

Agenda Item 38.

Application Number	Expiry Date	Parish	Ward
212209	08/09/2021	Earley	Bulmershe and Whitegates

Applicant	Mr Amin
Site Address	5 Shepherds Avenue, Earley, RG6 1AY
Proposal	Full application for the change of use of amenity land to residential with formation of associated hardstanding. (Retrospective)
Type	Full
Officer	Baldeep Pulahi
Reason for determination by committee	Listed by Councillor Boyt on ownership grounds and use of tarmac being an issue as the other parking areas within the street are porous

FOR CONSIDERATION BY	Planning Committee on Wednesday, 8 September 2021
REPORT PREPARED BY	Assistant Director – Place

SUMMARY
<p>This application seeks retrospective permission for the change of use of Council owned amenity land to residential curtilage with the formation of hardstanding associated with the existing driveway.</p> <p>5 Shepherds Avenue is a two storey semi-detached property located in the middle of a cul-de-sac. It is sited within a group of similar properties in terms of building form, scale and frontage layout. The streetscene, being the street frontages, is characterised by a mixture of paved driveways and greenery. The development is considered not to have a harmful impact on the character and appearance of the wider area and conditional approval is recommended.</p>

PLANNING STATUS
<ul style="list-style-type: none"> • Major Development Location • Bat Roost Habitat Suitability • Crossrail Safeguarded Route • Gas Pipes • Major Transport Schemes • SSSI Impact Risk Zones • Safety Hazard Areas MAH Pipelines

RECOMMENDATION
<p>That the committee authorise the GRANT OF PLANNING PERMISSION subject to the following conditions and informatives:</p> <p>Conditions</p> <p>1. <u>Approved details</u> This permission is in respect of the submitted application plans and drawings numbered Block Plan and Location Plan received by the local planning authority on 14/07/2021 .The development must be maintained at all times as approved.</p> <p><i>Reason: For the avoidance of doubt and to ensure that the development is maintained in accordance with the application form and associated details.</i></p>

Informatives

1. Discussion

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the NPPF.

PLANNING HISTORY		
Application No.	Description	Decision & Date
170938	Householder application for the proposed two storey rear and single storey front extension to dwelling.	Refused 12/06/2017
172759	Householder application for the proposed erection of a single storey rear extension to dwelling and first floor rear extension to create habitable accommodation, plus single storey front extension to form porch.	Approved 14/11/2017
203067	Application to vary condition 6 of planning consent 172759 for the Householder application for the proposed erection of a single storey rear extension to dwelling and first floor rear extension to create habitable accommodation, plus single storey front extension to form porch. Condition 6 refers to Landscaping and the variation is to substitute approved plans.	Approved 16/12/2020
211736	Application to vary condition 2 of planning consent 172759 for the Householder application for the proposed erection of a single storey rear extension to dwelling and first floor rear extension to create habitable accommodation, plus single storey front extension to form porch. Condition 2 refers to Approved details and the variation is to include a tarmacked area to the front of the existing driveway.	Withdrawn 15/06/2021

ENFORCEMENT HISTORY		
Enforcement Investigation No.	Description	Action
RFS/2018/084364	First floor extension not built in accordance with approved plans of permission – parapet wall not constructed	Case Closed 17/09/2018
RFS/2020/085878	Non-compliance with Landscaping Condition	Case Closed 01/12/2020
RFS/2021/086137	Hardstanding created on privately owned street	Case Closed 19/05/2021

CONSULTATION RESPONSES	
WBC Property Services	No comments received
WBC Enforcement	No comments received

WBC Highways	No objections
WBC Drainage	No objections

REPRESENTATIONS	
Earley Town Council	<ul style="list-style-type: none"> • Recommend Refusal due to the adverse impact on the character of the street scene by the introduction of a large hard paved area, with no landscaping indicated, and also concerns about adequate surface water drainage • If WBC are minded to approve this application the following conditions are requested: <ul style="list-style-type: none"> - Confirmation that the surface water drainage for the drive as constructed is sustainable, as defined by Policy CC10, if not a suitable system is to be approved and installed. - The submission and approval of a landscape scheme to maintain a landscape frontage
Ward Member(s)	<p><u>Comments received from Councillor Boyt listed below:</u></p> <ul style="list-style-type: none"> • This land belongs to WBC. Is it WBC's intention to sell or lease this land to the applicant • The use of tarmac remains an issue. • Other residents have created parking areas, but these are porous, and they could be removed, and the grass reinstated if desired.
Neighbours	<p><u>Comments received from The Whitegates Residents Association listed below:</u></p> <ul style="list-style-type: none"> • Legal advice should be undertaken regarding the change of use from amenity land to residential as this is WBC owned land • Tarmac is an issue – assurance is required that rainwater runoff would be dealt with within the curtilage of the property boundary in line with Building Regulations. • Should the WBC land be transferred to 'ownership' of a resident, then there should be consideration of a public pedestrian right of way along the frontage of all the current properties where the original pedestrian path was located, due to the absence of a pedestrian path by the side of the road. • The absence of soft landscaping and the removal of the last remaining trees in Suttons Avenue emphasises the barren car park which Shepherds Avenue has become. • Application should be refused as works are not in keeping with the character of the area <p><u>Comments received from the resident at no. 32 Easby Way listed below:</u></p> <ul style="list-style-type: none"> • Sustainable drainage system to be clarified

APPLICANTS POINTS
The tarmac hardstanding has been installed to allow for easier access to and from the property for a disabled member of the family as the previous verge had deteriorated. The street does have examples of other properties with similar hardstanding.

PLANNING POLICY		
National Policy	NPPF	National Planning Policy Framework

Adopted Core Strategy DPD 2010	CP1	Sustainable Development
	CP2	Inclusive Communities
	CP3	General Principles for Development
	CP6	Managing Travel Demand
	CP9	Scale and Location of Development Proposals
Adopted Managing Development Delivery Local Plan 2014	CC01	Presumption in Favour of Sustainable Development
	CC02	Development Limits
	CC07	Parking
	CC09	Development and Flood Risk
	CC10	Sustainable Drainage
	TB21	Landscape Character
Supplementary Planning Documents (SPD)	BDG	Borough Design Guide

<p>PLANNING ISSUES</p> <p>Description of Development</p> <ol style="list-style-type: none"> 1. The proposal seeks retrospective planning permission for the change of use of amenity land to residential including the formation of associated hardstanding (tarmac). This area of tarmac hardstanding has been installed on the previous area of grass verge. 2. The red line around the application site (area of tarmac hardstanding) is Wokingham Borough Council land and not in the ownership of the applicant. Land ownership is not a planning consideration, and the applicant has served notice on the Council and therefore has followed the correct planning application procedure. <p>Principle of Development</p> <ol style="list-style-type: none"> 3. The National Planning Policy Framework has an underlying presumption in favour of sustainable development which is carried through to the local Development Plan. The Managing Development Delivery Local Plan (MDD) Policy CC01 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. 4. The site is located within a Major Development Location of Wokingham and as such the development would be acceptable subject to the assessment of the impact of the development on the character of the area, existing street scene, and the amenity of the neighbouring occupiers and upon highway safety. 5. Policy CP2 states new development should contribute to the provision of sustainable development and inclusive communities to meet long term needs and planning permission will be granted for proposals that address the requirements of : <ol style="list-style-type: none"> a) <i>An ageing population , particularly in terms of housing, health, and well-being and;</i> c) <i>People with special needs including those with a physical, sensory or learning disability or problems accessing services</i> 6. In this case, the applicant has installed the tarmac hardstanding outside of the existing driveway to allow for easier access to and from the property for a disabled member of the family. This is a material consideration and therefore it is considered
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the development complies with the requirements of Policy CP2 on grounds of providing access for aged care persons.

Character of the Area

7. Policy CP3 of the Core Strategy states that development must be appropriate in terms of its scale, mass, layout, built form, height and character of the area and must be of high quality design. Policy CC03 of the MDD Local Plan aims to protect green infrastructure networks, retain existing trees and establish appropriate landscaping and Policy TB21 requires consideration of the landscape character.
8. 5 Shepherds Avenue is a two storey semi-detached property located within the middle of a cul-de-sac. It is sited within a group of similar properties in terms of building form, scale and frontage layout. The streetscene, being the street frontages, is characterised by a mixture of paved driveways and greenery (aerial image below).



9. Objections have been raised that the development has an adverse impact upon the character of the streetscene due to the large area of tarmac paving and lack of landscaping. There are examples of other properties within the street which have paved their driveways including nos. 4, 7, 9 and 11 Shepherds Avenue, including no.5 Shepherds Avenue this does mean approximately 45% of the properties on the street have paved driveways.
10. It is noted that no planning permission exists for any of the above examples, but a review indicates that they would be immune from enforcement. However, this does illustrate that the pattern of greenery within the street layout has eroded but not in an adverse manner. The tarmac hardstanding at no. 5 Shepherds Avenue is not considered to add any further detrimental impact upon the character of the streetscene taking into consideration the other examples within the road.

Neighbour Amenity

11. Due to the nature of the development, there is no perceived impact upon the neighbouring amenities on the grounds of loss of lights, overlooking, noise disturbance or overbearing.

Highways Access and Parking Provision

12. As Shepherds Avenue is a private street (albeit that the verges are owned by WBC) there is no impact on the public highway or any highway safety implications therefore no objections are raised by the Council's Highways Officer. Additional parking is provided as part of the development, and this is acceptable.

Flood Risk and Drainage

13. Section 10 of the NPPF, Policy CP1 of the Core Strategy and Policies CC09 and CC10 of the MDD requires flooding protection, sustainable drainage methods and the minimisation of surface water flow.

14. Objections have been raised on sustainable drainage grounds. In the submitted supporting statement the applicant has stated a drain has been installed to ensure water runs off the tarmac and driveway and straight into the drainage system.

15. The development is located within Flood Zone 1 however there will be an increase in impermeable area. The Council's Drainage Officer has reviewed the application documents and has stated that as the drain is connected to the existing drainage system there is unlikely to be an issue and water runoff will drain satisfactorily. Therefore, no objections are raised by the Council's Drainage on this aspect.

The Public Sector Equality Duty (Equality Act 2010)

16. In determining this application, the Council is required to have due 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. As identified in the report, the applicant states that the works have been carried out to assist an elderly relative. On balance the proposal results in an increase of hardstanding outside the existing driveway of the dwellinghouse however the development does serve the needs upon the protected group as listed above.

CONCLUSION

17. The development has created additional hardstanding outside of the existing driveway which is considered appropriate in the context of the surrounding streetscene and includes acceptable provision access. The development does not have a harmful impact on the character and appearance of the wider area and the nearby residential properties.