

DELEGATED APPLICATION REPORT

Target date: 08/12/21

Application No: 211667/FUL

Address: Land off Venetia Close (rear garden of 49 Kiln Road)

Proposal: Retrospective application for the erection of a 4 bedroom two storey detached house at land off Venetia Close, pursuant to APP/E0345/W/16/3143453 with altered boundary, access arrangements and dwelling design

Case Officer: Nathalie Weekes

1. Site Description and Surrounding Area

The application site is a piece of land to the rear of 49 Kiln Road and to the side of 28 Venetia Close in Emmer Green. The site was originally the rear garden of No. 49, but over time has been reduced via sales to other plots (rear garden extensions from properties in Jefferson Close).

An outline planning application was allowed at appeal for APP/E0345/W/16/3143453. Subsequently the property has been built without seeking discharge of pre-commencement planning conditions or having been regularised by a S73 application. The plans presented as part of this application are different, resulting in an increase in volume of the property. It has therefore been determined as a new planning application.

A legal letter was submitted by the applicant as part of an original outline planning permission application 141882 granted at appeal, stating that neighbours had no right of access to park on land in front of their garages, adjacent to the access into the property. A legal determination was subsequently made following the appeal decision, giving neighbours a right to park in front of their garages. Neighbours at 28 and 30 Venetia Close park their cars in front of the garage adjacent to the proposed entrance access and the spaces are marked out.

Front elevation of dwelling as built



Classification: OFFICIAL

Rear elevation of dwelling



Parking of neighbouring cars adjacent to the site entrance, with line markings



Classification: OFFICIAL

Classification: OFFICIAL

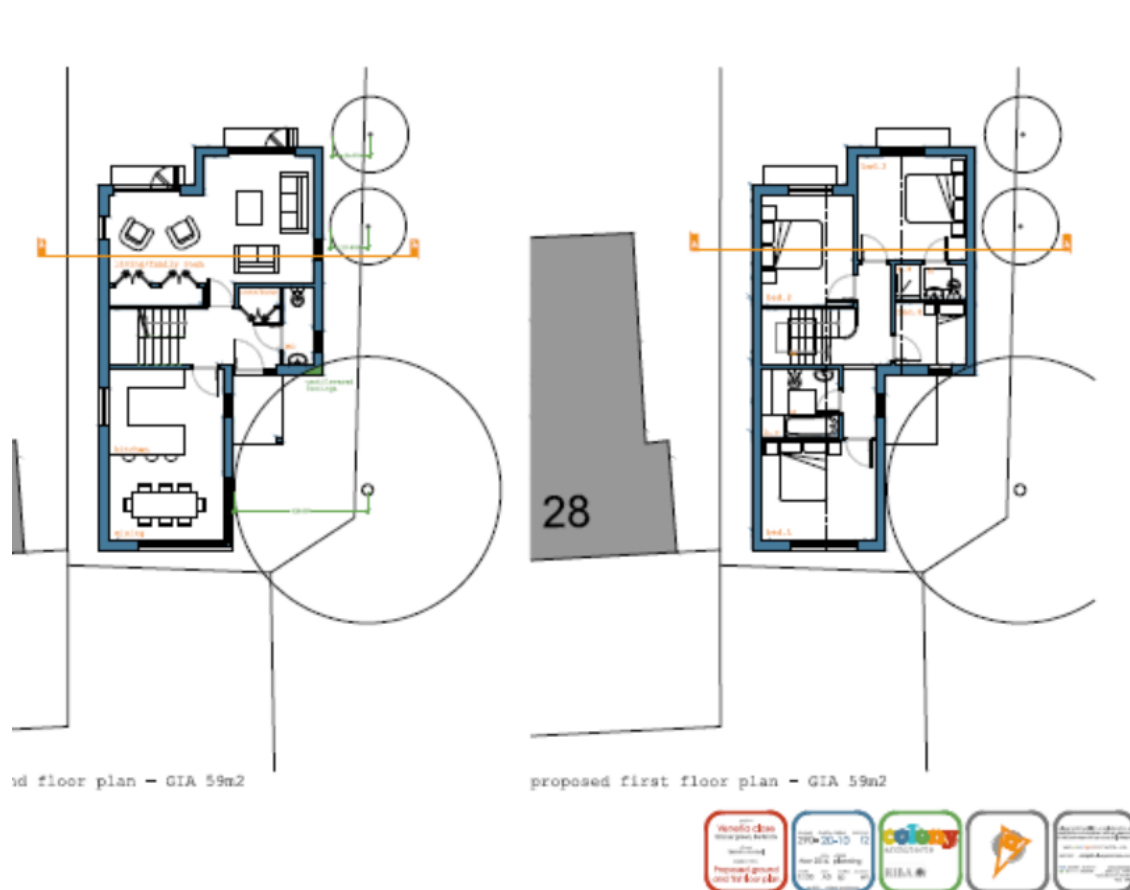
Existing landscaping front and rear



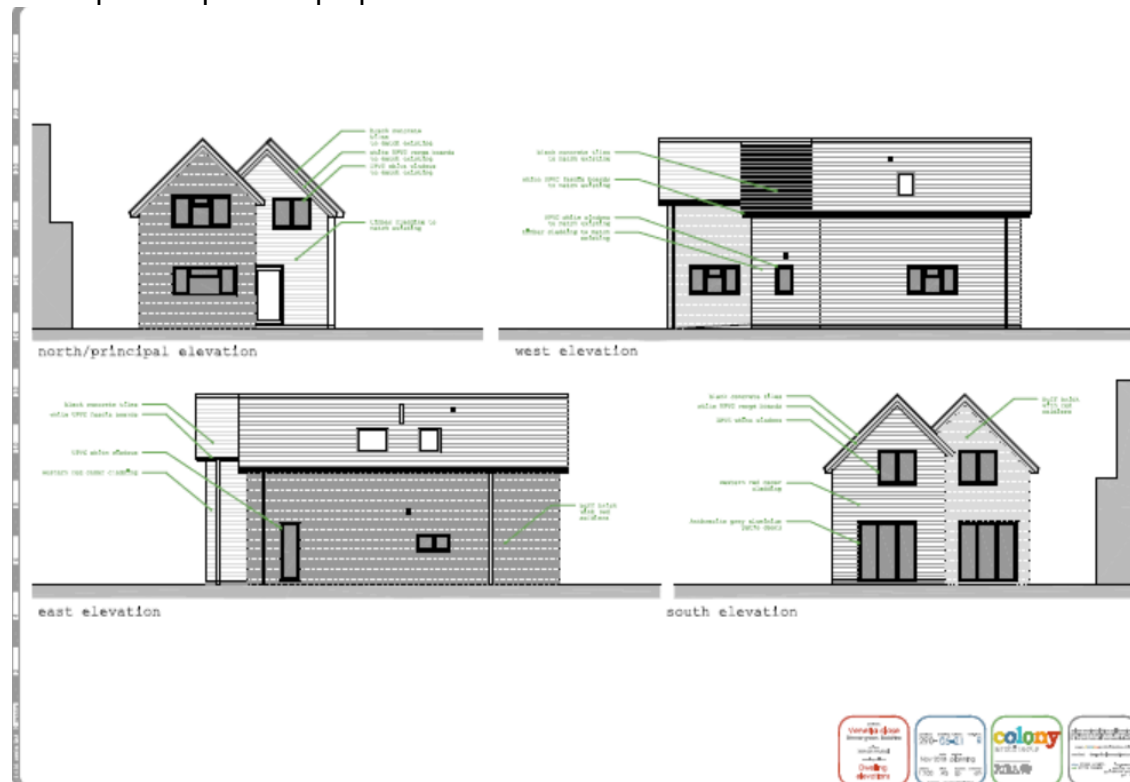
170120 reserved matters plans approved subject to 141882



Classification: OFFICIAL



Retrospective plans as proposed 211667





The site is not in a conservation area or at risk of flooding.

2. Proposal

The applicant seeks retrospective permission for the erection of a 4-bedroom two-storey detached dwelling.

3. Plans and documents received

The following plans and documents have been received and considered:

- Application forms;
- Drawing No: 290-20-11 R - Ground & first floor plans;
- Drawing No: 290-03-20-R REM ground and first floor plan
- Drawing No: 290-05-21 R - Proposed dwelling elevations
- Drawing No: 290-05-00 R- Existing REM ref 170120 elevations
- Drawing No: 290-02-11 R - Proposed landscaping plan
- Drawing No: 290-02-11 t1 - Proposed landscaping plan
- Drawing No: 290-02-10 R - Proposed block plan
- Drawing No: 290-02-00 R - Site location plan
- CIL Forms
- Design & Access statement Rev 2, August 2021
As received 7 October 2021
- SAP energy statement, energy calculations Ltd, SAP Report Submission for Building Regulations Compliance, 22/05/2017
- Appeal decision Appeal Ref: APP/E0345/W/16/3143453, dated 23 June 2016
As received 23 November 2021

4. Relevant Planning History

141882/OUT: Outline application for the erection of a 4 bedroom two storey detached house (access and layout). REFUSED 7/12/15. APPEAL ALLOWED 23/6/16.

170120/REM: Reserved matters application (to consider Appearance, Landscaping and Scale) for the erection of a 4-bedroom two storey detached house, pursuant to outline planning permission ref. 141882 (allowed on appeal on 23/06/16 Ref APP/E0345/W/16/3143453). RESERVED MATTERS APPROVAL 20/3/2017.

171150/APC : Application for approval of details reserved by condition. (170120) CONDITIONS DISCHARGED 27/10/2017

181332/FUL - Proposed two storey front extension providing porch and bedroom extension to dwelling as per reserved matters application ref. 170120 RETURNED 6/9/2018

182254/FUL - Retrospective application for the erection of a 4 bedroom two storey detached house at land off Venetia Close, pursuant to APP/E0345/W/16/3143453 with altered boundary, access arrangements and dwelling design Refused 23/12/2020

5. Clarification of proposal

Although the permission 141882 was granted on appeal and the reserved matters and discharge of conditions applications approved under 170120, the permission was never implemented as the proposal differed significantly to that originally approved (the plans shown as “existing”). As such, the current application is considered on its own merits and has been assessed against the up to date policies. Planning permission 182254 was refused as an affordable housing contribution was not agreed by the applicant. The applicant has agreed to pay only legal expenses for the current application but has still not agreed to provide an affordable housing contribution.

Additional information regarding the access to the site and existing rights regarding neighbour parking has been presented by neighbours in respect of the above application.

It is considered that material changes have occurred since the original planning permission was granted on appeal.

6. Internal Consultations

RBC Transport Development Control

No objections subject to conditions for vehicle parking to be provided as specified. The house is already constructed.

Access to the site is from Venetia Close over a concrete hardstanding at the end of the cul-de-sac. The occupants of nos. 28 and 30 Venetia Close use the hardstanding in front of their garages for parking as shown on the Proposed Block Plan 290-02-10-R. The dropped kerb has been widened to accommodate access to the new dwelling.

It is evident that a standard sized vehicle can access the site (this can be seen from the track marks on the gravel), albeit that larger vehicles such as supermarket box vans would

have to serve the site from the highway. I note that the access is narrow but this is unlikely to cause highway safety issues on Valentia Close through on-street parking.

Suggested conditions on any consent

DC1 VEHICLE PARKING (AS SPECIFIED)

The dwelling(s)/building(s) hereby permitted shall not be occupied until all vehicle parking space(s) have been provided in accordance with the plans hereby approved. The space(s) shall be kept available for parking at all times thereafter.

REASON: To ensure that the development is provided with adequate parking facilities to meet the needs of future occupiers and reduce the likelihood of roadside parking which could be a danger to other road users in accordance with Policy TR3 and TR5 of the Reading Local Plan 2019.

Environmental health

Due to the possibility of contamination at the site, a condition is required to conduct a contaminated land survey before the house is occupied. The following feedback was provided:

Environmental Protection concerns

- Contaminated Land

Where development is proposed, the developer is responsible for ensuring that development is safe and suitable for use for the intended purpose or can be made so by remedial action. The development lies on the site of an historic kilns and clay pit which has the potential to have caused contaminated land and the proposed development is a sensitive land use.

Ideally a 'phase 1' desk study should be submitted with applications for developments on sites with potentially contamination to give an indication as to the likely risks and to determine whether further investigation is necessary.

Investigation must be carried out by a suitably qualified person to ensure that the site is suitable for the proposed use or can be made so by remedial action.

See recommended conditions below, these are required to ensure that future occupants are not put at undue risk from contamination. I appreciate that this is a retrospective application but this should not prevent an assessment being undertaken.

Recommended conditions

➤ CO3 CONTAMINATED LAND ASSESSMENT (TO BE SUBMITTED)

No occupation of the development shall commence on site until an assessment of the nature and extent of contamination has been submitted to and been approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

REASON: These details are required due to insufficient information being contained within this submission and to ensure the development is suitable for its end use and the wider environment and does not create undue risks to occupiers of the site or surrounding areas in accordance with Policy EN16 of the Reading local Plan 2019.

➤ CO4 REMEDIATION SCHEME (TO BE SUBMITTED)

No occupation of the development shall commence on site until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and been approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

REASON: These details are required due to insufficient information being contained within this submission and to ensure the development is suitable for its end use and the wider environment and does not create undue risks to occupiers of the site or surrounding areas in accordance with Policy EN16 of the Reading local Plan 2019.

➤ CO5 REMEDIATION SCHEME (IMPLEMENT AND VERIFICATION)

The approved remediation scheme under Condition for a remediation scheme shall be implemented in accordance with the approved timetable of works. A validation report (that demonstrates the effectiveness of the remediation carried out) shall be submitted to and approved by the Local Planning Authority before construction above foundation level.

REASON: To ensure the development is suitable for its end use and the wider environment and does not create undue risks to occupiers of the site or surrounding areas in accordance with Policy EN16 of the Reading local Plan 2019.

➤ CO6 UNIDENTIFIED CONTAMINATION

In the event that contamination is found at any time when carrying out the approved development not previously identified, development shall be halted on that part of the site the contamination reported in writing to the Local Planning Authority.

An assessment of the nature and extent of contamination shall be undertaken and where remediation is necessary a remediation scheme, together with a timetable for its implementation, shall be submitted in writing to the Local Planning Authority for its written approval.

The measures in the approved remediation scheme shall be implemented in accordance with the approved timetable. Halted works shall not be re-commenced until the measures identified in the approved remediation scheme have been completed and a validation report has been submitted to and been approved in writing by the Local Planning Authority.

REASON: To ensure the development is suitable for its end use and the wider environment and does not create undue risks to occupiers of the site or surrounding areas in accordance with Policy EN16 of the Reading local Plan 2019.

Environmental protection - Ecology

No objections subject to conditions. The following comments were provided.

The new detached dwelling has already been built, however, this application includes altered boundary treatments and access arrangements.

The documents submitted appear to be the same as those submitted for application 182254 (refused due to a lack of contribution towards affordable housing) and show a new 1.8m high fence to the east of the site. Our response to this application was that details of hedgehog gaps in the new fencing should be submitted. This should now be secured via a planning condition.

Furthermore, in accordance with paragraph 180 of the NPPF, which states that “opportunities to incorporate biodiversity in and around developments should be encouraged” a condition should be set to ensure that enhancements for wildlife are provided within the new development. Wording is given below.

In summary, subject to the conditions below, there are no objections to this application on ecological grounds.

Condition: Prior to occupation of the development, a plan showing the boundary treatments and how these have been designed to allow hedgehogs and other animals to traverse the site (for example through the use of hedgehog friendly gravel boards) is to be submitted to and approved in writing by the council. The boundary treatments are to be installed in accordance with the approved details.

Reason: To ensure that the ecological value of the site is enhanced post development in line with paragraphs 170 and 175 of the NPPF.

Condition: Prior to occupation of the development, two bird or bat boxes, bricks or tiles are to be installed on or around the site under the supervision of a suitably qualified ecologist. A letter report confirming that the boxes, bricks or tiles have been installed, including a simple plan showing their location and photographs of the boxes, bricks or tiles in situ, is to be submitted to and approved in writing by the Council.

Reason: To incorporate biodiversity improvements in and around developments in accordance with paragraph 180 of the NPPF.

Environmental protection - Trees

No objections subject to conditions. The following comments were provided:

The Silver Birch on site is subject to 30/02. Through previous applications and discharge of condition / reserved matters specific tree requirements and landscaping have been agreed.

Whilst this is retrospective in that the house has already been built, tree protection requirements are still relevant given the application includes access (over the RPA of the tree), services are not all in place and other works may be required.

In addition, landscape details will need to be secured - currently two plans are provided, both called 'Proposed Landscape Plan', drawings 290-02-11 R and 290-02-11 t1. Neither have all the details required by our standard landscape condition.

Pre-commencement L7 is required to ensure tree protection is in place (which has been lacking thus far), the method of services installation is agreed and that the specification for the no-dig driveway is agreed - the specification on the soft landscape plan is not detailed enough. I am aware that a no-dig driveway has already been laid but that was prior to services being installed hence, the driveway will need to be re-laid following their installation. In addition, as a new application, we cannot rely on previously agreed arboricultural methods.

If approved, I would suggest that the following conditions are appropriate: L2 (landscaping), L7 (Arb Method Statement). Whilst the house is already built, which may normally justify a change to 'pre-occupation', rather than 'pre-commencement', some of the details of L2, e.g. services, and all of the details for L7 needs to be agreed before any further works take place on site. Therefore, the conditions need to be worded appropriately and 'pre-occupation' will not be appropriate.

Parks and leisure

No objections

Thames Water

Thames water provided the following feedback which has been brought to the attention of the property owner:

We're writing to tell you that reference 211667 : Land to the rear of 49 Kiln Road Emmer Green Reading RG4 8UE potentially have minor public sewers within three metres of the proposed building work.

As we don't have confirmation of the exact drainage arrangements for this property, we will require further information from the applicant or agent. A buildover agreement will be required if the work is within three metres of a public sewer or one metre of a lateral drain. This could be an approved build over agreement or, if the property owner meets all the criteria required in our online questionnaire, a self-certified agreement.

Due to the Coronavirus we will not be contacting the applicant or agent regarding a build over agreement. Please therefore forward this email response to your customer along with this link in order that they are aware of the build over agreement process.
<https://www.thameswater.co.uk/help/home-improvements/building-near-pipes>

It has recently come to our attention that there have been multiple misconnections on small developments across our region where foul sewage has been wrongfully discharged into surface water sewers resulting in pollution incidents. We believe that H1-B.2 describes the powers available to you. Please ensure that the Building Control Officer is

inspecting any private drainage alterations being undertaken and direct the applicant to connectright.org.uk where they can find advice on making their connections correctly. Where separate systems are provided for foul and surface water, the developer is legally required to use the respective systems and not connect foul drains to surface water drains and vice versa.

We would really appreciate your support on this matter in order to protect the local environment for all to enjoy.

Legal team

Advice was sought regarding the use of land and requirements for payment of legal fees, title deeds and an affordable housing contribution.

Communications with the agent

The agent was asked to provide an up to date, within the last 7 days, official office copy of the site title plan from Land registry, detailing any land charges. The location plan 290-02-00 R submitted for the above application 211667 is different to the original land registry deeds submitted for the original application 141882. No title deeds have been submitted.

It was not possible for an agreement to be made regarding the requirement for an Affordable Housing agreement in respect of the existing application. A viability statement or affordable housing statement was requested in respect of the application. The agent provided a copy of the original appeal statement, which was prepared for the original scheme and set out the inspectors comments in relation to affordable housing and the agent confirmed. 'The affordable housing is in our opinion likely to remain unresolved and for legal reasons not possible to enter into a S106. Therefore we expect this application to be refused for the same reasons. Unless you the council will change their stance on this.' It was confirmed that application will be considered as a new application as the original application granted by APP/E0345/W/16/3143453 was not implemented according to the approved conditions or regularised by a S73 application.

In relation to paragraph 63 of the NPPF referring to small sites, the stance taken by the Local Plan is that the need for affordable housing in Reading is so significant that there is a justification for seeking contributions to affordable housing from all sizes of residential development, from one dwelling upwards. This was found to be sound in the Inspector's Report of September 2019, and therefore forms part of adopted policy H3. The only exceptions offered by policy H3 are for one-for-one replacement dwellings and for residential conversions from houses to flats.

The Council's position on seeking affordable housing from developments of less than ten dwellings has been strongly supported at appeal, both since the adoption of the Local Plan and before it, when similar policies applied. The requirement for an affordable housing contribution on a small housing site has been reflected in more than 30 appeal decisions at the time of publication of this SPD, dating back to 2016. It is clear that there are exceptional circumstances in terms of affordability and housing need in Reading that justify the local approach.

7. External Consultees

Neighbours

Consultation letters were sent to adjoining properties, and a site notice was sent to the agent to be displayed on site.

The submissions are summarised as below:

- Incorrect information has been provided on the application form as part of the land is subject to a registered charge in favour of the neighbours at 28 and 30 Venetia Close. Furthermore, the land is subject to a formal notice that a predecessor in title holds the benefit of an overage charge. There are existing charges on title BK445464.
- An incorrect address has been provided as it is not at 28 Venetia Close as stated by the applicant at paragraph 1 of the CIL form 1;
- Concerns the applicant's name has been stated incorrectly on the application form, which should state 'Mursaloglu'
- Concerns over inaccurate plans provided;
- Concerns over access arrangements;
- Concerns over as built materials as the application form states timber cladding while drawing 290-21-R refers to red cedar cladding: however, grey plastic cladding has been installed
- Concerns that the dwelling has been occupied since June 2020 when connected to the mains sewer system and marketed on Airbnb as 'Venetia Luxe'.

8. 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.

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

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 Local Development Framework (LDF) (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).

10. Relevant Policies

The application has been assessed against the following policies:

National

National Planning Policy Framework 2021;

National Planning Policy Guidance 2014 onwards;

Reading Borough Local Plan (2019)

CC1: Presumption in Favour of Sustainable Development

CC2: Sustainable Design and Construction

CC3: Adaptation to Climate Change
CC5: Waste Minimisation and Storage
CC6: Accessibility and the Intensity of Development
CC7: Design and the Public Realm
CC8: Safeguarding Amenity
CC9: Securing Infrastructure
EN10: Access to Open Space
EN12: Biodiversity and the Green Network
EN14: Trees, Hedges and Woodland
EN15: Air Quality
EN16: Pollution and Water Resources
H1: Provision of Housing
H2: Density and Mix
H3: Affordable Housing
H5: Standards for New Housing
H8: Residential Conversions
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

Supplementary planning documents

Affordable housing (2021)

Revised parking standards and design (2011)

Planning obligations under section 106 (2015)

Sustainable design and construction (2019)

11. Appraisal

The main issues are considered to be:

- Principle of development
- Design considerations
- Amenity
- Landscaping and natural environment
- Transport matters
- Contamination
- Affordable Housing
- Other matters
 - Use of dwelling
 - Breach of planning control
 - Inaccurate information
 - CIL

Principle of development

The NPPF has an underlying presumption in favour of sustainable development which is carried through the Reading Local Plan. Policy CC1 states that Planning applications that accord with the policies in the development plan will be approved without delay, unless material considerations indicate otherwise.

The approval of application 141882/OUT at appeal established the principle of residential development on this site. This application seeks to regularise the construction of a dwelling.

Therefore, the principle of residential development on this site has been established and as such the development would be acceptable subject to an assessment against other relevant policy criteria.

Design considerations

Policy CC7 states that: “all development must be of a high design quality that maintains and enhances the character and appearance of the area of Reading in which it is located”. This includes aspects such as: layout/urban grain and urban structure; landscape; density and mix; scale: height and massing; and architectural details and material. Policy H11 goes on to state that: “development of private residential gardens will be acceptable where ... The proposal makes a positive contribution to the character of the area in terms of:

- The relationship of the existing built form and spaces around buildings within the surrounding area;
- A layout which integrates with the surrounding area with regard to the built up coverage of each plot, building line(s), rhythm of plot frontages, parking areas, and existing pattern of openings and boundary treatments on the site frontage;
- Providing appropriate hard and soft landscaping, particularly at site boundaries. This includes features such as the variety of trees, hardstanding/lawns and hedges, etc;
- Compatibility with the general building height within the surrounding area;
- The materials and elevational detail. These should be high quality, and where appropriate distinctive and/ or complementary;
- The arrangement of doors, windows and other principal architectural features and their rhythm between buildings.

The proposal is over land with no frontage to Venetia Close, meaning that any proposal over the site would be unable to address any public highway. This does not however preclude the development from being able to respect, and respond to the layout and urban structure of the locality. The building line within Venetia Close is not uniform, with a staggered setback to front gardens. The plot on which the proposal is set is, excluding the access way, is of a similar size and depth to that of the surrounding dwellings. The depth of the dwelling, setbacks from boundaries, and site coverage is comparable to the existing dwellings within the locality and would therefore be considered to respect the relationship between built form and space around dwellings in accordance with Policy CC7.

The design of the building includes two front facing gable end walls, with part brick facing, and part linear board panelling. The materials used in the construction of the retrospective dwelling differ from the information on plans and the application form submitted however are not out of keeping with the character of the area.

Although not a consistent design for the area, the location of the site at the end of the cul-de-sac, and being setback from the frontage of the adjoining pair of semi-detached

dwelling means the impact on the appearance of the area in minimal, and as such is acceptable in this instance.

Amenity

Policy CC8 and H11 require development to not impact negatively on the amenity of adjoining residents, or proposed residents. The proposal has been proposed with the main outlook/view facing to the front and rear of the plot which would represent a similar back to back orientation as is common along Venetia Close. The dwelling is ~42m from the back windows of dwellings on Kiln road. The relationship between the back gardens and habitable rooms of adjoining dwelling would not be significantly detrimental to the privacy of occupants, or the privacy of future residents within the proposal. The proposal is not considered not to have a negative impact on the privacy of future residents of the proposed dwelling. As such, the proposal is considered appropriate in this regard.

The scheme provides suitable room sizes, outlook, ventilation and daylighting for future occupiers.

In light of the above considerations for the principle of the development, and design for the subject site, although the development would not address or relate to the street, the NPPF requirements give great weight to the provision of windfall sites within the settlement boundary. The design, scale, and layout of the site within the context of the area are generally acceptable, and therefore, on balance the proposals harm would not outweigh the benefit of supplying additional family housing, being of acceptable design and complying with all other policies considered materially with this application.

Sustainability

The original permission allowed on appeal was determined within the policies of the previous Core Strategy and Sites and Detailed Policies Document namely Policy CS1 and DM1. The policy requirements required at that time would have been demonstrated through complying with Building Regulations (Part G - water and Part L- energy). As the retrospective changes to the scheme that was originally approved, sought under this permission, are relatively minor, it is considered acceptable that no further sustainability requirements are sought.

Landscaping and natural environment

The site includes a TPO tree, a Silver Birch on site is subject to 30/02, the previously approved reserved matters application included conditions which required an AMS and landscaping plan which responded to and protected the TPO tree. The driveway construction has since been completed, and a condition will be required to ensure landscaping is completed as approved within 12 months of this permission.

Opportunities to incorporate biodiversity in and around developments should be encouraged and conditions will be required to provide hedgehog gaps in the boundary fencing for animals to traverse the site and the provision of 2 bird and bat boxes, bricks or tiles to be provided to incorporate biodiversity improvements within 12 months of this permission.

Transport matters

Two letters of representation have raised concerns over the acceptability of this access. The previously allowed appeal decision deemed the access suitable. However, since this appeal, a private matter regarding the right for adjoining residents to park cars on the applicant's land was granted. The access as previously approved was therefore not possible. As such, a small portion of land was acquired from an adjoining property to allow for access to the application site. The new access has been constructed and the dropped kerb has been widened. Access to the site is narrow but this is unlikely to cause highway safety issues on Valentia Close through on-street parking. A condition would be required for parking spaces to be provided as specified and kept available for parking at all times thereafter.

It is noted that neighbour parking spaces have not been illustrated on the proposed plans to accurately reflect the existing spaces in front of the neighbouring garages, in relation to access into the site.

Contamination

The Environmental Health Team was consulted on the application and has highlighted that the site is at risk of potential contamination. There is a failure to demonstrate that the dwelling as built would not cause a risk or danger to any future occupiers as a result of land contamination. Ordinarily, the dwelling should not be occupied until contamination assessments have been completed and any remedial actions taken to ensure that the site is not a risk to health. As the dwelling is occupied (unlawfully), it is considered reasonable to amend the requirements of such conditions so that any assessment be provided within 6 months of approval.

Affordable housing

The proposed development would create 1 no. additional dwelling. As per Policy H3 a s106 agreement should be secured for a contribution of 10% of the gross development value (GDV) of the development (5% when discounting the amount a registered provider would pay). Policy H3 is a key mechanism in allowing the LPA to meeting the affordable housing needs of the borough.

The agent has agreed that the proposed development is for one new dwelling for the private housing market stated that they do not believe that an affordable housing contribution is required based on comments made in the planning appeal decision dated 23 June 2016 based on a different set of plans which were not implemented. This application is not making a viability argument to negotiate the affordable housing contribution.

A S106 legal agreement will not be completed within the specified timeframe given as the applicant only wishes to pay legal fees rather than the entire legal fee and affordable housing contribution. There are also monitoring costs associated with planning permissions even if they have not been implemented.

As such, the proposal is not compliant with Policies CC9 and H3 of the Reading Borough Local Plan (2019) and as such would form a standalone reason for refusal

Other Matters

Use of dwelling

The Design & Access statement states that the property is for the private housing market. There is evidence that the property is being used as a holiday let, with reviews posted on the property since February 2020. A material change of use requires planning permission and if used as a holiday let, its use would not be as a single family C3 dwelling.

Breach of planning control

The development has not been built in accordance with the planning permission granted by PINS and now seeks retrospective planning permission. This means the development does not have planning permission and therefore is in breach of planning control.

It is also advised that any current occupation of the property would be classed as an enforcement issue as the dwelling does not currently have planning permission. Contamination surveys and required conditions of planning have not been undertaken to ensure that the site is not harmful or a danger to any future inhabitants.

Inaccurate information

Inaccurate information has been provided in relation to the title deeds as BK445464 relates to the land to the rear at 49 Kiln Road. The correct title numbers for the development site are BK478662 (main site) BK112065 (the land outside the garages). Title BK478662 is in the name of the applicant and there are no other owners or mortgages. Title BK112065 demonstrates the area outside of the garages of no's 28 and 30.

Inaccurate materials were provided on the application form and proposed plans, contrary to the retrospective dwelling as built. Plans incorrectly recorded the neighbours' proposed parking area at the site entrance. Information provided in support of a planning application should be accurate.

A person who makes a false or misleading statement in connection with a planning application, knowing that it was or might be untrue or misleading, with the intent to make a gain for himself may be prosecuted under the Fraud Act 2006. Planning permission can be refused on the grounds that information provided was insufficient to accurately describe the nature and anticipated impacts of the proposed development.



CIL

The proposal seeks to create 1 new residential dwelling and as such is liable for the Community Infrastructure Levy.

A CIL form was submitted on 3 January in respect of the refused application 182254 stating that the net additional gross internal floorspace following development was 118 sqm. A CIL form has subsequently been submitted stating that the net additional gross internal floorspace following development is 124sqm.

The CIL liability is currently attached to application 170120 for reserved matters as the application that created GIA from the original permission 141882 for 117.34sqm. As this is a retrospective application the CIL will become due on the date permission is granted, as the development will have been deemed commenced on that date, it will also be subject to late payment interest and surcharges from that date; the consequence of not building what the permission allowed.

12. Conclusion

Whilst the scheme was considered acceptable in many regards, in the absence of a legal agreement securing an affordable housing contribution, the proposal is contrary to Policy H3 of the Reading Borough Local Plan (2019).

13. Recommendation

REFUSE PERMISSION for the following reasons:

1. In the absence of a completed legal agreement to secure an acceptable contribution towards the provision of Affordable Housing, the proposal fails to contribute adequately to the housing needs of Reading Borough, contrary to policies CC9 and H3 of the Reading Borough Local Plan (2019) and the Council's Adopted Affordable Housing Supplementary Planning Document (2013).

Informatives

1. Refused plans
2. Positive and Proactive
3. Enforcement
4. Inaccurate information