

DELEGATED APPLICATION REPORT

Application No: 181796/FUL

Address: 96 Bath Road, Reading

Proposal: Demolition of existing dwelling and the erection of a block serving 8 flats

Case officer: Ethne Humphreys

Decision date: 29/05/2019 EOT agreed; 14/06/2019

Site Description and Surrounding Area:

The application site comprises a detached bungalow, located on the north side of Bath Road.

The surrounding area is predominantly residential, and No.96 forms part of a small group of detached bungalows to the east of the site and 'Burrcroft Court' a two storey development of elderly persons accommodation located to the west of the site, that runs around to the rear of the property.

It is within an air quality management area and there is a tree known as the 'Burrcroft Oak' located just beyond the south west corner of the site frontage which is awarded 'veteran' status due to its considerable age and size for the species.

Proposal:

This application seeks planning permission for the erection of a block serving 8 flats following demolition of the existing bungalow with associated parking, cycle store and bin store.

The accommodation would be spread over two and a half storeys and would be made up of 4 x 1 bed and 4 x 2 bed units.

Vehicular access will remain as existing, but lead alongside the east of the building to the rear of the site, wherein 8 car parking spaces are proposed. Two visitor parking spaces are proposed at the front of the site.

The proposed materials would include bricks and tiles to seek to match nearby properties.

Plans Considered:

Location Plan FE10

Existing Block Plan FE11

Existing Site Survey FE12

Existing Ground Floor Plan FE13
Existing Roof Plan FE14
Existing Elevation South FE20
Existing Elevation - East FE21
Existing Elevation - North FE22
Existing Elevation - West FE23
Proposed Block Plan FE28
Proposed Existing and Proposed Street Elevation FE50A
Proposed Elevation - South FE40A
Proposed Elevation - West FE43A
Proposed Elevation - North FE42A
Proposed Elevation - East FE41A
Proposed Ground Floor Plan FE30A
Proposed First Floor Plan FE31A
Proposed Second Floor Plan FE32A
Received 16th October 2018

Relevant Planning History:

171675 - Rear extension measuring 5 metres in depth, with a maximum height of 4metres, and 2.782 metres in height to eaves level. Notification of the construction of an extension under class A Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (amended description). Prior Approval Notification - Approval 25/10/17.

Consultation Responses:

Highways Officer: OBJECT. Discussed below

Ecologist: OBJECT. Discussed below

Tree Officer: No objection subject to revised plans. Discussed below

Environmental Protection: No objection subject to conditions. Discussed below

Neighbour letters were sent to the occupiers of 1-32 Burrcroft Court, 9 Honey End Land and No.94 Bath Road.

6 letters of objection and a petition received signed by 28 people, with a summary of the concerns being:

- Covenant
- Parking issues
- Loss of privacy
- Noise/disruption
- Overbearing impact
- Drainage
- Health implications

Summary of discussions with applicant/agent:

The applicant was advised by email 24th May 2019 of concerns relating to overdevelopment of the site, quality of accommodation, amenity space, highways concerns, ecology concerns and lack of affordable housing contribution.

The applicant confirmed that they wished to receive the decision notice, with a view to appealing any such refusal.

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

Equality Act 2010:

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

Relevant Planning Policy and Guidance

The following local and national planning policy and guidance is relevant to this application:

NPPF 2019

NPPG

Reading Borough Local Development Framework Core Strategy, 2008 (amended 2015)

- CS1 Sustainable Construction and Design
- CS2 Waste Minimisation
- CS7 Design and the Public Realm
- CS9 Infrastructure Services, Resources and Amenities
- CS14 Provision of Housing
- CS15 Location, Accessibility, Density and Housing Mix
- CS20 Implementation of the Reading Transport Strategy (Local Transport Plan 2006-2011)
- CS24 Car/Cycle Parking
- CS34 Pollution and Water Resources
- CS36 Biodiversity and Geology
- CS38 Trees, Hedges and Woodland

Sites and Detailed Policies Document, Oct 2012 (amended 2015)

- SD1 Presumption in Favour of Sustainable Development
- DM1 Adaption to Climate Change
- DM3 Infrastructure Planning
- DM4 Safeguarding Amenity
- DM5 Housing Mix
- DM6 Affordable Housing
- DM10 Private and Communal Outdoor Space
- DM11 Development of Private Residential Gardens
- DM18 Tree Planting
- DM19 Air Quality

RBC Supplementary Planning Documents

Revised Parking Standards and Design SPD (2011)

Supplementary Planning Document: Affordable Housing (July 2013)

Supplementary Planning Document: S106 Planning Obligations (March 2014)

Appraisal

Principle

The NPPF states that LPAs should “*encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high*

environmental value". The NPPF definition of 'previously developed land' excludes private residential gardens.

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

The Council's LDF SDPD Policy DM11 Development of Private Residential Gardens requires that new residential development that involves land within the curtilage of private residential gardens will be acceptable where:

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

Therefore, while the proposed site is not 'previously developed land', the principle of redevelopment is considered acceptable providing the criteria outlined in Policies DM11 and CS15 are met.

The existing building is not listed, within a conservation area or locally listed. Nevertheless, it is an example of a modest building which sits comfortably within the street scene and does not detract from the character of the area. Within this context, there is no in-principle objection to the existing bungalow and being demolished in design terms, but the replacement building must be appropriate in all other aspects (which is detailed further below).

Design, Impact on the Character of the Area and Street Scene

The existing bungalow forms part of a distinctive group of bungalows that contribute to the spacious character of this part of Bath Road. Where the density increases to the west, at Burrcroft Road, this retains a domestic two-storey scale with a good deal of outdoor space surrounding the housing. Indeed, No.1 Burrcroft Road steps down to a single storey level close to the boundary with No.96 Bath Road, which helps maintain the sense of space.

Furthermore, the existing site is wide, which allows for a spacious feel to the plot around the bungalow. In contrast, the proposals would give rise to a disparity in plot size between the existing and proposed development, with the proposed occupying near on the entire width of the site at two storey. The proposed built form would effectively fill the site almost to its margins such that it would appear cramped and overdeveloped, resulting in a considerably constrained form of development.

In terms of scale and detailed design, the proposed development would appear overly large compared to the neighbouring bungalows and properties on Burrcroft Road, generally due to the bulkier roof form, prominent front gables and overall width at two storey, with the building sited closer to the road than the existing. Indeed, the building is considered to be of a poor quality in terms of appearance, with the differing roof profiles - required to accommodate the proposed units - lacking in an incoherent rear elevation façade - further indicative of the overdeveloped nature of the site. The room divisions as indicated on the floor plans appear to cut through the feature windows on the front elevations, unlikely to offer a pleasing architectural rhythm to the building. Furthermore, the flank elevations would, as a need to protect privacy, result in two storey blank facades with little to no articulation.

The resulting substantial building would be in stark contrast to the existing character, with the combination of the increased height, plot coverage and overall bulk resulting in an overly dominant and overdeveloped appearance. Much of the existing front garden area would be lost and given over to parking and bin storage, resulting in a starker frontage that is indicative of an overdevelopment of the plot.

For these reasons, the proposals would be harmful to the character and appearance of the area and would fail to preserve or enhance local distinctiveness, contrary to Policy CS7 of the Reading Borough LDF Core Strategy 2008 (altered 2012) and Policy DM11 of the Sites and Detailed Policies Document 2012 (altered 2015).

Impact on Neighbour Amenity

No.94 Bath Road is a bungalow located to the east of the site, set slightly forward of the existing bungalow No.96. No first floor windows are proposed on the flank elevation facing this property and as such there would be no material loss of privacy. Whilst the proposed building would project slightly forward of No.94, it would not breach a 45 degree line to the nearest habitable room window. Similarly, whilst it would project past the rear elevation at the rear, it would not breach a 45 degree line to the nearest habitable room window. Whilst the increase in height would clearly be noticeable to the occupiers of No.94, and, indeed, the two storey blank façade somewhat oppressive in appearance, given the distance of 3m to the common boundary and approximately 5m to No.94 itself, and that the roof would be hipped away to minimise the impact, it is not considered to result in such an overbearing impact to warrant a refusal on this basis. It is noted that the day/sunlight report submitted with the application has considered the impact on this property, the results meeting the BRE guidelines in this respect, concluding that the reduction in daylighting is unlikely to be significantly affected.

With regards to No.1 Burrcroft Court, to the west of the site, the proposals would not breach a 45 degree line to any habitable room window. No first (or ground) floor windows are proposed on the flank elevation facing this property and as such there would be no material loss of privacy to the occupiers of this property.

Looking at No.32 Burrcroft Court to the rear of the site, this property has a first floor window on the flank elevation; however, this appears to be obscurely glazed and no material loss of privacy is considered to arise. There would be a distance of approximately 22m from the proposed building to No.32 which is considered sufficient so not to result in any material loss of light or overbearing impact to the occupiers of this property.

Further to the above, a noise assessment has been submitted with the application, due to the sites location next to a very busy road. Environmental Protection Officers are satisfied with information submitted and have raised no objection to the proposal subject to conditions.

Amenity of Future Occupiers

The proposed living accommodation is considered in overall terms to be poor. Not all rooms would have adequate access to light or outlook. In this respect, the bedroom labelled BR 2 in the first floor two bed unit on the eastern side of the dwelling would, rather than feature a

window, be served by two rooflights. Whilst this may allow for some natural light (it is noted that the day/sun light report submitted with the application has not assessed future occupiers) the lack of window would result in a somewhat confined space lacking in outlook and causing a harmful sense of enclosure for future occupiers. Whilst it is recognised that the lack of first floor windows is to respect neighbour privacy, it is, nevertheless, an indication of the overdeveloped nature of the proposal. Another indication is the small window serving the first/second floor maisonette bedroom (at first floor level on the front elevation), with an unusually narrow window solely in the corner of the only bedroom for this unit. A linked concern from a design perspective is that room divisions appear to cut through the feature windows, which is unlikely to be attractive from the streetscene and indicative of poor design (as referenced separately in the earlier design section).

Similarly, on the two bed ground floor unit towards the front of the building, the second bedroom would be served only by a single high level window.

The floor plans indicate a loft room, as part of the first floor one bed unit on the western side of the dwelling. It is not clear from the plans whether there is sufficient useable space with regards to head height, with no section plan provided in this respect. Furthermore, the provision of spiral staircase at first floor would reduce the usable space to the kitchen serving this unit.

Not all the bedrooms appear to meet the Technical housing standards - nationally described space standards. For clarity, RBC has not formally adopted these National Standards (these will be adopted at the time of the New Local Plan being adopted - anticipated shortly in October 2019), but refers to them for guidance. The guidance states that in order to provide two bed spaces, a double (or twin bedroom) has a floor area of at least 11.5m² and in order to provide one bed space, a single bedroom has a floor area of at least 7.5m². Not all the units appear to achieve this.

Furthermore, looking at the floor plans and the schedule of accommodation, units would appear to be below the required space standards, with some just meeting the minimum. All units would be single aspect and the size of the units proposed would, overall, provide a cramped and generally poor standard of accommodation, another indication of the overdeveloped nature of the site.

Linked to the above concerns regarding overdevelopment of the site, whilst some private amenity space is afforded to the ground floor units the overall useable amenity space to these units and the communal area would be limited and not characteristic of those in surrounding plots (which are far more generous in size). Indeed, the communal amenity space would appear cramped and in an area that would be appear heavily constrained by trees/landscaping (required in order to protect the future amenity of ground floor occupiers) and vehicle parking and hardstanding.

In these regards the numerous individual shortfalls identified, when considered cumulatively, result in an overall conclusion that the quality of accommodation for future occupiers would be contrary to Policy DM4 and DM10 of the Sites and Detailed Policies Document 2012, 2015.

Unit Mix

The scheme proposes 8 units; 4 x 1 bed and 4 x 2 bed. In this location, the mix in itself is considered acceptable.

Transport Issues

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 Parking Standards and Design SPD, the development would be required to provide parking provision of 1.5 for each 1-2 bedroom flat; the development would require 12.00 parking spaces. In addition to this, 1 space per 4 dwellings is required for visitor parking; therefore, the total provision required for the proposed development would be 14.0. The Design and Access statement states that 8 parking spaces are to be provided and 2 visitor spaces at the front of the property which falls short of the Council's current standards.

Parking spaces marked F3 to F8 on the proposed block plan should be a minimum of 2.4m x 4.8m; parking spaces F1 and F2 should be 6m long x 2m wide and parking spaces V1 and V2 should have a forecourt depth of 6m. As such, the dimensions of the parking spaces/forecourts do not confirm with the Council's standards.

The Design and Access Statement states that the existing access from Bath Road is to be utilized. To be able to facilitate two way traffic entering and exiting, the access would normally be required to be 4.8m wide; however an access width of 4.1m would be acceptable

in this instance, which would need a setback distance of 10m. Currently, the access width is not acceptable.

The access road leading to the parking area at the rear of the site narrows down to 3.1m and given the excessive length of the access this would not be deemed acceptable as it could result in vehicles waiting on Bath Road to enter the site.

In accordance with the Council's Parking Standards and Design SPD, each flat should be provided with 0.5 secure, covered cycle storage spaces; therefore the total provision required for this development would be 4. Plans illustrate a storage area; however the type of storage proposed has not been stated and clarification would be required.

Notwithstanding the above, a bin storage area has been illustrated on plans at the front of the development which would be deemed acceptable and in keeping with other adjacent dwellings.

Natural Environment

The application shows consideration to the preservation and retention of the The Burrcroft Oak, the Veteran Oak (T1) growing on the public highway, which is welcomed. The tree is expected to be rooting within the curtilage of the site and it has been demonstrated that these roots would be vulnerable to damage during the course of the potential redevelopment of the site. The applicant has submitted a detailed arboricultural report to demonstrate the steps which would be taken in order to protect the tree during the build. Provided the recommendations were followed in full, then the proposed development would not cause unacceptable harm to the tree. Should the application otherwise have been considered acceptable this could be dealt with by way of suitably worded conditions.

Notwithstanding the above, there is an objection to the inclusion of the brick boundary wall at the front of the site. Whilst this might be desirable in landscape terms, even with a hand dig solution, the wall is a non-essential structure within the RPA of the tree and likely to impact on tree roots. In addition, the wall may be vulnerable to tree root damage over time. Therefore, with regards to the front boundary treatment, a more flexible alternative such as railings, post and rail fencing and/or a low level hedge would be more appropriate. This in itself could have been sought through revised plans; however, given the other concerns, was not requested. Nevertheless, it is ultimately considered that this matter could

have been controlled via condition (details of front boundary treatment) and therefore does not specifically form a reason for refusal of the application.

Ecology

The bat survey report submitted with the application states that further surveys would need to be undertaken to determine whether or not the building hosts a bat roost. The report states that this should comprise one dusk emergence and one dawn re-entry survey. As such the application should not be determined until the surveys detailed in the report have been completed. This is because, Paragraph 99 of the government Circular 06/05: Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System (this document has not been revoked by the National Planning Policy Framework) states that:

“It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted.”

In addition to statutory obligations Reading Borough Council has planning policies to protect biodiversity.

In this case, it has not been established whether the presence or otherwise of bats (a protected species) will be affected by the proposals, and nor are there any “exceptional circumstances” that would enable the council to condition further surveys should the application be approved.

Given the above, there is insufficient information for the Council to determine whether or not protected species (a material consideration) would be affected by the proposed development. As such the proposal is contrary to Policy CS36 of the Core Strategy 2008 (altered 2015).

Sustainability

The Design and Access Statement highlights a number of sustainability measures. Notwithstanding, the appropriate level of sustainable construction would be secured the appropriate building regulations requirements.

Affordable Housing

West Berkshire District Council and Reading Borough Council applied for a judicial review of the Secretary of State's Written Ministerial Statement (WMS) to Parliament in 2014 on changes to national planning policy. Those changes sought to exempt developments of 10 or less dwellings from planning obligations for affordable housing and social infrastructure contributions and to introduce a new measure known as the Vacant Building Credit.

The High Court handed down its judgment on the case on 31st July 2015. The High Court found in favour of the challenge by the local authorities and quashed the amendments to the NPPG. The Secretary of State appealed the judgment and the Court of Appeal then quashed the decision of the High Court.

At its meeting of the Strategic Environment Planning and Transport Committee on 13th July 2016, the Council discussed the outcome of the Court of Appeal's decision on its challenge (http://www.reading.gov.uk/media/5651/Item09-SEPT-C-Report-on-C-of-Appeal-judgement-05-16/pdf/Item09_SEPT_C_Report_on_C_of_Appeal_judgement_05_16.pdf).

Having considered its options, the Committee agreed the following as the basis for determining planning applications where Policy DM6 of the SDPD is relevant:

To implement Policy DM6 as currently adopted in the SDPD but excluding proposals that solely involve the conversion of an existing property, where the conversion involves the provision of 10 or less dwelling units (i.e. not HMOs), or the replacement of dwellings by the same number of replacement dwellings where there is no net increase.

This planning application does not relate to the conversion of an existing property, moreover, following the demolition of bungalow, and proposed new build of 8, a net increase of 7 is proposed. Therefore, in line with Policy DM6, 20% on site requirement is needed. The principle of this matter has been tested at appeal on numerous occasions since the committee resolution above. The applicant has stated that "this is not a site where we believe that on site provision is appropriate and that the provision should be in form of contributions through negotiation."

Policy DM6 is clearly that only in instance where it can be demonstrated through viability evidence that the provision would be unviable will the Council forgo or seek a lower contribution. It has not been demonstrated through assessment of a viability appraisal that the development is completely unviable without the submission of some contribution towards affordable housing. As a result, the Council is unable to accept the lack of a provision of on-site affordable housing based on financial viability.

In the absence of the required 20% provision or financial contribution, the proposed development would not therefore make adequate provision for the delivery of affordable housing, failing to comply with Policy DM6 (Affordable Housing) of the Reading Borough Sites and Detailed Policies Document 2012 (altered 2015), Affordable Housing Supplementary Planning Document (2013).

CIL

The proposal would be a Community Infrastructure Levy (CIL) liable development. The applicant has provided the CIL Additional Information Form. If the scheme had been acceptable an informative would have been attached to the decision notice to advise the applicant of their responsibilities in this respect.

Other matters raised in representation

All material considerations covered in the above report.

Any restrictive covenants are not a material planning consideration and would be a separate civil matter between the parties concerned.

Drainage would be dealt with as part of a Building Regulations application.

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. Should the application have been recommended for approval a condition would have been attached requiring the need of a construction method statement

to be provided prior to commencement of works to minimise any such disruption, as well as an hours condition.

Conclusion

Having regard to the material considerations and all matters raised, the Local Planning Authority considers that the balance of considerations therefore weighs against the proposal, and instead planning permission is recommended to be refused.

RECOMMENDATION:

REFUSE

The proposed development, owing to its overall scale, bulk, massing and detailed design would result in a visually dominant appearance that would fail to preserve the spacious character of the site which currently contributes positively to the visual amenity of the street. For these reasons, the proposal would represent an overdevelopment of the site and would be harmful to and out of keeping with the character and pattern of development of the surrounding area. The proposal is therefore contrary to Policy CS7 of the Reading Borough LDF Core Strategy 2008 (altered 2015) and Policies DM10 and DM11 of the Reading Borough LDF Sites and Detailed Policies Document 2012 (altered 2015).

The proposed development would provide inadequate outdoor amenity space to serve future occupiers in terms of its amount and nor would it reflect the size or character of private residential gardens in the surrounding area contrary to Policy DM10 of the Sites and Detailed Policies Document 2012 (altered 2015).

The proposed development, by reason of its internal layout resulting in a lack of outlook and a failure to demonstrate sufficient access to daylight and sunlight to some habitable rooms, would result in a detrimental impact to the living environment of future occupiers, cumulatively resulting in sub-standard accommodation being provided contrary to Policy DM4 of the Reading Borough Local Development Framework Sites and Detailed Policies Document 2012, (altered 2015).

The applicant has failed to submit sufficient information for the Council to determine whether or not bats will be adversely affected by the proposed development. As such this proposal is contrary to Policy CS36 (Biodiversity and Geology) of the Core Strategy 2008 (amended 2015)

The proposed layout fails to demonstrate that it complies with the Local Planning Authority's standards in respect of vehicle parking. This could result in on-street parking/reversing movements on Bath Road, adversely affecting road safety and the flow of traffic, and in conflict with Policy CS24 of the Core Strategy 2008 (altered 2015) and Policy DM12 of the Sites and Detailed Policies Document 2012 (altered 2015).

The proposed access road is unsuitable, due to its substandard width and layout to accommodate the traffic which would be generated by the proposed development. This would have an adverse effect on road safety and the flow of traffic, in conflict with Policy CS20 of the Core Strategy 2008 (altered 2015) and Policy DM12 of the Sites and Detailed Policies Document 2012 (altered 2015).

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 Policy DM6 (Affordable Housing) of the Sites and Detailed Policies Document 2012 (altered 2015) and the Council's Adopted Affordable Housing Supplementary Planning Document 2013.

Informatives

The decision relates to the following drawings:

Location Plan FE10

Existing Block Plan FE11

Existing Site Survey FE12

Existing Ground Floor Plan FE13

Existing Roof Plan FE14

Existing Elevation South FE20

Existing Elevation - East FE21

Existing Elevation - North FE22

Existing Elevation - West FE23

Proposed Block Plan FE28

Proposed Existing and Proposed Street Elevation FE50A

Proposed Elevation - South FE40A

Proposed Elevation - West FE43A

Proposed Elevation - North FE42A

Proposed Elevation - East FE41A
Proposed Ground Floor Plan FE30A
Proposed First Floor Plan FE31A
Proposed Second Floor Plan FE32A
Received 16th October 2018

The local planning authority has worked with the applicant in a positive and proactive way by clearly setting out concerns relating to the proposal and providing an opportunity for the applicant to withdraw the application. However, the applicant chose not to withdraw the application, hence the issuing of this refusal notice within the statutory time period to determine the application by.

The applicant is advised that the refused scheme, had it been able to be approved, would have been a CIL (Community Infrastructure Levy) liable development.

Without prejudice to any future application or appeal, the applicant is advised that reason for refusal 7 (affordable housing) could be overcome by entering into a Section 106 Legal Agreement or unilateral undertaking for a scheme that was in all other respects acceptable.

Prior to the submission of any future application at the site, the applicant is advised to enter into pre-application discussions with the local planning authority.