

COMMITTEE REPORT

BY THE DIRECTOR OF ENVIRONMENT & NEIGHBOURHOOD SERVICES
READING BOROUGH COUNCIL
PLANNING APPLICATIONS COMMITTEE: 4th March 2020

Ward: Norcot

Application No.: 182114/OUT

Address: Land adjacent Thorpe House, Colliers Way, Tilehurst

Proposal: Outline application for proposed residential redevelopment to provide 6 no. 3-bedroom dwellinghouses

Application target decision date: Originally 19 March 2019

RECOMMENDATION

REFUSE Outline Planning Permission for the following reasons:

1. The proposed development would result in the loss of open space that has not been previously developed and which makes a positive contribution to the character, appearance and environmental quality of the area due to its openness, undeveloped character and green vegetated appearance. As such the proposed development would be contrary to Policies CC7 and EN8 of the Reading Borough Local Plan 2019.
2. The amount of development proposed within the main body of the site would require a scale of building that would appear as an incongruous, jarring and poorly integrated feature within the context of the notably modest scale of development on adjacent streets. For these reasons the development would represent an overdevelopment of the site, fail to respond positively to its local context, and fail to reinforce local character and distinctiveness. The proposal would therefore harm the character and appearance of the area, contrary to Policies CC7 and EN8 of the Reading Borough Local Plan 2019.
3. The proposed removal of the dwelling at 16 Kirton Close and its replacement with an access roadway and vehicle parking area would result in the loss of continuity and enclosure within the established street scene which is characterised by a regular built form of a distinctive style and appearance. The proposed access would result in a disjointed and visually stark arrangement of access road and vehicle parking to the detriment of the existing streetscene and contrary to Policy CC7 of the Reading Borough Local Plan 2019.
4. The application fails to demonstrate that the proposed amount of development can be accommodated without harm to the amenity of occupiers of neighbouring dwellings caused by a loss of privacy to windows and gardens due to overlooking; overbearing effects resulting from the likely scale and proximity of the building; and disturbance from vehicle movements adjacent to Thorpe House. As such the proposal is contrary to Policy CC8 of the Reading Borough Local Plan 2019.
5. The application fails to demonstrate that the proposed amount of development can be accommodated in a manner which provides adequate outlook, daylight, sunlight and private outdoor amenity space for future occupiers. As such the proposal would be harmful to the amenity of future occupiers, contrary to Policy CC8 of the Reading Borough Local Plan 2019.

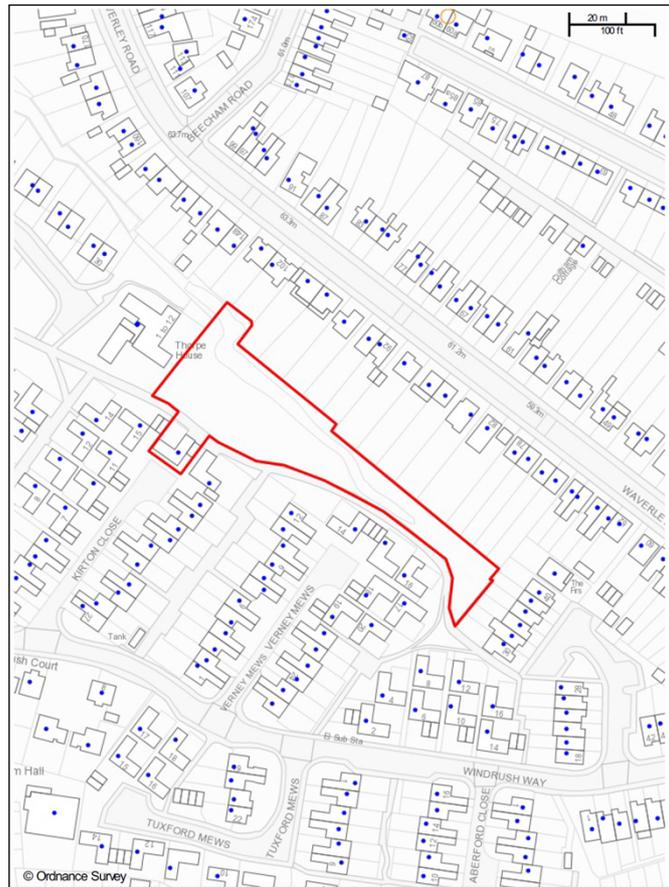
6. In the absence of a completed legal agreement to secure an acceptable contribution towards the provision of Affordable Housing, the proposal fails to contribute adequately to the housing needs of Reading Borough and the objective of creating mixed and balanced communities and as such is contrary to Policy H3 of the Reading Borough Local Plan 2019, Affordable Housing Supplementary Planning Document (2013) and para. 50 of the NPPF.

Informatives

1. Positive and Proactive Approach
2. Refused Drawings

1. INTRODUCTION

- 1.1 The site is located at the edge of an estate of mid-twentieth century housing to the north of Water Road. The site lies to the rear of Thorpe House, a two-storey block of flats. An embankment exists to the northern edge of the site, rising to meet the rear garden boundaries of houses in Waverley Road.
- 1.2 A public footpath runs to the southern edge of the site serving as a traffic free route linking the residential streets within the estate, which are arranged perpendicular to the path to the south.
- 1.3 The application site itself comprises an enclosed piece of land with overgrown areas towards the embankment. The embankment is well treed, including a number of trees subject to a TPO close to Thorpe House. At site is enclosed by a hoarding comprising timber sheets attached to timber posts secured into the ground by concrete.
- 1.4 The site also includes a section of the public footpath and the entire curtilage of number 16 Kirton Close, a bungalow.
- 1.5 This application has been called-in for Committee determination by the request of the Ward Members.



Site location plan

2. RELEVANT PLANNING HISTORY

- 131179/PREAPP - Pre-application enquiry relating to proposed 2 x three bed, five person linked dwellings and 2 x three bed, four person dwellings (one linked plus one pair of semi's). Use of amenity area for recreational use). Observations sent.
- 161305/PREAPP - Proposed residential development - Observations sent
- 162105/CLP - Erection of fence, not exceeding 2 metres in height above ground level, around perimeter of open space. Certificate of Lawfulness granted.
- 171219/OUT - Outline application for residential redevelopment to provide a maximum of 18 dwelling units. Demolition of dwelling at 16 Kirton Close to provide access. (Appearance, Landscaping, Layout and Scale reserved for future consideration). Refused (PAC 6 December 2017)
- 180849/OUT - The development proposed is residential development to provide a maximum of 14 dwelling units and demolition of dwelling at 16 Kirton Close to provide access. Dismissed at appeal 17 December 2019

3. PROPOSALS

- 3.1 Outline Planning Permission is sought for up to 6 dwellings.

- 3.2 'Appearance', 'Landscaping', 'Layout' and 'Scale' are reserved for future consideration. The applicant has submitted a set of indicative drawings showing how the proposed 6 dwellings might be accommodated within the site. The drawings indicate one terraced block orientated parallel to the existing footpath with an approximate ridge height of 10 metres.
- 3.3 Access is proposed for consideration at Outline stage (the current application) and is shown as being achieved through the demolition of the existing bungalow at 16 Kirton Close and provision of a new access and parking area as a continuation of Kirton Close.
- 3.4 Information Submitted with the Application:

Drawings

PL 100 Location Plan

PL 102 Rev D Block Plan

PL 700 Eye Level Sketch Up Scene

PL 701 Scene 1 Sketch Up Scene

PL 702 Scene 2 Sketch Up Scene

PL 703 Scene 3 Sketch Up Scene

Received 4th December 2018

PL 102 D Proposed Site Layout

Received 11th June 2019

PL 400 A Proposed Indicative Front Elevation

Received 12th June 2019

4. CONSULTATIONS

Thames Water

- 4.1 No objection.

RBC Transport

- 4.2 No objection subject to conditions.

RBC Natural Environment - Trees and Landscape

- 4.3 No objection subject to condition.

RBC Ecologist

- 4.4 No objection subject to condition.

Berkshire Archaeology

- 4.5 No objection.

RBC Environmental Protection

- 4.6 No objection subject to condition.

Ward Councillor Response (submitted under application 180849)

4.7 Norcot ward councillors confirm that they object to the application:

“Norcot ward councillors are opposed to this application for the following reasons:

- We believe this would lead to an unacceptable loss of green space enjoyed by many local people. The amenity space is enjoyed by a wide range of local people but is particularly important to the families living in the flats of Thorpe House.*
- We believe it is unacceptable for access to these flats and its parking to cross a well used footpath which is a public right of way. This is a footpath often used as a safe route to school by local children. We believe this vehicular crossing of a well-established right of way would be unsafe.*
- We object to any development of this piece of land but also believe this is a significant over development with too much squeezed on too small a site*
- We do not believe that Kirton Close is a suitable access road for the flats and that could be an unsafe change to a road designed as a cul-de-sac.”*

Public Consultation Responses

4.8 53 Objections have been received. Summarised below:

- Traffic and parking implications
- Safety of pathway/dangerous for school children
- Loss of privacy/overlooking
- Loss of green space/amenity space
- Harm to environment
- Change the character of the area/overdevelopment
- Overbearing
- Loss of trees/natural screening
- Precedent
- Contrary to appeal decision

5. LEGAL AND PLANNING POLICY CONTEXT

5.1 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'. For this Local Planning Authority the development plan is now in one document - the Reading Borough Local Plan (November 2019), which fully replaces the Core Strategy, the Sites and Detailed Policies Document and the Reading Central Area Action Plan. The relevant policies are:

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

- 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
EN8	Undesignated Open Space
EN9	Provision of open space
EN12	Biodiversity and the green network
EN14	Trees, hedges and woodlands
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
TR1	Achieving the transport strategy
TR3	Access, traffic and highway related matters
TR5	Car and cycle parking and electric vehicle charging

- 5.3 Supplementary Planning Documents
 Sustainable Design and Construction SPD 2019
 Revised Parking Standards and Design SPD 2011
 Affordable Housing SPD 2013
 Planning Obligations Under S106 SPD 2015

6. APPRAISAL

- 6.1 This submission follows refused application 180849 and also needs to be assessed in the context of the dismissed appeal ref: APP/E0345/W/19/3220213, a material planning consideration.

Landscape Character and Open Space

- 6.2 Policy EN8 states that “There will be a presumption in favour of retention of undesignated open space...Development should not result in the loss of or jeopardise use and enjoyment of undesignated open space...The quality of existing open space should not be eroded by insensitive development on adjoining land”. This is in line with the expectations of paragraph 97 of the NPPF for the protection of open space.
- 6.3 Whilst the site is in private ownership, the supporting text to the Policy in paragraph 4.2.30 explains that “Reading has many areas of open space not identified in Policy EN7 (Local Green Space and Public Open Space) in both public and private ownership. It is important that these areas are retained where possible”. The definition of open space in the glossary to the NPPF does not limit it to land in public ownership, but all open space of public value. Indeed, the NPPG confirms that open space can take many forms, including open areas within a development.
- 6.4 Further to the above, the supporting text states that the Policy “applies not just to the loss of the space, but to a situation where development prevents the use of open

space in close proximity through such effects as preventing public access or leading to unacceptable levels of overshadowing”.

- 6.5 The Design and Access Statement retains the applicant’s assertion that the site falls within the definition of previously developed land and, moreover that the site cannot be classified ‘open space’.
- 6.6 Further to the above, the Inspector, acknowledging the embankment at the rear of the site as evidence of the former quarry, specifically commented that given no structures of the previous use remain, and in line with the glossary in Annex 2 of the NPPF, the open space and amenity land does not comprise previously developed land.
- 6.7 The Inspector, when considering the appeal of application 180849 noted that the land in question appears to have been retained or left over as open space and amenity land adjacent to the public footpath and continuous with the open space which surrounds Thorpe House to the west of the site and at the end of Colliers Way.
- 6.8 The Inspector acknowledged the state of the site (currently enclosed by timber hoardings) and also acknowledged that in recent years the site has been subject to fly tipping and other misuse which has made it unusable. However, the Inspector also acknowledged the good condition of the site prior to the erection of the hoardings, which provided an attractive visual amenity adjacent to Thorpe House and the public footpath, and a space for informal recreational use for local residents. Pertinently, the Inspector acknowledged the enjoyment that the area could provide and specifically commented that the site offers a valuable piece of open spaces and amenity land for the estate and equally as important, that even in its current condition, the openness of the site above the fencing and backdrop of mature trees makes an important contribution to the character of the area.
- 6.9 In respect of the above, the Inspector, in his dismissal of planning application 180849 considered that the site is clearly an area of open space within the estate - whether by design or as left over space - clearly matching the description of the type of undesignated open space which Policy EN8 is intended to protect.
- 6.10 The proposals considered under the appeal application 180849 would have taken up the majority of the open space on the main western half the site. It is acknowledged that the current proposals, are for a reduced number of units, and therefore reduction in built form across the site. However, they still take up a large proportion of the western half the site and the openness of this part of the site would be lost as well as the visual amenity it provides as a backdrop to the surrounding residential development and as noted by the Inspector. Further to this, albeit the Inspector acknowledged that the proposals could improve the landscape and appearance of the eastern part of the site along the public footpath, he considered that the principal contribution of the open space on the western part of the site to the amenity of the estate and the character of the surrounding area would be lost. The Inspector considered that the potential enhancement of the eastern section would not outweigh this loss.

- 6.11 The indicative proposals suggest that in order to accommodate 6 dwellings, a substantial scale of building would still be required. The current indicative proposal omits the second floor accommodation shown previously and indicates two buildings separated by a small gap. It is apparent that despite the reduction from 14 to 6 dwellings the amount of development proposed would require a building and associated hard surfacing which would fill much of the space in visual terms and would appear as a stark and visually dominant feature within the space. It remains the case that the proposals would harm the visual amenity value of the undeveloped vegetated and open area, which provides a significant degree of visual relief to the otherwise largely continuous block of housing within the housing estate to the south.
- 6.12 It is apparent that notwithstanding land ownership matters, local residents have enjoyed access to the space for informal recreation until recently and have done so for a significant period of time. The erection of the fence has prevented its informal recreational use. It is noted that the Design and Access Statement comments that it is the applicants' intention for the fence to remain as long as the site remains undeveloped. In this respect, the Inspector considered that even in its current fenced off condition, the loss of openness and space would be harmful.
- 6.13 It is recognized that Design and Access Statement was submitted before the appeal decision; however, nothing has been submitted subsequently to counter the Inspector's comments in this respect.
- 6.14 As with the previously refused schemes, it is unclear how any new dwellings could be provided within this space without causing the harm identified, although it remains the case that any alternative proposal would be assessed on its own merits.
- 6.15 Given the above, the proposals, albeit for a smaller scheme than that considered under application 180849, would remain contrary to Policies EN8 and CC7 and would conflict with paragraph 97 of the NPPF.

Dwelling Mix

- 6.16 Application 180849, as a 'Major' application, required the proposal to seek 50% of the new dwellings as 3-bed or larger, with the majority taking the form of houses. This requirement is no longer applicable to this scheme, given the number of units proposed. Nonetheless, the proposal is for 6 x 3 bed houses which, in itself is considered appropriate.

Built Form and Character

- 6.17 Whilst acknowledging that indicative floors plans have not been submitted (with the scale, appearance and layout of the dwellings only indicative at this stage - these matters are 'reserved') the proposal is shown indicatively as a terraced row, and the Design and Access comments that the proposed dwellings would be two storey in height with no roof accommodation. However, the indicative visual elevations, whilst not overtly showing second floor/roof accommodation, show a large expanse of roof with potential for such accommodation in the roof space. It is therefore possible that a larger building than indicated may be required to accommodate the amount of development currently proposed. Indeed, the drawings appear to indicate a building taller than Thorpe House. The Inspector for the appeal considered that

three floors of development with windows in the roof would create a visually dominant building form, even outlook were limited to the rear. Furthermore, that it would be unreasonable to apply a condition limiting the development to 2 storeys. The inspector considered that this would be out of keeping with and therefore harmful to the more modest 2 storey character and scale of the area. In particular, that the development would have an overbearing relationship with the bungalows at the heads of the cul-de-sac to the south. Despite the reduction in footprint since application 180849, in respect of the overall built form, the Inspector's comments are considered to still be the case. The overall scale, bulk and massing as shown in the indicative proposals are considered to result in an incongruous and visually jarring feature within this context, particularly apparent where viewed in close proximity to the adjacent single storey houses and when viewed from the junction of Kirton Close and Windrush Way.

- 6.18 As with application 180849, the proposals include the demolition of 16 Kirton Close, and its replacement with a roadway and three parking spaces arranged on the plot (the design of the Access is not a Reserved Matter in this case and therefore the access, turning and parking arrangements are for detailed consideration at Outline stage).
- 6.19 The bungalow at 16 Kirton Close is currently sited at the head of the cul-se-sac and provides an appropriate sense of enclosure and a visual end-stop to the close; a characteristic shared with similar development at Appleby End and Verney Mews to either side. Policy CC7 requires new development to contribute positively to (amongst other objectives), "Character (a place with its own identity and sense of place" and "Continuity and enclosure".
- 6.20 As with application 180849 and the appeal decision, it is still considered that the demolition of this dwelling would disrupt the existing character leaving an unsightly gap in the streetscene and removing a key element in the continuity and enclosure that characterises the existing streetscene. Further, visual harm would result from the proposed replacement of the existing dwelling with a somewhat disjointed and visually stark arrangement of access road and vehicle parking - notwithstanding the reduction from five parking spaces to three parking spaces. It is considered that the proposed visual elevation drawings, rather than serve to show how the proposed building positively relates to the street scene, only emphasizes this stark arrangement.
- 6.21 The Inspector for the appeal commented on No.16 Kirton Close as being part of a distinctive feature in the estate, framing the end of the cul-de-sac, allowing views out to the spaces and trees beyond as well as creating a unique and pleasing end stop to the vista in each close, and, contributing to the small scale and intimate character and appearance. The Inspector acknowledged that the proposed development would create a new end stop to the vista along Kirton Close, as would the current proposals. However, the Inspector specifically commented that the removal of the bungalow would remove the unique sense of enclosure created by the bungalow, replacing it with a two or three storey building, set further back behind the access and car parking to the side. The Inspector considered that the result would be a loss of the continuity of the architecture and intimate character

of the cul-de-sac, which would cause unacceptable harm to the streetscene in Kirton Close. This would be contrary to the aims of Policy CC7 which expects development to make a positive contribution to continuity and enclosure in design. Further, whilst acknowledging that paragraph 127(c) of the NPPF seeks not to discourage innovation and change, the Inspector considered that the change proposed would not be sympathetic with local character, which the NPPF also seeks. Albeit there are some differences between the appeal scheme and the current proposals, the Inspector's comments made in respect of the loss of the bungalow area clearly relevant, pertinent and have not been overcome through a reduced scheme.

6.22 Details of boundary treatments and other enclosures are not included (these would form part of the 'Landscaping' Reserved Matter). It is reasonable to expect that provision of walls and fences to provide defensible space for the new dwellings would further harm the open character of the area.

6.23 Given the above, the proposals would be contrary to Policies CC7 and EN8 of the Reading Borough Local Plan 2019 and paragraphs 97 and 127 of the NPPF.

Access and Transport

6.24 Concerns regarding parking and access were considered in detail at the appeal stage and, whilst the appeal was ultimately dismissed, it was not on Highways grounds.

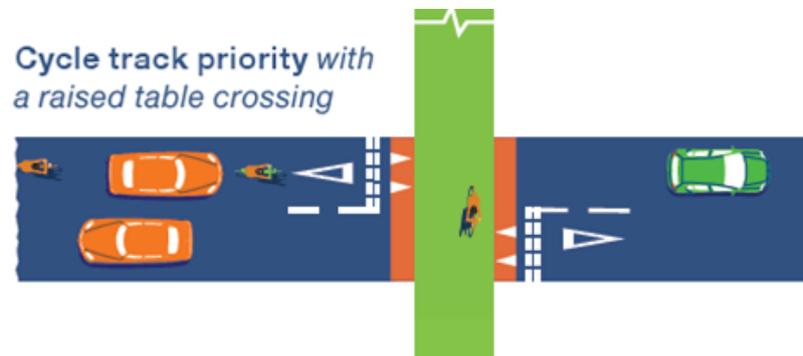
6.25 The site is located within Zone 3, Secondary Core Area, of the Council's adopted Parking Standards and Design SPD. Typically these areas are within 400m of a Reading Buses high frequency 'Premier Route', which provides high quality bus routes to and from Reading town centre and other local centre facilities. In accordance with the adopted Parking Standards and Design SPD, the development would be required to provide a parking provision of 2 parking spaces for each residential unit which would equate to 12 parking spaces. This provision has been provided and therefore is acceptable.

6.26 In addition to the above, 3 visitor spaces have been proposed which is also acceptable. However, it is recognised that the number of visitor parking spaces could be reduced to 2 and this could allow for alterations to the scheme significantly increasing the amenity / landscaped area surrounding the dwellings.

6.27 The car parking layout includes no provision for electric charging in accordance with the Council's adopted Local Plan. Given that 2 parking spaces are proposed for each unit providing a dedicated provision a revised drawing should be provided illustrating the provision of 6 electric charging points. It is considered that this could be reasonably dealt with by way of a condition.

6.28 Plans indicate that vehicular access to the site is proposed to be gained via Kirton Close, following the demolition of an existing residential dwelling as per the previous planning application proposals. The level of movement created by the proposed units has previously caused concern regarding the potential interaction between pedestrian traffic/cycles and vehicles. Priority of right of way should be that of pedestrians and cycles using the footway and not vehicles; as it would be detrimental to the safety of pedestrians using the public footway.

- 6.29 The Transport Statement includes a comparison between Dee Park development and this application site; however Dee Park had existing roads and car parking areas segregating the pedestrian facilities which were mainly used as informal crossing points. The Dee Park Regeneration was therefore to improve the current facilities and did not introduce the vehicular segregation of the pedestrian areas. It should be added that Dee Park has additional dedicated path(s), which would accommodate the main pedestrian footfall through the wider estate and therefore would remove the need for pedestrians to cross at these facilities. For this application, the path in question is a main path and as such should be given priority to pedestrians over vehicular traffic.
- 6.30 The submitted layout includes the provision of a raised table junction with give way markings provided for vehicular traffic. This ensures priority to pedestrian/ cyclists and is compliant with Sustrans advice as specified below.



- 6.31 Bollards have been provided on the footway either side of the vehicular route and in principle is acceptable as a visual warning to pedestrians; however, the bollards should be altered so that they are a minimum of 1m apart. The applicant has submitted a Transport Statement Addendum which states that this can be undertaken but revised plans have not been submitted illustrating the revision to the bollards. It is considered that this could reasonably be dealt with by way of a condition.
- 6.32 However, at the point at which the proposal meets the Kirton Close carriageway no pedestrian crossing facilities are provided. As stated as part of the previous application an assessment would be required as to how the proposal would impact on No. 17 Kirton Close. Paragraph 3.2.2 of the Transport Statement states:
- 6.33 *Access to the existing driveways for the residential units in Kirton Close will be retained with no alterations to the existing turning head facility.*
- 6.34 This is not the case in relation to No. 17 given that vehicles would now be required to reverse out onto a pedestrian crossing facility and the proposed site layout blocks access by way of bollards. The submitted Transport Statement Addendum states that if there is a perception that bollards may restrict this movement (to No. 17), they can be amended. It is clear that the bollards do restrict access and therefore must

be amended. It is considered that this could reasonably be dealt with by way of a condition.

- 6.35 The submitted tracking diagrams for the route to and from No. 17 Kirton Close have been reviewed and it is noted that the current drive way to No 17 serves their garage and the surfaced area to the south is No 18's parking forecourt. Due to No 16's location the manoeuvre to access and exit their garage is restricted in that they need to cross the current path between 16 and 17 and use the footpath in front of No 16 to complete any movement. The new layout removes No 16 and allows No 17 to use the new road link as an improved means of turning. It also improves the visibility for users of the paths and No17. As such this proposal does not worsen the existing situation and is therefore acceptable.
- 6.36 The updated drawings now include a dedicated pedestrian facility into the site and this is acceptable.
- 6.37 The driveway access to the rear of the visitor parking bays has been illustrated as being between 7.4m and 8.2m in width which is in excess of the 6m forecourt depth required to accommodate access and egress to the parking bays themselves. This is also well in excess of the 4.8m width specified within Manual for Streets to accommodate a car passing a larger vehicle. This has been required to meet the tracking of larger vehicles and in principle is acceptable.
- 6.38 Tracking diagrams have been provided and this identify that a suitable turning area can be provided on the site.
- 6.39 A minor amendment to the landscaping at the eastern end of the site has been made to obtain the 6.0m forecourt depth for parking space 11. For parking spaces 5-7, a depth of 5.6m internal forecourt carriageway proposed with a 1.2m footway strip adjacent to this. It is proposed that cars would make use of this space when exiting these parking spaces as this will be at grade with the internal forecourt. This is acceptable and therefore the parking layout is acceptable.
- 6.40 The trip rate data has been assessed and it is noted that some of the sites selected are not comparable to the application site but given that the trip rates presented are in excess of those calculated they are accepted as a robust assessment. The development would therefore generate 32 vehicular movements per day. This is not a material increase and within the daily fluctuations on the network and given paragraph 109 of the NPPF which states proposals should only be refused on transport grounds if the residual cumulative impacts are severe, a refusal on traffic generation grounds would be hard to defend at an appeal.
- 6.41 In the circumstances, and in line with the appeal decision, there are no transport objections to the proposal subject to conditions which would have been secured should the application have otherwise been recommended for approval. The previous reason for refusal is considered to have been overcome.

Amenity of Neighbours

- 6.42 Policy of CC8 seeks to ensure development does not cause harm to the living environment of existing properties, in terms of privacy, overlooking, and visual dominance, amongst other things. Furthermore, it confirms that a back to back separation distance of around 20m is generally appropriate to prevent overlooking between residential properties. The same would apply to a front to back relationship between habitable room windows. Policy CC8 also seeks to avoid harm to the living environment of existing occupiers in terms of noise and disturbance.
- 6.43 Application 180849 included built form within 12m from the side and rear walls of 12 Verney Mews. The Inspector considered that given the need for windows on the front elevations facing this property, there would be unacceptable overlooking and loss of privacy. Similarly, given the height of the building it would be overbearing. It is acknowledged that the reduction in the number of units under the current proposals has resulted in less built form in the eastern part of the site, thereby minimizing the impact on this property.
- 6.44 In respect of No's 15 and 17 Kirton Close, the Inspector considered that whilst the proposed development may result in an increase perception of overlooking from the upper floor windows of the proposed dwellings, the separation distances for both No's 15 and 17 (between 20-26m) would be adequate to ensure no actual overlooking would occur. Similarly, the Inspector considered that there would be sufficient distance between buildings so as not to be overbearing.
- 6.45 The Inspector's comments are noted and in respect of No.15 Kirton Close, it is considered unlikely that the current proposals would result in any significant material loss of privacy. However, based on the indicative proposed site plan, the front elevations of the current proposed building (sited further forward than previous) would be 15m from the rear private amenity space of No.17 Kirton Close. Given the number of first floor windows likely to be required within this principal front elevation - and as indicated on the indicative drawings - it is considered that the current proposals, over and above that dismissed at appeal, would result in the occupiers of No.17 Kirton Close having a strong perception of being overlooked, if not actually being overlooked.
- 6.46 Given the back to back separation distance of approximately 30m between the proposed building and the houses along Waverley Road, it is not considered that there would be any significant material loss of light, privacy or overbearing impact.
- 6.47 In respect of Thorpe House, the western facing side wall of the proposed development would be between 15 and 21m from the eastern elevation(s) of Thorpe House, which contains a number of windows to habitable rooms. The Inspector for 180849, wherein the building was located between 13 and 20m buildings, considered that subject to either no windows or obscure glazing on any windows on the flank elevation facing Thorpe House, this would prevent any undue overlooking. This is considered to remain the case. However, as per 180849, the outlook for the occupiers of the flats from the easternmost gable end of Thorpe House would be directly on to the parking courtyard of the proposed development, which would be 2.5m away. The proposed site layout shows a group of 8 parking spaces adjacent to this boundary of the site. In this respect, the Inspector acknowledged that the

number of vehicle movements to and from the proposed development would be modest throughout the day. However, he did consider that the concentration of vehicle turning movements within this part of the site directly outside the habitable room windows of the flats of Thorpe House, compared to the current traffic free environment on site, would result in an unacceptable increase in disturbance from vehicle noise for occupiers at the eastern end of Thorpe House. The Inspector did not consider that the possible use of fencing on the boundary would be sufficient to mitigate against the effect of vehicle noise. Given that this current proposal indicates the same relationship as that considered unacceptable at appeal, this remains contrary to Policy CC8.

- 6.48 Notwithstanding the noise and disturbance considered to arise respect of vehicle parking adjacent Thorpe House, the Inspector did not considered that the vehicle parking proposed adjacent No.16 Kirton Close would lead to an unacceptable level of noise and disturbance for occupiers in the street over and above the current situation. Given the current plans propose fewer parking spaces (from five to three) and thereby minimize the impact, there is no reason to disagree with the Inspector's conclusions in this respect.
- 6.49 Given the above, it is considered that the design of the current *indicative* proposal would result in harm to neighbouring amenity due to an overbearing effect on occupiers of Thorpe House and loss of privacy to No.17 Kirton Close. However, it should also be noted that an increase in the size of the building due to detailed design requirements (room sizes, access arrangements, internal layout requirements etc), could significantly worsen these effects.
- 6.50 The proposal is considered to be contrary to Policies CC8 on this basis.

Amenity of Future Occupiers

- 6.51 The indicative site layout gives no indication as to the interior layout of the proposed dwellings, and on the basis of previous drawings (submitted under 171219/OUT and 180849/OUT) this could involve single aspect, north facing dwellings with outlook onto an embankment. Albeit the scheme is for fewer units than it dismissed at appeal, it remains the case that light is further restricted in this area by a number of large existing trees. It is not readily apparent how the amount of development proposed might be arranged differently and it is therefore considered that the proposals fail to demonstrate that the proposed development would provide a suitable quality of daylight and sunlight or outlook for future occupiers, especially on the northern side of the site. This is supported by the Inspector's conclusions that "much of the space to the rear and side of the proposed building would be overshadowed by trees or the building itself, comprising its functionality and attractiveness as outdoor space for the range of uses set out in Policy H10". The Inspector further considered that the depth of the space to the rear would also provide "little opportunity to ensure privacy for ground floor units with habitable room windows facing the rear".
- 6.52 As per application 180849 it remains unclear as to how suitable demarcation of public and private space could be achieved in order to provide acceptable private amenity space for future occupiers, without resulting in further harm to the

openness of the space and the character of the area. This is supported by the Inspector's conclusion that "the need to rely on some of the land to the east being enclosed within the communal garden space would further harm the open space and public amenity value of the land".

- 6.53 For these reasons it is considered that the proposal would be contrary to Policies CC8 and H10.

Trees and Landscaping

- 6.54 Concerns regarding the loss of protected trees were considered in detail at the appeal stage and, whilst the appeal was ultimately dismissed, it was not on tree grounds. The plans subject of this application show that the protected Norway Maple adjacent to Thorpe House (T1) is to be retained. Furthermore, and in light of the appeal decision, it is considered that existing trees and vegetation could be successfully retained and reinforced with new tree and shrub planting as part of a landscaping scheme which would be secured by way of condition were the application otherwise considered to be acceptable.

Sustainability

- 6.55 Policy H5 (Standards for New Housing) states that new build housing will achieve at a minimum a 19% improvement in the dwelling emission rate over the target emission rate, as defined in the 2013 Building Regulations. In addition, this policy sets a higher water efficiency standard for all new dwellings. It is considered these requirements could reasonably be secured by condition.

Ecology

- 6.56 As per application 180849, there are no ecology objections in principle, subject to conditions securing appropriate wildlife-friendly landscaping, details of external lighting and controlling the clearance of vegetation during the bird nesting season. It is considered that this could reasonably be secured by condition at Outline stage.

Contaminated Land

- 6.57 As per application 180849, there are no objections from the Council's Environmental Protection team, subject to conditions to secure further investigation to ensure that the development is safe and suitable for use for the intended purpose or can be made so by remedial action. It is considered that this could reasonably be secured by condition at Outline stage.

- 6.58 Other matters relating to hours of working, noise and dust during construction and control of bonfires would also be appropriate to control by condition.

Affordable Housing

- 6.59 The proposals would be required to provide a financial contribution to enable the equivalent of 20% of the housing to be provided as affordable housing elsewhere in the Borough total number of units on site as Affordable Housing in accordance with Policy H3. Given the application is being refused for other separate reasons, the absence of a section 106 legal agreement or unilateral undertaking to secure the required financial contribution is considered to represent a further reason for refusal. 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 an s106 or unilateral undertaking.

S106 and CIL

- 6.60 Application 180849 was required to provide an Employment Skills and Training Plan for the 'Construction Phase', or equivalent financial contribution (due to the application being in the 'Major' category). This current application is not a 'Major' application and as the previous requirement is no longer applicable and therefore does not also form a reason for refusal as previous.
- 6.61 CIL would apply to the proposals, subject to the usual reliefs or exemptions set out in the CIL Regulations. It is not possible to calculate the CIL charge until full floorspace details are provided at Reserved Matters stage.

Equality

- 6.62 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. It is considered that there is no indication or evidence (including from consultation on the current application) that the protected groups would have different needs, experiences, issues and priorities in relation to this particular planning application.

7. CONCLUSION

- 7.1 The proposed scheme has been assessed on its merits, and with regard to the recently dismissed application 180849. It is considered that there are still fundamental concerns with the scheme and as raised by the Inspector, and which have not been satisfactorily addressed since application 180849 was dismissed at appeal.
- 7.2 It is considered that the proposals would result in harmful loss of open space and would be an overdevelopment of the site, harmful to the character of the area.
- 7.3 The proposed building would result in harm to the amenity of neighbouring occupiers and it has not been demonstrated that a suitable quality of amenity can be achieved for future occupiers.
- 7.4 S106 matters relating to the provision of Affordable Housing have not progressed to completion.
- 7.5 The application is recommended for refusal as set out in the above report.

Case Officer: Ethne Humphreys



Accommodation Schedule
 6 No. 3 Bed Houses @ 88m² / 950ft²
 16 No. Parking Spaces
 (incl. 3 No. Visitor Parking Spaces- VP)

0 5 10 20 30m
 1:500

KEY

- DWARFING
- TOPPERS
- POPPIES

Project CPCW
Dwg No./rev. PL-102D
Scale 1:500@A3
Date June 2019
Checked by SSB

The Cardiff Property
Land at Colliers Way
Proposed Site Layout

Subject: Planning Application
Site: Cardiff Property, Land at Colliers Way
Drawn by: SSB
Checked by: SSB
Date: June 2019



0 1 2 4 6m
 1:100

Subject to:
 Plans and Sections

The Cardiff Property
 Land at Colliers Way

Project: CPCW
 Dwg No: PL-400A

Sketch of front elevation PL-400A



PL 701 Scene



PL 702 Scene