

COMMITTEE REPORT

BY THE DIRECTOR OF ENVIRONMENT AND NEIGHBOURHOOD SERVICES

READING BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE: 6 March 2019

ITEM NO.10

Ward: Katesgrove

App No.: 182251/VARIAT

Address: Existing Car Park East Street Reading

Proposal: Erection of 4 storey building to provide 103 student accommodation units (Sui Generis), landscaping, access and ancillary works, following removal of a 49 space car park but without complying with condition no. 2 (approved plans) to provide for minor internal and external alterations to provide 5 additional student accommodation rooms at ground floor level.

Applicant: Studious Development (Reading) Limited

Date Application Valid: 21st December 2018

Target decision date: 22nd March 2019

RECOMMENDATION

GRANT a variation of condition no. 2 (approved plans) of planning permission ref. 170019 for the erection of 4 storey building to provide 103 student accommodation units (Sui Generis), landscaping, access and ancillary works, following removal of a 49 space car park (appeal ref. APP/E0345/W/17/3190317) for minor internal and external alterations to provide 5 additional student accommodation rooms at ground floor level, subject to the following conditions:

And the following conditions:

1. Time period for implementation - 3 years from date of original permission - 10 August 2018
2. In accordance with the approved plans (as updated by this S73 application variation of conditions application and non-material amendment application ref. 181629)
3. In accordance with approved materials (as approved under discharged of condition application ref. 182013)
4. In accordance with approved landscaping (as approved under discharge of condition application ref. 182015)
5. Implementation of approved landscaping
6. Maintenance of landscaping
7. In accordance with the approved flood risk assessment
8. Implementation and retention of approved glazing and ventilation specifications
9. Reporting of unexpected contamination
10. Pre-occupation submission and approval of a student management plan
11. In accordance with the approved scheme for control of construction noise and dust (as approved under discharge of condition application ref. 182179)

12. Control of construction hours: 0800-1800 Mon-Fri, 0900-1300 Sat & not on Sun or Holidays
13. Pre-commencement submission and approval of a construction method statement
14. No burning of waste on site
15. Submission and approval of a noise assessment prior to installation of any additional mechanical plant equipment
16. Pre-occupation stopping up of existing vehicular access and reinstatement of footway and kerb
17. Pre-occupation provision and retention of cycle parking provision
18. Submission of final travel plan 3 months from first occupation
19. Annual submission and approval of a travel plan review
20. No parking permits - pre-occupation notification of postal addresses of units
21. No parking permits - notification of future occupants
22. Development to be used as Sui Generis student accommodation only and for no other purpose.

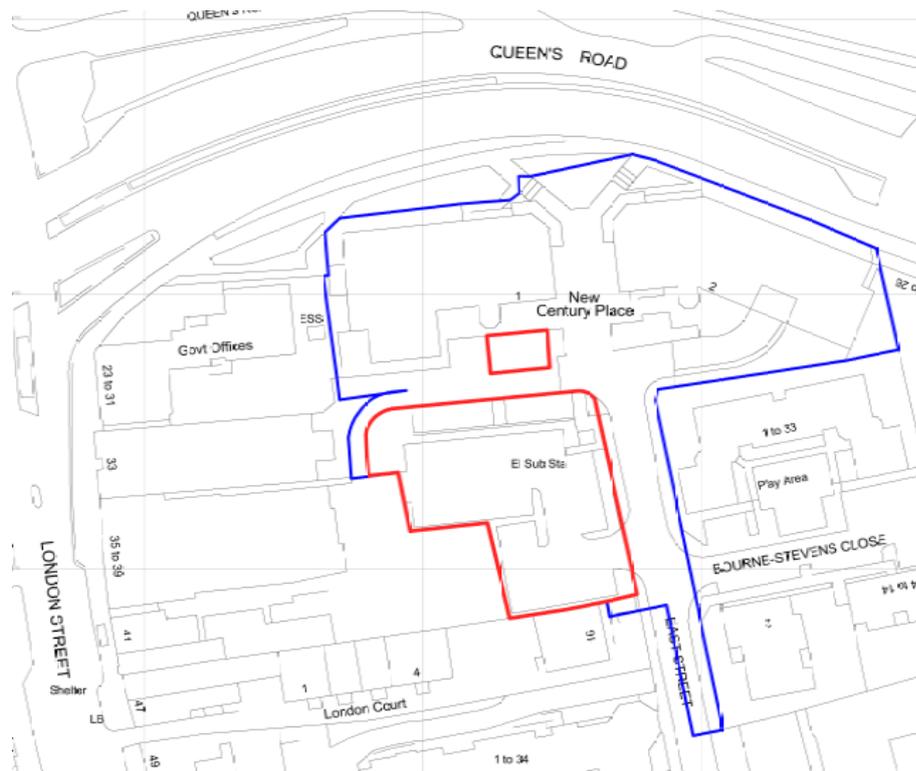
Informatives

1. Positive and proactive requirement
2. S.106 legal agreement relating to planning permission ref. 170019 applies (as per clause 20 of the agreement)
3. CIL-liable
4. Terms and conditions
5. Pre-commencement conditions
6. No parking permits
7. Works affecting the Highway
8. Fee for conditions discharge
9. Building Regulations
10. Thames Water requirements

1. INTRODUCTION

- 1.1 The application site comprises a redundant private car park previously used by the nearby former office buildings at New Century Place located at the north end of East Street. The site slopes gradually downwards towards Queens Road to the north and is accessed from East Street.
- 1.2 The adjoining area is in mixed uses with residential, offices and community buildings. Adjoining to the north are buildings 1 and 2 New Century Place, which are former office buildings which have both been converted to residential flats via prior approval permitted development rights. The New Century Place buildings are four storey blocks of the same design fronting on to Queens Road.
- 1.3 On the opposite (east) side of East Street is Bourne-Stevens Close, a residential cul-de-sac. To the west is a separate raised level car park accessed by a vehicle ramp and the backs of properties on London Street, including listed buildings Nos. 33, 35 to 39 and 41 London Street.

Location Plan (not to scale)



- 1.4 The site lies within easy walking or cycling distance of both the town centre and railway station whilst Reading University's Whiteknights and London Road campuses are on the same side of the A4. The site is within the Reading Central Area but just outside of the Central Core area as defined by the Reading Central Area Action Plan (2009). The site is also located within the eastern edge of the Market Place/London Street Conservation Area, the boundary of which runs along the centre of East Street. A small part of the site to the east corner falls within Flood Zone 2.
- 1.5 Planning permission was refused for the erection of 4 storey building to provide 103 student accommodation units (Sui Generis), landscaping, access and ancillary works following removal of a 49 space car park at Planning Applications Committee in May 2017. There were 4 reasons for refusal:
- (1) *The proposed building by reason of its scale, form and dominant massing, use of inappropriate materials and lack of detailing is unsympathetic to and would fail to enhance or preserve the character and appearance of the Market Place/London Street Conservation Area. Furthermore, it would have a detrimental impact on the settings of the rear of listed buildings in London Street and thus harm the significance of those buildings. It is thus contrary to Policies CS7 and CS33 of the Reading Borough LDF Core Strategy 2008 (Altered 2015), DM4 of the Sites and Detailed Policies Document 2012 (Altered 2015) and to S.66(1) and S.72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.*

(2) *The proposal fails to demonstrate in a sequential test that there is no alternative location for such development, which is classified by the Environment Agency as “more vulnerable” and part within Flood Zone 2, and that the potential risks from flooding such as reduced flood water storage, impedance to flow or risks to life and property are acceptable or can be mitigated. It is thus contrary to Policy CS35 of the Reading Borough LDF Core Strategy 2008 (Altered 2015).*

(3) *The proposed development does not comply with the Local Planning Authority’s standards in respect of arrival and departure procedure at the beginning and end of term and as a result constitutes a highway safety hazard in conflict with Policy CS24 of the Reading Borough LDF Core Strategy 2008 (Altered 2015) and Policy DM12 of the Reading Borough LDF Sites and Detailed Policies Document 2012 (Altered 2015).*

(4) *In the absence of a completed legal agreement to secure an Employment and Skills Plan and use of the living accommodation to be occupied as student accommodation (Sui Generis) only, the proposal will not mitigate its impact on the social and economic infrastructure of the borough, contrary to Policies CS3 and CS9 of the Reading Borough LDF Core Strategy 2008 (Altered 2015), Policy DM3 of the Reading Borough LDF Sites and Detailed Policies Document 2012 (Altered 2015) and the Council’s Adopted Supplementary Planning Documents on Employment, Skills & Training (2013) and Planning Obligations (2015).*

1.6 However, this application was subsequently allowed on appeal (ref. APP/E0345/W/17/3190317) in August 2018 following a hearing. Reasons for refusal 2 (flooding), 3 (highway safety of arrivals and departures) and 4 (lack of a section 106 legal agreement) were overcome following submission of additional information by the appellant during preparation for the hearing. In terms of reason for refusal 1 (harm to the setting of listed buildings and the conservation area) in allowing the appeal the inspector concluded that the proposal would result in a minor adverse impact upon the setting of the rear of the adjacent grade II listed buildings to the west along London Street but that this was offset and outweighed by the proposal resulting in minor enhancement to the character of the conservation area (noting the existing larger modern buildings to this end of East Street) together with wider public benefits of the proposal.

1.7 Application ref. 181849, which seeks full planning permission for a student accommodation building of the same footprint but with an additional storey to provide an additional 32 student rooms, is also under consideration at this meeting.

2 PROPOSAL

2.1 The application seeks to vary condition no. 2 (approved plans) of planning permission ref. 170019 (allowed on appeal ref. APP/E0345/W/17/3190317) for minor internal and external alterations to provide 5 additional student accommodation rooms at ground floor level. This would result in provision of 108 rather than 103 student rooms.

- 2.2 The additional rooms are provided by re-locating the residents' lounge to the basement level (previously secured under non-material amendment application 181629/NMA) and removal of an office. Externally additional windows to match the rest of the building are proposed to serve the new ground floor level rooms to the east and north elevations.
- 2.3 The application is being reported to your meeting as a minor material amendment application to a major category planning permission.

3. PLANNING HISTORY

Application Site

- 3.1 170019 - Erection of 4 storey building to provide 103 student accommodation units (Sui Generis), landscaping, access and ancillary works, following removal of a 49 space car park - Refused - Allowed on Appeal (ref. APP/E0345/W/17/3190317).
- 3.2 181629/NMA - Non-material amendment to application 170019 (Allowed under appeal APP/E0345/W/17/3190317) for re-configuration of consented basement arrangement and associated changes to internal layout at ground floor level - Agree non material amendment.
- 3.3 181650/APPCON - Application for approval of details pursuant to condition 17 (archaeology) of planning permission ref. 170019 (APP/E0345/W/17/3190317) - Condition discharged.
- 3.4 181654/APPCON - Application for approval of details pursuant to condition 7 (Trees) of planning permission ref. 170019 (APP/E0345/W/17/3190317) - Condition discharged.
- 3.5 182013/APPCON - Application for approval of details pursuant to condition 3 (materials) of planning permission ref. 170019 (APP/E0345/W/17/3190317) - Condition discharged.
- 3.6 182015/APPCON - Application for approval of details pursuant to condition no. 4 (landscaping) of planning permission ref. 170019 (APP/E0345/W/17/3190317) - Condition discharged.
- 3.7 182179/APPCON - Application for approval of details pursuant to condition no. 12 (control of noise and dust) of planning permission ref. 170019 (APP/E0345/W/17/3190317) - Condition discharged.
- 3.8 182184/APPCON - Application for approval of details pursuant to condition 14 (Construction Method Statement) of planning permission 170019 (APP/E0345/W/17/3190317) - Under consideration.
- 3.9 181849/FUL - Erection of a part 4 part 5 storey building (plus basement) to provide

135 units of purpose built student accommodation and associated facilities (Sui Generis), landscaping and access - Under Consideration.

New Century Place Buildings 1 & 2

- 3.10 172272/OPA - Change of use of building from Class B1(a) (offices) to C3 (dwelling houses) to comprise 72 self-Contained studio apartments. Prior Notification under Class O, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 - Prior Approval Given (Building 1).
- 3.11 172271/OPA - Change of use of building from Class B1(a) (offices) to C3 (dwelling houses) to comprise 63 self-Contained studio apartments. Prior Notification under Class O, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 - Prior Approval Given (Building 2),
- 3.12 171822/FUL - Replacement of various windows on all elevations, various trickle vents on north, south and west elevations, new balustrades on north and west elevations and associated external works - Granted (Building 2).
- 3.13 172254/FUL Replacement of various windows on all elevations, installation of various trickle vents on north, south east and west elevations, new windows and to the east elevations and associated external works - Granted (Building 1).
- 3.14 181050/VARIAT - Replacement of various windows on all elevations, various trickle vents on north, south and west elevations, new balustrades on north and west elevations and associated external works without complying with conditions no. 2 (approved plans) of planning permission ref. 171822 to facilitate relocation of trickle vents, replacement windows and additional aluminium curtain walling - Granted (Building 2).
- 3.15 181051/VARAIT - Replacement of various windows on all elevations, various trickle vents on north, south and west elevations, new balustrades on north and west elevations and associated external works without complying with conditions no. 2 (approved plans) of planning permission ref. 172254 to facilitate relocation of trickle vents, replacement windows and alterations to fenestration and doors - Granted (Building 1).
- 3.16 172327/ADV - Temporary (for a period of 1 year) advertisements affixed to hoarding on the north and eastern sides of the car park, plus advertisements affixed to a pair of portable cabins (part retrospective) - Granted.

4. CONSULTATIONS

- 4.1 Environment Agency: Do not wish to comment.
- 4.2 Historic England: Do not wish to comment.
- 4.3 Thames Water: No objection.

- 4.4 RBC Transport: No objection, the proposed increase of five rooms would not have any noticeable transport impacts.
- 4.5 RBC Environmental Protection: No objection, the proposed increase of five rooms would not have any adverse environmental protection impacts.
- 4.6 RBC Natural Environment Trees: No objection, the proposed increase of five rooms would not have any adverse tree or landscaping impacts.
- 4.7 RBC Ecologist: No objection, the proposed increase of five rooms would not have any adverse biodiversity impacts.

Public Consultation

- 4.8 Neighbouring properties at Bourne-Stevens Close, London Court East Street, Buildings 1 & 2 New Century Place, no.6 & 16 East Street, Wessex House 25-31 London Street, no.s 33, 33 A, B & C, Great Expectations PH, 35-39, 41, 41A, 43, 43A, Flats 1-5 45, 47 London Street and no. 22 Queens Road were notified of the application by letter. Three site notices were displayed around the site.
- 4.9 One letter of objection has been received raising concerns regarding loss of the car park and the small size of the proposed flats.

Officer Comments - The proposed additional units relate to internal reconfiguration of an already consented sui generis student accommodation scheme and are not for C3 residential use. The existing car park is privately owned and not for public use.

5. RELEVANT POLICY AND GUIDANCE

- 5.1 Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority to have special regard to the desirability of preserving a listed building or its setting or any features of special interest which it possesses.
- 5.2 Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority in the exercise of its functions to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 5.3 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Material considerations include relevant policies in the National Planning Policy framework (NPPF) - among them the 'presumption in favour of sustainable development'. However the NPPF does not change the statutory status of the development plan as the starting point for decision making.
- 5.4 In this regard, the NPPF states that due weight should be given to the adopted policies of the Local Development Framework (LDF) (Core Strategy and Sites and

Detailed Policies Document) according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given).

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

Reading Borough LDF Core Strategy 2008 (Altered 2015)

CS1 Sustainable Construction and Design
CS2 Waste Minimisation
CS4 Accessibility and the intensity of development
CS5 Inclusive Access
CS7 Design and the Public Realm
CS9 Infrastructure, Services, Resources and Amenities
CS20 Implementation of the Reading Transport Strategy
CS23 Sustainable Travel and Travel Plans
CS24 Car/Cycle Parking
CS33 Protection and Enhancement of the Historic Environment
CS34 Pollution and Water Resources
CS35 Flooding
CS36 Biodiversity and Geology
CS38 Trees, Hedges and Woodland

Sites and Detailed Policies Document 2012 (Altered 2015)

SD1 Presumption In Favour Of Sustainable Development
DM1 Adaptation to Climate Change
DM2 Decentralised Energy
DM3 Infrastructure Planning
DM4 Safeguarding Amenity
DM10 Private and Communal Outdoor Space
DM12 Access, Traffic and Highway-Related Matters
DM18 Tree Planting
DM19 Air Quality
SA14 Cycle Routes

Reading Central Area Action Plan 2009

RC5 Design in the Centre
RC6 Definition of the Centre
RC9 Living in the Centre
RC10 Active Frontages

Supplementary Planning Guidance

Revised Parking Standards and Design SPD (2011)
Revised SPD Planning Obligations under Section 106 (2015)
Sustainable Design and Construction SPD (2011)
Employment, Skills and Training SPD (2013)
Market Place/London Street Conservation Area Appraisal Document

- 5.6 The Council is preparing a new local plan (to cover the period up to 2036), which in time will supersede the present suite of Local Development Framework (LDF) documents. The Submission Draft version of the Local Plan was submitted to the Secretary of State for consideration in March 2018 and this was then the subject of the Local Plan Examination, hearings for which were held in September-October 2018.
- 5.7 In accordance with the Revised NPPF (2018) Annex 1, the weight that should be given to emerging Local Plans depends on the stage of preparation, the degree to which there are unresolved objections to a policy and degree of consistency with the NPPF.
- 5.8 Unlike the existing Development Plan the emerging Local Plan does contain a policy specific to student accommodation (Policy H12). This policy states that *'New student accommodation will be provided on or adjacent to existing further or higher education campuses, or as an extension or reconfiguration of existing student accommodation. There will be a presumption against proposals for new student accommodation on other sites unless it can be clearly demonstrated how the proposal meets a need that cannot be met on the above sites'*. However, there are significant unresolved objections to this policy and therefore the weight that can be attached to it is limited at this time.

6. APPRAISAL

- 6.1 An application submitted under s73 allows the Local Planning Authority to only consider the proposed amendments. All other matters remain as approved under planning permission ref. 170019/FUL (APP/E0345/W/17/3190317). If planning permission to amend the plans is granted, this has the effect of granting a new permission for the whole development.
- 6.2 All conditions applied to the appeal consent would be reapplied to any new planning permission issued. As set out in the planning history section of the report above a number of the conditions attached to the appeal consent have now been discharged by the applicant. Conditions will be updated to reflect any that have been discharged since the appeal consent was granted or as altered by this variation of conditions application. Clause no. 20 of the section 106 legal agreement attached to the original appeal consent confirms that the planning obligations within the agreement apply to any subsequent variation of conditions planning permission issued under section 73.
- 6.3 The main issues to be considered are:
- a) Principle of use/location
 - b) Design, massing, scale & effect on character of the Conservation Area/settings of listed buildings
 - c) Amenities of surrounding occupiers
 - d) Amenities of future occupiers
 - e) Transport issues

- f) Natural Environment
- g) S106 Obligations

Principle of use/location

- 6.4 The principle of the use of the site as student accommodation has already been established under the appeal consent. The internal re-configuration of the building to provide five additional student accommodation rooms would not change this.

Design, massing, scale & effect on character of the Conservation Area/settings of listed buildings

- 6.5 The only external change to the building is the replacement of curtain walling and brick to the east and north elevations with fenestration at ground floor level to serve the additional student rooms. The appearance and materials of the windows would match the other windows to the building. The proposed minor amendments are not considered to result in any material impact on the character and appearance of the building, surrounding area or setting of heritage assets.

Amenities of Surrounding Occupiers

- 6.6 The additional windows are located at ground floor only and are not considered to result in any harm to the amenities of surrounding occupiers.

Amenities of future occupiers

- 6.7 The proposed additional student rooms would be reflective of the rooms elsewhere within the consented building in terms of size and are considered reasonable. The use of the rooms as sui generis student accommodation only (and not C3 residential use) would be secured by condition as per the extant appeal consent. The rooms are served by suitable standards of outlook and daylighting whilst the noise ventilation specifications secured by the appeal consent would also relate to the additional rooms. The additional rooms are considered to provide for a suitable standard of amenity for future occupiers.

Transport issues

- 6.8 Transport officers have confirmed that the proposed five additional student accommodation rooms would not have any noticeable transport impacts above that of the extant appeal consent. Conditions to secure cycle and refuse storage, a construction method statement, stopping up of the existing vehicular access to the site and the provision of pick up and drop off spaces to the rear of New Century Place Building 1 to the north of the site by way of S106 agreement would again be secured as per the original appeal consent.

Natural Environment

- 6.9 Tree and Ecology Officers have confirmed that the internal reconfiguration of the consented building to provide five additional student accommodation rooms would not have any adverse tree, landscaping or biodiversity implications. Enhancements secured as part of the appeal consent would be again be secured as part of this variation of condition permission.

Section 106 Obligations

- 6.10 The proposed provision of five additional student accommodation rooms would not require any alterations to the s106 obligations secured as part of the appeal consent. As set out earlier in this report the obligations contained with the section 106 legal agreement completed as part of the appeal consent would continue to apply to any variation of condition planning permission issued under section 73. This means that the use of the pick-up and drop off spaces discussed in the transport section of this report above as well as the financial contribution towards construction phase employment skills and training (£8,985) would continue to be secured by the existing section 106 legal agreement.

Other Issues

- 6.11 The proposed changes are not considered to have any implications in terms of flooding, sustainability, archaeology, contaminated land or CIL and relevant conditions (either as discharged or updated by this application) will be re-applied.

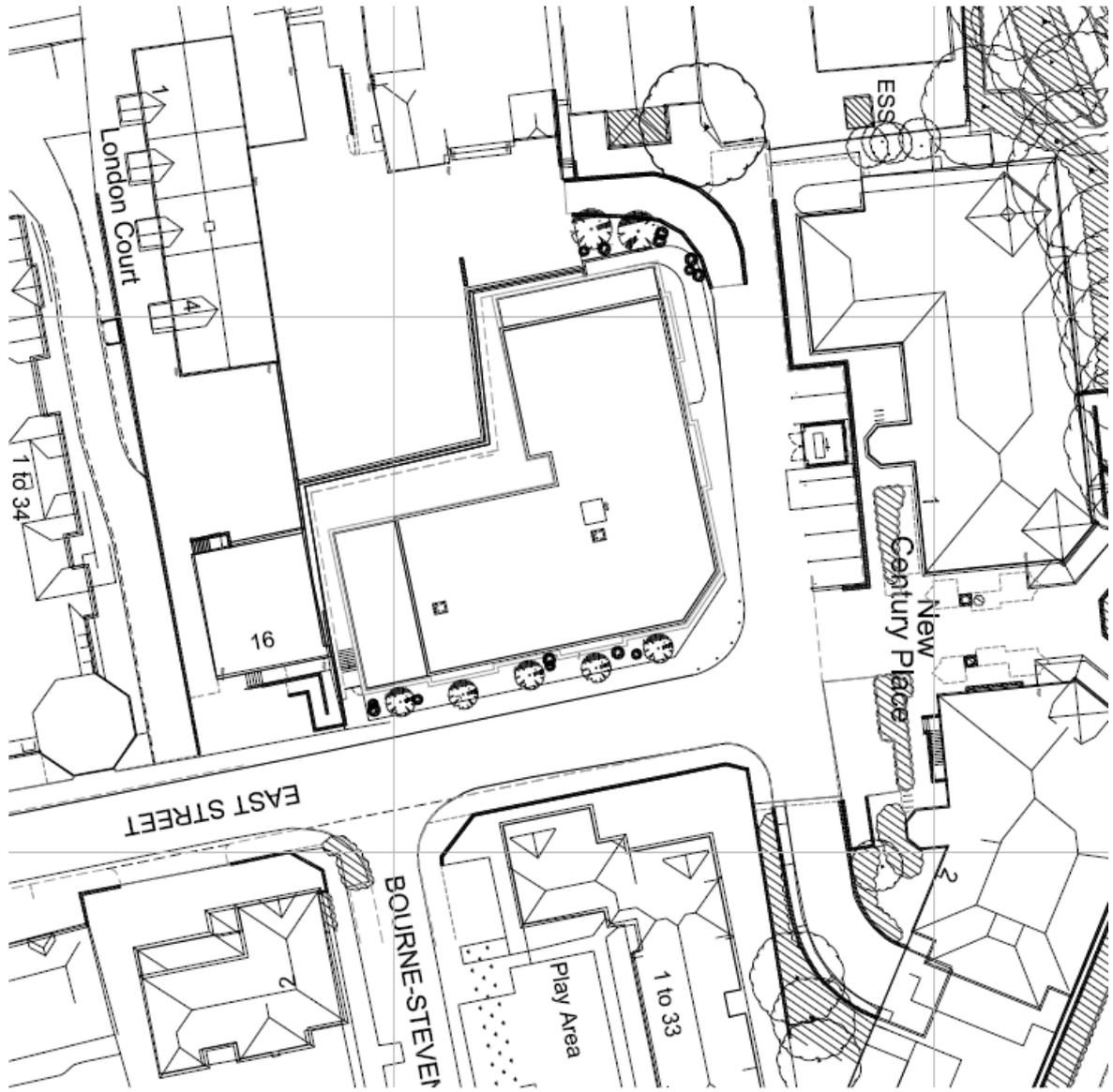
7. CONCLUSION

- 7.1 The proposed variation of condition no. 2 (approved plans) of planning permission ref. 170019 (allowed on appeal ref. APP/E0345/W/17/3190317) for minor internal and external alterations to provide 5 additional student accommodation rooms at ground floor level is considered to be acceptable in the context of national and local planning policy and other material considerations as set out in this report.

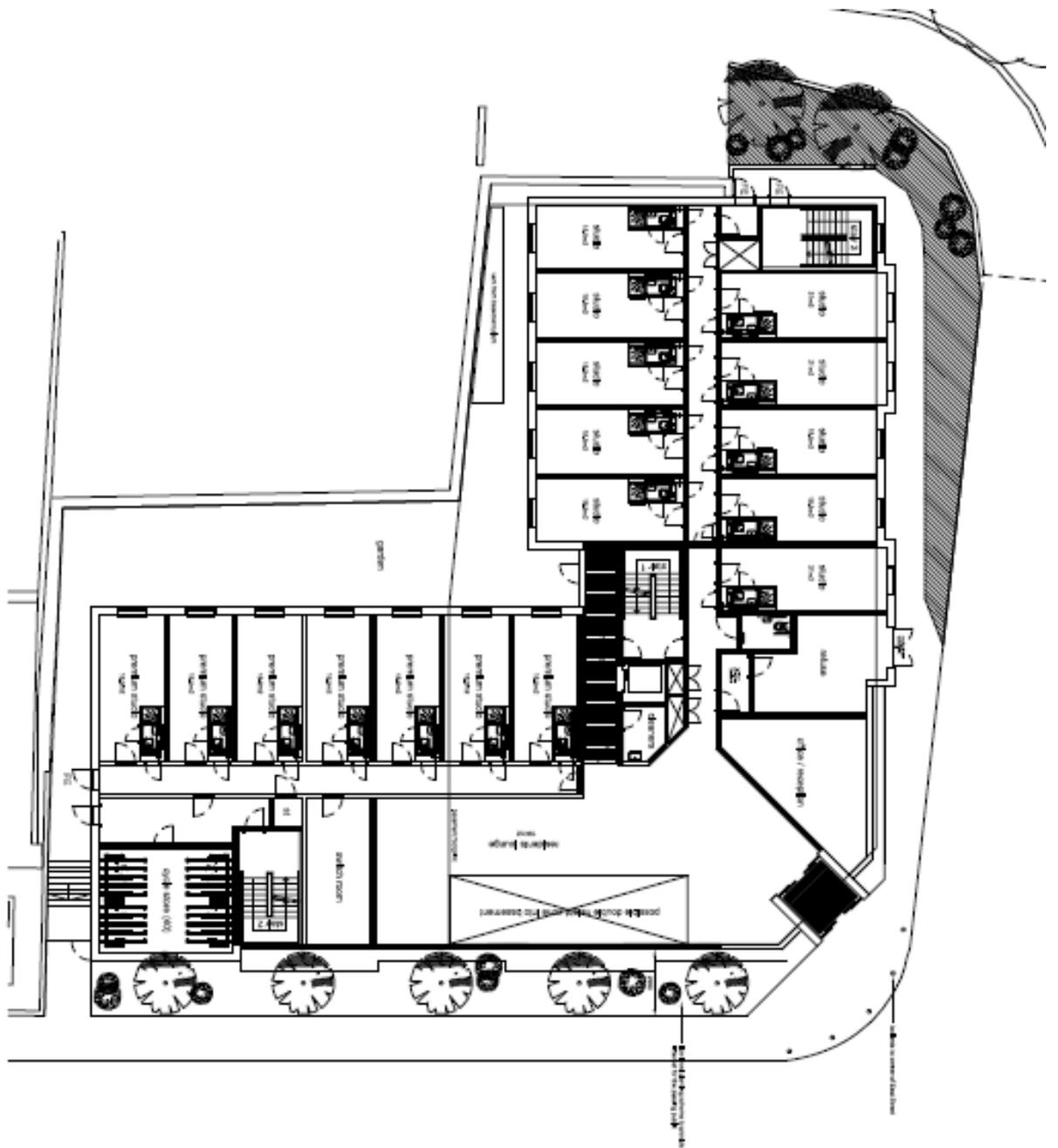
8 PLANS CONSIDERED

Location Plan 16033 3001 A1 Location Plan F
Existing Site Plan 16033 3004 A1 Existing Site Plan B
Existing Topographical Plan 16033 3003 A1 Existing Topo B
Existing Site Sections 16033 3005 A1 Existing Site Sections -
Proposed Site Plan 16033 3007 A1 Proposed Site Plan J
Proposed Block Plan 16033 3008 A1 Proposed Block Plan B
Building Distances 16033 3009 A1 Building Distances B
Level 0 As Proposed 18053_4100_A1_Level 0 General Arrangement Floor Plan A
Level 1 As Proposed 18053_4101_A1_Level 1 General Arrangement Floor Plan
Level 2 As Proposed 18053_4102_A1_Level 2 General Arrangement Floor Plan
Level 3 As Proposed 18053_4103_A1_Level 3 General Arrangement Floor Plan
Level B as Proposed 18053_049_A1_4 Storey_Level B_Planning
Level R as proposed 18053_4106_A1_Roof Level General Arrangement Floor Plan
Proposed Elevations 18053_4020 _A1_Proposed elevations B
Proposed Elevations 18053_4021 _A1_Proposed elevations B
Proposed Elevations 18053_4022 _A1_Proposed elevations B
Proposed site Elevations 18053_4023 _A1_Proposed site elevations
Proposed Sections 18053_4025 _A1_Proposed Sections
Subservience 16033 VS064 A3 subservience C
East Street CGI 16033 VS055 A3 east street
External Materials Schedule 16033 East Street External Materials Schedule A

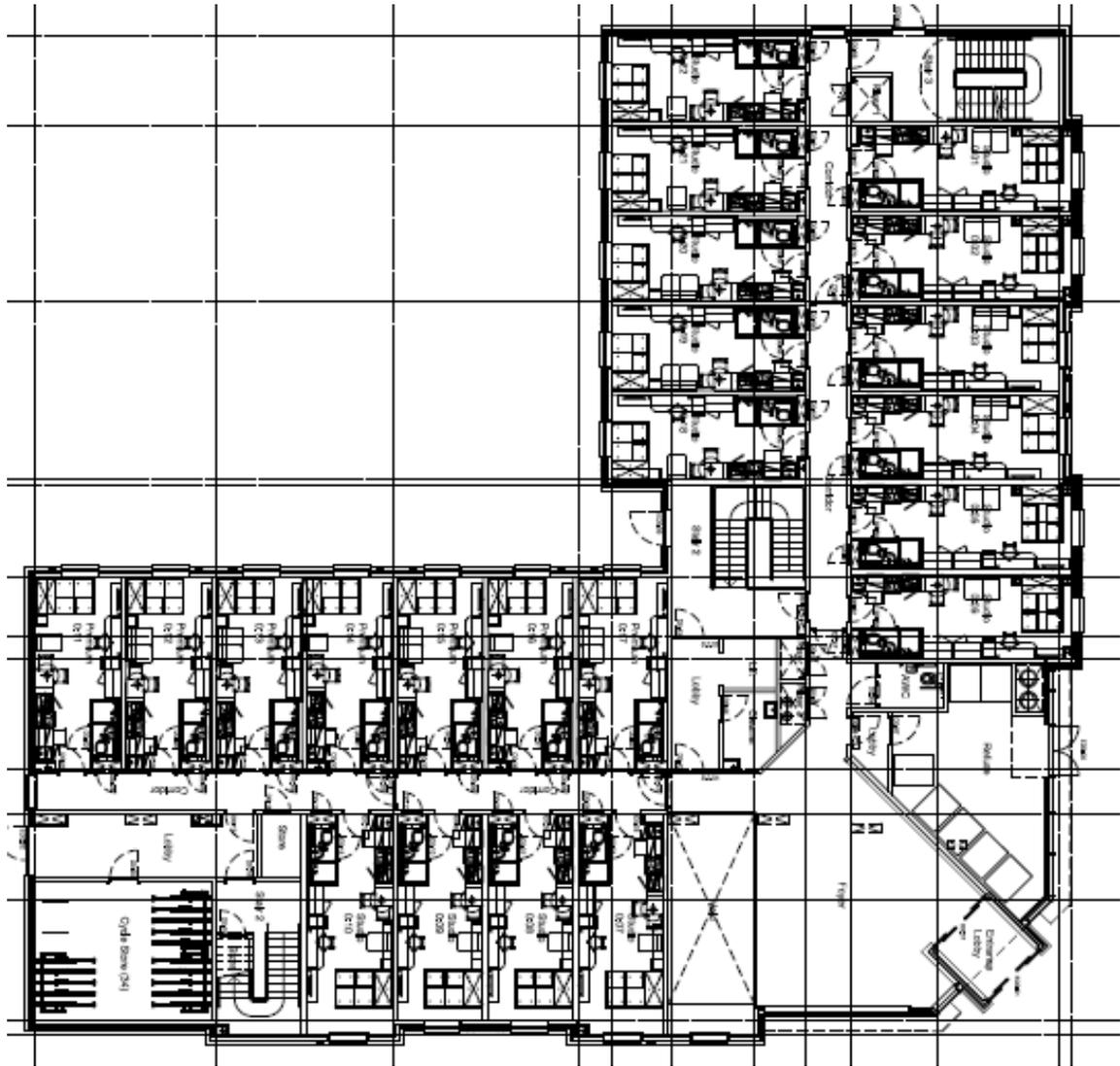
Case Officer: Matt Burns



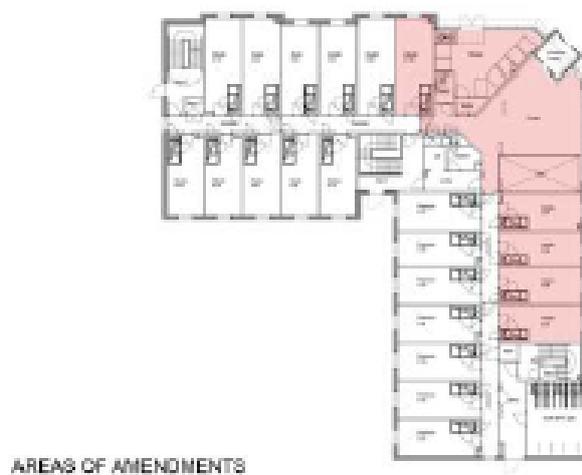
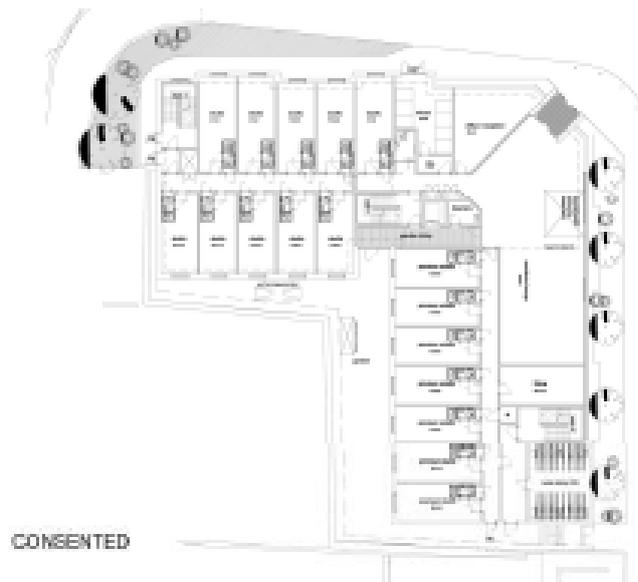
Proposed Site Plan



Approved Ground Floor Plan



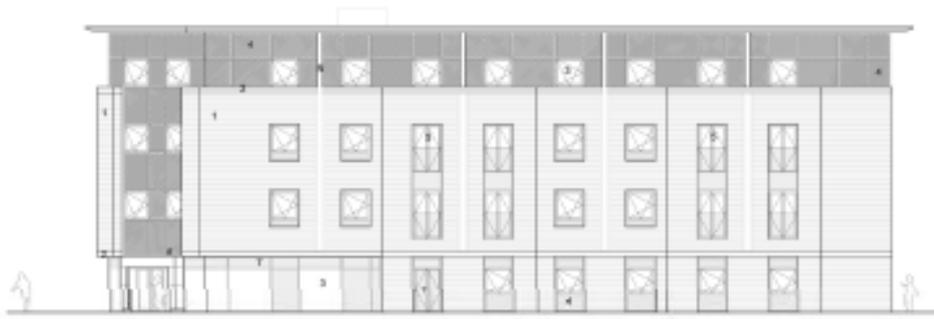
Proposed Amended Ground Floor Plan



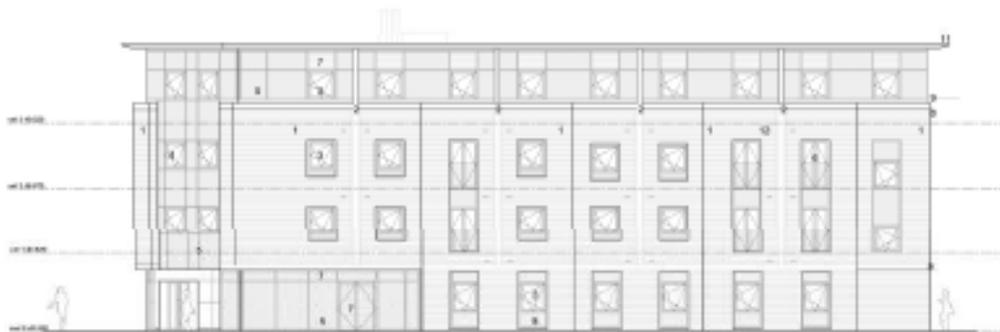
Comparison of Approval and Proposed Changes to Ground Floor Plan



Comparison Showing the Approved and Proposed Amended East Elevation



CONSENTED



PROPOSED



AREAS OF AMENDMENTS

Comparison Showing the Approved and Proposed Amended North Elevation