

PLANNING APPLICATIONS COMMITTEE

6 OCTOBER 2021

ADDITIONAL INFORMATION

AGENDA ITEM	ACTION	WARDS AFFECTED	PAGE NO	
<u>UPDATE AGENDA</u>				
5.	PLANNING APPEALS	Information	BOROUGHWIDE	5 - 6
8.	191496/FUL - MEADWAY PRECINCT, HONEY END LANE	Decision	NORCOT	7 - 8

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Agenda Annex

UPDATE SHEET AND ORDER OF CONSIDERATION

Planning Applications Committee - 6th October 2021

Item 05 - Planning Appeals - Appeal Decision 8 St Johns Road

No public speaking

Item No.	7 Page 31	Ward	Battle
Application Number	210811		
Application type	Full Planning Approval		
Address	39 Brunswick Hill, Reading, RG1 7YU		
Planning Officer presenting	Brian Conlon		
Item No.	8 Page 57	Ward	Norcot
Application Number	191496		
Application type	Outline Planning Approval		
Address	Meadway Precinct, Honey End Lane, Reading, RG30 4AB		
Planning Officer presenting	Stephen Vigar		*UPDATE*
Item No.	9 Page 105	Ward	Thames
Application Number	210994		
Application type	Householder		
Address	82 Albert Road, Caversham, Reading, RG4 7PL		
Planning Officer presenting	Beatrice Malama		
Item No.	10 Page 117	Ward	Whitley
Application Number	211347		
Application type	Full Planning Approval		
Address	Unit B4, Worton Drive, Reading, RG2 0TG		
Planning Officer presenting	Nathalie Weekes		

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Appeal Decision Report

Ward: Caversham

Appeal Nos.: APP/E0345/C/20/3249309

Site: Land at 8 St. Johns Road, RG4 5AN

Planning refs: 171850

Proposal:

- i) Without planning permission, the change of use of the outbuilding on the Land to use as a self-contained accommodation.
- ii) Without planning permission the erection of a part single, part two storey side and rear extension to the dwellinghouse on the Land.
- iii) Without planning permission, the creation of a hard standing

Decision level: Delegated

Method: Public Inquiry (virtual) held on 17th May and 9th June 2021

Decision: The appeal succeeds in part with permission granted for part of the breach of planning control, but otherwise the enforcement notice is upheld as corrected and varied.

Date Determined: 7th September 2021

Inspector: J Moss, BSc DipTP MRTPI

SUMMARY OF DECISION:

The Inspector granted planning permission for the extension to the rear of the main dwelling house, but otherwise upheld the Notice with corrections and variations to prevent the use of the outbuilding as any form of self-contained dwelling in the future.

Head of Planning, Development & Regulatory Services Comment

There were two main elements in this case: the unauthorised use of the outbuilding as a dwelling and the unauthorised development of the rear extension.

Outbuilding

There were contradictions in the original Enforcement Notice issued by Reading Borough Council in that the existing unauthorised outbuilding within the site could not be considered as both a self-contained residential unit; and the 7th bedroom of a Large sui generis House in Multiple Occupation (HMO) at the same point in time.

This formed part of the appellant's grounds of appeal. Therefore at the time the Inquiry sat (17th May 2021) Reading Borough Council asked for the Enforcement Notice to be amended to clarify that the breach was the use of the existing outbuilding as a self-contained residential unit. The main house was agreed to be a 6 person small HMO (C4 planning use), the change to which does not require planning permission. The Inspector confirmed they had the authority to amend the Notice in this respect and not require the Notice to be quashed as a whole.

As small C4 HMOs benefit from PD rights for outbuildings it was no longer considered reasonable by the Council to require the outbuilding to be removed, but in the Notice, the Council sought the removal of the outbuilding's internal facilities so that it could not function as a separate dwellinghouse. The Inspector agreed and has given deemed planning permission for the garden building (once all requirements of the Notice have been complied with) but upheld the Notice to prevent use as a self-contained dwellinghouse.

Rear extension

The Enforcement Notice had required that the rear extension on the main property be reduced in size to comply with plans approved under permission 171850 ('Part-one,

part-two storey side and rear extensions and associated alterations’). This included plans that illustrated lesser hardstanding and other works on the site frontage. Further elements of built form did not comply with permission 171850 but were not considered by officers to cause sufficient harm to be pursued.

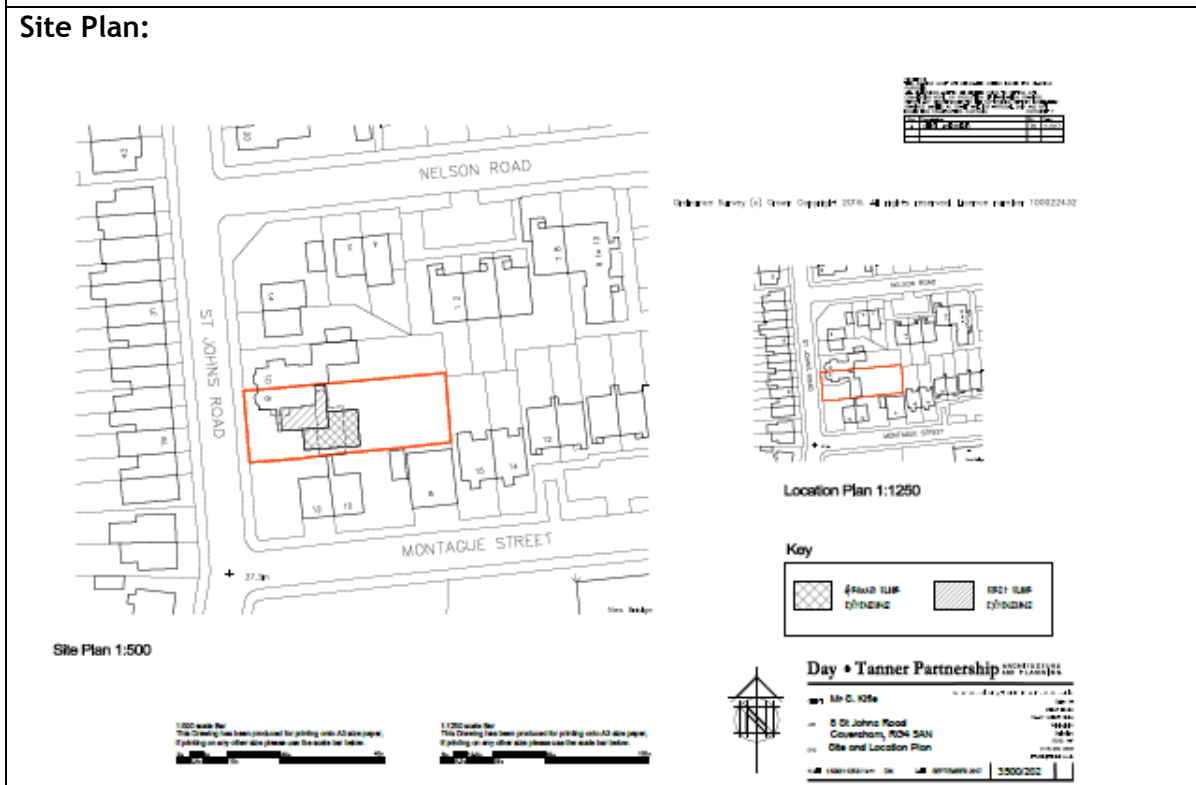
The Inspector considered that the overall built form of the rear extension amounted to a substantial deviation from the approved scheme and therefore that the 171850 permission had not been implemented. Therefore, the development as built was considered on its own merits by the Inspector.

The Inspector concluded that the impact on the living conditions of the occupiers of the site due to the size and usability of the garden area retained was acceptable. It was also considered that the impact on the living conditions on the occupier of the neighbouring dwelling to be acceptable as *“the outdoor space on the appeal site can be lawfully used as garden space by the occupiers of No 8, regardless of the presence of the extension that is the subject of this appeal.”* The Inspector did not replicate the requirements of pp 171850 for the original landscaping and low boundary wall to the front of the dwelling, but the replacement landscaping already in place on site is required to be retained by condition.

Overall

Officers consider that the outcome on the appeal, by upholding the Notice with corrections and variations to prevent the use of the outbuilding as any form of self contained dwelling house, and granting permission of the rear extension with conditions is a satisfactory one.

Site Plan:



UPDATE REPORT

BY THE EXECUTIVE DIRECTOR OF ECONOMIC GROWTH & NEIGHBOURHOOD SERVICES

READING BOROUGH COUNCIL

ITEM NO. 8

PLANNING APPLICATIONS COMMITTEE: 6th October 2021

App No.: 191496/**OUT**

Site Address: Meadway Precinct, Honey End Lane, RG30 4AB

Proposal: Outline planning application (Access only. Appearance, Landscaping, Layout and Scale Reserved for future consideration) for the redevelopment of the Meadway precinct including partial demolition, refurbishment and extension of existing retail units and creation of new retail premises within Use Classes A1, A2, A3, A4, A5, D1 and D2, 258 new residential dwellings (Use Class C3), new car park and servicing arrangements, bin stores, engineering operations including re-profiling of embankment and associated landscaping, re-location of public toilets within precinct (amended description).

Applicant: Chillingham Limited

Date valid: 28 January 2020

Target Decision Date: 30 November 2021 (agreed extension)

RECOMMENDATION:

As per main report with further detail to S106 obligation (zero carbon) corrections to type of permission and condition 7 as follows:

GRANT Outline Planning Permission

S106 legal agreement to secure...

... Amended Heads of Terms no. 8 - Zero Carbon Homes: As per Sustainable Design and Construction SPD 2019, all dwellings to achieve 'Zero Carbon' with a minimum 35% improvement in regulated emissions over the 2013 Building Regulations Target Emissions Rate plus a Section 106 contribution of £1,800 per remaining tonne (to reach the 100% improvement level in respect of any shortfall above 35% but below 100% improvement) towards carbon offsetting within the Borough (calculated as £60/tonne over a 30-year period).

Sustainability Statement and Energy Statement to be submitted with Reserved Matters Application to include projected SAP calculations and including confirmation of carbon off-setting approach that will be taken and, if necessary, a calculation of S106 payment amount required should the development fail to achieve 100% off-set on-site to be submitted

As-built SAP calculation for all dwellings within each approved phase to be submitted for approval within 3 months following first occupation of that phase.

Contribution based on SPD formula below towards carbon-saving projects calculated for all dwellings based on approved SAP calculation to be paid to the

Council within 6 months following first occupation:

TER CO2 m2/yr less 35% CO2 m2/yr) = 65% of TER

65% of TER x total square metres = total excess CO2 emissions annually

Total excess CO2 emissions annually x £1800 = S106 contribution.

Corrected Condition 7: Subject always to the overall maximum floorspace set by Condition 6 and the maximum parameters set by Condition 5, the maximum amount of development for each use shall not exceed: i) Residential Dwellings (Class C3): 258 no. **[two hundred and fifty eight]** dwellings occupying 20,860 [twenty thousand eight hundred and sixty] square metres floorspace GEA. ii) etc. as per main agenda

All other parts of recommendation as per the main agenda.

1. Correction

- 1.1 The Recommendation incorrectly refers to granting Full Planning Permission. The Application is in Outline and as such it is Outline permission being recommended. The suffix on the application number should read "OUT" i.e. 191496/OUT.
- 1.2 Condition 7 correctly refers to 258 proposed dwellings written numerically but incorrectly refers to "[seven hundred and fifty]" dwellings as the written version of this number. The recommended condition above corrects this.

2. Zero Carbon Homes

- 2.1 Policy H5 requires that all new dwellings should be Zero Carbon. The Council's adopted Sustainable Design and Construction SPD (2019) defines a Zero Carbon Home as a dwelling which "*Achieves at least 35 per cent reduction in regulated carbon emissions (beyond Part L 2013) on-site. The remaining carbon emissions (to 100 per cent) are to be offset through a cash in lieu contribution to be ring-fenced for carbon savings elsewhere*"
- 2.2 The Layout, Scale, Landscaping and Appearance of the development are all Reserved Matters which makes it difficult to predict the energy performance of the development at Outline Application stage. It is therefore necessary to secure a process within the S106 legal agreement to allow for this to be assessed more appropriately at detailed design stage (i.e. Reserved Matters application stage) and ultimately determined most accurately once the dwellings have been built and a SAP assessment of the finished structure carried out. This secures the approach taken in the adopted SPD at the most appropriate point in the design process. A more detailed version of the proposed S106 heads of terms are set out in the recommendation above.

Case Officer: Steve Vigar