



PLANNING APPLICATIONS COMMITTEE

6 FEBRUARY 2019

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## Applications for Committee Determination since previous Committee Report

Printed: 01 January 0001

**Ward:** Abbey

**Application reference:** 182054

**Application type:** Full Planning Approval

**Site address:** 20 Hosier Street, Reading, RG1 7JL

**Proposal:** Demolition of all existing structures, erection of a part 7, part 8 storey building for use as 101 bed Hotel (Class C1 Use) at Ground - 8th Floor and Restaurant/Bar (Class A3/A4 Use) at ground floor, with means of access, servicing and associated works

**Reason for Committee item:** Major Application

**Ward:** Abbey

**Application reference:** 182196

**Application type:** Full Planning Approval

**Site address:** Thames Quarter, Kings Meadow Road, Reading, RG1 8DQ

**Proposal:** Erection of a part 13-storey, part 23 storey building comprising 338 apartments in a mix of studio, one-bedroom, two-bedroom and three- bedroom units, residents' lounges, tech-hub, dining room, and cinema room, various rooftop outdoor amenity spaces, concierge/reception with coffee meeting area, gym; residents' storage facilities; postroom, ancillary back-of-house facilities, 338 secure cycle parking spaces, car parking spaces, landscaping, and associated works (revision to planning permission 162166 dated 23/11/2017)

**Reason for Committee item:** Major Application

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## UPDATE REPORT:

BY THE DIRECTOR OF ENVIRONMENT & NEIGHBOURHOOD SERVICES READING BOROUGH COUNCIL PLANNING APPLICATIONS COMMITTEE:	ITEM NO.
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**Ward:** Abbey  
**App No.:** 171808/FUL  
**Address:** Central Jamme Mosque, 18/18a Waylen Street, Reading  
**Proposal:** Retrospective planning application for the demolition of a pre-existing extension and the construction of a two storey rear extension, and the erection of a boundary wall adjacent to the highway (amended description).

### RECOMMENDATION (AMENDED):

Delegate to the Head of Planning, Development and Regulatory Services (HPDRS) to **GRANT** planning permission subject to the completion of a satisfactory s106 legal agreement with the following Heads of Terms:

- (i) The site/premises shall be used as a **D1 Mosque only** offering space for a combination of worship, training, education and meetings activities for a **maximum of 200 people at any one time;**
- (ii) The site/premises shall only operate in accordance with the approved travel plan; and
- (iii) The travel plan to be subject to annual reviews, for the duration of the development/use.

If the agreement is not completed by 15 February 2019, delegate to the HPDRS to **REFUSE** planning permission unless the HPDRS gives his permission to any extension of time to allow the signing of the agreement and permission to be issued.

Conditions wording: officers to advise verbally at your meeting.

## 1. TRANSPORT UPDATE

- 1.1 Since the publication of the main Agenda report, officers can advise that progress has been made on the travel plan and a revised version has been received. RBC Transport Strategy advises that this latest version of the travel plan has been reviewed and is acceptable as it does not increase the car movements above that previously generated. The travel plan is to be secured through the s106 and will require annual reviews. It is therefore advised that subject to the applicant's confirmation as to the Heads of Terms for the legal agreement (awaited at the time of writing this update report), the application complies with the Council's transport policies (DM12, CS20, CS24).

## 2. CONDITIONS

- 2.1 Officers will verbally update the Committee on adjustments required to the conditions in terms of timescales and a further condition which is required.

**Case Officer:** Richard Eatough

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## UPDATE REPORT

BY THE DIRECTOR OF ENVIRONMENT & NEIGHBOURHOOD SERVICES

READING BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE: 6<sup>th</sup> February 2019

ITEM NO. 12

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Ward: Katesgrove

Application No.: 181117

Address: 34-36 & 38 Southampton Street, Reading, RG1 2QL

Proposal: Erection of a basement and 4-storey building to provide 11 (1x studio, 8x1-bed & 2x2-bed) residential units (Class C3) and associated works following the demolition of the existing buildings (basement & 3- storey public house at No's 34-36 Southampton Street and 2-storey residential building at No. 38)

### Recommendation:

As in main report, barring rewording of condition 20 (omissions denoted by ~~strikethrough~~):

20. ~~Notwithstanding the provisions of the GPDO 2015~~ no change to the unit mix (1xstudio, 8x1-bed and 2x2-bed units) shall be made to the development hereby permitted without express planning permission from the Local Planning Authority.

## 1. Certificate of immunity from listing update

- 1.1 Further to section 4xii) and paragraph 6.6 of the main report, on 28/01/19 Historic England (HE) confirmed the certificate of immunity from listing. More specifically, having considered HE's recommendation, the Secretary of State for Digital, Culture, Media and Sport has decided not to add Red Lion Public House and 38 Southampton Street, Reading to the List of Buildings of Special Architectural or Historic Interest. Accordingly, HE confirmed that the Minister hereby certifies that he does not intend to list the building.
- 1.2 Under section 6(2) of the 1990 Act, the effect of this certificate is to preclude the Secretary of State from listing Red Lion Public House and 38 Southampton Street for a period of five years from the date of issue (28/01/19), and to preclude the local planning authority from serving a Building Preservation Notice (BPN) on the building during that period.
- 1.3 The reasons for the decision were as already stated at paragraph 4.50 of the main report.

## 2. Further public consultation responses

- 2.1 Subsequent to the completion of the main report, three further public consultation responses have been received. These are addressed below.
- 2.2 First, an objection has been received from an unspecified address on Southampton Street (2 submissions made at separate times, but of an identical nature). Secondly, a further response has been received from Calbourne Drive, Calcot, RG31 (previous objections were received at the time of the initial consultation, as reported at section 4xiv of the main report). Both responses from the Southampton Street and Calbourne Drive addresses are identical and are summarised as follows:

- a) Disheartened and astonished regarding the way in which the consultation process has been run. Concerns that Article 15 of the Development Management Procedure Order has not been followed as the application does not appear on the website from a postcode search. This is unfair and unjust on the residents of Reading as the whole point of the public consultation is so that anyone can respond to a planning consultation. In addition to individuals who might be directly affected by a planning application, community groups and specific interest groups (national as well as local in some cases) may wish to provide representations but in this case would be unable to do so as it is unlikely they would have the application number.
- b) The Red Lion Public House is a great iconic building and no similar building exists within Reading.
- c) The pub has been neglected by the current owners; the previous tenants were given a premium to leave the premises and forfeit their lease.
- d) Not clear in the structural report prepared by Scott White and Hookins if the building is deteriorating and likely to collapse. RBC's house surveyor should assess whether it can be retained rather than demolished.
- e) The proposal would be an over-development of the site.
- f) The proposed design is poor and cumbersome and the proposed development would be large and dominant which is out of keeping with the street scene (agree 100% with previous officer comments at the time of application 172328) and contrary to policies CS7 and RC5.
- g) The amenity for future occupiers is abysmal due to having an unacceptable lack of outlook which comes from the quality of rooms, and flat layouts being compromised.
- h) The amenity of the existing nearby occupiers would be an unacceptable visual dominance due to the significant increase in massing proposed at the side/rear of the application site. As such, the existing/future occupiers of Solent Court would suffer significant detrimental impacts to their living environment, contrary to policy DM4.

2.3 Officer responses: a) Officers are content that the consultation requirements have been met. Owing to a technical issue, the application did not appear from the planning search function on the website via a postcode search. This was rectified when the matter was brought to the attention of officers. Throughout the consultation period the proposals could be found via an address search. Furthermore, responses were received from various addresses, as per section 4xiv of the main report. It is noted that one of the further respondents had commented at the time of the initial consultation in August 2018; b), d) e) & f) Please see sections 4ii), 4iii), 6ii) and 7 of the main report; c) Officers are content with the loss of the existing use, as per section 6i) of the main report; g) Please see section 6iv) of the main report. h) Please see section 6v of the main report.

2.4 Thirdly, an observation has been received from Reading Conservation Area Advisory Committee (noting it has not commented on application 181117), subsequent to the publication of the main report. This queried the accuracy of the information which assisted HE in recommending the buildings should not be listed (more specifically whether the pub was pre or post 1840 - as referenced in separate) and sought for HE to reconsider the listing description on this basis.

2.5 Officer response: Officers fed the correspondence from Reading CAAC (including submissions at the time of application 172328) into HE. HE replied confirming that the evidence/argument put forward by the CAAC did



not seem to provide any relevant new information not considered during HE's assessment. This was then fed back to Reading CAAC, who acknowledged HE's response and thanked officers for pursuing this.

### **3. Further Councillor response**

- 3.1 Subsequent to previous comments received from Cllr James, as detailed at section 4xv) of the main report, a further response has been received withdrawing the original concerns raised. The further response, in full, is as follows:

After careful consideration and further conversation with the developers, I have decided to withdraw my objection of the Red Lion site. Although it would always be preferable to retain original features, I acknowledge that it is challenging given alterations made to the site and previous structural damage, and that developers have made an effort to act on previous feedback from residents in terms of the design.

Creating more housing is a priority in Reading and any additional units is important with a town with such high need. I welcome this element of the application, however, I would like to see a firm commitment to affordable housing.

**Case Officer: Jonathan Markwell**

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## UPDATE REPORT:

BY THE DIRECTOR OF ENVIRONMENT & NEIGHBOURHOOD SERVICES

READING BOROUGH COUNCIL

ITEM NO. 13

PLANNING APPLICATIONS COMMITTEE: 6 February 2019

**Ward:** Mapledurham

**App No.:** 182200/VARIAT

**Address:** Mapledurham Playing Fields, Upper Woodcote Road, Caversham

**Proposal:** Erection of 2FE primary school (350 pupils) with associated landscaping, multi-use games area (MUGA), car and cycle parking, and servicing, without complying with conditions 2 (approved plans), 9 (landscaping scheme) and 10 (details of hard and soft landscaping of the MPF Community Car Park) of planning permission 171023/FUL.

## RECOMMENDATION AMENDED:

### Subject to:

- (i) **Expiry of the consultation period re-advertising the Section 73 VARIAT application (hereinafter called in this report the VARIAT application) (by 22 February 2019) and no substantive new objection issues (relevant to the consideration of this application) having been received following your meeting; and**
- (ii) **The satisfactory completion of a Supplemental Unilateral Undertaking (UU) and Deed of Variation by 22 February 2019 to secure the following Heads of Terms;**

Delegate to the Head of Planning, Development and Regulatory Services (HPDRS) to **GRANT** planning permission by 22 February 2019. If the Supplemental Unilateral Undertaking and Deed of Variation are not signed by 22 February 2019, delegate to the HPDRS to **REFUSE** planning permission, unless he gives his agreement to any extension of time to allow the planning permission to be issued.

### Heads of Terms:

- (i) That the below **obligations relating to the original planning permission under ref 171023/FUL (listed a-d) be carried forward** to this current planning application (unless indicated below);
- (ii) Provision of a **further landscaping/tree mitigation contribution** be secured on signing of the Supplemental Unilateral Undertaking and Deed of Variation consisting of an **additional contribution of £5,000 (increasing the £375,000 contribution in permission 171023/FUL to £380,000) towards the provision, planting, maintenance and if necessary replacement of trees within the Mapledurham Playing Fields (or the environs within Mapledurham Ward). Contribution to be payable on disposal of the application site;**
- (iii) The design and implementation of a **land grading scheme to address the levels issue to the MPF access (for vehicles and pedestrians to an agreed standard) between the school and the Pavilion in accordance with an approved gradient plan (to be attached to the supplemental UU/DoV). These works to be completed by the applicant in conjunction with/no later than the completion of the MPF Car Park Works;**
- (iv) **Definition of ‘Implementation’ in the Supplemental Unilateral Undertaking and Deed of Variation to make explicit that site clearance includes removal of trees/landscaping;**
- (v) **Confirmation that the CUA allows the school’s staff car park to be available for community use out of School Core Hours; and**
- (vi) **Any other ancillary terms and conditions that the Planning Solicitor considers are necessary to protect the Council as Local Planning Authority.**

Obligations relating to the original planning permission 171023/FUL to be carried forward:

#### **(a) Transport improvements:**

**As set out in previous reports/unchanged**

#### **(b) Community Use provisions:**

**As set out in previous reports/unchanged (save for Community Use Agreement plan to be updated to reflect slight change in floor layout of the variation proposal).**

**(c) Open space mitigation provisions:**

As set out in previous reports/unchanged (but see update above)

**(d) Construction Phase Employment and Skills Plan (ESP):**

As set out in previous reports/unchanged

**Updated conditions:**

New condition 26: no development of the MUGA before submission and agreement of details of MUGA finish to be advised. To be implemented prior to first occupation of the school.

**Updated informatives:**

SE input to be sought in discharging relevant conditions.

**1. SPORT ENGLAND UPDATE**

- 1.1 Sport England (SE) maintains its position that it does not support the development of a school in this location. However, SE accepts that the principle of the school in this location was established following the Council's grant of planning permission and it is noted that this planning application was not called in for consideration by the Secretary of State. SE does not wish to cause undue delays to the building of a new school. However, the community sports users that use the playing field have concerns about the wider impact of this proposal on sporting activity at the site and SE wishes to support them in ensuring that these concerns are adequately addressed.
- 1.2 Officers have been in discussion with SE since the publication of the main Agenda report and this section of the Update Report clarifies the progress which has been made to address SE's concerns since.
- 1.3 Importantly, SE has now confirmed that they consider that there is no requirement to refer the matter to the Secretary of State, as the reason for Sport England's 'holding objection' does not relate to any of the matters set out in the Government's Planning Practice Guidance for referrals. Accordingly, Recommendation (ii) in the main Agenda report has been removed. Subject to the Council addressing their concerns and providing the information relating to the Section 106, SE has indicated that it is potentially willing to fully withdraw its objection to the above planning application, although for the reasons explained below, the holding objection stands.
- 1.4 SE's remaining concerns mostly relate to seeking to ensure that the local community is still able to use this site for sport alongside the new school and that the new sports facilities will be fit for purpose and to secure the package of mitigation for the playing field loss that was agreed by the Council in the previous permission.

### Community use

- 1.5 SE would like to have had further input into the planning conditions and community use agreement for this site when it was considered by the committee previously. Officers cannot find evidence that SE requested this at that time, as their response then had been not to support the previous application. With this variation application, SE has advised that where they are able to input further into the layout/design of the school facilities/playing field mitigation, they would welcome that opportunity to do so; particularly in relation to the MUGA and the change in levels on the site. SE suggests amending the planning conditions such that they require them to be consulted on this information. In response to this, officers consider that no change is required to the current conditions themselves, but an informative can be added advising that SE input will be sought in relation to the discharging of the relevant conditions (for instance Condition 5: car park management during the school construction and also the location of the contractors compound; Condition 15: Details of lighting of the MUGA; and Condition 9: to cover details of the MUGA surface).
- 1.6 SE has questioned why the School staff car park is not also open to the community on Saturday mornings, when the school would usually be closed. Officers confirm the intention is that the staff car park shall be open to community use outside school core hours. SE would like to be able to further 'influence' the CUA, but apart from the above issue, your officers are not advising that there are any substantive changes required, so opening up this issue, as holds for other aspects of the proposal in relation to Section 73, is not appropriate, as circumstances have not changed since the approval of permission 171023/FUL.
- 1.7 SE has sought reassurance on the reconfiguration of the football pitches. The RBC Parks service is progressing towards submitting their REG3 planning application shortly. The draft layout for this application includes tree mitigation (described further below) and this is currently showing a configuration of 8x pitches, with pitches on the western side of the MPF being reoriented and pitches on the east side undergoing a complete relevening, to allow the pitches to move around, as needed. SE can be involved in the final details of this application/conditions and the pitches which are to be the subject of upgrading will need to be provided to SE/FA standards, as set out in the existing s106 agreement.
- 1.8 SE continues to be concerned for the impacts on the football and tennis clubs during the construction in terms of disruption, alternative sites for football to be used and car parking availability. Officers have advised SE that these matters will be dealt with as far as possible/as is reasonable within existing agreed arrangements (CUA, CMS, etc.) as part of the existing planning permission/s106 agreement; but there are no new issues raised by this variation application. The approved MPF car parking arrangement is not proposed to be altered.
- 1.9 SE asks whether the pitch improvements will meet improvement standards set by the IOG (Institute of Groundsmen). Officers advise that under the terms of the existing permission/s106, the pitch (re-)provision for the pitches as proposed to be upgraded, must be provided to SE/FA standards and SE will be consulted on these matters and the related RBC REG3 planning application which is due to be submitted. For clarity, the mitigation in the approved s106 does not require all

pitch re-provision to be to the uprated standards; only those pitches necessary to achieve the mitigation as required to off-set the additional impact of the siting of the school on the MPF pitch carrying capacity.

- 1.10 SE asks that if the Section 106 is expected to change as part of application 182200/FUL, Sport England would also like to understand what changes (if any) will be made to the Section 106 when planning permission is reissued. As set out in these reports, the changes required are comparatively limited (arising solely from the changes associated with this s73 variation application) and the main thrust of the obligations are unaffected.
- 1.11 As well as asking for certain conditions to be discharged with their input, SE has specifically asked for details of the MUGA (surfacing, lighting, fencing) to be set out. Given that there are some changes to the MUGA insofar as they relate to the levels changes proposed around it, officers agree that SE's specialist input would be helpful and propose an additional, separate condition. The applicant is aware of this and is in agreement. SE is also concerned with how emergency vehicles can access the MUGA, but provided that the ramped/graded access is provided onto the MPF, direct access to the MUGA by ambulances, etc. would be improved via the variation application. This ramp will also allow continued use of parking on the MPF when, for example, football tournaments or other events take place, as existing.
- 1.12 Your officers have advised SE of the extent to which it is appropriate to accommodate their requests given the scope of changes proposed by this s73 variation application and has been clear that the LPA will not be re-opening conclusions reached in the approval of the earlier planning permission, when circumstances have not changed since. Officers will verbally update you at your meeting if anything further is received from Sport England regarding their current holding objection.

## **2. MITIGATING WORKS UPDATE**

- 2.1 The report at paragraph 6.11 indicates that a more comprehensive tree planting programme is required.
- 2.2 At the time of writing, the Council's Parks and Leisure service is seeking to approve a plan which reconfigures the MPF pitches and provides tree/ecological mitigation. That plan is advanced but not finalised at the time of writing (it still requires the approval of the Playing Fields Trust Sub-Committee), but the relevant REG3 planning application for these MPF works is expected to be submitted shortly. However, there are various elements of this plan and mitigation which are able to be confirmed:
  - Firstly, as a result of this s73 variation application, a further contribution of £5,000 is to be provided by the applicant for additional tree planting. This will allow for an enhanced provision of trees (over and above that secured under the current permission) to be planted and maintained in the Playing Fields/environs. This contribution is a minor, proportionate increase of the already agreed £375,000 contribution for pitch and landscaping improvements.
  - Trees at the moment are proposed to be a variety of species including native or naturalised species such as a Holm Oak; 3x Scots Pine; and 6x ornamental Dogwood trees (Cornus). There would be a further 'feature tree' at the northern end of the

avenue of trees, near where the relocated children's play area is proposed to be provided and a further stand of 5x English Oak trees to the north of the existing orchard woodland at the north-east of the MPF.

- The current layout indicates that all ten of the line of Poplar trees on the western half of the MPF would be retained. This is considered to be a helpful improvement, retaining these native/semi-native trees (they are mix of Lombardy Poplars and White Poplars) for views and ecological value but also these trees will help to screen the school from the MPF from the south/south-west. However, whilst these trees have a current visual/ecological value, they are coming to the end of their lifespan and are not expected to live more than 20 years. The current Parks Service plan is when the first of this line of trees fails (dies, falls), the entire row of ten will be removed and replaced with native Oak trees.
- An avenue of 40x trees are proposed north-south through the Playing Fields. These would frame a new public path through the MPF and provide screening of the school from vantage-points from the South-East. The preferred species at the moment is Liquidambar, which would provide vibrant Autumnal colour, although detailed considerations (e.g. soil type) may inform the final species selection.
- It is also notable that a significant proportion of the new/replacement species in the MPF improvement works are to be native or 'naturalised' species providing new opportunities for ecology in the longer-term.
- Due to the levels changes that will be required to the immediate east of the red line of the application site, a gradient plan/access strategy is being produced. This plan shows a gradual slope from the MPF car park down to the MPF for pedestrians, service/grounds vehicles, emergency vehicles and the occasions when public car parking is allowed on the MPF during events. The applicant will undertake these additional groundworks in conjunction with the works to the MPF car park and this obligation is included in the s106 DoV, see the Recommendation above.

- 2.3 Overall, officers are content that the mitigation strategy is coming together and will be suitably augmented to provide the additional tree planting opportunities to compensate for the additional tree removal which has proven necessary in the area of the school. Delivery of these aspects of the proposals is, as previously, incumbent on the Council's Leisure Service. It is recommended that subject to the additional requirements set out in the Recommendation, the variation application is suitable in terms of mitigating its additional impacts on the natural environment.

### 3. ADDITIONAL REPRESENTATIONS RECEIVED: ORGANISATIONS

- 3.1 The Warren and District Residents' Association (WADRA) has responded as follows: *"While described as a Minor Material Amendment, the significant overlooking of a 2.6 metre levels change across the application site and variation in the number of trees to be felled to accommodate the build does not give confidence in the original application, or in this one. The external changes around its boundary, increased height with fencing perhaps atop retaining walls will make the building even more massive and dominating over Mapledurham Playing Fields (MPF).*
- 3.2 *This application is intimately connected to the Landscape Plan, currently in draft, for the whole of the Playing Fields, necessitated by The Heights school and the two applications should be considered together. Furthermore, the major issue of car access and parking for both MPF Users and the school is yet to be determined and documented. We call for this application to be refused or deferred until it can be properly considered".*



- 3.3 In response, the main Agenda report describes the principal changes between the original permission and this s73 variation application. There are no changes in height and whilst fencing will be on top of retaining walls exposed to part of the south elevation, on other elevations this will be a minor visual element over and above the situation as approved previously. Railings for the MUGA would be no higher than the perimeter fence and have no additional visual impact on the Playing Fields. The original permission provided for an obligation to provide landscape mitigation on the MPF via a s106 agreement and this principle is proposed to be carried forward and enhanced in this 73 variation application. Access and parking is unaltered and not for discussion in this variation application. For the above reasons, there is no reason why the Committee should not determine this application at this time.
- 3.4 A late objection letter has been received on behalf of the **Mapledurham Playing Fields Action Group (MPFAG)** who raises various additional objections to the application. Officer comments are provided directly in italics in respect of each of their points, which are summarised below.
- 3.5 MPFAG considers that the list of proposals ‘is on the limit of what could be considered to be appropriate to consider under Section 73..’. *This view is noted, but the main Agenda report clearly explains how officers have agreed that s73 is the correct level and this judgment is the LPA’s.*
- 3.6 Their letter goes on to state that the nature and justification of the changes sought are indicative of inadequate preparation and calls into question how carefully thought-through the proposals are. *This view is noted. As the main Agenda report notes, the survey errors were subtle and did not surface until some time after the permission had been issued. Many consultees had input into the original proposals and this issue was not highlighted until the DfE’s own contractor was appointed and re-appraised the application site as part of due diligence in accepting the contract to build the School.*
- 3.7 It is alleged that the levels changes and the impacts on the heights of the buildings and boundary treatments will result in the scheme having a greater impact on the character and appearance of the area. *Officer comment: the building height relative to surrounding buildings will not change, as the original plans showed the building continuing from the MPF car park level, as it continues to do in the variation plans. Boundary treatment height alterations are minimal and in any event will be covered by details to be submitted via condition. Terrace boundary treatments will also be covered by the condition(s) and will aim to ensure that the exposed retaining walls are handled as sensitively as possible, so as to minimise visual harm to the Playing Fields.*
- 3.8 MPFAG notes that there will be greater tree removal required and suggests that the matter should be considered alongside the proposed landscaping scheme for the site, to minimise any further losses. The proposals should adhere to the Council’s own Tree Strategy and considers it premature to consider as issues are outstanding. *There is greater tree removal and the main Agenda report is clear on the extent of this. As is described above, the mitigation strategy which is being developed in relation to the original planning permission 171023/FUL is almost at the point of application submission and the discussion above also sets out how this is proposed to be upgraded as a result of the additional mitigation required as a result of the*

variation proposals. The Tree Strategy identifies this part of the Borough as an area which is below 10% tree canopy cover area and relevant (major) proposals should overall seek to increase canopy cover in these areas. The overall canopy losses in the north-west of the MPF as a result of the school are significantly outweighed by the planned mitigation improvements, as detailed in Section x above and there is no conflict with the Strategy. Officers are satisfied that subject to the mitigation obligations being secured, overall impacts in terms of tree losses, species and canopy cover are acceptable in terms of the Council's open space and landscaping policies (e.g. SA16, SA17 and CS38).

- 3.9 MPFAG objects to the Council proposing a positive (officer) recommendation, in spite of Sport England's holding objection. At the time of writing, Sport England has confirmed that it does not wish to refer the application to the Secretary of State. Whilst Sport England has not removed its remaining objections, officers consider that these can either be dealt with by way of additional dialogue and consultation with SE, or otherwise SE's points are not related to the material considerations pertinent to the consideration of this s73 variation application.
- 3.10 Whilst MPFAG notes that this is not an issue for direct consideration in this application, it has come to light that there are existing septic tanks for neighbouring residential properties that have outflows under the proposed development. This has not been satisfactorily dealt with in the approved drainage scheme and the conditions do not address this. It is suggested in the Committee Report that there is no need for the drainage scheme to be amended but this issue has not been considered. There is an opportunity to address this now within the Section 73 application and this opportunity should be taken. *Officer comment: MPFAG is correct in firstly stating that this is not a direct (ie. material) consideration to this s73 variation planning application. No properties are identified, but if there are septic tanks, such would tend not to have 'outflows' as septic tanks are sealed units. No such information is presented as to the presence/location of these units/addresses. The Council's Environmental Protection Team advises that there is no record of contamination in the immediate area.*
- 3.11 *Officers also advise that the initial geotechnical report as submitted for application 171023/FUL was considered to be thorough and consisted of a Phase 1 preliminary risk assessment but also a Phase 2 environmental and geotechnical report to determine whether potential pollution linkages identified (groundwater) were 'active' and to inform preliminary foundation and floor slab design of the school. The report confirms the following:*

*"Contaminants of concern were not recorded within soil samples analysed from beneath the site at concentrations in excess of adopted assessment criteria (AC). The potential risk to human health receptors from these concentrations of contaminants of concern is therefore considered to be **LOW**.*

*Groundwater was not encountered within monitoring wells installed as part of the intrusive works, screened across the Boyn Hill Gravel Member and White Chalk Subgroup to depths of up to 10.00m bgl and an assessment of the contamination status of groundwater beneath the site could not be made. However, contaminants of contaminants of concern [sic.] were not recorded within soils sampled from beneath the site at concentrations considered to represent a significant risk to groundwater receptors. The significant thickness of variably*

*permeable unsaturated zone beneath the site is also considered to offer a significant degree of protection against the downward migration of potential contaminants of concern toward groundwater receptors.*

*Based on the available information, the potential risk to groundwater receptors from concentrations of contaminants of concern detected beneath the site is considered to be **LOW**.” (Taken from the Executive Summary of the Phase 1 Preliminary Risk Assessment and Phase 2 Environmental and Geotechnical Site Investigation Report by RPS Group, dated March 2017).*

- 3.12 *On the basis of the above, there is no identified risk and consequently, there is no need for an adjustment to the drainage scheme and there is therefore no need for any additional conditions. In the very unlikely event that any contamination is found during construction, the Building Regulations require reasonable precautions to be taken to avoid danger to health and safety caused by contaminants in ground to be covered by buildings and associated ground (via Approved Document C: Site Preparation and Resistance to Contamination and Moisture (2010)).*

- 3.13 MPFAG advises that Nos. 28 and 29 Hewett Avenue will only have a 5-10 metre buffer zone from the children’s playground, rather than the 30 metres that the Council’s own guidance recommends. The opportunity should be taken to address this concern. *Officer comment: the situation with these properties in respect of the play area and the MUGA is essentially ‘unchanged’ from the original permission 171023/FUL. There has been no material change in planning policies or applicable standards since. The previous officer report discussed this issue and advised the Committee that the situation was acceptable. The following extract is taken, verbatim, from the officer report for planning application 171023/FUL:*

*6.68 This is a two-form entry (‘2FE’) primary school, with the attendant impacts that this will have, including its own parking areas, school playground and outdoor teaching areas which would be used in good weather during term-time. School hours proposed would be usual for a school: 0730-1800 to allow breakfast and after school clubs, which although extending the school day, will in some respects reduce disturbance, through for instance, staggering of start and finish times which will smooth out drop-off and pick-up peak periods and associated foot and car traffic movements. Officers are not recommending an hours of use condition for the school, due to the associated community uses and suggest that such details should be arranged through the proposed Community Use Agreement.*

*6.69 The noise assessment submitted with the application indicates that noise levels will be increased at nearby residential properties for short periods of the day during break times, although this is predicted to be below guideline values for any significant impact on health to occur. The time of day that this occurs and limited duration also reduce the impact that this is likely to have and no specific noise controls are required. The Council’s Environmental Protection (EP) Team advises that no mechanical plant shall be installed until a noise assessment of the proposed mechanical plant (in relation to prevailing background noise levels) has been submitted and approved.*

- 3.14 In this specific setting, the above report extract considered that the noise situation between the uses was acceptable. The intervening distances are unchanged and this type of situation is not uncommon where schools are located near to residential properties. The objector appears to be referencing the Fields in Trust guidance, which is not the Council’s own guidance and was not referred to in the consideration of application 171023/FUL. It should also be noted that Fields in

Trust was an objector to the previous application, but did not reference its own guidance in that objection and was concerned for impacts on the MPF in general terms. In summary, this s73 variation application does not propose an adjustment to the approved (extant) permission and as set out in these reports, this is therefore not a material planning consideration.

- 3.15 MPFAG considers that the proposal has been inadequately prepared and wishes to address your meeting to discuss their late objection and seeks a deferral of the application in order to ensure that all outstanding matters have been fully addressed before a decision is made. *Officers note MPFAG's wish to speak to your meeting, but as discussed above, do not consider there to be any outstanding matters to warrant a deferral, as suggested.*

#### 4. ADDITIONAL REPRESENTATIONS RECEIVED: PUBLIC

- 4.1 The total number of objections now received is 46, with some 12 or so of these received since the publication of the main Agenda report. The table below provides a brief response to the additional objections received, where officers consider these issues may not have been responded to sufficiently in the main Agenda report. The same headings are used to group objections.

##### a) Impact on open space

Issue	Officer response
The RBC Landscape Plan has not yet been put forward to the Planning Authority but as it so closely linked to the current application that a decision should be deferred on the current application until the RBC Landscape Plan is formally submitted to the Planning Authority.	Planning permission 171023/FUL permitted planning permission subject to a landscaping mitigation plan being delivered on the MPF and this application proposes the same approach, to be secured via the s106 UU and conditions.
If you include the land taken by the school, the piece of land north of the staff car park and priority over pitches, the land-take of the Playing Fields is much more severe than presented.	The application site in this s73 application is unchanged from permission 171023/FUL.
The tree avenue will create an unnatural partition of the playing fields. This may also quite easily allow the school or RBC to partition the recreation ground to expand the school or sell off more land for inappropriate development to the west of the avenue, reducing even more the land available to the beneficiaries.	Proposal is largely appropriate in a parkland setting. Development pressures as alleged are supposition and any proposals would be assessed against planning policies to protect open spaces.
Dog walkers who may want to walk in the proposed lighted path will likely have their dogs off the lead. This would lead to the dogs defecating on the pitches.	This could happen at present.
I object to the extra 3 metre wide pathway across the MPF as it will mean chopping down the trees in this area and laying down	The proposals are draft at this stage and part of the agreed s106 UU. Removal of trees around the current children's play

<p>a hard out of character path that will cut the park in half and destroy the possibility of enjoying the park.</p> <p>The extra pathway is also too close to our boundary.</p>	<p>area was approved in permission 171023/FUL.</p> <p>It is not clear what the planning concern is from this objection, so cannot respond.</p>
<p>Although not covered by the planning application, it appears that the so-called improvements to the playing field, apparently involving loss of mature and attractive trees, provision of metalled and lit footpaths, and regrading to provide additional football pitches, are intended purely to provide facilities required by the school, and do not offer any benefit to the general public users of the field. As such, they should be taken into account in considering this application.</p>	<p>The proposals are draft at this stage and these reports and the reports for application 171023/FUL discuss the applicability of the mitigation works to the school development.</p> <p>The Community Use Agreement (CUA) is not to be altered (save for as otherwise set out in this report).</p>
<p>Furthermore, I understand that a planning application is to be submitted for landscaping the Fields. As this landscaping is only suggested because of the proposed school, surely it should be considered at the same time as this application. It appears to be another instance of 'drip feeding' such that any of the single applications do not appear as bad as them all put together.</p>	<p>As previously set out in approved permission 171023/FUL, this application seeks to merely augment the mitigation strategy in response to the changes. The MPF upgrade works are partly allied to the school proposal.</p>
<p>Avenue of trees through the MPF is out of character. Keeping as much open green space as possible should be the priority.</p>	<p>The principle of mitigation being undertaken by the Council on the Playing Fields was established in permission 171023/FUL.</p>
<p>The avenue of trees will restrict the ability to reconfigure the pitches and reduce the space to do so, making it impossible to bring back cricket to MPF. It will also restrict the ability to layout accommodation for large private and community events, reducing the sustainability of the Trust.</p>	<p>The Parks Service identifies no such shortcomings and confirms that there is sufficient space available for cricket.</p>
<p>The maintenance of the trees, lights and path are likely to be costly. This is a waste of money, the maintenance will not be done and these works are not wanted.</p>	<p>The principle of mitigation being undertaken by the Council on the Playing Fields was established in permission 171023/FUL.</p>
<p>Leaf drop from additional trees on the MPF will be a maintenance liability for the new north-south path and the pitches.</p>	<p>These details are not confirmed in this current variation application. Were this avenue to be planted, maintenance would be covered by the RBC Parks Service.</p>

b) Landscaping, environment, ecology

The Wider Landscape Context Plan contained with Landscape document dated 17 <sup>th</sup> Dec 2018 is no longer appropriate. The Covering Letter advises that more trees will need to be removed than originally shown. An updated Wider Landscape Context Plan document, in the same format as the original must be produced so that we can see the precise impact and resulting number of retained trees.	This plan has been updated.
The destruction goes well beyond that outlined in the public consultation, and many of the 55 trees will not be replaced or will be replaced with non-native species.	The main report sets out the position.
There are under 60 trees in this plan, no mention of the 150+ other trees that were included in the original application PA 171023. I assume these drawings relate to those trees within the curtilage of the school. But this has not been made explicit and should be clarified.	The officer report is clear that the tree survey for this s73 variation application is more focused, as the original tree survey covered the whole of the Playing Fields.
The removal of an established woodland is home to many bats.	The Council's Ecologist has recently surveyed the woodland and advises that this is not suitable for a roost, but may be for bat foraging and replacement trees will provide foraging areas.
I live directly opposite the Fields and often watch muntjak deer. I doubt they will stay there if a noisy, lit school with after-school activities is built.	The Council's Ecologist advises that Muntjac deer were introduced from China to parks in the early 20 <sup>th</sup> . Century, then a number escaped and became established in the wild. The population has increased and they now inhabit many parts of England. They cause damage to woodland, are found in urban and rural environments, are not a protected species and further, the proposals will not adversely affect them.

c) Disturbance

On one side I have a bungalow 2.5m high (5m at the apex). On the other side you propose to build an industrial unit 8m high! The only mitigation offered was to retain the tall trees which would screen the blank wall. I am incensed that in your indecent haste to build a school somebody 'forgot' to check that the ground was level, with the result that you wish to construct a footpath 3m wide around the school, hence needing to remove the only thing camouflaging your unit.	Impacts on this property in terms of privacy and light were specifically set out in paragraphs 6.66 and 6.67 of the main Agenda report which considered application 171023/FUL. That assessment set out that the intervening distance involved - 25 metres - was in excess of the Council's usual standards. There may be a perception in terms of a view which would be experienced, but the assessment is unaffected by this variation application and complies with Policy DM4 (Safeguarding
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	Amenity). Views will also be softened by boundary fencing and mitigation planting within the site, framing the school building.
If all the trees are ripped out the windows on the south side (currently planned to be larger than originally) will overlook my garden which is currently private.	See response above regarding overlooking distances. The marginal increase/slight relocation of openings is not considered to be significant at this intervening distance and complies with Policy DM4.
Considers that the proposal does not respect the 30 buffer zone for play areas to residential boundaries, as set out in the Council's adopted guidance.	See response to MPFAG above.

#### d) Design

As it is the school that is extremely large and out of character to MPF, perhaps using some landscaping of native trees around the perimeter of the school would be more appropriate.	Mitigation suggestion noted, but the required space required to reconfigure the football pitches probably will not allow for this. School size and location itself is unchanged from that permitted by 171023/FUL.
The row of trees may restrict the ability to extend the pavilion as planned.	The Parks Service advises that the Avenue is not proposed to continue any further northwards than the southern school boundary. There are no current extension plans for the Pavilion, works approved under the extant 2013 permission would be unaffected.

#### e) Transport, Traffic, Parking

Creating essentially an avenue large enough to accommodate 2 lanes of vehicular traffic could potentially predetermine the creation of a road through MPF and an avenue of trees will not mitigate this.	These details are not confirmed in this current variation application, but the intention is for a permeable, pedestrian path only, for recreational purposes. This proposal part of MPF improvement works already agreed to take place via obligation in present s106 UU.
The avenue would only serve essentially a very small number of parents/children from the heights. Less than 15% of heights children come from the west of the A4074, and an even smaller number would be located in a position to use the avenue or more likely would be driven to school.	
The avenue/path would also open up the area at the Chazey road end of the avenue to the abusive parking habits of parents seen all across Caversham.	Permission 171023/FUL was deemed suitable in transport terms. These details are not confirmed in this current variation application.
Proposal including tree avenue will reduce ability to park on the MPF when there are large events. This is required by emergency vehicles, for the set up of events, and	Access would still continue, as and when required, as with other parks in the Borough. Furthermore, this situation is unchanged from the earlier permission,

regular maintenance vehicles. Cars would use the path between the tree avenue when the MPF is wet, reducing its longevity.	although see discussion in this report for the access from the MPF car park to the MPF. The path would not be designed to carry vehicles.
Large parts of these roads are unadopted and are not formally maintained by anyone. The extra traffic will cause undue wear and tear to roads that are already in a very poor state. Please can RBC adopt these roads to mitigate the damage expected?	Permission 171023/FUL was suitable in transport terms and there is no change in this s73 variation application.

f) Other issues raised

These new plans demonstrate even greater environmental vandalism, neighbourhood abuse and cynical ignorance of local and national planning guidelines.	Cannot respond to this objection, as there are no specific points being made.
<p>The Officer's summary of my objection fails to address the points raised. Wishes to make clear that:</p> <ul style="list-style-type: none"> <li>-There never was a need for an additional primary school.</li> <li>-There is no need for an additional primary school now.</li> <li>-There will be no need for an additional primary school in the foreseeable future</li> <li>-There is no need for additional primary school places in the North Reading Planning Area and therefore no occasion to consider NPPF 72 "The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities" and hence no basis for approving planning permission in contravention of NPPF 73 "Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities."</li> </ul>	This objection is reiterated for the objector's benefit, but as stated in the main Agenda report, this s73 variation planning application is not considering the principle of the school; this is established in permission 171023/FUL.
Reading Borough Council owns land elsewhere (the area known as Bugs Bottom), and Caversham Lawn Tennis Club is now available, which are both more centrally placed in the catchment area. The school is better placed in one of these locations.	<p>The original application submission from the applicant discussed the background to alternative sites.</p> <p>The officer assessment of the previous application in the committee report did not consider alternative sites and the judgement for the Judicial Review into planning permission 171023/FUL concurred that this approach was correct. Accordingly, there is no need to consider alternative sites now under this s73</p>



	variation application.
The yellow notice attached to the post at the entrance to MPF, states closing date for comments is 18/02/19 and that a Right of Way will be affected by the proposals in P A 182200. This PA cannot therefore be determined on Wed 6th Feb, as a material part of the application is still out for comment by the public. In addition, I believe this notice has been served incorrectly as it does not refer to the footpath number and the proper procedure, where a Right of Way will be interrupted by development work, has not been followed. An order to close and or divert this footpath should be made separately, in accordance with Planning Procedures.	<p>This aspect of the proposal is not clearly presented in the main Agenda report.</p> <p>The objector is correct that the application cannot be determined until the consultation period for the revised site notices and revised Press notice have expired.</p> <p>But as advised in the main report, the footpath is not affected by the proposals and the advice of the Council's Planning Solicitor is that a Diversion Order is not necessary, but that advertising as 'affecting a Public Right of Way', as previously, continues to be appropriate.</p>
I wish to object to this application, as doing nothing to meet the objections to the earlier application 171023.	The purpose of this application appraisal is to consider material planning considerations and assess changes, pertinent to this s73 variation application.
I objected to PA 711023 PA concerning the Heights school in Mapledurham Playing Fields and ask that these objections be carried forward to this application. Not doing so would leave RBC and the applicant open to an accusation of 'drip feeding' applications.	Not clear what this objection refers to, but objections must be made to individual planning applications to be valid, in accordance with the Council's stated procedures for making representations on planning proposals.
RBC would rightly be unlikely to accept tree felling for construction ease in a private planning application and I ask that RBC do likewise for this application.	Each application must be considered on its merits and whilst the extent of tree loss is noted, the social benefits and mitigation proposals as part of this application, must be weighed in the planning balance.
Essentially, a plan that included a track (perhaps cinders or something good for running), around the perimeter of the playing fields, some large native trees to screen the school and provide homes for the birds that will be displaced by the destruction of over 50 trees, would be very welcome.	Noted and such aspects are coming forward in the mitigation plan under preparation.

## 5. CONCLUSION

5.1 Satisfactory progress has been made on the matters outstanding since the production of the main Agenda report.

1. Sport England has significantly reduced their concerns for this application and no longer requires this application to be referred to the Secretary of State.

2. An additional commitment to mitigating the impact of the revised proposal is provided in these proposals and further indication is provided on ways in which that mitigation is likely to be provided.
  3. Further representations have been received and this Update Report seeks to ensure that all points made have adequately responded to. Your officers are satisfied that in the main, very few 'new' issues arise.
- 5.2 The additional issues raised by this s73 variation application are considered to have been assessed in these reports. Each application must be considered on its merits and whilst the extent of additional tree loss is of concern, the social benefits and mitigation proposals as part of this application must be weighed in the overall planning balance and officers are content with the extent of additional mitigation which has been proposed, which is considered to be proportionate to the additional impact.
- 5.3 Members will be aware of suggestions that you defer consideration of this application. This is not required and further, will simply have the effect of unduly delaying this school scheme. Members are reminded of the continued importance which is placed on the delivery of schools in the Revised NPPF and see no areas which a deferral is necessary.
- 5.4 Subject to the expiry period for the site notice/Press Notice and the satisfactory completion of the s106 unilateral undertaking Deed of Variation, officers recommend the granting of this VARIAT planning permission.

**Case Officer:** Richard Eatough

## UPDATE REPORT

BY THE DIRECTOR OF ENVIRONMENT & NEIGHBOURHOOD SERVICES  
READING BOROUGH COUNCIL  
PLANNING APPLICATIONS COMMITTEE: 6<sup>th</sup> February 2019

ITEM NO. 13

**Ward:** Norcot

**App No.:** 181555/FUL

**Address:** Grovelands Baptist Church, 553 Oxford Road, Reading

**Proposal:** Demolition of existing chapel and church hall. Redevelopment of the site to provide a three storey mixed use development comprising of community halls and ancillary accommodation at ground floor level, 2 x one bedroom flats, 6 x two bedroom flats and 2 x three bedroom flats at the upper floor levels, all with associated external amenity space, car parking and cycle storage.

**Applicant:** The Trustees of the Gate

**Date application valid:** 1<sup>st</sup> September 2018

**Major Application 13 week target:** 1<sup>st</sup> December 2018

**Extended deadline:** 29<sup>th</sup> February 2019

**Planning Guarantee 26 week target:** 2<sup>nd</sup> March 2019

## RECOMMENDATION

As on main report.

### 1.0 ADDITIONAL INFORMATION

#### Viability Appraisal

1.1 Following discussions with the Council's Valuer with regard to the submitted Viability Appraisal and specific inputs used, further information was requested and provided by the applicant with regard to:

- a) Estate agent valuations for the proposed residential units for the application scheme (Option 1) and Option 2 - re-use of some/ all of the building; and
- b) Confirmation from a VAT specialist as to whether VAT would in fact be chargeable for Option 2.

1.2 The Valuer has confirmed that the valuations of the proposed residential appear acceptable. He states that the VAT advice received from the applicant, and based on the information provided, shows that Option 2 to retain at least the façade should attract a 20% VAT rate for the community scheme and 5% for the residential element. This has the effect of varying the overall profit/loss for each Option, with Option 2 still showing a negative balance, i.e. the Valuer's advice is that it appears that Option 2 is not viable in the form proposed.

#### Further Consultation Comments

1.3 Further comments have been received from the two objectors who spoke at the December Planning Applications Committee (PAC), and the Reading Civic Society. These were sent by them direct to the PAC members, so are not copied within this report. In summary these:

- Reiterate their objection to the loss of the building;
- Question the conclusions of the Heritage Statement;
- Consider that the Heritage Statement has not commented or assessed the loss of historic value in the streetscape, nor detailed mitigation for the loss of the building;
- Set out that financial viability should not be a reason to demolish the building;
- Highlight heritage policies from the emerging RBC Local Plan;
- Include a suggestion that the existing building could be retained and another new building constructed on the undeveloped part of the site;

- Identify that the demolition of the existing buildings cannot be justified on the basis of providing additional affordable housing.
- Refer to a recent appeal decision regarding a locally listed building in the Borough.

*Response from Applicant to Ancient Monument's Society Comments*

- 1.4 The applicant has provided specific comments in response to those submitted by the Ancient Monuments' Society (AMS) (as were included in the appendix of the main report): *"Quoting from their website 'The AMS is one of the National Amenity Societies, as defined by the government under the Planning (Listed Buildings and Conservation Areas) Act 1990 and is consulted by local authorities on Listed Building Consent applications.' Reading Borough Council is not required to consult AMS for this application. The objection is evidence that somebody opposed to the planning application has sought to substantiate their own personal view point by means outside of the usual and statutory consultation process. As such, we do not believe the objection should be given weight. Some statements contained within the objection are unsubstantiated, speculative (at best) and/or simply untrue. Furthermore, AMS comment on matters of architectural design with seemingly no regard for the nature of the applicant, the brief, the planning history, planning policy or the extensive and collaborative engagement with the council, interest groups and local neighbours."*
- 1.5 The applicant also comments on some of the specific AMS statements:
- (i) *"Yes there is damp inside but you don't demolish an otherwise sound building if inaction has led to damp."* This is unqualified and incorrect. Inaction has not led to damp. The building is not otherwise sound - they have not referred to the D&A Statement. What is their basis for this assertion? The church has repeatedly repaired the building over the years, including the roof. The issues of damp are not due to neglect, rather they are a result of a combination of factors related to the historic building fabric in addition to roof issues, namely, the solid wall construction, lack of insulation and difficulties associated to heating and ventilating spaces of this type. An expert in building conservation should recognise this as a common issue associated to buildings of this age/type and this is no way a reflection of the church's upkeep of the building.
  - (ii) *"...it has to be said that the cupola sits very uneasily in its new location."* The siting of the cupola is a result of engagement with Reading Civic Society and neighbours at the public consultation event.
  - (iii) *"The rear elevation under the catslide roof is of no architectural significance and could be lost, in good part, to allow for a substantial extension."* The Viability Assessment sets out clearly why this approach is not viable.
  - (iv) *"The separate Sunday School is of minimal interest and can safely be demolished to increase the space at the back (away from the noise of the main road) which can be redeveloped for an entirely new block."* This demonstrates a clear lack of awareness and understanding of the site, its constraints, planning history and the brief / design objectives including those set out by Reading Borough Council, neighbours and the Design Review Panel."
- 1.6 Having reviewed the further information submitted by the applicant the recommendation remains as on the main report.

Officer: Alison Amoah

## UPDATE REPORT

BY THE DIRECTOR OF ENVIRONMENT & NEIGHBOURHOOD SERVICES

READING BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE: 6<sup>th</sup> February 2019

ITEM NO. 15

Page: 255

**Ward:** Redlands

**Application No.:** 180591

**Address:** Mulberry House, 1a Eldon Road, Reading, RG1 4DJ

**Proposal:** Demolition of Mulberry House (Class D1) and erection of part 3, part 5 storey building providing 7 (3x1 & 4x2-bed) residential units (Class C3), 5 parking spaces, landscaping and associated works.

### Recommendation:

As in main report, with the addition of a further condition:

20. No change to the unit mix (3x1-bed and 4x2-bed units) shall be made to the development hereby permitted without express planning permission from the Local Planning Authority.

## 1. Further public consultation responses

1.1 Subsequent to the publication of the main report, three further public consultation responses have been received. These are addressed individually below.

1.2 First, an objection has been received from an address at Firethorn, RG2, summarised as:

- Loss of sunlight to first floor apartment;
- The building will also take car park space.

1.3 Officer response: Please see paragraphs 6.33 and 4.2 of the main report.

1.4 Secondly, two further separate responses have been received from the directors of Hanover House Residents Management Company ("HHRMC") on behalf of 82 flat owners, current occupiers and the freehold owner of Hanover House. The first response constitutes a further objection to the scheme. The response in full is as follows:

- HHRMC would like their concerns noted in the report to the planning committee and directly referenced in any planning conditions.
- The application appears to assert rights over the Hanover House ("HH") car park that do not exist, yet are required to accommodate;
  - o demolition of the current building
  - o construction for the new building
  - o the waste management plan
- The owner of Mulberry House has a Right of Way through the HH car park, but this right does not extend to any right to occupy any part of the HH car park. HHRMC are concerned that the distinction between a right to pass and a right to occupy might be lost 'in translation' between granting planning consent and implementation of that consent unless the applicant is required, as a condition of the planning consent, to demonstrate that it has the full consent of HH leaseholders and HHRMC.

- The alleged rights are noted in the report to the planning committee. The report should now include an addendum confirming that:
    - o these rights are disputed by HH leaseholders and HHRMC.
    - o all car park spaces in the HH car park are numbered and allocated to individual apartments in HH.
    - o therefore, any new rights that Mulberry House might require over the HH car park can only be (i) subject to leaseholders' rights over individual numbered car park spaces and (ii) no more than as described in the planning report; i.e. a right of way and not a right of occupation.
  - The consequences of the disputed rights over the HH car park:
    - o there are a number of car park spaces that directly abut the Mulberry House site; on the ramp between the lower and upper car parks and along the Mulberry House retaining wall in the lower car park. These can be seen in the photographs accompanying the planning application. The upper HH car park contains a further 15 car park spaces. HHRMC are concerned that the recommended planning conditions do not require the applicant to seek the consent of HHRMC and leaseholders. Currently, the recommendation is "strong advice to liaise" with nearby occupiers and landowners (not even the RMC). The recommendation should be amended to seek consent.
    - o the current report to the planning committee appears to show that RBC has accepted the applicant's interpretation of alleged rights over the HH car park. Clause 6.44 states that the applicant has "unfettered legal right of way ... over the whole of the HH car park" which is incorrect.
    - o the Waste Management strategy suggests that refuse collection "will be the same as HH", which cannot be correct. HH has a refuse storage and handling area within the ground floor of the building and a dedicated collection area close to the boundary with Eldon Terrace. The application has no facilities at all within its demise being without a comparable onsite handling area and without rights to use the HH dedicated collection area. Full details of the Waste Management Plan should be a pre-commencement condition and require HHRMC's formal agreement given the only access is via the HH car park.
- 1.5 Officer response: The Council's Planning Solicitor considers that the issues that have been highlighted are more about the ability of the applicant to implement the planning permission rather than about an obstacle that needs to be overcome before the development is acceptable in planning terms. Officers consider that the majority of the matters raised are landowner disputes (e.g. access rights, or more specifically occupation of land rights), which is not a matter of concern for the local planning authority unless there is little or no prospect of a satisfactory access to the development being provided. It would appear that there is no dispute regarding right of access (referred to as 'right to pass' by HHRMC) and therefore any further matters are outside the realm of the planning process.
- 1.6 With specific reference to the HHRMC request for planning conditions to be subject to consent from HHRMC and HH leaseholders, it is not appropriate for any condition to be subject to the consent of a third party. Officers do not consider that such a condition would pass the required tests of a

planning condition. Generally speaking, it is noted that a third party can apply for and receive a planning permission on land that he has no legal interest in, but that is not a bar to the local planning authority granting planning permission if it is right to do so on the planning merits. It is then up to the applicant to purchase the land which he/she may fail to do.

- 1.7 Regarding the suggestion that “RBC has accepted the applicant’s interpretation of alleged rights over the HH car park”, this is not the case. The final sentence of paragraph 6.44 of the main report merely states that the response from the planning agent to the original concern raised. Ultimately, as indicated above, this is a landowner dispute which is not of concern for the local planning authority.
- 1.8 In relation to the request for the waste management plan to be secured via pre-commencement condition, rather than pre-occupation as recommended in the main report, this has been duly considered by officers. Mindful of Section 100ZA of the Town and Country Planning Act, and PPG (Paragraph: 007 Reference ID: 21a-007-20180615 states “Such conditions should only be used where the local planning authority is satisfied that the requirements of the condition (including the timing of compliance) are so fundamental to the development permitted that it would have been otherwise necessary to refuse the whole permission”), it is however not considered possible for this to be secured via pre-commencement condition and shall remain as stated (pre-occupation) in the main report.
- 1.9 Turning to consider the second separate response from HHRMC, this seeks for Adelais Properties Ltd (as freeholder), HHRMC, HH leaseholders and any associated mortgagees to be part of the Section 106 legal agreement. HHRMC consider this to be required given the applicant’s assertion of certain rights over the HH car park, inclusion of the HH car park in the applicant’s supporting site plan, drawings and reference to it in the main report.
- 1.10 Officer response: The Council’s Planning Solicitor acknowledged the correspondence from HHRMC and advised that, having considered the proposed Section 106 obligations, given as they solely relate to affordable housing there is no need to bind the land owned by Adelais Properties Ltd or the leaseholders referred to by HHRMC.
- 1.11 Thirdly, a further objection has been received from an occupier of a second floor flat at Hanover House (previous objections were received at the time of the initial consultation, as reported at section 4x of the main report). The matters raised at this time repeat the second/third paragraphs and final bullet point of the HHRMC objection detailed at paragraph 1.4 above.
- 1.12 Officer response: Please see paragraphs 1.5-1.6 and 1.8 above.

## **2. Additional condition**

- 2.1 Since the publication of the original main report, upon further reflection, it is recommended that a condition is secured whereby no change to the unit mix (3x1-bed and 4x2-bed units) shall be made to the development hereby permitted without express planning permission from the Local Planning Authority. This is to safeguard the mix altering to potentially unacceptable mixes in the future, while also having a dual benefit of not altering the

sales values of units (which could improve scheme viability) without this being managed and assessed by the local planning authority.

**Case Officer: Jonathan Markwell**