

DELEGATED APPLICATION REPORT - Application No. 200989/FUL

Address: Land at rear of 578 and rear of 580-584 Oxford Road, Reading

Proposal: Demolition of a single storey building and erection of a pair of one-bedroom semi-detached dwellings

Case Officer: Ethne Humphreys

Determination Date: 17/09/2020; EOT agreed until 10/09/2021

Site Description and Surrounding Area:

The application site relates to land on the northern side of Oxford Road, to the rear of 578 Oxford Road, and to the west of Gordon Place. The site includes part of the rear gardens of 580-584 Oxford Road.

The character of the area is predominantly two storey residential terraced development with commercial uses at ground floor along Oxford Road.

The site is within an Air Quality Management Area.

Proposal:

The application seeks planning permission for the erection of a pair of one-bedroom semi-detached dwellings following demolition of single storey outbuilding.

The proposed materials would include:

- Facing brickwork
- Natural slate
- Powder coated aluminium windows and doors

Plans Considered:

Drawing No: Block and Location Plan 3522/205 Rev B

Drawing No: Existing Floor Plan 3522/103 Rev B

Drawing No: Proposed Ground Floor Plan 3522/206 Rev E

Drawing No: Proposed Elevations 3522/208 Rev E

Received 14th July 2020

Drawing No: Proposed First Floor Plan 3522/207 Rev F

Received 2nd October 2020

Planning Design and Access Statement

Received 23rd July 2020

Relevant Planning History:

181404 Demolition of existing building and erection of two storey building containing 4 x Studio flats. Refused and dismissed at appeal

181417 First floor extension to existing building and conversion to 2 x Studio units and 1 x 1-bed duplex flat. Permit subject to legal agreement

171466 Demolition of existing rear buildings, erection of a two storey rear extension to 578 Oxford Road and construction of 2 no. one bedroom dwellings (Resubmission of 12/01735/FUL (121769)). Permit subject to legal agreement

121769 Demolition of existing rear buildings, erection of a two storey rear extension to 578 Oxford Road and construction of two x one bedroom dwellings (resubmission of 12/00703/FUL). Refused and allowed at appeal

121191 Demolition of existing rear buildings, erection of a two storey rear extension and construction of 3 x 1-bedroom dwellings. Refused

090255 Change of use from A1 (shops) to A5 (take-away) (resubmission of 08/00369/FUL). Refused

080397 Change of use from A1 (shops) to A5 (takeaway). Refused

Consultation Responses:

Natural Environment: No objection subject to conditions.

Transport: No objection subject to condition.

Ecology: No objection.

Neighbouring properties were consulted and no neighbour letters of representation received.

SUMMARY OF DISCUSSIONS WITH APPLICANT/AGENT

The agent was advised that the proposals did not comply with Policy H5 (Standards of Housing) in terms of unit/bedroom size. Revised plans were received proposing 2x1 bed units instead of 2x2 bed units, which are policy compliant.

The agent was also advised that a financial contribution towards affordable housing would be required and 3 independent estate agent valuations were received to work out the affordable housing contribution. This was agreed and to be secured via legal agreement.

Upon completion of the legal agreement, an extension of time on the application was agreed until 10th September 2021.

No formal pre-application advice was sought prior to the submission of this application.

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.

Relevant Planning Policy and 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. Material considerations include relevant policies in the National Planning Policy framework (NPPF) - among them the 'presumption in favour of sustainable development'. For this Local Planning Authority, the development plan is now in one document - the Reading Borough Local Plan (November 2019), which fully replaces the Core Strategy, the Sites and Detailed Policies Document and the Reading Central Area Action Plan.

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

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

EN12: Biodiversity and the Green Network
EN14: Trees, Hedges and Woodland
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
H11: Development of Private and Residential Gardens
TR1: Achieving the Transport Strategy
TR3: Access, Traffic and Highway-Related Matters
TR5: Car and Cycle Parking and Electric Vehicle Charging

Supplementary Planning Guidance

Revised Sustainable Design and Construction SPD December 2019
Revised Parking Standards and Design SPD adopted October 2011
Affordable Housing SPD adopted July 2021
Section 106 Planning Obligations SPD 2013
DCLG Technical housing standards - nationally described space standards 2015
Tree Strategy 2021

Appraisal

The main issues to be considered are:

- Principle of Development
- Design, Impact on Street Scene and Character of the Area
- Impact on Neighbouring Amenity
- Amenity of Future Occupiers
- Impact on Natural Environment
- Impact on Parking/Highways
- Sustainability
- Affordable Housing
- CIL

The principle of the development

The NPPF states that LPAs should “encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value”. The NPPF definition of ‘previously developed land’ excludes private residential gardens.

Therefore, it is clear that the priority for development should be on previously developed land, in particular vacant and derelict sites and buildings. However, that does not mean that the development of private residential garden land is unacceptable in principle, rather that previously developed land should be the first choice for housing development.

The Council’s LDF Policy H11 Development of Private Residential Gardens requires that new residential development that involves land within the curtilage of private residential gardens will be acceptable where:

- a) It makes a positive contribution to the character of the area;
- b) The site is of an adequate size to accommodate the development;
- c) The proposal has a suitable access;
- d) The proposal would not lead to an unacceptable tandem development;
- e) The design minimises the exposure of existing private boundaries to public areas;
- f) It does not cause detrimental impact on residential amenities;
- g) The emphasis is on the provision of family housing;
- h) There is no adverse impact on biodiversity, and
- i) The proposal does not prejudice the development of a wider area.

Therefore, while the proposed site is not ‘previously developed land’, the principle of redevelopment is considered acceptable providing the criteria outlined in Policies are met, discussed below.

Further to the above, the garages are of no particular architectural merit and are not in themselves considered to make a positive contribution to the area. Subject to the replacement building being appropriate in design terms (as discussed separately below) there is no objection to the principle of the demolition of the garages. Furthermore, the principle of providing an additional residential unit aligns with the broad objectives of Policy H1 in assisting to meet the annual housing targets.

Design, Impact on Street Scene and Character of the Area

Policy CC7 (Design and the Public Realm) states that “All development must be of high design quality that maintains and enhances the character and appearance of the area of Reading in which it is located. The various components of development form, including: Layout: urban structure and urban grain; landscape; density and mix; Scale: height and massing; and Architectural detail and materials”.

The proposals are larger than those allowed on appeal in 2013 or permitted under 171466. However, in terms of footprint and plot coverage they are only slightly bigger than that proposed under application 181404, with similar size and layout of outdoor space. Whilst this appeal was dismissed, it was not on grounds of footprint, scale or layout. Indeed, the Inspector, whilst acknowledging that the scale of the footprint and amount of built form and hardstanding at the site would not reflect the predominant pattern of development in the wider area, did not consider this to be unacceptable given the lack of consistency in the Gordon Place street scene, buildings of varying sizes and no consistent pattern.

Similarly, in terms of detailed design and scale, whilst the Inspector noted that the proposals of 181404 would not match those of nearby properties, and indeed would be larger than nearby properties, given the separation distances involved there was no need for the proposed building to be more subservient and that it would not dominate the street scene. Overall, the Inspector concluded that there would be no material harm to the character and appearance of the area and again, whilst the appeal was dismissed it wasn't on design/scale grounds.

Whilst the scale of the proposed building is near on the same as that under application 181404, gable ends are proposed instead of hipped roofs. Whilst the hipped roofs helped to soften the appearance of the building, it is noted that gable ends were proposed under applications 121769 (allowed at appeal) and 171446. Given this and the Inspector's comments in respect of design under application 181404, the design is considered acceptable.

To ensure suitable quality of materials, it is considered reasonable and appropriate to secure further details (and samples) of the proposed materials by way of a suitable worded condition. With this condition secured and in light of the above, it is considered that the proposals would not adversely harm the character of the surrounding streetscape or give rise to an overly dominant or incongruous addition to the street scene such to warrant a refusal.

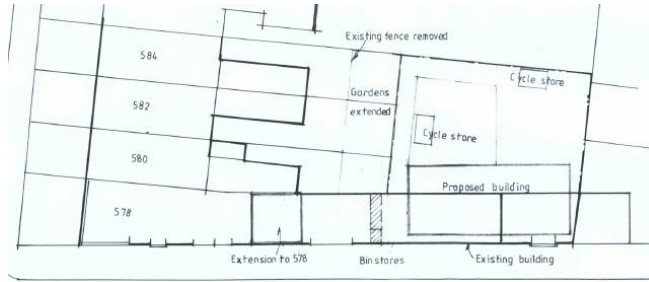
Policies H10, H11 and CC7.

Impact on Neighbouring Amenity

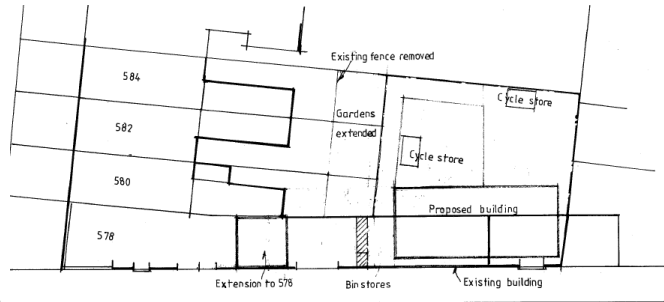
Residential amenity is assessed against Policy CC8 which requires developments to not cause a detrimental impact on the living environment of existing properties in terms of: Privacy and overlooking; Access to sunlight and daylight; Visual dominance and overbearing; Harm to outlook; Noise and disturbance;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

No first floor windows are proposed on the flank elevations of the proposals (noting that there are first floor 'window shaped/styled' rendered panels proposed on the flank elevations) and as such there would be no material loss of privacy to either 578 Oxford Road to the south or 91 Sherwood Street to the north. The proposed first floor windows on the west facing rear elevation would serve bathrooms and as such could be conditioned to be obscurely glazed (and as indicated on the proposed first floor plan) so as to prevent any material loss of privacy across the gardens to the rear (west) of the site.

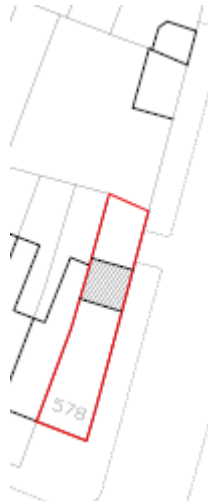
It is noted that since applications 121769 and 171466 were approved, application 181417 has been permitted. This application was for a first floor application to the existing building (578 Oxford Road) and conversion to 2 x studio units and 1 x 1 bed duplex flat. This application permitted ground floor patio doors on the rear (north) elevation, the sole source of light and outlook to a bedroom. Whilst this planning permission has not been implemented it is still capable of implementation and is therefore a material planning consideration. The proposed building subject of this application would be in close proximity to the garden area of this permitted unit, would clearly be visible to occupiers of this unit and would result in some overbearing effects. However, it is noted that application 171466 is still currently capable of implementation (decision expiry 22/1/2021) which features a similar size two storey building in the same location in respect of this unit. Furthermore, whilst application 181404, which was also for a similar size two storey building in the same location, was refused it was not refused on neighbour amenity grounds and nor was it dismissed at appeal on neighbouring amenity grounds.



121769 (Allowed at appeal) Site Plan

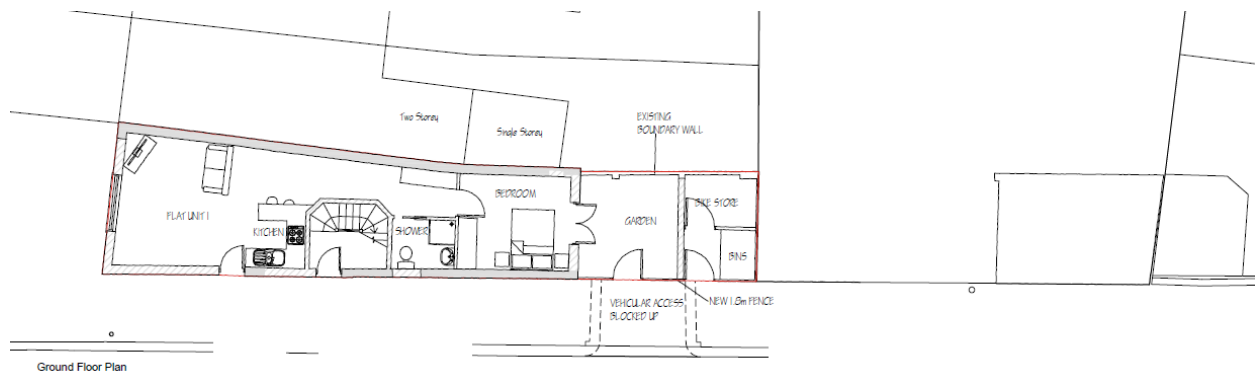


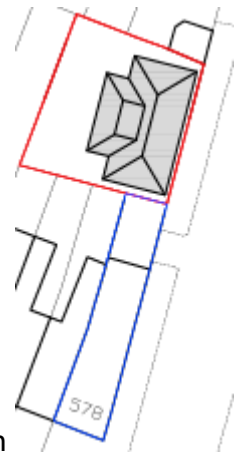
171466 (Same as appeal) Site Plan



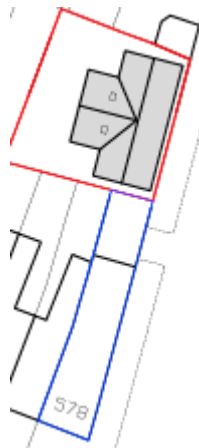
181417 (Approved) Site Plan

181417 Ground Floor Plan





181404 (Dismissed at appeal but not on neighbour amenity grounds) Site Plan



200989 (Current application) Site Plan

Whilst officers have concerns about the impact on this neighbouring unit, the extant permission mentioned above is a legitimate implementable fall back position and no concern was raised in this respect by officers of the Planning Inspector under the recent appeal. Therefore, within this context and in this very specific case it is not considered reasonable to sustain a reason for refusal based up on overbearing impacts.

The proposed building would be slightly larger (deeper rear gable element) than that proposed under 181404. However, it would not be significantly deeper and the Inspector raised no concerns in respect of overbearing impacts to any neighbouring property. It is not considered that this slight increase in scale would be sufficiently harmful to warrant a reason for refusal on this basis.

In general terms it is noted that the proposed dwelling could be subject to significant further extensions and alterations under subsequent permitted development rights, which could negatively impact on the amenity of nearby occupiers. In order to manage this it is considered necessary and reasonable to have secured a condition to remove permitted development rights under Classes A (alterations, B (roof additions) and E (outbuildings). In

addition, a further condition is also required in respect of protecting the amenity of neighbours during the construction period. A construction method statement will be secured via condition and is required from a highway safety perspective too. As such in overall terms, considering all nearby residential occupiers, no significantly harmful amenity impacts would occur, subject to conditions. Policies CC8 and H11.

Amenity of Future Occupiers

Policy H5 (Standards for New Housing) seeks that all new building housing is built to high standards. Policy EN16 (Pollution and Water Resources) seeks to protect future occupiers from the impacts of pollution and Policy H10 (Private and Communal Outdoor Space) seeks that residential developments area provided with adequate private or communal outdoor amenity space.

Concern was originally raised that the proposed units and bedrooms sizes would not comply with Policy H5 or the Technical housing standards - nationally described space standards. Further to this, revised plans were received for 2x1 bed units rather than 2x2 bed units. Each resultant one bed unit would comply with Policy H5 in terms of size. The bedrooms would be regular in shape, providing suitable outlook, natural lighting and ventilation.

The proposed amenity space would not be too dissimilar in terms of layout or amount to that allowed at appeal under application 121769 (and then again under application 171466) which was also for the construction of two x one bed dwellings. Whilst application 181404 was dismissed at appeal it was not due to the amount of amenity space (and noting it was for 4 x 1 bed units).

In order to help ensure future residents maintain sufficient amenity space (and to protect neighbouring amenity as above) it is proposed to remove PD rights in relation to Class A (enlargement improvement or alteration), B (roof additions) and Class E (outbuildings).

Therefore, in overall terms and having applied a critical planning balance to the consideration of the scheme as a whole, the units are considered to provide an overall suitable standard of accommodation, in line with Policies EN5 and H10 in particular.

Environmental Health

The Environmental Protection team have previously commented that the site is of low risk of contamination. It is noted that the Inspector at appeal considered that a contamination

condition was unnecessary and therefore no condition has been attached in this respect. Policy EN16.

Impact on Natural Environment

Policy EN14 seeks to extend the Borough's vegetation cover and that development should make provision for tree planting whilst Policy CC7 seeks proposal should include appropriate landscaping. Policy EN12 seeks that developments should retain, protect and incorporates features of biodiversity.

The site is located within an Air Quality Management Area where planting trees is of greater importance. Furthermore, the site is located within a 12% or less canopy cover area (a priority area for tree retention and planting). It is noted that one tree growing adjacent to the site which was a constraint for previous applications for this site has, regrettably, now been removed.

The Council seeks to preserve and enhance tree cover in areas with limited tree cover such as this and therefore it two new trees would be expected to be planted within the rear gardens of the proposed dwellings. In this respect, the Council's Tree Officer considers that a fastigate ornamental tree would work best, given the constraints of the site.

The plans indicate landscaping to the front and rear of the proposed dwellings (as indicated on the proposed elevation drawings) which is welcomed and would help to enhance the street view of the new dwellings and the verdant character of Gordon Place opposite. A soft landscaping condition is recommended in this respect. No objection from the Council's Tree Officer.

The Council's Ecologist has confirmed that the proposals are unlikely to affect any protected species (the flat roof single story building unlikely to host roosting bats). However, the site could be used by nesting birds and a suitably worded condition in this respect is recommended to be attached as well as conditions to secure to secure biodiversity enhancements on the site. No objection from the Council's Ecologist. Policies EN12 and EN14.

Impact on Parking/Highways

Policies TR1, TR3 and TR5 seek to address access, traffic, highway and parking relates matters relating to development.

The site is located within the Zone 3, the secondary core area but on the periphery of the Zone 2, the primary core area which is well served by public transport and within walking distance for local shops providing day-to-day access to retail and some commercial facilities. In accordance with the adopted Parking Standards and Design SPD, the development would be required to provide a parking provision of 1.5 spaces per dwelling.

No parking provision is proposed under this application. The Inspector for a previous appeal on the site (171466) determined that:

“Although 2 off-street parking spaces would not be provided because of the reasons given, including the availability of on-street parking observed during the site visit and the limited evidence concerning the detriment which would be caused to highway safety, this is a case where the SPD’s flexibility to provide fewer spaces would be appropriate. Accordingly, it is concluded that the proposed development would not unacceptably prejudice the safety of other highway users and, as such, it would not conflict with SDPD Policy DM12, the SPD and the Framework’s approach to establishing parking standards.”

There has been no material change in the Council’s parking policies since the previous application was allowed at appeal. However, a Resident’s Parking Permit zone has now been introduced in Gordon Place.

Gordon Place is located within a Residents Permit Parking Zone 09R where there is significant pressure for on-street parking. Therefore, it is unlikely that future occupants of the new units would be able to obtain resident or visitor permits. This would ensure that the development does not harm the existing amenities of the neighbouring residential properties by adding to the already high level of on street car parking in the area.

Given the above, the Council’s Transport Officer has confirmed that there is no objection to the application on parking grounds, given that the development would not result in an unacceptable impact on highway safety. However, the applicant is reminded that future occupants of the dwellings should be aware that they would not be eligible for any residents parking permits.

The development is proposed to require a minimum of 1 cycle parking space for each unit; a cycle storage shed has been shown on the plans to be located in the rear garden of both properties with side access which is acceptable. Refuse storage is also proposed to be located

in the rear garden; bins would need to be presented for on-street servicing as per other residential properties.

No objection on transport grounds subject to condition. Policies TR1, TR3 and TR5.

Sustainability

No specific information has been submitted in relation to the sustainability of the proposed development. Policy H5 'Housing Standards' requires that all new build housing integrate additional measures for sustainability. In light of this conditions are recommended to ensure the development meets the following requirements:

- Higher water efficiency standards of 110 litres per person per day; and
- A 19% improvement over building regulations energy requirements

Although secured by planning condition, these new requirements will be administered through the Building Regulations. Confirmation of compliance will need to be submitted to the LPA to discharge the condition.

Affordable Housing

The proposal seeks to create 2 additional units. Therefore, a contribution towards off-site affordable housing provision is required as part of the application in accordance with Policy H3 of the Reading Borough Local Plan and the Affordable Housing SPD under Section 106 of the Town and Country Planning Act 1990.

The applicant has agreed to provide a policy compliant contribution towards affordable housing of £19,333.00 which will be secured by way of a Section 106 agreement.

CIL

The proposal would be a Community Infrastructure Levy (CIL) liable development. The applicant has provided the CIL Additional Information Form. Based on the information provided by the applicant and the 2020 CIL rate, this is estimated to amount to £18,861.6 (120m² of the proposals - 11m² (building to be demolished) x £120 per m² x 2020 indexation (£157.18)). An informative will be attached to the decision notice to advise the applicant of their responsibilities in this respect.

Other Issues

In relation to planning conditions, in line with section 100ZA(5) of the Town and Country Planning Act (as amended), which came into force on 01/10/18, discussions have been undertaken with the applicant regarding pre-commencement conditions. The applicant has formally agreed to the recommended pre-commencement conditions via return email on 26/10/2020.

Conclusion

The proposals are considered to be acceptable within the context of national and local planning policies, as detailed in the appraisal above. Ultimately, when applying an overall critical planning balance of all material considerations, the benefits are considered to outweigh the conflicts. As such, full planning permission is recommended for approval, subject to conditions and completion of the S106 Legal Agreement.

RECOMMENDATION:

GRANT subject to conditions and completion of S106 legal agreement.