

DELEGATED APPLICATION REPORT

SITE ADDRESS: 4 Copse Avenue,
APPLICATION NUMBER: 170691
PROPOSAL: Part demolition of No 4 Copse Avenue and erection of 2 x 4 bedroom detached dwellings, access and parking.

INTRODUCTION

The application site (0.15ha in area) consists of the existing 'L' shaped residential plot of 4 Copse Avenue located at the end of an existing cul de sac. The site contains a 3 bed chalet bungalow with attached garage and an extensive garden area set to the west of the dwelling. Due to the shape of the site the plot width (east to west) is approximately 90m running adjacent to the rear boundaries of residential plots fronting Henley Road. There are mature trees in and adjacent to the boundary of the site.

The residential area immediately surrounding the site at Copse Avenue is characterised by detached dwellings incorporating chalet bungalows with steep pitched roofs and two storey dwellings with pitched roof forms. The western portion of the application site is bounded by the development at Overton Drive which contains two storey dwellings.

PROPOSAL

The proposal is for the demolition of the existing single storey garage and play room at the existing dwelling at No 4, which converts this dwelling from a 3 bed to a 2 bed dwelling; and the erection of two 4 bed dwellings within the garden area to the west. The proposal also includes the provision of a new access way into the site, the provision of 2 car parking spaces for each dwelling and a communal bin collection point adjacent to the access.

The application has been submitted with the following plans and documents.

Document:
Design and Access Statement

Plans:
Location Plan P17-0206_02 Rev 1 received 2/05/2017
Site layout P17-0206_03 Rev D received 24/7/2017

Existing elevations of dwelling at No 4	P17-0206_06	received 4/05/2017
Proposed elevations of dwelling at No 4	P17.0206_06	received 4/05/2017
Existing and Proposed floor plans at No 4	P17.0206	received 4/05/21017
House type 1 (elevations and floor plans)	P17.0204_4 Rev B	received 24/07/2017
House type 2 (elevations and floor plans)	P17.0206_04 Rev B	received 24/07/2017

Officer note:

It has been confirmed that the Public Highway extends 3.77m (approx.) from the carriageway which does not appear to be the case on site due to the location of the existing boundary fence on the site frontage. Although this is not a planning matter any proposal will need to make reference to the extent of the Public Highway as the proposed development would seek to alter it. The issue of the

encroachment onto the Public Highway has been forwarded onto the Highways Department.

RELEVANT POLICIES AND SUPPLEMENTARY PLANNING GUIDANCE

Legal and Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Material considerations include relevant policies in the National Planning Policy framework (NPPF) - among them the 'presumption in favour of sustainable development'. However the NPPF does not change the statutory status of the development plan as the starting point for decision making (NPPF paragraph 12). In this regard, the NPPF states that due weight should be given to the adopted policies of the Local Development Framework (LDF) (Core Strategy and Sites and 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 Council's adopted Supplementary Planning Guidance and Supplementary Planning Documents are also material planning considerations.

In relation to the matter of 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.

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.

The outcome of which is that the Council will continue to apply the relevant local planning policies regarding contributions to affordable housing.

Accordingly, the National Planning Policy Framework and the following development plan policies and supplementary planning guidance are relevant:

National Planning Policy Framework (NPPF)

- 4. Promoting sustainable transport
- 6. Delivering a wide choice of high quality homes
- 7. Requiring good design
- 11. Conserving and enhancing the natural environment

Reading Borough LDF: Core Strategy (2008)

- CS1 Sustainable design and construction
- CS4 Accessibility and the intensity of development
- CS5 Inclusive Access
- CS7 Design and the Public Realm
- CS9 Infrastructure, Services, Resources and Amenities
- CS15 Location, accessibility, density and housing mix
- CS20 Implementation of Reading Transport Strategy
- CS24 Car/Cycle parking
- CS29 Provision of open space

CS34 Pollution and water resources
CS36 Biodiversity and Geology

Reading Borough LDF: Sites and Detailed Policies Document (2012)

SD1	Presumption in Favour of Sustainable Development
DM1	Adaptation to Climate Change
DM3	Infrastructure Planning
DM4	Safeguarding Amenity
DM6	Affordable Housing
DM10	Private and Communal Outdoor Space
DM11	Development of Private Residential Garden Land
DM12	Access, Traffic and Highway-related Matters

Supplementary Planning Guidance

SPG - Planning Obligations under s.106 of the Town & Country Planning Act 1990 (2013)

SPD - Sustainable Design and Construction (2013)

SPD - Parking Standards and Design SPD (2011)

SPD - Affordable Housing Provision (adopted 2013)

Draft Reading Borough Local Plan May 2017

Emerging Policy CA1d Rear of 200-214 Henley Road, 12-24 All Hallows Road and 4, 7 & 8 Copse Avenue

RESPONSE TO PUBLICITY (REPRESENTATIONS RECEIVED)

Letters were sent to neighbouring residents:

8 objections were received on the following grounds:

1. The proposed dwellings are not of sympathetic design or scale nor are they similar to the existing low density character of the area.
2. Due to the proposed elevations overlooking and loss of privacy will be caused to No 5 Copse Avenue and dwellings on Henley Road. There should be sufficient space between old and new buildings to maintain the amenity and privacy of adjoining houses. The proposal does not seem to be the required distance from the site boundary.
3. There are a number of large trees within the plot at No 5 Copse Avenue, concern re impact on existing roots a tree survey should therefore be required.
6. Highway safety would be compromised, any increase in traffic flow from Micklands Road would be detrimental to all concerned, and a better approach would be made using the All Hallows/Henley road junction with the existing traffic light system.
7. The proposed new build has inadequate parking for the location. Copse Avenue is not wide enough for two cars to easily pass and on street parking would cause dangerous obstructions.
8. The right to light should be addressed in relation to the position of the proposed new build to No 5 Copse Avenue.
9. The existing foliage and wildlife, including the a badger sett need to be considered
10. Emerging policy CA1d of the Draft Reading Borough Council Local Plan clearly demonstrates that the land subject of this application would form part of a wider area for development. The development of 2 dwellings on the site would clearly prejudice the wider area and prevent its full development.

11. The application forms state that surface water is to be disposed of to an existing watercourse. However it is not apparent from the application material where this watercourse is, or how surface water will be stored and ultimately discharge to the watercourse.

12. Red Line Boundary: a number of objections have been received in respect of the red line boundary which state that it includes land in other ownership. The objections seek the red line boundary should be amended, or notice served on those parties, and subsequent re-consultation should then take place.

Officer note: Comments regarding the extent of the application site within the ownership of the applicant in particular in relation to the boundary with properties on Henley Road have been noted. The applicant has signed Certificate A on the application form and has further reiterated that the land within the red line is under the ownership of the applicant. This is not a matter to be arbitrated by the Local Planning Authority but is civil matter to be addressed via the Land Registry. This matter is therefore not a material planning consideration to be further address under this planning application.

CONSULTATION RESPONSES

RBC Environmental Protection: Standing advice E to be applied (re all small residential developments new build - 9 dwellings or less)

RBC Ecologist: The site is mainly lawn of limited ecological value and there are therefore no objections to this application on ecology grounds. I would recommend that the following condition is set:

Condition: Prior to occupation of the development, two bird boxes are to be installed on the new houses. A brief letter report confirming that the boxes have been installed, including a simple plan showing the location and type of boxes, and photographs, is to be submitted to the Council.

Reason: To ensure that the ecological value of the site is enhanced post development in line CS36 and Paragraph 109, 114 and 118 of the NPPF

RBC Natural Environment - Pre-application comments made required the submission of a tree survey in accordance with BS5837 to allow officers to assess the impact of the proposals on any key trees; but nothing has been provided. The applicant has stated that there are no key trees on site, so it is assumed that a tree survey must have been carried out. A tree survey will also be necessary in order for a tree protection plan to be provided and considered for approval.

RBC Transport Strategy: Objection - recommend reason for refusal.

PLANNING HISTORY

161626 /PREAPP

SUMMARY OF DISCUSSIONS WITH APPLICANT/AGENT

Following the submission of amended plans on 24.7.2017 further information in relation to highway matters and tree information was sought by officers. No further information has been submitted and the applicant has confirmed they wish the scheme to be determined.

APPRAISAL

The main issues raised by the application are:

1. Impact on the character of the area
2. Residential amenity
3. Transport matters
4. Tree and Ecology Matters
5. Other matters including S106

1. Impact on the character of the area

The main policies to be considered are CS7 'Design and the Public Realm' and Policy DM11 'Development of Private Residential Gardens'. Policy DM11 requires that residential development makes a positive contribution to the character of the area in respect of the layout and spacing of the development; the form, height and massing of buildings; materials and appearance; and landscaping and boundary treatments. The application site is also required to be of an adequate size and dimensions to accommodate the development proposed in terms of setting and spacing around buildings, amenity space, landscaping and space for access road and parking.

The height and design of the proposed dwellings, in excess of 10m high, and in particular the design and bulk of the proposed roof form is considered to be out of keeping with the character of the surrounding area characterised by chalet bungalows and two storey dwellings. There is a variation in the detailed design of dwellings in the vicinity of the application site however the height of the proposed roof is equivalent to the height of the ground and first floor combined giving the dwelling an uncharacteristically bulkily appearance which is not considered to integrate with the surrounding area as sought by Policy DM11. The proposed dwellings due to their siting would be considered in the context of the dwelling at No 4 (with a ridge height of approximately 7m) and 5 Copse Avenue which are both chalet bungalows. Therefore the proposed design, bulk, height and roof form of the proposed dwellings is considered to have a harmful impact on the character of the area. For this reason there is conflict with policies CS7 and DM11 and forms a reason for refusal.

The existing dwelling at No 4 Copse Avenue at present is set in close proximity to the north and east boundary of the site but does not appear unduly cramped due to the open, soft landscaped remainder of the site. However the reduced plot size and garden area shown retained for No 4 coupled with the proximity of the new development in the form of hardstanding is considered to result in a cramped form of development within the site which is not in keeping with the existing built form and spaces that characterise the surrounding area. As such, it is considered that the proposed development does not maintain the established character of the area and conflicts with policies CS7 and DM11 which forms a reason for refusal.

In relation to the matter of comprehensive redevelopment Policy DM11 seeks a proposal does not prejudice the satisfactory development of the wider area; and objections have been received in relation to emerging Policy CA1d of the Draft Reading Borough Council Local Plan. The Emerging Local plan is not yet adopted and therefore Policy CA1d can only be given limited weight in the determination of this application. Notwithstanding this and officers comments above in relation to the impact on existing No 4 Copse Avenue, due to the siting of the proposed dwellings in relation to existing dwellings on Overton Drive and the Henley Road; and the retention of a 45m deep back garden depths it is considered that future

development could be incorporated on the site and in the wider area. This consideration therefore does not form a reason for refusal.

2. Residential amenity of existing and future occupiers

In relation to the impact on No 5 Copse Avenue the comments of this occupant have been fully noted. There is a minimum 8m separation distance between the side elevation of Plot 1 and No 5 Copse Avenue with the relative foot print of the building being slightly staggered. The proposal shows a single side facing bathroom window, which could be conditioned to be non-openable, and rear facing bedroom windows at first floor. Due to the separation distance between the dwellings and existing tree screen on the boundary there is not considered to be a significantly detrimental impact to the living environment of this existing residential property to warrant the refusal of planning permission.

In relation to the neighbouring dwellings fronting Henley Road, these properties are set over 40m from the shared boundary and therefore the proposals are not considered to have an overbearing impact on habitable rooms or a significant extent of garden area. The development would create a side-to-rear relationship with the properties on the Henley Road and proposed dwellings show a single side facing bathroom window; and rear facing bedroom windows at first floor. Due to the separation distance between the proposed dwellings and the Henley Road houses, and that a condition can be imposed that side facing windows should be obscurely glazed and non-openable, there is not considered to be a detrimental impact on residential amenity.

In relation to No 5 and 6 Overton Drive that abut the application site to the west, the proposals achieve a 20m 'back to back' distance to No 6 (which is not set directly to the rear of the application site) and over 45m to the side of No 5 Overton Drive. The proposal is therefore considered have an acceptable impact on the residential amenity of dwellings outside the site in accordance with policies DM4 and DM11.

In relation to future occupiers the proposed internal layout of the dwellings is considered to be acceptable, the amended plans show bedroom 1 (at second floor) lit by a single front facing roof light which is considered to be acceptable. The proposed dwellings have sizable, individual, private rear gardens which are considered to be in accordance with Policy DM10. Also undue overlooking is not considered to be caused by the existing neighbouring dwellings.

3. Transport matters

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 2 parking spaces for each of the proposed new 3+ bedroom dwellings, in addition to retaining the existing provision for No 4.

The revised Site Layout plan illustrates one access to serve a total of 3 dwellings at 4.1m wide, and amends the proposed parking layout. The Design and Access statement also states that the access at the entry point will be realigned with the existing kerb alignment of Copse Avenue. The applicant should be made aware that the appropriate license will be required to be obtained from Highways.

Plans submitted illustrate that the existing property will be provided with two parking spaces and the new dwellings will each have two parking spaces which complies with the Councils current standards. However there does not appear to be sufficient area provided for turning and a tracking diagram to illustrate access and manoeuvrability for food or home delivery vehicles was sought. This plan has not been submitted and therefore the proposed development does not comply with the Local Planning Authority's standards in respect of servicing and, as a result, is in conflict with Core Strategy Policy(ies) CS20, CS21, CS22 , CS23 and CS24 and Sites and Detailed Policies document Policy DM12.

In accordance with the adopted Parking SPD, a 3+ bedroom development is required to provide a minimum of 2.0 cycle parking spaces which should be in a conveniently located, lockable, covered store. The design and access statement proposes that cycle storage will be provided in the form of lockable garden sheds within each of the proposed dwellings. This is deemed acceptable given the nature of the development.

Bin storage should comply with Manual for Streets and British Standard 5906: 2005 for Waste Management in Buildings and should be located no further than 15m from the access point of the site to avoid the stationing of service vehicles on the carriageway for excessive periods. Plans indicate a communal bin collection point adjacent to the highway which is deemed acceptable as it is unlikely that a refuse vehicle will reverse into the site, therefore, the bin store should be located within 15m of the public highway.

4. Trees and Ecology

In relation to trees and landscaping there are mature trees within and directly adjacent to the site. The submitted planning application form has indicated at Section 15 that there are trees and hedges on the proposed development site; and this section of the form states that if trees are present a tree survey may need to be provided by the applicant. The trees of most concern are those shown to be retained, in particular the tree on the boundary in close proximity to proposed Plot 1 and large trees within the garden of No 5 Copse Avenue adjacent to the proposed access road. New and existing service routes will also need to be identified to ensure that there will be no conflicts with existing or proposed trees. Information is therefore required to demonstrate that these trees can be retained to maintain the character of site, and the lack of this information fails to determine these trees can be retained and therefore forms a reason for refusal.

There is no objection on ecological grounds subject to conditions. It is noted that the presence of badgers has been raised by neighbours. Badgers are a protected species safeguarded under separate legislation requiring a specific licence to be sought prior to a development taking place.

Sustainability

The submitted design and access statement sets out sustainability measures to be incorporated within the development, which is considered to be in line with policy CS1 and the Revised Sustainable Design and Construction SPD (July 2011). Notwithstanding this, the appropriate level of sustainable construction would be secured via the appropriate Building Regulations requirements.

Infrastructure Provision

S106 Financial Contributions to Affordable Housing

The proposal seeks to create 2 new 4 bed dwellings and therefore a contribution towards off-site affordable housing provision is required 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 applicant has not agreed the required financial contribution to affordable housing; nor offered any financial appraisal of the proposal to suggest that a contribution sought by the Council would make the scheme unviable. Policy DM6 is clear that only in instances where it can be demonstrated through viability evidence that the provision would be unviable will the Council forgo or seek a lower contribution. Therefore at this time a satisfactory sum to meet the requirements of Policy DM6 has not been agreed and this therefore forms a reason for refusal.

The Council's affordable housing policies are crucial in seeking to assist the Council in meeting the requirements of the NPPF which state that: "local planning authorities should...use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework,...."

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

In the recent Appeal decision dated 13th March 2017 (Appeal Ref: APP/E0345/W/16/316427 171 Blagdon Road, Reading, RG2 7NE) the Inspector concluded that:

'...given the circumstances of this proposal and the acute and substantial need for affordable housing in the Borough, and the significance of small sites in achieving the aim of SDPD Policy DM6, outweigh the development plan. Accordingly, the need for the contribution sought by the Council arises from the proposal and satisfies the tests in Regulation 122(2) of the Community Infrastructure Regulations 2010 and paragraph 204 of the Framework... My findings above are consistent with the most recent decisions by Inspectors in like cases, in which light the determination of this case in a like manner is a material consideration to which I attach substantial weight. For the reasons above, I conclude that the proposed development should

provide a financial contribution to affordable housing, the absence of which would place the proposal in conflict with SDPD Policy DM6 and the SPD.'

On this basis and in the absence of an agreed financial contribution, the proposed development would not 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) and Affordable Housing Supplementary Planning Document (2013). It would also conflict with paragraphs 47 and 50 of the National Planning Policy Framework 2012 which seek, amongst other things, to secure the delivery of affordable housing.

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.

Matters Raised in Representation

All relevant material planning issues raised have been considered in the Appraisal section of this report above.

Equalities Act

In determining this application, the Council is required to have regard to its obligations under the Equality Act 2010. The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sexual orientation. There is no indication or evidence (including from consultation on the application) that the protected groups have or will have different needs, experiences, issues and priorities in relation to the particular planning application. In terms of the key equalities protected characteristics it is considered there would be no significant adverse impacts as a result of the development.

RECOMMENDATION

REFUSE planning permission.