policy DM6.

Other matters

Sustainable drainage

6.56 A sustainable drainage strategy report has been submitted. The site is presently hard surfaced and otherwise covered by a predominantly flat-roofed building. There is currently no permeability directly into the ground and therefore no water flow retention. This will be improved in the development by ensuring that the open areas are permeable, bringing about an improvement in run-off rates. This is acceptable and accords with Policy CS35 and this National requirement to improve water attenuation rates.

Ecology

6.57 The Council's Ecologist has reviewed the submitted daylight bat survey and is content that there is no risk to bats and accordingly, there is no conflict with Policy CS36.

Equalities Act

6.58 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. It is considered that there is no indication or evidence that the protected groups have or will have different needs, experiences, issues and priorities in relation to this particular application.

RECOMMENDATION

REFUSE planning permission for the reasons set out in the recommendation box on the first page of this report.

Case officer: Matt Burns

Plans:

Drawing no.s

PL-01 - Site Plan

PL-02 - Proposed Floor Plans

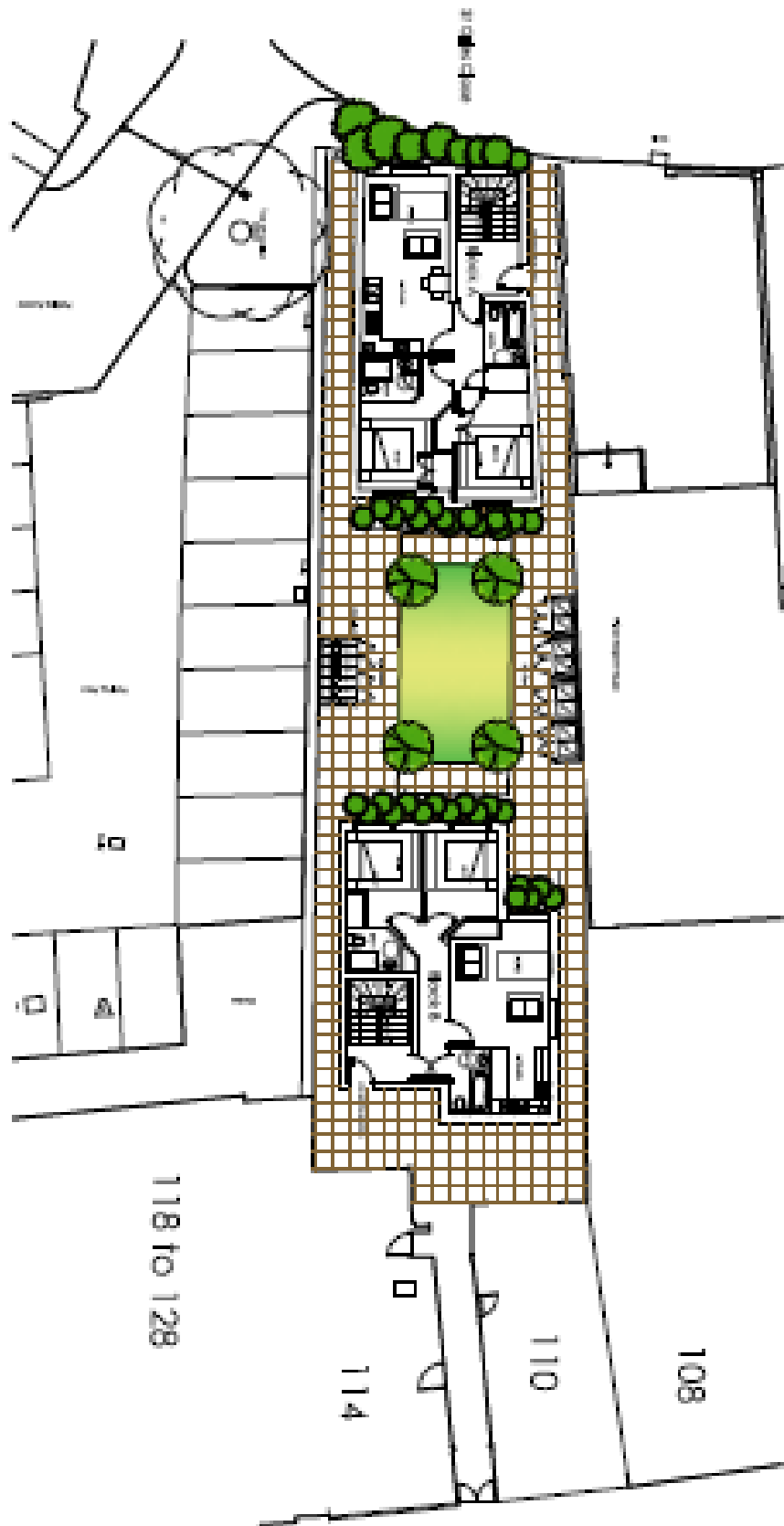
PL-04 - Block A Proposed Elevations (Block A)

PL-04 - Block A Proposed Elevations (Block B)

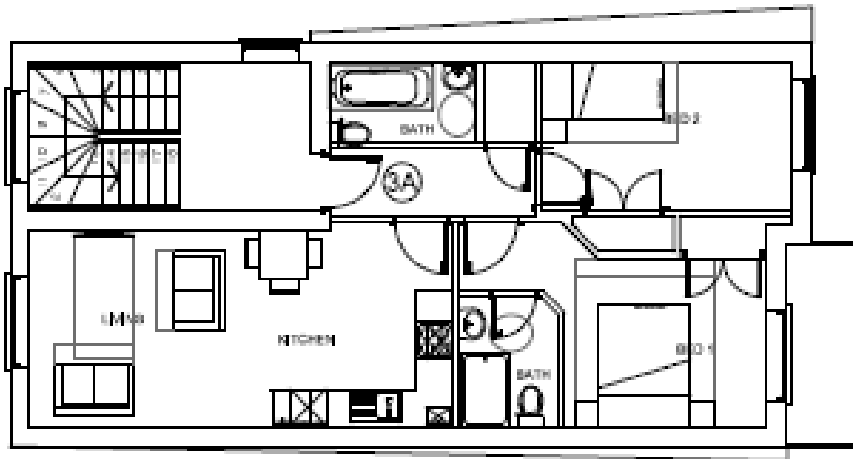
PL-05 - Street Elevation

PL-06 - Street Elevation

Received by the Local Planning Authority on 12th December 2017

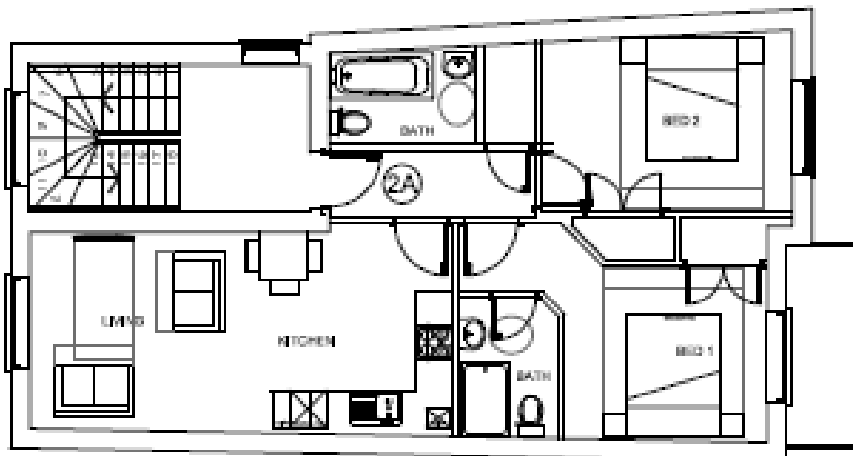


Proposed Site Plan



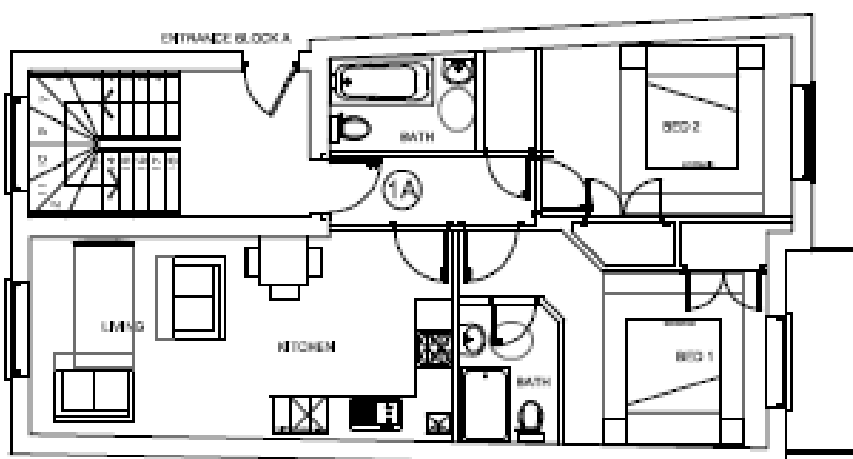
Second Floor Plan

2bed @ 58sqm



First Floor Plan

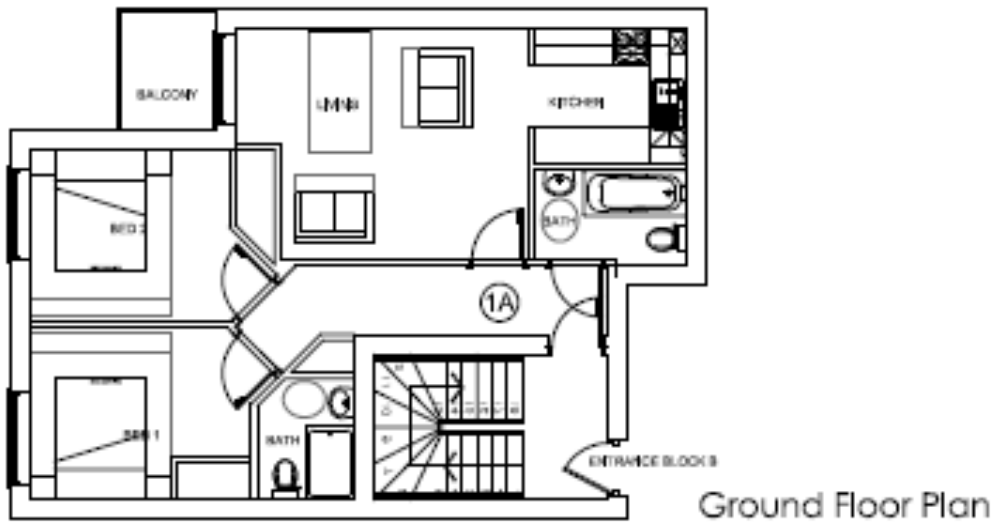
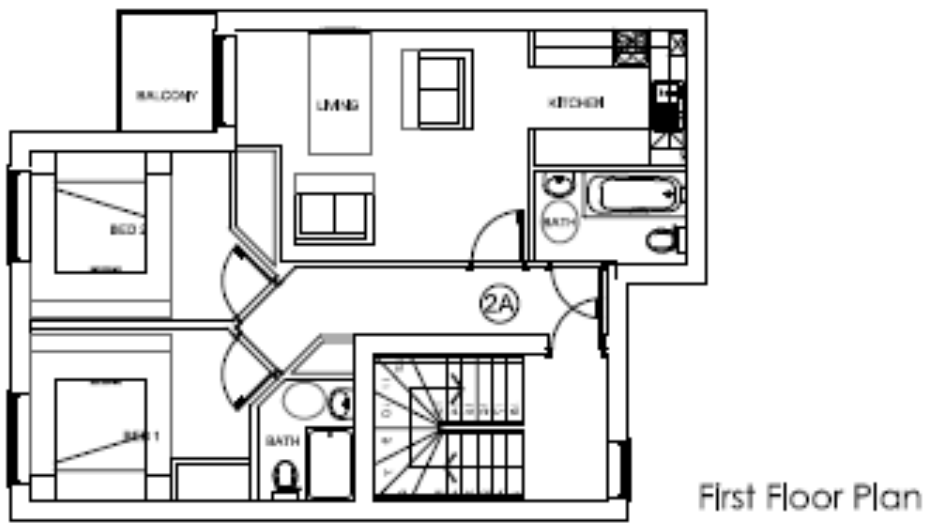
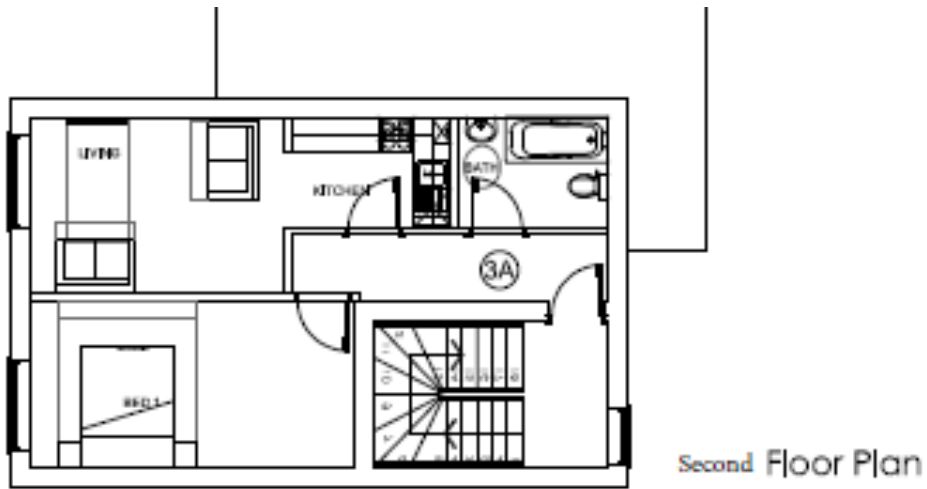
2bed @ 63.2 sqm



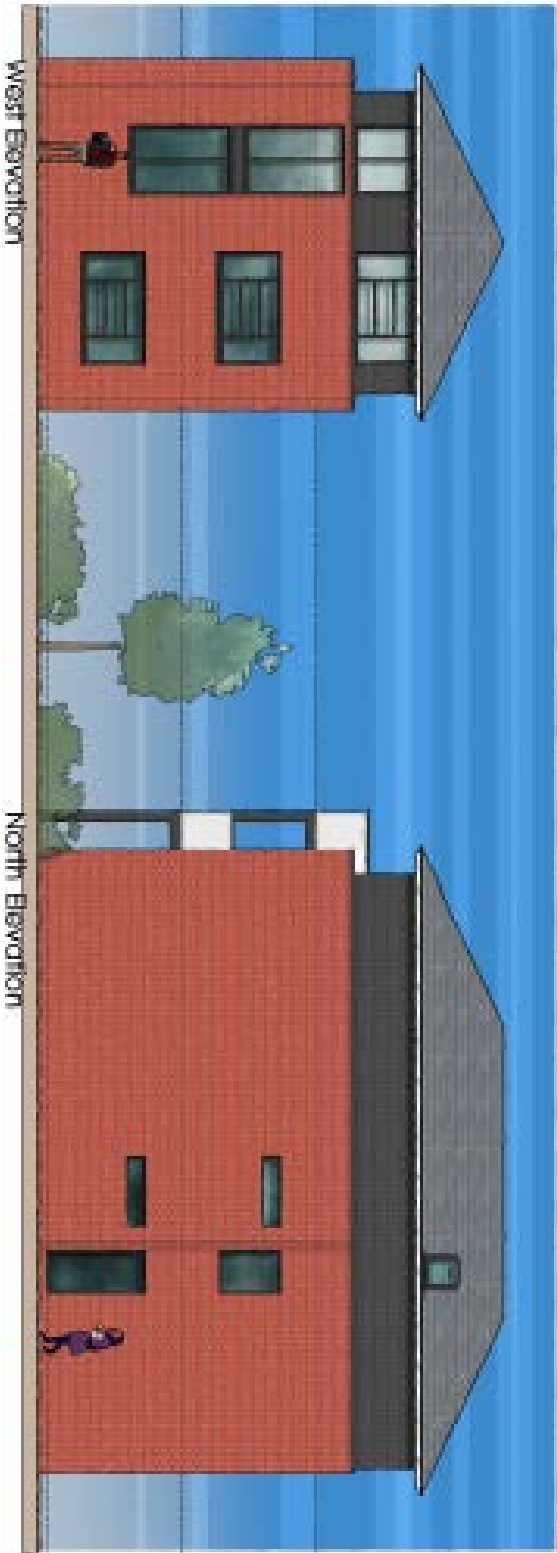
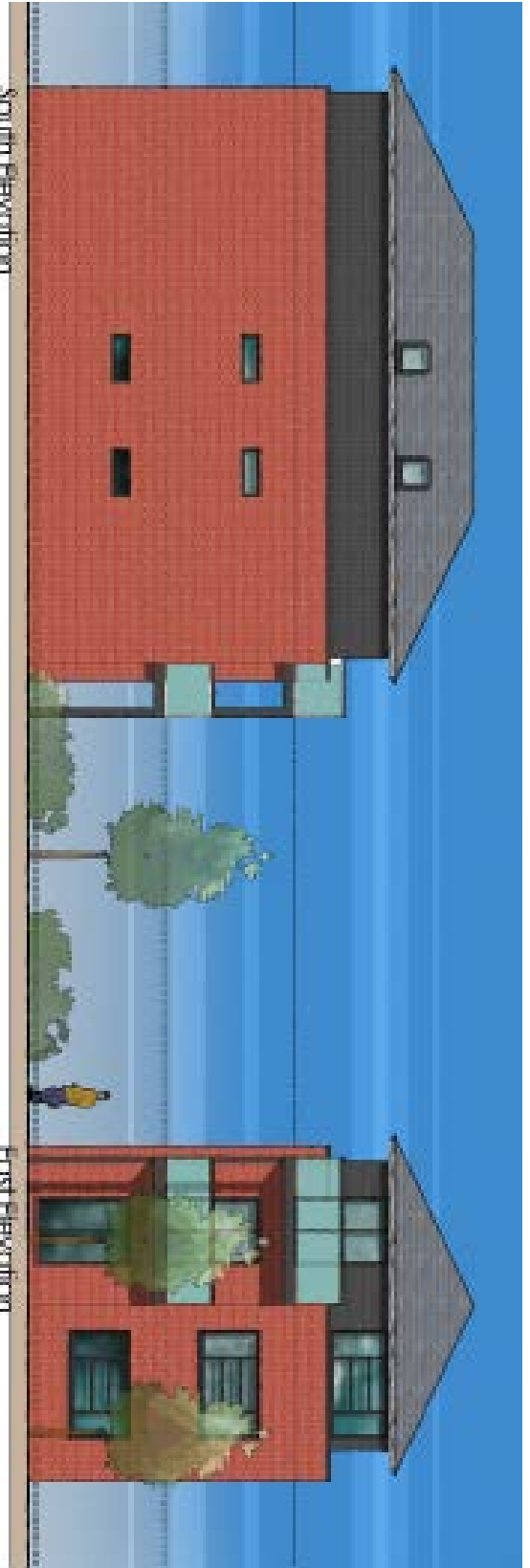
Ground Floor Plan

2bed @ 63.2 sqm

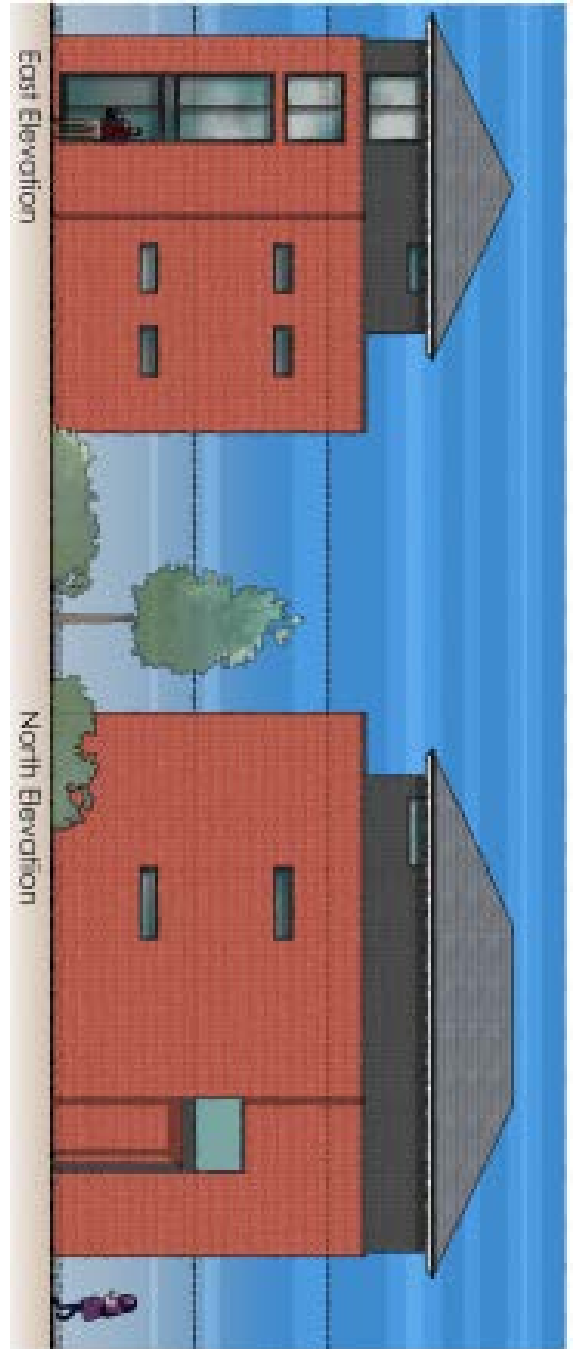
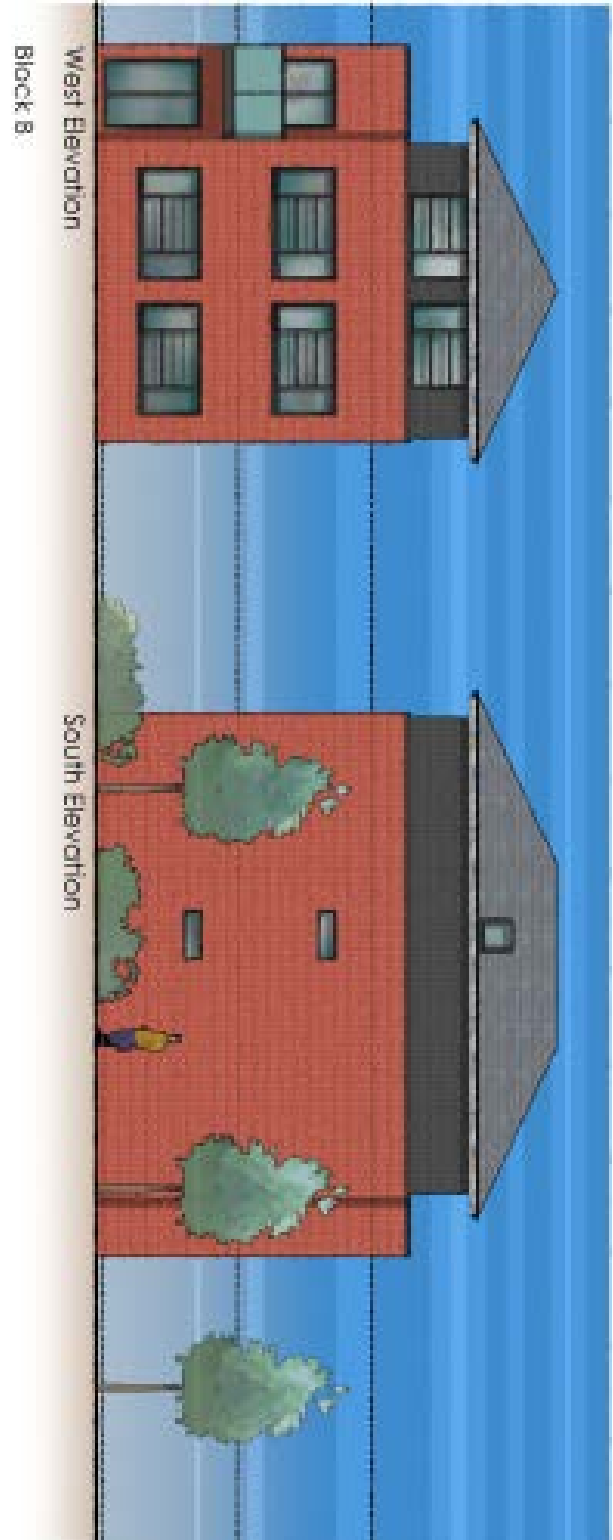
Proposed Floor Plans - Block A



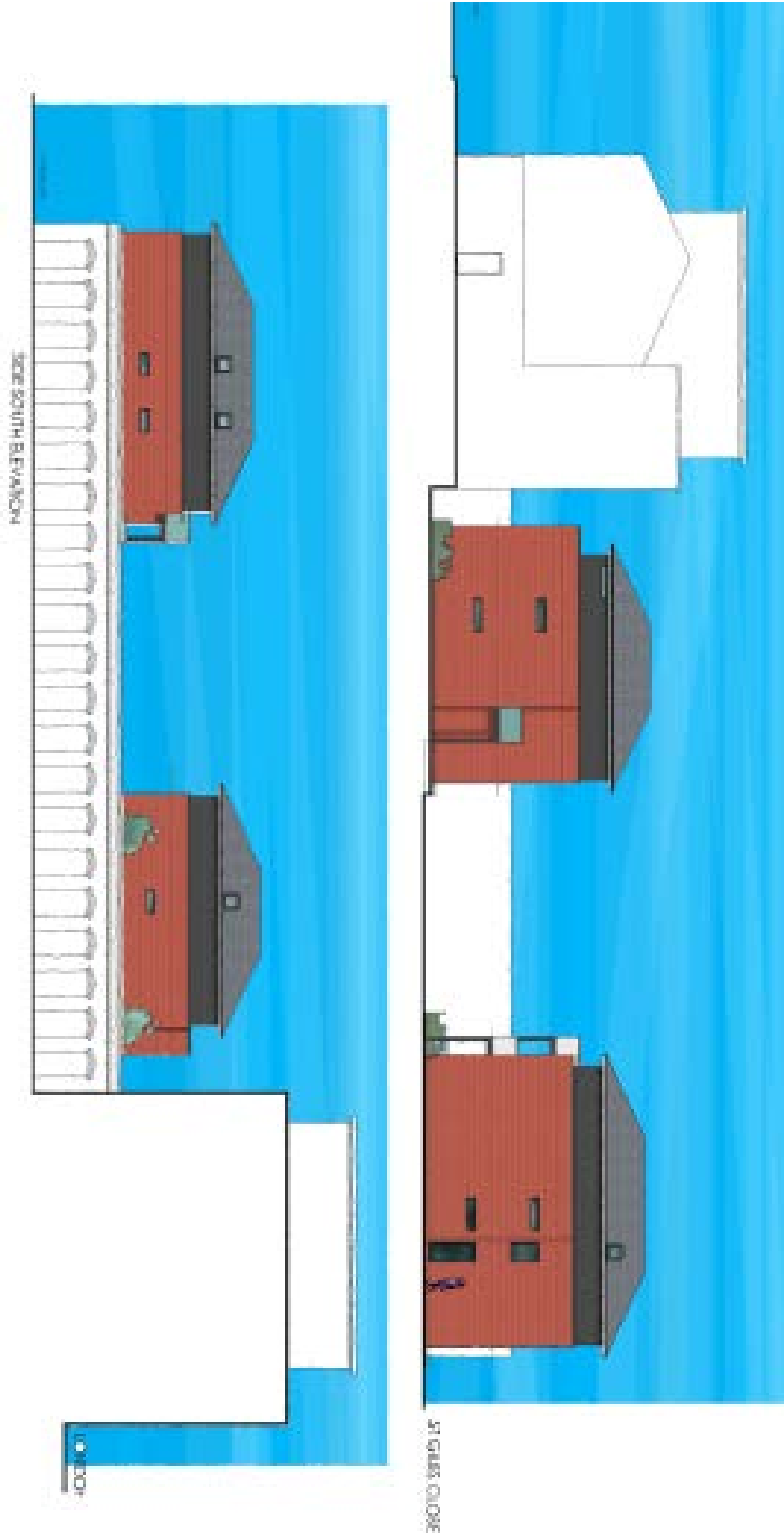
Proposed Floor Plans - Block B



Proposed Elevations - Block A



Proposed Elevations - Block B



Proposed Street-Scene



Proposed Street-Scene

APPENDIX 1

LISTING INFORMATION

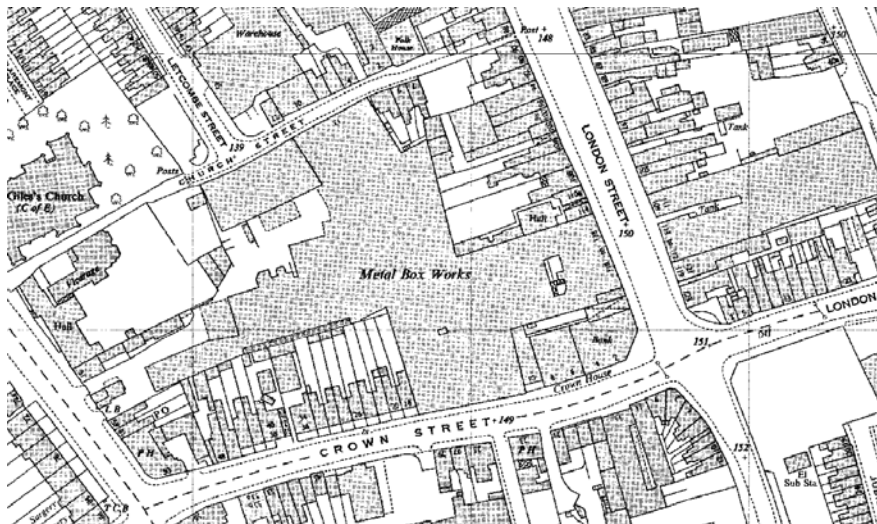
View of the Tin Works in 1926, during visit by the Prince of Wales (Reading Library collection), showing characteristic 'flattened arches' in the side walls.



APPENDIX4 Listing description:

LONDON STREET 1. 5128 (West Side) Nos 110 and 114 SU 7172 NE 4/187 II 2. Circa 1790. 3 storeys. Stucco fronted with stucco moulded cornice. Old tile roof. Glazing bar sash windows, 5 on upper floors. Only one (of the 2 previously mentioned) contemporary shopfronts retrained on ground floor plus the 3 doorways in centre with cast-iron balcony (diagonal pattern with cast lead rosettes) supported on cut brackets (wood) extending right across. On each side of No 114's shop and dividing the doorways are slender reeded wooden Corinthian engaged columns. Centre door, which has rectangular fanlight with design of ovals, is passage entrance leading to Oddfellows' flail.

APPENDIX 5 O.S. plan from 1960, showing extent of the Metal Box Works coming up against the application site. Note that the extent of the hall appears to be limited to the two-storey element on site and that the western extent of the site is narrower. The rear of 108 London Street appears to include part of the area which is now part of the night club.



TIMELINE FOR 112 LONDON STREET (THE AFTER DARK CLUB)

PREVIOUS USES OF THE AFTER DARK CLUB OR SITE 1800-1970s

112 London Street was, before renumbering c. 1880s, 60 London Street.

Information below is at 6 January 2018.

The exact building (or rebuilding) date of the hall is unknown. The existing building may be early nineteenth century.

No research has been undertaken of the site before 1800.

Date	use / tenants or occupiers/ events if known
1800-1812	St Giles Young Christian Association (1)
at least by 1817 -?	Unitarian Chapel (14)
early nineteenth century	Whole site owned by Mr Sims (14)
1829	Auction Rooms (1)
1837	St Giles Young Mens Christian Association (1)
1839	Primitive Methodist Chapel (1)
1847-56	Baptist Chapel (1)
1862-66	Chapel and Public Rooms (1)
1865-71	St Giles Young Mens Christian Association (1)
1874	St Giles Church of England Society (1)
1871-1900	St Giles Hall (1)
1888	110,112 and 114 London Street sold 27 September (1)
1914	Outbreak of First World War. Opened up for use of soldiers and sailors passing through Reading as a recreation room. (2)
1915	Collection for a new St Giles' Hall suspended during the war (3)
1918	Advertised for auction with 110 and 114 London Street by the Trustees of the Late H.B.Blandy J.P. (4)
c 1920	London Street Pavilion (cinema) (15)
1924	Foundation Stones of new St Giles Hall (now County School of Dancing) on Southampton Street laid.
1925	110 & 112 Ancient Order of Foresters District Offices (5)

9. Kelly's Directory 1964

10. Kelly's Directory 1967

11. Kelly's Directory 1968

12. Kelly's Directory 1975

13. Reading Forum thread accessed 6 November 2016.

14. William Silver Darter *Reminiscences of Reading* pp 97, 99-100 (William Silver Darter's 'Reminiscences of Reading' originally published as 'by an Octogenarian' is the repository of a multitude of tidbits about Reading in the nineteenth century. Having grown up and worked on London Street before retiring to the Christchurch Road, considerable weight should be given to what William Darter has to say about London Street. Page numbers below refer to the British Library Historical Print edition.

i) *"In a former paper I alluded to the erection of a new Chapel at the upper part of London Street, which is now known as St Giles' Hall. Prior to its erection there was a small place of worship near the present structure..."* (p99)

The 'former paper' states: *"On this occasion a service [probably 1817] was held at the newly-erected Unitarian Chapel in London Street (now known as St Giles' Hall)." (p97)*

ii) *"Up to about the year 1814 were at the London Street entrance to the Unitarian Chapel two very old houses with small shop windows which were probably built in the reign of Elizabeth [I]. These, as also the small chapel I have referred to, were the property of Mr Sims, at that time a builder of repute, whose business premises were in Mill Lane. He removed the two old buildings and erected the two modern-style houses and shops with balconies, from one of which Fyshe Palmer made his maiden speech to the Liberals of our Borough in the reign of George the Third" (p100)*

15. David Cliffe *From Picture Palace to Penny Plunge, Reading's Cinemas*. published Two Rivers Press 2016.

2. Evidence that 110, 112 and 114 London Street are within the same curtilage and so should all be included in the listing.

2.1 Ownership A timeline of the history of the property is set out in Appendix 1. From this it is apparent that the plot on which the three properties stand was in single ownership from the early nineteenth century until 1918.

2.2 Sequence of building It is probable that 112 London Street was built before 110 and 114 were built. Over the years it has served many community uses as a church, church hall, Foresters Hall, dancing school and club. During its life, extensions and additions have been made to the building which make it difficult to know what the exterior of the internal core looks like. A portion of the garden of an adjoining property was also added sometime after 1879 (see map).



St Giles Hall 1879

2.3 Cellars Papers presented to the planning committee and available on the LPA planning portal (161935) indicate that cellars are shared between 114 and 112 London Street.

2.4 Passageway The passageway from the street to 112 that passes at the ground floor level of 110 and 114 London Street also provides access and a right of way for these two properties.



Flagged passageway from London Street providing side access to 110 and 114 and access to 112.

COMMITTEE REPORT

BY THE DIRECTOR OF ENVIRONMENT AND NEIGHBOURHOOD SERVICES
READING BOROUGH COUNCIL
PLANNING APPLICATIONS COMMITTEE: 7 December 2016

ITEM NO.

Ward: Katesgrove

App No.: 161935

Address: After Dark Nite Club, 112 London Street, Reading

Proposal: Demolition of existing night club. Erection of 10 new residential Class C3 apartments (5 x 1 bed and 5 x 2 bed) with courtyard garden, cycle and bin storage.

Applicant: RJIS Ltd.

Date received: 13 October 2016

Major Application 8 week target decision date: 12 January 2017

RECOMMENDATION:

REFUSE planning permission for the following reasons (summarised and without full policy wording):

1. The application has failed to identify or fully consider the impact on the Listed Building and no justification has been provided for the absence of this. The submitted Historic Impact Assessment fails to accurately attempt to identify any historical significance to the existing building; in addition it dismisses any surviving evidence, preferring to show that the lack of evidence indicates that the club building is of little architectural value and disassociated from its surrounding and site-specific historical context. No associated Listed Building Consent has been submitted to accompany the planning application. In the view of the Local Planning Authority, the application has been inaccurately presented and has failed to fully quantify the effects on all Historic Assets (NPPF Section 12; National Practice Guidance, Listed Buildings and Conservation Areas Act 1990, Core Strategy policies CS7; CS33).
2. The proposal is a poor design solution in terms of its layout/location and height, bulk and massing. This would have a significant detrimental impact on the rear setting of principal Listed Buildings on London Street, failing to preserve or enhance views in this part of the Market Place/London Street Conservation Area. In addition, the general crampedness and lack of opportunity for landscaping, no active frontage to the streetscene/failure to connect visually to the site frontage of St. Giles Close and failure to relate to the pattern of development will produce a development which is neither comprehensive nor sympathetic to the character of the area. For these reasons the proposal is contrary to policy NPPF Sections 7 and 12, Core Strategy policies CS3, CS5, CS7, CS33, Reading Central Area Action Plan (RCAAP) policies RC5, RC14.
3. The development would produce substandard accommodation in terms of quality and security of approach, natural surveillance, adequate light levels, privacy, access for all, amenity space and cycle parking, contrary to the NPPF Section 7, Core Strategy Policies CS3, CS5, CS7, CS24, RCAAP Policies RC5, RC9, RC14, Sites and Detailed Policies Document (SDPD) policies DM4 and DM10, Parking and Design SPD).

4. The development will result in a significant detrimental impact to the living environment of existing residential properties in Nelson Mews and at 118-128 London Street, through detriment to privacy and overlooking, and the visual dominance and overbearing effects of the development (RCAAP Policy RC9, SDPD Policy DM4).
5. The development has failed to contribute towards the provision of affordable housing in the Borough (SDPD Policy DM6, Affordable Housing SPD).
6. The development has failed to either provide a construction phase Employment and Skills Plan (EMP) or a contribution towards the provision of an EMP and has therefore failed to mitigate the harm caused to the local employment market as a result of the development (Core Strategy policies CS9, CS13, SDPD policy DM3, Employment, Skills and Training SPD).

Informatives:

1. plans refused
2. Note that the Roof Level on the plans is not a floor level, but an attic space
3. An application for Listed Building Consent should also have been submitted
4. Reason for refusal 4 could be overcome by a Section 106 agreement.

1. INTRODUCTION

- 1.1 The application site relates to the After Dark night club, which lies to the rear of 110-114 London Street in central Reading (Listed Grade II). The frontal buildings on London Street are in B1(a) (architects' office) use for No. 110 and A2 (Financial and Professional Services) use as employment agency in No. 114. No. 114 now has its primary access from the covered passageway between 110 and 114. The site offered for development, however, is not being promoted in connection with the frontal buildings or any other adjoining site. No. 108 (to the north) is also listed and is in office use and may be vacant. The development to the south, 118-128 London Street, is a modern block of serviced apartments.
- 1.1 The site is connected to the frontal buildings on London Street via the passageway and for the reasons set out in this report, the site is considered to be part of the Listed Building/its curtilage. The site is located within the Market Place/London Street Conservation Area. It consists of a long, narrow building, which occupies the majority of the site, connected by walls and 'temporary' canopy structures to 110 and 114 and extends all the way to St. Giles Close. The building has had a long and varied history and is made up of a number of elements. The two storey building at the entrance houses the ticket office, cloakrooms, bar and part of the dancefloor at ground floor and storage rooms and a managers' office at first floor. It has a shallow hipped roof and may be of Victorian construction, although much altered. Then after a slightly raised single-storey section, the building continues westwards with a large flat roofed single-storey element which at the western end has a parapet roof. There are various other small flat-roofed extensions. The southern wall (externally) features some interesting brick arches which appear to be indicative of a former industrial use.



View of After Dark Club from St. Giles Close



View of historic wall on southern boundary, from 118-128 London St. car park



Listed Buildings at 110 and 114 London Street, with passageway entrance to the After Dark Club in the centre of the building

2. PROPOSAL

- 2.1 The application seeks full planning permission to demolish the existing nightclub and erect a new residential block which would accommodate ten dwellings. The

block would largely replicate the footprint of the existing nightclub, with all dwellings having a north and south outlook. The block would connect to the rear of the historic buildings on London Street by pedestrian access using the existing passageway. To the rear of the building, a small walled courtyard area would front onto St. Giles Close.

- 2.2 The building would extend perpendicular from the frontage buildings on London Street and the second floor would have a Mansard-type roof with raised 'fire-break' walls and balconies out onto the area behind a parapet wall. Materials are proposed to be brick or render, with a slated second floor (the mansard roof). The stated design intention is for the development to have the appearance of a 'mews'.
- 2.3 In terms of accommodation, the proposal would provide five one-bed flats along the ground floor level accessed from front doors which face out onto a side alleyway. The same alleyway also gives access to five further front doors to the upper units, which are two-bedroom 'upside-down' maisonettes, with bedrooms on the first floor and open-plan kitchen/living/dining areas on the second floor. The floorplans also appear to show a further floor above, although this has been confirmed as being a low-height attic space only.
- 2.4 Supporting documentation submitted with the planning application includes:
 - Design and Access Statement (DAS)
 - Heritage Impact Study (HIS)
 - Archaeological assessment
 - Bat survey
 - 3D CGI images of the proposal
 - SUDS report
 - Light impact assessment
 - Sustainability statement
 - Transport Statement
 - Arboricultural method statement and tree protection report
 - CIL form

3. PLANNING HISTORY

- 3.1 Relevant planning history is as follows:

160428 Proposed demolition of former 'After Dark' club and erection of new building containing 12 residential apartments. Pre-application advice supplied 22 June 2016.

4. CONSULTATIONS

(i) Statutory:

English Heritage has been consulted on this planning application as in the view of officers, it involves a substantial demolition of an attached/curtilage building to a Listed Building. Any response received will be set out in the Update Report.

RBC Transport Strategy does not object to the application, subject to conditions such as requiring a construction method statement (CMS) and cycle parking.

(i) **Non-statutory:**

RBC Environmental Protection does not object to the application, subject to conditions relating to construction impacts. Also advises that the club is well-run and given the urban location, complaints are relatively low, with five complaints in relation to noise being received since 2003.

RBC Licensing advises that the last record of complaint was in 2012 which was to do with noise. Licensing officers last attended the premises in 2012 and there were no significant issues, nor in visits in 2010 and 2007. Licensing are likely to visit the premises in the near future but it is a very low risk venue which causes very few issues for Licensing. There have been issues with other premises in London Street but nothing to do with the club. Given the late hours the club operates to and its proximity to residents, it seems to be well-run.

RBC Environmental Health has raised concerns for light levels in some of the units. Does not consider that the daylight levels as presented in the light report have been calculated correctly with reference to surrounding obstructions, as they appear to be too positive.

RBC Natural Environment Team (Tree Officer) advises that a landscaping scheme would be required. Has read the arboricultural assessment. The Cypressus tree next to the site on St. Giles Close is not protected and not in good condition and there would be no objection to its removal.

RBC Ecologist is content with the bat survey and does not object to the application.

Berkshire Archaeology advises that the Archaeological Desk-Based Assessment submitted with the application provides detailed information regarding the known archaeological potential of the area and the previous uses of the proposal site through historic mapping. The report finds that the proposal site, situated off London Street which is medieval in origin, is located within an area of high archaeological potential for the medieval and post-medieval periods. Previous archaeological investigations in the area have shown that there is a good potential for medieval and post-medieval finds and features to survive and the assessment has shown that there has been some form of development within the site since the early 16th Century.

The assessment takes into account the numerous phases of development that have occurred on site and considers it likely that the continuous redevelopment of the site will have damaged below-ground archaeological deposits, although follows this by stating that nearby archaeological investigations have found some of the deposits can survive.

In addition to the information provided in the desk-based assessment further information has been provided that shows that the neighbouring property, 114 London Street, has a vaulted cellar that seems to abut the boundary of 112 London Street, although there is a suggestion that this may be linked into the wall of the existing club.

We agree that the site is located within an area of high archaeological potential and that it is also possible that later development on the site may have disturbed earlier remains, however there is currently no clear evidence that this is the case. The report suggests a watching brief is undertaken during ground works, however although we agree that archaeological investigations are required, we would recommend that a trial trench is excavated following demolition of the existing building to ground level. This would provide clear information regarding the survival of below ground archaeological deposits

and if they do survive allow adequate opportunity for these to fully investigated and recorded.

Officer comment: points noted, these conditions could be applied to any permission.

Reading Civic Society has not provided a response on this application and it may be included within the CAAC response below, but any separate response which is provided will be set out in the Update Report

Crime Prevention Design Advisor (CPDA), Thames Valley Police has raised the following significant concerns with the application:

Two access points are shown, both are shown as gated leading to narrow enclosed alleyway, that connects London Street and St Giles Close. It is unlikely these gates will be secured (please see below), this route will provide a desire line for unauthorised individuals through what should be a private residential areas.

The gates shown on London Street are purely symbolic and will not or cannot be secured to define the private residential space as businesses either side of 'red line' appear to have legitimate access into the passageway.

Public/private space is confused as staff or residents from 110 and 114 have legitimate access into what should be a private area.

If the inner gates are secured and the outer gates (London Street) left open, this will provide an areas of seclusion with no active surveillance over it. This could easily become an area where individuals could gather unobserved.

I also note that a significant number of bins store are shown (for just ten flats). At this point it appears that some of these are for commercial use. If this is the case, commercial and residential activity within the same space is likely to be problematic.

The Council's **Conservation Consultant** has reviewed the submitted Historic Impact Study (HIS) and responds as follows:

Part of the site is located within *Area 1: London Street* of the Conservation Area.

Listed Buildings

The main Listed Buildings close to the proposed development site are as follows:

- Grade II Listed 110 London Street
- Grade II Listed 114 London Street
- Grade II Listed 108 London Street

Market Place/London Street Conservation Area

Area 1 London Street includes a few remaining 16th/17th century buildings including Nos. 49-53 London Street, listed grade II, which has an 18th century front on an earlier, timber-framed building and no. 88 London Street which has a jettied first floor to Church Street. Nos. 49/51 London Street contains 17th. century panelling.

110 and 114 London Street include an historic shop front.

Legislative and Planning Policy Framework: Planning (Listed Buildings and Conservation Areas) Act 1990

Recent legal cases relating to issues of the setting of listed buildings have established that under section 70(3) the general power to grant planning permission under section 70(1) is expressly subject to sections 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Section 66(1), in the determination of applications affecting the setting of a Listed Building, states that:

'in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority, or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

In the case (2014) of East Northamptonshire District Council v. Secretary of State for Communities and Local Government (known as the 'Barnwell Manor' case) the Court of Appeal held that section 70(1) was expressly subject to section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and that decision-makers should give 'considerable importance and weight' to the desirability of preserving setting of a listed building(s).

In the Barnwell Manor wind-farm case it was established that it did not follow that, if harm to a listed building was found to be 'less than substantial' under the balancing exercise in policies HE9 and HE10 (contained PPS5 which was then in force), that a decision-maker could ignore the overarching duty imposed by section 66 (of the Act).

Under the Planning (Listed Buildings and Conservation Areas) Act 1990, fixtures and curtilage buildings, that is any object or structure which is fixed to the building or is within the curtilage and forms part of the land and has done so since before July 1948, are also treated as part of the building for the purposes of listed building control.

Conservation Areas

Section 69 of the Act imposes a duty on local planning authorities to designate as Conservation Areas any *'areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance'*.

Recent legal cases have established that under section 70(3) the general power to grant planning permission under section 70(1) is expressly subject to section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 72(1) provides that the local authority has a statutory duty that:

'with respect of any building or other land in a conservation area.....special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'

Reading Borough Council Planning Policy

Reading Borough Council Core Strategy CS33: Protection and Enhancement of the Historic Environment states:

Historic features and areas of historic importance and other elements of the historic environment, including their settings, will be protected and where appropriate enhanced. This will include:

- *Listed Buildings;*
- *Conservation Areas;*
- *Other features with local or national designation, such as sites and features of archaeological importance, and historic parks and gardens.*

Planning permission will only be granted where development has no adverse impact on historic assets and their settings. All proposals will be expected to protect and where appropriate enhance the character and appearance of the area in which they are located. and for the purpose of ensuring that work is appropriate to the special architectural or historic interest of the listed building.

Within para. 11.8 of the Core Strategy it also specifies that:

The Borough Council is committed to protecting and where appropriate, enhancing the Borough's historic environment. This includes ensuring that buildings and features of Local architectural and historic interest (which are not necessarily recognised components of the historic environment) are taken fully into account and safeguarded...".

Policy RC5 also reiterates that local heritage assets should be safeguarded and development must not only take account of them, but ensure it has "no adverse impact" on them.

Policy CS7: Design and the Public Realm relates to the general design of development within the borough and requires that:, *inter alia*, design should include *protecting and enhancing the historic environment of the Borough.*

RC5: DESIGN IN THE CENTRE

Applications for development within the Reading central area should demonstrate the following attributes:

- *Development will build on and respect the existing grid layout structure of the central area*
- *Development will provide appropriate, well designed public spaces and other public realm*
- *The architectural details and materials used in the central area should be high quality and respect the form and quality of the detailing and materials in areas local to the development site*
- *Development and any associated public realm should contribute to the diversity of the central area, be capable of easy adaptation over time to meet changing circumstances, and be designed to enhance community safety.*

National Planning Policy Framework

The NPPF sets out a presumption in favour of sustainable development and a key dimension of 'sustainability' is defined as '...protecting and enhancing our...historic environment' (DCLG et al, 2012, para 7). The NPPF recognises the historic environment as comprising all aspects of the environment which have resulted from the interaction between people and places through time (DCLG et al, 2012, Annex 2: Glossary). The

elements of the historic environment that are considered to hold significance are called heritage assets (DCLG et al, 2012, Annex 2: Glossary).

The NPPF identifies Heritage Assets as:

A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).

Paragraph 132 states:

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

Significance is defined by the NPPF as '*the value of a heritage asset to this and future generations because of its heritage interest*'. This significance or value may be related to a heritage asset's archaeological, architectural and artistic or historic elements and can derive not only from its physical presence but also from its setting (DCLG et al, 2012, para 56). The NPPF details the main policies regarding heritage assets in Section 12, Conserving and enhancing the historic environment (DCLG et al, 2012).

Under paragraph 128, applicants for planning permission are required to describe the value of any heritage assets affected by a development, including any contribution made by their setting, at a level of detail proportionate to the assets' importance and sufficient to understand the potential impact of the proposal (positive and negative) on their value (DCLG et al, 2012, paras. 128); this information is provided in a heritage statement.

Paragraph 129. States:

Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

The NPPF recognises that heritage assets are an irreplaceable resource which should be conserved in a manner appropriate to their value. Under paragraph 135, the effect of an application on the value of a non-designated heritage asset should be taken into account in determining the application, making a balanced judgement with regard to the scale of any harm or loss and the value of the heritage asset (DCLG et al, 2012, paras. 135).

All heritage assets have a setting. The NPPF defines the setting of a heritage asset as:

The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.

Planning Practice Guidance (PPG)

PPG states that local planning authorities may identify non-designated heritage assets and in some areas, these heritage assets may be identified as ‘locally listed’ (DCLG et al, 2014, para. 39). These identified heritage assets may include buildings, monuments, sites, places, areas or landscapes which have a degree of value meriting consideration in planning decisions but which are not formally designated heritage assets (DCLG et al, 2014, para. 39).

The PPG states under ‘*Why is ‘significance’ important in decision-taking?*’ that: *Heritage assets may be affected by direct physical change or by change in their setting. Being able to properly assess the nature, extent and importance of the significance of a heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposals.*

Under the discussion of ‘*How to assess if there is substantial harm?*’ the PPG offers: *What matters in assessing if a proposal causes substantial harm is the impact on the significance of the heritage asset. As the National Planning Policy Framework makes clear, significance derives not only from a heritage asset’s physical presence, but also from its setting.*

Historic England Good Practice Advice

Historic England has produced new guidance on the interpretation and implementation of the NPPF and PPG with regard to the historic environment in the form of:

- Historic England *Good Practice Advice in Planning Note 1: Conservation Area Designation, Appraisal and Management* (Historic England, 2016);
- Historic Environment *Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking* (Historic England, 2015a);
- Historic Environment *Good Practice Advice in Planning Note 3: The Setting of Heritage Assets* (Historic England, 2015b); and
- Historic England *Good Practice Advice in Planning Note 4: Tall Buildings* (Historic England, 2015c).

The Setting of Heritage Assets

Historic England’s published document *The Setting of Heritage Assets* includes their methodology for the assessment of the impact on the settings of Listed Buildings from development proposals. They suggest the following process:

- Step 1: identify which heritage assets and their settings are affected;
- Step 2: assess whether, how and to what degree these settings make a contribution to the significance of the heritage asset(s);
- Step 3: assess the effects of the proposed development, whether beneficial or harmful, on that significance; and
- Step 4: explore the way maximising the benefits

Historic England’s guidance in *The Setting of Heritage assets* on appreciating the setting states:

Because setting does not depend on public rights or ability to access it, significance is not dependent on numbers of people visiting it; this would downplay such qualitative issues as the importance of quiet and tranquillity as an attribute of setting, constraints on access such as remoteness or challenging terrain, and the importance of the setting to a local community who may be few in number. The potential for appreciation of the asset’s significance may increase once it is interpreted or mediated in some way, or if access to currently inaccessible land becomes possible.

Heritage Impact Study

The proposed development consists of the demolition of No. 112 London Street (The After Dark Club) and replacement with a residential development of 10 units.

The submitted HIS suggests No. 112's significance in terms of Historic England's *Conservation Principles* as a meeting room and hall the remainder of the building is assessed as having no significance.

Under *Historical Value*, the HIS considers that there are no surviving historic features to provide an indication of the former uses of the site such as the Tin Works in this area. However, photographic evidence suggests that the remaining south wall to the site which includes a length of brick wall with segmental headed blind windows was originally part of the Huntley, Boorne and Stevens Tin Works factory. Further remnants of the factory may also remain on site. Under *Aesthetic Value*, the wall with segmental headed blind windows is described only as a 'pleasant but undistinguished feature'. The HIS has therefore not connected the significance of the remaining wall to the earlier function of the tin works.

There is also no wider discussion of the association of No. 112 site and the Listed Buildings on the London Street frontage in terms of whether the proposed site constitutes a curtilage listed building as it is within the curtilage and forms part of the land and has done so since before July 1948. The criteria useful to this assessment are:

- the historical independence of the building;
- the physical layout of the principal building and other buildings;
- the ownership of the buildings now and at the time of listing;
- whether the structure forms part of the land; and
- the use and function of the buildings, and whether a building is ancillary or subordinate to the principal building.

Conclusion and advice

Since the potential associations of No. 112 with the Listed Buildings Nos. 110 and No. 114 are not discussed, the issue of curtilage listing has not been fully explored in the HIS. In addition the remnants of the site associated with the Huntley, Boorne and Stevens Tin Works are not fully assessed.

The HIS cannot therefore be considered a full assessment of the significance of heritage assets affected by the proposed development and its impact on the settings of the Listed Buildings and the character and appearance of the Conservation Area.

The **Conservation Area Advisory Committee (CAAC)** has provided objections/comments and these are summarised as follows:

This property is rightfully considered a listed property by Reading Borough Council by association of curtilage with 110 and 114 London Street. The front passageway is specifically mentioned in the Listing as a unique feature of the property. It is also to be noted that the southern wall of the property is of particular historical interest to the area and thus of concern to the Conservation Area in which the property sits.

We concur with the considerable historical research undertaken by Evelyn Williams, who is one of our members, in substantiating the importance of the southern wall of this

property. Her research is submitted already for your consideration. It is her research that calls into question the Heritage Impact Study (HIS) section 10. The following sections are highlighted:

- “Historical Value

The contribution of the setting to the historical value of the buildings is considered to be limited, *especially as there are no surviving immediate historic features to provide an indication of the former uses such as the Tin Works in this area.* The 19th Century part of No 112 does have some historical value as a meeting room/hall *but the rest of the building is an undistinguished building of 20th century and is of no significance.*

- Aesthetic Value

No 112, in particular its modern flat roofed extension and the neighbouring car parks make only a limited contribution to the aesthetic value of the listed building. Immediately to the rear of the listed building the setting has been compromised by a commercial bin store and the porch and canopy to the front entrance of the After Dark Club and the general condition of the building. No 112 obscures views of the listed building from St Giles Close to such an extent only the roof of the listed building is a feature in the street scene. Furthermore the long views along St Giles Close are dominated by tall modern buildings and their associated car parks. *The brick wall with blank window openings along the southern boundary is a pleasant but undistinguished feature.*”

This wall is indeed a remaining wall of one of Huntley, Boorne & Stevens Tin Works workshops which has survived the demolition in the area over time. The demolition of this wall would represent almost the last vestige of this very important enterprise, which was a highly important portion of Reading’s industrial heritage. We are therefore aggrieved that the design presented proposes that the wall is demolished in its entirety and not incorporated into the design- except by the design reference to the arches on the proposed rear and southern elevations of the property. It is this “bow” to that incorporation of that element into the design, that gives us cause to wonder if they don’t indeed know that they are requesting the demolition of something far more important than a “*pleasant but undistinguished feature*” of an “*undistinguished building of the 20th century [that is] of no significance.*”

Additionally, with this being the case, we do not see proof that a sufficient design guidance and area study was taken to justify the selection of a mansard -roof “mews court” for this site. The following paragraphs from the Design and Access Statement provide the only real design guidance for the development of the property:

- 3.03 (*second one - note: there are two 3.03’s in the Design and Access statement.*) “Following pre-application advice given, the scheme has been designed to make full use of the available plot, whilst reflecting the best of the Conservation Area character. The new building has a smaller footprint than the existing buildings, and has been designed to have the character of a mews court, as is frequently found to the rear of the historic main frontage buildings. The active main frontage faces south, separated from the adjoining private residential car park by a low wall with railings and lighting columns which provide a secure lit pathway to each unit.

- 3.08 (Design and Access Statement) “Primary living accommodation is positioned on the southern side of the building to maximise natural light and provide an active outlook. All habitable rooms meet or exceed National Space Standards.

“As a reference to the only attractive established feature on the site - the recessed arches in the southern wall - archway detailing has been included in the feature walls enclosing the private amenity space. The applicant is also minded to seek approval to name the new building Oddfellows Court, and provide some details of the former use of the site on a permanent panel on the outside of the scheme”.

In regards to 3.03-it is insufficient in our mind that the design and development of a mansard- roof “mews court” should be therefore construed from the site and the area. Mansard roofs alone have no real point of reference in the area historically, at the very least, although a “mews scheme” could ostensibly be considered to at least have some merit in an off -street scheme.

In regards to 3.08, we are also of the understanding that the developer has gone through a pre-app process on this property. It is terribly unfortunate that that entire process was not undertaken with the knowledge of the importance of that south wall and the incorporation of that wall into the design. Surely this knowledge might have led to an entirely different type of design incorporating this wall. A more suitable name for the building would link to the building’s industrial heritage. We would therefore like to see a proposal of design ideally that would incorporate the historical south wall at the very least into the design of this property.

The application was also presented to the **Reading Design Review Panel** on 17 November 2016. The Panel’s response is not available at the time of writing but will be set out in the Update Report.

iii Serving Notice on landowners

The application has served the requisite Notice on the owner of the club. However, officers are aware of the situation that the ownerships of the frontal buildings on London Street are separate and that there may be a shared ownership/shared access rights arrangement over the passageway. There may also be a situation of slight encroachment or ‘flying freehold’ in the area of the basement vault to the rear of No. 114. However, none of these matters indicate a clear departure from the applicant’s duty to serve Notice on Third Party landowners, therefore officers advise that the application should be considered in good faith. However, this is not to say that subsequent information may come forward which may question the approach taken.

iv Public consultation

Site notices were erected on London Street and St. Giles Close and letters were sent to the following surrounding properties:

London Street: 108, 110, 110a, 114, 118-128

Nelson Mews: 5-11

St. Giles Close: 28-34

This planning application has been reported in the local media and as a result has attracted some 1,200 objections/observations at the time of writing. Officers are aware of an online petition against the proposed loss of the nightclub, but this has not been provided to officers. The Update Report will provide a fuller response on the numbers,

but the issues raised by objectors are set out below. Commentary on these objections is set out directly below or in the Appraisal.

Cultural and historic

- The After Dark has for long time been part of Reading's history and many famous acts have played here. This is Reading's 'Cavern Club'. It would be a terrible loss in Reading's Year Of Culture.
- The After Dark has a regular charitable night. *Officer comment: this is not a planning consideration*
- The provision of housing does not outweigh the community benefits of the club
- The After Dark is a valued local Reading independent nightclub and should be protected from development. Considers that the building should be listed as a Local Heritage Asset. *Officer comment: this is a separate process and not related to this planning consideration*
- The proposal does not seek to improve the neglect which has occurred in the passageway and the present poorly-maintained drains
- The proposal would adversely affect ventilation to the frontal listed buildings, to the detriment of their historic fabric. *Officer comment: the proposal would not be attached to the frontal buildings, therefore such effects would not occur.*
- The proposal would not allow a suitable gap to allow the maintenance of the rear of the historic buildings
- To the rear of 114 there is a basement vault which abuts the application site. Sensitive building works should be carried out in this area, particularly as this may well lead to the historic wall on the southern side of the application site.

Planning and land uses

- Does not agree that residential is a suitable land use, given surrounding mix of land uses
- Flats would put further strain on parking/transport infrastructure, schools and doctors. *Officer comment: schools and transport infrastructure payments would be collected by the Community Infrastructure Levy, were permission to be granted. The local NHS trusts and individual surgeries will plan for demand for additional practices*
- Existing distinctive land uses in the area should be retained
- The proposal should include affordable housing
- There is already a surplus of these luxury flats in Reading
- These are not really low cost flats
- Does not agree with the Council's policy of keeping nightclubs and other nightlife within the Central Core of the town
- The National Planning Policy Framework seeks to ensure protection of the vitality of town centres and this proposal does not do this
- Use other free brownfield sites for redevelopment instead. *Officer comment: some other sites are noted by the objector which have for various reasons, not come forward for redevelopment, but this is not a reason to preclude the redevelopment of other sites*

Design merit of the proposal

- The building contains elements of historical and architectural merit which should be conserved
- The units would have a poor internal environment, poor daylight and poor views

- The building should be locally listed. *Officer comment: officers consider that the site is currently protected by the listing which applies to 110 and 114 London Street and therefore locally listing the night club hall is not necessary.*
- Concern for impact on adjacent Listed Buildings
- Present building is not subordinate to the backs of the Listed Buildings, when seen from St. Giles Close
- The design is not reflective of the Conservation Area and will not preserve it
- The proposal will adversely affect light levels to the buildings on London Street
- Concern for the waste disposal arrangements and the waste capacity and disturbance to the passageway. Suggests that all servicing should occur from St. Giles Close

Transport and parking

- This is Zone 2, where there should be one parking space per flat
- Not suitable to have no parking
- Already a parking problem in the area with residents parking in office parking spaces
- Cycle parking is inadequate, contrary to CS24 and the SPD

Economic and social

- Has a full social/financial/cultural appraisal of the existing and proposed land uses been conducted? The After Dark also provides associated business for other establishments nearby. *Officer comment: the Planning Acts do not require such an appraisal to be undertaken and unless relevant planning issues emerge, such would not be relevant to the material planning considerations to the determination of this planning application*
- Does not believe that the present After Dark club is no longer viable. *Officer comment: it is not necessary for the developer to prove that the night club use is unviable in the planning consideration in respect of suitable land uses on this site*
- Concerned for security issues associated with the imminent closure *Officer comment: this is not a planning matter, but a public order/police consideration*
- No drainage/sewerage details have been submitted with the application. *Officer comment: although not required in relation to the consideration of the planning application, there may be a concern in relation to the Listed Building, see the Appraisal below.*

Other

- Concerns for impact on nearby homes and businesses during construction. *Officer comment: this can be covered in a comprehensive Construction Management Statement (CMS), via condition*
- The Council should not even be considering this planning application and considers that the Council must be corrupt for doing so. *Officer comment: this is a misunderstanding: the Council cannot prevent a planning application from being submitted and is obliged to determine valid applications*
- Why make the club staff unemployed when there are so many offices which could be converted? *Officer comment: this is a matter for the developer, it is not a planning consideration.*
- The Council should not be taking such services away. *Officer comment: this is a private night club, not a Council service.*
- The application site includes land which is not in the applicant's control.

5. LEGAL AND PLANNING POLICY CONTEXT

- 5.1 Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority to have special regard to the desirability of preserving a listed building or its setting or any features of special interest which it possesses.
- 5.2 Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority in the exercise of its functions to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 5.3 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'.

5.4 The application has been assessed against the following policies:

5.5 National

National Planning Policy Framework (2012):

Section 2: Ensuring the vitality of town centres

Section 4: Promoting sustainable transport

Section 6: Delivering a wide choice of high quality homes

Section 7: Requiring good design

Section 10: Meeting the challenge of climate change, flooding and coastal change

Section 12: Conserving and enhancing the historic environment

National Planning Practice Guidance

5.6 Reading Borough LDF: Core Strategy (2008, amended 2015)

CS1 (Sustainable Construction and Design)

CS4 (Accessibility and the Intensity of Development)

CS5 (Inclusive Access)

CS7 (Design and the Public Realm)

CS14 (Provision of Housing)

CS15 (Location, Accessibility, Density and Housing Mix)

CS20 (Implementation of the Reading Transport Strategy)

CS24 (Car/Cycle Parking)

CS25 (Scale and Location of Retail, Leisure and Culture Development)

CS32 (Impacts on Community Facilities)

CS33 (Protection and Enhancement of the Historic Environment)

CS34 (Pollution and Water Resources)

CS36 (Biodiversity and Geology)

CS38 (Trees, Hedges and Woodlands)

5.7 Reading Borough LDF: Reading Central Area Action Plan (RCAAP) (2009, amended 2015)

RC5 (Design in the Centre)
RC7 (Leisure, Culture and Tourism in the Centre)
RC8 (Drinking Establishments)
RC9 (Living in the Centre)
RC14 (Public Realm)

5.8 Reading Borough LDF: Sites and Detailed Policies Document (SDPD) (2012, amended 2015)

SD1 (Presumption in Favour of Sustainable Development)
DM1 (Adaptation to Climate Change)
DM4 (Safeguarding Amenity)
DM6 (Affordable Housing)
DM10 (Private and Communal Outdoor Space)
DM12 (Access, Traffic and Highway-Related Matters)
DM15 (Protection of Leisure Facilities and Public Houses)
DM18 (Tree Planting)
DM19 (Air Quality)

5.9 Reading Borough Council Supplementary Planning Documents (SPD)

Employment, Skills and Training (2013)
Revised Parking Standards and Design (2011)
Revised SPD on Planning Obligations under Section 106 (2015)
Sustainable Design and Construction (2011)

5.10 Other relevant documents

Market Place/London Street Conservation Area Appraisal (20xx)
Historic England Good Practice Advice in Planning Note 1: Conservation Area Designation, Appraisal and Management (Historic England, 2016)
Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking (Historic England, 2015)
Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets (Historic England, 2015)

6. APPRAISAL

6.1 The main issues for consideration in this planning application are:

- i. **Proposed loss of night club**
- ii. **Heritage considerations**
- iii. **Suitability of the design response in this sensitive area**
- iv. **Quality of residential accommodation**
- v. **Impact on adjoining properties**
- vi. **S.106 contributions and CIL**

i. Proposed loss of night club

6.2 There has been a nightclub/dance hall use on this site for a very long time and this is the established planning use of the premises/site. However, it is sited in a relatively dense urban area where there are now likely to be many more residential

properties in close proximity than in the past. Were a planning application now received for this change of use (to a night club), such is unlikely to be given planning permission as it is essentially a non-conforming use in this area which contains residential uses.

- 6.3 As a recognition of the disturbance that night clubs can cause (noise, vibration, anti-social behaviour, etc.) night clubs have their own planning use class and they are a *sui generis* or 'unique' use. Therefore, its removal from the area and replacement with a residential use is supported when assessed against Policy DM4 (Safeguarding Amenity), providing that the replacement scheme is itself acceptable.
- 6.4 Officers have received a large amount of objections from members of the public seeking to protect the After Dark in situ and also ask that it be given some sort of policy protection, for instance, the same as that applied to public houses or community facilities. Firstly, it should be born in mind that these premises could - without any control by the Planning Department - be operated by a completely different club and one which is not so popular with the public or the amenities of surrounding neighbours.
- 6.5 Secondly, this is not a community use or a public house outside the town centre area, therefore there is no conflict with adopted planning policies CS31 or DM15 which protect these types of uses from redevelopment.
- 6.6 The club is in a mixed residential/office/retail area and during its hours of operation, has the potential to cause considerable residential disturbance. The Council's Licensing and Environmental Protection teams advise that the number of complaints from the After Dark club is actually very low. Overall however, the removal of this non-compatible land use from a location where there is potential to cause nuisance is supported and other Council policies seek to ensure that such uses are situated in the central part of the town centre.
- 6.7 Some objectors have asked for the club to be considered as an Asset of Community Value. This is a separate process and is not relevant to this planning assessment.
- 6.8 Overall, officers identify no planning policy conflict with the principle of removing the night club use from this area and now turn to the heritage merits of the application.

ii. **Heritage considerations**

History of the application site and identifying the Historic Asset

- 6.9 Since the submission of this planning application, further investigation of the building has been undertaken by the Planning Department (with the assistance of Reading Library's Local Studies Library), the Council's Conservation Consultant and the CAAC (comments above) and also various detailed objections which have been received. This research has been valuable to inform the overall consideration of the appropriateness of the planning scheme and the merits of the accompanying

HIS document. No associated application for Listed Building Consent has been submitted with this planning application.

- 6.10 The present building appears to have been used in approximately its present envelope and use (as a night club) for the past 40 years or so. Historical information seems to indicate that the use of the taller element of the building at least, was originally used as a church hall from about 1800, although this may have been an earlier building. The building was also used as auction rooms, a chapel and later a dance hall, a hall in association with the Ancient Order of Foresters at No. 110 and then its present use as a night club. There have been various extensions over the years, mostly in the Twentieth Century and in particular the north-west corner, where an area of the rear garden of No. 108 appears to have been assimilated into to the premises.

The approach applied by the application's Historic Impact Study (HIS)

- 6.11 The HIS does not ascribe any particular importance to the southern wall on the application site, which as can be seen from the car park of the serviced apartments to 118-128 London Street, has characteristic blind windows and flattened arches, reminiscent of a Victorian factory wall. Officers are now satisfied that this is in fact the internal (north) wall of the tin works. This wall appears to be the last remnant of what was the large tin works factory complex in the St. Giles Close area and has at some point been joined to the hall building with a flat roof, leaving a covered passageway along the southern flank of the site. This wall, then, is an important surviving physical and cultural marker of the Huntley, Boorne & Stevens tin works, which made the tins for Huntley & Palmers Biscuits. The production of biscuits was one of the three main industries that made Reading famous in the Victorian period (Reading was known for its, 'beer, bulbs and biscuits').
- 6.12 The HIS describes the club building as being unlisted. In your officers' opinion, this approach is not considered to be correct for a number of reasons. Firstly, Nos. 110 and 114 London Street are listed together and the listing describes the passage leading to the 'Oddfellows Flail' [sic] (this is thought to be a typo and should read, 'hall', see Appendix 1. The date of the frontal buildings (circa. 1790) chimes with the earliest records in the Local Studies Library for activity on the site (use of 112 London Street as St. Giles Young Christian Association hall from about 1800). On site, there are linking side walls to the edges of the site which physically attach the hall to the frontal buildings (and may also link underground as well) and the entrance canopies to the club link the two structures. The precise boundaries are not always easy to determine from the listing description, but it would also seem to be perverse for the listing to cover the passageway/alley and mention the hall to the rear, but not intend for it to be included. English Heritage may be able to advise further, but the above forms the basis of the officer assertion that the After Dark Club building, despite its poor state of repair, is nonetheless protected by the listing.
- 6.13 There is currently uncertainty in relation to the underground connections which may exist between the frontal buildings and the club building. As far as is known, the club has no cellar area. However, the vault to the rear of No. 114 appears to

be abruptly cut off at the start of the easternmost wall of the club above and the vault may in fact continue westwards. This vault also has what appears to be a capped access hatch at ground level, which may also have allowed some kind of connection to the club building in the past. There are concerns that the condition of the premises and the passageway may be leading to damage to adjacent buildings. This is Civil concern of itself, but it may also be indicative of underground connections between the buildings which are not currently apparent.

- 6.14 In your officers' opinion, it is considered that the HIS fails to accurately attempt to identify any historical significance to the building, and also it dismisses any surviving evidence, preferring to show that the lack of evidence indicates that the club building is of little architectural value and is somehow disassociated from its surrounding and site-specific historical context. The principal concerns are summarised by the Conservation Consultant in his five bullet points in his comments and this should form part of the first reason for refusal of the application: that the application has failed to correctly identify the Historic Asset.
- 6.15 If not formally covered by the Listing, officers offer that the hall is also considered to be within the curtilage of the two listed buildings and in either event, the application has failed to correctly identify the Historic Asset. This is an important mis-reading and not in accordance with National policy and Historic England/English Heritage advice, the Listed Buildings and Conservation Areas Act or the Council's Policy CS33.

iii Suitability of the design response in this sensitive area

- 6.16 The present hall building is in a relatively poor state of repair and there appears to have been a great many changes over the years (most may be unauthorised). The building's mostly single storey haphazard nature is not generally a positive contribution to the streetscene of St. Giles Close.
- 6.17 However, given the discussion in the section above, it is incorrect for the basis for a design solution to have dismissed all consideration being given to the inclusion/conversion of elements of the existing building fabric. At the very least, the tin works wall could fulfil a characterful role and no doubt practical purpose in any sympathetic redevelopment proposal.
- 6.18 Historic England has published the document, The Setting of Heritage Assets which includes their view on the assessment of the impact on the settings of Listed Buildings. In particular, they give a methodology for assessing the implications of development proposals. They suggest the following process:
- . Step 1: identify which heritage assets and their settings are affected;
 - . Step 2: assess whether, how and to what degree these settings make a contribution to the significance of the heritage asset(s);
 - . Step 3: assess the effects of the proposed development, whether beneficial or harmful, on that significance; and
 - . Step 4: explore the way maximising the benefits

- 6.19 The development would not generally be capable of views from London Street. The rear settings of the Listed Buildings on London Street would be most affected. At present the club building is only single storey and officers agree with the DAS' assertion that the backs of the frontal Listed Buildings include poor, modern elements. However, the proposal will not be suitable to the setting of the building, nor will the proposal be an improvement over the existing situation. A sympathetic proposal would either form a subservient addition to the backs of the frontal buildings, or else provide a meaningful layoff in order to protect the setting of the building. Although fairly unremarkable 1980s office developments, the buildings in the rear of the sites and 108 and 106 London Street are at least set well away from the frontage buildings on London Street, respecting their settings. The bulk of Prince Regent House at 108 also seems to have taken its cues for bulk and massing from the present club building at 112.
- 6.20 The proposed height, scale and mass of the proposed block would overshadow the rear façade of the historic buildings to the front and dominate their settings. In doing so, the proposed apartment block design would not achieve the requirement to 'preserve or enhance' the character and appearance of the Conservation Area.
- 6.21 Although the site is located within the Conservation Area, the Area is mainly concerned with the London Street frontage and then includes some associated land to the rear. Most of St. Giles Close is not in the Conservation Area. Nevertheless, the development will have an impact on views into and within the Area and the development needs to be suitable in terms of the impact on the Area's setting.
- 6.22 Whilst the present building is a generally poor feature in the conservation area, in terms of its immediate frontage on St. Giles Close, its principal impact from the rear is comparatively limited, given its utilitarian and single-storey frontage and views to the upper floors of the rear of the frontage buildings to London Street are maintained. Therefore the proposal does not at least preserve views into and within the Conservation Area, so fails this specific test as set out in the Listed Buildings Act and Policy CS33.
- 6.23 The frontages of the buildings in the area are either heritage buildings, or larger flatted developments, but these are designed so as to be still generally cognisant of the prevailing building styles/massing and the general pleasing architectural rhythm of London Street.
- 6.24 St. Giles Close is a different character; a series of smaller-scale buildings, mostly residential, some offices. There are many 1980s/1990s infills and some small houses, including townhouses. Nevertheless, there is intimacy to the scale of the surroundings and the applicant's 'mews' style development attempts to provide a design which does not 'fit' the site available and has no design connection to St. Giles Close.
- 6.25 The HIS argues that as the mansard roof ridge will sit below the eaves of the frontal building it will thereby read as a subservient feature when viewed from St. Giles Close. This rather simplistic statement misses the fact that the proposal is in fact a very large block, some 32 metres long and three storeys in height. It is not

subservient, but a large and bulky perpendicular extrusion to the predominant pattern of development on London Street and markedly more bulky than adjacent extensions at Prince Regent House (No. 108) and Alder House or the present After Dark club. The prevailing pattern of development respects site frontages: sited either along the London Street frontage; as a subservient extension to that frontage; or relates to /fronts St. Giles Close. This development seeks to link all three, creating an overdevelopment which would fail to be successfully assimilated into the area.

- 6.26 The mews style development may be suitable in the correct context and has advantages of providing an intimate scale of development, but it is not suitable to provide a 'mews terrace', along a longitudinal site which has no connections north or south. This is an overdevelopment with an overwhelming sense of crampedness, whether experienced from outside the site or within. This is due to the aim to maximise the number of units on this long, narrow site, allowing no discernible landscaping relief, even.
- 6.27 In terms of a logical urban design expression, it would be unclear exactly how the building would be accessed, having no identifiable 'entrance', within its secluded approaches. This means that in terms of the logical key characteristics of development as set out in Policy CS7 - continuity and enclosure, legibility, etc. - the development fails to connect properly to either streetscape, being apparently hidden in a warren of alleyways. Once the boundary wall is provided, the southern alleyway will offer insufficient room even for residents to comfortably pass each other, particularly if someone has a pushchair, wheeled carrier, has a large bag or is in a wheelchair.
- 6.28 The contribution to the adjacent car park to the south would be one of oppression, through overbearing and poor design and proximity to this space, but with no discernible relationship to it. The CGI views attempt to show greenery in this car park which is somehow allied to the proposal, which is not and there is also no indication that the landowner is willing for the development to meaningfully address this space. There are times when a borrowing of outlook over an adjacent courtyard or street may be acceptable. A third party's car park unconnected to the scheme is not one of them.
- 6.29 Trees are not in abundance in this part of the Conservation Area or St. Giles Close. The Cypress tree to the rear next to the site has recently been poorly and severely pruned, allowing additional views from St Giles Close (and hence greater views of what would be a harmful proposal). A suitable development would contribute to softening the urban environment in the area/the conservation area and the layout offers no opportunity for this, particularly as a completely blank, tall wall is offered to St. Giles Close. This is not ameliorated by the attempt to insert arches into the garden wall.

Conclusion on heritage and urban design considerations

- 6.30 The discussion above indicates that more needs to be done in terms of examining the history of the building, the suitability of part demolition/conversion and the design pointers for a suitable development. The existing premises has some architectural/historical association merit and there may well be other interesting

aspects to the building which are not currently revealed. Indeed, the part eastwards is taller and provides a logical building area for development. However, the HIS has too quickly dismissed the historic importance of the existing structure. There is no justification provided in the HIS for failing to also submit an accompanying application for Listed Building Consent.

- 6.31 The design response, as a consequence, is poor and fails to relate to the pattern of development, be it surrounding buildings or spaces or the realistic spacing of development in the site. The reality is that any redevelopment opportunities which may arise from this site alone are going to be extremely limited, given its shape. For reasons of poor relationship to the settings of listed buildings and harm to the conservation area and streetscene, the proposal is contrary to the NPPF's chapters on design and heritage and policies CS3, CS5, CS7, CS33, RC5 and RC14.

iv. Quality of residential accommodation

- 6.32 From within the site and especially in the case of the ground floor dwellings, the development would produce a poor standard of amenity.
- 6.33 The long, narrow site has produced a cramped design which results in the units being accessed from the sides and long, gated alleyways, as if entering a jail complex. This would not be an inviting approach to these dwellings and particularly unpleasant at night. The Police's CPDA (Crime Prevention Design Advisor) also questions the motives of others trying to enter this space, the confusion over bins and the security provisions needed. It would also seem to be generally opening up a route between London Street and St. Giles Close, when none is safe. Again, the design of this external environment appears to be in conflict with the majority of good practice design considerations as set out in Policy CS7.
- 6.34 The feeling of being hemmed in within your cell for the ground floor one-bed flats will be compounded by other residents and visitors walking immediately past both front and rear habitable rooms, allowing no privacy or defensible space at all for these units. As a result, opening the windows in these flats will not be attractive, either from a security or privacy perspective. Footsteps may echo along these alleyways, particularly on the north side, where there are high walls.
- 6.35 The majority of habitable rooms in the development borrow light and outlook over the adjoining sites (the car park to the south and No. 108 to the north). Other rooms just have a poor internal outlook. This is unacceptable in terms of providing a comprehensive design solution. Living rooms to the ground floor flats would look straight into the adjacent car park, with the associated noise, lights, etc. disturbance which would be particularly undesirable at ground floor level and with occupants having no control over for example, large vehicles being parked in the adjacent spaces and fumes from exhaust pipes. The plans indicate a side wall with palisade fence over. Depending on the detailed design and construction of this, it may either create an oppressive boundary, not be solid enough to provide security, or have sufficient width but then further constrict the width to the access alleyway. Whichever it is, the overall experience for the occupants will be poor. The northern side of the site is dominated by walls of at least two metres in height with the tall side wall of Prince Regent House being much taller. This is a high parapet wall which from the finished floor levels of the ground floor units, is about six metres in height, for a length of 16.5 metres, at a tapering width, but between

one and 1.6 metres from the proposed dwellings. This existing structure is a significant site constraint and obstruction to light and outlook to the flats and the visible angle of sky will be extremely limited. The Council's Environmental Health Officer advises that suitable ADF (Average Daylight Factor) levels quoted in the light report for the ground floor rooms are unlikely to be achievable given surrounding obstructions (walls, cars, shrubs, etc.). The BRE guidance on daylight (Site Layout Planning for Daylight and Sunlight, second edition, 2011, para. 2.1.6) advises that where obstruction angles are greater than 65 degrees, 'it is often impossible to achieve reasonable daylight, even if the whole window wall is glazed'. The sections indicate the ground floor obstruction is around 80 degrees and from first floor windows, circa. 60 degrees. The obstruction caused by Prince Regent House would therefore affect ground floor Flats 3, 5 and 7 severely, meaning that one of the two habitable rooms in these flats would be very dingy. Given the height of this flank parapet wall, first floor Flats 4, 6 and 8 would also have their second bedroom facing out onto the flank wall at the one metre distance and again, according to the sections produced, acceptable views of the sky will not be achieved, nor will there be a suitable outlook. These are not considered to be acceptable dual-aspect dwellings.

- 6.36 The 'landscaped amenity space' at the western end of the site is actually less than 24 square metres in total and the SUDS report indicates that this would be a mostly gravelled area. Sitting out with the bins in a high walled courtyard is likely to be neither comfortable nor pleasant and could well be a heat trap on warm days with smells from waste bins. It would therefore appear to fail most of the purposes of an amenity space as set out in Policy DM10. In the central Reading area, where external amenity spaces are to be provided within developments, they must be high quality and suitable for their intended purpose.
- 6.37 As well as privacy issues front and rear for the ground floor units, adequate natural daylighting may be a further concern. The submitted light report indicates that light levels will be adequate. However, there are various details that need to be noted. The ground floor bedrooms are north-facing with a very restricted outlook, as some one metre from their windows, there is a two metre high blank wall. To the south, large windows are needed to get some light in to the units, however, this will be compromised by the side wall/fence (whatever form this takes) and shadowing from parked vehicles. Flat 9 (ground floor, eastern end) is adjacent to 118-128 London Street and would be particularly dark as it would be right up against the frontal tall building and its 'outlook' would be straight into the landscaped area to the adjacent car park (the occupier of the flat would have no control over this area). This unit may have extremely low levels of natural daylight, despite its living space being south-facing.
- 6.38 The two-storey maisonettes have their bedrooms on the first floor, which does not make for ideal 'stacking', given that the entire one-bed flats are below. However, this may be able to be covered satisfactory under the Building Regulations. Room sizes are considered to be generally suitable, although there are some slight failures with regard to the National minimum technical housing standards (not formally adopted by this Council), however, this is not considered so harmful as to result in a reason for refusal. The mix of unit sizes is appropriate and accords with Policy RC9.

- 6.39 The bin arrangements at the eastern end of the site are also far from ideal, with the present arrangement of the commercial bins at the rear of 110 now being added to residential bins and this area being opened up to the residential approach to the flats from the passageway, contributing to the poor quality approach to the flats. However, the Highway Authority is content that bin collections can partly be undertaken from London Street and partly from St. Giles Close.
- 6.40 No car parking is provided and the Highway Authority is satisfied that none is required in this proposal in this sustainable central Reading location. The DAS describes the development as having 'generous secure cycle parking'. In fact, the area proposed for the bicycle storage area is inadequate in size to accommodate five bikes. Given that there is no other obvious place to accommodate them and there is nowhere else to put the store (unless the hard landscaped amenity space is to be reduced below its current 24 sq.m. and this is a feature of the development that is often repeated in the DAS and the HIS as a particular benefit) the development is substandard in terms of cycle parking. This is more concerning in this car-free development.
- 6.41 The development would therefore provide substandard accommodation in terms of quality and security of approach, security and surveillance, daylight levels to the lower flats, privacy (especially to the ground floor flats), access for all, usable and beneficial amenity space and adequate cycle parking contrary to policies CS7, RC5, RC9, DM4 and CS24.

v. **Impact on adjoining properties**

- 6.42 The proposal is considered to be unacceptable in terms of impacts on the amenities of surrounding residential properties in several respects.
- 6.43 There is a flatted development accessed from St. Giles Close known as Nelson Mews which sits at an angled relationship to the rear car park serving 119-128 London Street and this has residential accommodation over a bridge car access on the first, second and third floors. These flats would be directly overlooked by the westernmost units in the development, where the window to window distance is approximately 13.5 metres. The development proposes openings on the ground, first and second floors. Despite the angled relationship, the distance is considered to be insufficient to maintain a reasonable degree of privacy, even in a dense urban area. This situation is arguably worsened since the Cypress tree in between has been damaged and its crown reduced.
- 6.44 The south-facing balconies on the first and second floor of the development are an attempt to maximise light into these units but some of the units will have an unacceptable angled overlooking relationship with the serviced apartments at 118-128 London Street.
- 6.45 Flat 9 (ground floor) is adjacent 118-128 London Street and would be particularly dark (as described above) but it would also suffer poor privacy levels, having a serviced apartment window at 45 degrees to it at a distance of approximately four metres, potentially allowing overlooking at a close distance.

- 6.46 The poor lateral outlook over adjoining land would appear to stymie development opportunities to the North.
- 6.47 The height and depth of the building would also adversely affect light levels to the rear elevation of 108 London Street, however, this building is believed to be in office use, therefore effects on light levels to this building (or indeed 110 or 114) is not considered to be harmful enough to be of concern. Outlooks north and south from Flat 10 may be less than ideal, as the relationship to surrounding property windows is about 45 degrees at 10 metres distance.
- 6.48 Overall, in the above respects, the development would produce an unneighbourly development in terms of overbearing and overlooking/privacy to existing surrounding residential properties, contrary to policies CS7, RC5, RC9 and DM4.

vi. **S.106 contributions and CIL**

- 6.49 This would be a CIL-liable development and the necessary from has been submitted.

Affordable housing

- 6.50 Affordable housing would be required at a level of 30% in accordance with our Policy DM6 and the Council's SPD: 'Affordable Housing'. For a development of ten units of new build, this equates to three on-site units plus a financial contribution in lieu, or an off-site contribution.
- 6.51 In a one-page statement, the applicant is offering no affordable housing, on the basis that the Council's policies are not in line with National planning policy, which is not to require affordable housing on sites of ten units or less. In support of this, the applicant cites the recent appeal decision (July 2016) in respect of The Pond House pub, Oxford Road (appeal ref. APP/E0345/15/31417) where the appeal was allowed and no affordable housing provision was required by the Inspector.
- 6.52 The Council's position is as follows. West Berkshire District Council and Reading Borough Council applied for a judicial review of the Secretary of State's Written Ministerial Statement (WMS) to Parliament in 2014 on changes to national planning policy. Those changes sought to exempt developments of ten or less dwellings from planning obligations for affordable housing and social infrastructure contributions and to introduce a new measure known as the Vacant Building Credit. The High Court handed down its judgment on the case on 3 July 2015. The High Court found in favour of the challenge by the local authorities and quashed the amendments to the NPPG. The Secretary of State appealed the judgment and the Court of Appeal then quashed the decision of the High Court.
- 6.53 At its meeting of the Strategic Environment Planning and Transport (SEPT) Committee on 13 July 2016, the Council discussed the outcome of the Court of Appeal's decision on its challenge (http://www.reading.gov.uk/media/5651/Item09-SEPT-C-Report-on-C-of-Appeal-judgement-05-16/pdf/Item09_SEPT_C_Report_on_C_of_Appeal_judgement_05_16.pdf).

- 6.54 Having considered its options, the SEPT Committee agreed the following as the basis for determining planning applications where Policy DM6 of the SDPD is relevant:

To implement Policy DM6 as currently adopted in the SDPD but excluding proposals that solely involve the conversion of an existing property, where the conversion involves the provision of 10 or less dwelling units (i.e. not HMOs), or the replacement of dwellings by the same number of replacement dwellings where there is no net increase.

- 6.55 The applicant's affordable housing statement notes the Council's decision to apply its policy, but maintains that National policy should take precedence and claims that appeal decisions have not supported the Council's approach and therefore no viability assessment is supplied. Officers advise that its policy position is considered to be sound; cases such as The Pond House can and will be considered on their individual circumstances/viability merits and that the applicant's stance is in conflict with the Council's adopted policy. Accordingly, the application should be refused as being contrary to Policy DM6 of the SDPD (2012, 2015) and the Affordable Housing SPD.

Employment and skills

- 6.56 In accordance with adopted Policy CS13, an Employment and Skills Plan (EMP) would be required for the construction phase. Whilst the supporting documents cite the number of construction jobs which would be created, there is no commitment to the policy requirement, therefore there also needs to be a reason for refusal related to failure to provide an EMP or a contribution in lieu, contrary to Policy CS13 and the Employment Skills and Training SPD.

Other matters

Sustainability

- 6.57 Policies CS1, DM1 and the Sustainable Design and Construction SPD are relevant policy considerations. The application has been submitted with a sustainable construction and energy statement. This appears to officers to be lacking in various respects, but detailed advice from the Council's Sustainability Team is required and full commentary will be provided in the Update Report.

Sustainable drainage

- 6.58 A sustainable drainage strategy report has been submitted. The site is presently hard surfaced and otherwise covered by a predominantly flat-roofed building. There is currently no permeability directly into the ground and therefore no water flow retention. This will be improved in the development by ensuring that the open areas are permeable, bringing about an improvement in run-off rates. This is acceptable and accords with Policy CS35 and this National requirement to improve water attenuation rates.

Ecology

- 6.59 The Council's Ecologist has reviewed the submitted daylight bat survey and is content that there is no risk to bats and accordingly, there is no conflict with Policy CS36.

Equalities Act

- 6.60 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. It is considered that there is no indication or evidence that the protected groups have or will have different needs, experiences, issues and priorities in relation to this particular application.

7. CONCLUSION

- 7.1 This is considered by officers to be an ill-conceived redevelopment proposal. It stems from a lack of recognition of the site's historic value and therefore effects on historic assets of value are given inadequate consideration. The shape of the site and the design approach has produced an overdevelopment. As a result, harm will be caused to the settings of the Listed Buildings, surrounding properties and amenities, views into and within the Conservation Area will not be preserved and within the site and the accommodation provided would be very poor. Policy requirements for affordable housing and construction skills development are not proposed to be met.
- 7.2 The concerns of objectors for the loss of the club are noted, but this is not considered to be a material consideration to this planning assessment. Whilst it is noted that the units would provide dwellings within the Borough as supported by Policy CS14 and the NPPF Section 6, this does not outweigh the other concerns in this report.
- 7.3 The officer recommendation is therefore to **refuse** planning permission.

Case officer: Richard Eatough

Plans:

- 2956/201 Location plan
- 2956/202 Proposed site plan
- 2956/203 Existing site plan and ground floor plan
- 2956/204 Existing elevations

2956/205/C Proposed plans and sections

2956/206/C Proposed elevations

2956/207/B Proposed elevations

APPENDIX 1 CGI view of the proposal and existing view along northern alleyway





APPENDIX 2 Application plans

PROPOSED 4 STOREY RESIDENTIAL DEVELOPMENT
 112 LONDON STREET READING RG1 4SJ



FLAT 1
 STUDIO
 Internal Area
 34.5m² - 371.3 Sqft
 FLATS 3, 5, 7 AND 9

FLAT 2
 STUDIO
 Internal Area
 35m² - 376.7 Sqft

2 BED
 Internal Area
FIRST FLOOR
 38.2m² - 411.1 Sqft
SECOND FLOOR
 31m² - 333.6 Sqft

TOTAL
 69.2m² - 744.8 Sqft
 FLATS 4, 6, 8 AND 10

2 BED
 Internal Area
FIRST FLOOR
 48.2m² - 520.7 Sqft
SECOND FLOOR
 33m² - 355.2 Sqft

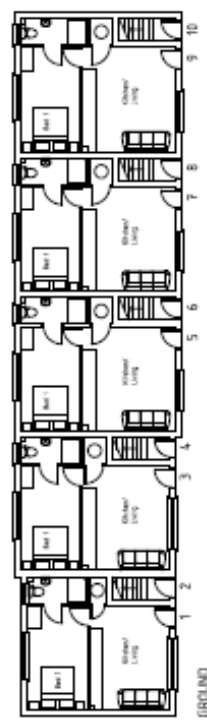
TOTAL
 81.2m² - 875.9 Sqft

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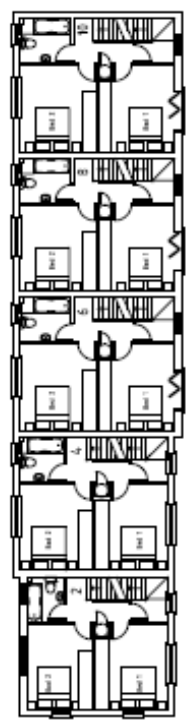
112 LONDON STREET
 READING
 RG1 4SJ

PROPOSED PLANS AND SECTIONS

NO.	DESCRIPTION	SCALE
101	PROPOSED PLANS AND SECTIONS	AS SHOWN
102	PROPOSED PLANS AND SECTIONS	AS SHOWN
103	PROPOSED PLANS AND SECTIONS	AS SHOWN



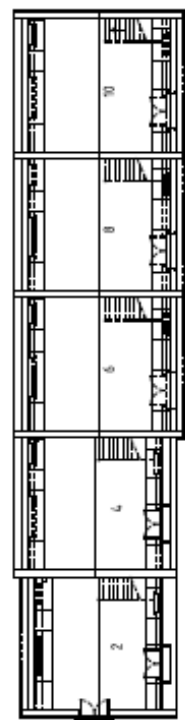
GROUND



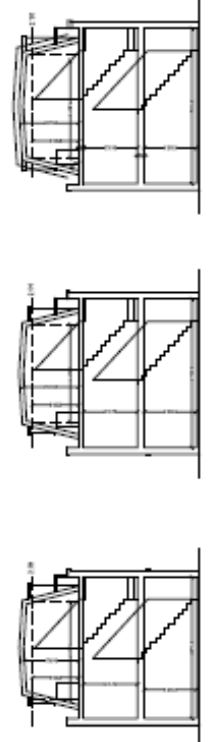
FIRST



SECOND



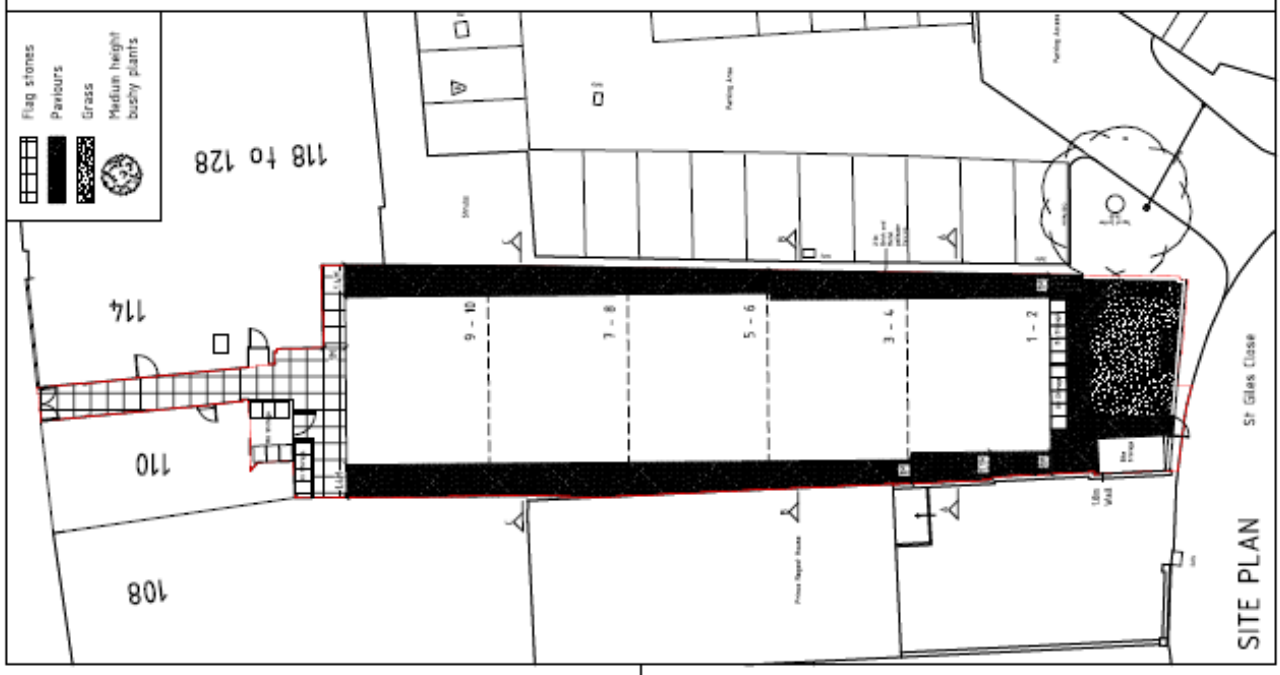
ROOF



SECTION A - A

SECTION B - B

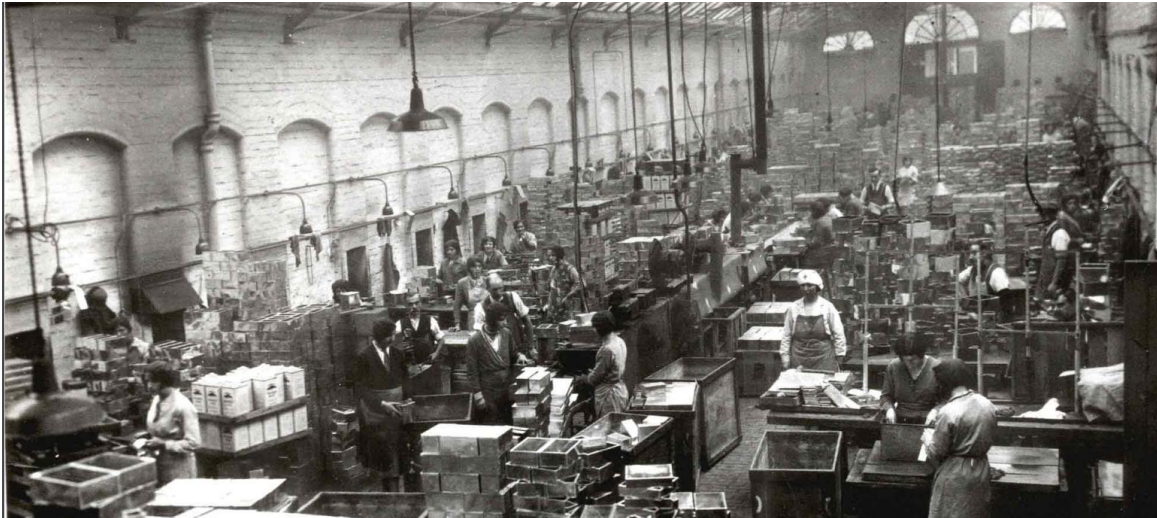
SECTION C - C



SITE PLAN

SF Glass Clase

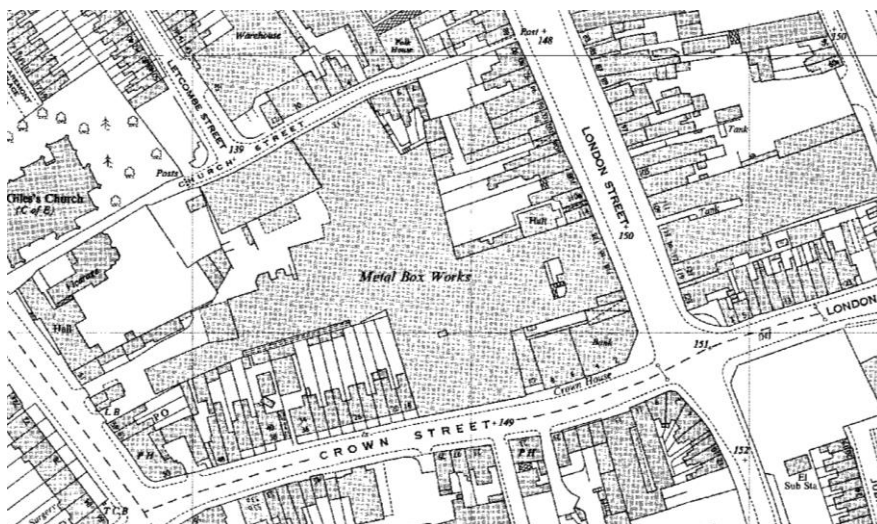
APPENDIX 3 View of the Tin Works in 1926, during visit by the Prince of Wales (Reading Library collection), showing characteristic 'flattened arches' in the side walls.



APPENDIX4 Listing description:

LONDON STREET 1. 5128 (West Side) Nos 110 and 114 SU 7172 NE 4/187 II 2. Circa 1790. 3 storeys. Stucco fronted with stucco moulded cornice. Old tile roof. Glazing bar sash windows, 5 on upper floors. Only one (of the 2 previously mentioned) contemporary shopfronts retracts on ground floor plus the 3 doorways in centre with cast-iron balcony (diagonal pattern with cast lead rosettes) supported on cut brackets (wood) extending right across. On each side of No 114's shop and dividing the doorways are slender reeded wooden Corinthian engaged columns. Centre door, which has rectangular fanlight with design of ovals, is passage entrance leading to Oddfellows' flail.

APPENDIX 5 O.S. plan from 1960, showing extent of the Metal Box Works coming up against the application site. Note that the extent of the hall appears to be limited to the two-storey element on site and that the western extent of the site is narrower. The rear of 108 London Street appears to include part of the area which is now part of the night club.



UPDATE REPORT:

BY THE DIRECTOR OF ENVIRONMENT & NEIGHBOURHOOD SERVICES
READING BOROUGH COUNCIL
PLANNING APPLICATIONS COMMITTEE: 7 December 2016

ITEM NO. 13

Ward: Katesgrove
App No.: 161935
Address: After Dark Nite Club, 112 London Street, Reading
Proposal: Demolition of existing night club. Erection of 10 new residential Class C3 apartments (5 x 1 bed and 5 x 2 bed) with courtyard garden, cycle and bin storage.

RECOMMENDATION (AMENDED):

Reason for refusal 1: delete.

Reason for refusal 2: remove word 'principal' from line 3.

1. ADDITIONAL INFORMATION

- 1.1 **Historic England (HE)** has responded to their consultation. Their advice is that the listing description refers to 110 *and* 114 not 110 *to* 114. Whilst mention is made of a passage to the Oddfellows Hall that simply states that there is a passage, it does not imply that the hall is included in the listing. No. 112 is a separate building with a separate curtilage so in HE's view it should not be viewed as part of 110 and 114. Whatever the status of the building, there is still the impact of the proposals on the setting of the adjacent listed building and the conservation area to consider.
- 1.2 Officers have considered this response and discussed the issue with the Council's Conservation Consultant, who advises that officers should assess the proposal on the impacts of the setting of the Listed Building and the Conservation Area alone. Although the HE response is only referring to what is set out in the description rather than being the result of an in-depth investigation, HE's advice on how it interprets its own listing descriptions should be given some weight.
- 1.3 On the basis of the above, officers consider that whilst this is not a definitive response from Historic England, on balance, it is recommended that the statements relating to this issue put forward in the main Agenda report (paragraphs 6.9 - 6.15) and in the first reason for refusal regarding the identification of the Historic Asset should not be pursued and accordingly, the first reason for refusal should be removed. However, there are still considered to be significant concerns in terms of the impact on the settings of Listed Buildings, the Conservation Area and the streetscene of St. Giles Close and therefore reason for refusal 2 should be retained, but with a slight adjustment to acknowledge that 110 and 114 (alone) are the Listed Buildings and not the club building itself. This approach does not offer any protection to the remnant of the tin works wall, however.

2. CONSULTATIONS

- 2.1 The Council's **Sustainability Team** has provided commentary on the applicant's sustainable construction and energy statement. The application is technically just caught by the requirements for higher energy efficiency levels, being a Major application (ten dwellings or more). However, it is advised that since the withdrawal of the Code for Sustainable Homes in 2015, there is only a nominal requirement that could theoretically be asked for over and above the requirements of the Building Regulations.
- 2.2 The statement is considered to be quite basic, dismissing energy generation opportunities and confirming a low-energy and high insulation approach. It appears that this will conform with the insulation requirements of the Building Regulations, but not exceed them.
- 2.3 Officers have considered this concern and also considered whether this matter could be dealt with by condition. In conclusion, it is advised that given the uprated energy policy requirement is in this case very slight compared with what is already required under the Regulations, it would not be appropriate to attach a further reason for refusal or attempt to seek a condition which went beyond the Building Regulations.
- 2.4 In this instance and on balance, officers advise that in sustainability/energy terms, the submitted information is substandard, but the application does not raise conflict with policies CS1, DM1, DM2 or the Sustainable Design and Construction SPD.
- 2.5 The report from the **Reading Design Review Panel (DRP)** has been received today. The DRP's points are summarised as follows:
- The Panel was disappointed that the proposal was not adequately presented in relation to its context, the extent of demolition/retention and the ease of access and amenity areas.
 - The information does not clearly support the viability of this as a stand-alone development site, with windows opening onto the adjacent car park (under separate ownership) and viability of access and ease of movement are problematic.
 - Access is restricted by the physical parameters of the Listed Buildings and a safe, secure route to the entrance, bicycle access and boundary treatment are of concern. The Panel suggests that the principles of, 'Secured By Design' are considered.
 - The reasons for choosing this 'clip art style', not to address the heritage or site context or indeed not to express the flats externally, etc. in the design, layout and elevational treatment, are not evident.
 - The DAS should have provided a clearer narrative for the design evolution.
 - There is no supporting evidence for the orientation of the flats. The flats overlook boundaries and land not in the applicant's ownership. The most open street frontage and amenity area [ie. to St. Giles Close] is blocked by a cycle store.
 - Concerned that some of the flats fall below the National minimum space standards guidance. The Panel was unconvinced by the applicant's argument that the quantum of units is necessary in viability terms, as no affordable housing is proposed, finance is at its cheapest in years and property prices are at their highest.

- There are potential privacy, internal layout and access issues which should be resolved, either by reorienting the dwellings or flipping them so that the upper floors contain studio flats with external amenity/roof access and the lower floors use top lighting, to increase natural ventilation and daylighting too. The latter would help to overcome the issue of facing out directly onto the boundary wall and enable the ground floor to use the ‘rear corridor’ [ie. the northern alleyway].

2.6 **Councillor Rodda** objects to the application and believes that this application is not appropriate for this site. He would like the applicant to rethink their approach and his concerns are as follows:

2.7 “The site may be a listed building and is in a conservation area; its use as a dance hall and then night club is longstanding and part of the area. These points need to be considered carefully and I hope this context will help inform discussion. The After Dark Club is a much loved and popular club which is part of Reading’s heritage. I believe that the nature of the club and the campaign to save it, which has considerable support across the Reading area, deserves to be recognised.

2.8 I would have thought these fundamental points would need to be taken into account first and would encourage planners and the committee to consider this very carefully. These points alone may well be grounds for turning the application down.

2.9 If development is still being considered despite these points I would like to add the following:

2.10 The applicant has not considered the need for social housing. Some applicants make generous offers of support which can have real value at a time when many local people are struggling to find a place to live.

2.11 The overall design and quality of the application does not live up to the standard I would hope for, for example, the housing proposed may not have access to a great deal of light.

2.12 I am not sure if more needs to be done to improve parking in the area as part of the application. The number of spaces proposed could be higher and I would have liked to have seen more spaces being proposed to help provide spaces for nearby residents, through section 106 or other agreements, if this is possible.

2.13 I also think the application could have included suggestions for making other improvements to the local environment, such as supporting play areas, recreation space and/or tree planting or other measures to improve the area for residents.

2.14 In addition, I would ask the planning department and the Committee to consider any additional points raised by residents and campaigners”.

3. PUBLIC CONSULTATION: FURTHER OBJECTIONS

3.1 Three further objections have been received since the publication of the main Agenda report, raising two additional planning issues. One is a concern for the effect on the fabric of the listed buildings during construction. This is considered

to be planning consideration, but a Construction Method Statement could be adjusted to deal with these effects and any direct damage occurring would be a Civil matter between the individual landowners. The second issue is that the objector does not consider that the SUDS report has correctly identified the level of flows into the drainage system, as the club is only used on club nights, however, this is a misunderstanding. The SUDS system is a National requirement to reduce/attenuate stormwater rainfall flows, not foul sewage.

- 3.2 An objector does not consider that the applicant's suggested name of 'Oddfellows Court' is appropriate, but you are advised that this is not a material planning consideration.

4. PETITION

- 4.1 Officers are aware of a petition on the Change.org website with some 3227 signatures, under the heading, 'Save the After Dark club'. Whilst this report has not (at the time of writing) been formally presented to the Council, officers have been able to access and review the comments made. The vast majority of the comments are concerned for the cultural value of the After Dark club, with a number also mentioning economic benefit for the local area.
- 4.2 Officers advise that the petition should be noted by the Committee but it does not appear that it raises any further planning-related objections which have not already been covered in this report or the report on the main Agenda. Members are reminded that despite the strength of public feeling, the loss of the nightclub use, or this particular nightclub operator, are not material planning considerations in the assessment of this planning application.

5. AFFORDABLE HOUSING UPDATE

- 5.1 From paragraph 6.50 of the main Agenda report, officers set out why the application is unacceptable for failing to supply affordable housing. The applicant has used the argument of the allowed appeal on the Pond House pub on Oxford Road as justification that the Council's application of the affordable housing policy is contrary to National planning policy.
- 5.2 For Members' information, since the publication of the main report, officers have received notification of another planning appeal decision, at 17 St. Barnabas Road. In that appeal, the Council produced detailed background information to demonstrate to the Inspector that the Borough has an affordability issue and that affordable housing is required, as an exception to the National requirement that developments of less than ten units or less are excluded from affordable housing. In that case, the Inspector found the Council's evidence compelling and dismissed the appeal. This is considered to support the Council's case for affordable housing on sites to which Policy DM6 applies, such as the After Dark site.

6. CORRECTIONS AND CLARIFICATIONS

6.1 Members are asked to note the following errors in the main Agenda report:

- Reason for refusal 6: should say ESP for Employment and Skills Plan, not EMP.
- Paragraph 5.10: the date of the Market Place/London Street Conservation Area Appraisal is June 2006.
- Paragraph 6.25 refers to Prince Regent House (to the rear of No. 108 London Street) as an extension, but this in fact appears to be a free-standing building.

6.2 Members are also advised that on 24 November (one day before the Agenda deadline), the applicant attempted to submit a set of amended plans, a revised DAS and a revised Heritage Impact Statement (HIS), in order to pre-empt the formal comments of the Design Review Panel. Officers advise that this material was submitted too late in the consideration process and the applicant was aware that the application was being considered on the basis of the original plans and was advised to withdraw. The applicant has declined to withdraw the application, therefore the officer recommendation remains to refuse planning permission for the reasons set out in the main report as adjusted by this update report.

Case Officer: Richard Eatough