

DELEGATED APPLICATION REPORT

Address: 125 Highgrove Street, Reading,

Application No: 230387/VAR

Proposal: Erection of 8 new dwellings (Use Class C3) including landscaping and demolition of existing buildings within site without complying with Condition 2 (plans) of planning permission 171477 to amend the location of landscaping, cycle storage and bin storage within the western part of the site to accommodate 2no. car parking spaces

Target Decision date: Originally 198/5/23; EOT agreed until 30/06/23

Case officer: Ethne Humphreys

1. Site Description and Surrounding Area

The application relates to a site to the rear of 107 to 123 Highgrove Street, 112-124 Kendrick Road and 1 to 19 Christchurch Road. The site is bounded on the southern side by the Christchurch Conservation Area and to the north by the Kendrick Conservation Area. 1 to 33 Christchurch Road are listed buildings. Planning permission was obtained in 2018 for the erection of 8 new dwellings (Use Class C3) including landscaping and demolition. Work has begun on site.

2. The Proposal & procedural background

The applicant is seeking to amend condition 2 (plans) of planning permission 171477. The condition required the applicant to comply with the set of plans approved at the time of the application. The applicant now wishes to amend the approved plans to alter the location of communal landscaping, cycle storage and bin storage, to allow the site to facilitate 2 car parking spaces. The scheme was originally approved as a car free scheme.

3. Public Consultation

Adjoining neighbours were consulted by letter.

5 letters of objection were received relating to the following matters:

- The development was car free and should remain as so, access already challenging
- Risk of illegal parking across the site
- Poor amenity space, intrusion from noise/headlights etc
- Current non-compliance with conditions
- Concerns over safety for residents
- Concerns over lack of space for safe turning for emergency and waste disposal vehicles
- Steep site not suitable for vehicular traffic
- Disturbance for residents through noise and light
- Concerned about the assumption the spaces should be provided to prevent unlawful parking
- Vehicular movement will result in health and safety issues and possible collapse of wall
- Plans don't detail tree types proposed and not enough space for trees

4. Internal Consultations

Transport - Objection, discussed further below.

Natural Environment - Objection, discussed further below.

Waste Operations - Objection, discussed further below.

5. Plans Considered

The Council, in reaching its recommendation, has taken into consideration the following documentation:

Drawing No: Landscape Plan 1079-203 Rev H

Received 28th March 2023

Drawing No: Fire engine tracking diagrams

Drawing No: Refuse vehicle tracking diagrams

Received 5th April 2023

6. Relevant Planning History

There are a number of planning records at the site. The main ones of relevance to this specific application are:

221447/VAR - Erection of 8 new dwellings (Use Class C3) including landscaping and demolition of existing buildings within site without complying with condition 2 (plans) of planning permission 171477 to amend the location of landscaping, cycle storage and bin

storage within the western part of the site to accommodate 2no. car parking spaces. Refused.

220968/NMA - Non-Material Amendment to Permitted application 171477 - Re-location of cycle parking and bin storage for the provision of 2 No vehicular parking spaces within the common amenity space - Application Withdrawn

171477/FUL - Erection of 8 new dwellings (Use Class C3) including landscaping and demolition of existing buildings - Application Permitted

Equality Act 2010:

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

7. Relevant Planning Guidance

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. The Development Plan for Reading relevant to the application site comprises the Reading Borough Local Plan (2019).

As per the NPPG, the local planning authority 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.

The 'National Planning Policy framework' ('NPPF') 2021 states clearly that its content is to be a material consideration in the determination of applications. The 'NPPF' states that due weight should be given to the adopted policies of the Reading Borough 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). Accordingly, the 'NPPF' and the following development plan policies and supplementary planning guidance are relevant:

8. Relevant Policies

The application has been assessed against the following policies:

National

National Planning Policy Framework

National Planning Policy Guidance

Reading Borough Local Plan (2019)

CC1: Presumption in Favour of Sustainable Development

CC2: Sustainable Design and Construction
CC3: Adaption to Climate Change
CC4: Decentralised Energy
CC5: Waste Minimisation and Storage
CC7: Design and the Public Realm
CC8: Safeguarding Amenity
EN2: Areas of Archaeological Significance
EN12: Biodiversity and the Green Network
EN14: Trees, Hedges and Woodland
EN16: Pollution and Water Resources
H1: Provision of Housing
H2: Density and Mix
H3: Affordable Housing
H5: Standards for New Housing
H10: Private and Communal Outdoor Space
TR3: Access, Traffic and Highway- Related Matters
TR5: Car and Cycle Parking and Electric Vehicle Charging

Supplementary Planning Documents

Revised Parking Standards and Design (2011)
Tree Strategy (2021)

9. Appraisal

- i) Legal/ Procedural Matters
- ii) Principle of on site parking and impact on amenity space
- iii) The Natural Environment
- iv) Transport Matters
- v) Waste provision
- vi) Impact on neighbouring amenity

i) Legal/ Procedural Matters

It has been established in case law within *the Finney vs. Welsh Ministers (2019)* case that planning permissions may not be altered or varied via a S73 application either explicitly or via a condition in a way that would alter the scope of the original permission:

“.....On receipt of such an application section 73(2) says that the planning authority must “consider only the question of conditions”. It must not, therefore, consider the description of the development to which the conditions are attached. The natural inference from that imperative is that the planning authority cannot use section 73 to change the description of the development.....If the inspector had left the description of the permitted development intact, there would in my judgment have been a conflict between what was permitted (a 100 metre turbine) and what the new condition required (a 125 metre turbine). A condition altering the nature of what was permitted

would have been unlawful. That, no doubt, was why the inspector changed the description of the permitted development. But in my judgment that change was outside the power conferred by section 73....”

As a result of the proposal, the description of development would not be altered. The proposal is considered acceptable from a legal/ procedural perspective.

ii) Principle of parking and impact on amenity space

Policy H10 deals specifically with private and communal space and requires such space to allow for sitting out, children’s play areas, home food production, green waste composting, refuse storage, drying space. *“The design of outdoor spaces will respect the size and character of other similar spaces in the vicinity”*.

The supporting letter states that parking on site is required to *“prevent unlawful car parking taking place on site”*. However, the original permission was permitted as a ‘car free development’ and conditioned that no unlawful parking shall take place (condition 27). As such the justification for the provision of parking is considered to carry no weight. Any unlawful parking would be dealt with appropriately through Enforcement powers.

The area of landscaped communal space which was provided under the original application was secured to provide some relief amongst the expansive hard landscaping. This communal space could be used for residents for seating etc. As a result of the proposed amendment, whilst a reinforced gras area would remain, this would be compromised by vehicles driving over it to park in the proposed bays. Furthermore, as discussed elsewhere in this report, there is a concern that tandem parking would occur (with no measures to prevent it), further hindering - if not preventing - the amenity space to be used as such. As such, the proposal would not longer result in a quality or useable amenity space for residents.

The supporting letter notes that *“additional amenity space is proposed adjacent to the car parking area, and out of the way of car movements, though the implementation of reinforced grass system and planting outside Units 1 and 2.”* The area in front of Units 1 and 2 cannot be considered as useable community amenity space - it is circulation space outside of these units, and the proposal would result in no defensible privacy for occupiers of these units.

The submission also notes that *“this area can still be utilised as amenity space given the low number of vehicle trips that will be made”*. It remains the case that vehicles moving in and out of this area - which could not be controlled - would unacceptably disrupt users of this ‘amenity space’ and would not allow for usable communal amenity space as originally intended and approved.

This is a constrained site. It is relevant to note that when a car-free development was originally considered acceptable this was for reasons including introducing more flexibility into the design and to allow for better landscaping of public areas. During the course of the original application 171477, concerns were raised at the time by officers about the useability of the amenity space. Concern was also raised about the conflict between the tracking required for fire engines and refuse vehicles and the shared amenity space. The applicant

at the time advised that there would be no conflict as the tracking would be for occasional use and only the wheels of the fire engine would cross into the space. The applicant considered that high quality artificial grass would maintain a good balance between the different uses. This was accepted and it was considered that the design approach had given sufficient thought to the amenity of future occupiers, the reinforced grass amenity space would assist in softening the proposals and would also assist in ensuring that the development would not feel overly cramped or unpleasant. Conversely, vehicle movements over communal amenity space as proposed would be disruptive and unpleasant and the effect of permanent coming and goings of vehicles - which could not be controlled - is not be the same as transient refuse vehicles and even fewer fire engines within the site (and as previously stated by the applicant).

The proposals would remove the useable communal amenity space approved under application 171477 and considered an important part of the scheme. The proposals would not successfully mitigate against this loss and would not provide good quality useable communal space elsewhere and that would not be compromised by vehicle movements. It is considered that the car-free development proposed and approved assisted in allowing for a good balance of built form and amenity spaces across the site as well as landscaping. The introduction of vehicle parking would unacceptably reduce this and create areas of cramped unpleasantness which application 171477 sought to avoid.

Given the above, the proposals are contrary to Policies CC7 and H10 of the Reading Borough Local Plan 2019.

iii) Natural Environment

Policy EN14 (Trees, Hedges and Woodland) seeks to extend the Borough's vegetation cover and that development should make provision for tree planting whilst Policy CC7 (Design and the Public Realm) seeks proposal should include appropriate landscaping. Given that the site is also located within an Air Quality Management Area, and within a low canopy cover ward, tree retention and planting is a high priority and proposals should demonstrate an appropriate level of greening and/or net gain in the tree number.

The loss of amenity space for car parking results in the loss of a potential space for tree planting and greenery on site. The supporting letter states that the proposals *"respond through implementing significant additional landscaping and amenity space both within the proposed car parking area of the Site and across the wider Site. A detailed landscape plan has been submitted as part of this proposal which demonstrates the improved landscaping and amenity across the site and sets out the planting strategy."* The letter also states that *"With regards to tree planting, this has been implemented adjacent to the car parking spaces and within the landscape space adjacent to Unit 1"*.

Further to the above, it is not clear whether the applicant/agent has been to site prior to the submission of this application. No meaningful landscaped area has been implemented adjacent to Unit 1 as can be seen from Figure 1 below, and there appears to be no room for tree planting (or large outdoor planters as shown on the plans) and no significant additional landscaping has been implemented within the proposed car parking area as can be seen from Figure 2 below.



FIGURE 1



FIGURE 2

Notwithstanding the apparent lack of space, the proposed Landscape plan, whilst indiciatively showing tree planting to the rear of the car parking, the planting schedule does not indicate what trees these would be. Furthermore, any tree planting could be compromised by the proposed EV charging points. The site is within a very low canopy cover ward and within the AQMA hence inclusion of tree planting is a necessity. Tree planting needs to be viable, well planted and in a location where it can grow to a reasonable size without being removed. Due to the position of vehicle parking and electric vehicle charging points this is not demonstrated with the proposed layout.

Given the above, it has not been demonstrated that sufficient tree planting could be provided and the loss of the amenity space for parking is not considered acceptable. The proposal is therefore contrary to Policy EN14 of the Reading Borough Local Plan 2019.

iv) Transport matters

Policies TR1 (Achieving the Transport Strategy), TR3 (Access, Traffic and Highway-Related Matters) and TR5 (Car and Cycle Parking and Electric Vehicle Charging) seek to address access, traffic, highway and parking related matters relating to development.

The original scheme was permitted as a 'car free development'. The proposed 2 on site parking spaces would result in the relocation of cycle storage units and the loss of the on-site turning head which was to be used for both refuse and fire vehicles.

In terms of cycle storage, this was originally proposed within the communal amenity space that would be displaced as a result of parking. The current proposed Landscape Plan 1079-203 shows cycle stores in each individual garden. Whilst this would be considered acceptable in principle, it was noted on the site visit that not all units that have been built have been constructed in accordance with the approved plans. Units 1 and 2 in particular have been built appropriately 1m further back into the plot thereby also reducing the garden space. The plans do not accurately show what has been built and it is not clear whether there is space in the rear gardens of Units 1 and 2 for the proposed cycle storage. It is noted that Condition 12 (cycle parking) of planning permission 171477 has not been discharged. This required details of cycle parking facilities to have been submitted to and approved in writing by the LPA prior to commencement of development (barring demolition). The condition also required the subsequently approved cycle parking facility to be completed prior to occupation of units. As noted on the site visit and as above, the units are largely all built, and some are occupied. Whilst this in itself is a matter for the Council's Enforcement team, the plans subject of this application are not accurate, the gardens have been reduced in size and officers cannot be confident that appropriate cycle parking provision could be provided should this application be approved.

In terms of electric vehicle charging point provision, one would be required per parking space in line with Policy TR5 of the Local Plan. An indicative location has been provided as shown on the Proposed Landscape Plan. However, this would be in close proximity to the proposed tree planting. It is not clear whether the EV charging points could be installed without conflict with the proposed tree planting.

The Council's Transport officer has raised concern that the proposed layout for the 2 parking bays could encourage tandem parking on the proposed reinforced grass system/amenity area. Linked to the concerns raised above, it is not clear how parking could be controlled to ensure that there would be no obstruction.

A tracking diagram for refuse and fire engine vehicles has been submitted. On plan this appears to demonstrate that there would be adequate space within the proposed amended site layout for manoeuvres in and out the site. Further to the site visit, the garden boundary wall that has been constructed to Unit 3 appears to be deeper than that approved, and which is not shown on the current proposed plans. Furthermore, it is now also proposed to store bins in front of Units 1 and 2, not shown on the tracking diagrams. The plans also indicate bin storage for Units 4 and 5 to be located in front of the gardens, not projecting forward of the building. The site visit showed these bins to be located forward of the building line, with the fencing and boundary treatment in this location seemingly not constructed in accordance with approved plans, but also not as shown on the plans as

submitted as part of this application - as per Figure 3 below. The combination of inaccurate plans and possible obstruction from bins from several units, means that officers cannot be confident that there would be sufficient space for refuse or fire vehicles to safely enter and exit the site. Transport and Waste officers consider the space to be too tight. Should tandem parking arise as discussed above, this would also result in an obstruction to refuse and fire vehicles, as well as block the space for manoeuvres.



FIGURE 3

No reasonable justification for the proposed parking spaces has been provided and as well as having a detrimental effect on amenity space and tree planting as discussed above, the proposal has not demonstrated that the proposed tracking diagrams are acceptable from a highways perspective. Furthermore, appropriate cycle parking provision and EV charging points have not been demonstrated. The proposal is therefore contrary to Policies TR3 and TR5 of the Reading Borough Local Plan 2019.

v) Waste provision

Policy CC5 (Waste Minimisation and Storage) requires development to demonstrate layouts and designs that provide adequate, well-designed space to facilitate waste storage, reuse, recycling and composting.

The amount of waste storage is acceptable. However, as above, the Waste officer has commented that the layout would be too tight for refuse vehicles to manoeuvre the site safely. Whilst the original permission established that refuse vehicles entering the site would be acceptable, as above, the revised layout and position of bin storage would appear to

result in obstruction to vehicles entering and exiting the site and the context has changed. It is not clear whether it is appropriate for bins to be stored as proposed, in front of Units 1 and 2, and 3 and 4 due to the obstruction they would cause. The plans do not accurately show what has been constructed on site and it has not been demonstrated that access to and manoeuvring in the site would be acceptable. Transport and officers confirm that waste collections would need to be collected from the site (not on Highgrove Street as suggested by the waste officer) and therefore the LPA cannot support the waste provisions as proposed as it is unclear as to whether refuse vehicles can safely manoeuvre in the site.

As such, the proposal is not considered acceptable in relation to Policy CC5 of the Local Plan.

vi) Impact on neighbour amenity

Policy CC8 (Safeguarding Amenity) requires developments to not cause a detrimental impact on the living environment of existing properties in terms of: Privacy and overlooking; Access to sunlight and daylight; Visual dominance and overbearing; Harm to outlook; Noise and disturbance; Artificial lighting; Vibration; Dust and fumes; Smell; and Crime and safety.

Concern has been raised over vehicle movements and noise pollution generated by vehicles using the 2 proposed parking spaces. It is not considered that the potential noise and pollution generated would be substantially harmful enough to warrant refusal on this basis. Given the nature of the proposals there would be no overbearing effect or loss of privacy.

Other matters

The application has been assessed in the context of the proposed amendments only and, therefore, it is not considered relevant to assess all planning matters once again.

Recommendation - REFUSE for the following reasons:

1. The proposal would result in the loss of valuable useable, communal, amenity space and potential space for tree planting. The proposal is therefore contrary to Policies CC7, H10 and EN14 of the Reading Borough Local Plan 2019 and the Council's adopted Tree Strategy 2021.
2. The proposal has failed to demonstrate acceptable refuse and fire engine tracking diagrams in relation to the new proposed layout of the site. As such, it is not clear if these vehicles could enter, exit and manoeuvre in the site safely which consequently means that waste and refuse collections may not be able to be suitably carried out. The proposal is therefore contrary to Policies CC5 and TR3 of the Reading Borough Local Plan 2019.
3. The proposal has failed to demonstrate acceptable cycle and bin provision as well as EV charging points for future occupiers. As such, the proposal is contrary to Policy CC5, TR3 and TR5 of the Reading Borough Local Plan 2019.