

DELEGATED APPLICATION REPORT

Application No: 180656/FUL

Address: 8 Ardler Road, Caversham

Proposal: Demolition of existing bungalow and construction of 2x 2storey semi-detached houses with associated car parking. Resubmission of 170574

Case officer: Jonathan Markwell

Target Date: Originally 05/07/2018, but extensions of time have subsequently been agreed until 17/05/19

Site Description and Surrounding Area:

The application site relates to a bungalow located on the west side of Ardler Road. The properties in the wider area are similar in terms of design and architectural composition, with the bungalow a bit of an anomaly. There are residential dwellings to the south of the site and allotment gardens to the north of the site. The site is located within Flood Zones 2 and 3 as designated by the Environment Agency and is within an air quality management area.

Proposal:

Full planning permission is sought for the erection of a pair of 2 storey semi-detached dwellings following demolition of the existing bungalow. The proposed dwellings would have a depth of 10.585m, width of 4.5m and height of 8.8m. There would be a distance of between 1.5m and 0.6m to the southern boundary and a consistent distance of 1.3m to the northern boundary. Both residential units would include two bedrooms and one-off street parking space. Bin storage is also shown at the front of the property and cycle parking to the rear.

Specific details of the proposed materials have not been specified on the application form or on the proposed plans, but it would appear that the properties will be brick based.

Plans & information considered:

17007-0-001 Rev P2 - OS Plan, as received 27/09/18 at 12:17pm

17007-0-002 Rev P2 - Site Plan Existing, as received 27/09/18 at 12:17pm

17007-0-003 Rev P2 - Site Plan Proposed, as received 27/09/18 at 12:17pm

17007-0-004 Rev P2 - Visibility Splays, as received 27/09/18 at 12:17pm

17007-0-010 Rev P2 - Proposed Ground Floor, as received 27/09/18 at 12:17pm

17007-0-011 Rev P2 - Proposed First Floor, as received 27/09/18 at 12:17pm

17007-0-020 Rev P2 - Proposed Front Elevation, as received 27/09/18 at 12:17pm

17007-0-021 Rev P2 - Proposed Rear Elevation, as received 27/09/18 at 12:17pm

17007-0-022 Rev P2 - Proposed Side Elevation, as received 27/09/18 at 12:17pm

360G/18067T/100 - Topographical Survey, as received 09/10/18

Design and Access Statement Flood Risk Assessment Affordable Housing Statement Construction of two houses following demolition of the existing detached bungalow 8 Ardler Road Reading Berkshire dated 18/04/18, as received 09/10/18

Phase 1 Bat Surveys by Vesper Conservation & Ecology Limited, dated 24/07/17, as received 27/09/18

Berkshire Corporate High Level Flood Assessment for residential development in Caversham By Hydro-Logic Services, Ref Report K0902/Rep 1 Rev1, dated 22/02/19, as received 01/03/19

Information submitted on a private and confidential basis (in relation to affordable housing matters):

Financial Viability Assessment by Affordable Housing 106, dated April 2018, as received 18/04/18

Order of costs estimated, dated 27Mar2018 10:21, as received 18/04/18

Appendix 6 - Sales Comparables - 8 Ardler Road, Reading RG4 5AE, as received 18/04/18

New Build, Construction dated 28Mar2018 11:34, as received 18/04/18

HCA Development Appraisal Model dated 05/04/2018, as received 18/04/18

Email from Berkshire Corporate 'Fwd: 8 Ardler Road, Reading (180656)' & 3 excel spreadsheets Appendix 4a, 4b & 4c, dated and received 27/09/18

Email from Berkshire Corporate 'Re: 8 Ardler Road, Reading (180656)', dated and received 05/12/18

Email from Town Planning Experts 'Re: 8 Ardler Road, Reading (180656)', dated and received 22/03/19

Relevant Planning History:

170574/FUL - Demolition of existing bungalow and construction of 2 x 2 storey semi-detached houses. Refused 13/07/17.

Reasons for refusal:

1. The application does not include submission of a suitable justification against the flooding 'Sequential Test', which is required due to the application site's location within Flood Zones 2 and 3. As such it has not been demonstrated that there are no other alternative sites outside Flood Zones 2 and 3 that should be developed in preference to the application site. For this reason, the application is contrary to Policy CS35 (Flooding) of the Reading Borough LDF Core Strategy 2008 (altered 2015) and the National Planning Policy Framework 2012, paragraph 101.

2. The submitted Flood Risk Assessment fails to demonstrate that the proposal would not result in the increased risk of flooding to the proposed development itself or dwellings beyond the site boundary and contains no measures to mitigate such risk, contrary to Policy CS35 (Flooding) of the Reading Borough LDF Core Strategy 2008 (altered 2015) and guidance within National Planning Policy Guidance and the National Planning Policy Framework, 2012.

3. Due to its height, massing and scale, the proposal would appear overly dominant in relation to the neighbouring row of terraced properties, would appear as an overdevelopment within the plot and would appear out of keeping with the prevailing pattern of development on Ardler Road. The proposal would appear poorly integrated within the Ardler Road streetscene, resulting in an overbearing and visually intrusive form of development to the smaller-scale residential to the south and the open character of the allotments to the north. For these reasons, the proposal would fail to maintain and enhance the character of the locality and would therefore be contrary to Policy CS7 (Design and the Public Realm) of the Reading Borough LDF Core Strategy 2008 (altered 2015), and Policies DM4 (Safeguarding Amenity) and DM11 (Development of Private Residential Garden Land) of the Reading Borough LDF Sites and Detailed Policies Document 2012 (altered 2015).

4. The proposal fails to demonstrate that there would be a sufficient level of parking in accordance with the Local Planning Authority's parking standards. This could result in increased competition for on-street parking, adversely affecting road safety and the flow of traffic, contrary to Policy CS24 (Car/Cycle Parking) of the Reading Borough LDF Core Strategy

2008 (altered 2015) and Policy DM12 (Access, Traffic and Highway- Related Matters) of the Sites and Detailed Policies Document 2012 (altered 2015).

5. The application has failed to include sufficient information for the Council to determine whether or not bats (a protected species and therefore a material planning consideration) will be adversely affected by the proposed development. As such the proposal is considered to be contrary to Policy CS36 (Biodiversity and Geology) of the Reading Borough LDF Core Strategy 2008 (amended 2015) and the National Planning Policy Framework 2012 (paragraphs 109 and 118).

6. 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 and the objective of creating mixed and balanced communities and as such is contrary to Policy DM6 (Affordable Housing) of the Reading Borough LDF Sites and Detailed Policies Document 2012 (altered 2015) and the Council's adopted Affordable Housing Supplementary Planning Document (2013).

Appeal (APP/E0345/W/17/3183456) lodged and dismissed on 21/03/18. Key extracts of the appeal decision notice are below:

Paragraph 2: "Following the submission of a protected species survey, the Council have confirmed that they concede their 5th reason for refusal, as set out in the Decision Notice".

Paragraphs 3-8: In terms of flooding (reasons for refusal 1&2), the Inspector did not accept the sequential test information submitted by the appellant - paragraph 7 states it "falls significantly short of a robust case necessary to demonstrate that the Sequential Test is passed" Paragraph 8 continues "I therefore cannot be satisfied that there are no reasonable alternatives for such development where flood risk would be lower. Without such information, and given the seriousness of the consequences of flooding, it cannot be demonstrated that the redevelopment of the appeal site for housing would be acceptable".

Paragraphs 9-11: The Inspector did not accept the exception test information submitted by the appellant. Paragraphs 10-11 states: "as the Sequential Test has failed, the Exception Test does not fall to be considered further. I therefore conclude that, in the absence of any robust evidence to demonstrate that the dwelling could not be located in an area with a lower risk of flooding, the proposal would not provide a suitable site for housing. As a consequence, it would be contrary to CS Policy CS35 and paragraphs 100 and 101 of the Framework which seeks to direct development away from areas of highest flood risk".

Paragraphs 12-17 relate to highway safety matters (reason for refusal 4), with the Inspector concluding at paragraph 17 "that the lack of parking within the proposed scheme would cause harm to highway safety. The development would conflict with CS Policy CS24 and SDPD Policy DM12, as well as the SPD".

Paragraphs 18-23 relate to affordable housing matters (reason for refusal 6), with the Inspector concluding at paragraphs 22-23 that "I find the Council's evidence to be compelling and the adopted policy stance seeking to secure affordable housing contributions from small scale sites to be justified. I am also mindful that a number of my colleagues have reached similar conclusions in other appeal decisions in the Borough. In the absence of any contribution, on this matter I therefore consider that the proposal fails to make an adequate provision for affordable housing, in conflict with Policy DM6 of the SDPD. Accordingly, the development would fail to create mixed and balanced communities within the Borough".

Paragraphs 24-27 relate to design based matters (reason for refusal 3), with the Inspector concluding at paragraph 27 that “the development would have a satisfactory design and appearance which would cause no harm to the character and appearance of the area. The proposals would accord with CS Policy CS7 which requires that the character and appearance of the area of Reading in which it is located is maintained. The development would also comply with SPDP Policies DM4 and DM11 which seek to protect residential amenity and ensure development is compatible with the local area”.

In overall terms the Inspector therefore concluded at paragraphs 28-29 that “While I have found no harm to character and appearance of the area, I have found harm in respect of flood risk, lack of affordable housing and to highway safety. For these reasons, and having regard to all other matters raised, the appeal should be dismissed”.

As such, the appeal was dismissed on the basis of reasons for refusal 1, 2, 4 and 6. Reason for refusal 5 was addressed prior to the appeal decision, and the Inspector did not agree with reason for refusal 4.

Consultation Responses:

Public consultee responses:

Nearby occupiers were formally consulted by letter on 21/05/18. A total of two responses have been received, one effectively in support (specified as an observation) and one objecting. The response which constitutes a support states: “I think the scheme would enhance the street overall improving the current building present which is dilapidated and in need of repair”.

The response received in objection is summarised as follows:

Contamination to the nearby allotments
Restrict parking with extra residents (24-hour access to vehicles is essential)
Danger to wildlife i.e. bats.

Internal consultee responses:

Transport Planning: Initial observations raised concerns relating to parking space dimensions, provision of access points, cycle parking and bin storage areas. Consequently the applicant submitted revised plans. The final observations received from Transport Planning were:

Ardler Road is a one way road and is located in Zone 2, Primary Core Area, of the Revised Parking Standards and Design SPD. This zone directly surrounds the Central Core and extends to walking distances of 2 kilometres from the centre of Reading. This zone is well served by public transport, with buses continuing either into or out of the Central Core Area via this zone.

In accordance with the adopted Parking SPD, the development would be required to provide 1 on-site parking space for each of the proposed 2 bedroom dwellings. Originally submitted plan 17007-0-003 P1 illustrated 1 off road parking space for each proposed dwelling. Whilst the number is in accordance with the current standards the dimension of the spaces were not. Car parking spaces are recommended to be designed at 2.5 wide and 5.0m wide as a minimum we can accept 2.4m x 4.8m, no part of a vehicle should overhang the footway, thereby obstructing pedestrians. Revised plans have now been received and are deemed acceptable, with these spaces secured via condition.

Plans do not illustrate the access points for each dwelling. These need to be illustrated and visibility splays of 2.4m x 43m illustrated for any new access point. Images confirm that there is currently 1 access point serving the existing property; conformation was originally sought as to if this was to remain or be altered in any way. A license must be obtained from the Council's Highways section before any works are carried-out on any footway, carriageway, verge, or other land forming part of the public highway to agree the access construction details. Revised plans have now been submitted illustrating requested visibility splays and is therefore deemed acceptable, as secured via condition.

In accordance with the adopted Parking SPD, the development is required to provide a minimum of 2 cycle parking spaces for each of the 2 bedroom C3 dwellings which should be in a conveniently located, lockable, covered store. In a development of this nature provision can be provided in the form of a lockable garden shed. Originally submitted plans did not illustrate any provision for cycle storage. Revised plans have now been received and are deemed acceptable and will be secured via a compliance condition.

Bin storage was not originally illustrated on plans. This should be located no further than 15m from the access point. Bin storage should comply with Manual for Streets and British Standard 5906: 2005 for Waste Management in Buildings to avoid the stationing of service vehicles on the carriageway for excessive periods. Revised plans have now been received illustrating bin storage at the front of each property. This is now deemed acceptable and will be secured via a compliance condition.

Although Ardler Road is not currently part of the Councils Residential Parking Permit Scheme, the applicant should be made aware that should Ardler Road become a CPZ, residents of the new dwellings will not be eligible to apply for residents or visitor parking permits. This will be covered by the appropriate conditions and informative.

Transport does not have any objections to this application subject to the conditions and informatives stated below.

Conditions:

- Construction Method Statement
- Vehicle parking space provided in accordance with approved plans
- Vehicle access provided in accordance with approved plans
- Bicycle parking space provided in accordance with approved plans
- Bin storage
- Parking permits x2

Informatives:

- Highways
- Parking Permits
- Do not damage the verge
- Access construction

RBC Ecology Consultant: During the course of the appeal for 170574/FUL a Phase 1 Bat Survey was submitted, which the RBC Ecology Consultant confirmed satisfaction with (email 15/01/19 confirming "that the bat survey has been carried out to an appropriate standard and concludes that the risk of bats being affected by the proposals is minimal. As such, reason for refusal 5 no longer applies"). As such, reason for refusal 5 fell away, as confirmed at paragraph 2 of the appeal decision. During the course of this application the same Bat survey has been submitted, which still stands and means the previous issues are overcome in this application too.

Environment Agency:

First response dated 13/06/18: EA object as the FRA does not fulfill the requirements set out in the NPPF and the associated PPG and does not therefore provide a suitable assessment of the flood risk arising from the proposed development.

In particular, the submitted FRA fails to:

1. Assess the impact of climate change using the latest guidance and appropriate climate change allowances.
2. Demonstrate if there is any loss of flood plain storage within the 1% annual probability (1 in 100) flood extent with an appropriate allowance for climate change caused by the proposed development and if so that it can be mitigated for.
3. Demonstrate the proposed development has finished floor levels set above the 1% annual probability (1 in 100) flood level with an appropriate allowance for climate change.

Second response dated 23/10/18: EA object to the grant of planning permission and recommend refusal on this basis for the following reasons:

Part of the application site lies within Flood Zones 2 & 3 defined by the National Planning Policy Framework (NPPF) and associated Flood risk and coastal change National Planning Policy Guidance (NPPG) as having a medium & high probability of flooding. Paragraph 163, footnote 50 of the National Planning Policy Framework (NPPF) requires applicants for planning permission to submit a FRA when development is proposed in such locations.

The FRA submitted with this application prepared by The Town Planning Experts, revised 09 October 2018 does not comply with the requirements set out in the National Planning Policy Framework and the associated PPG and does not therefore provide a suitable assessment of the flood risk arising from the proposed development.

In particular, the submitted FRA fails to:

- Assess the impact of climate change using the latest guidance and appropriate climate change allowances.
- Demonstrate if there is any loss of floodplain storage within the 1% annual probability (1 in 100) flood extent with an appropriate allowance for climate change caused by the proposed development and if so that it can be mitigated for.
- Finished floor levels will be set to the appropriate 1% annual probability (1 in 100) flood extent with an appropriate allowance for climate change plus a 300mm freeboard.

Third response dated 13/02/19: Unfortunately, the proposed floodplain compensation scheme to mitigate for the loss in floodplain storage is not adequate. We therefore maintain our objection to this proposal as submitted. In the absence of an acceptable Flood Risk Assessment (FRA) EA object to this application and recommend that planning permission is refused.

Reason: The submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance. The FRA does not therefore adequately assess the development's flood risks. In particular, the FRA fails to:

1. Demonstrate the loss of floodplain storage within the 1% annual probability (1 in 100) flood extent with an appropriate allowance for climate change caused by the proposed development can be mitigated for.

The proposed development will result in a loss of floodplain storage and will impede flood flows within an area of high flood risk. The applicant has proposed to mitigate for this by using a 500mm layer of voided blocks. This design does not provide sufficient mitigation, as the voided blocks are likely to become silted over time and the voided area does not extend up to the 1% annual probability (1 in 100) flood level with an appropriate allowance for climate change.

Fourth response dated 18/03/19: Since our response we have received additional information. The Flood Risk Assessment, prepared by Hydro-Logic Services, reference K0902, version 1, dated 22 February 2019, has addressed our concerns raised in our previous response. Subject to the condition below, we therefore withdraw our previous objection.

Environment Agency position - The proposed development will only meet the National Planning Policy Framework's requirements in relation to flood risk if the following planning condition is included.

Condition - The development shall be carried out in accordance with the submitted Flood Risk Assessment, prepared by Hydro-Logic Services, reference K0902, version 1, dated 22 February 2019, and the following mitigation measures it details:

1. Finished floor levels will be set no lower than 38.38 metres above Ordnance Datum.
2. A floodable void will be provided as outlined in section 2.3 and shown in Figure 2.5

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason - This condition is sought in accordance with paragraph 163 of the National Planning Policy Framework to reduce the risk of flooding on-site and elsewhere. In particular to:

- To reduce the risk of flooding to the proposed development and future occupants.
- To prevent flooding elsewhere by ensuring that the flow of flood water is not impeded and the proposed development does not cause a loss of flood plain storage.

Summary of discussions with applicant/agent:

Feedback was provided to the agent in September 2018, advising that although the submitted scheme was considered to address some of the concerns in the previously dismissed at appeal scheme, it had not at that time addressed all of the concerns. The applicant was provided with an opportunity to address concerns raised in relation to an appropriate contribution to affordable housing, flood risk, transport details (parking space dimensions, provision of access points, cycle parking and bin storage areas) and the provision of a bat survey. The applicant subsequently submitted further information in these regards and agreed to a formal extension of time for the determination of the application (as detailed above).

In line with section 100ZA(5) of the Town and Country Planning Act (as amended) discussions are being undertaken with the applicant regarding pre-commencement conditions. The applicant agreed to the following condition on 22/03/19: demolition and construction management statement (including noise and dust measures). In addition, the following pre-commencement (barring demolition) condition has also been agreed with the applicant: materials.

Equality Act 2010:

In determining this application the Council is required to have regard to its obligations under the Equality Act 2010. However, there is no indication or evidence (including from consultation on the application) that the protected groups identified by the Act have or will

have different needs, experiences, issues and priorities in relation to this particular planning application. Therefore in terms of the key equalities protected characteristics it is considered there would be no significant adverse impacts as a result of the development.

Relevant Planning Policy and Guidance

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Material considerations include relevant policies in the National Planning Policy framework (NPPF) - among them the 'presumption in favour of sustainable development'. However the NPPF does not change the statutory status of the development plan as the starting point for decision making.

In this regard, the NPPF states that due weight should be given to the adopted policies of the Local Development Framework (LDF) (Core Strategy and Sites & Detailed Policies Document) according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given). The following local and national planning policy and guidance is relevant to this application:

National Planning Policy Framework 2019
NPPG 2014 onwards

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

- CS1 Sustainable Construction and Design
- CS2 Waste Minimisation
- CS4 Accessibility and the Intensity of Development
- CS5 Inclusive Access
- CS7 Design and the Public Realm
- CS9 Infrastructure, Services, Resources and Amenities
- CS14 Housing Provision
- CS15 Location, Accessibility, Density and Housing Mix
- CS20 Implementation of the Reading Transport Strategy (Local Transport Plan 2006-2011)
- CS24 Car/Cycle Parking
- CS29 Provision of Open Space
- CS34 Pollution and Water Resources
- CS35 Flooding
- CS36 Biodiversity and Geology
- CS38 Trees, Hedges and Woodlands

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
- DM6 Affordable Housing
- DM10 Private and Communal Outdoor Space
- DM11 Development of Private Residential Gardens
- DM12 Access, Traffic and Highway-related matters
- DM19 Air Quality

RBC Supplementary Planning Documents & other relevant guidance

- Revised Parking Standards and Design SPD (2011)
- Affordable Housing SPD (2013)
- Revised SPD on Planning Obligations under Section 106 (2015)
- DCLG Technical housing standards - nationally described space standard (2015)

Appraisal

The main issues are considered to be:

- Principle of Development
- Land Use Matters and Flood Risk
- Design, Impact on the Character of the Area and Street Scene
- Impact on Neighbour Amenity
- Amenity of Future Occupiers
- Transport Issues
- Ecology
- Affordable Housing
- CIL

Principle of Development

Identical to the assessment at the time of application 170574 the existing bungalow at the site is not considered to be of any particular architectural merit. The building is not listed, within a conservation area or locally listed. Within this context there is no in-principle objection to the existing building being demolished, subject to a reasonable redevelopment scheme taking its place.

The main policies to be considered are Policy CS35 'Flooding', Policy CS7 'Design and the Public Realm' and Policy DM11 'Development of Private Residential Gardens' in relation to the principle of the development. These are consequently considered below.

Land Use Issues and Flood Risk

The site is located within Flood Zones 2 and 3 and designated by the Environment Agency. Section 10 of the NPPF is relevant and Planning Practice Guidance specifies that dwelling houses have a flood risk vulnerability classification of 'more vulnerable'. Table 3 (para 067) of the PPG states that "some developments may contain different elements of vulnerability and the highest vulnerability category should be used unless the development is considered in its component parts". Therefore as the site falls within Zone 3 the Sequential and Exception Tests are required for this 'more vulnerable use'.

The Sequential Test assesses other potential sites in the borough with the aim of steering new development to areas at the lowest probability of flooding (Zone 1). If the applicant can demonstrate through the sequential process that a site with a lower probability of flood risk is not reasonably available a case can be put forward as to why the development could be considered as an exception.

For the Exception Test to be passed (NPPF para 160) it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, and that it will be safe for its lifetime, without increasing flood risk elsewhere and where possible reduce flood risk overall (as demonstrated primarily through the flood risk assessment submitted).

At the time of application 170574 the local planning authority refused the proposals partly on the basis of the lack of a sequential test and the FRA submitted not being appropriate (concerns were also raised by the EA in terms of the FRA). The subsequent appeal was dismissed partly on these points too, as summarised above in the relevant history section.

As part of this application the applicant has included a sequential test assessment. This is based on an appropriate geographical area of the entire Reading borough, with the existing Housing and Economic Land Availability Assessment used as an appropriate basis for identifying sites. Each of the relevant sites have been individually assessed, with suitable filters included to justifiably discount sites (e.g. council owned sites discounted; availability not within 1-5 years discounted; size of site - needs to be comparable to the proposal for 2 dwellings). In short, it is considered that the various reasons for ultimately discounting all other sites are justified and therefore officers consider that the sequential test has been passed.

With regard to the exception test, the applicant has submitted commentary seeking to demonstrate the wider sustainability benefits to the community that outweigh flood risk in this instance. This is summarised as there being a market need for two-bed dwellings in the borough, this being a brownfield development and the prevailing national and local policy context of seeking to solve the housing crisis (which by providing additional units at this site this proposal would play its part, albeit small). Set within the context of the proposals it is considered that the narrative put forward by the applicant is reasonable.

In terms of the FRA itself, as outlined in the EA consultation responses summarised above, following the submission of additional information during the course of the application the EA (in its fourth response) are satisfied with the FRA submitted. This is subject to a condition that the development is carried out in accordance with the FRA, and in particular the mitigation measures specified in terms of finished floor levels of the buildings and a floodable void being provided, thereby ensuring that neither of the proposed units will be at risk of flooding and to prevent flooding elsewhere. As such, in terms of flood risk the proposals are considered to comply with the relevant national and local policies and guidance.

Thus in flooding terms it is considered that this proposal has satisfactorily addressed the previous concerns of the LPA and Planning Inspectorate, and is in itself appropriate, subject to the EA recommended condition. Accordingly, the proposals have been demonstrated to comply with the relevant national and local policies and guidance.

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

It is noted that one of the previous reasons for refusal of 170574 was in relation to the height, massing and scale of the proposal appearing overly dominant in relation to the neighbouring row of terraced properties / overdevelopment / out of keeping with the prevailing pattern of / overbearing and visually intrusive form of development to the smaller-scale residential to the south and the open character of the allotments to the north. However, while dismissing the appeal, the Inspector was satisfied with the design and related matters, concluding at paragraph 27 that *“the development would have a satisfactory design and appearance which would cause no harm to the character and appearance of the area. The proposals would accord with CS Policy CS7 which requires that the character and appearance of the area of Reading in which it is located is maintained. The development would also comply with SPDP Policies DM4 and DM11 which seek to protect residential amenity and ensure development is compatible with the local area”*. The design of the scheme has not changed in this application. Accordingly, there is no prospect of resisting the scheme on this basis in light of the comments from the Inspector.

However, to ensure the design quality of the scheme material details (including samples) will be secured via condition (no details are specified in the submission).

Impact on Neighbour Amenity

It is noted that adverse impacts on neighbours did not form a reason for refusal of application 170574. As before, it is acknowledged that the neighbouring property potentially affected by the proposals is No.6 Ardler Road, to the south of the site. Two first floor windows are proposed on the flank elevation facing this property at first floor level. Given these would serve a bathroom an en-suite, they will be conditioned to be fixed shut / obscure glazed so not to result in any significant material loss of privacy. Although to the north of the site are allotments, it is considered prudent to also secure the corresponding bathroom / en-suite windows as obscure glazed/fixed shut in order to protect possible future amenity.

The proposed building would be close to the common boundary, at a distance of between approximately 0.6m and 0.9m. The dwelling would project approximately 4m past the rear elevation of No.6 and at two storey height this is considered to result in a worsening visually intrusive / overbearing impact to the occupiers of this property. This is in comparison with the existing bungalow and single storey structures, which although projecting significantly past the rear elevation of No.6, they are however single storey with a greater gap to the boundary. However, the level of harm is not considered significant enough to warrant the refusal of this scheme on this basis; also recognising that this did not form a previous reason for refusal by the LPA or raised by the Inspector. In order to protect nearby amenity though, it is considered necessary to remove PD rights in respect of Class A (enlargement improvement or alteration), Class B (roof enlargement) and Class E (outbuildings). There are other related reasons for removing PD rights in these regards too; namely to ensure that the buildings are in character with the prevailing context of the area (see design section above) and to manage increases in the dwellings which could alter the affordable housing contribution.

Further conditions are also recommended to partly protect nearby amenity, such as the CMS, waste storage areas, hours of construction/demolition and restrictions on the burning of waste during demolition/construction. With these conditions secured the amenity of nearby occupiers will be satisfactory protected.

Amenity of Future Occupiers

As was the case at the time of application 170574, it is considered that the proposals would provide an overall good standard of accommodation throughout with regular shaped rooms providing suitable outlook, natural lighting and ventilation.

The proposed mix of 2x2-bed units is considered appropriate in this instance. Although both units are of an identical size (thereby not providing a mix), given the small number of units created this is satisfactory in this instance. It is recommended that a condition is secured whereby no change to the unit mix (2x2-bed units) shall be made to the development hereby permitted without written approval from the Local Planning Authority. This is to safeguard the mix altering to potentially unacceptable mixes in the future, while also having a dual benefit of not altering the sales values of units (which could improve scheme viability) without this being managed and assessed by the local planning authority.

Whilst the plot of 8A would taper towards the end, there would remain approximately 14m of rear garden space per dwelling. This is similar to that afforded to the terraced row to the south and as such would not be out of keeping with the characteristics of the area. In order to help ensure future residents maintain sufficient amenity space (characteristic of the area), it is proposed to remove PD rights in relation to Class A (enlargement improvement or alteration) and Class E (outbuildings).

Transport Issues

As per the transport observations in the 'consultations' section above, transport officers are content with the information submitted, following the submission of revised plans during the application. In particular, part of the reason for dismissing the previous appeal was owing to a lack of parking causing harm to highway safety. This is now proposed off-street, with transport officers content with the proposed approach. Accordingly, no issues are raised from a transport perspective, subject to a series of conditions summarised in the consultations section above.

Ecology

As per the consultations section above, the bat survey report submitted is satisfactory and no further details are required.

Affordable Housing

In dismissing the previous appeal at the site the Inspector accepted the Council's evidence / adopted policy in seeking affordable housing on small sites to be compelling and justified, overriding national policy. As such, the appeal was partly dismissed on the basis of being in the absence of any financial contribution towards affordable housing.

In this application the applicant submitted viability information seeking to justify a nil contribution towards affordable housing, set against the context of a Policy DM6 based £37,500 financial contribution. The Council's Valuer has assessed the information provided and, in summary, disputes a number of the values/conclusions reached by the applicant. Although the Council's Valuer does not consider there to be a basis for seeking the full Policy DM6 financial contribution, it is considered that a financial contribution of £15,000 would be appropriate. After discussions the applicant has agreed to this financial contribution towards affordable housing and this will consequently be secured via s106 legal agreement. With this secured the proposal is considered to comply with policy DM6.

As means of background, following submission of the application the Council's legal challenge of Brandon Lewis's written statement of 28/11/14 (regarding affordable housing on sites of less than 10 dwellings) has been decided. The outcome of which is that the Council will continue to apply the relevant local planning policies regarding contributions to affordable housing. The proposal seeks to create one additional dwelling and therefore a contribution towards off-site affordable housing provision is required as part of the application in accordance with Policy DM6 of the Reading Borough SDPD and the Affordable Housing SPD under Section 106 of the Town and Country Planning Act 1990. The provision of affordable housing is a major issue in the borough. The borough experiences high levels of need as evidenced by a recent Strategic Housing Market Assessment and other indicators, its residents face major issues relating to affordability as a result of high and increasing house prices compared to average local incomes and significant issues in the future supply of affordable housing to meet identified needs.

Recent appeal decisions in the Reading Borough found in favour of the Council's approach, whereby the Planning Inspector has agreed with the Council's position that the 'local circumstances in Reading justify the need for small sites to make contributions to affordable housing as an exception to national policy'. These include:

Appeal Ref: APP/E0345/W/16/3162427 171 Blagdon Road, Reading

Appeal Ref: APP/E0345/W/16/3153661 17 St Barnabas Road, Reading

Appeal Ref: APP/E0345/W/16/3159962 8 Thornton Road, Reading

Appeal Ref: APP/X0360/W/16/3154971 51 Cressingham Road, Reading

A more recent example is at the application site itself. The applicant has evidently reflected on this context and has confirmed agreement to a financial contribution of £15,000 in this instance. To reiterate, with this secured the proposal is considered to comply with policy DM6.

CIL

The proposal would be a Community Infrastructure Levy (CIL) liable development. The applicant has provided the appropriate CIL Additional Information Form. An informative will be attached to the decision notice to advise the applicant of their responsibilities in this respect. An estimate of the CIL amount is 144sqm (proposed GIA) - 80sqm (existing GIA - still in use) = 64sqm x 2019 CIL rate of £148.24 per sqm = £9,487.36.

Recommendation:

Grant Planning Permission subject to conditions and the completion of a s106 legal agreement to secure a £15,000 financial contribution towards affordable housing.

CONDITIONS:

1. The development hereby permitted shall begin no later than three years from the date of this planning permission.

Reason: to prevent an accumulation of unimplemented planning permissions, and in accordance with Section 91 of the Town & Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

17007-0-002 Rev P2 - Site Plan Existing, as received 27/09/18 at 12:17pm
17007-0-003 Rev P2 - Site Plan Proposed, as received 27/09/18 at 12:17pm
17007-0-004 Rev P2 - Visibility Splays, as received 27/09/18 at 12:17pm
17007-0-010 Rev P2 - Proposed Ground Floor, as received 27/09/18 at 12:17pm
17007-0-011 Rev P2 - Proposed First Floor, as received 27/09/18 at 12:17pm
17007-0-020 Rev P2 - Proposed Front Elevation, as received 27/09/18 at 12:17pm
17007-0-021 Rev P2 - Proposed Rear Elevation, as received 27/09/18 at 12:17pm
17007-0-022 Rev P2 - Proposed Side Elevation, as received 27/09/18 at 12:17pm

Reason: because permission is granted in respect of the development as detailed in the approved plans only.

3. No development (barring demolition) shall take place until details of the materials to be used in the construction of the external surfaces of the development, including all external materials such as brickwork, roofing, glazing, window frames/cills/surrounds, doors, guttering & downpipes and boundary treatments, and mortar and details of window and doorway reveals, have been submitted to and been approved in writing by the local planning authority. Details shall include manufacturers specification details of all external facing materials (to be submitted to the Local Planning Authority) and physical samples of those materials. The development shall be carried out using only the approved materials.

Reason: In the interests of safeguarding the character and appearance of the proposed buildings, the streetscene and the wider immediate area, in accordance with Policy CS7 of the Reading Borough LDF Core Strategy 2008 (Altered 2015).

4. * No development shall take place, including any works of demolition, until a Demolition and Construction Method Statement has been submitted to and been approved in writing by the Local Planning Authority to provide for:

- a) space on site where vehicles of site operatives and visitors can be parked with details of how site operatives and visitors will be required to make use of the parking area provided
- b) location on site for storage of plant and materials used in demolishing and constructing the development
- c) the erection and maintenance (including removal of any graffiti or fly posters) of security hoarding around the site
- d) any footpath closures or road closures needed during demolition and/or construction
- e) wheel washing facilities on site
- f) a scheme for recycling waste resulting from the demolition and/or construction works
- g) the provisions to be made for the control of noise and dust coming from the site during demolition and construction.

The measures within the approved Demolition and Construction Method Statement shall be maintained and adhered to throughout the course of the development unless changes are agreed in advance and in writing by the Local Planning Authority.

Reason: in the interests of protecting the amenity of local land uses or neighbouring residents, the character of the area and highway safety, in accordance with Policies CS20, CS34 and CS36 of the Reading Borough LDF Core Strategy 2008 (Altered 2015) and Policies DM4 and DM12 of the Sites and Detailed Policies Document 2012 (Altered 2015).

5. The dwellings hereby permitted shall not be occupied until all vehicle parking spaces have been provided in accordance with approved plan 17007-0-003 Rev P2 - Site Plan Proposed, as received 27/09/18 at 12:17pm. The spaces 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 to accord with Policy CS24 of the Reading Borough LDF Core Strategy 2008 (Altered 2015) and Policy DM12 of the Sites and Detailed Policies Document 2012 (Altered 2015).

6. No dwelling hereby permitted shall be occupied until the vehicle access serving it has been constructed in accordance with the approved drawing 17007-0-003 Rev P2 - Site Plan Proposed, as received 27/09/18 at 12:17pm. The vehicle access shall be kept available for off-street parking at all times thereafter unless otherwise agreed with the Council.

Reason: In the interests of road safety in accordance with Policy CS20 of the Reading Borough LDF Core Strategy 2008 (Altered 2015) and Policy DM12 of the Sites and Detailed Policies Document 2012 (Altered 2015).

7. No dwelling hereby permitted shall be occupied until the bicycle parking facility for that dwelling has been provided in accordance with approved plan 17007-0-003 Rev P2 - Site Plan Proposed, as received 27/09/18 at 12:17pm. Thereafter the bicycle parking facility shall be kept free of obstruction and available for the approved use at all times.

Reason: To encourage travel by sustainable alternatives to driving a motorcar in accordance with policies CS23 and CS24 of the Reading Borough LDF Core Strategy 2008 (Altered 2015).

8. No dwelling hereby permitted shall be occupied until the bin storage facility has been provided in accordance with approved plan 17007-0-003 Rev P2 - Site Plan Proposed, as received 27/09/18 at 12:17pm. The bin storage facilities shall be retained thereafter for use by occupiers of the dwellings/building at all times.

Reason: To ensure that sufficient provision is made for the storage of refuse and recyclables and to safeguard the amenity (including visual amenity) of existing nearby / future occupiers / road users from potential disturbance and/or smells and highway safety, in accordance with Policies CS2 and CS7 of the Reading Borough LDF Core Strategy 2008 (Altered 2015) and Policies DM4 and DM12 of the Sites and Detailed Policies Document 2012 (Altered 2015).

9. No residential unit hereby approved shall be occupied until the Council has been notified in writing of the full postal address of the unit. The notification shall be sent to the Council's Planning Manager quoting the application reference specified on this Notice.

Reason: In order that the Council can update its records to ensure that parking permits are not issued to the occupiers of the new residential units hereby approved, and thus ensure that the development does not harm the existing amenities of the occupiers of neighbouring residential properties by adding to the already high level of on street car parking in the area in accordance with Policy CS24 of the Reading Borough LDF Core Strategy 2008 (Altered 2015) and Policy DM12 of the Sites and Detailed Policies Document 2012 (Altered 2015).

10. Prior to any agreement being entered into for a new occupation of, or transfer of any interest in, the residential unit(s) hereby approved, the prospective occupier/transferee shall be informed that there is no automatic entitlement to a car parking permit for any existing residential parking permit schemes and future schemes on adjacent and surrounding streets. All material used for advertising or marketing the residential unit(s) for letting or sale shall make it clear to prospective tenants and occupiers that they will not be automatically entitled to a parking permit, but any application for a parking permit will be considered on its merits.

Reason: In order that the prospective occupiers are made aware of the fact that while they can submit an application they will not be automatically entitled to an on-street car parking permit. In the interests of the proper management of parking, and to ensure that the development does not harm the existing amenities of the occupiers of neighbouring residential properties by adding to the already high level of on street car parking in the area, in accordance with Policy CS24 of the Reading Borough LDF Core Strategy 2008 (Altered 2015) and Policy DM12 of the Sites and Detailed Policies Document 2012 (Altered 2015).

11. The development hereby permitted shall be carried out in accordance with the submitted Flood Risk Assessment: Berkshire Corporate High Level Flood Assessment for residential development in Caversham By Hydro-Logic Services, Ref Report K0902/Rep 1 Rev1, dated 22/02/19, as received 01/03/19, and the following mitigation measures it details:

1. Finished floor levels will be set no lower than 38.38 metres above Ordnance Datum.
2. A floodable void will be provided as outlined in section 2.3 and shown in Figure 2.5

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding on-site and elsewhere, particularly to reduce the risk of flooding to the proposed development and future occupants and to prevent flooding elsewhere by ensuring that the flow of flood water is not impeded and the proposed development does not cause a loss of flood plain storage, in accordance with paragraph 163 of the National Planning Policy Framework 2019 and Policy CS35 of the Reading Borough LDF Core Strategy 2008 (Altered 2015).

12. No change to the unit mix (2x2-bed units) shall be made to the development hereby permitted without written approval from the Local Planning Authority.

Reason: to ensure that the proposed development provides an appropriate range of housing opportunities / dwelling types to meeting requirements for different groups, in accordance with Policy CS15 of the Reading Borough LDF Core Strategy 2008 (Altered 2015).

13. No construction, demolition or associated deliveries shall take place outside the hours of 0800hrs to 1800hrs Mondays to Fridays, and 0900hrs to 1300hrs on Saturdays, and not at any time on Sundays and Bank or Statutory Holidays without prior written approval from the Local Planning Authority.

Reason: to protect occupiers of nearby properties from unreasonable disturbance from works connected with implementing this permission in accordance with Policy CS34 of the Reading Borough LDF Core Strategy 2008 (Altered 2015) and Policy DM4 of the Reading Borough LDF Sites and Detailed Policies Document 2012 (Altered 2015).

14. No materials or green waste produced as a result of the clearance of the site, demolition works or construction works associated with the development hereby approved shall be burnt on site.

Reason: In the interests of air quality, the amenity of neighbours, and to promote more sustainable approaches to waste management in accordance with Policies CS2 and CS34 of the Reading Borough LDF Core Strategy 2008 (Altered 2015) and Policy DM4 of the Reading Borough LDF Sites and Detailed Policies Document 2012 (Altered 2015).

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the proposed north and south side elevation windows at first floor level (2 windows on each side elevation serving an en-suite bathroom and bathroom, as per approved floor plan 17007-0-011 Rev P2 - Proposed First Floor, as received 27/09/18 at 12:17pm and approved elevation 17007-0-022 Rev P2 - Proposed Side Elevation, as received 27/09/18 at 12:17pm) shall be non-opening and glazed with obscure glass on parts below 1.7m as a minimum when measured from the floor level of the respective rooms, before occupation of that room, and shall be permanently maintained thereafter as non-opening and obscure glazed.

Reason: To safeguard the amenities of the adjoining premises from overlooking and loss of privacy in accordance with Policy DM4 of the Reading Borough LDF Sites and Detailed Policies Document 2012 (Altered 2015).

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification) no development within Article 3, Schedule 2, Class A (enlargement improvement or other alteration), Class B (enlargement of a dwellinghouse consisting of an addition or alteration to its roof), or Class E (building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse) shall be carried out

within the curtilage of the dwelling without express planning permission from the Local Planning Authority.

Reason: Due to the constrained nature of the site and as unrestricted development could harm the amenities of neighbouring properties through overlooking or being overbearing and harm the appearance of the main house and the area in general and should therefore be controlled, in accordance with the requirements of Policy CS7 of the Reading Borough LDF Core Strategy 2008 (Altered 2015) and Policies DM4 and DM11 of the Reading Borough LDF Sites and Detailed Policies Document 2012 (Altered 2015).

INFORMATIVES:

1. i) The attention of the applicant is drawn to Section 59 of the Highways Act 1980, which enables the Highway Authority to recover expenses due to damage caused by extraordinary traffic.
ii) Any works affecting the Highway shall be in accordance with Reading Borough's Council's document "Guidance Notes for Activities on the Public Highway within the Borough of Reading". The applicant should note that compliance with this document is mandatory and licences to work on the Highway will only be issued if the requirements contained within it are met. A copy can be obtained from the Council's website.
2. The occupiers of the residential unit(s) will not be automatically entitled to an on-street car parking permit. Current and new occupiers should be informed of this and be advised to find out more about parking permits on the Council's website. There is already a high level of on street car parking in the area and the site is located close to local facilities, with frequent public transport services on nearby roads.
3. You are advised to avoid the use of the grass verges for development related activity, e.g. storage of materials, due to the resulting potential harm to important street trees.
4. The Council's Highways section should be contacted at 19 Bennet Road, Reading, RG2 0QX, telephone: 0118 937 2138, to agree the access construction details and to grant a licence before any work is carried out within the highway. A formal application should be made allowing at least 4 week's notice to obtain details of underground services on the applicants' behalf.
5. The Local Planning Authority has worked positively and proactively with the applicant to resolve relevant matters to allow permission to be granted within the prescribed target or agreed extended timescale for the decision to be issued.
6. To minimise the disturbance by noise of future residential occupiers of the units and its effect on neighbouring residents, residential accommodation must be designed and constructed so as to achieve the insulation requirements set out in Building Regulations Approved Document E.
7. A section 106 Agreement has been completed for this development. A copy of the S106 Legal Agreement is available on the Council's Public Register of Planning.
8. In accordance with Article 35 (DMPO 2015) some conditions have been highlighted (with a *) to make clear that they require approval from the Local Planning Authority before any development begins. This is because the details need to be designed or works implemented before any other works start on the site or are of a nature that it would be impractical to consider after work has started.

9. Your attention is drawn to the requirement for submission of a Building Regulations application for the proposed development. Please contact Building Control on 0118 937 2449 for advice.

10. Your attention is drawn to the terms and conditions of this permission. Any development which is carried out but which differs materially from the approved plans and details, or does not comply with any condition(s) or planning obligation(s) attached to the permission may result in the Council taking action to remedy the breach of planning control. If you are in any doubt please contact the Council.

11. The Council introduced the Community Infrastructure Levy (CIL) on 1st April 2015. CIL is a way of securing financial contributions towards infrastructure from new development, and partially replaces the Section 106 planning obligation regime. It is a set charge per sq m of floorspace for different uses, and, unlike Section 106, it is non-negotiable. It applies to developments which result in at least one dwelling; where the space has not been in lawful use for 6 months within the last 3 years or 100 sq m of new floorspace. For this approved development the CIL status is CHARGEABLE. If chargeable you will be sent a CIL Liability Notice with the calculated amount soon. CIL becomes payable on commencement of the development or by instalments. For more information go to:

http://www.reading.gov.uk/media/2791/Community-Infrastructure-Levy-Advice-to-Applicants/pdf/CIL_Advice_to_Applicants.pdf

12. During the course of construction, the developer should take care to ensure that no part of this development (foundations, eaves, guttering, etc.) would encroach on, under or across the boundary line with the adjoining property, as the requisite Notice has not been served on the owner of that property. This permission does not confer any right of access onto land that is not under the developer's control. The developer should also be mindful of the obligations and requirements of the Party Wall Act (1996) details of which can be found at: www.communities.gov.uk/publications/planningandbuilding/partywall