

Planning Applications Committee

22 July 2026



Reading
Borough Council
Working better with you

Title	PLANNING APPLICATION REPORT
Ward	Katesgrove
Planning Application Reference:	PL/25/1338 Removal/variation of conditions
Site Address:	9 Upper Crown Street, Reading, RG1 2SS
Proposed Development	Application under Section 73 to vary Condition 2 (approved plans) of Planning Permission ref. PL/23/0814: (Demolition of existing buildings and structures, associated re-use of frame with basement level used for car parking and servicing, erection of 3 no. residential blocks containing 46 no. dwellings above, associated parking (including replacement), access works and landscaping, relocation of substations and associated works to rear of indigo apartments to facilitate pedestrian access) to add dormers to the front roof slope of building 1 (terrace houses) and to the top floor of building 2 (central block), addition of ensembles to a number of the 2b3p units in building 2, other minor changes to the layouts of all three buildings, addition of 2 tandem vehicle parking spaces at basement level which will include EV charging and to reduce the affordable housing provision of the development
Applicant	Irongate Property (Reading) Ltd
Report author	Matt Burns
Deadline:	13 week decision date: 22/12/2025 Extension of time decision date: 28/08/2026
Recommendation	Delegate to the Director for Planning, Transport and Public Protection Services (DPTPPS) to (i) GRANT S73 variation of condition planning permission subject to the satisfactory completion of a section 106 legal agreement and delegate to the DPTPPS to make such minor changes to the conditions, Heads of Terms and details of the legal agreement as may be reasonably required to issue the permission or (ii) to REFUSE permission should the Section 106 legal agreement not be completed by 28 th August 2026 (unless the DPTPPS agrees to a later date for completion of the legal agreement).
S106 Terms	Proposed terms shown compared to the terms which form part of the existing legal agreement linked to the original planning permission (ref. 23/0814) (deletions crossed through and additional text in bold and italics : 1. <u>Affordable Housing</u> To secure affordable housing on site consisting of fourteen five units (30% provision) on site, consisting of 5 x one-bedroom units 2 x one-bedroom units of Reading Affordable Rent, 5 x two-bedroom units 2 x two-bedroom unit of Reading Affordable Rent and 4 x one-bedroom units 1 x two-bedroom shared ownership unit . Reading

Affordable Rent (RAR) tenure rent levels to be capped at 70% of market rent in accordance with the Borough Council's published RAR levels.

In the event that a Registered (affordable housing) 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 ~~42.5%~~ **5.45%** 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. In this event, the sum to be paid prior to first occupation of any market housing unit and index-linked from the date of valuation.

As per Policy H3

2. Deferred Payment Mechanism

A Deferred Payment Mechanism (DPM) to potentially increase the overall provision of affordable housing (via a commuted sum to go towards affordable housing elsewhere in the Borough) to a maximum of equivalent 30% policy compliance as per the following terms:

- ***Open book approach to actual Construction Costs (including payment dates) as signed off by Quantity Surveyor or Employers agent providing a Duty of Care to the Council***
- ***Professional Fees agreements and schedule of payments***
- ***All other development costs, for example abnormal costs, related directly to the site, with evidence and including dates of payment***
- ***Gross Development Value for the entire development from Disposal / Rental (deemed disposal for any rented units) subject to valuation. Certified copies of completion certificates, will be required and any other related sales / rental agreements.***
- ***BLV is fixed at £873,750 (fixed land cost within DPM)***
- ***Profit level 17.5% on GDV for Open Market units, 6% on GDV for Affordable units***
- ***Finance rate is fixed at 6.5%, and finance amount to be determined by an appraisal in the same format as the Viability Review at Planning stage (Argus Appraisal to be saved and issued to legal to file for late stage review).***
- ***Review trigger at 75% of units sold or deemed disposal, 34 units***
- ***Max cap linked to Policy Level provision at 30% less 10% (assuming they provide exactly the 10% as stated above) is £1,563,400 (which is the monetary value of the shortfall i.e. 20%) which will be index linked***
- ***Any further sums payable under DPM will be indexed linked from the date of the valid consent***

	- <i>All costs of Reviewing the information provided for the DPM (including internal costs and external costs i.e. consultants / valuers) to be recharged to the applicant</i> As per Policy H3 3. <u>Carbon Offsetting Contribution</u> A carbon off-setting contribution of £2,949.72 <i>As per the Sustainable Design and Construction SPD 2019. If zero carbon is not achieved the scheme must instead achieve a minimum of a 35% improvement in regulated emissions over the Target Emissions Rate in the 2013 Building Regulations, plus provide a financial contribution of £1,800 per remaining tonne towards carbon offsetting within the Borough (calculated as £60/tonne over a 30-year period). Contribution to be index linked from the date planning permission is granted.</i> As per Policy H5 4. <u>Employment, Skills and Training</u> A contribution of £8,820.75 £9, 368.75. Payable prior to commencement of development. All obligations Index linked from date of planning permission.
Conditions	Variation of condition 2 (and 1 to stipulate that time limit for implementation remains that of the original planning permission) as follows (deletions crossed through and additional text in <i>bold and italics</i>) 1. The development hereby permitted shall begin no later than three years from the date of this planning permission <i>ref. PL/23/0814 (29th May 2024).</i> REASON: In pursuance of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004) in order to prevent an accumulation of unimplemented planning permissions. 2. The development hereby permitted shall ONLY be carried out in accordance with the following approved plans: Existing and Proposed Drawings (P001 – P0008, PO10 – PO41 & P090) received 12/06/2023 & PO009 received 29/08/2023. - <i>Site Plan – P008 Rev 5</i> - <i>Basement – P009 Rev 7</i> - <i>Ground Floor – P010 Rev 5</i> - <i>First Floor – P011 Rev 5</i> - <i>Second Floor – P012 Rev 5</i> - <i>Third Floor – P013 Rev 5</i> - <i>Fourth Floor – P014 Rev 5</i> - <i>Roof Plan – P015 Rev 5</i> - <i>Building 1 Floor Plans – P016 Rev 4</i> - <i>Building 1 Floor Plans – P017 Rev 4</i> - <i>Building 2 Floor Plans – P018 Rev 4</i> - <i>Building 2 Floor Plans – P019 Rev 4</i>

	- <i>Building 2 Floor Plans – P020 Rev 4</i> - <i>Building 2 Floor Plans – P021 Rev 4</i> - <i>Building 3 Floor Plans – P022 Rev 4</i> - <i>Building 3 Floor Plans – P023 Rev 4</i> - <i>Building 3 Floor Plans – P024 Rev 4</i> - <i>Building 3 Floor Plans – P025 Rev 4</i> - <i>Site Elevations Sheet 1 – P026 Rev 5</i> - <i>Site Elevations Sheet 2 – P027 Rev 5</i> - <i>Site Elevations Sheet 3 – P028 Rev 5</i> - <i>Site Elevations Sheet 4 – P029 Rev 4</i> - <i>Site Sections Sheet 1 – P030 Rev 4</i> - <i>Building 1 Elevations – P031 Rev 4</i> - <i>Building 1 Sections – P032 Rev 4</i> - <i>Building 2 Elevations – P033 Rev 4</i> - <i>Building 2 Elevations – P034 Rev 4</i> - <i>Building 2 Elevations – P035 Rev 4</i> - <i>Building 2 Sections – P036 Rev 4</i> - <i>Building 3 Elevations – P037 Rev 4</i> - <i>Building 3 Elevations – P038 Rev 4</i> - <i>Building 3 Sections – P039 Rev 4</i> - <i>Indigo House Stairs – P040 Rev 4</i> - <i>GIA Basement – P041 Rev 4</i> - <i>Landscape Principles and External Lighting Strategy – P090 Rev 5</i> - <i>Areas – GIA Proposed Sheet 1 – P042 Rev 2</i> - <i>Areas – GIA Proposed Sheet 2 – P043 Rev 2</i> - <i>Areas – GIA Proposed Sheet 3 – P044 Rev 2</i> - <i>Areas – NDSS Schedule – P045 Rev 2</i> <i>Received by the Local Planning Authority on 22nd September 2025</i> REASON: For the avoidance of doubt and to ensure that the development is carried out and adhered to in accordance with the application form and associated details hereby approved. All other conditions attached to planning permission ref. PL/23/0814 to be carried across and replicated to any s73 variation of condition planning permission.
Informatives	As per planning permission ref. PL/23/0814.

1. Executive summary

- 1.1 This report considers a Section 73 variation of condition application to amend the planning permission and approved plans for a development at 9 Upper Crown Street which already benefits from permission for demolition of existing structures at the site and construction of 46 new dwellings across 3 blocks.
- 1.2 The proposed changes are minor in design terms, including additional dormer roof extensions to 2 blocks, internal layout changes and provision of two additional parking spaces. These alterations are considered to be acceptable, with no harmful impacts on design, neighbour amenity, or transport matters identified whilst resulting in some improvements to living conditions within the scheme.
- 1.3 The proposals also seek to reduce the affordable provision of the development from 30% of dwellings to 10.9% of the dwellings proposed. The application is accompanied by a viability appraisal which concludes that it is not viable for the development to provide any affordable housing and these findings have been independently reviewed and verified on behalf of the Council. Whilst the reduced level of affordable housing proposed is

disappointing, particularly given the critical need for affordable dwellings within the Borough, the proposals are considered to be adequate in this respect given the verified unviable nature of the proposal in respect of providing affordable housing and also taking into account that a deferred payment mechanism has been agreed with the applicant that means the Council would share in any positive change in the viability position of the development.

- 1.4 Overall, although the reduced affordable housing provision is a clear disadvantage of this proposal compared to the extant planning permission, when carrying out a planning balance weighing up exercise and given the titled balance under paragraph 11 of the NPPF is engaged it is considered that the benefits of the proposed development, most notably in terms of delivering housing on a sustainable brownfield site weigh in favour of the development and that planning permission should be granted subject to completion of a s106 legal agreement and the recommended conditions.

2 Introduction and site description

- 2.1 The application site is in current use as a data storage facility with roof deck car park above. The existing building is utilitarian in appearance and constructed from a mix of red brick and concrete frame. The site is accessed from Upper Crown Street and ground level via two vehicle ramps, one which slopes down to provide access to the data storage facility and to provide a servicing area for the building and three electrical substations on the site, and one which slopes upwards to access the rooftop car park. The ground floor site level of the data storage facility is set down below the level of that of adjacent surrounding buildings to the south on Upper Crown Street and to the west on Southampton Street. The car park itself serves residents in the surrounding residential and commercial buildings, many of whom have long-term leases on car parking spaces on the site.
- 2.2 To the south and east of the site are modest two storey terraced residential dwellings on Upper Crown Street and Newark Street. To the west of the site is the rear of the properties fronting Southampton Street which are a mixture of commercial and residential ranging from single storey to five storeys in scale. To the north of the site is the rear of the large Indigo apartments building which ranges from four to six storeys in scale.
- 2.3. The application site is located outside of but adjacent to the Reading Central Area as defined by Policy CR1 (Definition of Central Reading). The site is also located within an area of potentially contaminated land and within an air quality management area.
- 2.4 The site location pan is below.

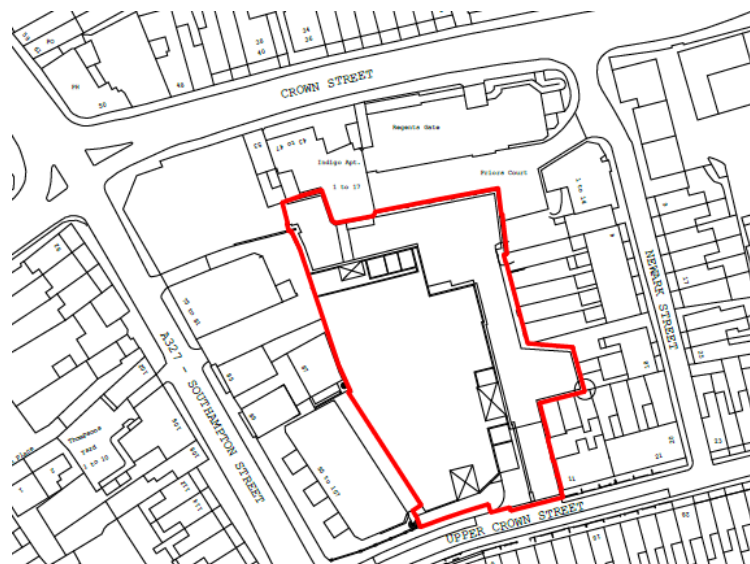


Figure 1- Site Location Plan

2.5 There is an extant planning permission for the site ref. PL/23/0814 to demolish the majority of the existing structures but retaining some of the building frame and erection of 3 x new residential blocks of between two and five storeys containing 46 no. dwellings, associated parking (including replacement), access works and landscaping, relocation of substations and associated works to rear of indigo apartments to facilitate pedestrian access. Planning permission was granted on 29th May 2024 following determination by planning applications committee on 4th October 2023 and subsequent completion of a s106 legal agreement. The planning permission has not been implemented at the time of writing this report. The site plan for the extant planning permission is shown below:



Figure 2 - Approved Site Plan

2.6 The approved development consists of 4 two storey houses fronting onto Upper Crown Street (building 1 on the site plan above), a four storey block of flats located central within the site (building 2 on the site plan above) and a five storey block of flats located on the western boundary of the site (building 3 on the site plan above). The approved dwelling mix is as shown in the table below:

Type	Market	Affordable	Total
1 bedroom flat	13	9	22 (48%)
2 bedroom flat	11	5	16 (35%)
3 bedroom flat	4	0	4 (8.5%)
3 bedroom house	4	0	4 (8.5%)
Total	32 (70%)	14 (30%)	46 (100%)

Figure 3 – Approved Dwelling Mix

2.7 A selection of floor plans, elevations and visuals for the approved development are shown below.



Figure 3 - Approved Ground Floor Plan



South Elevation: Upper Crown Street



North Elevation: Rear Access Road



Figure 4 - Approved Elevations



Figure 5 - Visuals of Approved Development



Figure 6 - Visuals of Approved Development

2.8 A copy of the officer committee report (and update report) to October 2023 Planning Applications Committee with full details of the approved development, including secured s106 obligations and conditions, are attached to this report as appendix 1 and 2.

2.9 The application is subject to determination by Planning Applications Committee as it relates to an application to vary conditions attached to a planning permission for a Major category development.

3 The Proposal

3.1 The application seeks to vary the approved plans condition (condition no.2) attached to planning permission ref. PL/23/0814 under section 73 of the Town and Country Planning Act).

3.2 The proposed changes to the plans include:

- Dormers roof extensions added to the front (south) roof slopes of building 1 (terraced houses) to improve spaciousness of the second-floor level ensembles to each house.

- Additional dormer roof extensions added to the top floor of building 2 (central block) to east and west elevation roof slopes to improve internal layouts of top floor flats
- Ensuities added to a number of the 2 bed 3 person flats within building 2.
- Minor adjustments / improvements to the internal layouts of all three buildings.
- 2 additional tandem vehicle parking spaces added to the basement car park, including electric vehicle charging facilities.

3.3 The application states that the changes are proposed in response to changing demands of the housing market.

3.4 The application also seeks to revise the affordable housing provision of the development. The approved development includes a policy compliant provision of 30% of the total number of dwellings proposed as on-site affordable housing in an appropriate unit (as shown in Figure 3 above) and tenure mix. 5 x one-bedroom and 5 x two-bedroom units of Reading Affordable Rent (71% of the affordable units) and 4 x one-bedroom units as First Homes (29% of the affordable units) are secured to be provided as part of the existing s106 agreement linked to the original planning permission (ref. PL/23/0814).

3.5 The application is accompanied by a viability appraisal on the basis of which a reduced affordable housing offer is proposed equating to 10.9% of the total number of dwellings proposed. This reduced offer comprises 5 affordable dwellings (2 x 1 bed affordable rent and 2 x 2 bed affordable rent dwellings (80% of the affordable units) and 1 x 2 bed shared ownership dwelling (20% of the affordable units).

3.6 The proposed changes, if approved, would require a new s73 variation of condition planning permission to be issued and a new s106 agreement to be completed. In this instance the legal agreement completed under the extant planning permission does not, as is often the case, include a clause that the agreement would carry over and continue to be linked to any subsequent s73 planning permission that is granted and therefore a new s106 agreement would be required to be completed to secure the revised affordable housing proposals and other obligation secured against the extant planning permission.

3.6 Plans and Documents Submitted

Revised Plans

- Site Plan – P008 Rev 5
- Basement – P009 Rev 7
- Ground Floor – P010 Rev 5
- First Floor – P011 Rev 5
- Second Floor – P012 Rev 5
- Third Floor – P013 Rev 5
- Fourth Floor – P014 Rev 5
- Roof Plan – P015 Rev 5
- Building 1 Floor Plans – P016 Rev 4
- Building 1 Floor Plans – P017 Rev 4
- Building 2 Floor Plans – P018 Rev 4
- Building 2 Floor Plans – P019 Rev 4
- Building 2 Floor Plans – P020 Rev 4
- Building 2 Floor Plans – P021 Rev 4
- Building 3 Floor Plans – P022 Rev 4
- Building 3 Floor Plans – P023 Rev 4
- Building 3 Floor Plans – P024 Rev 4
- Building 3 Floor Plans – P025 Rev 4
- Site Elevations Sheet 1 – P026 Rev 5
- Site Elevations Sheet 2 – P027 Rev 5
- Site Elevations Sheet 3 – P028 Rev 5
- Site Elevations Sheet 4 – P029 Rev 4
- Site Sections Sheet 1 – P030 Rev 4

- Building 1 Elevations – P031 Rev 4
- Building 1 Sections – P032 Rev 4
- Building 2 Elevations – P033 Rev 4
- Building 2 Elevations – P034 Rev 4
- Building 2 Elevations – P035 Rev 4
- Building 2 Sections – P036 Rev 4
- Building 3 Elevations – P037 Rev 4
- Building 3 Elevations – P038 Rev 4
- Building 3 Sections – P039 Rev 4
- Indigo House Stairs – P040 Rev 4
- GIA Basement – P041 Rev 4
- Landscape Principles and External Lighting Strategy – P090 Rev 5

New Plans

- Areas – GIA Proposed Sheet 1 – P042 Rev 2
- Areas – GIA Proposed Sheet 2 – P043 Rev 2
- Areas – GIA Proposed Sheet 3 – P044 Rev 2
- Areas – NDSS Schedule – P045 Rev 2

4 Planning history

- 4.1 PL/21/1614 - Demolition of existing buildings and structures, associated reuse of frame with basement level used for car parking & servicing, erection of 3 no. residential blocks containing 46 no. dwellings above, associated parking (including replacement), access works and landscaping, relocation of substations & associated works to rear of indigo apartments to facilitate pedestrian access. Refused on 20/06/2022 and dismissed at appeal (ref. APP/E0345/W/22/3313234) on 27/04/2023.
- 4.2 PL/23/0814 - Demolition of existing buildings and structures, associated re-use of frame with basement level used for car parking and servicing, erection of 3 no. residential blocks containing 46 no. dwellings above, associated parking (including replacement), access works and landscaping, relocation of substations and associated works to rear of Indigo apartments to facilitate pedestrian access. Granted on 29/05/2024 (with linked s106).

5 Consultations

- 5.1 RBC Transport Development Control – No objection.
- 5.2 RBC Housing – Consider that the mix of affordable housing proposed should incorporate 1 x 3 bedroom unit.

Public Notification

- 5.3 A site notice was displayed at the application site on 8th October 2025.
- 5.4 1 x objection has been received raising the following matters:
- Concern regarding fire risk, electromagnetic fields, vibration and humming from the proposed electrical substation and impacts of this on existing neighbouring properties.
Officer comment: The substation forms part of the original planning permission and is not proposed to be changed or altered as part of this application.
 - Overlooking, loss of privacy, loss of sunlight and overlooking to no. 16 Newark Street
 - Scale of the building would overshadow the surrounding neighbourhood, and its appearance would be out of keeping with existing surrounding dwellings
 - Insufficient parking and existing poor access along Newark Street and Upper Crown Street that the development will make worse through number of car and congestion
 - Noise, dust and other disturbances to existing surrounding occupiers that would result from construction of the proposed development. Harm to structure of surrounding dwellings from construction vibrations.

- Insufficient infrastructure in the local area for new dwellings, such as doctors, dentists and shops
- A similar planning application (ref. PL/21/1614) was refused for many of the reasons above.

Officer comment: This is correct, however, a subsequent planning application (ref. PL/23/0814) for a similar development has since been granted.

- Impact upon local property prices

Officer comment: Not a material planning consideration.

- Not clear how sustainable the development is, new trees and drainage should be provided.

Officer comment: The development already has an extant planning permission that could be implemented, this application considers only the proposed changes to that approved planning permission. Many of the comments above relate to aspects of the development that are not subject to proposed changes as part of this application. This application does not re-open consideration of matters that have already obtained planning permission and to which changes are not sought as part of this application, such as scale, access, sustainability and access to infrastructure.

6 Legal context

- 6.1 Section 16(2) and 66(1) 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.
- 6.2. 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.
- 6.3. 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 (NPPF paragraph 12).
- 6.4. In this regard, the NPPF states that due weight should be given to the adopted policies of the Local Plan 2019 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).
- 6.5. Accordingly, the latest NPPF and the following development plan policies and supplementary planning guidance are relevant:

NPPF December 2024 (as amended February 2025)

- 2. Achieving sustainable development
- 4. Decision-making
- 8. Promoting healthy and safe communities
- 9. Promoting sustainable transport
- 11. Making effective use of land
- 12. Achieving well-designed places
- 15. Conserving and enhancing the natural environment
- 16. Conserving and enhancing the historic environment

National Planning Practice Guidance (2014 onwards)

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
 EN1: Protection and Enhancement of the Historic Environment
 EN2: Areas of Archaeological Significance
 EN12: Biodiversity and the Green Network
 EN15: Air Quality
 EN16: Pollution and Water Resources
 EN17: Noise Generating Equipment
 H1: Provision of Housing
 H2: Density and Mix
 H3: Affordable Housing
 H5: Standards for New Housing
 H10: Private and Communal Outdoor Space
 TR1 Achieving the Transport Strategy
 TR3: Access, Traffic and Highway-Related Matters
 TR5: Car and Cycle Parking and Electric Vehicle Charging

Reading Borough Council Supplementary Planning Documents

Revised Parking Standards and Design (2011)

Planning Obligations under Section 106 (2015)

Local Plan Update

- 6.6 The current version of the Local Plan (adopted in November 2019) turned five years old on Tuesday 5th November 2024. The Local Plan was reviewed in March 2023 and around half of the policies in the plan are considered still up to date. However, the rest need to be considered for updating to reflect changing circumstances and national policy. The submission draft of the Local Plan Partial Update (LPPU) was submitted on 9th May 2025 and examined earlier this year. At the time of writing, the examination-in-public of the partial update to the local plan is in the process of taking place. Stage 1 hearings were held virtually on 11th and 12th November 2025. Stage 2 hearings took place in February 2026.
- 6.7 Although there is a five-year period for carrying out a review of a plan after it is adopted, nothing in the NPPF or elsewhere says that policies automatically become “out of date” when they are five years old. It is a matter of planning judgement rather than legal fact whether a plan or policies within it are out-of-date. This will depend on whether they have been overtaken by things that have happened since the plan was adopted, either on the ground or through changes in national policy, for example.
- 6.8 Officer advice in respect of the Local Plan policies pertinent to these applications listed above is that, other than Policy H1 (Provision of Housing) they remain in accordance with national policy and that the objectives of those policies remain very similar in the draft updated Local Plan. Therefore, they can continue to be afforded weight in the determination of this planning application and are not considered to be ‘out of date’. Policy H1 is out of date because the Council is not currently meeting its annual housing targets for general housing as calculated using the standard method in National Planning Practice Guidance (NPPG) (as required now Policy H1 is out of date) or for the provision of Affordable Housing.
- 6.9 Whilst at this time, the examination of the LPPU has reached a fairly advanced stage the weight that can be attributed to policies within the LPPU depends on the degree to which modifications are proposed to relevant policies. Where it is considered any updated policies within the LPPU that are relevant to the changes to the approved development proposed by this s73a variation of conditions application can be attributed significant weight this will be outlined in this report if relevant.

- 6.10 It is noted that paragraph 11 of the NPPF states: “d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
- 6.11 Paragraph 11 is often called ‘the tilted balance’. With regard to policies which must be given weight in determining adverse impacts refers to paragraphs 66 and 84 of chapter 5; 91 of chapter 7; 110 and 115 of chapter 9; 129 of chapter 11; and 135 and 139 of chapter 12. 6.11 Policy H1 of the Reading Borough Local Plan 2019 is over 5 years old, and the Council is unable to demonstrate a 5-year housing supply, currently demonstrating 3.55 years. As such, Policy H1 is out of date, and the tilted balance would be engaged, an assessment of the overall planning balance will form part of the conclusion of this report.

7 Appraisal

- 7.1 The Planning Practice Guidance on flexible options for planning permissions confirms that section 73 applications are considered against the...

“...Development plan and material considerations, under section 38(6) of the 2004 Act, and conditions attached to the existing permission. Local planning authorities should, in making their decisions, focus their attention on national and development plan policies, and other material considerations which may have changed significantly since the original grant of permission”.

- 7.1 With this context in mind, many of the matters that have already been considered appropriate, are not repeated in this assessment, in view of the overriding policy context not changing so significantly in the intervening time to alter those findings. Furthermore, technical matters not impacted by the proposed changes are not explicitly referenced within this appraisal, with the s106 obligations and conditions included on the original permission satisfying these elements satisfactorily (barring in a number of instances an update to the plans referenced). Instead, as per the guidance above, the focus of attention is on the proposed changes to the development and national and local policy and other material considerations which have changed significantly. Firstly, since the original decision was issued in May 2024, the NPPF has been updated (most recently in February 2025). Other than Policy H1, the local policy context has not significantly altered, with the same Local Plan (2019) still in place, although the Local Plan is in the process of being updated this is not yet at a stage where significant weight can be given to updated policies, as discussed in paragraphs 6.6 to 6.11 above.
- 7.2 It is also relevant to acknowledge from the outset of this appraisal that, from a procedural perspective, it is considered appropriate for these proposals to be presented as a section 73 application. The three recent Case Law cases of *Finney*, *Armstrong* and *Fiske* have all been considered, with the proposals not changing operative wording of the original description of development (as per *Finney*), that the scope of the changes align with the approach taken in *Armstrong* and do not create a fundamental conflict between the conditions and the permission (*Fiske*).
- 7.3 *The NPPG (para 015) also sets out that:*

Permission granted under section 73 takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions. The new permission sits alongside the extant permission, which remains intact and unamended. It is open to the applicant to decide whether to implement the new permission or the one originally granted.

A decision notice describing the new permission should be issued, setting out all the conditions related to it. To assist with clarity decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the extant planning permission unless they have already been discharged.

As a section 73 application cannot be used to vary the time limit for implementation, this condition must remain unchanged from the extant permission. If the original permission was subject to a planning obligation, then this may need to be the subject of a deed of variation.

- 7.4 With all of the above in mind, the main considerations for the amendments proposed are considered to involve:

- i) Affordable Housing
- ii) Design Matters
- iii) Amenity Matters
- iv) Transport Matters
- v) Other Matters

i) Affordable Housing

- 7.5 The extant planning permission and associated legal agreement for the original development secure provision of 30% of the proposed dwellings as on-site affordable housing in an appropriate dwelling and tenure mix. Specifically, this comprises 5 x one-bedroom and 5 x two-bedroom units of Reading Affordable Rent (71% of the affordable units) and 4 x one-bedroom units as First Homes (29% of the affordable units). This provision accords with Policy H3 (Affordable Housing) which requires 30% of dwellings to be in the form of affordable housing on developments of 10 or more dwellings. This also accords with the RBC Affordable Housing SPD (2021) which requires a tenure split of at least 62% of affordable units in the form of affordable rented accommodation at Reading Affordable Rent levels and a maximum of 38% of affordable units in the form of affordable homes ownership or another product.
- 7.6 Unlike the application for the extant planning permission the current application is accompanied by a viability appraisal prepared by the applicant's viability consultant. Policy H3 allows for viability considerations when considering affordable housing proposals and states 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.*
- 7.7 This submitted viability appraisal concludes that primarily because of current and rising market costs associated with the proposals and its construction it is not viable for the development to provide any affordable housing. The viability appraisal has been independently reviewed by a consultant viability specialist on behalf of the Council who has verified the findings of the appraisal and that it is unviable for the development to provide affordable housing.
- 7.8 Planning viability guidance (contained within Policy H3, including as proposed to be updated in the Local Plan Partial Update and as set out in the adopted Affordable Housing SPD) does not require the LPA to negate or reduce affordable housing provision where developments are found to be unviable but allows greater flexibility to agree a position

which would maximise delivery of affordable housing and support delivery of a development which would give wider public benefits.

- 7.9 There is a significant shortfall in provision of affordable housing within the Borough compared with the identified and persistent need. 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. An up-to-date assessment of the need for Affordable Housing that exists in the Borough is within the supporting text for Policy H3 (para 4.4.21) of the Reading Borough Local Plan Submission Draft Partial Update May 2025 which states the following:

“The Reading Housing Needs Assessment (HNA, 2024) has once again emphasised the critical need for affordable housing within Reading as well as the remainder of Berkshire. The HNA identified a need for 406 additional 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”.

- 7.10 The NPPF and the Council's policies allow for viability considerations to reduce the provision but only in specific circumstances. Paragraph 59 of the NPPF 2024 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.”*

- 7.11 Given the above officers set out to the applicant that regardless of the viability position a proposal to reduce the affordable housing provision of the development to 0% would not be acceptable. Following this and further discussion with officers the applicant has put forward a proposal for 5 dwellings within the development to be provided as affordable housing which equates to 10.9% of total number of dwellings proposed. The mix of units is as follows with 4 of the affordable dwellings (80%) to be affordable rented tenure units at Reading Affordable Rent levels and 1 of the affordable dwellings (20%) to be in shared ownership tenure, complying with the RBC Affordable Housing SPD in terms of affordable tenure split. The mix of affordable housing proposed is as follows:

- 2 x 1 bed affordable rented units
- 2 x 2 bed affordable rented units
- 1 x 2 bed shared ownership unit

- 7.12 The mix of the affordable dwellings is considered to be acceptable. Whilst preference, as indicated by RBC Housing, would be for there to be a 3-bedroom unit to form part of the mix it is noted that the 30% provision secured under the extant permission did not include any 3-bedroom units. The proposed mix is considered to comply with Policy H2 (Density and Mix) which identifies most need for one- and two-bedroom dwellings on site within and close to the town centre. The affordable dwellings would be located within Building 3 across the ground and first floor as shown on the plans in figure 6A below:



Figure 6A – Proposed Affordable Dwellings (shown within red square at ground and first floor level)

- 7.13 Despite highlighting concerns with the Applicant over the quantity of affordable housing proposed to be provided as part of the application and reduction from the policy complaint level of provision proposed under the extant planning permission, the Applicant's position is that given the agreed lack of viability for the scheme to provide affordable housing, then it is this offer which they wish to be considered as part of the wider determination of the planning application. The lack of viability has been independently verified, and therefore the consequence of retaining the proportion of affordable housing in the extant permission is likely to be that the proposal cannot be delivered and would not therefore make any contribution to meeting housing needs.
- 7.14 Given the amount of affordable housing proposed falls short of the policy requirement a deferred payment mechanism (DPM) is also proposed to be secured as part of the s106 agreement for the application which would ensure that in the future, if any positive gains were made in viability due to for instance, lower construction costs and/or an expected uplift in values, the developer would be required to make a further financial contribution towards the provision of affordable housing within the Borough. The 'cap' for the deferred contribution would be the equivalent financial contribution of providing 30% of the dwellings as affordable housing which is the policy compliant level of provision set out under Policy H3 within the current and emerging Local Plan.
- 7.15 The level of affordable housing proposed by the applicant follows from a full and detailed review of the viability position for the development which was not undertaken when the extant planning permission (PL/24/0813) was granted. Given the confirmed and independently verified position of the development as non-viable within the context of

planning viability policy and guidance, a lower than policy compliant affordable housing provision is considered to be justified in this instance. Whilst the level of affordable housing proposed to be provided is disappointing, particularly given the critical need for affordable dwellings within the Borough that is identified in the support text (paragraph 4.4.19) to Policy H3, Officers consider the offer to be adequate given the verified unviable nature of the proposal in respect of providing affordable housing and also taking into account the deferred payment mechanism that means the Council would share in any positive change in the viability position of the development. The terms of the DPM have been agreed with the applicant and are set out in the s106 heads of terms at the top of this report.

ii) Design Matters

- 7.16 The extent and nature of proposed design changes in comparison to the already approved scheme is set out in section 3 of this report above. The changes proposed are minor in nature both in themselves and in the context of the already approved scheme.
- 7.17 The addition of four flat roof dormer roof projections to the front roof slope of block 1 and the four terraced houses is considered to integrate satisfactorily with the approved design with the dormers being of modest scale such that they do not dominate the front roof slope of the building as shown in figures 7 and 8 below. The terraced houses front on to Upper Crown Street, which is primarily characterised by two storey terraced dwellings, none of which have front dormer roof extensions. Approved and proposed partial Upper Crown Street street-scene sections are shown in figures 9 and 10 below. A variety of front dormer extensions are present to dwellings on nearby streets which are also characterised primarily by terraced dwellings such as to Southampton Street, West Hill and Iliffe Close. The overall ridge height of the dwellings would remain as approved, and it is considered to the single modest dormers to each dwelling would be appropriate additions which would not be detrimental to the visual amenity of the street and would integrate satisfactorily with the character of the surrounding area.



Figure 7 - Block 1 front (south) elevation as approved



Figure 8 - Block 1 front (south) elevation as proposed (changes circled red)



Figure 9 - Upper Crown Street Section Elevations as Approved



Figure 10 - Upper Crown Street Section Elevations as Proposed

- 7.18 Centrally within the site additional dormer roof extensions are proposed to the east and west elevations of four storey Block 2. The approved design for Block 2 already incorporates six flat roof dormer roof projections to each of the east and west elevation roof slopes as shown in figures 11 and 13 below. The proposed design seeks to add a single additional dormer to both elevations, very minor realignment of the already approved dormers and proposes to change the approved dormers to slimmer framed projections as shown in figures 12 and 14 below. The proposed additional dormers would reflect the proportion of the already approved dormers, and the slimmer profile design of the dormer would be an improvement over the approved design and are considered to integrate satisfactorily with the appearance of approved Block 2. The two additional dormers are not considered to materially impact upon the appearance of this block or the development to views from the surrounding area and the overall height of Block 2 would remain as already approved under the extant planning permission.



Figure 11 - Block 2 East Elevation as Approved



Figure 12 - Block 2 East Elevation as Proposed (changes circled red)



Figure 13 - Block 2 West Elevation as Approved



Figure 14 - Block 2 West Elevation as Proposed (changes circled red)

- 7.19 The proposed external changes to the approved development are considered to be minor in nature and acceptable. The proposed amendments do not change the conclusions officer reached when considering the design and appearance of the development subject to the extant planning permission and the varied development is considered to be an enhancement to the character of the site and surrounding area compared to the existing elevated car park and data storage building and accord with Policy CC7. The condition attached to the extant planning permission to secure submission and approval of a schedule of all external materials prior to commencement of the development to ensure a high-quality finish to the development would be carried across as part of a s73 planning permission.
- 7.20 The layout of external areas of the development is proposed to remain unchanged from the approved scheme, including soft landscaping, boundary treatments and provision of green roofs, and conditions to secure detailed specifications of these elements of the development attached to the extant planning permission would also be carried across as part of a s73 planning permission.

iii) Amenity

Neighbour Amenity

- 7.21 It is not considered that any adverse overlooking or loss of privacy impacts to neighbouring occupiers would occur as a result of the proposed dormers to the front roof slope of the four terraced dwellings within Block 1. The proposed dormers would replace roof lights to the front roof slope as per the already approved scheme and there would be no changes to the separation distance between the approved dwellings and existing dwellings on the opposite side of Upper Crown Street.
- 7.21 Similarly the single additional dormer roof extension to the east and west elevations of Block 2 would not result in any adverse overlooking or loss of privacy impacts. The approved scheme already incorporates five dormers at this level and the addition of a further dormer to the two elevations is not considered to introduce any unacceptable overlooking impacts to the adjacent flats at 85-89 Southampton Street and City Gate 95-107 Southampton Street to the west, nor the adjacent dwellings on Newark Street and Upper Crown Street to the east.

Standard of Accommodation

- 7.22 The additional dormers proposed would improve the standard of accommodation to be provided within Blocks 1 and 2 resulting in most increases in the floor spaces of the rooms and dwellings to the upper floors of these blocks within the development. Within Block 2 the floor space of the four 3 bed flats at third floor level (top floor) would increase by between 0.5m² and 3m². These dwellings as approved already satisfied the minimum floor spaces required in accordance with Policy H5 and the Nationally Described Space Standards (NDSS) but the proposed dormers would provide more spacious accommodation to these units as well as improving outlook and access to daylight, notably providing a window to one of the bathrooms within each unit whereas under the approved design none of the bathrooms to the flats at third floor level are served by a window. The approved and proposed layouts are shown in figures 15 and 16 below.

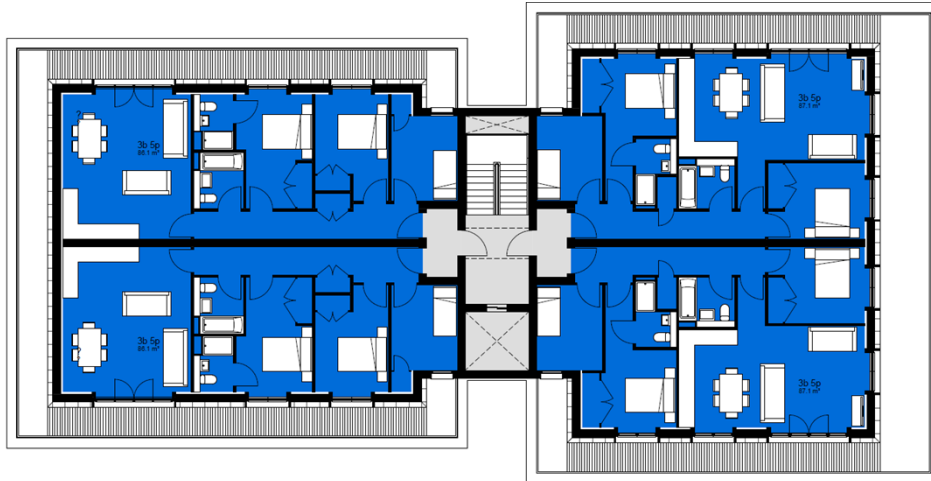


Figure 15 - Block 2 Third Floor Layout as Approved

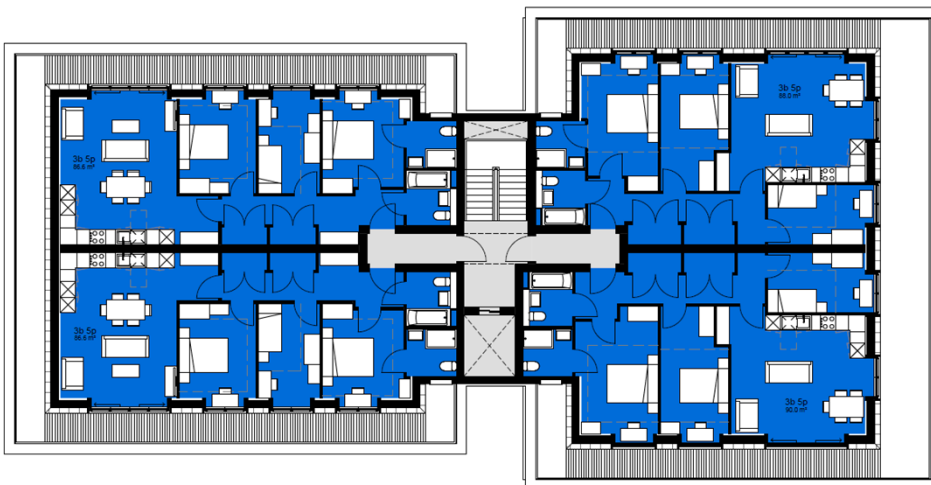


Figure 16 - Block 2 Third Floor Layout as Proposed

- 7.23 Within Block 1 the proposed dormer roof additions would increase the floor space of each of the four dwellings by 2.1m² by increasing the size of each of the ensuite bathrooms to the second-floor bedrooms as shown in figure 17 below. As per all the dwellings within the approved scheme these dwelling already satisfied the minimum floor space spaces standards required by Policy H5 and the NDSS, but the changes would provide more spacious accommodation and improve outlook and receipt of daylight to the en-suite bathrooms which under the approved scheme were only served by roof lights.

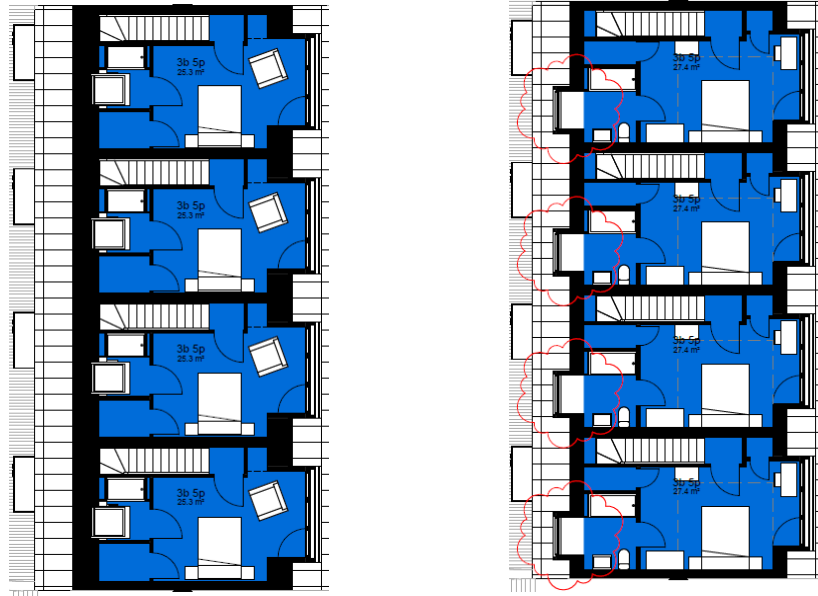


Figure 17 – Block 1 Approved (left) and Proposed (right) Second Floor Plans (changes circled red)

- 7.24 Various other minor internal layout changes to the development are proposed including reconfiguration of a number of the two-bedroom flats within Block 2 to provide ensuite bathrooms. Approved and proposed first floor plans for the development as a whole are shown in figures 18 and 19 below. The internal changes proposed are minor layout and changes and all dwellings with the development would continue to meet or exceed the NDSS and be served by adequate outlook and daylighting.



Figure 18 - All blocks First Floor Plan as Approved



Figure 19 - All blocks First Floor Plan as Proposed

- 7.25 The proposed changes to the approved development would not result in any adverse impacts upon the residential amenity of surrounding occupiers and would result in a small enhancement to the standard of accommodation to be provided to a small number of units within the development through increased unit sizes and improved access to outlook and daylight. Conditions are attached to the extant planning permission to secure that prior to the commencement of development a noise assessment and mitigation scheme is submitted to and approved by the LPA to ensure that future occupiers of the development would not be adversely impacted by noise, as well as submission and approved of a construction method statement to demonstrate how surrounding occupiers would be protected from construction noise and disturbance, and these would be carried across as part of a s73 planning permission. Conditions to stipulate that noisy construction activities should take place outside of normal working hours and to prevent any burning of construction was on site would also be carried across. The proposals are considered to comply with Policies H5, CC8 and EN16.

Transport Matters

- 7.26 In respect of transport matters the only changes to the approved scheme is the proposed provision of 2 additional parking spaces within the basement car park. The approved and proposed parking layout of the development is shown in figures 20 and 21 below which shows the addition of 2 tandem layout parking spaces served by electric vehicle charging points within the car park. RBC Transport Officers advise that the tandem spaces are acceptable in terms of their layout and how they would be accessed from within the car park.

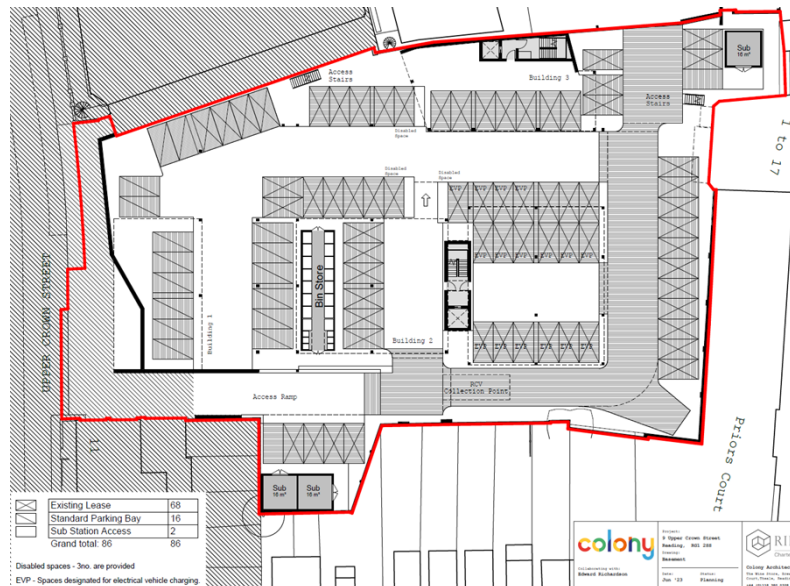


Figure 20 - Basement Level Car Parking Plan as Approved

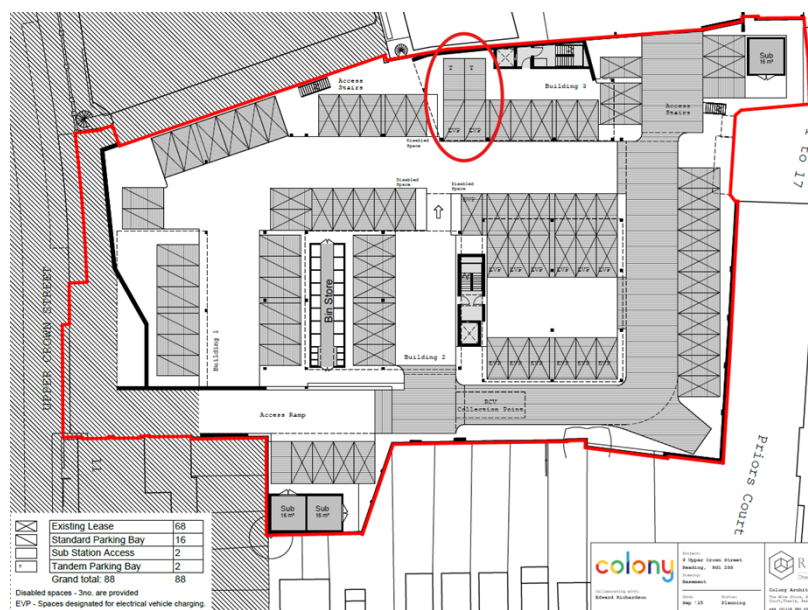


Figure 21 - Basement Level Car Parking Plan as Proposed (additional spaces circled red)

- 7.27 The Revised Parking Standards and Design SPD (2011) show that the site is located within Zone 2, the primary core area but on the periphery of the central core area which lies at the heart of Reading Borough, consisting primarily of retail and commercial office developments with good transport links. The site is currently in use as a data centre with a private car park providing 74 car parking bays on the roof provided on a lease basis to occupiers of buildings surrounding the proposed site. This existing parking area contains parking spaces which are separately leased out on 999-year leases. The approved scheme includes provision of 86 car parking spaces within the development, 68 of which would replace the existing leased spaces, 16 would be for residents of the development and 2 would be for servicing of the on-site sub-station.
- 7.28 In accordance with the Revised Parking Standards and Design SPD (2011) the development is required to provide 52 vehicle parking spaces for future residents. However, given the site's central and sustainable location and presence of parking controls to surrounding roads preventing on-street parking in the surrounding area the approved development accepted the under provision of car parking. The proposed addition of 2 further parking spaces for future residents of the development is considered to be acceptable.
- 7.29 Conditions securing the provision of all the proposed vehicle parking spaces as well as the approved cycle parking provision attached to the extant planning permission would

be carried across to a new s73 planning permission. Conditions requiring submission and approval of a car park management plan, electric vehicle charging details, details of waste stores and a construction method statement would also be carried across to a new s73 permission as well as conditions stipulating that future occupiers of the development would not be entitled to on-street parking permits.

- 7.30 The proposals do not change the officer conclusions in respect of the approved scheme in relation to transport matters and the development is considered to continue to accord with Policies TR1, TR3 and TR5. The proposals would support sustainable transport, not have an adverse impact upon safety, congestion and the environment whilst providing appropriate parking provision and access arrangements and ensuring that there would not be a detrimental impact on the functioning and safety of the transport network.

iv) Other Matters

- 7.31 The site is located within an area of potential contamination and conditions attached to the extant planning permission to secure submission and approval of a contaminated land assessment, remediation scheme and implementation of any remediation measures prior to the commencement of development would be re-applied on a s73 planning permission to ensure existing and future occupiers of the development and surrounding the site are protected from contaminants in accordance with Policy EN16 (Pollution and Water Resources). Thames Water also identify that the site is located within close proximity to underground sewerage infrastructure and therefore a condition would also be carried across from the extant planning permission to secure that no construction piling takes place at the site until a piling methodology has been submitted to and approved by the LPA in consultation with Thames Water in order to ensure that construction of the development would not adversely impact upon local sewerage infrastructure.
- 7.32 Conditions are attached to the extant planning permission to secure that prior to the commencement of development details of a Sustainable Drainage Strategy (SuDS) for the development to reduce the risk of excess surface water and flooding at the site are submitted and approved by the LPA and then implemented as part of the development. These conditions would be carried across to a new s73 permission in accordance with Policy EN18 (Flood Risk and Drainage). Conditions to secure submission and approval of both design stage and as built stage SAP assessments would also be carried across as well as an obligation for the developer to provide a zero carbon off-setting contribution as part of a new s106 agreement to ensure that the development adheres to the Councils zero carbon homes standards aided by the proposed roof top photovoltaic panels and air source heat pumps as per Policies H5 (Standards for New Housing), CC2 (Sustainable Design and Construction), CC3 (Adaptation to Climate Change), CC4 (Decentralised Energy) and the Sustainable Design and Construction SPD (2019).
- 7.33 The site is located within an area of archaeological potential and as such the condition attached to the extant permission to secure that prior to commencement of the development an archaeological written scheme of investigation is submitted, approved and implemented would be re-applied to a new s73 permission to ensure that archaeological remains at the site are adequately investigated and recorded in accordance with Policy EN2 (Areas of Archaeological Significance).
- 7.34 The extant permission also secured submission and approval of a scheme of biodiversity enhancements in the form of integrated Swift boxes and green roofs on the buildings and soft landscaping of external areas of the site. Conditions securing these details would also be carried across to a new s73 planning permission. Given the extant planning permission was granted prior to the introduction of statutory BNG requirements any subsequent s73 variation of this permission is exempt from statutory BNG requirements. Nonetheless given the absence of vegetation or biodiversity at the existing site which is dominated by buildings and hardstanding the biodiversity enhancements proposed together with soft landscaping are considered to ensure that the proposals provide for a

net gain in on-site biodiversity in accordance with Policy EN12 (Biodiversity and The Green Network)

- 7.35 The s106 agreement linked to the extant permission also secured a construction phase employment and skills plan contribution to ensure that as a major category development the scheme contributes towards training and skill improvements to the local workforce in accordance with Policy CC9 (Securing Infrastructure). Such a contribution would also be secured as part of a new s73 planning permission via a new s106 agreement. In accordance with the Councils Employment Skills and Training SPD (2013) The contribution for the amended development would be £9, 368.75.

Community Infrastructure Levy (CIL)

- 7.36 In terms of the Reading Community Infrastructure Levy (CIL), the proposals are a CIL liable development. The total CIL liability of the varied development would be £674,418. Albeit the figure is likely to reduce given the applicant can claim exemption from CIL for any affordable housing provided as part of the development.

8 Equality implications

- 8.1 Under the Equality Act 2010, Section 149, a public authority must, in the exercise of its functions, have due regard to the need to—
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 8.2 The key equalities protected characteristics include age, disability, sex, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sexual orientation. It is considered that there is no indication or evidence that the protected groups have or will have different needs, experiences, issues, and priorities in relation to this particular application.

9 Conclusion

- 9.1 As confirmed at paragraph 7.1 to 7.3 above, section 73 applications are required to be considered against the development plan and material considerations, under section 38(6) of the Planning and Compulsory Purchase Act 2004, and conditions attached to the existing permission, with a particular focus on national and development plan policies, and other material considerations which may have changed significantly since the original grant of permission. This has been set out in the above assessment.
- 9.2 As is the case for all planning applications, including applications under s73, any harmful impacts of the proposed development are required to be weighed against the benefits in the context of national and local planning policies.
- 9.3 When considering the application and development subject of the extant planning permission (ref. PL/23/0814) officers considered that the development demonstrated notable benefits in the form of provision of 46 new dwellings towards the Borough's housing needs on a brownfield and site just outside the Reading Central Area in a sustainable location, including a policy compliant (30%) provision of 14 affordable homes. Other benefits of the development included significant net gain in on-site biodiversity and soft landscaping and energy efficiency and sustainability benefits achieved via the incorporation of sources of decentralised energy within the development in the form of photovoltaic panels and air source heat pumps and use of construction materials with good thermal efficiency which together with the proposed soft landscaping and SuDS demonstrated measures to adapt to climate change. The notable harm identified in consideration of the development subject to the extant planning permission is a minor

adverse impact to outlook of occupiers of the upper floor flats to no. 87 Southampton Street due to the proximity of proposed Block 3 to the western boundary of the site. In granting planning permission for the approved scheme, it was concluded that the identified benefits outweighed the identified harm when a planning balance weighing up exercise was carried out.

- 9.4 In re-visiting the planning balance weighing up exercise for the revised scheme subject of this application the key difference compared to the approved scheme subject to the extant planning permission is that the development no longer proposes to provide a policy compliant 30% level of affordable housing provision (14 dwellings) with the affordable housing provision now proposed to at 10.9% (5 dwellings). Whilst the level of affordable housing proposed to be provided is disappointing officers consider the offer to be adequate given the verified unviable nature of the proposal in respect of providing affordable housing and also taking into account the deferred payment mechanism that has been agreed with the application which means that the Council would share in any positive change in the viability position of the development. Notwithstanding this, the reduced level of affordable housing provision (including DPM) carries more limited weight as a public benefit of the proposals compared to the approved development. The other public benefits and harms of the development are considered to remain unaltered as a result of this s73 application and are as per the approved scheme (as set out in paragraph 9.3 above). Given the limited harm resulting from the proposed development officers conclude that the planning balance would still weigh in favour of granting planning permission for the development.
- 9.5 Furthermore, as set out in paragraphs 6.8 to 6.11 of this report and unlike when planning permission for the approved scheme was granted in 2024 the Council cannot now demonstrate a 5-year housing supply as Policy H1 of the Local Plan 2019 is out of date, and therefore the development must be assessed in line with Paragraph 11d(i and ii) of the NPPF (December 2024) referred to as the 'titled balance' and against the policies in the NPPF taken as a whole. Paragraph 11 states that

11. For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance⁷ provides a strong reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination⁹.

- 9.6 Footnote 7 of the NPPF confirms that *"The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 194) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, a National Landscape National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 75); and areas at risk of flooding or coastal change."* The proposed development is not considered to impact upon Areas and Assets of particular importance and in these respects the proposals are not considered harmful.
- 9.7 In addition, Footnote 9 confirms that the relevant key policies are those in paragraphs 66 and 84 of chapter 5; 91 of chapter 7; 110 and 115 of chapter 9; 129 of chapter 11; and

135 and 139 of chapter 12 of the NPPF. Considering each of these in turn the following is advised:

- 9.8 Paragraph 66 – Affordable Housing – As discussed above the proposals are considered to be adequate in respect of affordable housing given it has been independently verified that it is not viable for the development to provide any affordable housing but the development is still proposing to provide 10.9% of the dwellings as affordable housing and a DMP is to be secured as part of the s106 agreement to ensure the Council would share in any upturn in the viability of the scheme in future up to an equivalent policy compliant amount. Therefore, no policy conflict is identified in this respect.
- 9.10 Paragraph 84 – Rural housing – Not applicable to this proposal.
- 9.11 Paragraph 110 and 115 – Sustainable transport – The proposal is within a sustainable location near to services and facilities and no policy conflict is identified in this respect.
- 9.12 Paragraph 129 – Achieving appropriate densities – The development density remains as per the approved development and extant planning permission at the site and is considered appropriate given the sustainable location of the site and in the interests of making efficient use of the land and no policy conflict is identified in this respect.
- 9.13 Paragraphs 135-139 – Achieving well-designed places –The proposed design of the development is considered acceptable, and no policy conflict is identified in this respect.
- 9.14 Considering the titled balance it is not considered that the adverse impacts or harms resulting from the development would significantly nor demonstrably outweigh the benefits of the development and therefore the officer recommendation is that planning is granted subject to the proposed 106 obligations and planning conditions.

Appendices and Plans

Appendix 1 - Officer committee report for original planning permission ref. PL/23/0814 to October 2023 Planning Applications Committee with full details of the approved development, including secured s106 obligations and conditions

Appendix 2 – Officer update report for original planning permission ref. PL/23/0814 to October 2023 Planning Applications Committee.

Plans



Proposed Site Plan



Proposed Ground Floor Plan – All Blocks



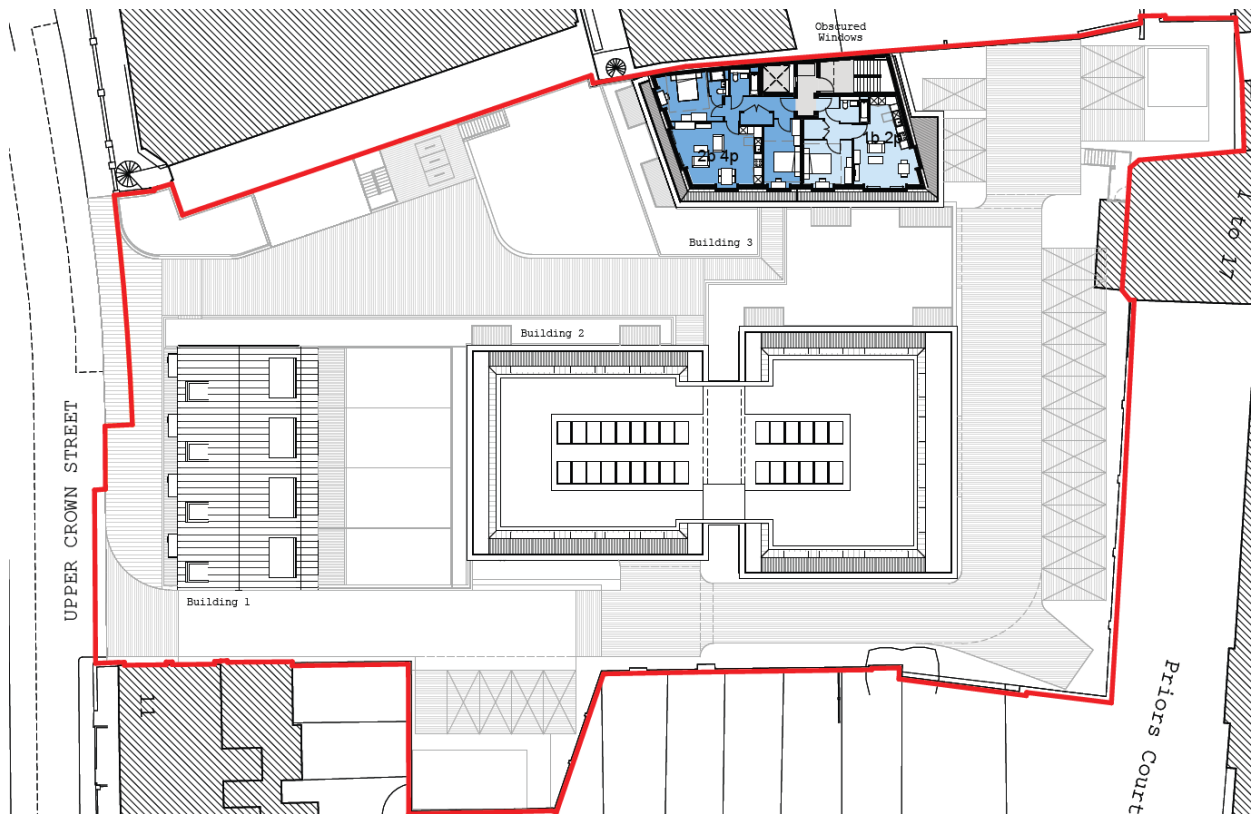
Proposed First Floor Plan – All Blocks



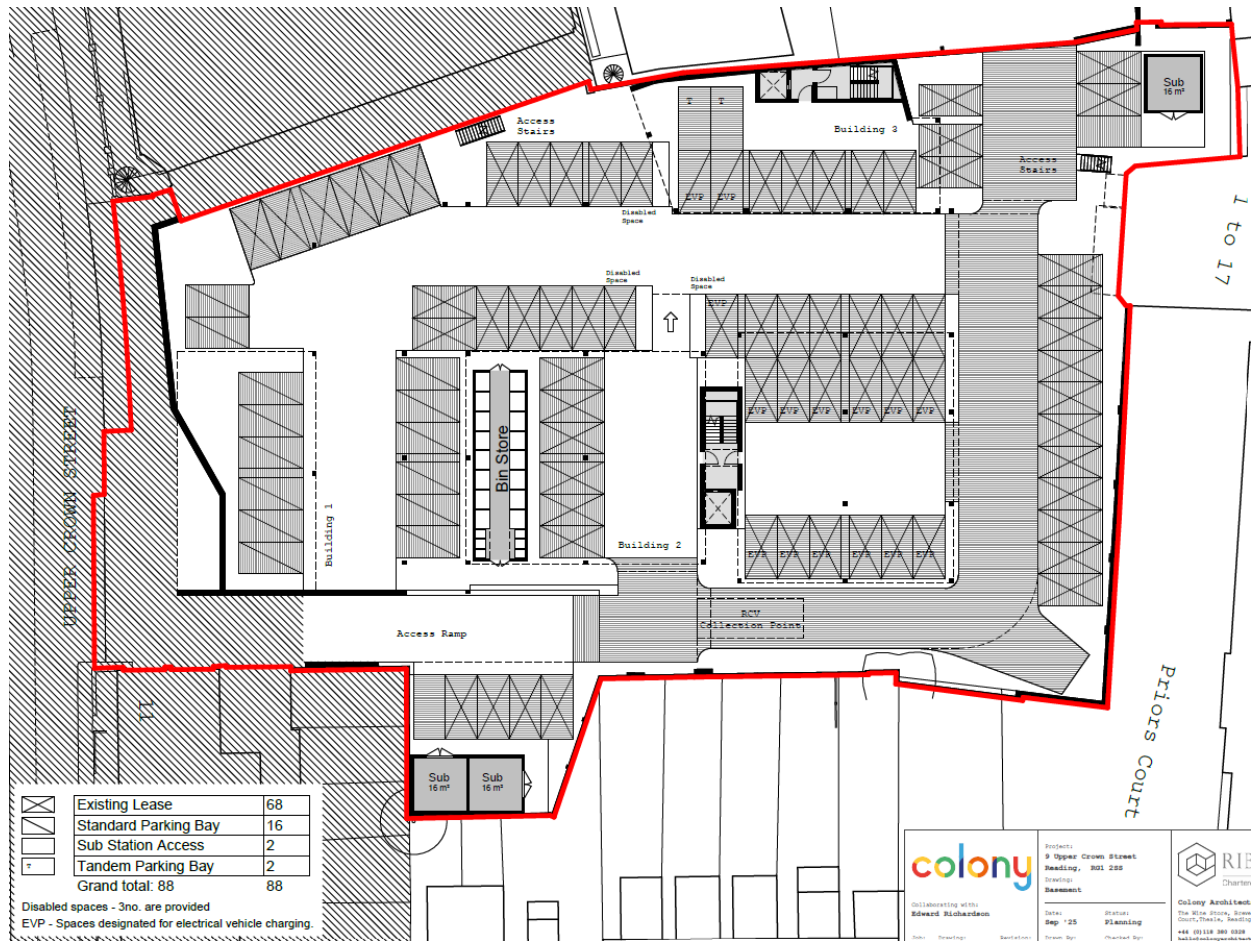
Proposed Second Floor Plan- All Blocks



Proposed Third Floor Plan – All Blocks



Proposed Fourth Floor Plan – All Blocks



Proposed Basement Level Car Parking Plan



South Elevation: Upper Crown Street



North Elevation: Rear Access Road

Proposed Site Elevations (South and North)





East/West Elevation 02



Block D South Elevation



Block D West Elevation

Proposed Site Elevations (South and West)

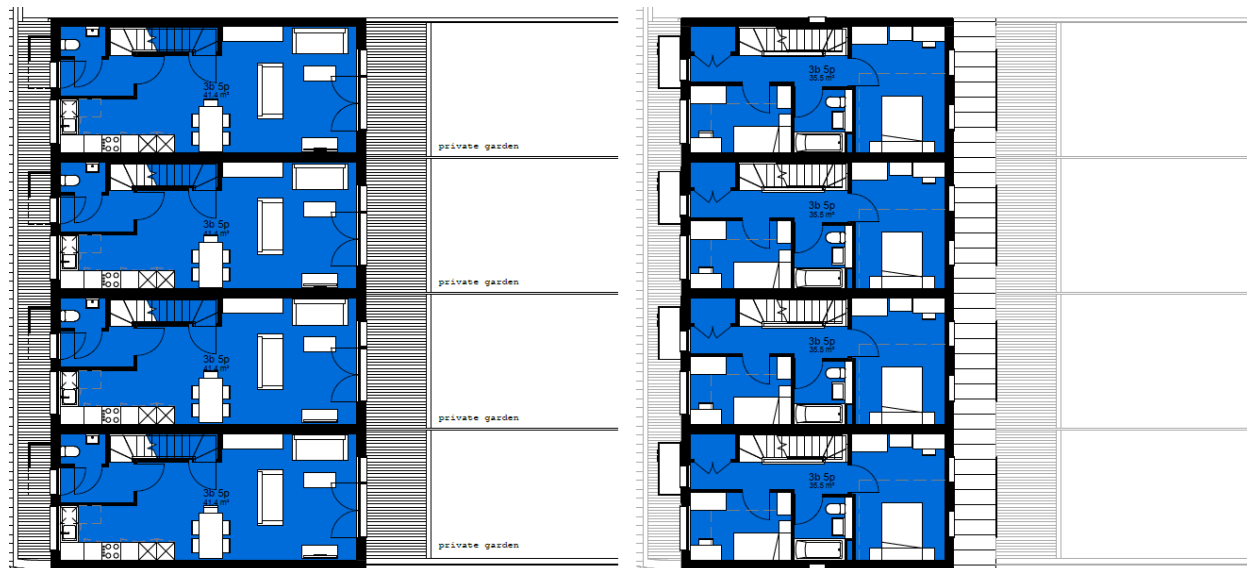


Site Section AA

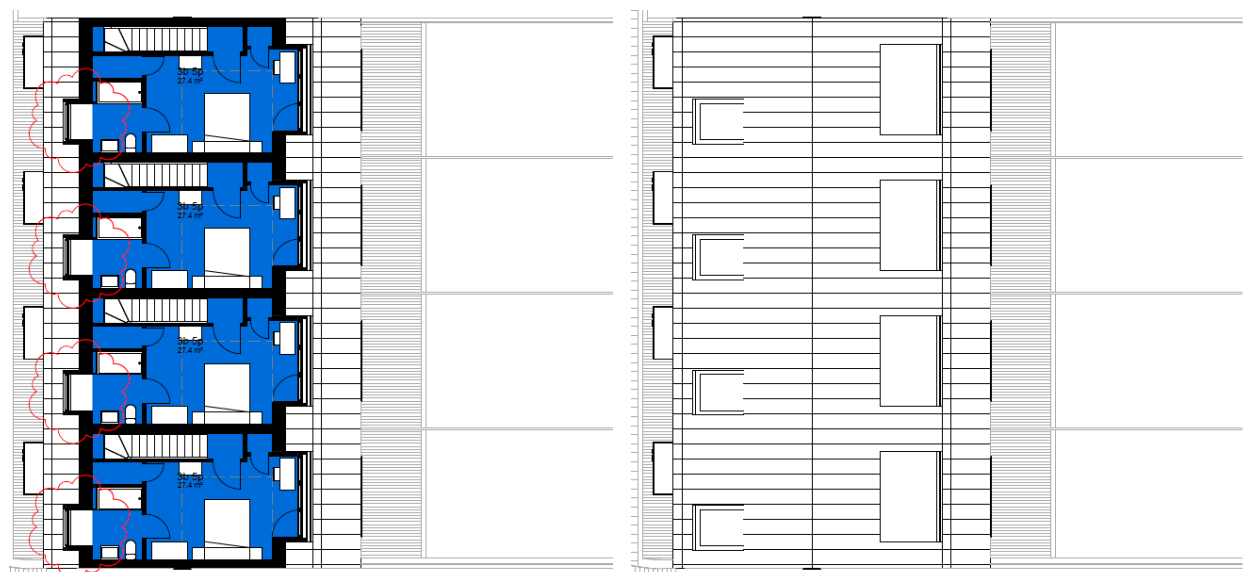


Site Section BB

Proposed Site Sections



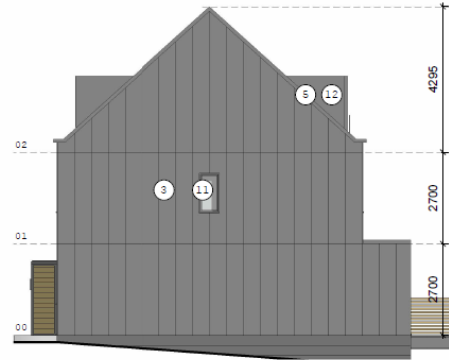
Block 1 – Proposed Ground and First Floor Plans



Block 1 – Proposed Second Floor and Roof Plans (Proposed Changes Circled Red)



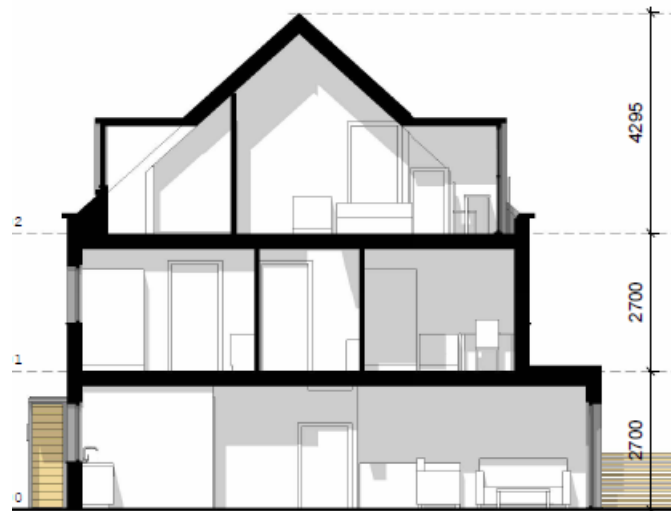
ilding 1: South Elevation



Building 1: East Elevation



Building 1 Proposed Elevations (Proposed Changes Circled Red)



Building 1: Section AA

Building 1 Proposed Section



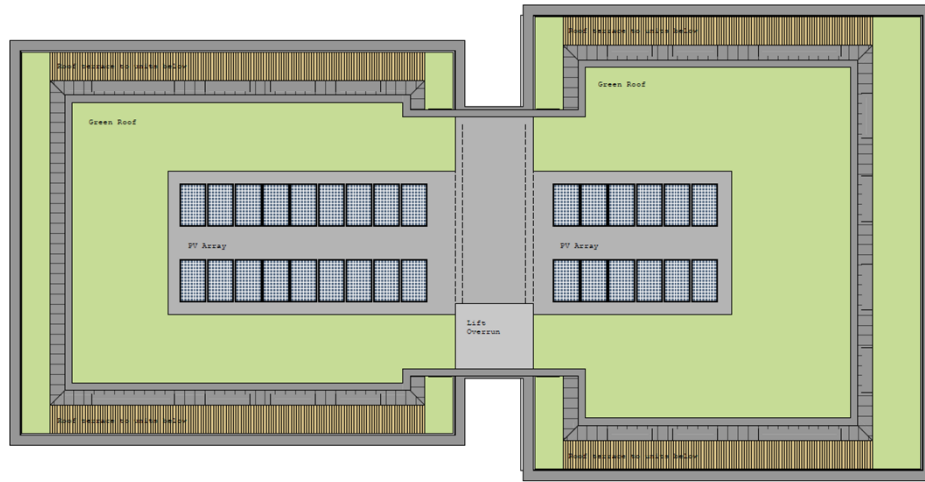
Building 2: Ground Floor Plan

Block 2 – Proposed Ground Floor Plan (Changes Circled Red)



Building 2: First and Second Floor Plan

Block 2 – Proposed First and Second Floor Plan (Changes Circled Red)



Building 2: Roof Plan

Building 2 Proposed Roof Plan



Building 2: East Elevation

Building 2 – Proposed East Elevation (Proposed Changes Circled Red)



Building 2: West Elevation

Building 2 – Proposed West Elevation (Proposed Changes Circled Red)

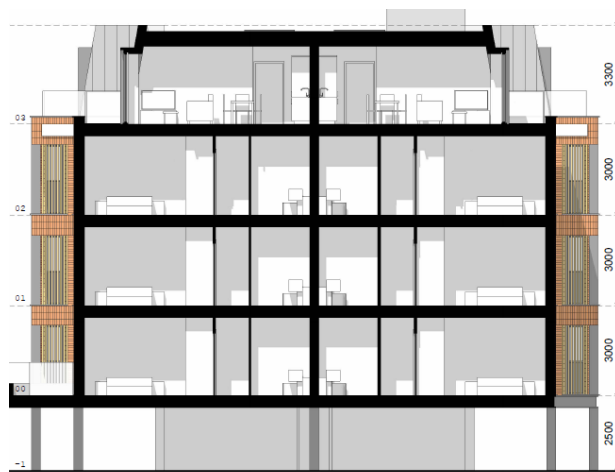


Building 2: South Elevation

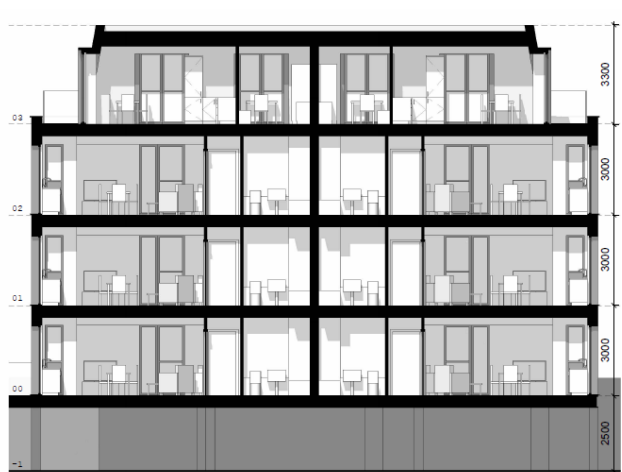


Building 2: North Elevation

Building 2 – Proposed North and South Elevations

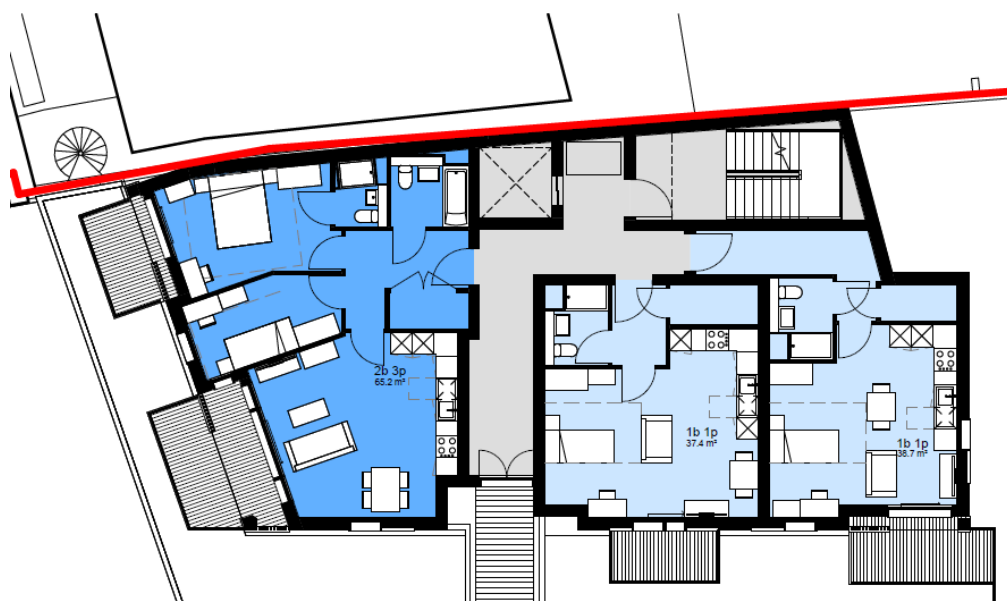


Building 2: Section AA



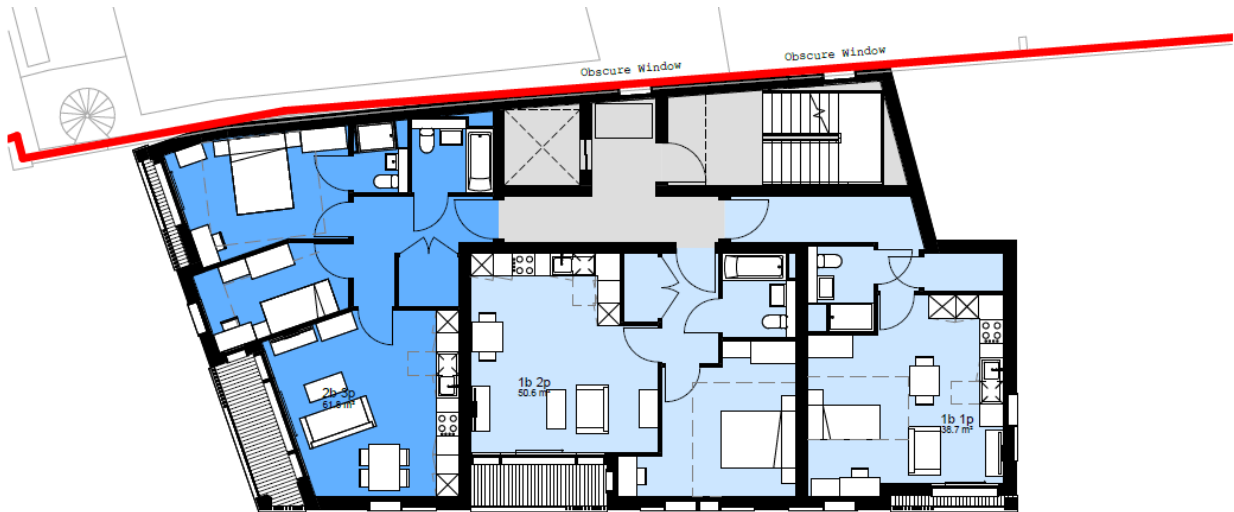
Building 2: Section BB

Building 2 – Proposed Sections



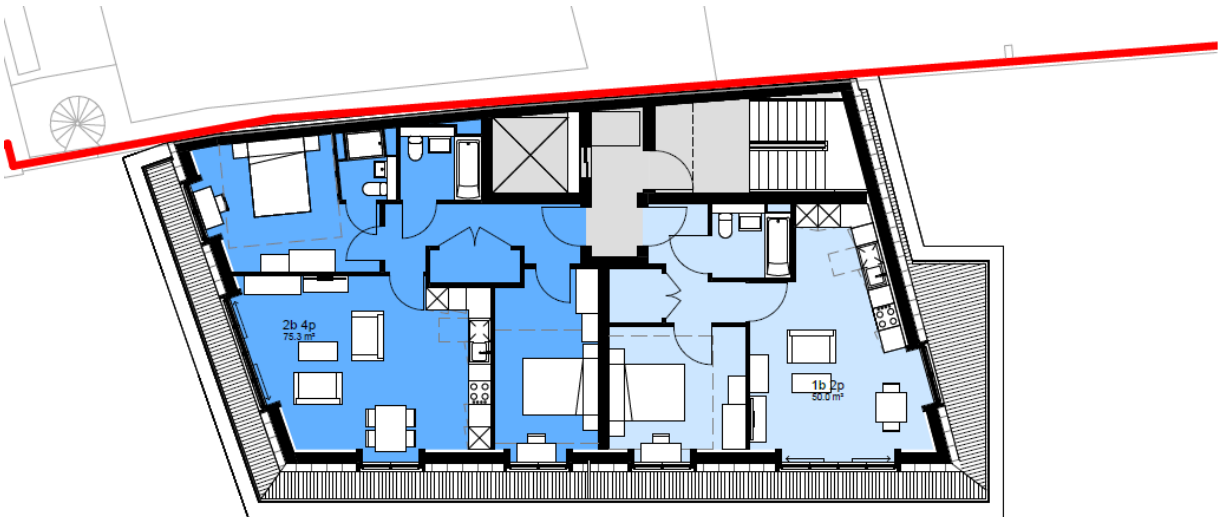
Building 3: Ground Floor Plan

Building 3 – Proposed Ground Floor Plan



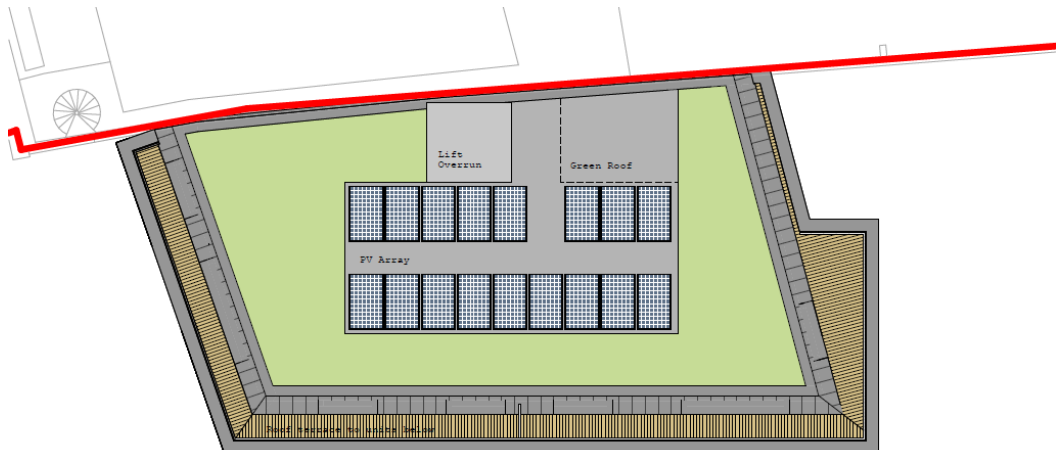
Building 3: First / Second / Third Floor Plans

Building 3 – Proposed First, Second and Third Floor Plan



Building 3: Fourth Floor Plan

Building 3 – Proposed Fourth Floor Plan



Building 3: Roof Plan

Building 3 – Proposed Roof Plan



Building 3: East Elevation

Building 3 – Proposed East Elevation

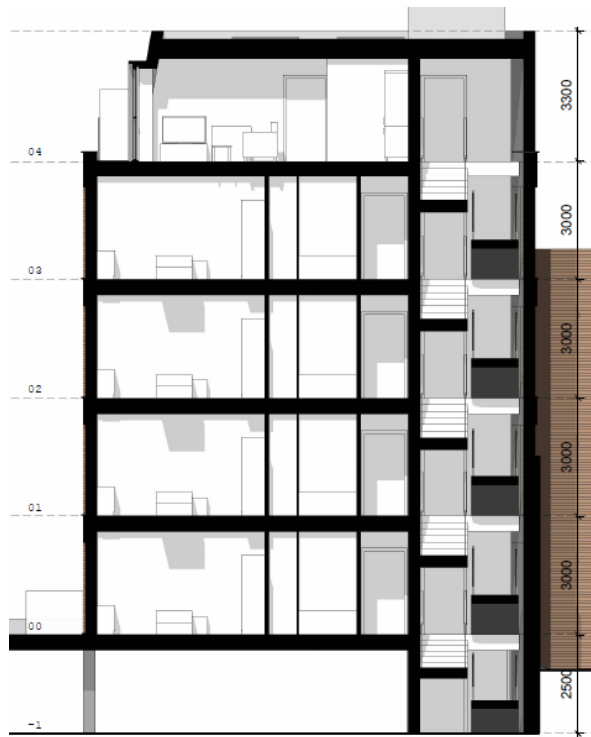


Building 3: South Elevation



Building 3: North Elevation

Building 3 – Proposed South and North Elevations

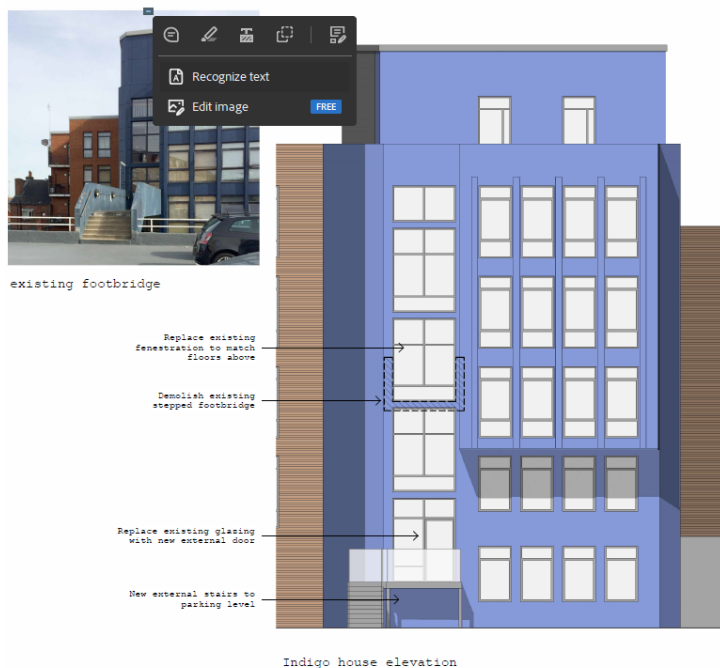


Building 3: Section AA

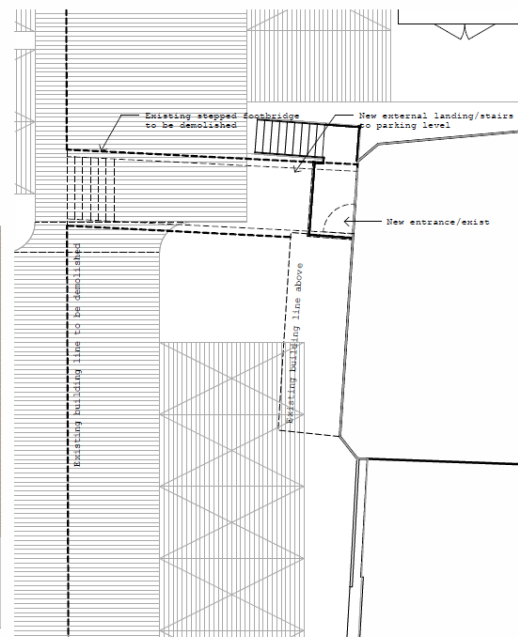


Building 3: Section BB

Building 3 – Proposed Sections

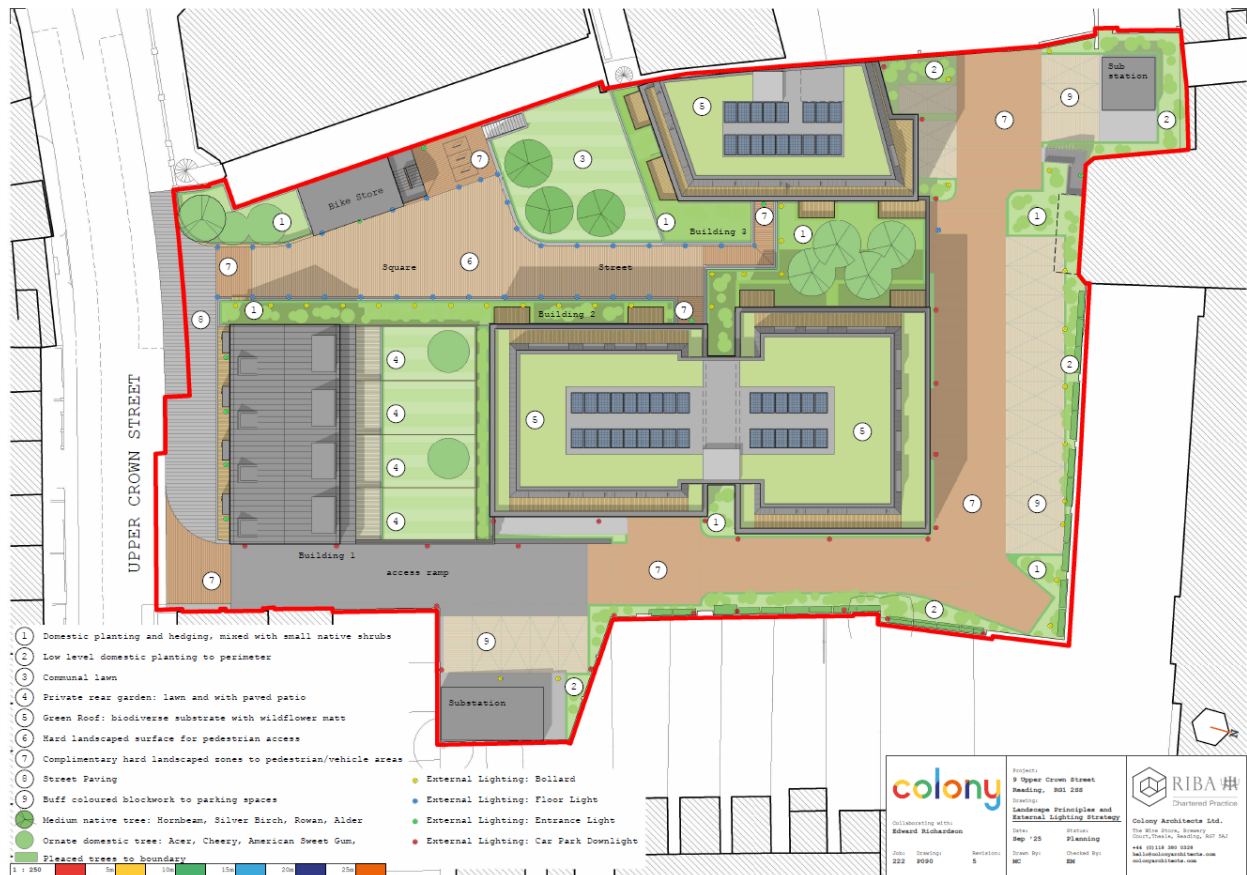


Indigo house elevation



Proposed stair location

Proposed link to Indigo House



Proposed Landscaping Principles Plan