

DELEGATED APPLICATION REPORT

Application No's: 24/1142

Address: Land rear of 29-30 Tern Close, Reading

Proposal: Erection of 2 x 2 bed semi detached bungalows.

Case officer: Ethne Humphreys

Decision date: 28/10/2024

Site Description and Surrounding Area:

The application site comprises a 0.6ha. disused and dilapidated garage court to the rear of houses which front Tern Close and Taff Way. The site is irregular in shape, overgrown in appearance and the site is at a slightly higher level than the rear gardens and houses to the north and east of the site on Taff Way. Access to the site is via a closed-up driveway running adjacent the side boundary with No.30 Tern Close to the west.

Proposal:

This application seeks planning permission for the erection of 2 x 2 bed semi detached bungalows.

Four car parking spaces are proposed and landscaping and bat boxes has been shown.

Plans and Documents considered:

Proposed Plans and Elevations 03 Rev C

Landscape Plan 03 Rev B

Site Construction Layout Plan dated August 2022 04 Rev A

Topographic Site Survey

Arboricultural Method Statement and Arboricultural Implications Assessment Design and Access Statement

Environmental Risk Assessment dated February 2022

Preliminary Ecological Appraisal and Preliminary Inspection for Bats Report dated 01/09/2021

Tree Protection Plan dated 07/12/2021

Relevant Planning History:

211000/FUL Erection of 3 bed detached bungalow (Class C3). Approved 18/12/2023

150400/FUL Demolition of derelict garages & construction of 4 no 1 bedroom houses with associated parking. Refused 29/4/2015

Internal Consultation Responses:

Environmental Protection Officer: No objection subject to conditions.

Ecologist: OBJECT. Discussed below.

Natural Environment Officer: OBJECT. Discussed below.

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

External Consultation Responses:

Neighbour letters were sent to the occupiers of nearby properties and a site notice was displayed.

5 neighbour letters of objection received; concerns summarised as:

Repositioning of neighbours fence line
Boundary wall safety
Possibility of flooding / drainage issues
Security / damage to neighbouring properties
Loss of daylight / sunlight / overshadowing
Traffic generation
Cramped / overdeveloped
Request for Cllr site visit

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', which means 'approving development proposals that accord with an up-to-date development plan without delay' (NPPF paragraph 11).

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

National Planning Policy Framework (2023)

The following NPPF chapters are the most relevant (others apply to a lesser extent):

2. Achieving sustainable development
4. Decision-making
5. Delivering a sufficient supply of homes
8. Promoting healthy and safe communities
9. Promoting sustainable transport
11. Making effective use of land
12. Achieving well-designed and beautiful places
15. Conserving and enhancing the natural environment

National Planning Policy Guidance (2014 onwards)

Reading Borough Local Plan 2019

CC1: Presumption in Favour of Sustainable Development
CC2: Sustainable Design and Construction
CC3: Adaptation to Climate Change
CC5: Waste Minimisation and Storage
CC6: Accessibility and the Intensity of Development
CC7: Design and the Public Realm
CC8: Safeguarding Amenity
CC9: Securing Infrastructure
EN12: Biodiversity and the Green Network
EN14: Trees, Hedges and Woodland
EN15: Air Quality
EN16: Pollution and Water Resources
H1: Provision of Housing
H2: Density and Mix
H3: Affordable Housing
H5: Standards for New Housing
H10: Private and Communal Outdoor Space
H11: Development of Private Residential Gardens
TR1: Achieving the Transport Strategy
TR3: Access, Traffic and Highway-Related Matters
TR5: Car and Cycle Parking and Electric Vehicle Charging

RBC Supplementary Planning Documents

Affordable Housing SPD (2021)
Revised Parking Standards and Design SPD (2011)
Revised SPD on Planning Obligations under Section 106 (2019)
Sustainable Design and Construction SPD (2019)
Reading Tree Strategy (2021)
Biodiversity Action Plan (2021)

Other relevant documentation / guidance / legislation

National Design Guide: Planning practice for beautiful, enduring and successful places (2019)

Appraisal

Land Use Considerations

The NPPF states that LPAs should “encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value”. The NPPF definition of ‘previously developed land’ is taken to include the land which was occupied by a permanent structure... and associated fixed surface infrastructure. As such, the development site is considered previously development land.

The site is in an overgrown state and the existing garages are not considered to be of any particular architectural merit. Indeed, they are in a run-down and dilapidated state that detracts from the character of the area. Within this context, there is no in-principle objection to the demolition of the garages in design terms (or loss of parking as agreed under application 211000), subject to any replacement building and site layout being appropriate in all other

aspects. Indeed, a proposal for 1 dwelling was approved under application 211000 (see planning history above).

However, this is subject to the more detailed consideration of relevant Local Plan policies and the context of the application site. As the remainder of this report demonstrates, the proposal has failed to satisfactorily meet a number of other policy criteria.

Design Considerations / Impact on character of the area

Policy CC7 (Design and the Public Realm) seeks to ensure that new development enhances and preserves the local character. Policy H10 (Private and Communal Outdoor Space) states that the design of outdoor areas will respect the size and character of other similar spaces in the vicinity.

Paragraph 96 of the NPPF 2023 states that decision should aim to achieve healthy, inclusive and safe places and beautiful buildings.

Paragraph 131 of the NPPF 2023 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.

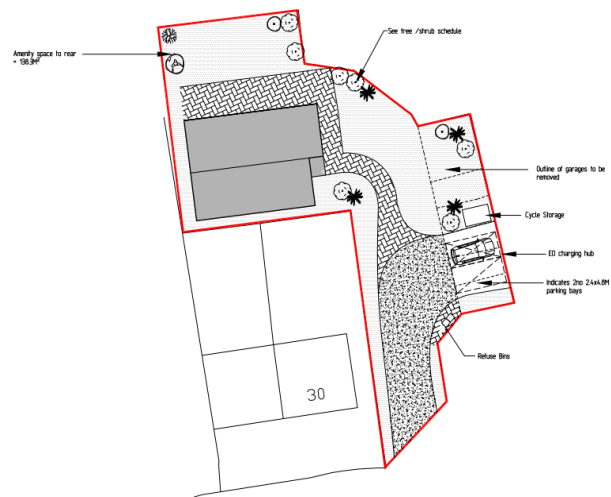
Paragraph 135 of the NPPF 2023 details that decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character including the surrounding built environment and landscape setting.

The National Design Guidance identifies 10 key components for good design and of particular note is the characteristic of 'Context' and it states that "well designed new development responds positively to the features of the site itself and the surrounding context beyond the site boundary. It should enhance positive qualities and improve negative ones." Additionally, there is specific reference to 'views inwards and outwards'.

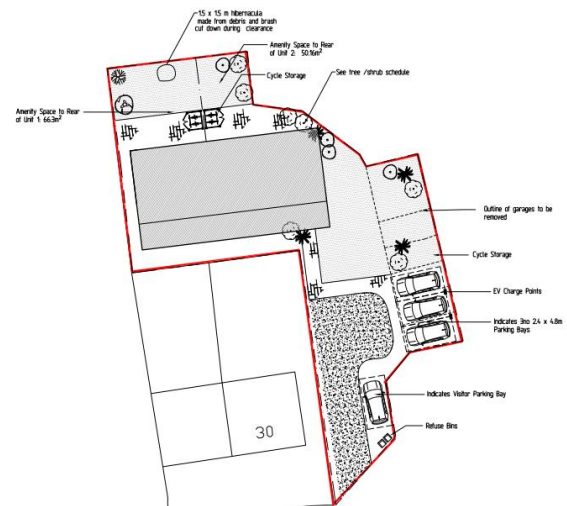
Application 211000 approved one dwelling on the site. This was the result of significant discussions between the case officer and applicant at the time, given concerns raised over the original proposals (cramped overdevelopment that did not take the opportunities available to enhance the site). Whilst it was acknowledged that the proposals would not align with the general character of the area in terms of built form, pattern of development and layout of amenity space, the approved dwelling was considered to 'sit quietly' within the site behind existing housing with a more consolidated garden space and within a landscaped setting in a way which whilst not fitting with the existing pattern of dwellings fronting the street, nevertheless did not disrupt this pattern either due to its unobtrusiveness. The proposals were considered to represent an opportunity to enhance the site with associated biodiversity enhanced in part due to the landscaped setting (discussed further below).

In contrast to what was approved, the current proposal, would result in built form expanding to, in effect, the width of the site relating awkwardly to the plot and reducing the landscape setting. This would appear cramped, particularly to the north east boundary and the significant increase in built form and resulting cramped arrangement is shown below:

Approved



Proposed



The proposal would no longer 'sit quietly' behind the existing housing and the cramped nature highlights the disproportionately and noticeably larger footprint in comparison with the prevailing built form. Not only would the built form increase, but also the intensity of use, with two dwellings fitted within the space in a contrived, awkward, manner. The additional fencing, bins, vehicles and other domestic paraphernalia would significantly erode the visual quality of the site, especially in combination with the excessively large buildings proposed.

At the time of application 211000 the agent enquired as to 2 houses on the site. The advice at the time was that the approval was likely the extent to what might be considered acceptable given the concerns raised at that time and the constraints of the site. The agent was advised to undertake pre-application advice to this effect if this was a route he wished to pursue. No pre-application advice for the scheme proposed was sought prior to submission of this application.

Under this application, the agent has stated that the approval is economically unviable and hence the submission of this application. No viability evidence has been submitted to support this claim.

As discussed elsewhere in this report, the proposal is not clear on landscaping or biodiversity related matters, which was also relevant to the approval. The proposed landscaping plan indicates tree planting but some of this would appear to be directly under, or very close to, the footprint of the proposed building. This indicates that landscaping has not been well considered, as well as illustrating the cramped and tight relationship to the boundaries. The scheme appears to 'cram' two bungalows onto a piece a piece of land that cannot accommodate appropriate space around the building.

As such the proposal would be contrary to Policy CC7 the Reading Borough Local Plan 2019 and the NPPF 2023.

Amenity of Future Occupiers

Policy H5 (Standards for New Housing) seeks that all new building housing is built to high standards and Policy H10 (Private and Communal Outdoor Space) seeks that residential developments are provided with adequate private or communal outdoor amenity space.

When comparing the landscape plan with the proposed ground floor plan, trees are proposed immediately in front of the double bedroom to unit 2 (as annotated), as well in front of the entrance area. No daylight/sunlight report has been submitted to demonstrate sufficient light to windows with the trees in place which would limit the amount of natural light, as well as outlook. This would be further exacerbated by window placement in proximity to boundary fencing. The relationship between trees and proposed accommodation would likely lead to tension between their management and the living conditions of future occupiers.

Application 211000 acknowledged that the layout of the garden would not reflect that of nearby gardens. However, the amount of amenity space proposed for the one dwelling was considered comparable to the size of the garden areas to the south and, furthermore, that the layout of the landscaped areas surrounding the dwelling would provide good quality garden space for future occupiers.

The proposed garden spaces would not be comparable with surrounding garden sizes and the garden spaces would likely be further compromised by tree planting as above. This further highlights the cramped and overdeveloped nature of the proposals. The proposals are considered to be contrary to Policy CC8 of the Reading Borough Local Plan 2019.

Should the application have otherwise been supportable and in order to help ensure future residents maintain sufficient amenity space a condition would have been attached removing PD rights in relation to Class A (enlargement improvement or alteration), B (roof additions) and Class E (outbuildings).

Contaminated Land

Policy EN16 (Water Resources) require that developments on land affected by contamination be satisfactorily managed or remediated against so that it is suitable for the proposed use.

The development lies on the site of former garages, which has the potential to have caused contaminated land. A contaminated land assessment has been submitted with the application. The agent was advised that the report would need to be endorsed by a suitably qualified professional, but no response was received in this respect. Given this, and should the application have otherwise been supportable, it would have been appropriate for conditions to have been attached to ensure that the possible presence of contamination is thoroughly investigated and removed/mitigated if necessary, confirmed in a fully endorsed report.

Impact on Neighbour Amenity

Policy CC8 (Safeguarding Amenity) which requires developments to not cause a detrimental impact on the living environment of existing properties in terms of: Privacy and overlooking; Access to sunlight and daylight; Visual dominance and overbearing; Harm to outlook; Noise and disturbance; Artificial lighting; Vibration; Dust and fumes; Smell; and Crime and safety.

There is a difference in ground level between the site and the neighbouring gardens and houses in Taff Way to the north and east of the site. Given the separation distance to the properties to the north, no material loss of amenity is considered to arise. As above, the proposed building would be sited close to the north east boundary. Whilst this would be noticeable to occupiers of adjoining properties, the building would be angled away and given its single storey nature it is not considered to result in a significant material overbearing effects to warrant a refusal on this basis.

No's 29 and 30 Tern Close are located to the south of the site. The proposed building would be located 1m away from the rear boundaries of No's 29 and 30. Given the single storey nature with low eaves height at this point (2.5m) and roof hipped away from the boundaries to minimise the impact, at a distance of 12.5m to those neighbouring dwellings themselves, it is not considered that there would be any significant material loss of light, privacy or overbearing impact to the occupiers of these properties, or detriment to the enjoyment of their gardens such to warrant a refusal on this basis.

The construction phase of the proposed development would also have potential to impact on the amenity of surrounding occupiers. Should the application have otherwise been supportable, conditions would have been recommended to secure a submission and approval of a construction method statement and to control construction hours to mitigate potential noise and dust impacts on the surrounding area.

Transport Issues

Policies TR1 (Achieving the Transport Strategy), TR3 (Access, Traffic and Highway-Related Matters) and TR5 (Car and Cycle Parking and Electric Vehicle Charging) seek to address access, traffic, highway and parking relates matters relating to development.

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.

The development would be required to provide a total of 3 car parking spaces, which is illustrated on the plans. A visitor car parking space is proposed which would required a widened

access as it is unlikely that on site turning would be possible should all the parking spaces be occupied. However, it is noted that visitor parking is not required and could be removed – the Council's Transport officer has confirmed that concerns could be dealt with via condition.

The development would be required to provide a minimum of two cycle parking spaces. Plans identify secure cycle storage areas within each of the proposed private gardens which would be acceptable if the gardens were of an appropriate size.

The construction phase of the proposed development would be likely to impact the surrounding highway network given the prominent location. Should the application have otherwise been considered supportable, a condition would have been attached to secure submission, approval and implementation of a detailed Construction Method Statement.

Natural Environment - Trees/Landscaping

Policy CC7 (Design and the Public Realm) seeks that development is of high design quality and maintains and enhances the character of the area in which it is located including landscaping. Policy EN14 (Trees, Hedges and Woodlands) requires new development to make provision for tree retention and planting.

The tree information submitted has not been updated since application 211000 and the tree protection plan does not show the proposed development. A landscape plan has been submitted. However, as above, the proposals shown the building to be built on or close to the trees shown, indicating the planting would be impacted by the proposed development itself. It is therefore not possible to confirm a clear gain in the quality and number of trees proposed and provide an appropriate setting for the development.

As such, the proposed development fails to demonstrate acceptable provision of tree planting and landscaping contrary to Policies CC7 and EN14 of the Reading Borough Local Plan 2019 and to the Tree Strategy 2021.

Ecology

Policy EN12 (Biodiversity and The Green Network) requires that new development should provide a net gain for biodiversity where possible and should incorporate biodiversity features into proposals where practical.

The Council's Ecologist has confirmed that an updated ecology survey would be required, as the previous survey was carried out 3 years ago. Whilst the approval was issued 18/12/2023 it may be that conditions at the site have changed, and there may well be bats/trees now hosting a bat roost or other protected species. It is noted that no reference is made to a known badger sett very close by, as established under application 211000, with the report incorrectly stating no mitigation required in this respect. The Committee report for application 211000 specifically commented on a large badger sett within 190m of the proposed development and a condition was attached to the approval requiring details of badger protection measures to be submitted and approved in writing prior to commencement of works.

Given the nature of the scheme, and should the application have been recommended for approval, it would also have been appropriate to ensure that ecological enhancements were provided, namely bird/bat boxes and wildlife friendly landscaping.

Following on from the above, the application has not been submitted with a biodiversity net gain calculation. From 12 February 2024 amendments to Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) made it mandatory for all developments in England to provide a biodiversity net gain of 10%. This included, as of 2 May 2024, that this all applied to all 'minor' developments. As such, all development approvals are considered to have a condition applied that they must provide for this. A Biodiversity Gain Plan must be submitted and approved by the planning authority before commencement of the development. In accordance with Central Government guidance: *"When determining a planning application, biodiversity net gain will often be a material consideration, and local planning authorities will want to consider, where relevant, whether the biodiversity gain condition is capable of being discharged successfully through the imposition of conditions and agreement of section 106 planning obligations to secure significant onsite biodiversity gains and registered offsite biodiversity gains."*

The application form states that this would be a self-build development and therefore exempt from mandatory BNG. However, no evidence has been submitted to confirm this would be the case and indeed the CIL form states that the applicant does not wish to claim a self-build exemption for a whole new home, with no self-relief indicated. In any event, even if it was to be self-build, a. A BNG calculation would still be required to satisfy Policy EN12. The lack of information demonstrating that the proposal would not lead to a net loss in biodiversity and lack of statutory 10% Net Gain forms a reason for refusal. As such, the proposals are contrary to Policy EN12 of the Reading Borough Local Plan 2019.

Affordable Housing

In accordance with Policy H3 (Affordable Housing) the proposed development, being for 2 additional dwelling, would be liable for an off-site affordable housing contribution equivalent of 10% of the GDV of the development.

The applicant stated they agreed in principle to enter into a legal agreement to secure a financial contribution (although reference is made to this being in accordance solely with Policy CC9 rather than Policy H3). However, GDV valuations to calculate the contribution have not been submitted and as such an affordable housing contribution has not been agreed (in any future application or appeal it would be expected that at least two independent valuations would be submitted at the outset to resolve this matter). Given that the proposal is not considered acceptable in other planning terms, the Council has not pursued the S106 legal agreement to secure the financial affordable housing provision. The proposal is therefore contrary to Policies H3 and CC9 of the Reading Borough Local Plan 2019.

An informative will specify that this reason for refusal could be overcome, in the context of an acceptable scheme in all other respects, by entering into a S106 legal agreement or unilateral undertaking.

Sustainability

Policy CC3 (Adaptation to Climate Change) requires that development proposals incorporate sustainable design practices to take account of climate change. Policy H5 (Standards for New Housing) requires that all new housing is be built to the higher level of water efficiency

standards under Building Regulations and achieves at a minimum a 19% improvement in the dwelling emission rates above the Building Regulations standards.

Should the application have otherwise been recommended for approval, conditions would have been recommended to ensure the development meets the following requirements:

- Higher water efficiency standards of 110 litres per person per day; and
- A 19% improvement over building regulations energy requirements

Although secured by planning condition, these new requirements would have been administered through the Building Regulations, with confirmation of compliance submitted to the LPA to discharge the condition.

CIL

The proposal would be a Community Infrastructure Levy (CIL) liable development. The applicant has provided the CIL Additional Information Form. Based on the information provided by the applicant and the 2024 CIL rate, this is estimated to amount to £23,128 (129m² of the proposals x £120 per m² x 2024 indexation (£179.29)). If the scheme had been acceptable an informative would have been attached to the decision notice to advise the applicant of their responsibilities in this respect.

Overall Planning Balance and Conclusion

It is acknowledged that there would be some planning benefits associated with the proposed development, such as the provision of 2 dwellings to assist with the Borough housing targets. However, this is a general benefit and not specific to the site and other housing land is available. In contrast, it is clear from the assessment above that harm would occur to the character and appearance of the area due to the excessive scale, awkward contrived layout resulting in a cramped overdevelopment. The proposals would offer inadequate standards of residential amenity for future occupiers in terms of daylight, outlook and outdoor space (both amount and layout). In addition, the proposals do not make adequate provision for affordable housing with consequent harm to meeting housing need and the aims of achieving sustainable mixed and balanced communities. The impact on biodiversity and insufficient landscaping are further shortcomings in terms of the quantifiable amounts but also the insufficient quality and lack of an integrated approach to their provision. The proposals are recommended for refusal on that basis for the following reasons:

1. The proposed dwellings, due to their excessive scale and site coverage and awkward, contrived layout would represent a cramped overdevelopment of the site which fails to accommodate built form and landscaping in a manner that maintains and enhances the character and appearance of the area, with consequent harm to the character and appearance of the area. The proposal is therefore contrary to Policy CC7 (Design and the Public Realm) of the Reading Borough Local Plan 2019 and paragraphs 96, 123, 128, 131, 135 and 136 of the NPPF 2023.

2. The proposed dwellings would receive insufficient daylight and outlook due to their internal layout, single aspect, position of windows, and overshadowing from trees. This would result in a detrimental impact to the living environment of future occupiers. The proposal is therefore

contrary to Policy CC8 (Safeguarding Amenity) of the Reading Borough Council Local Plan 2019 and paragraph 123 of the NPPF 2023.

3. The proposed development, due to the insufficient size of the gardens, combined with overshadowing from trees, would not provide adequate and functional outdoor private amenity space for future occupiers. This would be contrary to Policies CC7 (Design and the Public Realm) and Policy H10 (Private and Communal Outdoor Space) of the Reading Borough Council Local Plan 2019 and paragraphs 123 and 128 of the NPPF 2023.

4. The proposed development fails to demonstrate acceptable provision of tree planting and soft landscaping with consequent harm to the visual amenity, biodiversity and environmental quality of the area. The proposal is therefore contrary to Policies CC7 (Design and the Public Realm), and EN14 (Trees, Hedges and Woodland) of the Reading Borough Local Plan 2019 as well as the Reading Borough Council Tree Strategy 2021 and paragraphs 135, 136 and 180 of the NPPF 2023.

5. The proposed development fails to demonstrate that there would be no adverse effect on wildlife and protected species and the ecological value of the site. The proposal is therefore contrary to Policy EN12 (Trees, Hedges and Woodland) of the Reading Borough Local Plan 2019 and paragraphs 180 and 186 of the NPPF 2023.

6. The proposed development fails to demonstrate that it would not result in a net loss of biodiversity and deliver a 10% Net Gain. The proposal is therefore contrary to Policies EN12 (Biodiversity and the Green Network) and EN14 (Trees, Hedges and Woodland) of the Reading Borough Local Plan 2019 and paragraphs 180 and 186 of the NPPF 2023.

7. 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. The proposal is therefore contrary to Policies H3 (Affordable Housing) and CC9 (Securing Infrastructure) of the Reading Borough Local Plan 2019 and the Council's Adopted Affordable Housing Supplementary Planning Document 2021 and paragraph 64 of the NPPF 2023.