

DELEGATED APPLICATION REPORT

Target Date: 25/08/2017

Application No: 170950/FUL

Address: 10 Upper Warren Avenue, Caversham

Proposal: Demolition of existing dwelling and construction of replacement dwelling

Case officer: Ethne Humphreys

Site Description and Surrounding Area:

The application site relates to a detached bungalow with accommodation in the roof space, located on the north side of Upper Warren Avenue. The dwelling is set back significantly in its plot from the road and there is a change in site levels, with the dwelling approximately 1.5m higher than the road. There is substantial tree screening to the front of the site and a number of trees across the site. There are protected trees to the north east corner, in the garden of 5 Mapledene.

The immediate character of the area is that of large detached dwellings, ranging from bungalows to two storey dwellings of a variety of design styles set within substantial plots.

Proposal:

This is an application for a detached two storey 5-bed dwelling with integral garage following demolition of the existing bungalow. It would be of a split level 'arts and crafts' design and the proposed materials would include brick with painted render panels, clay tiles and painted timber windows and doors.

Plans Considered:

Drawing No: Location and Block Plan 3455/200 A

Drawing No: Existing Floor Plans 3455/101

Drawing No: Existing Elevations 3455/102

Drawing No: Elevations 1/2 3455/203

Drawing No: Elevations 1/2 3455/204

Drawing No: Proposed Site Plan 3455/205

Drawing No: Ground Floor Plan 3455/201 A

Drawing No: First Floor Plan 3455/202 A

Drawing No: 3D Sheet 1 3455/206

Drawing No: 3D Sheet 2 3455/207

Received 9th June 2017

Bat Emergence Survey Report dated 6th August 2017

Received 7th August 2017

Relevant Planning History:

None relevant.

Consultation Responses:

Highways Officer: No objection subject to conditions and informatives.

Ecologist: Further to Bat Emergence Survey Report, no objection subject to condition.

Tree Officer: No objection subject to condition and informatives.

7 neighbouring and nearby occupiers have been formally consulted. No neighbour letters of representation received.

Summary of discussions with applicant/agent:

No pre-application advice was sought 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:

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

CS1 Sustainable Construction and Design

CS7 Design and the Public Realm

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
- 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
- DM4 Safeguarding Amenity
- DM5 Housing Mix
- DM6 Affordable Housing
- DM10 Private and Communal Outdoor Space
- 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)

The main issues are:

- a) Principle
- b) Design, Impact on the Character of the Area and Street Scene
- c) Impact on Neighbour Amenity
- d) Amenity of Future Occupiers
- e) Transport Issues
- f) Ecology
- g) Natural Environment
- h) Sustainability
- i) Affordable Housing
- j) CIL

Appraisal

Principle

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 the replacement dwelling being appropriate in all other respects (which is detailed further below). As such, there is no in-principle objection to the proposals, subject to all other matters (as discussed below) being satisfactory.

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

The proposed dwelling would be significantly larger than the bungalow it would replace; however, it would only be marginally wider and the height would be comparable to other dwellings in the vicinity. Although wide, given the hipped roofs, single storey elements, and distance to the side boundaries, the replacement dwelling, on balance, it is not considered to result in overdevelopment of the site given the retained distances to the side boundaries. Upper Warren Avenue is characterised by predominantly large dwellings set within large plots with dwelling scales ranging from bungalows to two and a half storey dwellings and the dwellings along this part of Upper Warren Avenue are somewhat staggered in terms of frontage building lines and distances from the road. In this context, the replacement dwelling is not considered to be out of keeping with the character of the area.

In terms of design, given the variety of design styles along this part of Upper Warren Avenue, the 'arts and crafts' style proposed is not considered to be harmful to the character of the street scene and indeed would offer a more positive contribution to the street scene than the current somewhat dishevelled bungalow.

Although the proposed dwelling would be large, it would be well screened from Upper Warren Avenue and it is not considered that the overall footprint and scale would be so incongruous so as to have any adverse effect on the visual amenities of the street scene or wider area.

Impact on Neighbour Amenity

In relation to 'Owls Barn' to the west of the site, one first floor window is proposed on the flank elevation facing this property. However, this would serve an en-suite and as such could be conditioned to be obscure glazed so as not to result in any material loss of privacy. The proposed dwelling would not breach a 45 degree line to the nearest habitable room window at the rear of 'Owls Barn' and the element closest the common boundary would be single storey with a flat roof to minimise the impact. The proposed dwelling would project forward of 'Owls Barn', which features a playroom and study closest to the boundary - both of which have more than one window affording light to the rooms. Given the distance and significant

tree screening, it is not considered that the proposals would result in any significant material loss of light or overbearing impact to the occupiers of this property.

In relation to 'Donaldswood' to the south east of the site, this property is set significantly further forward in its plot than No.10. No first floor windows are proposed on the flank elevation facing this property and as such there would be no loss of privacy. There is significant tree screening along the common boundary and the roof of the garage element closest the boundary would be hipped away to minimise the impact. Given the distance of approximately 25m to 'Donaldswood' itself, the proposals are not considered to result in any significant material loss of light or overbearing impact to the occupiers of this property.

There would be a distance of approximately 25m to the rear of No.5 Mapledene itself, to the north east of the site and the element closest to the common boundary would be single storey. As such, the replacement dwelling is not considered to result in any loss of light or overbearing impact to the occupiers of this property. One of the first floor windows (bedroom 3) would face across the side garden of No.5. Given the significant tree screening, it is unlikely that there would be any direct views, and any glimpses would be across the side garden and not directly towards No.5. Given the substantial tree screening and distance, it is not considered that there would be any significant materials loss of privacy or overlooking to the occupiers of this property as a result of the proposals.

Given the significant distance to No.21 Chazey Road to the north of the site, the replacement dwelling is not considered to result in any loss of light, privacy or overbearing impact to the occupiers of this property.

In general terms it is noted that the proposed dwelling could be subject to significant further extensions and alterations under subsequent permitted development rights, which could negatively impact on the amenity of nearby occupiers. In order to manage this, it is considered necessary and reasonable to secure a condition to remove permitted development rights under Classes A (alterations), B (roof additions) and E (outbuildings). In addition, a further condition is required in respect of protecting the amenity of neighbours during the construction period. A construction method statement will therefore be secured via condition and is required from a highway safety perspective too. As such in overall terms, considering all nearby residential occupiers, no significantly harmful amenity impacts would occur, subject to conditions and in compliance with policy DM4.

Amenity of Future Occupiers

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. Furthermore, there would be ample space on site for the adequate storage of waste and recycling bins. Due to the irregular shape of the plot, the garden space would be (relatively) narrow; however, this is the same as current situation and is not considered unacceptable.

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 a development would be required to provide parking provision of 2.0 on site spaces for a 4+ bedroom dwelling. Plans indicate that the new development will be provided with a double garage. The dimensions conform to the Councils current standards and are therefore deemed acceptable. Although not illustrated on plans there appears to be sufficient frontage to the property to provide off road parking for a minimum of two vehicles. Plans also state that there is to be no change to the existing access arrangements.

In accordance with the Council's Parking Standards and Design SPD, a 4+ bedroom dwelling should be provided with 2 secure cycle storage spaces. No details with regards to cycle storage has been submitted, this can be provided in the form of a garden shed, however the double garage is of sufficient dimension to store cycles. Therefore this is deemed acceptable.

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. As this is a replacement dwelling an assumption has been made that the bin collection and storage will be as current existing arrangements.

Transport does not have any objections to this proposal subject to conditions and informatives.

Ecology

The Bat Emergence Survey Report concludes that a brown long-eared bat roost exists in the building which would be impacted upon as a result of the development.

The Council's Ecologist considers that having due regard to The Conservation of Habitats and Species Regulations 2010 this application passes the tests set out and a licence for development works affecting bats is likely to be obtained from the Statutory Nature Conservation Organisation (Natural England). In this instance it is considered that:

- Appropriate mitigation can be provided which will ensure that there will not be a detrimental impact on the favourable conservation status of the bat species concerned.
- The development is for an imperative reason of overriding public interest of an economic nature as the development will contribute to a social and economic need of the local community and is in compliance with planning policy
- That there is no satisfactory alternative to the development as without developing the site the aforementioned need will not be met.

The Council's Ecologist is satisfied that mitigation could be provided to ensure that there would be no adverse impact upon the favourable conservation of bats (a protected species and therefore a material consideration) and raised no objection subject to a condition stating that a licence should be obtained from Natural England and a copy submitted to the LPA prior to commencement of works.

Natural Environment

The Council's Tree Officer raised a concern about the proximity of the north east corner to the garden of 5 Mapledene, specifically to the overhang TPO tree - T4 of the tree survey. The canopy of this tree is better reflected on the ground and first floor plans than the tree survey - currently extends to the existing house elevation. The proposal would bring the dwelling closer to the tree which could result in pressure to prune. However, it is recognised that the ground floor rooms closest to the tree would accommodate the home cinema and dining room, the former not requiring high light levels, and the first floor has been set back. Whilst this might not mean pressure to prune from light issues, the proximity of a tree in itself causes other concerns such as perceived safety fear and issues with natural tree debris. Notwithstanding, the tree concerns are not considered to be a sustainable reason for refusal. It is noted that some trees not recommended for removal have been felled after

completion of the tree survey and before its submission (on request) to the Council and other tree work has been carried out. The frontage, particularly west of the access point, contains relatively poor quality trees and gaps from felling and would benefit from landscaping in form of several trees and perhaps hedging.

In response to the above concerns raised, the agent considers that the previous owner did get consent from RBC to undertake such works where the tree already affects the existing dwelling, and confirming their client has already approached the owner to discuss tree works - clearly acknowledging that the tree is already an issue. Given that the proposals would bring the dwelling closer to the tree, the desire to prune as previously stated is likely to be increased. It should be noted that as no tree works application has been made, it has not been established what extend of pruning, in arboricultural terms, would be acceptable and whether the amount required to give sufficient clearance to the new dwelling, its construction and to provide a suitable relationship between the tree and house would be acceptable. However, the Tree Officer has confirmed that this reason alone is not sufficiently harmful enough to form a sustainable reason for refusal, stipulating that should the application approved, the owner would have to accept that tree pruning may not be approved to the extend they consider appropriate if it would be detrimental to the tree. Conditions and informatives are therefore to be attached to any approval.

Sustainability

The submitted Sustainable Design Statement highlights a number sustainability principles adopted for the proposed development considered to be in line with policy CS1 and the Revised Sustainable Design and Construction SPD (July 2011).

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.

Given that the proposal is for a replacement dwelling, no Affordable Housing contribution is sought in this instance.

CIL

The proposal would be a Community Infrastructure Levy (CIL) liable development. The applicant has provided the appropriate CIL Additional Information Form. An informative would be attached to the decision notice to advise the applicant of their responsibilities in this respect. Based on the information provided, this is estimated to amount to £43,391.81 (557m² of the proposed dwelling - 234.6m² of the existing = 322.4m² additional x £120 per m² x 2017 indexation).

RECOMMENDATION:

GRANT subject to conditions and informatives

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission was granted.

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 materials to be used in the construction of the external surfaces shall be as annotated on the approved plans.

Reason: In the interests of safeguarding the character and appearance of the building and wider streetscene, in accordance with Policy CS7 of the Reading Borough Local Development Framework Core Strategy 2008 (altered 2015).

3. The permission relates only to the following plans and drawings as received by the local planning authority:

Drawing No: Location and Block Plan 3455/200 A

Drawing No: Elevations 1/2 3455/203

Drawing No: Elevations 1/2 3455/204

Drawing No: Proposed Site Plan 3455/205

Drawing No: Ground Floor Plan 3455/201 A

Drawing No: First Floor Plan 3455/202 A

Received 9th June 2017

Bat Emergence Survey Report dated 6th August 2017

Received 7th August 2017

Reason: for the avoidance of doubt and in the interests of proper planning.

4. The first floor en-suite bathroom window on the west facing elevation shall be obscurely glazed and non-opening, unless that part of the window which can be opened is a minimum of 1.7m above the internal floor level. No additional windows or openings shall be inserted in the first floor east, west or north facing elevations without securing the necessary permission from the local planning authority.

Reason: In order to protect the residential amenity of neighbouring occupiers from overlooking, in accordance with Policy DM4 of the Sites and Detailed Policies Document 2012 (Altered 2015).

5. 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 alteration), Class B (roof enlargement) or Class E

(outbuildings) shall be carried out within the application site without the grant of planning permission having first been obtained from the local planning authority.

Reason: To prevent overbearing or overlooking effects resulting in harm to the amenity of occupiers of neighbouring dwellings and to prevent an overdevelopment of the site in the interests of the character of the area, in accordance with the requirements of Policy CS7 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).

6. No works to the roof or loft space, or demolition shall commence until a licence for development works affecting bats has been obtained from the Statutory Nature Conservation Organisation (Natural England) and a copy has been submitted to and approved in writing by the Local Planning Authority. Thereafter mitigations measures approved in the licence shall be maintained in accordance with the approved details. Should conditions at the site for bats change and the applicant conclude that a licence for development works affecting bats is not required the applicant is to submit a report to the Local Planning Authority detailing the reasons for this assessment and this report is to be approved in writing by the Local Planning Authority.

Reason: To ensure that bats, a European Protected Species, are not adversely impacted upon as a result of the development and in accordance with Policy CS36 of the Core Strategy 2008 (altered 2015).

7. No development shall take place, including any works of demolition, until a 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 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 construction
 - e) wheel washing facilities on site

- f) a scheme for recycling waste resulting from the construction works

The measures within the approved 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 Policy DM12 of the Sites and Detailed Policies Document 2012 (altered 2015).

8. No development shall take place until full details of both hard and soft landscaping have been submitted to and been approved in writing by the local planning authority. The submitted details shall include:

- (a) hard surfacing materials; and
- (b) proposed and existing functional services above and below ground (e.g drainage, power, communications cables, pipelines etc. indicating lines, manholes etc); and
- (c) planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate.
- (d) Tree pit specifications.

The hard and soft landscaping of the development hereby permitted shall be carried out, in accordance with the approved landscaping plans and documents. The soft landscaping shall take place no later than during the first planting season following the date when the development hereby permitted is ready for occupation or in accordance with a timetable agreed in writing with the Local Planning Authority.

Reason: in the interest of ensuring that the landscaping of the development enhances the visual local environment and in accordance with Policy CS7 of the Core Strategy 2008 (altered 2015).

9. All planted materials shall be maintained for five years and any trees or plants removed, dying, being severely damaged or becoming seriously diseased within 5 years of planting shall be replaced with others of similar size and species to those originally required to be planted.

Reason: in the interests of the character and appearance of the new development and in accordance with Policy CS7 of the Core Strategy 2008 (altered 2015).

10. No development shall take place until an Arboricultural Method Statement and Tree Protection Plan in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice for all existing trees that are not shown as being removed on the approved drawings, both within and adjacent to the site, has been submitted to and been approved in writing by the local planning authority. The development shall not be carried out other than in accordance with the approved Arboricultural Method Statement and Tree Protection Plan.

Reason: to ensure that appropriate protection is given to trees of amenity value within and adjacent to the site in accordance with Policy CS38 of the Core Strategy 2008 (altered 2015).

11. The hours of construction, demolition and associated deliveries shall be restricted to the hours of 08:00hrs to 18:00hrs Mondays to Fridays, and 09:00hrs to 13:00hrs on Saturdays, and not at any time on Sundays and Bank or Statutory Holidays without prior approval from the Local Planning Authority.

Reason: To protect the amenity of occupiers of existing nearby properties from noise and 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 Sites and Detailed Policies Document 2012 (Altered 2015).

12. 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 CS34 and CS2 of the Reading Borough LDF Core Strategy 2008 (Altered 2015) and Policy DM4 and DM19 of the Sites and Detailed Policies Document 2012 (Altered 2015)

Informatives

- a. 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.

b. The approved development is liable to pay the Community Infrastructure Levy (CIL) in line with the Council's CIL Charging Schedule. Upon permission or soon after, the Council will issue you with a CIL Liability Notice, which details the CIL amount payable. CIL is not payable until commencement of the development, but before commencement you must submit a CIL Commencement Notice to the Council. Failure to submit a Commencement Notice before commencement may mean that a surcharge is imposed, and will mean that the liable party will not be able to benefit from the Council's Instalment Policy and that any claims for relief are void.

It is strongly advised that, before commencement, you submit an Assumption of Liability Form if you have not already done so. If at commencement no party has assumed liability to pay CIL, liability will default to the landowner(s), a surcharge may be imposed, and the liable party will not be able to benefit from the Council's Instalment Policy.

If the development is eligible for a form of relief from CIL, a claim must be made prior to commencement. Claims made after commencement cannot be considered.

More information on CIL, including copies of the forms referred to above, are on the Planning Portal website:

(https://www.planningportal.co.uk/info/200126/applications/70/community_infrastructure_levy) and the Charging Schedule and Advice to Applicants are on the Council's website (<http://www.reading.gov.uk/media/2594/Community-Infrastructure-Levy-Charging-Schedule/pdf/Community-Infrastructure-Levy-Charging-Schedule-20151.pdf> & http://www.reading.gov.uk/media/2791/Community-Infrastructure-Levy-Advice-to-Applicants/pdf/CIL_Advice_to_Applicants.pdf)

- c. The applicant's 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.
- d. The construction (and demolition) of the development will be subject to environmental health law and the applicant is referred to:

<http://www.reading.gov.uk/environmentalprotection>

- e. 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:
<http://www.communities.gov.uk/publications/planningandbuilding/partywall>
- f. 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.
- g. 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 be made aware 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 at <http://www.reading.gov.uk/ltp/General.asp?id= SX9452-A782F664> (within the Transport Strategy area of the Transport Section on the Reading Borough Web Site).
- h. You are advised that no work to protected trees overhanging from adjacent properties is approved by this permission. Any proposed works to trees subject to a Tree Preservation Order will require the submission of a tree works application
- i. The decision to grant planning permission follows the positive and proactive consideration of the issues raised by this planning application and issuing the decision within the agreed time period.