

## COMMITTEE REPORT

BY THE EXECUTIVE DIRECTOR FOR ECONOMIC GROWTH AND NEIGHBOURHOOD SERVICES  
READING BOROUGH COUNCIL  
PLANNING APPLICATIONS COMMITTEE: 5 October 2022

**Ward:** Battle

**App No.:** 220776/FUL

**Address:** Land at 362 Oxford Road, Reading, RG30 1AQ

**Proposals:** Erection of a mixed-use development comprising two commercial units on the ground floor (157.5 sqm), 26 residential units, associated landscaping, car and cycle parking.

**Applicant:** Stonegate Homes (Reading) Ltd

**Deadline:** 25 August 2022 (extension tbc)

### RECOMMENDATION:

Delegate to the Head of Planning, Development and Regulatory Services (HPDRS) to:

- i) **GRANT** full planning permission, subject to the satisfactory completion of a s106 legal agreement or
- ii) Refuse full planning permission if the legal agreement is not completed by 7<sup>th</sup> December 2022 (unless officers on behalf of the Head of Planning, Development and Regulatory Services agree to a later date for completion of the legal agreement)

The legal agreement to include the following heads of terms:

**To secure affordable housing consisting of three units (11.5% provision) on site, to be two no. two-bedroom units and one no. one-bedroom unit. To be let at Reading Affordable Rent capped at 70% market rent as per published RAR levels.**

In the event that a Registered Provider is not secured for the provision of the Affordable Housing on site, the Units to be offered to the Council to be provided by the Council as Affordable Housing. In the event that neither a Registered Provider or the Council can come forward to provide Affordable Housing on-site, the developer to pay to the Council a default sum equivalent to 5.75% of the Gross Development Value of the development for provision of Affordable Housing elsewhere in the Borough. To be calculated (the mean average) from two independent RICS valuations to be submitted and agreed by the Council prior to first occupation of any market housing unit. To be paid prior to first occupation of any market housing unit and index-linked from the date of valuation.

Together with a **Deferred Payment Mechanism** in accordance with the Affordable Housing SPD 2021 - to secure a 50/50 profit share in excess of 17.4% on Gross Development Value (GDV) on an open book basis capped at a total sum of £454,155 [four hundred and fifty four thousand one hundred and fifty five pounds] (being *equivalent to 30% total AH provision*). The review to be carried out following substantial completion of the 19th dwelling and to be paid in full prior to occupation of the 23rd dwelling.

To secure an Open Space contribution of £64,700 [sixty four thousand seven hundred pounds] towards the improvement and extension of facilities within Kensington Recreation Ground and Portman Road Park - payable before first occupation.

To secure a construction phase Employment Skills and Training Plan or equivalent financial contribution. As calculated in the Council's Employment Skills and Training SPD (2013) -

payable on commencement.

All financial contributions index-linked from the date of permission

And subject to the following conditions (wording to be the same as extant permission 201391):

1. TIME LIMIT (STANDARD)
2. APPROVED PLANS
3. DWELLING MIX (RESTRICTION)
4. MATERIALS (TO BE APPROVED)
5. SAP ASSESSMENT MAJOR - AS BUILT (TO BE APPROVED)
6. DETAILS OF PHOTOVOLTAIC ARRAY(S) (TO BE APPROVED, INCLUDING IMPLEMENTATION)
7. SUSTAINABLE DRAINAGE (TO BE IMPLEMENTED)
8. LANDSCAPING LARGE SCALE (TO BE APPROVED)
9. HABITAT ENHANCEMENT SCHEME (TO BE APPROVED)
10. SECURED BY DESIGN (TO BE APPROVED)
11. NOISE MITIGATION SCHEME (AS SPECIFIED)
12. HOURS OF DELIVERIES/WASTE COLLECTION
13. HOURS OF OPENING/OPERATION
14. MECHANICAL PLANT (NOISE ASSESSMENT REQUIRED)
15. CONTAMINATED LAND ASSESSMENT (TO BE SUBMITTED)
16. REMEDIATION SCHEME (TO BE SUBMITTED)
17. REMEDIATION SCHEME (IMPLEMENT AND VERIFICATION)
18. UNIDENTIFIED CONTAMINATION
19. HOURS OF CONSTRUCTION/DEMOLITION
20. CONSTRUCTION METHOD STATEMENT (TO BE SUBMITTED)
21. NO BONFIRES
22. REFUSE AND RECYCLING (AS SPECIFIED)
23. VEHICLE PARKING (AS SPECIFIED)
24. VEHICULAR ACCESS (DETAILS TO BE APPROVED)
25. CYCLE PARKING (TO BE APPROVED)
26. PARKING PERMITS 1
27. PARKING PERMITS 2
28. DELIVERY AND SERVICING MULTI-UNIT (TO BE APPROVED)
29. EV CHARGING POINTS
30. ADAPTABLE UNITS
31. EXTERNAL LIGHTING (TO BE APPROVED, IF ANY IS PROPOSED)
32. ARBORICULTURAL METHOD STATEMENT (TO BE SUBMITTED)
33. TREE PROTECTION MEASURES (TO BE SUBMITTED)
34. PROVISION/RETENTION OF LIFTS

#### Informatives

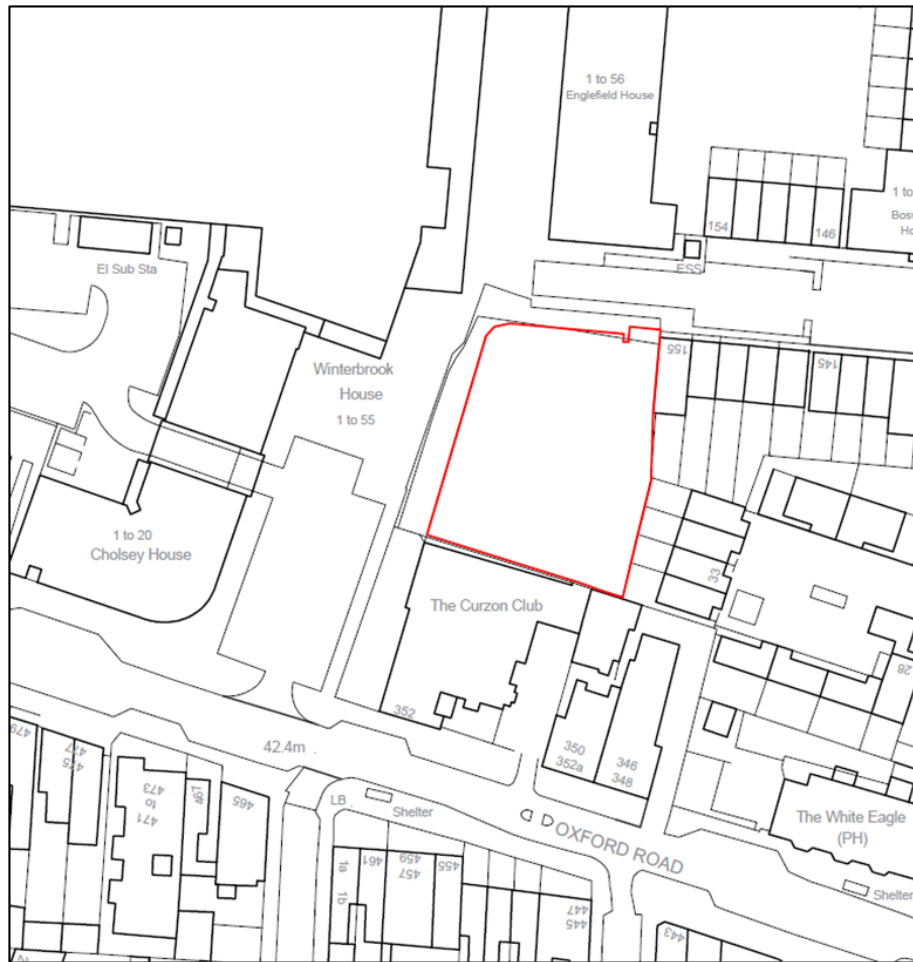
1. Positive and Proactive Working - approval
2. Pre-commencement conditions

3. Highways
4. S106
5. Terms
6. Building Control
7. Complaints about construction
8. Encroachment
9. Contamination
10. Noise between residential properties - sound insulation of any building
11. Community Infrastructure Levy (CIL)
12. Parking Permits
13. Ongoing information conditions
14. Access construction
15. Canopies and structures overhanging the highway

Delegate to the Head of Legal Services and Head of Planning Development and Regulatory Services to make such changes or additions to the conditions and obligations as may reasonably be required in order to complete/issue the permission.

## **1. INTRODUCTION**

- 1.1 The site forms a broadly rectangular 0.3 piece of land to the west of Reading town centre. The site adjoins a parade of shops and short stay car park to the south-west, the large Tesco Extra superstore to the north-west, residential buildings to the north and east and the Conservative club (the Curzon Club) to the south which fronts Oxford Road. The site has been vacant for many years since the hospital vacated the land.



- 1.2 The site is an allocated housing site within the Local Plan under Policy WR3j (Land at Moulsham Mews). It also adjoins the northern boundary of the Oxford Road West district or local centre. There are no listed buildings on or adjoining the site, it is not located within a Conservation Area, and is not within an area of high flood risk. Vehicular access is gained from the north along Moulsham Mews. The site can also be accessed by pedestrians from the south, via Oxford Road and the short stay car park.



- 1.3 The site formed part of the former Battle Hospital site, which was comprehensively redeveloped. The Battle Hospital Planning Brief (2005) showed a health centre on the site. However, this was not subsequently required by the NHS Trust and the site was subsequently allocated for housing in the Reading Local Plan (2019). The requirement for a health centre therefore fell away with the adoption of the new Local Plan.
- 1.4 The site is bounded by Englefield House to the north, a 5-storey block of flats, the 3-storey townhouses along Curzon Street to the northeast, 2-storey houses on Battle Place to the east, the Curzon Club to the south and beyond that the Oxford Road, the 3 storey Cholsey House to the West, and 4-storey Tesco store to the northwest, which has residential over (see Fig 2 above).

## 2. PROPOSAL

- 2.1 The application seeks permission for the redevelopment of the site to provides a mixed-use development comprising of two commercial units on the ground floor and 26 residential units on upper floors. The residential element would comprise of 5 x 1 bedroom, 13 x 2 bedroom and 8 x 3-bedroom dwellings.
- 2.2 The two flexible commercial units would total approximately 157.5 sqm and have active frontages onto the public plaza in front of the site and with Curzon Street/Moulsford Mews. Secure cycle parking, 22 car parking spaces, and 4 electric car charging units will be provided.
- 2.3 The development will take the form of 4 to 6 storey building, with a mixture of integral balconies and private terraces. The scheme would also include four separate living green walls to the eastern and northern elevation, green roofs, and a roof mounted solar PV array.



Fig 3 - CGI visual of proposal (view from Oxford Road)

## 2.4 SUBMITTED PLANS AND DOCUMENTS:

Drawing No: LOC 01 Rev P1 - Location Plan  
 Drawing No: BLOC 01 Rev P1 - Block Plan  
 Drawing No: 050 Rev P1 - Existing Site Plan  
 Drawing No: 200 Rev P1 - Proposed Site Ground Plan  
 Drawing No: 210 Rev P1 - Ground Floor Plan  
 Drawing No: 211 Rev P1 - First Floor Plan  
 Drawing No: 212 Rev P1 - Second Floor Plan  
 Drawing No: 213 Rev P1 - Third Floor Plan  
 Drawing No: 214 Rev P1 - Fourth Floor Plan  
 Drawing No: 215 Rev P1 - Fifth Floor Plan  
 Drawing No: 216 Rev P1 - Roof Plan  
 Drawing No: 240 Rev P1 - Existing Street Elevations Sheet 1  
 Drawing No: 241 Rev P1 - Existing Street Elevations Sheet 2  
 Drawing No: 242 Rev P1 - Proposed Street Elevations Sheet 1  
 Drawing No: 243 Rev P1 - Proposed Street Elevations Sheet 2  
 Drawing No: 244 Rev P1 - Proposed Elevations - Sheet 1  
 Drawing No: 245 Rev P1 - Proposed Elevations - Sheet 2  
 Drawing No: 260 Rev P1 - Natural Environment Plan

Design and Access Statement by ECE Architecture dated September 2020  
ref: DO.02;

Planning Statement;

Air Quality Assessment by Phlorum dated May 2022 report ref 9879.S Rev 3;

Land Contamination Preliminary Risk Assessment by Phlorum dated May 2022 project no. 9879 Rev 0.1;

Drawings by Groundsure Insights 1-18 pages;

Drawings by Groundsure Insights 1-20 pages including Appendix C - Qualitative Risk Assessment, Appendix D - Site Photos, Appendix E - Conceptual Model;

Preliminary Ecological Appraisal by Phlorum dated May 2022 project no. 9879 Rev 1;  
Noise Statement - v2 dated 6<sup>th</sup> May 2022 by Phlorum;  
Utility Statement by UCML revision 3 dated 19/05/2022;  
Schedule of Accommodation - DO.01;  
BREEAM Pre-Assessment Report by Phlorum dated May 2022 project no. 9879 Rev 1;  
Daylight & Sunlight Report by eb7 dated May 2022;  
Energy Statement by Phlorum dated May 2022 project no. 9879 Rev 2;  
Sustainable Drainage Assessment by GeoSmart Information dated 25/05/2022 report ref: 73227.01R1;  
Transport Statement by i-Transport dated 12<sup>th</sup> May 2022 ref: BH/BB/ITB16072-004A-R;

Arboricultural Development Statement by CBA Trees dated May 2022 ref: CBA11394 v2; and  
Financial Viability Assessment by Montague Evans dated 26<sup>th</sup> May 2022

The following amended plans were submitted on 5<sup>th</sup> September 2022:

Drawing No: 243 Rev P2 - Proposed Street Elevations Sheet 2  
Drawing No: 245 Rev P2 - Proposed Street Elevations Sheet 2

### **3. PLANNING HISTORY**

06/00011/FUL (wider Battle Hospital site)  
Erection of 434 no. dwellings and health care/social care/community care facility with associated car parking, open space, landscaping and new access arrangements. Granted 10/11/2006

201391 - Erection of a mixed-use development comprising of two commercial units on the ground floor (157.5 sqm), 26 residential units (including 30% affordable housing), associated landscaping, car and cycle parking (amended description).

### **4. CONSULTATIONS**

#### **4.1 Transport**

No objection subject to conditions.

#### **4.2 Environmental Protection**

No objections, see discussion below in Appraisal section.

#### **4.3 RBC Ecology**

*(As per comments received under 201391)* No objection subject to conditions.

#### **4.4 Natural Environment Team (Landscape)**

*(As per comments received under 201391)* Object to the removal of the Sycamore tree on site.

#### **4.5 RBC Leisure Team**

*(As per comments received under 201391)* A contribution of £63,700 is sought for improvements to existing open space facilities as a result of the development.

#### 4.6 Crime Prevention Design Advisor

*(As per comments received under 201391)* No objection subject to conditions.

#### 4.7 Public representations

Letters were sent to various properties in the area and a site notice was displayed at the site.

No representations have been received.

#### 4.8 RBC Housing

No comments to date on recently negotiated Affordable Housing - any comments will be reported to Committee in an Update

### 5. RELEVANT PLANNING POLICY AND GUIDANCE

5.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Material considerations include relevant policies in the National Planning Policy Framework (NPPF) which states at Paragraph 11 “Plans and decisions should apply a presumption in favour of sustainable development”.

5.2 Accordingly, the National Planning Policy Framework and the following development plan policies and supplementary planning guidance are relevant:

#### National Planning Policy Framework (NPPF) (2021)

Section 2 - Achieving sustainable development

Section 4 - Decision-making

Section 5 - Delivering a sufficient supply of homes

Section 7 - Ensuring the vitality of town centres

Section 8 - Promoting healthy and safe communities

Section 9 - Promoting sustainable transport

Section 11 - Making effective use of land

Section 12 - Achieving well-designed places

Section 14 - Meeting the challenge of climate change, flooding and coastal change

Section 15 - Conserving and enhancing the natural environment

#### 5.3 Reading Borough Local Plan 2019

CC1: PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT

CC2: SUSTAINABLE DESIGN AND CONSTRUCTION

CC3: ADAPTATION TO CLIMATE CHANGE



CC5: WASTE MINIMISATION AND STORAGE  
CC6: ACCESSIBILITY AND THE INTENSITY OF DEVELOPMENT  
CC7: DESIGN AND THE PUBLIC REALM  
CC8: SAFEGUARDING AMENITY  
CC9: SECURING INFRASTRUCTURE

EN1: PROTECTION AND ENHANCEMENT OF THE HISTORIC ENVIRONMENT  
EN10: ACCESS TO OPEN SPACE  
EN12: BIODIVERSITY AND THE GREEN NETWORK  
EN14: TREES, HEDGES AND WOODLAND  
EN15: AIR QUALITY  
EN16: POLLUTION AND WATER RESOURCES  
EN17: NOISE GENERATING EQUIPMENT  
EN18: FLOODING AND DRAINAGE

EM3: LOSS OF EMPLOYMENT LAND

H1: PROVISION OF HOUSING  
H2: DENSITY AND MIX  
H3: AFFORDABLE HOUSING  
H5: STANDARDS FOR NEW HOUSING  
H6: ACCOMMODATION FOR VULNERABLE PEOPLE  
H10: PRIVATE AND COMMUNAL OUTDOOR SPACE

TR1: ACHIEVING THE TRANSPORT STRATEGY  
TR3: ACCESS, TRAFFIC AND HIGHWAY-RELATED MATTERS  
TR4: CYCLE ROUTES AND FACILITIES  
TR5: CAR AND CYCLE PARKING AND ELECTRIC VEHICLE CHARGING  
WR3j LAND AT MOULSFORD MEWS

5.4 Supplementary Planning Documents  
Sustainable Design and Construction (2019)  
Planning Obligations under Section 106 SPD (2015)  
Employment, Skills and Training SPD (2013)  
Affordable Housing SPD (2021)  
Revised Parking Standards and Design (2011)

5.5 Other Reading Borough Council Corporate documents  
Reading Tree Strategy (2021)  
Reading Open Space Strategy Update Note (2018)  
Reading Open Space Strategy (2007)  
Waste Management Guidelines for Property Developers, Reading Borough Council

5.6 Other material guidance and legislation  
National Planning Practice Guidance  
The Community Infrastructure Levy (CIL) Regulations (Amended 2015)  
Berkshire (including South Bucks) Strategic Housing Market Assessment - Berkshire Authorities and Thames Valley Berkshire Local Enterprise Partnership, Final Report, February 2016, prepared by GL Hearn Ltd  
Site Layout Planning for Daylight and Sunlight: a guide to good practice (BR 209), P. Littlefair, 2011

## 6. APPRAISAL

- 6.1 The extant permission 201391 is identical to the current proposal in all respects except for the amount of Affordable Housing proposed. Little has changed in terms of the circumstances on and surrounding the site since that permission was granted and the main policy context remains the 2019 Local Plan. That being the case, the extant permission is a significant material consideration in the determination of this current application and should be afforded significant weight. The matter for consideration in this particular application is Affordable Housing and the contribution that it makes to meeting identified housing needs and achieving mixed and balanced communities. This report focuses on this as the main issue. All other matters are essentially a repeat of those reported under 201391 but repeated here in full given this is a new planning application.

### Affordable Housing and Housing Need

- 6.2 The extant permission 201391 secures eight affordable dwellings on site, equating to 30% provision which complied with Policy H3 which requires proposals of over 10 dwellings to provide 30% of the total dwellings to be Affordable Housing. The current proposal seeks a reduction in this. The policy does state that *“In all cases where proposals fall short of the policy target as a result of viability considerations, an open-book approach will be taken and the onus will be on the developer/landowner to clearly demonstrate the circumstances justifying a lower affordable housing contribution.”* The acceptability of the current proposals are therefore heavily dependent on a more detailed consideration of these matters.
- 6.3 Paragraph 4.4.19 of the Reading Borough Local Plan provides some background to the policy and summarises the large amount of evidence that the Council has in respect of the critical need for Affordable Housing that exists within the Borough:
- “The Berkshire (with South Bucks) Strategic Housing Market Assessment (SHMA, 2016) has once again emphasised the critical need for affordable housing within Reading as well as the remainder of Berkshire. The SHMA identified a need for 406 new affordable homes per year in Reading, which represents the majority of the overall housing required. The consequences of not providing much-needed affordable homes would be severe, and would include homelessness, households in temporary or unsuitable accommodation, overcrowding and younger people having to remain living with parents for increasing periods. Insufficient affordable housing will also act as an impediment to economic growth, as firms will face increasing problems with accommodation for their workforce. Meeting even a substantial proportion of the identified housing need presents significant challenges, and it is therefore critical that new residential development of all sizes makes whatever contribution it can.”*

- 6.4 RBLP para 4.4.23 states *“The target set in the policy has been determined as the result of an assessment of the viability of development of sites of various sizes in the Borough in accordance with the requirements of the NPPF. This will be the expected level of affordable housing provision.”*
- 6.5 This is qualified to some extent by RBLP para 4.4.24 which states that *“...the Council will be sensitive to exceptional costs of bringing a site to market such as for reasons of expensive reclamation, or infrastructure costs, or high existing use values. Where applicants can demonstrate, to the satisfaction of the Council, exceptional difficulties in bringing a site to market, the Council will be prepared to consider detailed information on the viability of a particular scheme and, where justified through an open book approach, to reduce the affordable housing requirement...”*
- 6.6 The NPPF and the Council’s policies allow for viability considerations to reduce the provision but only in specific circumstances. Paragraph 58 of the NPPF 2021 states that *“The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force.”*
- 6.7 Policy H3 places the onus on the developer/landowner to justify any lower affordable housing contribution. The supporting text to Policy H3 refines this, explaining that costs need to be *“exceptional costs of bringing a site to market”*. It is considered that the types of costs referred to in the Local Plan relate to problems with a site itself; expensive reclamation, infrastructure costs, or high existing use values etc. The cost of a particular design, or design choices, is not considered to fall within this type of exceptional cost; unless the design options are so limited as to prejudice the site coming forward for development in general. It is also not necessarily the role of the LPA to insulate a developer against financial risk associated with downturns in the market or rising development costs.
- 6.8 Both the applicant and the Council’s Valuer agree that the current scheme is in significant deficit and based on the figures provided it would not be financially viable to build, particularly due to the increase in build costs since the previous permission was granted. In fact, the advice received is that the scheme would still be unviable even if no Affordable Housing were to be provided.
- 6.9 Within this context it is apparent that the original proposal of zero percent Affordable Housing falls far short of policy requirements. The viability assessment presented indicates that it is largely an increase in build costs which have resulted in the profitability issue. However there do not appear to be any ‘exceptional costs’ inherent in developing the site which would justify relaxing expectations under the terms and guidance associated with Policy H3. Equally the increase in build cost is a challenge

to the wider construction market and not specific to this site. Ultimately it is not the role of the LPA to insulate or insure developers against risk associated with fluctuations in the market.

- 6.10 The need for general housing (i.e. not Affordable Housing) is a consideration. However, the Council has a healthy supply of housing overall in contrast to the significant undersupply of Affordable Housing in the Borough compared with identified need. As such, the provision of housing would not outweigh the harm that would result in terms of failure to meet the critical need for Affordable Housing within Reading Borough and the associated need to provide for sustainable and inclusive mixed and balanced communities.
- 6.11 Officers have raised these matters with the applicant and have made it clear that the initial zero percent offer (the basis on which the current application was submitted) would result in such significant harm to meeting housing need and achieving mixed and balanced communities when weighed against the critical need for Affordable Housing that the application would not be recommended for approval on that basis.
- 6.12 A negotiated position has since been arrived at whereby 11.5% of the housing units would be secured on-site, comprising two 2-bedroom flats and one 1-bedroom flat. The remaining 18.5% would be subject to a deferred payments mechanism to capture any increased profitability for further investment into Affordable Housing elsewhere in the Borough. The heads of terms are set out in the recommendation at the head of this report.
- 6.13 The negotiated 11.5% on site is a significant improvement on the initial offer. However, it remains well below the 30% required by Policy H3 and is considered harmful in terms of meeting housing need on the basis that the 30% requirement is the product of detailed assessment of this need as evidenced during the preparation and adoption of the policy, especially on allocated sites such as this.
- 6.14 The remaining 18.5% is proposed to be subject to a deferred payments mechanism. In determining this application and deciding on the weight to give to this it should be remembered that the viability assessment suggests a significant shortfall in profitability and a significant increase in profit would need to occur before any deferred payments would be triggered (at profits above 17.4%).
- 6.15 The proposed heads of terms secure three Affordable dwellings on site. Officers are mindful of the fact that developers are not always successful in securing a Registered Provider to purchase the units, particularly where numbers of units are relatively low. It is therefore necessary for a 'cascade' mechanism to be included to allow such units to be offered to the Council as Housing Authority, and failing that, to secure an equivalent financial contribution known as a default payment for off-site provision. Paragraph

5.10 of the adopted Affordable Housing SPD explains that, *“The most appropriate way to calculate the contribution is to calculate the Gross Development Value (GDV) of the entire proposed development. The financial contribution will usually be directly proportionate to the GDV of the scheme assuming it is 100% private sales. As the financial contribution required by an RP to fund one unit is 50% of a unit’s market value, the financial contribution equates to 50% of the proportion required under policy.”* For this particular application, 11.5% provision has been agreed as a negotiated position. The equivalent off-site contribution is therefore 5.75% in this instance.

- 6.16 In conclusion in respect of Affordable Housing matters, all parties agree that the submitted assessment places the scheme in significant deficit. However, the *reasons* for this unviability do not fully justify a reduction in the amount of Affordable Housing when considered against policy tests. The unviability lies in general increases in build costs rather than exceptional costs associated with the constraints of the site and associated difficulties in bringing it to market.
- 6.17 Significant harm has been identified in terms of the failure to fully meet policy requirements for this allocated site in terms of a critical need for Affordable Housing and the associated aims of achieving mixed and balanced communities is contrary to Policy H3. This harm will need to be weighed against other material considerations, including the wider benefits of the scheme if the proposals are to be considered acceptable. The provision of part of the policy requirement (11.5%) should be given weight in the decision making, as should the proposed deferred payment mechanism (to a lesser extent due to the inherent uncertainties involved). This is addressed within the overall planning balance at the end of this report.

**Other matters relevant to the current proposal are as follows and largely repeat the assessment of the extant permission 201391:**

#### Land Use Principles

- 6.18 The principle of residential development is established under Local Plan housing allocation Policy WR3j (Land at Moulford Mews), which allocates the site for residential development.
- “WR3j LAND AT MOULSFORD MEWS Development for residential. Development should:*
- Address air quality impacts on residential use; and*
  - Address any contamination on site.*
- Site size: 0.16 ha 10-16 dwellings”*
- 6.19 Any development on this allocated site should address air quality impacts on any residential use and address any contamination on site. Both matters

concerning air quality and contamination will be dealt with later in this report.

- 6.20 In terms of the proposed flexible commercial space at ground floor level, Local Plan Policy RL1 relates to the network and hierarchy of district and local centres. This policy highlights the need for new development to maintain and enhance the vitality and viability of these centres. Although the site is not allocated for any retail, and it is not within a district or local centre, as mentioned, the site adjoins the boundary of the Oxford Road West District Centre. Local Plan Policy RL3 (c) states that: *“Within and adjacent to district, major local and local centres, all new development should provide some ‘centre uses’ at the ground floor, unless it can be clearly demonstrated that this would not be possible or appropriate.”*

### Housing Mix and Density

- 6.20 The NPPF seeks to ‘boost significantly the supply of housing’ and deliver a wide range of homes, of different types and tenures. Achieving an efficient use of the land within the context of any central and sustainably located site is a key priority both at a national and local level. The NPPF states that LPAs should actively *“encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value”*. In general terms, officers support those urban design principles which encourage an ambitious approach to density on such sites.
- 6.21 Policy CC6 ‘Accessibility and the intensity of development’ makes the important link between the scale and density of development and its inherent level of accessibility by walking, cycling and public transport to a range of services and facilities, with opportunities for increased density taking place in the most accessible locations. This does not override other planning considerations, but is an important element of meeting the Borough's development needs in the most sustainable way. Policy H2 which specifically considers density and mix, requires that the appropriate density of residential development is informed by the character and mix of uses of the area in which it is located and its current and future level of accessibility.
- 6.22 Within the Local Plan, indicative densities for different areas are set out in Local Plan extract Figure 4.5. This indicates such a site located within the and urban district centre would have an indicative density of between 60-120 dwellings per hectare. The supporting text goes on to acknowledge that the criteria discussed above may indicate that different densities are appropriate, despite the indicative density range indicating otherwise.
- 6.23 A density of 162.5 dwellings per hectare is calculated across the site. Whilst this is higher than envisaged in the allocation, this is similar to the adjoining flats at Englefield House opposite Tesco and consistent with the

Local Plan's aim to ensure density positively assists in meeting identified needs in highly sustainable locations. Given the proposed format of development (a dual core L-shaped block fronting existing commercial and higher density residential), the resultant quantum of development and density does not cause any conflict with policy or depart significantly from the density of other existing or recently approved developments on the former Battle Hospital site. However, notwithstanding the conclusion that such density may be appropriate in this location, this does not negate the need for careful attention to be paid to design, character of the surrounding area, and wider planning merits which will be covered below.

- 6.24 Policy H2 also identifies that wherever possible, residential development should contribute towards meeting the needs for the mix of housing in the Borough, and in particular for family homes of three or more bedrooms. As detailed below, the proposal would provide a mix of units, including a high proportion of three-bedroom units.

Units size	Number of units
1 bed, 2 person	5
2 bed, 3 person	5
2 bed, 4 person	8
3 bed, 5 person	8
<b>Total</b>	<b>26</b>

Figure 4 - Proposed unit mix

- 6.25 When considered against the requirements of the Local Plan, the following proportions are calculated:

Units size	Proportion
1 bed units (5 units)	19.3%
2 bed units (13 units)	50%
3 bed units (8 units)	30.7%

5 - Proposed unit mix proportions

- 6.26 The proposal therefore provides a higher proportion of larger units (3-bedroom) than smaller units (1-bedroom). Furthermore, the provision of 2-bedroom units is composed of two sizes, 3 or 4-person occupancy. Based on the characteristics of the site and the appropriateness for range of units in such an arrangement, the overall mix is supported and complies with the objectives of Policy H2.

### Character and design

- 6.27 The proposals are the same in terms of impacts on the character of the area as those approved under 201391.
- 6.28 Section 12 of the NPPF 'Achieving well-designed places', reinforces the importance of good design in achieving sustainable development, by

ensuring the creation of inclusive and high-quality places. Paragraph 127 of the NPPF includes the need for new design to function well and add to the quality of the surrounding area, establish a strong sense of place, and respond to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

- 6.29 The Government's National Design Guide 2019 (NDG) is clear that well-designed places contribute to local distinctiveness. This may include introducing built form and appearance that adds new character and difference to places. Policy CC7 'Design and the Public Realm' sets out local requirements to design and requires that all developments must be of high design quality that maintains and enhances the character and appearance of the area in which it is located.
- 6.30 Any proposal will be considered carefully against these local and national policy objectives, including heights, building lines, and plot coverage. These points will be considered under the following sub-headings.

#### Layout

- 6.31 The proposed development is considered to build on and respect the existing layout of surrounding development, providing continuity and enclosure through appropriate relationships between the building and spaces in front of it. The proposed footprint and frontages continue to align with the historic approval for the health centre on site and those created by adjoining buildings along Curzon Street. The inclusion of chamfered glazed commercial frontages at ground floor provides welcome activity to the public realm at the end of Moultsford mews and adjacent to the existing short stay car park. Currently, parts of Moultsford Mews are not well surveyed and existing hording around the site provides for an unpleasant pedestrian and resident experience. As such, the extent and position of the building line along both the northern and western frontages is welcomed.
- 6.32 To the rear, the building set back from the eastern boundary and neighbouring rear gardens. The eastern and southern parts of the ground floor layout comprise of a residential parking area. The southern part of the building steps away from the Curzon Club boundary. Given the extensive flat roof element of the Curzon Club and established frontage to the short stay car park, the proposal is not considered to prevent any reasonable future development aspirations or of that site. Therefore, in this respect the proposal is considered to respond positively to its local context and reinforce the existing street structure which exists at this part of West Reading.

#### Scale

- 6.33 The application site occupies a corner position, adjoining varying scales of built form. These consist of the large plain four storey rectangular building



of Winterbrook House which accommodates both Tesco and flats above, five storey Englefield House on Moultsford Mews, the three storey modern terrace of Curzon Street, the pitched roof mixed use parade of Cholsey House, and finally the rear of the three storey Curzon Club on Oxford Road



*Surrounding development*

- 6.34 The proposal would see a 4-storey element to the north west closest to the three storey town houses along Curzon Street. The building steps up to a 6-storey block at the north west corner of the site. The 4-storey element is considered to maintain a respective scale to those dwellings along Curzon Street, visually reducing the mass as seen from the street and approach (See figure 8 below).
- 6.35 A 5-storey element would face south, addressing the Curzon Club and distant views form Oxford Road. The massing of the proposed building is concentrated in the north west corner of the site, adjacent to the existing block of flats along Moultsford Mews and the adjacent Tesco store.



*Proposed street scenes*

- 6.36 The location of the taller element to the northwester corner is considered to fulfil a number of key urban design principles. The proposal is properly able to address the corner, as no blank elevation is presented to the public realm. This ensures the building turns the corner successfully. The highest part of the proposal addresses the corner, with strong vertical emphasis. This creates a central focus to the development with the tallest elements addressing the adjacent similarly scaled block of flats opposite. This allows the building to perform a positive role on the corner, marking a visual termination along Moulsford Mews at ground level but also helps improve the continuity of the frontage. The stepping down of levels to the Curzon Club also has benefits aside from visual transition, it allows south facing sedum roofs at fourth and fifth floor level.
- 6.37 In summary, the site occupies a prominent corner plot where the relationship of any new building is largely determined by its position fronting onto a public plaza and busy supermarket forecourt. When considering the general scale and proportions of this proposal, the building will be primarily read from Moulsford Mews and or the short stay car park to the west when travelling north from the Oxford Road. In responding to this context, the scale of the development is considered acceptable in context.



CGI looking south east

- 6.38 The ground floor entrances to the commercial units are considered well-articulated, successfully defining the building at street level and provide this corner plot with much-needed definition, surveillance and activity at street level.
- 6.39 Overall it is considered that the development at this scale sits comfortably on the site and make the most of the opportunities presented by the disparate scale and uses of surrounding buildings.

#### Detailing

- 6.40 Turning to the detailed design of the building, the local area benefits from a contrast between more traditional/historic (Oxford Road) and modern styles found within the former Battle Hospital site.
- 6.41 The proposal has deeply recessed balconies, which are considered to add depth to the façade whilst enabling the building to front the public realm. The stacking of windows and balconies add welcome rhythm and a verticality to the façade. The same applies to the rhythm of the stairwell windows. As described above, the ground floor commercial units feature large areas of glazing, adding interest to the edge of the public realm and create a visual focus at the end of Curzon Street and Moultsford Mews.
- 6.42 The appearance of the development and the proposed materials reflect the style and materials traditionally used within the local area but employ a much more contemporary and robust style when compared to much of the rendered blocks of flats within the former Battle Hospital site. A single colour of brick forms the primary material, punctuated by the balconies,

creating relief in the facade and interest. Areas of perforated brick work and recessed panels of textured brick work add interest across the building. Brick piers and anthracite framed glazing are used to help define the ground floor and mark the entrances to the commercial units, is considered to create a visually interesting street level public realm.

- 6.43 The rear elevations are clad in white and grey cladding panels, helping reduce the mass of the rear elevation by breaking up any extensive areas of brick work. Balcony reveals are clad in white glazed brick work to reflect the local vernacular architecture where glazed bricks are used for banding on Victorian/Edwardian terraces. The glazed bricks would contrast against the red brick whilst reflecting light further into the plan of the building.
- 6.44 Further to the above, the building as much as possible, provides opportunity for both human interaction and additional soft landscaping at street level. This led to the introduction of two living green walls to the two principal ground floor elevations. These frame the commercial entrances and providing welcome relief to what is recognised is a rather urban environment. These features combined are not only considered to enliven and enhance what is currently a harsh and poorly-surveyed part of Oxford Road, but in conjunction with the proposed flexible commercial use, will encourage greater public interaction and reinforce the site's prominent corner plot position. In this respect the development is considered to perform a positive role.

#### Amenity

- 6.45 **The proposals are the same in terms of impacts on amenity as those approved under 201391.**

#### Privacy

- 6.46 The site is within a densely built-up area with a mixture of large blocks of flats adjoining high-density terraced housing. This is reflective of the site's location directly adjoining a district parade of shops, the large Tesco Supermarket and the commercial offer contained along Oxford Road. The proposal would introduce primary active frontages at all levels facing onto the public realm (North and west). Windows and some balconies would face the rear towards the rear gardens of those houses along Battle Place and the adjoining terrace on Curzon Street.
- 6.47 Due to the layout and orientation of the application site, the closest rear facing windows would be approximately 19.6m from the rear elevation of the end terrace house on Battle Place. Only an oblique view would be attainable, furthermore due to nature of the rooms served by these windows (bedrooms), this is not considered to give rise to any serious privacy concerns. On the eastern elevation of the scheme, the more direct

view attainable from bedrooms are greater than 24m. These distances are in excess of good practice and existing relationships in question.

- 6.48 To the north facing Englefield House, the distances are closer (approximately 14m, but are reflective of prevailing front/front separation distances within the wider Battle Hospital development to the north.
- 6.49 It must be recognised that by virtue of occupying a vacant and undeveloped site, any new development in this location is likely to cause a greater perception of change and associated overlooking and loss of privacy towards surrounding buildings. However as per the extant permission, no new views (which are not already attainable into adjoining gardens) would be created and the inter-relationship between the site and its surroundings would not be substantially different or more harmful proximity to that which already exists in this urban area, and therefore this scheme is considered acceptable in terms of Policy CC8.

#### Daylight and sunlight

- 6.50 The applicant has provided a daylight/sunlight assessment with the application - the same as the extant permission. The report shows that the scheme would not have a significant detrimental impact upon adjoining properties in terms of daylight/sunlight. In addition, the proposed development would provide all proposed flats with sufficient daylight/sunlight.

#### Living conditions of future occupiers

- 6.51 All dwellings have been proposed to meet or exceed the nationally described space standard (as outlined in Policy H5) for the type of dwelling/number of bedrooms. As such, all flats are considered acceptable in this regard.
- 6.52 Policy H10 states that “.... *flats may be provided with communal outdoor space, balconies and/or roof gardens*”. In this instance, each proposed dwelling has a private balcony/terrace. Proposed balconies spaces have been orientated towards the north and west to avoid possible overlooking of gardens to the east of the site. Each balcony/terrace is accessed off of the primary living space by either glazed door or a set of Bi-fold doors. The balcony/terraces sufficient size to allow a table and chairs. The recessed balconies feature a bespoke metal balustrade and the internal faces of the balconies are clad in glazed bricks to reflect additional light into each dwelling.
- 6.53 Despite balcony/terraces providing sufficient private amenity space for each flat, future residents would be reliant on public open spaces for informal recreation. The site is well located for access to Battle Square Park (1 min walk away) which contains a LEAP (Local Area Equipped for Play), the Council run Kensington Recreation Ground (5 mins walk away)

and Portman Road Park (6 mins walk away) which both contain a wider range of facilities.

- 6.54 As such, officers consider it necessary and appropriate to secure a contribution for improvements to these existing facilities as a result of the development, particularly given the over-emphasis on larger units and the lack of on-site amenity space. Based on the standard formula provided for by the Council's Open Space Officer, a contribution of £63,700 will be sought and secured via Section 106 Agreement.

#### Accessibility and lifetime homes

- 6.54 Policy H5(f) requires that on all developments of 20 or more new build dwellings, at least 5% of dwellings will be wheelchair user dwellings in line with M4(3) of the Building Regulations. Any market homes provided to meet this requirement will be 'wheelchair adaptable' as defined in Part M, whilst homes where the Council is responsible for allocating or nominating an individual may be 'wheelchair accessible'.
- 6.55 The development includes this provision and officers are satisfied that the accessibility/adaptability of the units can meet these requirements. To ensure these units are provided and maintained as such, a compliance condition is recommended to state that a policy compliant proportion of wheelchair user dwellings are ready prior to first occupation and are retained as such thereafter.

#### Crime prevention

- 6.56 A number of suggestions have been received from the Thames Valley Police Crime Prevention Design Advisor relating to security on the site. These elements are considered necessary and reasonable and could be covered by the recommended condition, consistent with the extant permission.

#### Natural Environment

- 6.57 **The proposals are the same in terms of impacts on the natural environment as those approved under 201391.**
- 6.58 The Local Plan recognises the importance of natural features, the valuable contribution they can make to a place and to people's quality of life, especially in a developed urban area like Reading. There is a need for development in such locations to take all opportunities realistically available to integrated additional natural features into the overall design. These include natural and designed landscapes, a high public realm, and trees, grass, planting etc. This is a key aspect in demonstrating the Council's ambition and commitment to tackling climate change and supported through the Council's Tree Strategy.



- 6.59 The proposed development site is within Area Tree Preservation Order (TPO) 103/03 which protects all trees that were growing on the former Battle Hospital site, when the Order was served (in 2003). It is also located within Battle Ward, which has the lowest tree canopy cover in the borough.
- 6.60 The site is currently vacant, largely cleared and surrounded by hording. The site contains a single Sycamore tree located at the south east corner of the site. Just outside of the southwest boundary is a London Plane tree.
- 6.61 The Sycamore tree is proposed to be removed and replaced with a smaller tree. This tree is covered by the TPO 103/03. The Tree Survey conducted by the applicant's tree consultant confirms the condition of this tree is good and estimates it has a remaining contribution of 20+ years. This indicates as a starting point that this tree should be retained.
- 6.62 The extant permission report noted that in the original 2006 planning permission for West Village (06/00011/FUL), this tree was not proposed to be retained, and this portion of the health centre was covered by the parking area for the health centre. Alternative smaller canopy trees were proposed along the eastern boundary. A similar approach is proposed under this proposal with a replacement (smaller) tree being located to the south-eastern corner of the resident's car park. This was not considered to constitute a like-for like replacement nor result in any net gain in on site tree planting. Accordingly, the Natural Environment Team expresses concern that the proposal did not include sufficient enhancements to outweigh the removal of this tree. However, as with any consequence of development, this must be considered alongside any wider environmental benefits of the development as a whole in addition to any identified social and economic benefits to be outline later in this report.
- 6.63 The London Plane tree is to be retained and protected via tree protection measures. However, whilst clearly outside the site boundary, it appears the exact position of this tree remains unconfirmed. This being the case, the Council require further confirmation as to the exact tree protection methods that will be undertaken in accordance with the Tree Protection plan. Officers are of the view this can be reasonably secured via conditions.
- 6.64 Wildflower green roofs are proposed to all flat roof elements. This type of green roof is compatible with the proposed rooftop Solar PV panels which will be discussed later in this report.
- 6.65 In addition, four separate areas of 'green wall' facing the public realm. These livings walls would frame either side of the ground floor commercial units on the northern and western elevation.
- 6.66 Where 'in the ground' planting is not feasible, it is recognised the benefits both green walls and green roofs can bring. These two features ensure that natural landscaping is incorporated whilst also improving the appearance of

the buildings, which is particularly important in an urban area such as this, and also contributes to reducing the hard 'canyon' effect which is currently created by the existing hoarding that encloses the site.

- 6.67 Both the green wall and green roofs are considered a potentially very effective means of improving the sustainability credentials of the building, increasing thermal insulation and providing pollution filtration. Given the limited space between the frontage and the pavement, it is considered a positive and creative way of allowing this site to contribute positively and practically with green infrastructure. The green wall in conjunction with the glazed active façade is considered to create a welcoming and enlarged public realm around the building. The details of the green wall, alongside its ongoing maintenance, would be secured via a specific landscaping condition and this is considered appropriate in the circumstance.
- 6.68 The proposal also seeks to maximise soft landscaping through the provision of additional box planters, large shrubs and climbers to the car parking area. The full planting specification, along with ongoing management and maintenance will be secured via condition to be determined post approval. The Council's Ecologist has raised no objection to the proposal subject to conditions ensuring habitat enhancement measures be secured.
- 6.69 In considering the level of greening that can be realistically secured on a constrained site in a urban district location, officers are of the view that the proposal now provides a meaningful contribution to the adjoining District Centre's environment, and performs a considerably greater role than the site does at present. The four green walls, green roofs, replacement tree planting and soft landscaping is a positive package that maximises green infrastructure on this site and is considered sufficient to outweigh the loss of the Sycamore tree. This overall contribution is afforded great weight in the overall balance.

#### Sustainability

- 6.70 **The proposals are the same in terms of sustainability credentials as those approved under 201391.**
- 6.71 Local Plan Policy H5 'Standards for New Housing' seeks that all new-build housing is built to high design standards. In particular, new housing should adhere to national prescribed space standards, water efficiency standards in excess of the Building Regulations, zero carbon homes standards (for major schemes), and provide at least 5% of dwellings as wheelchair user units. Policy CC2 (Sustainable Design and Construction) and Policy CC3 (Adaption to Climate Change) seeks that development proposals incorporate measures which take account of climate change. Policy CC4 (Decentralised Energy) seeks that developments of more than 20 dwellings should consider the inclusion of combined heat and power plant (CHP) or other form of decentralised energy provision.



- 6.72 The applicant has submitted a sustainability and energy report as part of the application which follows the relevant policies and Sustainable Design and Construction SPD guidance.
- 6.73 The information submitted demonstrates that through the measures outlined in the energy strategy, it is anticipated that a 37.4% improvement below Building Regulations Part L compliant baseline is achievable. In terms of decentralised energy, the inclusion of a decentralised system is not financially viable for a development of this size, however roof mounted Photo Voltaic cells are included and positively support the development in achieving the above energy improvement below Building Regulations.
- 6.74 A sustainable drainage strategy (SuDs) has also been submitted as part of the application. No objection is raised by the Local Flood Authority (RBC Transport), subject to conditions to secure a timetable for its implementation and details of management and maintenance of the scheme and its implementation in accordance with the approved details.
- 6.75 As per the extant permission, the proposals demonstrate a good standard of sustainability and in particular the requirement adhering to zero carbon homes standards and therefore the development is policy compliant in this regard.

#### Transport

- 6.76 **The proposals are the same in terms of transport considerations as those approved under 201391.**
- 6.77 As described the site formed part of the 2006 planning application for the redevelopment of the former Battle Hospital site (06/00011/FUL). A Healthcare centre was proposed for the site within the application, but the site was never developed. A total of 16 car parking spaces were proposed for the health centre. The proposed development consists of the construction of two small commercial units on the ground floor. A total of 22 car parking spaces is proposed for the site.
- 6.77 Vehicular access is proposed via Curzon Street and will take the form of a vehicle crossover. A small section of Curzon Street (western end) is currently unadopted. As the granting of planning consent does not confer any rights of access, it should therefore be noted that the red line area does not extend to the adopted section of Curzon Street. The applicant has confirmed that full access rights are in place (although this is not strictly speaking a planning matter).
- 6.78 The site is located in Zone 2, Primary Core Area, of the Revised Parking Standards and Design SPD. It is close to the A329 Oxford Road, the main transport corridor between central Reading and the west and is well served by public transport, with buses continuing either into or out of the Central

Core Area whilst Reading West Railway Station is located circa 700m walk to the east of the site.

- 6.79 In view of this, a methodology has been agreed which uses the existing car ownership data from the local area to forecast the demand and parking requirement for the development. As described, 22 car parking spaces is proposed for the development equating to 0.84 spaces per residential apartment. This takes into account the sustainability of the site, proximity of public transport services and the presence of a car club. These factors contribute towards lower levels of car ownership within the area.
- 6.80 The development will provide a total of 4 electric vehicle charging spaces which is above the required provision as outlined in Policy TR5. This will be secured by condition. In addition, there is a 'Co-Wheels' car club on Oxford Road in the vicinity of the site. This is publicly accessible so anyone who lives on the site can register to become a member and then book the car.
- 6.81 No parking is proposed for the two small commercial units. It is agreed that these commercial units make use of the existing short stay car park to the west of the site and the short stay on street parking bays along Oxford Road, which customers and deliveries for existing commercial units already make use of. The commercial units provide the opportunity for linked trips between the existing and proposed commercial uses within the area.
- 6.82 A secure store is proposed on site which can accommodate 32 long stay cycle parking spaces in tiered racking. However, it would be a preference to see the residential and commercial cycle parking separated to improve security. This can be specified and covered by condition.
- 6.83 The refuse stores are located adjacent to the main vehicular entrance on the northern boundary of the site to allow servicing to occur from Curzon Street. The bin store has been enlarged on the amended plans to accommodate the required number of bins.
- 6.84 Swept path drawings have been provided demonstrating that delivery vehicles and refuse vehicles can gain access to the site. Given that there is no turning head on Curzon Street, it is assumed that refuse vehicles currently reverse the length of Curzon Street to service the existing residential properties. However, the proposed site access provides the opportunity for refuse vehicles and larger delivery vehicles to use the site access as a turning area. Swept path analysis drawings have been produced to demonstrate that a refuse vehicle is able to turn at the eastern end of Curzon Street utilising the site access.
- 6.85 As described, the commercial uses will complement the existing commercial uses in the area. Potential uses could include non-food retail, hairdressers, beauticians, a small café or a takeaway use. These types of uses will only generate a very small number of servicing and delivery vehicle movements, with the majority of deliveries undertaken by smaller

transit van type vehicles. Swept path analysis drawings have been produced to demonstrate that a 7.5 tonne delivery vehicle is able to enter the site and undertake a three point turn within the parking area. This is acceptable given the size of the commercial units, however, a Delivery and Servicing Plan is required prior to first occupation of the units to ensure deliveries are appropriately managed once the end users are known.

- 6.86 In light of the above no transport or access objections to this application area raised subject to those recommended conditions.

#### Environmental Protection

- 6.87 **The proposals are the same in terms of EP impacts as those approved under 201391.**

#### Air quality

- 6.88 The site is located close to the Oxford Road, and within an Air Quality Management Area. As such, the impact of air pollution on new occupants is of particular concern. In support of the application, an Air Quality Assessment was submitted.
- 6.89 During construction, adopting appropriate mitigation measures is considered able to adequately prevent any significant air quality effects on the surrounding area. The proposed development is not expected to introduce new receptors into an area of existing poor air quality, nor is it anticipated to significantly impact local air quality. The development would include four electric vehicle charging bays, sharing two charging stations, 32 cycle storage spaces, two green wall elevations, sedan roofs and replacement tree planting on a site.
- 6.90 The Council's Environmental Protection officers have reviewed the Air Quality Assessment and recommend conditions securing implementation in line with these reports would be acceptable and ensure appropriate noise/air quality for the proposed development. Construction hours, control of noise and dust during construction will also be conditioned. As such, the proposed development is considered to positively contribute to improve air quality and comply with all relevant local and national air quality policy subject to relevant conditions.

#### S106/Community Infrastructure Levy

- 6.91 The proposals would be liable for CIL and the approximate liability based on the previous scheme would be £198,398 subject to indexation. This may be subject to further change for a variety of reasons, as the applicant could apply for relief on the on-site affordable housing units for instance.

- 6.92 A construction phase Employment Skills and Training Plan would also be secured via the Section 106 legal agreement as per the Council's Employment Skills and Training SPD. This could be in the form of a site-specific plan or equivalent a financial contribution. As such, the S106 will secure this in a flexible manner covering both options.
- 6.93 With regard to a planning obligation, a Section 106 Agreement would be required to secure the following heads of terms as described in this report:
- o Secure the agreed level of on-site affordable housing with cascade to affordable housing providers and default and deferred payment mechanisms,
  - o £64,700 [sixty four thousand seven hundred pounds] Open Space contribution to improve and extend facilities within the nearby **Kensington Recreation Ground and Portman Road Park**;
  - o Secure a construction phases Employment Skills and Training Plan or equivalent financial contribution. As calculated in the Council's Employment Skills and Training SPD (2013).
- 6.94 Policies CC9 (Securing Infrastructure) and DM3 (Infrastructure Planning) allow for necessary contributions to be secured to ensure that the impacts of a scheme are properly mitigated. It is considered that each of the obligations referred to above would comply with the NPPF and Community Infrastructure Levy (CIL) in that it would be: i) necessary to make the development acceptable in planning terms, ii) directly related to the development and iii) fairly and reasonably related in scale and kind to the development.

## Other Matters

## Equalities Impact

- 6.95 In determining this application the Council is required to have regard to its obligations under the Equality Act 2010. There is no indication or evidence (including from consultation on the application) that the protected groups as identified in the Act have or will have different needs, experiences, issues and priorities in relation to the particular planning application. Therefore, in terms of the key equalities protected characteristics it is considered there would be no significant adverse impacts as a result of the development.

## 7. CONCLUSION

- 7.1 The report for the extant permission 201391 rehearsed the wider benefits of the scheme as set out in the conclusion to the previous report. This determined that, having regard to all matters raised, the limited adverse impacts caused by this development would be significantly and

demonstrably outweighed by those identified benefits when assessed against the relevant policies as a whole and applying an overall critical planning balance of all material considerations presented. The benefits referred to included the policy compliant amount of Affordable Housing proposed at that time. The application was recommended for approval on that basis.

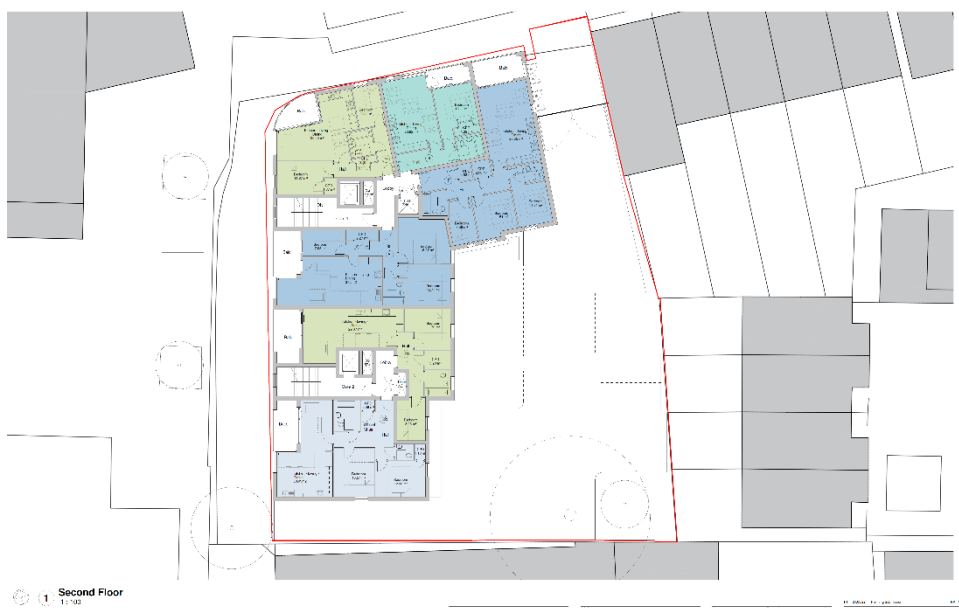
- 7.2 The current application diminishes the benefits by introducing an element of additional harm to be weighed within the overall balance in terms of the failure to meet identified housing need due to the shortfall in Affordable Housing proposed (11.5% instead of 30%). The provision of an (albeit lesser) amount of affordable housing on site should nevertheless be given some weight, as should the safeguards offered by default and deferred payment mechanisms in the event that profitability increases against predicted levels. In this particular instance officers are particularly mindful of the regeneration benefits of bringing this long-term vacant site forward for development, as well as the wider benefits previously identified under the extant permission. On balance, it is considered that the harm arising from the shortfall in Affordable Housing is marginally outweighed by the overall benefits and that permission should be granted on that basis as set out in the recommendation at the head of this report.

**Case Officer:** Steve Vigar

## Drawings



Ground Floor Plan



1 Second Floor  
1:100  
Typical Floorplan (2<sup>nd</sup> Floor)



*North and west street elevation*



*South and east street elevation*