

DELEGATED APPLICATION REPORT

Application No: 200759/FUL

Address: Land at Atterbury Gardens - Rear of 23-25 Richmond Road

Proposal: Erection of 3no. detached dwellings

Case officer: Ethne Humphreys

Target decision date: Originally 30/07/20, but a series of extensions of time were subsequently agreed to allow the negotiations concerning affordable housing and completion of the s106 legal agreement, until 12/11/2021

Site Description and Surrounding Area:

The application site comprises land to the south east of Atterbury Gardens and to the north of No's 23 and 25 Richmond Road. The plot has been altered (increased in size close) in comparison with application 141625 at the site (see relevant history section).

The surrounding area is predominantly residential with a mix of building styles. There are several trees in the area, some of which are subject to a Tree Preservation Order

The site is within an area of potential contaminated land and a green link runs through the site.

Proposals:

The application seeks full planning permission for the erection of 3 x 2 storey dwellings (Class C3) with associated parking, bin and cycle storage and soft landscaping.

The proposals would comprise:

1 x 3 Bedroom Dwelling

1 x 4 Bedroom Dwelling

1 x 5 Bedroom dwelling

The proposed dwellings would be accessed via Atterbury Gardens and each dwelling would have 2 parking spaces as well as cycle storage and an electric vehicle charging point.

The proposed materials would include:

- Brick, tiles and timber boarding

Plans and information considered:

Drawing No: Existing Site Location Plan Rev E

Drawing No: Existing Site Block Plan Rev E

Drawing No: Existing Site Plan Rev E

Drawing No: Proposed Plot 1 Elevations Rev E

Drawing No: Proposed Plot 2 Elevations Rev E

Drawing No: Proposed Plot 3 Elevations Rev E

Drawing No: Preliminary Design Visuals - Overview

Drawing No: Preliminary Design Visuals - View 1

Drawing No: Preliminary Design Visuals - View 2

Drawing No: Preliminary Design Visuals - View 3

Drawing No: Preliminary Design Visuals - View 4

Drawing No: Preliminary Design Visuals - View 6

Drawing No: Preliminary Design Visuals - View 7

Drawing No: Preliminary Design Visuals - View 8

Received 4th June 2020

Drawing No: Proposed Site Plan Rev F

Drawing No: Proposed Refuse Vehicle Tracking Plan Rev F

Received 12th August 2020

Drawing No: Proposed Plot 01 Floor Plans Rev F (Room sizes annotated)

Drawing No: Proposed Plot 02 Floor Plans Rev F (Room sizes annotated)

Drawing No: Proposed Plot 03 Floor Plans and Elevations Rev F (Room sizes annotated)

Received 15th September 2020

Planning, Design and Access Statement by Davis Planning Ltd

Ecological Appraisal by AE Ecology dated May 2019 - Rev 2 09/02/20

Affordable Housing Statement and Energy Statement

Phase 1 Desk Study by Lustre Consulting

Geology Mapping by Envirocheck

Received 4th June 2020

Arboricultural Impact Assessment and Method Statement by Harrison Arboriculture dated 6th August 2020

Received 12th August 2020

Confidential

Financial Viability Appraisal by S106 Management dated 21st May 2020

Schedule 1 - The Housing Corporation Economic Appraisal Tool

Received 4th June 2020

Various email correspondence between S106 Management and RBC Valuations concerning the Financial Viability Appraisal.

Relevant Planning History:

Application site

162178/PRE - Pre-application advice for the erection of 4x4-bed houses and associated works to the rear of No's 23-25 Richmond Road, with the development accessed from Atterbury Gardens. Observations sent.

141625/FUL Erection of two x three-bed detached houses with detached garages. Refused.

131368/OUT - Outline application for the erection of a detached house with detached garage. Withdrawn.

Nearby sites of relevance:

35 Richmond Road

191952/FUL - Proposed 3-bed detached dwelling with a detached single garage on a 0.06 Ha plot subdivided from existing land within the curtilage of the application site. Permitted.

37 Richmond Road

150753/FUL - Demolition of existing 4 bed bungalow and replacement with 2x5 bed properties, including highways and landscaping. re-submission of refused application 14/1660. Refused and allowed at appeal.

Public Consultation:

Consultation letters were sent to the following neighbours on 18/07/20:

1-5 Atterbury Gardens

3, 5, 7, 9 and 11 Consisboro Avenue
23, 25, 29 and 29a Richmond Road
6 Woodford Close

A site notice was erected on 22/06/20.

6 letters of objection received (2 from the same property), with the concerns raised summarised as follows:

- impact on unadopted road and future upkeep of road
- excessive traffic and road safety
- impact on turning circle
- access rights
- loss of outlook and view to No's 1 and 2 Atterbury Gardens
- overdevelopment of the site/density too high
- Plot 1 overbearing in size
- Plot 1 loss of light, overshadowing and loss of privacy to neighbours
- previous refusal on site
- sustainability credentials
- services and utilities
- impact on wildlife
- impact of construction hours
- excessive noise
- lack of neighbour notification

1 letter of observation received, concerned with:

- impact of construction traffic on oak tree close at 7 Winford Road

Consultation Responses:

Transport:

Further to revised plans, no objection subject to conditions. Discussed further below.

Environmental Protection:

No objection subject to conditions. Discussed further below.

Natural Environment:

Further to revised plans, no objection subject to conditions. Discussed further below.

Ecology

No objection subject to conditions. Discussed further below.

RBC Valuations

The Viability Appraisal submitted by the applicant, seeking to agree a £0 affordable housing contribution is not agreed. After significant discussions and negotiations between the parties the following has been agreed:

Financial contribution towards affordable housing elsewhere in the Borough of £118,750, to be paid upon occupation of the final unit.

With this obligation secured RBC Valuations are satisfied with the proposed development. Discussed further below.

Summary of Discussions with Applicant/Agent

The agent was advised that a tracking diagram illustrating a refuse vehicle entering and turning on site was required as well as tree protection details. Revised plans and further information were provided addressing these matters.

Following officer feedback on the viability appraisal the applicant agreed to paying the full financial contribution towards affordable housing.

A series of extensions of time were subsequently agreed to allow the negotiations concerning affordable housing and completion of the s106 legal agreement, until 12th November 2021.

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 (NPPF paragraph 12).

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).

Accordingly, the National Planning Policy Framework 2021 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 Adaption 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
- EN12 Biodiversity and The Green Network
- EN14 Trees, Hedges and Woodlands
- EN15 Air Quality
- EN16 Pollution and Water Resources
- H1 Provision of Housing
- H2 Density and Mix
- H3 Affordable Housing
- H5 Housing Standards
- 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 Parking

Supplementary Planning Documents & other relevant documents/guidance

Affordable Housing SPD (2021)

Revised Parking Standards and Design SPD (2011)

Sustainable Design and Construction SPD (2019)

Revised SPD on Planning Obligations under Section 106 (2015)

Reading Tree Strategy (2021)

DCLG Technical housing standards - nationally described space standards (2015)

National Design Guide: Planning practice for beautiful, enduring and successful places (2019)

Appraisal

The main issues are:

- Principle of development - land use matters
- Design considerations and impact on the character and appearance of the surrounding area
- Neighbouring amenity
- Amenity of future occupiers
- Environmental health issues
- Transport Issues
- Natural environment - trees/landscaping and ecology
- Sustainability
- Affordable housing
- CIL
- Other issues
- Matters raised in representation

Principle of development - land use matters

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.

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:

- 1) It makes a positive contribution to the character of the area;
- 2) The site is of an adequate size to accommodate the development;
- 3) The proposal has a suitable access;
- 4) The proposal would not lead to an unacceptable tandem development;
- 5) The design minimises the exposure of existing private boundaries to public areas;
- 6) It does not cause detrimental impact on residential amenities;
- 7) The emphasis is on the provision of family housing;
- 8) There is no adverse impact on biodiversity, and
- 9) 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 would be acceptable providing the criteria outlined in Policies H11 and H2 (relating to general location, accessibility, density and housing mix matters) are met.

The principle of providing Class C3 residential use at the site is acceptable in that this aligns with the broad objectives of Policy H1 (Provision of Housing).

The density of the proposed development at 18dph would fall below the indicative 30-60 dwellings per hectare density stipulation noted at figure 4.5 of Policy H2 (Density and Mix). However, this is considered within the context of Policy H2 as a whole, and Policy H11 as detailed above. It is considered that in this specific instance, given the site characteristics and constraints (i.e impact on neighbours discussed further below) that the density of development is appropriate, with the proposal making an efficient use of the space/land available. Furthermore, in terms of mix, the proposed development seeks to provide 1x3-bed unit, 1x4-bed unit and 1x5-bed unit. As such, despite the proposal only providing 3 units in total, there is a mix of different unit sizes, and, set within the context of the size and nature of the site, this is considered acceptable in principle. In terms of the housing mix (size of units), the principle of providing family sized accommodation is welcomed. A compliance condition is recommended to ensure that the proposed development provides the range of housing opportunities required by Policy H2.

Design considerations and impact on the character of the surrounding area

Policies CC7 (Design and the Public Realm) and H11 (Development of Private and Residential Gardens) both seek to ensure that new development enhances and preserves the local character. Policy H10 (Private and Communal Outdoor Space) of the states that the design of outdoor areas will respect the size and character of other similar spaces in the vicinity.

Paragraph 130 of the NPPF 2021 details that decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character including the surrounding built environment.

The recently published National Design Guidance identifies 10 key components for good design and of particular note is the characteristic of 'Context' and it states that "well designed new development responds positively to the features of the site itself and the surrounding context beyond the site boundary. It should enhance positive qualities and improve negative ones." Additionally, there is specific reference to 'views inwards and outwards'.

Application 141625 was refused for the following reason:

"The siting of the two dwellings in close proximity to the boundaries would result in a cramped form development with a number of unacceptable design characteristics, including: lack of frontal outlook/poor light levels, a secluded approach to the front of the properties and the front of the properties having no suitable frontal lay-off to the boundary with the garden of No. 23 Richmond Road, resulting in the unacceptable loss of privacy and a 'borrowing' of outlook over that property's garden from the first floor windows of habitable rooms. Furthermore, the siting of the buildings side-on and away from the entrance to the plot would result in a development which would appear divorced and poorly related to Atterbury Gardens. The result would be a piecemeal development which is neither well related to the low-density nature of the gardens to the south, nor to the higher-density development at Atterbury Gardens. For these reasons, the application is considered to be contrary to Policy CS7 (Design and the Public Realm) of the Reading Borough LDF Core Strategy (2008); and policies DM4 (Safeguarding Amenity) and DM11 (Development of Private Residential Garden Land) of the Reading Borough LDF Sites and Detailed Policies Document (2012).

The current proposal is for 3 dwellings. It is recognised that this is an increase of 1 unit since application 141625 was refused (which was for 2 dwellings and associated garages). However, there has also been an increase in the size of the application site area which allows for greater plot sizes and space to the boundaries which also results in the site appearing less piecemeal in nature than previously. Further to this, and in terms of the number of units and sizes of plots proposed, this has been subject to careful consideration by the application, as demonstrated during pre-application discussions.

Whilst the plot sizes would be less spacious to those of Richmond Road to the south and Consisboro Avenue to the east, they would be comparable to those of Atterbury Gardens to the north and Woodford Close to the west. Indeed, given that the proposals would be accessed from the Atterbury Gardens Road, and would therefore largely be viewed in the Atterbury Gardens context, it is considered that the overall plot sizes would align with Atterbury Gardens character.

Whilst the dwellings proposed under 141625 had no site frontage the current proposals allow for more spacious and landscaped frontages including a fairly large area of soft landscaping to the north east of the site, which was previously proposed to be a garage structure. This is considered to soften the development and amount of hardstanding visible from Atterbury Gardens which is appropriate as well as helping it to feel more integrated - whereas as previously the two garages either side of the site entrance resulted in it feeling somewhat separated with no real relationship to the Atterbury Gardens context.

Further to the above, it is considered of relevance that the Inspector for application 150753 37 Richmond Road, nearby to the south west of the site, in allowing the appeal for 2 proposed dwellings (following demolition of bungalow), placed great emphasis on the differing urban grain, mass and scale of dwelling and plots in the wider area when looking at prevailing context. This is considered to support the rationale to view the proposals in the Atterbury Gardens context in terms of plot size and space to the boundaries and overall character of the area.

In terms of detailed design, there is a variety of design styles within the area including the more modern townhouse style of Atterbury Gardens, and the larger detached properties and bungalows of Richmond Road and Consisboro Avenue to the south and east respectively. The proposed dwellings would be comparable in height to those of surrounding properties and

would utilise red brick similar to that of Atterbury Gardens. Albeit the proposed dwellings would be of different design and scale to each other, when seen from all nearby vantage points, this is not considered to be overwhelming and is instead, in this very specific instance, considered to acceptably respond to its context and the constraints of the site.

Overall, the proposed development is considered to have a satisfactory design and appearance which would cause no adverse harm to the character and appearance of the area, given the location and existing context of neighbouring properties. However, officers also acknowledge and consider that the amount of development proposed is the maximum permissible at this site, owing to the site constraints and surrounding characteristics of the immediate area. Given the above, in respect of both the proposed buildings themselves and the nearby context, the proposals are considered satisfactory in design terms.

To ensure suitable quality of materials it is considered reasonable and appropriate to secure further details of the proposed materials by way of a suitable worded pre-commencement 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 overly dominant or incongruous additions to the immediate area such to warrant a refusal and the previous reason for refusal is considered to have been overcome. In compliance with CC7, H11 and H10.

Neighbouring amenity

Policy CC8 (Safeguarding Amenity) 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.

Concern has been raised that the proposals would be overbearing to the occupiers of No's 1 and 2 Atterbury Gardens to the north west. It is acknowledged that Plot 1 (as annotated) will be located close to the rear boundaries of No's 1 and 2 Atterbury Gardens. However, there will be a distance of 17m from the dwelling itself to No.1 itself and 12m to No.2. Furthermore, the element of built form closest to the boundary will be a single storey garage with the roof hipped away from the boundary (the main roof will also be hipped away) which will also minimise the impact. Given this, whilst clearly visible to the occupiers of these properties, it is not considered that there will be any significant material loss of amenity in terms of loss of light or overbearing effects. No first floor windows are proposed on the flank

elevation facing towards No's 1 and 2, which will also be secured by way of condition and as such there would be no material loss of privacy.

In relation to No.29 Richmond Road, to the south, given the distance from the proposed dwelling to the boundary with this property and distance to the dwelling itself combined with the orientation of the proposed dwelling, it is not considered to result in any material loss of light or overbearing effects. A first floor window is proposed that would face across the rear of the garden of No.29. Given that it would face across the rearmost part of the garden and that any views would be at an oblique angle, combined with the existing and proposed vegetation/tree planting, it is not considered to result in any significant material loss of privacy to occupiers of this property such to warrant a refusal on this basis.

In relation to No.6 Woodford Close, to the west/north west, as above, given the distance from the proposed dwelling to the boundary with this property and distance to the dwelling itself combined with the orientation of the proposed dwelling, it is not considered to result in any material loss of light or overbearing effects. A first floor window is proposed that would face across the rear of the garden of No6. Given that it would face across the rearmost part of the garden and that any views would be at an oblique angle, combined with the existing vegetation, it is not considered to result in any significant material loss of privacy to occupiers of this property such to warrant a refusal on this basis.

In relation to No.25 Richmond Road to the south east, whilst the proposed dwelling would be close to the rear boundary of this property, there would be a distance of over 30m to No.25 itself and as such the proposals would not result in any material loss of light or overbearing effects. There would be two first floor windows on the south east facing elevation. However, given the aforementioned distance between the properties, and which complies with the recommended 20m distance in Policy CC8, the proposals are not considered to result in any significant material loss of privacy to the occupiers of this property.

Plots 2 and 3 (as annotated) are considered to be located sufficiently far away (more than 20m) from any neighbouring property so as not to result in any material loss of light, privacy or overbearing effects.

In general terms it is noted that the proposed dwellings 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 terms of noise, vibrations, dust and fume considerations, it is considered that both during the construction phase, and subsequently, the proposals will be acceptable subject to a variety of conditions for any permission. A construction method statement will therefore 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 and in compliance with Policy CC8 in particular.

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.

It is considered that the proposals will provide an overall good standard of accommodation throughout with fairly regular shaped rooms providing suitable outlook, natural lighting and ventilation. Internally, the floor spaces will largely comply with the space standards as set out in Policy H5. Whilst bedrooms 3 and 5 to the dwelling of Plot 1 (as annotated) will just fall below the space standards (11.4m² and 10.3m² respectively rather than 11.5m²) given these only just fall short and are fourth and fifth bedrooms, this is not considered unacceptable and it is considered that the dwelling will still provide for an adequate standard of accommodation for future occupiers.

The dwellings of Plots 2 and 3 (as annotated) will have first floor windows on their flank elevations facing each other. Given these windows will serve bathrooms and en-suites, a condition will be attached to ensure that these windows are obscurely glazed so as not to result in any material loss of privacy.

The windows to bedrooms 4 and 5 of Plot 1 (as annotated) will face across the front of Plots 2 and 3. It is not considered that, given the oblique angle towards the window of bedroom 4 of Plot 2 (as annotated), there will be any significant material loss of privacy.

There is a slight concern that the proposals do not fully comply in terms of 'the design of outdoor areas will respect the size and character of other similar spaces in the vicinity' - given some of the immediate larger plots of Richmond Road to the south and Conisboro Avenue to the east. However, the existing context at No's 1-5 Atterbury Gardens to the north, which features smaller gardens in width/depth - that serve two storey dwellings - is noted. In this respect, the garden spaces will be comparable to those of 1-5 Atterbury Gardens. Given this, and given that as above the proposals will largely be viewed in the Atterbury Gardens context, the proposals, with regard to the current situation and when applying a planning balance in the consideration of all matters it is considered, on balance, that although the gardens will not be as expansive as those to the south and west, this, in itself, is not considered to be sufficient grounds to resist the proposals.

The plans also include conveniently located cycle and waste storage facilities.

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 proposal as a whole is considered to provide an overall suitable standard of accommodation, within the context of the constraints of the site and in accordance with Policies H5 and H10 in particular.

Environmental Health Matters

Policy EN16 (Pollution and Water Resources) required that developments on land affected by contamination can be satisfactorily managed or remediated against so that it is suitable for the proposed use. The development lies on the site of an historic gravel pit which has the potential to have caused contaminated land and the proposed development is a sensitive land use.

In terms of contaminated land, Environmental Protection colleagues recommend the standard four-stage conditions to ensure that the possible presence of contamination is thoroughly investigated and removed/mitigated if necessary (3 of the conditions are pre-commencement). The proposal is considered to accord with Policy EN16.

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 relates matters relating to development.

The site is located within Zone 3, Secondary Core Area, of the Council's adopted Parking Standards and Design SPD. Typically, these areas are within 400m of a Reading Buses high frequency 'Premier Route', which provides high quality bus routes to and from Reading town centre and other local centre facilities.

In accordance with the adopted SPD, the development is required to provide parking provision of 2 spaces per dwelling. Plots 2 and 3 (as annotated) will each have 2 parking spaces which is acceptable. Plot 1 (as annotated) will have 2 parking spaces as well as an integral single garage space. The dimensions of the integral garage are below the recommended internal dimensions of 7m x 3m to allow easy access to/from the vehicle, and, as originally proposed, the access door serving the garage would have opened inwards, further reducing the area available. Revised plans were received showing the access door to open outwards which is appropriate. Given the 2 off-road parking spaces to be provided and acknowledging that cycle storage is to be provided separately in a garden shed, a smaller garage is acceptable in this instance.

The proposed dwellings will be accessed directly off Atterbury Gardens via the existing access. Whilst acknowledging that Atterbury Gardens is unadopted and not a public highway, there is no transport objection to the proposed access arrangements. Notwithstanding, revised plans were requested showing a tracking diagram illustrating a refuse vehicle entering and turning on site (given that a refuse vehicle will need to travel further in to the site). A tracking diagram was provided as well as confirmation that whilst the green tracking lines indicate potential overhang of a vehicle could cross over the front of No.3 Atterbury Gardens, there is no boundary enclosure in this area to inhibit turning and the Transport Officer has confirmed that this is an acceptable arrangement.

Further to the above, Policy TR5 includes a requirement for each new house to be provided with an electric charging point. It is considered that this can be secured by way of a suitably worded condition.

In the circumstances there are no transport objections to the proposed development subject to conditions and informatives. In particular, it is considered necessary to impose a

construction method statement in this instance, as the level of construction work will be significant on a relatively narrow highway with other residential properties in close proximity. In compliance with Policies TR1, TR3 and TR5.

Natural environment - trees/landscaping and ecology

Policy CC7 (Design and the Public Realm) seeks that development is of high design quality and maintains and enhances the character of the area in which it is located including landscaping. Policy EN14 (Trees, Hedges and Woodlands) requires new development to make provision for tree retention and planting. (Policy EN12 (Biodiversity and The Green Network) requires that new development should provide a net gain for biodiversity where possible and should incorporate biodiversity features into proposals where practical. As noted above, the application site is part of a designated Green Link.

Application 141625 was refused for the following reason:

“The development does not indicate a deliverable landscaping scheme and the layout and coverage of buildings and hardstanding allows little opportunity for suitable landscaping. An indication of this is that the overall cramped nature of the site does not indicate where the replacement TPO Spruce tree could be sited. Furthermore, the development indicates fragmentation of gardens within a designated Green Link on the Development Plan Proposals Map, without suitable mitigation for wildlife. The layout therefore fails to indicate how this intensive development can provide for landscaping suitable to the character of the area and the maintenance of the designated Green Link. The development therefore fails to indicate that a suitable landscaping scheme can be achieved, contrary to Policy CS38 (Trees, Hedges and Woodlands) of the Reading Borough LDF Core Strategy (2008) and policies DM11 (Development of Private Residential Garden Land) and DM17 (Green Network) of the Reading Borough LDF Sites and Detailed Policies Document (2012).”

As above, the application site has increased in size since application 141625 and incorporates more land to the south east than previous. This allows for sufficient space for new trees (one of which will be a direct replacement for a TPO Spruce tree previous at No.25 Richmond Road and as referenced in the reason for refusal) as well as the retention of some existing vegetation which is appropriate and the Council's Natural Environment Officer is satisfied that details of new/replacement trees can be secured by way of a suitably worded condition.

Notwithstanding the above, concern was originally raised that a tree survey had not been provided in respect of trees that may be affected by the proposals including that of an off-site tree at 5 Conisboro Avenue as shown on the proposed site plan. In addition, there are protected trees in the rear garden of 9 Conisboro Avenue, near to the boundary, wherein details of the root protection areas should also have been provided to confirm any impact of the parking proposed to the front of Plot 3. An Arboricultural Impact Assessment and Method Statement was submitted during the course of the application. Further to this, the Natural Environment Officer has confirmed that there is no objection to the loss of on-site trees (Cherry and Apple) and given that the indicative planting shows a net gain in tree number (as above to be secured via condition). The Natural Environment Officer is also satisfied that the aforementioned trees would be appropriately protected subject to suitably worded conditions, with no adverse impact to the RPA of the trees to 9 Conisboro Avenue.

Following on from the above, an ecology report has been submitted with this application and the Council's Ecologist is satisfied that the report has been undertaken to an appropriate standard, concluding that the site is considered to be of low ecological value, and the buildings and trees unsuitable for roosting bats. The report also concludes that there is a low risk of nesting birds and individual common reptiles being harmed during site clearance and, as such, site clearance works should be undertaken under the supervision of a suitably qualified ecologist following a method statement. This will be secured by way of a suitably worded condition.

Furthermore, the report states that the habitats on and around the site are likely to be used by foraging and commuting bats and, as such, it is considered that any new external lighting strategy should be designed to ensure it does not adversely affect bats or other wildlife. This will be secured by way of a suitably worded condition.

The report states that the site hosts the invasive plant species variegated yellow archangel and a suitably worded condition will be attached to ensure that this species is eradicated from the site prior to the commencement of works.

Finally, to ensure the continued functional integrity of the green link, as recommended in the report, and in accordance with paragraph 180 of the NPPF, which states that "opportunities to incorporate biodiversity in and around developments should be encouraged" a suitably worded condition will be attached to ensure that enhancements for wildlife are provided within the new development. This will include bird and bat boxes on the

proposed dwellings as well as a wildlife friendly landscaping scheme. It will also be appropriate to ensure that mammal gaps are provided in the new fencing and this will also be secured by way of condition.

Given the above, there is no objection to the proposals on tree/landscape or ecological grounds such to warrant a refusal subject to conditions. It is considered that the previous reason for refusal has been overcome and the proposals are considered to be in compliance with Policy EN12.

Sustainability

The Energy/Sustainability Statement references the scheme incorporating on-site renewable energy and/or an efficient supply of heat, cooling and power which would be welcomed. Notwithstanding, Policy H5 (Standards for New Housing) 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

Policy H3 (Affordable Housing) requires that for development proposals of 1-4 dwellings, the Applicant should make a financial contribution to enable the equivalent of 10% of the housing to be provided as affordable housing elsewhere within the Borough. The policy goes on to state that where, as a result of viability considerations, proposals fall short of the policy target the onus is on the developer to clearly demonstrate the circumstances justifying a lower affordable housing contribution.

The applicant submitted viability information seeking to justify a nil contribution towards affordable housing, set against the context of an adopted local policy position whereby a financial contribution would be secured. The Council's Valuer has duly assessed the information provided and, in summary, does not agree with the viability information submitted. Instead, officers consider that a full policy compliant financial contribution

towards affordable housing elsewhere in the Borough of £118,750 is required. In subsequent discussions, the following negotiated contribution towards affordable housing was agreed:

- Financial contribution towards affordable housing elsewhere in the Borough of £118,750, to be paid upon occupation of the final unit.

This will consequently be secured via s106 legal agreement. With this secured the proposal is considered to comply with Policy H3.

CIL

The proposal will 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 2021 CIL rate, this is estimated to amount to £81,175.78 (518m² of the proposals x £120 per m² x 2021 indexation (£156.71)). 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 22/09/2021.

Matters raised in representation

All material planning considerations considered in the above appraisal.

- Any restrictive covenants are not a material planning consideration and would be a separate civil matter between the parties concerned.
- Concern was raised regarding the impact upon views. Whilst consideration is given to the impact upon amenity in terms of loss of light or overbearing impact the loss of a view is not a material planning consideration.
- While the concerns of the local residents in terms of the disruption including noise, light pollution and traffic implications that may be caused by the construction works are noted, it is not the planning system's role to obstruct development on this basis. Inevitably, any construction works may lead to some temporary disruption. Ordinarily, the requirements of Environmental Health legislation will seek to limit any harm so far

as reasonably practicable. The proposal is for a residential development and is unlikely to result in a significant increase in noise and pollution.

- The application would need to seek permission from utility providers to connect the development. Such consent/s would likely have to be subject to the capacity of the relevant systems. Maintenance related matters are for the statutory undertakers to resolve.
- The upkeep of the road is a civil matter and additional strain on the private services of Atterbury Gardens is a matter for all owners and their service undertakers.
- Officers are satisfied that the relevant neighbour notification was undertaken.

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.