

## PLANNING APPLICATIONS COMMITTEE

## 4 OCTOBER 2023

## **ADDITIONAL INFORMATION**

AGENDA ITEM		ACTION	WARDS AFFECTED	PAGE NO
5.	PLANNING APPEALS	Information		5 - 6
8.	201104/FUL - 10 EATON PLACE	Decision	ABBEY	7 - 16
9.	230908/FUL - 104-105 FRIAR STREET	Decision	ABBEY	17 - 18
12.	230814/FUL - 9 UPPER CROWN STREET	Decision	KATESGROVE	19 - 24
13.	231094/FUL - HILLS MEADOW CAR PARK, GEORGE STREET, CAVERSHAM	Decision	THAMES	25 - 26



# Agenda Annex

## UPDATE SHEET AND ORDER OF CONSIDERATION

Planning Applications Committee - 4th October 2023

Item 05 - Appeals Update report

**Public Speaking** 

Item No. 8 Page 37 Ward Abbey

Application Number 201104

**Application type** Full Planning Approval

Address 10 Eaton Place, Reading, RG1 7LP

Planning Officer presenting Matthew Burns \*UPDATE\*

Objector:Steven StantonApplicant/Agent:Tasha Bullen

Item No. 13 Page 183 Ward Thames

Application Number 231094

**Application type** Full Planning Approval

Address Hills Meadow Car Park, George Street, Caversham,

Reading, RG4 8DH

Planning Officer presenting David Brett \*UPDATE\*

**Objector:** Mr Richard Standing

Applicant/Agent: Mr Williams

No Public Speaking

Item No. 9 Page 95 Ward Abbey

Application Number 230908

**Application type** Full Planning Approval

Address 104-105 Friar Street, Reading, Berkshire, RG1 1EP

Planning Officer presenting David Brett \*UPDATE\*

Item No. 10 Page 121 Ward Church

Application Number 231046

**Application type** Regulation 3 Planning Approval

Address The Ridgeway School, Hillbrow, Reading, RG2 8JD

Planning Officer presenting Marcie Rejwerska

Item No. 11 Page 129 Ward Coley

Application Number 231037

Application typeRegulation 3 Planning ApprovalAddress24 Lesford Road, Reading, RG1 6DX

Planning Officer presenting Jonathan Markwell

Item No. 12 Page 139 Ward Katesgrove

**Application Number** 230814

Application type Full Planning Approval

Address 9 Upper Crown Street, Reading, RG1 2SS
Planning Officer presenting Thomas Bradfield \*UPDATE\*

Item No. 14 Page 193 Ward Whitley

**Application Number** 231143

Application type Regulation 3 Planning Approval Address Reading, RG2 0QX

# Agenda Item 5

APPEALS - UPDATE

Ward: Battle

**Appeal No**: APP/ E0345/X/22/3310197

Planning Ref: 200036/CLE

Site: 551b Oxford Road, Reading RG30 1HJ

Proposal: Use of building to rear of 551 Oxford Road as self-contained dwelling.

**Decision level:** Appeal **Method:** Written Representation

**Decision:** Appeal Allowed

Date Determined: 25/08/2023 Inspector: Mr. S. Hawkins MA MRTPI

#### **BACKGROUND**

An application to obtain a Lawful Development Certificate for an existing use (CLUED) as a residential development must be supported by evidence that the use is immune from being enforced against by virtue of being in continuous use for at least 4 years.

The application to confirm the lawful use of the building at the rear of 551 Oxford Road was refused for the following reason on 6 May 2022:

The applicant has not provided sufficient evidence or other information that satisfies the Local Planning Authority that the use of the building to the rear of 551 Oxford Road, Reading, RG30 1HJ as a self-contained dwelling has been ongoing continuously for at least four years. It follows that there is no justification to grant the certificate of lawfulness applied for by the applicant.

#### **SUMMARY OF DECISION**

The Inspector's task was to decide if the Council's decision to refuse was well founded based on the appellants ability to prove a period of continuous use for four years (the relevant period) as a separate dwelling preceding the date the application was made.

#### **Relevant Period**

When assessing the 'relevant period' for a change of use (i.e. 4 years continuous use for the change of use of a building, or part of a building, to use as a single dwelling house) the relevant period can be at **any time** before the application, not just the preceding 4 years up until the date of the application.

However, in this case the Council's decision identified the four years as extending back from when the application was submitted, which the Inspector confirmed by reference to relevant appeals, to not be the correct approach.

In the case of Ocado, R (on the application of Ocado Retail Ltd) v Islington London Borough Council [2021] the High Court confirmed the well-known principle that a breach of condition, or material change of use, must be continuous for the relevant {ten-year} period for immunity from enforcement to be gained. Further, once the lawful use right accrues, its continued existence does not depend on that right continuing to be exercised. This is because the language of TCPA 1990, s 191(2) and (3) makes it plain that the time limit for enforcement may have expired at some point prior to the application date. The LPA must be satisfied of the lawfulness of the matter in question at the date of the application for a CLEUD, and not that that matter became lawful on that date, so the relevant period relied on can be sometime in the past and does not have to immediately precede the date of application. Once immunity

is gained, the lawful use right can only be lost via abandonment or a supervening event such as a material change of use or the creation of a new planning unit.

## **HEAD OF PLANNING, TRANSPORT & PUBLIC PROTECTION SERVICES COMMENT**

I understand from the Legal Officer, that the correct relevant period is now taken into account when assessing CLUEDs, and therefore this should not occur again. Planning officers have also been made aware of this outcome and will ensure that legal assistance is sought when dealing with these often technical and complicated applications to ensure that the correct scrutiny is given.



### 04 October 2023



Title	PLANNING APPLICATION UPDATE REPORT	
Ward	Abbey	
Planning Application Reference:	201104/FUL	
Site Address:	10 Eaton Place, Reading, RG1 7LP	
Proposed Development	Demolition of the existing building and redevelopment of the site to provide a residential building of 5 storeys (Use Class C3) and associated public realm improvements (amended description)	
Applicant	Hamble Residential Limited	
Report author	Matt Burns, Principal Planning Officer	
Deadline:	Originally 10/05/2021, but an extension of time has been agreed with the applicant until 31st October 2023	
Recommendation	As per main report	
S106 Terms	As per main report	
Conditions	As per main report	
Informatives	As per main report	

#### 1. Amended Plans Received

- 1.1. Since publication of the main agenda report amended plans for the application have been submitted. The only change shown on the amended plans is removal of a metal grid structure to the north elevation of the building which was proposed to provide a frame for climbing plants over this elevation as a design feature. However, following discussions with the Council's Natural Environment Officer concerns have been raised regarding access, maintenance and management challenges of such a feature, given it would be located on a shared boundary (north boundary shared with The Butler Public House). Furthermore, given the feature was proposed to be located to a north-facing elevation this would not create ideal conditions for such a feature to become established and could become a negative design feature of the development. Therefore, officers advised that this feature should be removed from the proposed plans.
- 1.2. No other changes to the proposed development are shown on the amended plans. Officers are satisfied that the street-level and roof top landscaping, as well as green/blue roof, proposed as part of the development are adequate for a development of this size in terms of soft landscaping provision and that removal of the climbing plant feature from the north elevation does not change the officer recommendation for the application, which remains as per the main agenda report.

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- 1.3. The list of submitted plans and documentation submitted with the application from paragraph 3.8 of the main agenda report is amended as follows (deletions crossed through and additions in *italics*):
  - 052-TWA-XX-XX-PL-AX-16 002 P5 Proposed Site Section B-B
  - 052-TWA-XX-XX-PL-AX-17 001 P5 Proposed North Elevation
  - 052-TWA-XX-XX-PL-AX-17 003 P5 Proposed South Elevation
  - 052-TWA-XX-01-PL-AX- 11 001 P5 First Floor Plan
  - 052-TWA-XX-02-PL-AX -11 002 P5 Second Floor Plan
  - 052-TWA-XX-03-PL-AX- 11 003 P5 Third Floor Plan
  - 052-TWA-XX-XX-PL-AX-36101 P3 Cladding Bay Study: North Elevation

Received by the Local Planning Authority on 2<sup>nd</sup> October 2023

2211027-TK01 Rev A Swept Path Analysis Refuse Vehicle Received by the Local Planning Authority on 24<sup>th</sup> July 2023

052-TWA-XX-RF-DR-PL-11015 P4 Proposed Roof Plan Received by the Local Planning Authority on 7<sup>th</sup> June 2023

052-TWA-XX-00-DR-PL-11000 P4 Ground Floor Plan 2211027-01 Proposed Highway Works Received by the Local Planning Authority on 16<sup>th</sup> May 2023

- 052-TWA-XX-XX-DR-PL-16001 P3 Proposed Site Section A-A
- 052-TWA-XX-XX-DR-PL-16002 P3 Proposed Site Section B-B
- 052-TWA-XX-00-DR-PL-10000 P2 Proposed Site Plan
- 052-TWA-XX-XX-DR-PL-19000 P2 Affordable 3B 6P Ground Floor Plan
- 052-TWA-XX-XX-DR-PL-19001 P2 Affordable 3B 6P First Floor Plan
- 052-TWA-XX-XX-DR-PL-19002 P2 2B 4P Typical Layout Plan
- 052-TWA-XX-XX-DR-PL-19003 P2 1B 2P Typical Layout Plan
- 052-TWA-XX-XX-DR-PL-17001 P3 Proposed North Elevation
- 052-TWA-XX-XX-DR-PL-17002 P3 Proposed East Elevation
- 052-TWA-XX-XX-DR-PL-17003 P3 Proposed South Elevation
- 052-TWA-XX-XX-DR-PL-17004 P3 Proposed West Elevation
- 052-TWA-XX-01-DR-PL-11001 P3 First Floor Plan
- 052-TWA-XX-02-DR-PL-11002 P3 Second Floor Plan
- 052-TWA-XX-03-DR-PL-11003 P3 Third Floor Plan
- 052-TWA-XX-04-DR-PL-11004 P3 Fourth Floor Plan
- 052-TWA-XX-XX-DR-PL-36100 P2 Cladding Bay Study 01 Bay Study
- 052-TWA-XX-XX-DR-PL-36101 P2 Cladding Bay Study 02 Bay Study
- 052-TWA-XX-XX-DR-PL-36102 P2 Cladding Bay Study 03 Bay Study
- 052-TWA-XX-00-DR-PL-99000 P3 Demolition Plan
- 052-TWA-XX-XX-DR-PL-07001 P3 Existing North Elevation
- 052-TWA-XX-XX-DR-PL-07002 P3 Existing East Elevation
- 052-TWA-XX-XX-DR-PL-07003 P3 Existing South Elevation
- 052-TWA-XX-XX-DR-PL-07004 P3 Existing West Elevation
- 052-TWA-XX-00-DR-PL-00002 P2 Existing Site Plan
- 052-TWA-XX-00-DR-PL-01000 P3 Existing Ground Floor Plan

052-TWA-XX-01-DR-PL-01001 P3 Existing First Floor Plan 052-TWA-XX-RF-DR-PL-01002 P3 Existing Roof Plan 052-TWA-XX-00-DR-PL-00001 P2 Site Location Received by the Local Planning Authority on 2<sup>nd</sup> February 2023

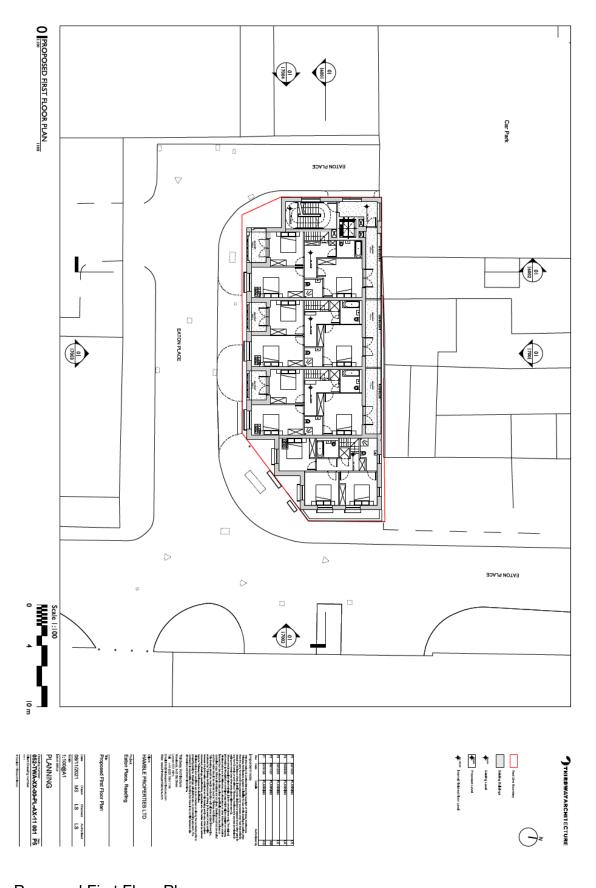
Design and Access Statement, prepared by Anomaly Architects
Planning Statement, prepared by Iceni Projects
Heritage and Townscape Assessment, prepared by Iceni Projects
Daylight, Sunlight and Overshadowing Assessment, prepared by Point 2
Surveyors

Energy and Sustainability Statement, prepared by Cudd Bentley Consulting Overheating Assessment, prepared by Cudd Bentley Consulting SuDS Assessment and Drainage Design, prepared by Infrastruct CS Ltd Transport Statement, prepared by Motion Noise Assessment, prepared by Accon Received by the Local Planning Authority on 2<sup>nd</sup> February 2023

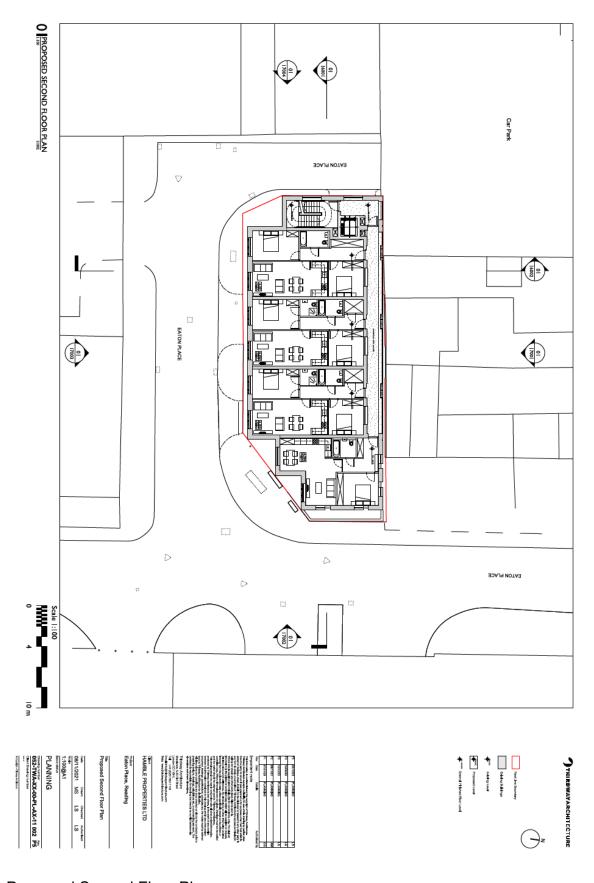
Land Contamination Report, prepared by leap Air Quality Assessment, prepared by accon uk Received by the Local Planning Authority on 22<sup>nd</sup> February 2021

Case Officer: Matt Burns

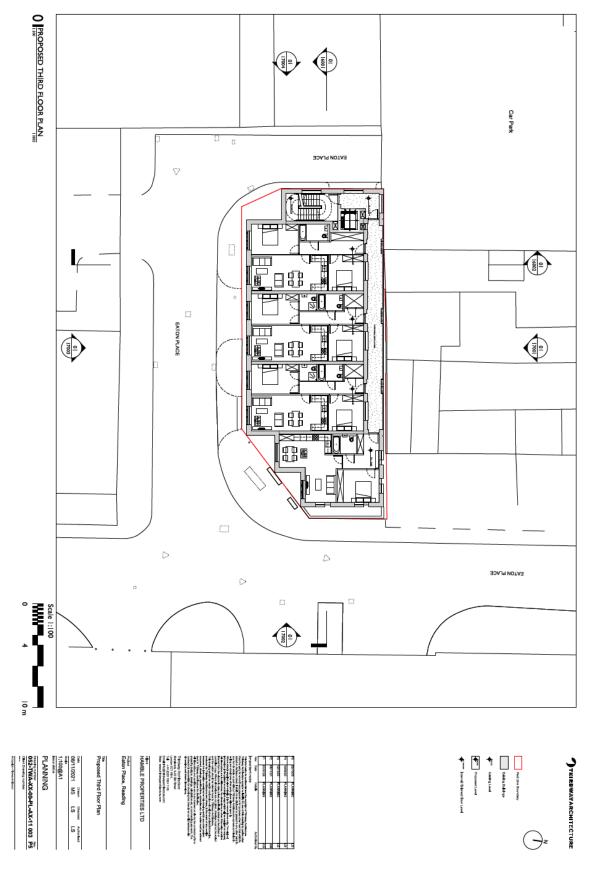
Amended drawings:



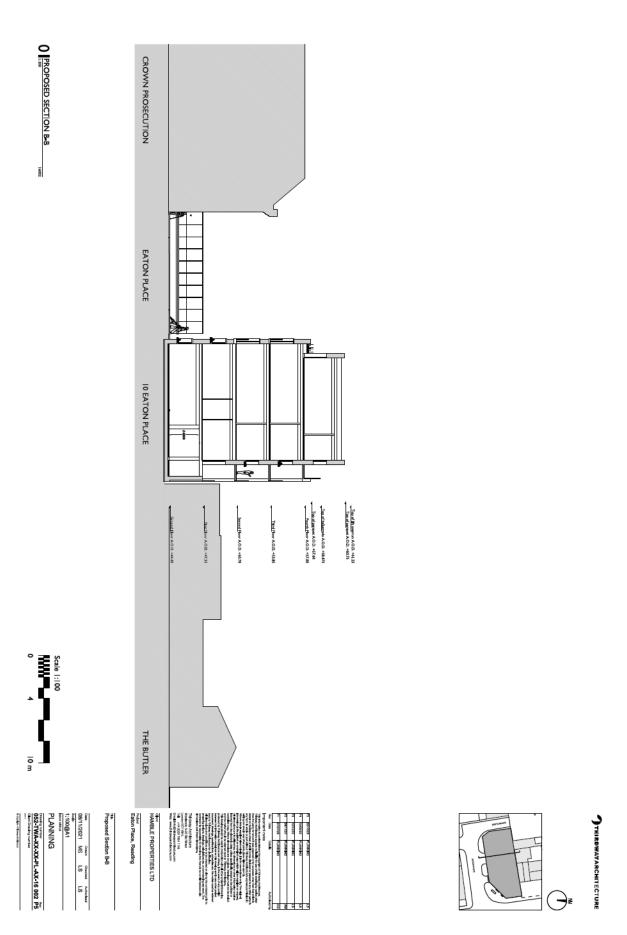
Proposed First Floor Plan



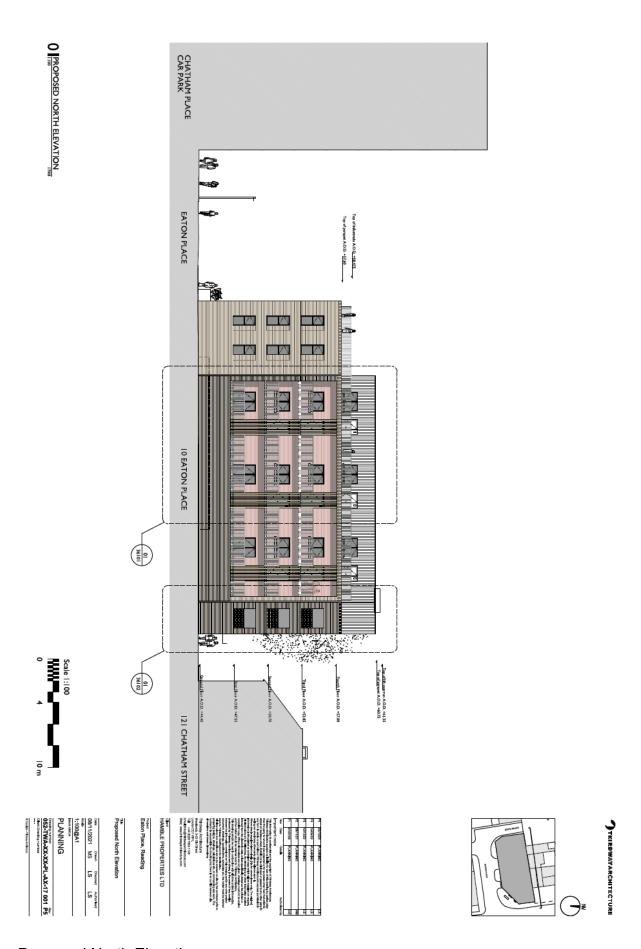
Proposed Second Floor Plan



Proposed Third Floor Plan



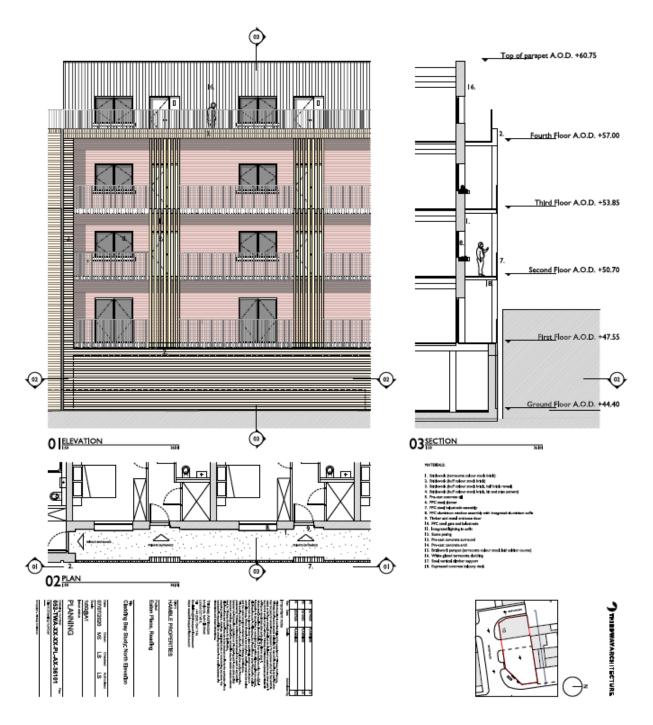
Proposed Section B-B



**Proposed North Elevation** 



**Proposed South Elevation** 



Proposed Cladding Bay Study: North Elevation

#### 04 October 2023



Title	PLANNING APPLICATION REPORT	
Ward	Abbey	
Planning Application Reference:	230908/FUL	
Site Address:	104-105 Friar Street, Reading, RG1 1EP	
Proposed Development	Change of use of 104-105 Friar Street from a vacant Class E unit to an Adult Gaming Centre (AGC) (Sui Generis) (SG)	
Applicant	Merkur Slots Ltd (UK)	
Report author	David Brett	
Deadline:	11/10/2023	
Recommendations	As per main report	
Conditions	As per main report	
Informatives	As per main report	

#### 1. Additional Information Submitted

- 1.1. The following document has been received from the applicant to support this application:
  - Planning Statement Addendum 104-105 Friar Street, Reading

Received on 27/09/2023

- 1.2. The Planning Statement Addendum sets out the applicant's justification for application considering the reasons for deferral of the item from the September Planning Applications Committee.
- 1.3. The statement discusses the contribution that the Adult Gaming Centre would have with regards to footfall. The statement asserts that there is no family housing nearby, however, there are now some family sized units that became available in August 2023 as part of the Station Hill development (Ebb & Flow). The applicant has also undertaken a survey of units along Friar Street, Union Street, West Street and Station Road.
- 1.4. The officer recommendation is still for approval subject to conditions as outlined in the main report.

#### Planning Statement Addendum - 104-105 Friar Street, Reading - Receive on 27/09/2032

Planning Statement addendum – 104-105 Friar Street, Reading 230908/FUL

- There is no evidence that the three existing AGCs are having a pejorative impact on this part of the PSF. On the contrary, the number of vacancies is low and a Merkur Slots adds to the inward investment. Other businesses can benefit from locating themselves near these hubs of consumer presence.
- The submitted footfall survey shows that there is an increase in the level of consumer activity within the surrounding area and that Merkur Slots AGCs generate similar and often high footfalls than retail and service operators.
- There is no family housing nearby, which was a concern members expressed at the September meeting. Given the central location, accommodation is primary student accommodation or 1-2 bedroom flats.
- Like any other retailer/leisure operator, key factors such as footfall, competitive presence, demand and overall cost of running an outlet help operators decide where to open new premises.
- We've undertaken a survey of all the units along Friar Street up to the Station Road Junction (including Unition Street which forms part of the PFS) and West Street and identified the most common uses/operators (there are many more types of operator/uses in this section of the PSF). The table helps to show that four AGCs in this context is not in any way excessive. It also shows that there is a healthy mix of both leisure/late night operators and retailors in this part of the PSF. Whilst there are 14 restaurants/cafes, 4 clubs, 7 convenience shops, etc they all individually have different brands/offers/services that contributes to the vitality and viability of the PFS, and it is no different for the AGC sector.

Restaurants/Cafes	14
Pub/Bars	3
Clubs	4
Mobile phone shops (retail)	8
Convenience shops/news	
agents	7
Vaping shops (retail)	7
Beauty/Nail Salons	4

#### **UPDATE REPORT**

BY THE EXECUTIVE DIRECTOR OF ECONOMIC GROWTH AND NEIGHBOURHOOD SERVICES

READING BOROUGH COUNCIL ITEM NO. 12

PLANNING APPLICATIONS COMMITTEE: 4 October 2023

Ward: Katesgrove

Application No.: 230814

Address: 9 Upper Crown Street, RG1 2SS

**Proposals**: Demolition of existing buildings and structures, associated re-use of frame with basement level used for car parking and servicing, erection of 3 no. residential blocks containing 46 no. dwellings above, associated parking (including replacement), access works and landscaping, relocation of substations and associated works to rear of Indigo apartments to facilitate pedestrian access.

Applicant: Irongate Property (Reading) Ltd

#### **RECOMMENDATION:**

As per the main agenda report

### 1. Natural Environment Team Consultation Response

- 1.1 Additional comments from the Natural Environment team were received since publication of the Committee Report. They can be summarised as:
  - Additional green space has been provided which is an improvement
  - The proposed tree species are generally acceptable, but trees for purely "ornamental" value should be avoided
  - There would be a significant net gain in green spaces as a result of the proposal, which is positive
  - A condition to secure the landscaping is proposed

#### 2. Additional Plans and Elevations

2.1 Following publication of the committee report, a request has been made for more plans and elevations showing the scheme to be included, which are provided below.

## Proposed Site Plan





South Elevation: Upper Crown Street



North Elevation: Rear Access Road



East Elevation: Access Road



















Case Officer: Thomas Bradfield



#### 04 October 2023



Title	PLANNING APPLICATION REPORT	
Ward	Thames	
Planning Application Reference:	231094/FUL	
Site Address:	Hills Meadow Car Park, George Street, Caversham, Reading, RG4 8DH	
Proposed Development	Temporary erection of ice rink, marquee structure and ancillary side stalls in connection with Christmas festival, for a period of time not to be before 15 October 2023 and not to extend beyond 21 January 2024	
Applicant	Premier Winter Wonderland Events Limited	
Report author	David Brett	
Deadline:	07/11/2023	
Recommendations	As per main report	
Conditions	<ol> <li>Temporary Planning Permission</li> <li>Approved Plans</li> <li>Opening Hours</li> <li>In accordance with the Event Management Plan</li> <li>External Lighting</li> <li>Flood Risk Measures As Specified</li> <li>Location of Permitter Fence</li> <li>Sound Levels</li> </ol>	
Informatives	As per main report	

#### 1. Additional Condition

- 1.1. Following further discussions with the applicant and the Environmental Protection Team regarding sound levels from the event, an additional condition has been added to the recommendation (condition 8). A compliance condition is recommended in relation to sound levels from any music and other activities associated with the use.
- 1.2. The compliance condition states that the sound level of any music and any other activity associated within the use hereby approved shall not exceed ambient sound level at the façade of any residential property, when measured as LAeq (5 min) levels. This is to safeguard the living conditions of residents within the area surrounding the event, in accordance with Policy CC8 of the Reading Borough Local Plan 2019. This condition is stricter than the conditions set out regarding noise levels within the Premises Licence for the event.
- 1.3. The officer recommendation is still for approval subject to conditions as outlined in this update report. Informatives are as per the main report.

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