

DELEGATED APPLICATION REPORT

Application No.: 211588/FUL

Address: 3 Modbury Gardens, Reading

Proposal: Erection of a 3 bed dwelling with associated parking with alterations to the configuration of no. 3 Modbury Gardens

Extended Target Date: 17/02/22

Case officer: Connie Davis

Site Description and Surrounding Area:

Modbury Gardens is a 'T' shaped cul-de-sac consisting of two storey blocks of four terrace properties and semi-detached properties. No. 3 Modbury Gardens is a two storey end of terrace property within a block of four properties. The row of properties is shorter in length than the block of four properties opposite. Due to its corner position the entrance to the property is on the side and the property has a large open side garden. There are parking spaces to the rear.

Proposal:

The application seeks permission for a single three bedroom dwelling. The dwelling would be attached to the end of the terrace row of dwellings (a continuation of the row) and sub-divide the garden of the attached dwelling at 3 Modbury Gardens to form two gardens, one for the existing house and one for the proposed dwelling. Two new parking spaces are proposed to the front of the existing property and two spaces created in a similar location to the existing parking area at the side. Additionally, the proposal necessitates a new front entrance to no.3 Modbury Gardens.

Documents/ Information submitted:

PL-01 - Location Plan
PL-05 - Existing Plans
PL-04 - Proposed Site Plan
L1 - Landscape Proposals Plan
PL-07 - Proposed Plans
Application Form

Received 20th September 2021

Design and Access Statement

Received 23rd September 2021

Relevant Planning History:

211161/REM - Application for approval of reserved matters following outline approval 191015 - Application Closed

201344/REM - Application for approval of reserved matters (layout, appearance and landscaping) following outline approval 191015 - Application Closed

200532/FUL - The erection of a two-storey side and rear extension to create 2 x no. 2-bedroom flats - Application Refused and appeal dismissed

191015/OUT - Outline planning permission for access and scale for a single (two-bed) semi-detached residential dwelling, including alterations to the existing dwelling - Application Permitted

181120/FUL - Two storey side extension to the side of 3 Modbury Gardens to create a 1 x 1 bedroom flat and 1 x 2 bedroom flat - Application Refused

99/01193/FUL (992167) - Erection of two bedroom end-of terrace dwelling - Application Approved

05/00242/FUL (050690) - The erection of a two bedroom end-of terrace dwelling. (Renewal of planning permission 99/01193) - Application Approved

Consultation Responses:

Transport: No objection subject to conditions and informatives

Natural Environment: No objections subject to condition

Ecology Consultant: No objection

Environmental Health: No objection

Thames Water: No objections

The following properties were formally consulted via letter on 11/12/21:

1, 2, 4, 5, 9, 12, 13, 14, 15, 16, 28, 29 Modbury Gardens

No representations have been received.

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'. However, the NPPF does not change the statutory status of the development plan as the starting point for decision making.

In this regard, the NPPF states that due weight should be given to the adopted policies of the Local Development Framework (LDF) (Core Strategy and Sites and Detailed Policies Document) according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given).

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

NPPF (2021)

Reading Borough Local Plan (2019)

The following local level policies are applicable to the proposal:

- CC1: Presumption in Favour of Sustainable Development
- CC2: Sustainable Design and Construction
- CC3: Adaptation to Climate Change
- CC5: Waste Minimisation and Storage
- CC6: Accessibility and the Intensity of Development
- CC7: Design and the Public Realm
- CC8: Safeguarding Amenity
- CC9: Securing Infrastructure
- H1: Provision of Housing
- H2: Density and Mix
- H3: Affordable Housing
- H5: Standard for New Housing
- H10: Private and Communal Outdoor Space
- H11: Development of Private Residential Gardens
- TR1: Achieving the Transport Strategy
- TR3: Access, Traffic and Highway-Related Matters
- TR5: Car and Cycle Parking and Electric Vehicle Charging
- EN14: Trees, Hedges and Woodland
- EN15: Air Quality
- EN16: Pollution and Water Resources

Relevant Supplementary Planning Documents (SPD) are:

- Affordable Housing (2021)
- Revised Parking Standards and Design (2011)
- Planning Obligations Under Section 106 (2015)
- Sustainable Design and Construction (2019)

APPRAISAL

The matters to be considered are:

- Principle of development
- Design and impact on the surrounding area
- Impact on existing and future occupiers
- Amenity space
- Transport matters
- The Natural Environment
- Sustainability
- Affordable Housing and Community Infrastructure Levy (CIL)
- Equalities impact

Appraisal

Principle of 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 NPPF (2021) section 69(c) states that: LPAs should support the development of windfall sites through their policies and decisions giving great weight to the benefits of using suitable sites within existing settlements for homes. Policy H11 supports the development of residential gardens in principle.

As such, the proposed development would provide an additional dwelling within the Borough which accords with Policy H1 which aims to provide 689 new homes per annum, therefore, the principle of the redevelopment of the site for further residential development in an established residential area is acceptable in principle, and in line with the assessment carried out under application 191015 where the principle was established also. However, whilst acceptable in principle, the development needs to demonstrate it is acceptable in relation to other material planning considerations relating to matters such as design, residential amenity, transport and landscaping.

Design considerations and impact on the surrounding area

Policy CC7: Design and the Public Realm is a strategic policy seeking high standards of design quality in new development. It sets out how various components of development including layout, urban structure and urban grain, and scale, make a positive contribution to their surroundings and respond positively to their local context.

Policy H11: Development of Private Residential Gardens states that proposals for new residential development on land within the curtilage of private residential gardens is permitted subject to meeting specified criteria. The criteria states that that residential development should make a positive contribution to the character of the area in respect of the layout and spacing of the development; the coverage of each plot and rhythm of plot frontages; compatibility with the general building height within the surrounding area; the arrangement of doors, windows and other principle architectural features and their rhythm between buildings. The application site should also provide a site of adequate size to accommodate amenity space and landscaping; and the emphasis is on the provision of family-sized housing.

The immediate vicinity includes a regular building height (2-storeys) and appears to have been constructed in a similar era. The proposed development would contain a footprint which continues the existing terrace, and would include a continuation of the ridge line and hip-end roof form. The space around the dwelling is also commensurate to that of the area, albeit being a slightly larger width. As such, the proposal is considered to be similar in scale to that of surrounding dwellings and would cause no harm.

It is stated within the submission that materials would match existing; it is assumed this means the existing dwelling on site (3 Modbury Gardens). However, further details will be required to ensure materials are suitably in keeping with the surrounding area. This can be adequately secured via a condition.

The design of the existing dwelling on site (3 Modbury Gardens) would remain acceptable and the reconfigured front entrance would be in keeping with that in the rest of the terrace.

The proposal is therefore considered in accordance with Policies CC7 and H11 of the Reading Borough Local Plan (2019).

Impact on existing and future occupiers

Policy CC8 (Safeguarding Amenity) is concerned with preventing significant detrimental impact to the living environment of existing or new residential properties, including in terms of privacy and overlooking, loss of daylight and visual dominance, amongst other impacts.

Policy EN16 (Pollution and Water Resources) states that development will only be permitted where it would not be damaging to the environment and sensitive receptors through land, noise or light pollution

Existing Occupiers

The new dwelling would be constructed along the same orientation as the existing dwelling (no.3) with a small protrusion of 1.7m past the rear elevation of the neighbour at first floor level (and ground level they would be the same depth). No obstruction of habitable room windows within 45 degree would occur, what's more the closest windows of the neighbouring property serves a non-habitable space (landing). A distance in excess of 10m would separate the dwelling from the side elevation of 4 Modbury Gardens which is considered sufficient in order to respect the pattern of development along the terrace.. Notwithstanding this, it is

considered necessary and reasonable to remove permitted development rights from the new dwelling in order to prevent any substantial rear extensions being constructed without an assessment via a separate planning application. This is in the interests of neighbouring amenity as outlined in policy CC8 of the Reading Borough Local Plan (2019).

Future Occupiers

The dwelling would meet internal space standards for a two-storey 3 bedroom dwelling as outlined in Policy H5. Habitable rooms would be served with windows for sufficient natural light and outlook. As such, the proposal is considered acceptable for future occupiers in line with Policy H5 of the Reading Borough Local Plan (2019).

Amenity space

Policy H10 states: *Private and Communal Outdoor Space sets out that ‘Dwellings will be provided with functional private or communal open space... Houses will be provided with private outdoor space whereas flats may be provided with communal outdoor space, balconies and/or roof gardens.’*

H10 also states that *‘The design of outdoor areas will respect the size and character of other similar spaces in the vicinity, clearly identify whether they are private or communal spaces, ensure that they are appropriately related to main entrances, enhance safety and the perception of safety for future residents and the general public, and not be compromised by the relationship of other buildings which may be detrimental in terms of overlooking, overbearing or overshadowing.’*

The proposed rear amenity space is appropriately size and is reflective of those existing gardens along the existing row of terraced properties to which it is attached. The proposal therefore accords with Policy H10. The garden of the existing house on site would also remain of sufficient size.

Transport Matters

The site is located in Zone 3, Secondary Core Area of the adopted Parking Standards and Design SPD. In accordance with the adopted SPD, the proposed development would be required to provide a parking provision of 2 spaces for the proposed 2 bed flats, whilst maintaining 2 parking spaces for the existing dwelling (No3 Modbury Gardens).

The property currently benefits from off road parking to the side of the house via a dropped kerb from Modbury Gardens. The plans demonstrate that 2no. new car parking spaces would be provided for the existing dwelling and a new dropped kerb would be introduced onto Modbury Gardens. Any surface water from the parking areas should be constructed to run off onto the grassed area so not to increase the surface water run-off from the site. The proposed layout is similar to that submitted for application 191015 which was deemed acceptable.

In accordance with Policy TR5 of the Local Plan, developments should provide car parking and cycle parking that is appropriate to the accessibility of locations within the Borough to sustainable transport facilities, particularly public transport; All new houses with dedicated

off-street parking should provide charging points. In view of this, the development must provide 1no. Electric Vehicle (EV) charging point at time of build. This will be secured via a condition.

In accordance with the adopted Parking SPD, the new units would require 2.0 cycle parking spaces for the new dwelling. In a development of this nature this can be provided in a secure garden shed. The submitted site plan does not illustrate a garden shed for the new dwelling. However, this can be dealt with by way of condition.

Refuse bin storage and collection for the new units have not been, it is assumed that bins will be moved so that refuse collections will be made from Modbury Gardens as per the existing arrangements, however revised plans would be required illustrating the location of the bins. This can be dealt with by way of condition.

The proposed landscape plan illustrates hedgerow planting; to ensure visibility proposed hedgerows should not exceed 0.6m. This cannot be conditioned, as it does not meet the required tests, but will be reminded to the applicant via an informative.

Given the site's location a Construction Method Statement will be required to ensure construction vehicles, waste etc is managed in an appropriate way.

To ensure full compliance with Policies TR3 and TR5 of the Local Plan, the following conditions are required:

- Construction Method Statement (to be submitted)
- Vehicle parking (as specified)
- Vehicle access (as specified)
- Cycle parking (to be approved)
- Refuse and recycling (to be approved)
- Electric Vehicle charging point details (to be submitted)

The Natural Environment

Trees

Policy EN14 states: New development shall make provision for tree retention and planting within the application site, particularly on the street frontage, or off-site in appropriate situations, to improve the level of tree coverage within the Borough, to maintain and enhance the character and appearance of the area in which a site is located, to provide for biodiversity and to contribute to measures to reduce carbon and adapt to climate change. Measures must be in place to ensure that these trees are adequately maintained.

The site is restricted in size, as such the soft-hard landscape balance on site is maintained, which is positive. One tree, two shrubs and extensive hedgerow are proposed for planting as part of development, which demonstrates a net gain.

The comments from Transport Development Control Advisor indicate the proposed hedgerows should not exceed 0.6m height to ensure visibility. As the street scene benefit of these will be reduced significantly by the height restriction, it is suggested that several further trees (fastigate form) be provisioned within the hedge along the eastern boundary to compensate, instead of the

shrubs. Tree locations should take the exiting telegraph pole into account and consider the final height of the trees if directly under the overhead wires.

The location of service lines is not shown on the plans to demonstrate suitability of planting locations in relation to it. Tree pit specifications may require additional information (i.e. root barrier) if it is likely that roots will impact service lines. The Landscape plan note could be amended to specify a root barrier where new trees are proposed close to service routes. In any case, a plan showing the locations of existing and proposed services should be secured via condition, to demonstrate a lack of conflict between the trees and services.

The Natural Environment Officer also stated that all existing vegetation should be retained and protected during development and a brief AMS must be submitted to deal with installing the parking surfacing materials and boundary fences. However, it was acknowledged this comment may be outdated if the site no longer has trees on it. According to historic photographs, some trees/ hedges separated the site with no. 4 Modbury Gardens, picture below:



However, the agent has confirmed there are no trees on site and therefore the condition requiring an AMS to be submitted is not considered necessary. Furthermore, it is not considered this request would have been proportionate given the quality of the vegetation and the fact it could be removed at any time outside of the planning process.

In order to overcome the above points, and to comply with Policy EN14 of the Reading Borough Local Plan, conditions will be included to secure landscaping details prior to the development commencing.

Ecology

As the site is not located near to habitats of high suitability for use by foraging bats, it is therefore considered unlikely that the proposals will affect bats (and other protected species) or priority habitats and there are no objections to this application on ecological grounds.

However, in line with Policy EN12 which states that *'On all sites, development should not result in a net loss of biodiversity and geodiversity, and should provide a net gain for biodiversity wherever possible.'* As confirmed by the Ecologist, the proposal does not result in a net loss of biodiversity, although net gain should be provided wherever possible. In light of this, biodiversity enhancements will be secured via pre-commencement condition, namely for bat bird/ boxes on the new dwelling.

Sustainability

Policies CC1, TR5, and H5 of the Reading Borough Local Plan 2019 all include increased standards for sustainable homes. As such, conditions will be attached to ensure the following:

- Proposal will achieved a minimum 19% improvement in the dwelling emission rate over the target emissions rate, as defined in the 2013 Building Regulation (may be superseded by future Building Regulations by construction);
- Proposal to be accessible and adaptable in line with M4(2) of the Building Regulations where it is viable, unless it is built in line with M4(3);
- Proposed development to be built to the higher water efficiency standard under Regulation 36(3) of the Building Regulations;
- Development will provide a minimum of 1 Electric Vehicle charging point (within the proposed car parking area)

As such, these conditions will ensure the development complies with relevant local policies.

Affordable Housing and Community Infrastructure Levy (CIL)

The proposal seeks to create a new dwelling and therefore a contribution towards off-site affordable housing provision is required as part of the application in accordance with policies H3 and the Affordable Housing SPD under Section 106 of the Town and Country Planning Act 1990. The applicant has agreed to provide the required contribution towards affordable housing of £16,250.00 which would be secured by way of a Section 106 agreement.

CIL would apply to the proposal.

Conclusion

On the basis of the above, and in light of any other material planning considerations, the proposal is considered to be in accordance with the development plan. Accordingly, the recommendation is to grant outline planning permission.

RECOMMENDATION: GRANT subject to S106 Legal Agreement

Conditions:

1. Time Limit
2. Approved Plans
3. Materials to be submitted
4. Landscaping to be submitted

5. **[Pre-commencement]** CMS to be submitted
6. Vehicle parking as specified
7. Vehicle access as specified
8. Cycle parking to be approved
9. Refuse and recycling to be approved
10. EV charging point details to be approved
11. **[Pre-commencement]** Biodiversity enhancements
12. **[Pre-commencement]** SAP design
13. SAP as built
14. Class A Permitted Development rights removed

Informatives:

1. Terms
2. Complaints about construction
3. Building Control
4. Encroachment
5. S106
6. Pre-commencement conditions
7. CIL
8. Visibility splays and hedge
9. Highways
10. Access Construction
11. Positive and Proactive