

# Agenda Item 35.

Application Number	Expiry Date	Parish	Ward
180887	15 September 2018	Earley	Hillside

<b>Applicant</b>	Alex Mackenzie
<b>Site Address</b>	5 Westcroft Close, Sibley Park, Earley, RG6 5QW
<b>Proposal</b>	Full application for the proposed change of use of land to residential.
<b>Type</b>	Full
<b>PS Category</b>	1
<b>Officer</b>	Omar Sharif
<b>Reason for determination by committee</b>	Listed by Cllr Pauline Jorgensen.

<b>FOR CONSIDERATION BY</b>	Planning Committee on Wednesday 12 <sup>th</sup> September 2018
<b>REPORT PREPARED BY</b>	Assistant Director – Place

<b>SUMMARY</b>
<p>This application site forms part of a wider recent development which was granted outline planning consent for the principle of 89 dwellings on 15/02/2012. A reserved matters application was approved on 30/12/2012 which finalised the details of appearance, landscaping, layout and scale as seen in the planning history section of this report.</p> <p>The proposed development seeks to transfer a sliver of land adjacent to no.5 Westcroft Close which is part of a buffer of open space and trees separating the immediate group of houses from the main highway to the south. This therefore represents a change of use of the land. The proposed development is considered to be appropriate in respect of character and appearance and would not result in any harm to residential amenities. As a result of the proposed development, there would be no alterations to the host dwelling and therefore no harm is considered to occur and it is considered to improve the applicant's privacy opportunities in particular the side window on the landscape strip in terms of views into and out of the property.</p> <p>As such, the transfer of land to the residential curtilage of 5 Westcroft Close will make a positive impact on the character of the area and enhance privacy opportunities for the applicant. As such, the proposal is considered to accord with policies CP1 and CP3 of the Core Strategy and policies CC03 and TB21 of the MDD Local Plan.</p>

<b>PLANNING STATUS</b>
<ul style="list-style-type: none"> <li>• Major Development Location</li> <li>• Public Open Space</li> </ul>

<b>RECOMMENDATION</b>
<p><b>That the committee resolve to GRANT PLANNING PERMISSION subject to the following conditions and informatives:</b></p>

*Conditions:*

**Timescale**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

*Reason: In pursuance of s.91 of the Town and Country Planning Act 1990 (as amended by s.51 of the Planning and Compulsory Purchase Act 2004).*

**Approved Drawings**

2. This permission is in respect of the drawings listed below and the development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

- 18-023-100
- 18-023-101
- 18-023-102

*Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the application form and associated details hereby approved.*

<b>RELEVANT PLANNING HISTORY</b>		
<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>
O/2011/2628	Outline application for the redevelopment of the site to provide 89 new dwellings (and refurbishment of existing dwellings at nos 100 and 102 Redhatch Drive), access parking and private and public open space, following demolition of existing student accommodation blocks and other ancillary and hardstanding. (Access to be considered).	Approved – 15/02/2012
RM/2013/1232	Reserved Matters application pursuant to Outline Planning Consent O/2011/2628 for the provision of 89 dwellings (including affordable housing), access road, car parking (including garaging), public open space, footpaths, cycle links, landscaping, Sustainable Drainage systems (SUDS) and other associated works.	Approved – 30/12/2013

<b>CONSULTATION RESPONSES</b>	
WBC Ecology	No objections.
WBC Drainage	No comments.
WBC Environmental Health	No comments.
WBC Highways	No objections.

WBC Tree & Landscape	No objections.
WBC Conservation	No comments.

<b>REPRESENTATIONS</b>	
Parish/Town Council	Objection – no justification for changing the designation of this land.
Ward Member(s)	Objection by Cllr Pauline Jorgensen – on the principle of harm to existing amenity and loss of open space.
Neighbours	1 x Objection comment – no.6 Westcroft Close – Violation of property rights. In particular a visitor’s parking space and part of the common drive way (according to my contract with Persimmon) is given to 5 Westcroft Close.  Officer Comment: this is not considered to be relevant to the current application for the change of use of a parcel of land. The application does not affect parking or turning areas.

<b>PLANNING POLICY</b>
<p><u>National Policy</u> National Planning Policy Framework National Planning Policy Guidance</p> <p><u>Wokingham Borough Core Strategy policies:</u> CP1 – Sustainable development CP3 – General Principles for Development CP9 – Scale and location of development proposals</p> <p><u>Managing Development Delivery Local Plan (MDD LP) policies</u> CC01 – Presumption in Favour of Sustainable Development CC02 – Development limits CC03 – Green Infrastructure, Trees and Landscaping</p> <p><u>Supplementary Planning Documents</u> Borough Design Guide Supplementary Planning Document</p>

<b>PLANNING ISSUES</b>
<p><b>Site Description:</b></p> <ol style="list-style-type: none"> <li>1. This application site forms part of a wider recent development which was granted outline planning consent for the principle of 89 dwellings on 15/02/2012. A reserved matters application was approved on 30/12/2012 which finalised the details of appearance, landscaping, layout and scale.</li> <li>2. The application site in its immediate vicinity is surrounded by residential development both old and new. The site is bound by residential development to its north, east and south while Redhatch Copse lies to the west. The surrounding context includes a variety of new developments, where housing to the south, east, and west is predominantly modern estate style housing arranged over two storeys with off street parking and modest front and rear gardens. Housing to the north</li> </ol>

along Redhatch Drive is older and includes single storey dwellings as well as two storey detached and semi-detached dwellings in more generous plots.

**Site Proposal:**

4. The proposed development seeks to transfer a sliver of land adjacent to no.5 Westcroft Close which is part of a buffer of open space and trees separating the immediate group of houses from the main highway to the south. The intention is for this piece of land to become part of its residential curtilage. In terms of the physical characteristics of the piece of land the applicant wishes to take ownership, the existing situation is that it is mostly laid to grass and this measures some 41.61sqm.
5. No. 5 Westcroft Close has ground floor flank windows opening out onto this area of open space. Discussions have been held between the applicant and developer (Persimmon) following concerns raised by the owner in terms of privacy, specifically the ability for users of the open space to stand and look in through the applicant's lounge window. Incorporating this piece of land into the residential curtilage of the dwelling would enable the applicant to erect a fence and resolve the privacy issues. The new boundary would link to the back edge of the garage and be approximately 2m at its widest, ensuring some outlook from the flank windows remains. The developer has agreed to the transfer of this land to the applicant.



Figure 1: View towards side of property



Figure 2: View towards side of property

**Principle of Development:**

6. The National Planning Policy Framework establishes a presumption in favour of sustainable development which is carried through in Managing Development Delivery Local Plan (MDDLDP) policy CC01, which states that planning applications that accord with the policies in the Development Plan for Wokingham Borough will be approved without delay, unless material considerations indicate otherwise.
  
7. MDD policy CC03 outlines states that development proposals should demonstrate how they have considered and achieved the following criteria within scheme proposals (inter alia):
  - a) *Provide new or protect and enhance the Borough's Green Infrastructure networks, including the need to mitigate potential impacts of new development*
  - b) *Promote accessibility, linkages and permeability between and within existing green corridors including public rights of way such as footpaths, cycleways and bridleways*
  - c) *Promote the integration of the scheme with any adjoining public open space or countryside*
  - d) *Protect and retain existing trees, hedges and other landscape features*
  - e) *Incorporate high quality, ideally, native planting and landscaping as an integral part of the scheme.*
  
7. The site is located within a major development location and within a settlement boundary; as such the development should be acceptable providing that it complies with the principles stated in the Core Strategy. Policy CP3 of the Core Strategy states that development must be appropriate in terms of its scale of activity, mass, layout, built form, height, materials and character to the area in which it is located and must be of a high quality design without detriment to the amenities of adjoining land uses and occupiers. As such, it is considered that the site will have limited impact on the key criteria of Policy CC03 of the MDD plan in which the open space land will continue to provide a visual break between the developments and the main highway, continue to allow integration of hard and soft landscaping and continue to provide a softer backdrop for the cluster of built form in the vicinity.

8. Therefore the principle of development is considered acceptable, subject to other material considerations outlined in the remainder of this report.

**Impact on Character of the Area:**

9. The Borough Design Guide SPD provides generic advice for development proposals within the borough. The SPD recommends that developments 'should not harm the existing character of the local area; relate positively to the existing layout and urban form; maintain the quality of environment for existing residents; and create a satisfactory living environment for the new homes and existing surrounding properties' (R22).
10. The application is to transfer a sliver of land to the ownership of the applicant to function as private amenity space, rather than open space to serve the wider development, and it is considered to take up a negligible amount of the open space which in itself will continue provide the appropriate landscape buffer between the different character areas of residential development within the site. The sliver of land is well screened from Collins Drive, including by a line of trees, and so the proposal would not be harmful in terms of streetscene views. As a result of the proposed development there would be no alterations to the host dwelling and therefore no harm is considered to occur. The proposed development would result in the use of the part of the land being residential (C3) to the side of the property with the remainder of the open space buffer remaining intact. This is considered to be reflective of the local character and would amount to no adverse impact in respect of character and appearance. It is considered to improve the applicant's privacy opportunities in particular the side window on the landscape strip in terms of views into and out of the property.
11. Whilst the applicant has not provided details of fencing, permitted development rights would enable a standard 1.8m close board fence to be erected without an application being required. As such, the proposed transfer of partial open space land to residential amenity would accord with local plan policies and would not have any detriment to the local character and appearance of the site within the street scene. As such the proposal is considered to accord with policy CP3 of the Core Strategy and policy TB21 of the MDD Local Plan.

**Neighbouring Amenity:**

13. *Overlooking:* Due to the space available and the relative position of the existing building which is side onto the open space, it is unlikely that the loss of a sliver of land from the residual open space would result in any impact to outlook or overlooking to any neighbouring properties.
14. *Loss of Light:* it is considered there will be no impact to neighbouring properties in terms of loss of light or outlook.
15. *Overbearing:* it is considered there will be no impact on neighbouring properties in terms of overbearing impact.

**Amenity Space:**

16. Whilst it is accepted that there will be a net loss of open space of some 41sqm, the effect to the wider open space is minimal given its location adjacent to the property and its position behind an existing line of trees, and it would therefore not give rise

to significant harm to the character of the area or the strategic landscape objectives set out in the outline and reserved matters applications for the estate.

17. As previously stated the sliver of land is well screened from Collins Drive, including by a line of trees, and so the proposal would not be harmful in terms of streetscene views.

**Highway Access and Parking Provision:**

18. The Highways officer has not objected to the proposal, and it is considered that the proposal would not be detrimental to highway safety. Therefore the proposal is considered to accord with Core Strategy policy CP6 and MDD Local Plan policy CC07.
19. An objection has been received on the basis of parking and turning areas in front of the house, but this is not relevant to the current application for the change of use of a parcel of land. The application does not affect parking or turning areas.

**Ecology:**

20. Policy CP7 of the Core Strategy 2010 requires the conservation of sites for nature conservation in accordance with national, regional, county and local biodiversity action plans. Development is permitted where the need for the proposal outweighs the need to safeguard nature conservation.
21. Policy TB23 of the MDD requires the incorporation of new biodiversity features, buffers between habitats and species of importance and integration with the wider green infrastructure network.
22. The Council's Ecologist has stated that it is unlikely that the proposals will have any adverse effect on Priority Habitats or protected species. As such, there are no ecology related constraints to this application.

**Trees and Landscape:**

23. The Council's Landscape Officer confirms that they have no objections to the principle of the proposal. The proposed development would not impact any soft landscaping on site. It is therefore considered not to harm the landscape character of the site and accord with policies C03 and TB21 of the MDD Local Plan.

**CONCLUSION**

24. The proposed development is considered to be appropriate in respect of character and appearance and would not result in any harm to residential amenities. The transfer of land to private residential garden land within the curtilage of the residential dwelling will make a positive impact on the character of the area and enhance privacy opportunities for the applicant. As such, the proposal is considered to accord with policies CP1 and CP3 of the Core Strategy and policies CC03 and TB21 of the MDD Local Plan.

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